



Journal of the Senate

Number 20—Regular Session

Tuesday, May 3, 2011

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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 Pastor Brant Copeland, Pastor of First Presbyterian Church of Tallahassee:

Gracious God, source of justice and lover of all:

We thank you for those who serve you by serving others—for teachers and first responders; for state workers and helpers of the disabled; for those who pick our crops and provide food for our tables; and for these, your servants, here assembled.

Open their minds to reasonable arguments. Open their hearts to resonate with yours. Open their ears to the cry of the least of your children.

By your spirit, guide the Senate to seek your will, pursue just priorities, avoid pointless rancor, and work together for the good of all the people of Florida. In your holy name, we pray. Amen.

PLEDGE

Senate Pages Paul Palmer, Jr.; Amelia Smith; and Michael Cenedella of Tallahassee, led the Senate in the pledge of allegiance to the flag of the United States of America.

ADOPTION OF RESOLUTIONS

On motion by Senator Ring—

By Senator Ring—

SR 2068—A resolution recognizing May 2011 as “Amyotrophic Lateral Sclerosis Awareness Month” in the State of Florida.

WHEREAS, Amyotrophic Lateral Sclerosis (ALS), better known as Lou Gehrig’s Disease, is a progressive neurodegenerative disease that affects nerve cells in the brain and spinal cord, and

WHEREAS, the early symptoms of ALS include weakness of the skeletal muscles, especially involving the arms and legs, and difficulty in swallowing, talking, and breathing, and

WHEREAS, ALS eventually causes muscles to atrophy, eventually leading to functional quadriplegia, and

WHEREAS, ALS does not affect an individual’s mental capacity, which means that a person with ALS remains alert and aware of his or her loss of motor functions and the inevitability of continued deterioration and death, and

WHEREAS, on average, a patient diagnosed as having ALS survives only 2 to 5 years after the initial diagnosis, and

WHEREAS, research indicates that military veterans are at least 50 percent more likely to develop ALS than those who have not served in the military, and

WHEREAS, ALS has no known cause, means of prevention, or cure, and

WHEREAS, the recognition of “Amyotrophic Lateral Sclerosis Awareness Month” will increase awareness regarding the circumstances of ALS patients and the terrible impact of this disease not only on the person who has ALS, but on his or her family and the larger community, and will lend support to the goals of biomedical research on ALS, which are to find the cause or causes of ALS, understand the mechanisms involved in the progression of the disease, and to develop effective treatment, NOW, THEREFORE,

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

That May 2011 is recognized as “Amyotrophic Lateral Sclerosis Awareness Month” in the State of Florida.

—was introduced out of order and read by title. On motion by Senator Ring, **SR 2068** was read the second time in full and adopted.

At the request of Senator Fasano—

By Senator Fasano—

SR 2196—A resolution recognizing May 2011 as “Lupus Awareness Month” in Florida.

WHEREAS, Lupus is an acute, chronic, and lifelong autoimmune disease in which the immune system is unbalanced, causing inflammation and tissue damage to virtually every organ system in the body, and

WHEREAS, Lupus can affect any part of the body, including the skin, lungs, heart, kidneys, and brain, with no organ spared, and can cause seizures, strokes, heart attacks, miscarriages, and organ failure, and

WHEREAS, researchers estimate that 5 million people worldwide have been diagnosed with Lupus or related diseases, with about 100,000 new diagnoses each year, and

WHEREAS, the Lupus Foundation of America, Inc., estimates that more than 1.5 million Americans live with some form of Lupus, including an estimated 100,000 Floridians, and

WHEREAS, Lupus strikes mostly women of childbearing age, when they are 15 to 44 years of age, affecting all aspects of their lives, with African Americans, Hispanics/Latinos, Asians, and Native Americans two to three times more likely to develop Lupus, a disparity that remains unexplained, and

WHEREAS, Lupus is difficult to diagnose because its symptoms are similar to symptoms of other illnesses, meaning that more than one-half of all people with Lupus wait 4 or more years and visit three or more doctors before they are correctly diagnosed, and

WHEREAS, early diagnosis and proper treatment are critical to improving the quality of life and survival rate of those living with Lupus, and

WHEREAS, major gaps exist in the understanding of the causes and consequences of Lupus, and increased public awareness, education, and research are key to winning the battle against the disease, NOW, THEREFORE,

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

That May 2011 is recognized as "Lupus Awareness Month" in Florida.

—**SR 2196** was introduced, read and adopted by publication.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Richter, by two-thirds vote **SB 688** and **SB 690** were removed from the Special Order Calendar and withdrawn from further consideration.

On motion by Senator Thrasher, by two-thirds vote **SB 404**, **CS for SB 770**, **SB 962**, **SB 974**, **CS for SB 1246**, **CS for SB 1384**, **SB 1508**, **CS for SB 1808**, **CS for SB 1902**, and **CS for SB 2062** were withdrawn from the Committee on Budget; **CS for SM 1598** was withdrawn from the Committee on Community Affairs; **SB 982** and **SB 2056** were withdrawn from the Committee on Governmental Oversight and Accountability; **SB 162**, **SB 700**, and **SB 982** were withdrawn from the Committee on Judiciary; and **CS for SB 606** was withdrawn from the Committee on Rules.

MOTIONS

On motion by Senator Thrasher, the rules were waived and bills on the Consent Calendar to which objections were filed were moved to the end of the Special Order Calendar this day.

On motion by Senator Thrasher, the rules were waived and by two-thirds vote **CS for HB 7109** was withdrawn from the committees of reference and placed on the Special Order Calendar after **CS for CS for CS for SB 1972**.

BILLS ON THIRD READING

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

SB 762—A bill to be entitled An act relating to the Florida Climate Protection Act; repealing s. 403.44, F.S., relating to a cap-and-trade regulatory program to reduce greenhouse gas emissions from electric utilities; amending s. 366.8255, F.S.; conforming a cross-reference; providing an effective date.

—was read the third time by title.

On motion by Senator Hays, **SB 762** was passed and certified to the House. The vote on passage was:

Yea—33

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

Nay—6

Braynon	Rich	Smith
Joyer	Sachs	Sobel

Consideration of **CS for HB 913** and **CS for CS for HB 1255** was deferred.

CS for CS for SB 1824—A bill to be entitled An act relating to regulated professions and occupations; amending s. 322.142, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to release certain digital images to the Department of Business and Professional Regulation to identify certain persons; amending s. 455.213, F.S.; authorizing the Department of Business and Professional Regulation to grant waivers of renewal fees under certain circumstances; amending s. 455.271, F.S.; revising continuing education requirements for certain license reactivations; amending s. 475.42, F.S.; revising violations and penalties for real estate professionals; amending s. 477.0212, F.S.; revising continuing education requirements for cosmetology license reactivations; amending s. 477.0265, F.S.; revising prohibited acts for cosmetologists; amending s. 481.217, F.S.; revising continuing education requirements for license reactivation of architect or interior design licenses; amending s. 481.315, F.S.; revising continuing education requirements for landscape architect license reactivations; amending s. 489.116, F.S.; revising continuing education requirements for contractor license reactivations; amending s. 489.519, F.S.; revising continuing education requirements for electrical and alarm system contractor license reactivations; repealing s. 475.611(1)(v), F.S., relating to Uniform Standards of Professional Appraisal Practice; repealing s. 475.626(1)(b) and (c), F.S., relating to violations and penalties against registered appraisers; amending s. 475.624, F.S.; establishing professional standards for appraisers by board rule; amending s. 475.628, F.S.; authorizing the board to adopt rules establishing standards of professional appraisal practice; amending s. 509.032, F.S.; clarifying provisions relating to the preemption to the state of the regulation of public lodging and public food service establishments; amending s. 509.261, F.S.; providing for remedial training in response to certain violations by public lodging and food service establishments; amending s. 10, chapter 2010-84, Laws of Florida; delaying the effective date of provisions relating to the discipline of appraisal management companies; creating s. 473.3066, F.S.; authorizing the Board of Accountancy to establish a peer review oversight committee; providing for membership and duties of the oversight committee; requiring the board to adopt rules under certain circumstances; amending s. 473.311, F.S.; revising licensure renewal requirements for firms engaged in certain aspects of the practice of public accounting; requiring such firms to comply with certain peer review requirements; providing an exception; creating s. 473.3125, F.S.; defining terms for purposes of peer review requirements; requiring firms engaged in certain aspects of the practice of public accounting to enroll in peer review programs and undergo peer reviews; providing for the frequency of peer reviews; providing exceptions; requiring firms that fail a specified number of peer reviews to submit certain documentation to the board; requiring the board to adopt rules establishing minimum standards for peer review programs and requiring a peer review administering organization to submit certain information; providing for the approval of peer review administering organizations; authorizing the board to withdraw approval of peer review administering organizations under certain circumstances; providing that certain persons who perform specified administrative services for a peer review administering organization are immune from civil liability; providing that the proceedings, records, and

workpapers of peer review administering organizations are confidential and privileged; providing exceptions; prohibiting persons involved in peer reviews from testifying; amending s. 473.323, F.S.; providing additional grounds for the discipline of firms engaged in certain aspects of the practice of public accounting, to which penalties apply; authorizing disciplinary actions to be taken against firms that fail to enroll in a peer review program, to undergo a peer review, or to cooperate with a peer review administering organization approved by the board; revising requirements for reissuance of licenses after compliance with disciplinary final orders; conforming provisions; amending s. 481.205, F.S.; authorizing the Board of Architecture and Interior Design to contract with certain private entities for specific functions; repealing s. 686.201, F.S., relating to sales representative contracts involving commissions; amending s. 373.461, F.S.; requiring certain appraisers to follow specific standards of professional practice in appraisals involving the restoration of the Lake Apopka Basin; amending s. 475.25, F.S.; conforming and clarifying certain real estate appraisal standards and practices; amending s. 475.615, F.S.; conforming provisions relating to standards of professional practice for real estate appraisers; amending s. 475.617, F.S.; conforming provisions relating to appraisal practice; amending s. 475.6175, F.S.; conforming provisions relating to appraisal practice; amending s. 475.6235, F.S.; conforming provisions relating to appraisal practice; amending s. 475.6245, F.S.; conforming provisions relating to appraisal practice; amending s. 489.118, F.S.; extending the date within which certain registered contractors may apply for certification; amending s. 499.003, F.S.; redefining the term "prescription drug" to exclude active pharmaceutical ingredients; providing effective dates.

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

Senator Fasano moved the following amendment which failed to receive the required two-thirds vote:

Amendment 1 (718752) (with title amendment)—Delete lines 925-935.

And the title is amended as follows:

Delete lines 109-111 and insert: providing effective dates.

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

Amendment 2 (625908) (with title amendment)—Between lines 935 and 936 insert:

Section 33. Paragraph (t) of subsection (2) of section 499.01, Florida Statutes, is amended to read:

499.01 Permits.—

(2) The following permits are established:

(t) *Health care clinic establishment permit*.—Effective January 1, 2009, a health care clinic establishment permit is required for the purchase of a prescription drug by a place of business at one general physical location that provides health care or veterinary services, which is owned and operated by a business entity that has been issued a federal employer tax identification number. For the purpose of this paragraph, the term "qualifying practitioner" means a licensed health care practitioner defined in s. 456.001, or a veterinarian licensed under chapter 474, who is authorized under the appropriate practice act to prescribe and administer a prescription drug.

1. An establishment must provide, as part of the application required under s. 499.012, designation of a qualifying practitioner who will be responsible for complying with all legal and regulatory requirements related to the purchase, recordkeeping, storage, and handling of the prescription drugs. In addition, the designated qualifying practitioner shall be the practitioner whose name, establishment address, and license number is used on all distribution documents for prescription drugs purchased or returned by the health care clinic establishment. Upon initial appointment of a qualifying practitioner, the qualifying practitioner and the health care clinic establishment shall notify the department on a form furnished by the department within 10 days after such employment. In addition, the qualifying practitioner and health care clinic establishment shall notify the department within 10 days after any subsequent change.

2. The health care clinic establishment must employ a qualifying practitioner at each establishment.

3. In addition to the remedies and penalties provided in this part, a violation of this chapter by the health care clinic establishment or qualifying practitioner constitutes grounds for discipline of the qualifying practitioner by the appropriate regulatory board.

4. The purchase of prescription drugs by the health care clinic establishment is prohibited during any period of time when the establishment does not comply with this paragraph.

5. A health care clinic establishment permit is not a pharmacy permit or otherwise subject to chapter 465. A health care clinic establishment that meets the criteria of a modified Class II institutional pharmacy under s. 465.019 is not eligible to be permitted under this paragraph.

6. This paragraph does not apply to the purchase of a prescription drug by a licensed practitioner under his or her license. A *professional corporation or limited liability company composed of dentists and operating as authorized in s. 466.0285 may pay for prescription drugs obtained by a practitioner licensed under chapter 466, and the licensed practitioner is deemed the purchaser and owner of the prescription drugs*.

And the title is amended as follows:

Delete line 111 and insert: ingredients; amending s. 499.01, F.S.; authorizing certain business entities to pay for prescription drugs obtained by practitioners licensed under ch. 466, F.S.; providing effective dates.

On motion by Senator Hays, **CS for CS for SB 1824** as amended was passed, ordered engrossed and certified to the House. The vote on passage was:

Yea—35

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

Nays—3

Fasano	Garcia	Rich
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Vote after roll call:

Yea—Negron

Yea to Nay—Norman, Sobel

CS for SB 1590—A bill to be entitled An act relating to medical malpractice; creating ss. 458.3175, 459.0066, and 466.005, F.S.; requiring the Department of Health to issue expert witness certificates to certain physicians and dentists licensed outside the state; providing application and certification requirements; establishing application fees; providing for the validity and use of certifications; exempting physicians and dentists issued certifications from certain licensure and fee requirements; amending ss. 458.331, 459.015, and 466.028, F.S.; providing additional acts that constitute grounds for denial of a license or disciplinary action to which penalties apply; providing construction with respect to the doctrine of incorporation by reference; amending ss. 458.351 and 459.026, F.S.; requiring the Board of Medicine and the Board of Osteopathic Medicine to adopt within a specified period certain patient forms specifying cataract surgery risks; specifying that an incident resulting from risks disclosed in the patient form is not an adverse

incident; providing for the execution and admissibility of the patient forms in civil and administrative proceedings; creating a rebuttable presumption that a physician disclosed cataract surgery risks if the patient form is executed; amending s. 627.4147, F.S.; deleting a requirement that medical malpractice insurance contracts contain a clause authorizing the insurer to make and conclude certain offers within policy limits over the insured's veto; amending s. 766.102, F.S.; defining terms; providing that certain insurance information is not admissible as evidence in medical negligence actions; requiring that certain expert witnesses who provide certain expert testimony meet certain licensure or certification requirements; excluding a health care provider's failure to comply with or breach of federal requirements from evidence in medical negligence cases in the state; amending s. 766.106, F.S.; requiring claimants for medical malpractice to execute an authorization form; authorizing prospective defendants to take unsworn statements of a claimant's health care provider; creating s. 766.1065, F.S.; requiring that presuit notice for medical negligence claims be accompanied by an authorization for release of protected health information; providing requirements for the form of such authorization; amending s. 766.206, F.S.; requiring dismissal of a medical malpractice claim if such authorization is not completed in good faith; amending s. 768.135, F.S.; defining the term "volunteer team physician"; providing that a volunteer team physician is not liable for civil damages unless treatment was rendered in a wrongful manner; providing that certain practitioners who conduct certain evaluations are not liable for civil damages unless the evaluation was conducted in a wrongful manner; defining the term "wrongful manner"; providing an effective date.

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

Amendments were considered and adopted to conform **CS for SB 1590** to **CS for CS for CS for HB 479**.

Pending further consideration of **CS for SB 1590** as amended, on motion by Senator Hays, by two-thirds vote **CS for CS for CS for CS for HB 479** was withdrawn from the Committees on Health Regulation; Banking and Insurance; and Budget.

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

CS for CS for CS for CS for HB 479—A bill to be entitled An act relating to medical malpractice; creating ss. 458.3175, 459.0066, and 466.005, F.S.; requiring the Department of Health to issue expert witness certificates to certain physicians and dentists licensed outside of the state; providing application and certification requirements; establishing application fees; providing for the validity and use of certifications; exempting physicians and dentists issued certifications from certain licensure and fee requirements; amending ss. 458.331, 459.015, and 466.028, F.S.; providing additional acts that constitute grounds for denial of a license or disciplinary action to which penalties apply; providing construction with respect to the doctrine of incorporation by reference; amending ss. 458.351 and 459.026, F.S.; requiring the Board of Medicine and the Board of Osteopathic Medicine to adopt within a specified period certain patient forms specifying cataract surgery risks; specifying that an incident resulting from risks disclosed in the patient form is not an adverse incident; providing for the execution and admissibility of the patient forms in civil and administrative proceedings; creating a rebuttable presumption that a physician disclosed cataract surgery risks if the patient form is executed; amending s. 627.4147, F.S.; deleting a requirement that medical malpractice insurance contracts contain a clause authorizing the insurer to make and conclude certain offers within policy limits over the insured's veto; amending s. 766.102, F.S.; defining terms; providing that certain insurance information is not admissible as evidence in medical negligence actions; establishing the burden of proof that a claimant must meet in certain damage claims against health care providers based on death or personal injury; requiring that certain expert witnesses who provide certain expert testimony meet certain licensure or certification requirements; excluding a health care provider's failure to comply with or breach of federal requirements from evidence in medical negligence cases in the state; amending s. 766.106, F.S.; requiring a claimant for medical malpractice to execute an authorization form; revising provisions relating to discovery and admissibility; allowing a prospective medical malpractice defendant to interview a claimant's treating health care providers without the presence of the claimant or the claimant's legal representative; requiring a prospective defendant to provide 10 days' notice before such interviews; authorizing a prospective defendant to take unsworn statements of a claimant's health care providers; creating s. 766.1065, F.S.; requiring that presuit

notice for medical negligence claims be accompanied by an authorization for release of protected health information; providing requirements for the form of such authorization; amending s. 766.206, F.S.; requiring dismissal of a medical malpractice claim if such authorization is not completed in good faith; amending s. 768.0981, F.S.; limiting the liability of hospitals related to certain medical negligence claims; amending s. 768.135, F.S.; providing immunity for volunteer team physicians under certain circumstances; providing an effective date.

—a companion measure, was substituted for **CS for SB 1590** as amended and read the second time by title.

MOTION

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

Senator Hays moved the following amendments which were adopted:

Amendment 1 (911838)—Delete line 761 and insert:

Section 16. This act shall take effect October 1, 2011, and applies to causes of action accruing on or after that date.

Amendment 2 (855110) (with directory and title amendments)—Delete lines 385-400.

And the directory clause is amended as follows:

Delete line 353 and insert:

Section 10. Subsections (3) and (5) of section

And the title is amended as follows:

Delete lines 31-34 and insert: evidence in medical negligence actions; requiring that certain expert

Amendment 3 (462134) (with title amendment)—Delete lines 718-729.

And the title is amended as follows:

Delete lines 55-57 and insert: authorization is not completed in good faith; amending s.

Amendment 4 (593896)—Delete lines 553-561 and insert:

5. *Unsworn statements of treating health care providers*

Amendment 5 (512636) (with title amendment)—Between lines 699 and 700 insert:

Section 13. Subsection (3) is added to section 766.110, Florida Statutes, to read:

766.110 Liability of health care facilities.—

(3) *In order to ensure comprehensive risk management for diagnosis of disease, a health care facility, including a hospital or ambulatory surgical center, as defined in chapter 395, may use scientific diagnostic disease methodologies that use information regarding specific diseases in health care facilities and that are adopted by the facility's medical review committee.*

And the title is amended as follows:

Delete line 53 and insert: such authorization; amending s. 766.110, F.S.; authorizing a health care facility to use scientific diagnostic disease methodologies that use information regarding specific diseases in health care facilities and that are adopted by the facility's medical review committee; amending s. 766.206, F.S.; requiring

On motion by Senator Hays, by two-thirds vote **CS for CS for CS for CS for HB 479** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Mr. President	Evers	Montford
Alexander	Fasano	Negron
Altman	Flores	Norman
Benacquisto	Gaetz	Oelrich
Bennett	Garcia	Richter
Bogdanoff	Gardiner	Simmons
Dean	Hays	Siplin
Detert	Jones	Sobel
Diaz de la Portilla	Latvala	Thrasher
Dockery	Lynn	Wise

Nays—9

Braynon	Margolis	Sachs
Hill	Rich	Smith
Joyner	Ring	Storms

CS for HB 913—A bill to be entitled An act relating to public records; creating s. 332.16, F.S.; providing definitions; providing an exemption from public records requirements for proprietary confidential business information and trade secrets held by a public airport and for any proposal or counterproposal exchanged between a public airport and a nongovernmental entity relating to the sale, use, development, or lease of airport facilities; providing for expiration of the exemptions; providing for future legislative review and repeal of the exemptions under the Open Government Sunset Review Act; providing a finding of public necessity; providing an effective date.

—was read the third time by title.

On motion by Senator Latvala **CS for HB 913** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—38

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

Nays—1

Rich

SPECIAL ORDER CALENDAR

CS for SB 90—A bill to be entitled An act relating to financial emergencies; amending s. 163.07, F.S.; requiring a plan of a county or municipality to improve the efficiency, accountability, and coordination of the delivery of local government services to include a plan for the consolidation of all administrative direction and support services if the county or municipality is subject to review and oversight by the Governor; amending s. 218.503, F.S.; authorizing a financial emergency review board for a local governmental entity or district school board to consult with other governmental entities for the consolidation of all administrative direction and support services; authorizing the Governor or Commissioner of Education to require a local governmental entity or district school board to develop a plan implementing the consolidation, sourcing, or discontinuance of all administrative direction and support services; providing that the members of the governing body of a local governmental entity or the members of a district school board who fail to

resolve a state of financial emergency are subject to suspension or removal from office; providing an effective date.

—was read the second time by title.

MOTION

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

Senator Richter moved the following amendment which was adopted:

Amendment 1 (712690) (with title amendment)—Between lines 27 and 28 insert:

Section 1. Subsection (3) of section 170.01, Florida Statutes, is amended to read:

170.01 Authority for providing improvements and levying and collecting special assessments against property benefited.—

(3) Any municipality, subject to the approval by ~~of~~ a majority *vote of* the affected property owners *voting in an election*, may levy and collect special assessments against property benefited for the purpose of stabilizing and improving:

- (a) Retail business districts,
- (b) Wholesale business districts, or
- (c) Nationally recognized historic districts,

or any combination of such districts, through promotion, management, marketing, and other similar services in such districts of the municipality. This subsection does not authorize a municipality to use bond proceeds to fund ongoing operations of these districts.

And the title is amended as follows:

Delete line 2 and insert: An act relating to local government; amending s. 170.01, F.S.; clarifying that certain assessments must be approved by a majority vote of certain voting electors; amending s.

On motion by Senator Gaetz, by two-thirds vote **CS for SB 90** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Garcia

SB 118—A bill to be entitled An act relating to bicycle safety; amending s. 316.2065, F.S.; revising safety standard requirements for bicycle helmets that must be worn by certain riders and passengers; 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; providing an effective date.

—was read the second time by title. On motion by Senator Latvala, by two-thirds vote **SB 118** was read the third time by title, passed and certified to the House. The vote on passage was:

Yea—35

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

Nays—1

Oelrich

Vote after roll call:

Yea—Mr. President, Garcia

SB 238—A bill to be entitled An act relating to child safety devices in motor 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; providing effective dates.

—was read the second time by title. On motion by Senator Altman, by two-thirds vote **SB 238** was read the third time by title, passed and certified to the House. The vote on passage was:

Yea—32

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

Nays—5

Bogdanoff	Norman	Storms
Negron	Oelrich	

Vote after roll call:

Yea—Evers

SPECIAL GUEST

The President recognized former Senator Al Lawson who was present in the chamber.

CS for CS for SB 450—A bill to be entitled An act relating to emergency management; creating s. 252.515, F.S.; providing a short title; providing immunity from civil liability for providers of temporary housing and aid to emergency first responders and their immediate family members following a declared emergency; providing definitions; providing nonapplicability; authorizing specified registration with a

county emergency management agency as a provider of housing and aid for emergency first responders; providing an effective date.

—was read the second time by title. On motion by Senator Bennett, by two-thirds vote **CS for CS for SB 450** was read the third time by title, passed and certified to the House. The vote on passage was:

Yea—38

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	Sobel
Diaz de la Portilla	Lynn	Storms
Dockery	Margolis	Thrasher
Evers	Montford	Wise
Fasano	Negron	

Nays—None

CS for SB 480—A bill to be entitled An act relating to the Florida Endowment for Vocational Rehabilitation; amending s. 413.615, F.S.; removing a provision that requires the State Board of Administration to invest and reinvest moneys in the endowment fund for the Florida Endowment for Vocational Rehabilitation; requiring that a specified percent of the remainder of all civil penalties received by a county court and after distribution pursuant to ch. 318, F.S., be remitted to the Department of Revenue on a monthly basis for deposit in the endowment fund; requiring that a specified percent of the additional fine assessed for violating traffic regulations protecting mobility-impaired persons be remitted to the Department of Revenue on a monthly basis for deposit in the endowment fund; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 480** to **CS for HB 811**.

Pending further consideration of **CS for SB 480** as amended, on motion by Senator Wise, by two-thirds vote **CS for HB 811** was withdrawn from the Committees on Community Affairs; Higher Education; Governmental Oversight and Accountability; Budget Subcommittee on Higher Education Appropriations; and Budget.

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

CS for HB 811—A bill to be entitled An act relating to the Florida Endowment Foundation for Vocational Rehabilitation; amending s. 318.21, F.S.; revising provisions for distribution of specified funds received from civil penalties for traffic infractions; directing the funds to be transmitted monthly by the Department of Revenue directly to the foundation; amending s. 413.615, F.S.; revising procedures for use of such funds; removing provisions for investment by the State Board of Administration; directing liquid balances of such funds held by the State Board of Administration to be remitted to the foundation; providing an effective date.

—a companion measure, was substituted for **CS for SB 480** as amended and read the second time by title.

On motion by Senator Wise, by two-thirds vote **CS for HB 811** was read the third time by title, passed and certified to the House. The vote on passage was:

Yea—39

Mr. President	Bennett	Detert
Alexander	Bogdanoff	Diaz de la Portilla
Altman	Braynon	Dockery
Benacquisto	Dean	Evers

Fasano	Latvala	Ring
Flores	Lynn	Sachs
Gaetz	Margolis	Simmons
Garcia	Montford	Siplin
Gardiner	Negron	Smith
Hays	Norman	Sobel
Hill	Oelrich	Storms
Jones	Rich	Thrasher
Joyner	Richter	Wise

Nays—None

SB 548—A bill to be entitled An act relating to obsolete health care provisions; repealing s. 381.0091, F.S., relating to the designation of separate restrooms and separate dressing rooms for males and females; repealing s. 381.736, F.S., relating to the Florida Healthy People 2010 Program; repealing ss. 408.90-408.908, F.S., relating to the MedAccess program within the Agency for Health Care Administration; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 548**, on motion by Senator Hays, by two-thirds vote **HB 4027** was withdrawn from the Committees on Health Regulation; and Budget.

On motion by Senator Hays—

HB 4027—A bill to be entitled An act relating to obsolete health care provisions; repealing s. 381.0091, F.S., relating to the designation of separate restrooms and separate dressing rooms for males and females; repealing s. 381.736, F.S., relating to the Florida Healthy People 2010 Program; repealing ss. 408.90-408.908, F.S., relating to the MedAccess program within the Agency for Health Care Administration; providing an effective date.

—a companion measure, was substituted for **SB 548** and read the second time by title.

On motion by Senator Hays, by two-thirds vote **HB 4027** was read the third time by title, passed and certified to the House. The vote on passage was:

Yea—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

Consideration of **CS for SB 632** was deferred.

CS for SB 746—A bill to be entitled An act relating to open house parties; amending s. 856.015, F.S.; providing that a person who violates the open house party statute a second or subsequent time commits a misdemeanor of the first degree; providing that a person commits a misdemeanor of the first degree if the violation of the open house party statute causes or contributes to causing serious bodily injury or death to the minor, or causes or contributes to causing serious bodily injury or death to another person as a result of the minor's consumption of alcohol or drugs at the open house party; providing criminal penalties; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 746**, on motion by Senator Altman, by two-thirds vote **CS for HB 105** was withdrawn from the Committees on Regulated Industries; Criminal Justice; and Budget.

On motion by Senator Altman—

CS for HB 105—A bill to be entitled An act relating to open house parties; amending s. 856.015, F.S.; providing that a person who violates the open house party statute a second or subsequent time commits a misdemeanor of the first degree; providing that a person commits a misdemeanor of the first degree if the violation of the open house party statute causes or contributes to causing serious bodily injury or death to the minor, or causes or contributes to causing serious bodily injury or death to another person as a result of the minor's consumption of alcohol or drugs at the open house party; providing criminal penalties; providing an effective date.

—a companion measure, was substituted for **CS for SB 746** and read the second time by title.

On motion by Senator Altman, by two-thirds vote **CS for HB 105** was read the third time by title, passed and certified to the House. The vote on passage was:

Yea—38

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—1

Sachs

On motion by Senator Diaz de la Portilla—

SB 788—A bill to be entitled An act relating to public school educational instruction; amending s. 1003.44, F.S.; requiring district school boards to designate one month of the school year to celebrate the Founding Fathers of the United States of America and the principles inherent in the country's founding documents; specifying the focus of instruction during the designated month; providing that instruction may be integrated into the existing school curriculum; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 788** was placed on the calendar of Bills on Third Reading.

SB 870—A bill to be entitled An act relating to compensation of county officials; amending ss. 145.031, 145.051, 145.071, 145.09, 145.10, and 145.11, F.S.; authorizing each member of a board of county commissioners, each clerk of the circuit court, county comptroller, each sheriff, each supervisor of elections, each property appraiser, and each tax collector to reduce his or her salary on a voluntary basis; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 870**, on motion by Senator Storms, by two-thirds vote **HB 19** was withdrawn from the Committees on Community Affairs; and Budget.

On motion by Senator Storms—

HB 19—A bill to be entitled An act relating to compensation of county officials; amending ss. 145.031, 145.051, 145.071, 145.09, 145.10, and 145.11, F.S.; authorizing each member of a board of county commissioners, each clerk of the circuit court, county comptroller, each sheriff, each supervisor of elections, each property appraiser, and each tax collector to reduce his or her salary on a voluntary basis; providing an effective date.

—a companion measure, was substituted for **SB 870** and read the second time by title.

SENATOR FASANO PRESIDING

On motion by Senator Storms, by two-thirds vote **HB 19** was read the third time by title, passed and certified to the House. The vote on passage was:

Yea—36

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

Nays—None

CS for SB 880—A bill to be entitled An act relating to value adjustment boards; creating s. 194.014, F.S.; requiring a petitioner challenging the assessed value of property before the value adjustment board to pay a specified percentage of the taxes by a certain date; requiring a petitioner challenging the denial of a classification or exemption, or the assessment on specified grounds, before the value adjustment board to pay the amount of tax which the taxpayer admits in good faith to be owing by a certain date; providing for a penalty if the taxpayer's payment is grossly disproportionate to the amount of tax found to be due and the taxpayer's admission was not made in good faith; requiring the board to deny the petition in writing by a certain date if the required amount of taxes is not timely paid; requiring the payment of interest on certain unpaid taxes; requiring the payment of interest on certain overpayments of taxes; providing that s. 194.014, F.S., does not apply to petitions for ad valorem deferrals pursuant to ch. 197, F.S.; amending s. 194.034, F.S.; conforming provisions to changes made by the act; amending s. 197.162, F.S.; revising a provision providing for a discount for ad valorem taxes paid within 30 days after the mailing of a corrected tax notice resulting from the action of a value adjustment if the corrected tax notice is issued before the taxes become delinquent; providing for application of the act; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 880**, on motion by Senator Garcia, by two-thirds vote **CS for CS for CS for HB 281** was withdrawn from the Committees on Community Affairs; and Budget.

On motion by Senator Garcia—

CS for CS for CS for HB 281—A bill to be entitled An act relating to value adjustment boards; creating s. 194.014, F.S.; requiring a petitioner challenging the assessed value of property before the value adjustment board to pay a specified percentage of the taxes by a certain date; requiring a petitioner challenging the denial of a classification or exemption, or the assessment on specified grounds, before the value adjustment board to pay the amount of tax which the taxpayer admits in good faith to be owing by a certain date; providing for a penalty if the good faith payment is grossly disproportionate to the amount of tax found to

be due and the taxpayer's admission was not made in good faith; requiring the board to deny the petition in writing by a certain date if the required amount of taxes is not timely paid; requiring the payment of interest on certain unpaid taxes; requiring the payment of interest on certain overpayments of taxes; providing that s. 194.014, F.S., does not apply to petitions for ad valorem tax deferrals pursuant to ch. 197, F.S.; amending s. 194.034, F.S.; conforming a provision to changes made by this act; amending s. 197.162, F.S.; providing for a discount for ad valorem taxes paid within 30 days after the mailing of a corrected tax notice resulting from the action of a value adjustment board when the corrected tax notice is issued before the taxes become delinquent; providing applicability; providing an effective date.

—a companion measure, was substituted for **CS for SB 880** and read the second time by title.

On motion by Senator Garcia, by two-thirds vote **CS for CS for CS for HB 281** was read the third time by title, passed and certified to the House. The vote on passage was:

Yea—37

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

Nays—1

Negron

Vote after roll call:

Yea—Ring

Yea to Nay—Storms

CS for SB 886—A bill to be entitled An act relating to motor vehicles; amending s. 316.3045, F.S.; revising penalties for unlawful operation of a soundmaking device in a motor vehicle; providing that a second or subsequent violation is a moving violation and includes the assessment of points against the driver's license; amending s. 318.18, F.S.; providing increased penalties for repeat violations within a certain time period; providing an effective date.

—was read the second time by title. On motion by Senator Oelrich, by two-thirds vote **CS for SB 886** was read the third time by title and failed to pass. The vote was:

Yea—16

Mr. President	Gardiner	Richter
Bennett	Hays	Simmons
Dean	Jones	Storms
Diaz de la Portilla	Lynn	Wise
Fasano	Montford	
Gaetz	Oelrich	

Nays—20

Altman	Dockery	Margolis
Benacquisto	Flores	Negron
Bogdanoff	Garcia	Norman
Braynon	Hill	Rich
Detert	Joyner	Ring

Sachs	Smith	Thrasher	Nays—None
Siplin	Sobel		

Vote after roll call:

Yea to Nay—Mr. President

SPECIAL GUESTS

Senator Hays introduced former Senator Vince Fechtel and his wife who were present in the gallery.

CS for CS for SB 888—A bill to be entitled An act relating to the offense of sexting; providing that a minor commits the offense of sexting if he or she knowingly uses a computer, or any other device capable of electronic data transmission or distribution, to transmit or distribute to another minor any photograph or video of any person which depicts nudity and is harmful to minors; providing noncriminal and criminal penalties; providing that the transmission or distribution of multiple photographs or videos is a single offense if the transmission occurs within a 24-hour period; providing that the act does not prohibit prosecution of a minor for conduct relating to material that includes the depiction of sexual conduct or sexual excitement or for stalking; defining the term found to have committed"; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 888**, on motion by Senator Dean, by two-thirds vote **CS for CS for HB 75** was withdrawn from the Committees on Criminal Justice; Judiciary; Communications, Energy, and Public Utilities; and Budget.

On motion by Senator Dean—

CS for CS for HB 75—A bill to be entitled An act relating to the offense of sexting; providing that a minor commits the offense of sexting if he or she knowingly uses a computer, or any other device capable of electronic data transmission or distribution, to transmit or distribute to another minor any photograph or video of any person which depicts nudity and is harmful to minors; providing that a minor commits the offense of sexting if he or she knowingly possesses a photograph or video of any person that was transmitted or distributed by another minor which depicts nudity and is harmful to minors; providing an exception; providing noncriminal and criminal penalties; providing that the transmission, distribution, or possession of multiple photographs or videos is a single offense if the transmission occurs within a 24-hour period; providing that the act does not prohibit prosecution of a minor for conduct relating to material that includes the depiction of sexual conduct or sexual excitement or for stalking; defining the term "found to have committed"; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 888** and read the second time by title.

On motion by Senator Dean, by two-thirds vote **CS for CS for HB 75** was read the third time by title, passed and certified to the House. The vote on passage was:

Yea—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

On motion by Senator Thrasher, the Senate recessed at 11:51 a.m. to reconvene at 12:30 p.m.

RECESS

AFTERNOON SESSION

The Senate was called to order by President Haridopolos at 12:40 p.m. A quorum present—35:

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

SPECIAL ORDER CALENDAR

Consideration of **CS for CS for SB 1180**, **CS for SB 1182** and **CS for CS for SB 1194** was deferred.

CS for SB 1226—A bill to be entitled An act relating to health care fraud; amending s. 456.0635, F.S.; revising the grounds under which the Department of Health or corresponding board is required to refuse to admit a candidate to an examination and refuse to issue or renew a license, certificate, or registration of a health care practitioner; providing an exception; amending s. 456.036, F.S.; requiring a delinquent licensee whose license becomes delinquent before the final resolution of a case regarding Medicaid fraud to affirmatively apply by submitting a complete application for active or inactive status during the licensure cycle in which the case achieves final resolution by order of the court; providing that failure by a delinquent licensee to become active or inactive before the expiration of that licensure cycle renders the license null; requiring that any subsequent licensure be as a result of applying for and meeting all requirements imposed on an applicant for new licensure; providing an effective date.

—was read the second time by title. On motion by Senator Joyner, by two-thirds vote **CS for SB 1226** was read the third time by title, passed and certified to the House. The vote on passage was:

Yea—32

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

Nays—None

Vote after roll call:

Yea—Benacquisto, Dockery, Evers, Garcia, Lynn

SB 1584—A bill to be entitled An act relating to deaf and hard-of-hearing children; creating the "Deaf and Hard-of-Hearing Children's

Educational Bill of Rights"; providing findings and purpose; recognizing the unique communication needs of deaf and hard-of-hearing children and encouraging the development of a communication-driven and language-driven educational delivery system in the state; requiring the Department of Education to develop a communication model to become part of the individual education plan process for deaf and hard-of-hearing students; providing an effective date.

—was read the second time by title. On motion by Senator Sobel, by two-thirds vote **SB 1584** was read the third time by title, passed and certified to the House. The vote on passage was:

Yea—33

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

Nays—None

Vote after roll call:

Yea—Bennett, Evers, Garcia, Thrasher

SB 1624—A bill to be entitled An act relating to outdoor theaters; repealing ch. 555, F.S., relating to access to public roads from outdoor theaters; removing provisions for entrances, exits, enclosures, vehicle storage, screen orientation, tower location, and driveway lighting; removing requirements for a qualifying certificate to prove compliance with agency regulations prior to issuance of an occupational license by the tax collector; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 1624**, on motion by Senator Lynn, by two-thirds vote **HB 4009** was withdrawn from the Committee on Transportation.

On motion by Senator Lynn—

HB 4009—A bill to be entitled An act relating to outdoor theaters; repealing ch. 555, F.S., relating to access to public roads from outdoor theaters; removing provisions for entrances, exits, enclosures, vehicle storage, screen orientation, tower location, and driveway lighting; removing requirements for a qualifying certificate to prove compliance with agency regulations prior to issuance of an occupational license by the tax collector; providing an effective date.

—a companion measure, was substituted for **SB 1624** and read the second time by title.

On motion by Senator Lynn, by two-thirds vote **HB 4009** was read the third time by title, passed and certified to the House. The vote on passage was:

Yea—35

Mr. President	Dockery	Margolis
Alexander	Evers	Montford
Altman	Fasano	Negron
Benacquisto	Flores	Norman
Bennett	Gaetz	Oelrich
Bogdanoff	Hays	Rich
Braynon	Hill	Richter
Dean	Jones	Sachs
Detert	Joyner	Simmons
Diaz de la Portilla	Lynn	Siplin

Smith	Storms	Wise
Sobel	Thrasher	
Nays—None		
Vote after roll call:		
Yea—Garcia, Gardiner		

CS for SB 1626—A bill to be entitled An act relating to television picture tubes; repealing ss. 817.559 and 817.56, F.S., relating to television picture tubes; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 1626**, on motion by Senator Lynn, by two-thirds vote **CS for HB 4013** was withdrawn from the Committee on Commerce and Tourism.

On motion by Senator Lynn—

CS for HB 4013—A bill to be entitled An act relating to television picture tubes; repealing ss. 817.559 and 817.56, F.S., relating to television picture tube labeling requirements and misrepresentations of television picture tubes; providing an effective date.

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

On motion by Senator Lynn, by two-thirds vote **CS for HB 4013** was read the third time by title, passed and certified to the House. The vote on passage was:

Yea—37

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

Nays—1

Benacquisto

CS for SB 1650—A bill to be entitled An act relating to child custody; amending s. 61.13002, F.S.; providing that a parent's activation, deployment, or temporary assignment to military service and the resultant temporary disruption to the child may not be the sole factor in granting a petition for or modification of time-sharing and parental responsibility; providing that a time-sharing and parental responsibility order in effect before a temporary change due to a parent's military service shall automatically be reinstated after a specified period after return and notice by the returning parent; providing an exception; specifying burden of proof for the exception; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 1650** to **CS for HB 621**.

Pending further consideration of **CS for SB 1650** as amended, on motion by Senator Storms, by two-thirds vote **CS for HB 621** was withdrawn from the Committees on Judiciary; Military Affairs, Space, and Domestic Security; Children, Families, and Elder Affairs; and Budget.

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

CS for HB 621—A bill to be entitled An act relating to child custody; amending s. 61.13002, F.S.; providing that a parent's activation, deployment, or temporary assignment to military service and the resultant temporary disruption to the child may not be the sole factor in granting a petition for or modification of permanent time-sharing and parental responsibility; providing an effective date.

—a companion measure, was substituted for **CS for SB 1650** as amended and by two-thirds vote read the second time by title.

On motion by Senator Storms, by two-thirds vote **CS for HB 621** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

On motion by Senator Thrasher—

CS for SB 1676—A bill to be entitled An act relating to sovereign immunity; providing legislative findings and intent; amending s. 766.1115, F.S.; providing that specified provisions relating to sovereign immunity for health care providers do not apply to certain affiliation agreements or contracts to provide certain comprehensive health care services; amending s. 768.28, F.S.; expanding the definition of the term "officer, employee, or agent" for purposes of sovereign immunity to include certain health care providers; providing that certain colleges and universities that own or operate a medical school or any of its employees or agents that have agreed in an affiliation agreement to provide patient services as agents of a teaching hospital that is owned or operated by a governmental entity having health care responsibilities, or a not-for-profit entity that operates such facilities as an agent of that governmental entity under a lease, are agents of the state and are immune from certain liability for torts; requiring the contract to provide for indemnification; providing that the portion of the not-for-profit entity deemed to be an agent of the state for purpose of indemnity is also an agency of the state for purpose of public-records laws; providing definitions; requiring that each patient, or the patient's legal representative, receive written notice regarding the patient's exclusive remedy for injury or damage suffered; providing that an employee providing patient services is not an employee or agent of the state for purposes of workers' compensation; providing for application; providing an effective date.

—was read the second time by title.

Senator Thrasher moved the following amendment which was adopted:

Amendment 1 (271574) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. (1) *The Legislature finds that:*

(a) *Access to high-quality, comprehensive, and affordable health care for all persons in this state is a necessary state goal and teaching hospitals play an essential role in providing that access.*

(b) *Graduate medical education, provided by nonprofit independent colleges and universities located and chartered in this state which own or*

operate medical schools, helps provide the comprehensive specialty training needed by medical school graduates to develop and refine the skills essential to the provision of high-quality health care for state residents. Much of that education and training is provided in teaching hospitals under the direct supervision of medical faculty who provide guidance, training, and oversight and serve as role models to their students.

(c) *A large proportion of medical care is provided in teaching hospitals that serve as safety nets for many indigent and underserved patients who otherwise might not receive the medical help they need. Resident physician training that takes place in such hospitals provides much of the care provided to this population. Medical faculty, supervising such training and care, are a vital link between educating and training resident physicians and ensuring the provision of quality care for indigent and underserved residents. Physicians who assume this role are often called upon to juggle the demands of patient care, teaching, health policy, and budgetary issues related to the programs they administer.*

(d) *While teaching hospitals are afforded state sovereign immunity protections under s. 768.28, Florida Statutes, the nonprofit independent colleges and universities located and chartered in this state which own or operate medical schools and which enter into affiliation agreements or contracts with the teaching hospitals to provide patient services are not afforded the same sovereign immunity protections. The employees or agents of such nonprofit independent colleges and universities, therefore, do not have the same level of protection against liability claims as the employees and agents of teaching hospitals providing the same patient services to the same patients.*

(e) *Nonprofit colleges and universities located and chartered in this state which own or operate medical schools and their employees and agents, which are not covered by the state's sovereign immunity protections, are disproportionately affected by claims arising out of alleged medical malpractice and other allegedly negligent acts. Given the recent growth in medical schools and medical education programs and ongoing efforts to support, strengthen, and increase physician residency training positions and medical faculty in both existing and newly designated teaching hospitals, this exposure and the consequent disparity in liability exposure will continue to increase. The vulnerability of these colleges and universities to claims of medical malpractice will only add to the current physician workforce crisis in this state and can be alleviated only through legislative action.*

(f) *Ensuring that the employees and agents of nonprofit independent colleges and universities located and chartered in this state which own or operate medical schools are able to continue to treat patients, provide graduate medical education, supervise medical students, and provide administrative support and services in teaching hospitals is an overwhelming public necessity.*

(2) *The Legislature intends that:*

(a) *Employees and agents of nonprofit independent colleges and universities located and chartered in this state which own or operate medical schools who provide patient services as agents of a teaching hospital be immune from lawsuits in the same manner and to the same extent as employees and agents of teaching hospitals in this state under existing law, and that such colleges and universities and their employees and agents not be held personally liable in tort or named as a party defendant in an action while providing patient services in a teaching hospital, unless such services are provided in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.*

(b) *Nonprofit independent private colleges and universities located and chartered in this state which own or operate medical schools and which permit their employees or agents to provide patient services in teaching hospitals pursuant to an affiliation agreement or other contract be afforded sovereign immunity protections under s. 768.28, Florida Statutes.*

(3) *The Legislature declares that there is an overwhelming public necessity for extending the state's sovereign immunity to nonprofit independent colleges and universities located and chartered in this state which own or operate medical schools and provide patient services in teaching hospitals, and to their employees and agents, and that there is no alternative method of meeting such public necessity.*

(4) The terms "employee or agent," "patient services," and "teaching hospital" as used in this section have the same meaning as defined in s. 768.28, Florida Statutes, as amended by this act.

Section 2. Subsection (11) of section 766.1115, Florida Statutes, is amended to read:

766.1115 Health care providers; creation of agency relationship with governmental contractors.—

(11) APPLICABILITY.—This section applies to incidents occurring on or after April 17, 1992. This section does not:

(a) Apply to any health care contract entered into by the Department of Corrections which is subject to s. 768.28(10)(a).

(b) *Apply to any affiliation agreement or other contract that is subject to s. 768.28(10)(f). Nothing in this section in any way reduces or limits*

(c) *Reduce or limit the rights of the state or any of its agencies or subdivisions to any benefit currently provided under s. 768.28.*

Section 3. Paragraph (b) of subsection (9) of section 768.28, Florida Statutes, is amended, and paragraph (f) is added to subsection (10) of that section, to read:

768.28 Waiver of sovereign immunity in tort actions; recovery limits; limitation on attorney fees; statute of limitations; exclusions; indemnification; risk management programs.—

(9)

(b) As used in this subsection, the term:

1. "Employee" includes any volunteer firefighter.

2. "Officer, employee, or agent" includes, but is not limited to, any health care provider when providing services pursuant to s. 766.1115; any member of the Florida Health Services Corps, as defined in s. 381.0302, who provides uncompensated care to medically indigent persons referred by the Department of Health; *any nonprofit independent college or university located and chartered in this state which owns or operates an accredited medical school, and its employees or agents, when providing patient services pursuant to paragraph (10)(f);* and any public defender or her or his employee or agent, including, among others, an assistant public defender and an investigator.

(10)

(f) *For purposes of this section, any nonprofit independent college or university located and chartered in this state which owns or operates an accredited medical school, or any of its employees or agents, and which has agreed in an affiliation agreement or other contract to provide, or permit its employees or agents to provide, patient services as agents of a teaching hospital, is considered an agent of the teaching hospital while acting within the scope of and pursuant to guidelines established in the affiliation agreement or other contract. To the extent allowed by law, the contract must provide for the indemnification of the teaching hospital, up to the limits set out in this chapter, by the agent for any liability incurred which was caused by the negligence of the college or university or its employees or agents. The contract must also provide that those limited portions of the college, university, or medical school which are directly providing services pursuant to the contract and which are considered an agent of the teaching hospital for purposes of this section are deemed to be acting on behalf of a public agency as defined in s. 119.011(2).*

1. For purposes of this paragraph, the term:

a. "Employee or agent" means an officer, employee, agent, or servant of a nonprofit independent college or university located and chartered in this state which owns or operates an accredited medical school, including, but not limited to, the faculty of the medical school, any health care practitioner or licensee as defined in s. 456.001 for which the college or university is vicariously liable, and the staff or administrators of the medical school.

b. "Patient services" mean:

(I) Comprehensive health care services as defined in s. 641.19, including any related administrative service, provided to patients in a teaching hospital;

(II) Training and supervision of interns, residents, and fellows providing patient services in a teaching hospital; or

(III) Training and supervision of medical students in a teaching hospital.

c. "Teaching hospital" means a teaching hospital as defined in s. 408.07 which is owned or operated by the state, a county or municipality, a public health trust, a special taxing district, a governmental entity having health care responsibilities, or a not-for-profit entity that operates such facility as an agent of the state, or a political subdivision of the state, under a lease or other contract.

2. The teaching hospital or the medical school, or its employees or agents, must provide notice to each patient, or the patient's legal representative, that the college or university that owns or operates the medical school and the employees or agents of that college or university are acting as agents of the teaching hospital and that the exclusive remedy for injury or damage suffered as the result of any act or omission of the teaching hospital, the college or university that owns or operates the medical school, or the employees or agents of the college or university, while acting within the scope of duties pursuant to the affiliation agreement or other contract with a teaching hospital, is by commencement of an action pursuant to the provisions of this section. This notice requirement may be met by posting the notice in a place conspicuous to all persons.

3. This paragraph does not designate any employee providing contracted patient services in a teaching hospital as an employee or agent of the state for purposes of chapter 440.

Section 4. This act shall take effect upon becoming a law, and applies to all claims accruing on or after that date.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to sovereign immunity; providing legislative findings and intent; amending s. 766.1115, F.S.; providing that specified provisions relating to sovereign immunity for health care providers do not apply to certain affiliation agreements or contracts to provide certain comprehensive health care services; amending s. 768.28, F.S.; expanding the definition of the term "officer, employee, or agent" for purposes of provisions expanding sovereign immunity to include certain colleges and universities when providing patient services; providing that certain colleges and universities that own or operate a medical school or any of its employees or agents providing patient services pursuant to a contract with a teaching hospital are agents of the teaching hospital and are immune from certain liability for torts; requiring the contract to provide for indemnification; providing that the portion of the not-for-profit entity which is considered to be an agent of the teaching hospital for purposes of extension of the waiver of sovereign immunity is deemed to be acting on behalf of a public agency for purposes of public-records laws; providing definitions; requiring that each patient, or the patient's legal representative, receive notice regarding the patient's exclusive remedy for injury or damage suffered; providing that an employee providing patient services is not an employee or agent of the state for purposes of workers' compensation; providing for application; providing an effective date.

Pursuant to Rule 4.19, **CS for SB 1676** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 1732** was deferred.

SM 1762—A memorial to the Congress of the United States, urging Congress to ban the sale, distribution, and possession of methylenedioxypyrovalerone (MDPV).

WHEREAS, methylenedioxypyrovalerone (MDPV) is a psychoactive drug with stimulant properties and has no history of FDA-approved medical use, and

WHEREAS, MDPV acts as a stimulant and has been reported to have amphetamine-like or cocaine-type effects, which include physical rapid heartbeat, vasoconstriction, sweating, euphoria, anxiety, agitation, perception of a diminished requirement for food and sleep, and increases in alertness, awareness, wakefulness, arousal, and blood pressure and

WHEREAS, Florida's Attorney General has issued an emergency order banning the sale of substances containing MDPV in the state for a limited period, and

WHEREAS, federal action is needed to control MDPV and keep it from entering this state from elsewhere, NOW, THEREFORE,

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

That the Congress of the United States is urged to ban the sale, distribution, and possession of methylenedioxypyrovalerone (MDPV).

BE IT FURTHER RESOLVED that copies of this memorial be dispatched 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.

The Committee on Health Regulation recommended the following amendment which was moved by Senator Smith and adopted:

Amendment 1 (231150) (with title amendment)—Delete line 25 and insert:

(MDPV).

And the title is amended as follows:

Delete lines 4-18 and insert: possession of methylenedioxypyrovalerone (MDPV).

WHEREAS, methylenedioxypyrovalerone (MDPV) is a psychoactive drug with stimulant properties and has no history of FDA-approved medical use, and

WHEREAS, MDPV acts as a stimulant and has been reported to have amphetamine-like or cocaine-type effects, which include physical rapid heartbeat, vasoconstriction, sweating, euphoria, anxiety, agitation, perception of a diminished requirement for food and sleep, and increases in alertness, awareness, wakefulness, arousal, and blood pressure and

WHEREAS, Florida's Attorney General has issued an emergency order banning the sale of substances containing MDPV in the state for a limited period, and

WHEREAS, federal action is needed to control MDPV and keep

On motion by Senator Smith, **SM 1762** as amended was adopted, ordered engrossed and then certified to the House.

SB 1788—A bill to be entitled An act relating to bicycle regulations; amending s. 316.2065, F.S.; removing a requirement to keep one hand on the handlebars while operating a bicycle; amending s. 322.27, F.S.; conforming a cross-reference to changes made by the act; providing an effective date.

—was read the second time by title. On motion by Senator Bogdanoff, by two-thirds vote **SB 1788** was read the third time by title, passed and certified to the House. The vote on passage was:

Yea—36

Mr. President	Detert	Gardiner
Alexander	Diaz de la Portilla	Hays
Altman	Dockery	Hill
Benacquisto	Evers	Jones
Bogdanoff	Flores	Joyner
Braynon	Gaetz	Latvala
Dean	Garcia	Lynn

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

Nays—2

Fasano	Oelrich
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Vote after roll call:

Yea—Bennett

Yea to Nay—Joyner

CS for CS for CS for SB 1816—A bill to be entitled An act relating to surplus lines insurance; amending s. 626.931, F.S.; requiring a surplus lines agent to file quarterly on or before a specified time an affidavit stating that all surplus lines insurance transacted during the preceding quarter has been submitted to the Florida Surplus Lines Service Office; amending s. 626.932, F.S.; requiring the premium tax due on a surplus lines policy to be computed on the gross premium under certain circumstances; providing a limit on the tax; amending s. 626.9325, F.S.; revising payment dates for the service fee; requiring the service fee on a surplus lines policy to be computed on the gross premium under certain circumstances; creating s. 626.9362, F.S.; authorizing the Department of Financial Services and the Office of Insurance Regulation to enter into a specified type of agreement with other states pursuant to federal law for the collection and allocation of certain nonadmitted insurance taxes; providing terms that may be included in the agreement; requiring the Florida Surplus Lines Service Office to implement an agreement entered into by the department and the Office of Insurance Regulation; providing for application; providing for legislative review of any cooperative reciprocal agreement entered into by the Chief Financial Officer and the office with another state or group of states; authorizing the Legislature to instruct the Chief Financial Officer and the office to withdraw from the cooperative reciprocal agreement if it determines that the agreement is not in the best interest of the state; providing for notice; requiring that the department submit a report to the Legislature; amending s. 626.938, F.S.; requiring certain insureds or self insureds engaging in specified insurance transactions with a foreign or alien insurer to compute the premium tax and service fees based on the gross premium under certain circumstances; providing a limit on the tax; requiring such insureds or self insureds to pay the applicable premium tax to the department and the service fee to the Florida Surplus Lines Service Office on or before a specified time; providing an effective date.

—was read the second time by title. On motion by Senator Fasano, by two-thirds vote **CS for CS for CS for SB 1816** was read the third time by title, passed and certified to the House. The vote on passage was:

Yea—38

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

Nays—None

Vote after roll call:

Yea—Gardiner

RECONSIDERATION OF BILL

On motion by Senator Thrasher, the Senate recalled from Engrossing—

CS for SB 1676—A bill to be entitled An act relating to sovereign immunity; providing legislative findings and intent; amending s. 766.1115, F.S.; providing that specified provisions relating to sovereign immunity for health care providers do not apply to certain affiliation agreements or contracts to provide certain comprehensive health care services; amending s. 768.28, F.S.; expanding the definition of the term “officer, employee, or agent” for purposes of sovereign immunity to include certain health care providers; providing that certain colleges and universities that own or operate a medical school or any of its employees or agents that have agreed in an affiliation agreement to provide patient services as agents of a teaching hospital that is owned or operated by a governmental entity having health care responsibilities, or a not-for-profit entity that operates such facilities as an agent of that governmental entity under a lease, are agents of the state and are immune from certain liability for torts; requiring the contract to provide for indemnification; providing that the portion of the not-for-profit entity deemed to be an agent of the state for purpose of indemnity is also an agency of the state for purpose of public-records laws; providing definitions; requiring that each patient, or the patient’s legal representative, receive written notice regarding the patient’s exclusive remedy for injury or damage suffered; providing that an employee providing patient services is not an employee or agent of the state for purposes of workers’ compensation; providing for application; providing an effective date.

—for further consideration as amended this day.

On motion by Senator Thrasher, by two-thirds vote **CS for SB 1676** as amended was read the third time by title, passed, ordered engrossed and certified to the House. The vote on passage was:

Yea—38

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

Nays—None

Vote after roll call:

Yea—Joyner

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.

—was read the second time by title.

Pending further consideration of **CS for SB 1886**, on motion by Senator Wise, by two-thirds vote **CS for HB 1039** was withdrawn from the Committees on Criminal Justice; and Budget.

On motion by Senator Wise—

CS for HB 1039—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.

—a companion measure, was substituted for **CS for SB 1886** and read the second time by title.

On motion by Senator Wise, by two-thirds vote **CS for HB 1039** was read the third time by title, passed and certified to the House. The vote on passage was:

Yea—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 1974—A bill to be entitled An act relating to driver’s license examinations; amending s. 322.12, F.S.; providing requirements for examination questions pertaining to traffic regulations relating to blind pedestrians; amending s. 318.1451, F.S.; requiring the curricula of driver improvement schools to include instruction on the dangers of driving while distracted; amending s. 322.095, F.S.; requiring the curricula of traffic law and substance abuse education courses to include instruction on the dangers of driving while distracted; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 1974** to **CS for CS for HB 689**.

Pending further consideration of **CS for SB 1974** as amended, on motion by Senator Hill, by two-thirds vote **CS for CS for HB 689** was withdrawn from the Committees on Transportation; and Budget.

On motion by Senator Hill—

CS for CS for HB 689—A bill to be entitled An act relating to driver education and testing; amending ss. 318.1451 and 322.095, F.S.; requiring the curricula of driver improvement courses and traffic law and substance abuse education courses to include instruction on the risks associated with using a handheld electronic communication device while operating a motor vehicle; amending s. 322.12, F.S.; providing requirements for driver license examination questions pertaining to traffic regulations relating to blind pedestrians; amending s. 322.56, F.S.; providing for written examination for a learner’s driver’s license to be available from third-party providers; providing for the examination to be administered online under certain conditions; providing an effective date.

—a companion measure, was substituted for **CS for SB 1974** as amended and read the second time by title.

On motion by Senator Hill, by two-thirds vote **CS for CS for HB 689** was read the third time by title, passed and certified to the House. The vote on passage was:

Yea—28

Mr. President	Altman	Benacquisto
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Bennett	Hill	Sachs
Bogdanoff	Jones	Siplin
Braynon	Joyer	Smith
Dean	Lynn	Sobel
Detert	Margolis	Storms
Diaz de la Portilla	Montford	Thrasher
Dockery	Rich	Wise
Fasano	Richter	
Flores	Ring	

Nays—9

Evers	Gardiner	Norman
Gaetz	Hays	Oelrich
Garcia	Latvala	Simmons

Vote after roll call:

Yea—Negron

SPECIAL GUESTS

The President introduced Commissioner of Agriculture Adam Putnam who was present in the chamber.

On motion by Senator Alexander, by unanimous consent—

CS for SB 2040—A bill to be entitled An act relating to unauthorized immigrants; directing the Division of Statutory Revision to designate specified new statutory sections as part III of ch. 448, F.S., and name the part “Unauthorized Immigrants”; creating s. 448.30, F.S.; defining terms; creating s. 448.31, F.S.; requiring every employer to use the federal program for electronic verification of employment eligibility in order to verify the employment eligibility of each employee hired on or after a specified date; providing an exception for employers who request and receive from the employee certain driver’s licenses or identification cards; requiring the employers to check the documents using authentication technology; directing the Department of Highway Safety and Motor Vehicles to post information on the website of the department relating to compliance by states with the federal REAL ID Act of 2005; directing the department to adopt rules relating to authentication technology; providing that an employer who does not comply with the employment requirements is subject to the suspension of any license held by the employer; providing that an employer is not liable for terminating an employee under certain conditions; providing legislative intent for law enforcement and criminal justice agencies to coordinate with the Federal Government on the identification of unauthorized immigrants and enforcement of immigration laws; authorizing the Department of Corrections and the Department of Law Enforcement to pursue agreements with the United States Department of Homeland Security for the training of certain personnel related to the enforcement of immigration laws; requiring reports on activity under the agreements; providing that sheriffs may evaluate the feasibility of entering into such agreements; directing certain agencies having custody of individuals convicted of dangerous crimes to make reasonable efforts to determine whether the individuals are present in the United States lawfully; requiring arresting agencies to adopt rules relating to this requirement and authorizing the agencies to enter into agreements with Immigration and Customs Enforcement; providing for a presumption as to risk of flight in order to avoid prosecution; creating s. 945.80, F.S.; requiring the Department of Corrections to release nonviolent inmates to the custody of the United States Immigration and Customs Enforcement under certain circumstances; requiring the department to identify inmates who are eligible for removal and deportation; establishing certain procedures for the transfer of an inmate to federal custody; providing for a released inmate to serve the remainder of his or her sentence upon unlawfully returning to the United States; authorizing the secretary of the department to enter into an agreement with the United States Department of Homeland Security regarding the rapid repatriation of removable custodial aliens; requiring the department to compile statistics; providing for applicability; providing legislative findings related to costs incurred by the state from unauthorized immigration; requiring the Agency for Workforce Innovation to prepare a report quantifying the costs; requiring the director of the agency to submit to the Federal

Government a request for reimbursement of the costs or a reduction in moneys owed to the Federal Government as a result of borrowing to fund unemployment compensation claims; providing an effective date.

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

MOTION

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

Senator Alexander moved the following amendment:

Amendment 1 (730724) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (12) is added to section 445.009, Florida Statutes, to read:

445.009 One-stop delivery system.—

(12)(a) *Staff of the one-stop delivery system shall use the federal program for electronic verification of employment eligibility which is known as the E-Verify Program, or any successor program, to verify the employment eligibility of any worker who is referred to an employer and shall issue to the employer a certification of the verification as provided in regulations of the United States Department of Homeland Security.*

(b) *The requirement to verify employment eligibility under this subsection does not apply in the case of a worker who uses an online referral system and does not report in person to the one-stop career center. If a worker reports in person to a one-stop career center after using the online referral system, the one-stop career center shall perform the verification required by this subsection. The website for the Agency for Workforce Innovation and for the one-stop delivery system in the area served by each regional workforce board shall provide notice to employers that the one-stop career center is not performing electronic-verification inquiries for online referrals.*

(c) *The Agency for Workforce Innovation, together with the regional workforce boards, shall consult with the United States Department of Homeland Security, the United States Department of Labor, and any other appropriate federal agencies to develop procedures, consistent with federal requirements, addressing circumstances in which use of the E-Verify Program, or any successor program, is not possible based on the information or documentation presented by the worker.*

Section 2. Agency administration of public benefits; verification of lawful status.—

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

(a) *“Agency” means any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this section, any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public entity.*

(b) *“Federal public benefit” has the same meaning as in 8 U.S.C. s. 1611(c).*

(c) *“Qualified alien” has the same meaning as in 8 U.S.C. s. 1641(b).*

(d) *“SAVE Program” means the Systematic Alien Verification for Entitlements (SAVE) Program established by the United States Citizenship and Immigration Services.*

(e) *“State or local public benefit” has the same meaning as in 8 U.S.C. s. 1621(c).*

(2)(a) *Except as otherwise provided in 8 U.S.C. s. 1621(b), an alien is not eligible for any state or local public benefit unless the alien is:*

1. *A qualified alien;*

2. *A nonimmigrant under the federal Immigration and Nationality Act; or*

3. An alien who is paroled into the United States under s. 212(d)(5) of the federal Immigration and Nationality Act for less than 1 year.

(b) Each agency shall verify through the SAVE Program the eligibility under this subsection of any applicant for a state or local public benefit administered by the agency.

(3)(a) Except as otherwise provided in 8 U.S.C. s. 1611(b), an alien who is not a qualified alien is not eligible for any federal public benefit.

(b) Each agency shall verify through the SAVE Program the eligibility under this subsection of any applicant for a federal public benefit administered by an agency.

(4)(a) An agency may not provide any state or local public benefit or federal public benefit in violation of this section.

(b) Each agency that administers a state or local public benefit or federal public benefit shall annually compile and maintain information on its compliance with this section.

(c) In the implementation of this section, each agency shall endeavor to improve efficiency, minimize delays in the verification process, and provide for the expeditious resolution of individual cases in which verification procedures would impose undue hardship on a legal resident. An agency shall report all errors in the SAVE Program to the United States Department of Homeland Security.

Section 3. Section 901.37, Florida Statutes, is created to read:

901.37.—Identification of unauthorized immigrants upon arrest and confinement.—

(1) When a person is confined in a jail or other criminal detention facility after being arrested, the agency having custody of the person shall make a reasonable effort to determine the nationality of the person and whether the person is present in the United States lawfully, including, but not limited to, participating in the submission of fingerprints pursuant to the agreement under subsection (2). If the holding agency establishes, independent of the submission of fingerprints, that the person is not lawfully present in the United States, the agency shall notify the United States Department of Homeland Security.

(2) The Department of Law Enforcement shall enter into, and perform all actions reasonably necessary to meet its obligations under, a memorandum of agreement with the United States Department of Homeland Security to implement a program through which fingerprints submitted by local law enforcement agencies during the arrest and booking process are checked against federal databases in order to assess the immigration status of individuals in custody.

(3) This section may not be construed to:

(a) Authorize the arrest of a person on suspicion that the person is not present in the United States lawfully; or

(b) Deny a person bond or prevent release of a person from confinement if the person is otherwise eligible for release. However, for the purpose of the bail determination required by s. 903.046, Florida Statutes, a determination that the person is not present in the United States lawfully raises a rebuttable presumption that there is a risk of flight to avoid prosecution.

Section 4. Section 945.80, Florida Statutes, is created to read:

945.80 Rapid removal of deportable criminal aliens.—

(1) Notwithstanding any law to the contrary, and pursuant to s. 241(a)(4)(B)(ii) of the federal Immigration and Nationality Act, the secretary of the department shall release a prisoner, prior to the completion of his or her sentence, to the custody and control of the United States Immigration and Customs Enforcement if:

(a) The prisoner is confined pursuant to a final conviction for a nonviolent offense;

(b) The department has received a final order of removal for the prisoner from the United States Immigration and Customs Enforcement; and

(c) The secretary determines that removal is appropriate and in the best interest of the state.

As used in this section, the term "nonviolent offense" means a third-degree felony violation under chapter 810 or any other felony offense that is not a forcible felony as defined in s. 776.08.

(2)(a) The department shall identify, during the inmate-reception process and among the existing inmate population, prisoners who are eligible for removal under this section and determine whether removal is appropriate and in the best interest of the state. The department shall provide eligible prisoners with information on this section.

(b) The department shall coordinate with federal authorities to determine the eligibility of a prisoner for removal and to obtain a final order of removal.

(3)(a) Upon approval for removal of the prisoner under this section, the department shall establish a release date for the prisoner to be transferred to federal custody. The department shall maintain control of and responsibility for the custody of the prisoner until the prisoner is physically transferred to federal custody.

(b) In coordination with the department, the Parole Commission shall provide notice and obtain acknowledgment in writing that notice was provided to each alien who is approved for removal and deportation that reentry into the United States requires the return of the alien to the custody of the department in order to complete the remainder of his or her sentence imposed by the court. The alien must agree to release into federal custody under this section.

(4) A prisoner who is released under this section shall be under conditional supervision of the Parole Commission for the remainder of the maximum period for which he or she has been sentenced.

(a) The conditions of supervision for a prisoner who is released under this section are that he or she must not:

1. Violate the law of this state or of any other jurisdiction of the United States; or

2. Return to the United States after release.

(b) If a prisoner who is released under this section returns to the United States, the Parole Commission shall revoke the release of the prisoner in accordance with the procedures in s. 947.141 and seek the return of the prisoner to the custody of the department to serve the remainder of the sentence imposed by the court.

(c) A prisoner whose conditional deportation release is revoked is not thereafter eligible for any form of discretionary release except as the result of accrual of any gain time earned after return to prison.

(5) The secretary of the department shall pursue, and is authorized to enter into, an agreement with the United States Department of Homeland Security regarding the rapid repatriation of removable custodial aliens from the United States pursuant to this section.

(6) The department shall compile statistics on implementation of this section, including, but not limited to:

(a) The number of prisoners who are transferred to federal custody;

(b) The number of prisoners who are removed or deported;

(c) The number of releasees who reenter the United States, including the number who are returned to the custody of the department; and

(d) The annual cost-avoidance achieved.

(7) To the extent practicable, this section applies to all prisoners actually in confinement on, and all prisoners taken into confinement after, July 1, 2011.

Section 5. Section 947.141, Florida Statutes, is amended to read:

947.141 Violations of conditional release, control release, or conditional medical release, or addiction-recovery supervision, or conditional deportation release.—

(1) If a member of the commission or a duly authorized representative of the commission has reasonable grounds to believe that an offender who is on release supervision under s. 947.1405, s. 947.146, s. 947.149, ~~or~~ s. 944.4731, *or* s. 945.80 has violated the terms and conditions of the release in a material respect, such member or representative may cause a warrant to be issued for the arrest of the releasee; if the offender was found to be a sexual predator, the warrant must be issued.

(2) Upon the arrest on a felony charge of an offender who is on release supervision under s. 947.1405, s. 947.146, s. 947.149, ~~or~~ s. 944.4731, *or* s. 945.80, the offender must be detained without bond until the initial appearance of the offender at which a judicial determination of probable cause is made. If the trial court judge determines that there was no probable cause for the arrest, the offender may be released. If the trial court judge determines that there was probable cause for the arrest, such determination also constitutes reasonable grounds to believe that the offender violated the conditions of the release. Within 24 hours after the trial court judge's finding of probable cause, the detention facility administrator or designee shall notify the commission and the department of the finding and transmit to each a facsimile copy of the probable cause affidavit or the sworn offense report upon which the trial court judge's probable cause determination is based. The offender must continue to be detained without bond for a period not exceeding 72 hours excluding weekends and holidays after the date of the probable cause determination, pending a decision by the commission whether to issue a warrant charging the offender with violation of the conditions of release. Upon the issuance of the commission's warrant, the offender must continue to be held in custody pending a revocation hearing held in accordance with this section.

(3) Within 45 days after notice to the Parole Commission of the arrest of a releasee charged with a violation of the terms and conditions of conditional release, control release, conditional medical release, ~~or~~ addiction-recovery supervision, *or* conditional deportation release, the releasee must be afforded a hearing conducted by a commissioner or a duly authorized representative thereof. If the releasee elects to proceed with a hearing, the releasee must be informed orally and in writing of the following:

- (a) The alleged violation with which the releasee is charged.
- (b) The releasee's right to be represented by counsel.
- (c) The releasee's right to be heard in person.
- (d) The releasee's right to secure, present, and compel the attendance of witnesses relevant to the proceeding.
- (e) The releasee's right to produce documents on the releasee's own behalf.
- (f) The releasee's right of access to all evidence used against the releasee and to confront and cross-examine adverse witnesses.
- (g) The releasee's right to waive the hearing.

(4) Within a reasonable time following the hearing, the commissioner or the commissioner's duly authorized representative who conducted the hearing shall make findings of fact in regard to the alleged violation. A panel of no fewer than two commissioners shall enter an order determining whether the charge of violation of conditional release, control release, conditional medical release, ~~or~~ addiction-recovery supervision, *or* conditional deportation release has been sustained based upon the findings of fact presented by the hearing commissioner or authorized representative. By such order, the panel may revoke conditional release, control release, conditional medical release, ~~or~~ addiction-recovery supervision, *or* conditional deportation release and thereby return the releasee to prison to serve the sentence imposed, reinstate the original order granting the release, or enter such other order as it considers proper. Effective for inmates whose offenses were committed on or after July 1, 1995, the panel may order the placement of a releasee, upon a finding of violation pursuant to this subsection, into a local detention facility as a condition of supervision. *For prisoners who have violated the conditions governing removal and deportation of criminal aliens under s. 985.80, the commission shall order the return to prison.*

(5) Effective for inmates whose offenses were committed on or after July 1, 1995, notwithstanding the provisions of ss. 775.08, former 921.001, 921.002, 921.187, 921.188, 944.02, and 951.23, or any other law to the contrary, by such order as provided in subsection (4), the panel, upon a finding of guilt, may, as a condition of continued supervision, place the releasee in a local detention facility for a period of incarceration not to exceed 22 months. Prior to the expiration of the term of incarceration, or upon recommendation of the chief correctional officer of that county, the commission shall cause inquiry into the inmate's release plan and custody status in the detention facility and consider whether to restore the inmate to supervision, modify the conditions of supervision, or enter an order of revocation, thereby causing the return of the inmate to prison to serve the sentence imposed. The provisions of this section do not prohibit the panel from entering such other order or conducting any investigation that it deems proper. The commission may only place a person in a local detention facility pursuant to this section if there is a contractual agreement between the chief correctional officer of that county and the Department of Corrections. The agreement must provide for a per diem reimbursement for each person placed under this section, which is payable by the Department of Corrections for the duration of the offender's placement in the facility. This section does not limit the commission's ability to place a person in a local detention facility for less than 1 year. *This subsection is not applicable to a person violating the conditions governing removal and deportation of criminal aliens under s. 985.80.*

(6) Whenever a conditional release, control release, conditional medical release, ~~or~~ addiction-recovery supervision, *or* conditional deportation release is revoked by a panel of no fewer than two commissioners and the releasee is ordered to be returned to prison, the releasee, by reason of the misconduct, shall be deemed to have forfeited all gain-time or commutation of time for good conduct, as provided for by law, earned up to the date of release. However, if a conditional medical release is revoked due to the improved medical or physical condition of the releasee, the releasee shall not forfeit gain-time accrued before the date of conditional medical release. This subsection does not deprive the prisoner of the right to gain-time or commutation of time for good conduct, as provided by law, from the date of return to prison.

(7) If a law enforcement officer has probable cause to believe that an offender who is on release supervision under s. 947.1405, s. 947.146, s. 947.149, ~~or~~ s. 944.4731, *or* s. 945.80 has violated the terms and conditions of his or her release by committing a felony offense, the officer shall arrest the offender without a warrant, and a warrant need not be issued in the case.

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 enforcement of immigration laws; amending s. 445.009, F.S.; requiring one-stop career center staff to verify the employment eligibility of workers referred to employers using a federal program for electronic verification of employment eligibility; providing an exception; requiring notice to employers on the exception to use of electronic verification; providing definitions relating to administration of public benefits; prohibiting an agency from providing federal, state, or local public benefits to certain aliens; providing exceptions; requiring an agency to verify the eligibility of applicants for public benefits using the federal Systematic Alien Verification for Entitlements Program; requiring agencies to compile and maintain compliance information; creating s. 901.37, F.S.; directing certain agencies having custody of arrestees to make reasonable efforts to determine whether the arrestees are present in the United States lawfully; providing for fingerprints of the arrestees to be checked against federal databases; providing that holding agencies shall notify the United States Department of Homeland Security regarding individuals in their custody whose unlawful presence in the United States is established independently by the agencies; requiring the Department of Law Enforcement to enter into and maintain an agreement with the United States Department of Homeland Security for checking fingerprints of arrestees against federal databases to determine immigration status; providing for a presumption as to risk of flight in order to avoid prosecution; creating s. 945.80, F.S.; requiring the Department of Corrections to release nonviolent inmates to the custody of the United States Immigration and Customs Enforcement under certain circumstances; providing a definition; requiring the department to identify criminal aliens who are eligible for removal; prescribing

certain procedures for the transfer of an inmate to federal custody; requiring the Parole Commission to provide notice to such criminal aliens; providing that a prisoner released under this authority shall be under conditional supervision of the Parole Commission; prescribing conditions of such supervision; providing for procedures for revocation of release upon violation of the conditions; providing that a releasee whose conditional release is revoked is not thereafter eligible for any form of discretionary release; providing an exception; directing the secretary of the department to pursue an agreement with the United States Department of Homeland Security regarding the rapid repatriation of removable custodial aliens; requiring the department to compile statistics; providing for applicability; amending s. 947.141, F.S.; conforming procedures relating to a violation of conditional release to account for conditional release for deportation; providing for issuance of a warrant, detention without bond under certain conditions, a hearing conducted by a commissioner of the Parole Commission or an authorized representative, findings and entry of an order, revocation of release, and arrest without a warrant under certain conditions; providing an effective date.

WHEREAS, Florida ranks third among states in the size of its unauthorized immigrant population, with an estimated range of 725,000 to 950,000 unauthorized immigrants in this state, and

WHEREAS, unauthorized immigration contributes directly and indirectly to substantial costs to the state in policy areas including, but not limited to, law enforcement, criminal justice, labor and employment, education, health care, and human services, and

WHEREAS, the costs related to unauthorized immigration can consume limited state resources, and

WHEREAS, the federal government has failed to enforce immigration laws adequately and to adopt and implement comprehensive reforms to immigration laws in order to control and contain unauthorized immigration effectively, and

WHEREAS, because of the federal government's failure, and because they cannot ignore the challenges posed by unauthorized immigration, states must assume the mantle of leadership for enacting policies to promote within their borders compliance with the immigration laws of this nation, NOW, THEREFORE,

SENATOR FASANO PRESIDING

PRESIDENT PRESIDING

MOTION

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

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

Amendment 1A (928878) (with title amendment)—Between lines 34 and 35 insert:

Section 2. *The Division of Statutory Revision shall designate ss. 448.30 through 448.32, Florida Statutes, as created by this act, as part III of chapter 448, Florida Statutes, titled "UNAUTHORIZED ALIENS."*

Section 3. Section 448.30, Florida Statutes, is created to read:

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

(1) "Agency" means any state officer, department, division, board, bureau, commission, or other separate unit of state government created or established by law including, for the purposes of this section, any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any state entity.

(2) "Employee" means any person, other than an independent contractor, who, for consideration, provides labor or services to an employer in this state.

(3) "Employer" means a person or an agency that employs one or more employees in this state. In the case of an independent contractor, the term means the independent contractor and does not mean the person or

agency that uses the contract labor. The term does not include an employee leasing company licensed pursuant to part IX of chapter 468 which enters into a written agreement or understanding with its client company which places the primary obligation for compliance with this part upon its client company. In the absence of a written agreement or understanding, the contracting party, whether the licensed employee leasing company or client company, which initially hires the leased employee is responsible for the obligations set forth in this part. Such employee leasing company shall, at all times, remain an employer as otherwise specified by law.

(4) "E-Verify Program" means the program for electronic verification of employment eligibility which is operated by the United States Department of Homeland Security, or any successor program.

(5) "Independent contractor" means a person that carries on an independent business, contracts to do a piece of work according to its own means and methods, and is subject to control only as to results.

(6) "Unauthorized alien" means an alien who is not authorized under federal law to be employed in the United States, as provided in 8 U.S.C. s. 1324a(h)(3). This term shall be interpreted consistently with that section and any applicable federal rules or regulations.

Section 4. Section 448.31, Florida Statutes, is created to read:

448.31 Verification of employment eligibility by agencies.—

(1) Effective July 1, 2012, an agency shall:

(a) Register with the E-Verify Program;

(b) Before making an offer of employment, verify the employment eligibility through the E-Verify Program of a prospective employee to whom the agency plans to make an offer of employment on or after that date;

(c) Use the program for all prospective employees to whom the agency plans to make an offer of employment, both United States citizens and noncitizens, and not use the program selectively with respect to such prospective employees; and

(d) Maintain a record of the verification for 3 years after the date the agency conducts the verification or 1 year after the date employment ends, whichever is longer.

(2) The requirements of subsection (1) do not apply if a one-stop career center refers the prospective employee after verifying his or employment eligibility and issues to the agency a certification as provided in s. 445.009(12).

Section 5. Section 448.32, Florida Statutes, is created to read:

448.32 Employment of unauthorized aliens; noncriminal violation; civil fines.—

(1) It is a noncriminal violation as defined in s. 775.08(3) for an employer to have in employment a person hired on or after July 1, 2012, who is an unauthorized alien if the employer did not:

(a) Verify the employment eligibility of the person through the E-Verify Program before making an offer of employment and conclude, based on the verification, that the person was authorized to work in the United States; or

(b) Rely in good faith upon an employment referral from a one-stop career center and retain a certification from the one-stop center that the person is authorized to work in the United States, as provided under s. 445.009.

(2) Each violation of this section is punishable as provided in s. 775.082(5).

(a) The first violation is punishable by a civil fine of not more than \$500, multiplied by the number of unauthorized aliens with respect to whom the violation occurred.

(b) *The second violation is punishable by a civil fine of not more than \$1,000, multiplied by the number of aliens with respect to whom the violation occurred.*

(c) *The third or subsequent violation is punishable by a civil fine of not more than \$1,500, multiplied by the number of aliens with respect to whom the violation occurred.*

(3) *A person who has actual or constructive knowledge that an employer employs, or has within the last 90 days employed, an unauthorized alien may file a complaint with the state attorney or Attorney General. The state attorney or Attorney General may enforce this section if there is reasonable cause to believe that this section has been violated and may commence a civil or administrative action and seek such other relief as may be appropriate.*

(4) *This section does not apply to an employer that is an agency.*

And the title is amended as follows:

Delete line 341 and insert: verification; directing the Division of Statutory Revision to designate specified new statutory sections as part III of ch. 448, F.S., and name the part "Unauthorized Aliens"; creating s. 448.30, F.S.; providing definitions relating to employment and unauthorized aliens; creating s. 448.31, F.S.; requiring state agencies to register with and use the federal program for electronic verification of employment eligibility in order to verify the employment eligibility of prospective employees before they are offered employment; providing an exception; creating s. 448.32, F.S.; prescribing a noncriminal violation for employing an unauthorized alien under specified circumstances; providing for civil fines; authorizing a person with knowledge of a violation to file a complaint; providing for enforcement; providing an exception to application of the noncriminal violation; providing definitions relating to administration

The vote was:

Yea—16

Mr. President	Fasano	Oelrich
Altman	Gaetz	Simmons
Benacquisto	Gardiner	Storms
Bennett	Hays	Thrasher
Dockery	Lynn	
Evers	Negron	

Nay—23

Alexander	Hill	Richter
Bogdanoff	Jones	Ring
Braynon	Joyner	Sachs
Dean	Latvala	Siplin
Detert	Margolis	Smith
Diaz de la Portilla	Montford	Sobel
Flores	Norman	Wise
Garcia	Rich	

MOTION

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

Senator Thrasher moved the following amendments to **Amendment 1** which were adopted:

Amendment 1B (842894) (with title amendment)—Between lines 192 and 193 insert:

(7) *The department and the Parole Commission may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this section.*

And the title is amended as follows:

Delete line 379 and insert: compile statistics; authorizing the Department of Corrections and the Parole Commission to adopt rules; providing for applicability; amending s.

SENATOR FASANO PRESIDING

Amendment 1C (513234)—Delete line 305 and insert: *under s. 945.80.*

Amendment 1D (626452)—Delete line 276 and insert: *945.80, the commission shall order the return to prison.*

MOTION

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

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

Amendment 1E (193494) (with title amendment)—Delete lines 87-89 and insert: *conviction.*—

(1) *When a person is confined in a jail or other criminal detention facility after being convicted of a dangerous crime listed in s. 907.041(4)(a), the agency having*

And the title is amended as follows:

Delete lines 349-351 and insert: agencies having custody of certain convicted persons to make reasonable efforts to determine whether those persons are lawfully present in the United States; providing for fingerprints of those persons to be

Amendment 1 as amended was adopted.

PRESIDENT PRESIDING

Pursuant to Rule 4.19, **CS for SB 2040** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CONSENT CALENDAR

SENATOR FASANO PRESIDING

CS for SB 242—A bill to be entitled An act relating to voter information cards; amending s. 97.071, F.S.; requiring that voter information cards contain the address of the polling place of the registered voter; requiring a supervisor of elections to issue a new voter information card to a voter upon a change in a voter's address of legal residence or a change in a voter's polling place address; providing instructions for implementation by the supervisors of elections; providing an effective date.

—was read the second time by title. On motion by Senator Joyner, by two-thirds vote **CS for SB 242** was read the third time by title, passed and certified to the House. The vote on passage was:

Yea—37

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

Nay—None

Vote after roll call:

Yea—Hays

CS for SB 328—A bill to be entitled An act relating to service of process; amending s. 30.231, F.S.; authorizing a sheriff to charge a fee for processing a writ of execution; authorizing a person to provide the sheriff with an electronic copy of a process for service; amending s. 48.031, F.S.; directing a process server to place required information on the first page of at least one of the processes served; requiring a process server to list all initial pleadings delivered and served along with the process on the return-of-service form; requiring the person issuing the process to file the return-of-service form with the court; granting authorized process servers unannounced access to specified residential areas where a defendant or witness resides or is known to be; amending s. 48.081, F.S.; authorizing a person attempting to serve process on the registered agent of a corporation to serve the process, in specified circumstances, on any employee of the registered agent during the first attempt at service even if the registered agent is temporarily absent from his or her office; amending s. 48.21, F.S.; requiring a process server to sign the return-of-service form; authorizing an employee of a sheriff to sign a return-of-service form electronically; providing that the failure to sign a return-of-service form invalidates the service and subjects the process server to a fine; amending s. 48.29, F.S.; directing a process server to place required information on the first page of at least one of the processes served; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 328** to **CS for HB 59**.

Pending further consideration of **CS for SB 328** as amended, on motion by Senator Margolis, by two-thirds vote **CS for HB 59** was withdrawn from the Committees on Judiciary; Regulated Industries; Criminal Justice; and Budget.

On motion by Senator Margolis—

CS for HB 59—A bill to be entitled An act relating to service of process; amending s. 30.231, F.S.; authorizing a sheriff to charge a fee for processing a writ of execution; authorizing a person to provide the sheriff with an electronic copy of a process for service; amending s. 48.031, F.S.; directing a process server to place required information on the first page of at least one of the processes served; requiring a process server to list all initial pleadings delivered and served along with the process on the return-of-service form; requiring the person issuing the process to file the return-of-service form with the court; granting authorized process servers unannounced access to specified residential areas where a defendant or witness resides or is known to be; amending s. 48.081, F.S.; authorizing a person attempting to serve process on the registered agent of a corporation to serve the process, in specified circumstances, on any employee of the registered agent during the first attempt at service even if the registered agent is temporarily absent from his or her office; amending s. 48.151, F.S.; revising the number of copies of process that must be served on statutory agents for certain persons; providing that records may be retained as paper or electronic copies; amending s. 48.21, F.S.; requiring a process server to sign the return-of-service form; authorizing an employee of a sheriff to sign a return-of-service form electronically; providing that the failure to sign a return-of-service form invalidates the service and subjects the process server to a fine; amending s. 48.29, F.S.; directing a process server to place required information on the first page of at least one of the processes served; amending s. 624.423, F.S.; reducing the number of copies to be served on the Chief Financial Officer or an assistant as process agent of an insurer; providing that records may be retained as paper or electronic copies; providing an effective date.

—a companion measure, was substituted for **CS for SB 328** as amended and read the second time by title.

On motion by Senator Margolis, by two-thirds vote **CS for HB 59** was read the third time by title, passed and certified to the House. The vote on passage was:

Yea—38

Alexander	Braynon	Evers
Altman	Dean	Fasano
Benacquisto	Detert	Flores
Bennett	Diaz de la Portilla	Gaetz
Bogdanoff	Dockery	Garcia

Gardiner	Montford	Simmons
Hays	Negron	Siplin
Hill	Norman	Smith
Jones	Oelrich	Sobel
Joyner	Rich	Storms
Latvala	Richter	Thrasher
Lynn	Ring	Wise
Margolis	Sachs	

Nays—None

Vote after roll call:

Yea—Mr. President

Consideration of **CS for CS for SB 364** was deferred.

SB 418—A bill to be entitled An act relating to state lotteries; amending s. 24.112, F.S.; requiring each retailer of lottery tickets to provide assistance to any individual who is blind or visually impaired and has requested assistance in filling out his or her lottery ticket; providing a definition; providing that a retailer or an employee of the retailer is not liable under certain circumstances; providing an effective date.

—was read the second time by title. On motion by Senator Flores, by two-thirds vote **SB 418** was read the third time by title, passed and certified to the House. The vote on passage was:

Yea—35

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

Nays—2

Dockery	Evers
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Vote after roll call:

Nay—Storms

SB 464—A bill to be entitled An act relating to assault or battery of a law enforcement officer; creating s. 784.071, F.S.; requiring the Department of Law Enforcement to issue a blue alert if a law enforcement officer has been killed, suffered serious bodily injury, or been assaulted and the suspect has fled the scene, or if a law enforcement officer is missing while in the line of duty; requiring that the blue alert be disseminated on the emergency alert system through television, radio, and highway signs; providing that emergency traffic information may take precedence over blue alert information; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 464**, on motion by Senator Latvala, by two-thirds vote **CS for HB 3** was withdrawn from the Committees on Criminal Justice; Transportation; and Budget.

On motion by Senator Latvala—

CS for HB 3—A bill to be entitled An act relating to assault or battery of a law enforcement officer; creating s. 784.071, F.S.; requiring the Department of Law Enforcement to issue a blue alert if a law enforce-

ment officer has been killed, suffered serious bodily injury, or been assaulted and the suspect has fled the scene, or if a law enforcement officer is missing while in the line of duty; requiring that the blue alert be disseminated on the emergency alert system through television, radio, and highway signs; providing that emergency traffic information may take precedence over blue alert information; providing an effective date.

—a companion measure, was substituted for **SB 464** and read the second time by title.

On motion by Senator Latvala, by two-thirds vote **CS for HB 3** was read the third time by title, passed and certified to the House. The vote on passage was:

Yea—37

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

Nays—None

Vote after roll call:

Yea—Ring

CS for CS for SB 364—A bill to be entitled An act relating to child care facilities; amending s. 402.281, F.S.; revising the criteria for a childcare facility, large family child care home, or family day care home to obtain and maintain a designation as a Gold Seal Quality Care provider; amending s. 402.302, F.S.; revising and providing definitions; providing for certain household children to be included in calculations regarding the capacity of licensed family day care homes and large family child care homes; providing conditions for supervision of household children of operators of family day care homes and large family child care homes; amending s. 402.316, F.S.; requiring that the health, safety, and sanitation standards of an accrediting agency applicable to child care facilities that are exempt from licensure meet or exceed the minimum health, safety, and sanitation standards set forth by the Department of Children and Family Services; requiring a child care facility to prominently display a certificate indicating that the facility qualifies for a religious exemption from licensure; prohibiting an accrediting agency for religious exemption from owning, operating, or administering a child care program that it accredits, including a program owned by relatives; providing that application of the accrediting standards does not authorize the department to regulate or control the governance, curriculum, testing or assessments, evaluation procedures, academic requirements of the staff or the disciplinary or hiring practices of any child care program; amending s. 402.318, F.S.; revising advertising requirements applicable to child care facilities; providing penalties; amending s. 411.01, F.S., relating to school readiness programs; conforming a cross-reference; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 364** to **CS for CS for HB 139**.

Pending further consideration of **CS for CS for SB 364** as amended, on motion by Senator Latvala, by two-thirds vote **CS for CS for HB 139** was withdrawn from the Committees on Children, Families, and Elder Affairs; Commerce and Tourism; Judiciary; and Budget.

On motion by Senator Latvala—

CS for CS for HB 139—A bill to be entitled An act relating to child care facilities; amending s. 402.281, F.S.; revising the criteria for a child care facility, large family child care home, or family day care home to obtain and maintain a designation as a Gold Seal Quality Care provider; amending s. 402.302, F.S.; revising and providing definitions; providing for certain household children to be included in calculations regarding the capacity of licensed family day care homes and large family child care homes; providing conditions for supervision of household children of operators of family day care homes and large family child care homes; amending s. 402.318, F.S.; revising advertising requirements applicable to child care facilities; providing penalties; amending s. 411.01, F.S.; conforming a cross-reference; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 364** as amended and read the second time by title.

On motion by Senator Latvala, by two-thirds vote **CS for CS for HB 139** was read the third time by title, passed and certified to the House. The vote on passage was:

Yea—37

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

Nays—None

Consideration of **CS for CS for SB 490** was deferred.

CS for CS for SB 520—A bill to be entitled An act relating to state memorials; creating s. 265.003, F.S.; providing legislative intent; establishing the Florida Veterans' Hall of Fame on the Plaza Level of the Capitol Building; providing for the Department of Veterans' Affairs to administer the Florida Veterans' Hall of Fame; authorizing the department to establish a nomination and selection process and an induction ceremony; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 520**, on motion by Senator Bennett, by two-thirds vote **CS for HB 465** was withdrawn from the Committees on Military Affairs, Space, and Domestic Security; Governmental Oversight and Accountability; and Budget.

On motion by Senator Bennett—

CS for HB 465—A bill to be entitled An act relating to the Florida Veterans' Hall of Fame; creating s. 265.003, F.S.; establishing the Florida Veterans' Hall of Fame; providing for administration by the Department of Veterans' Affairs; designating location; providing procedures for nomination, selection, and induction; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 520** and read the second time by title.

On motion by Senator Bennett, by two-thirds vote **CS for HB 465** was read the third time by title, passed and certified to the House. The vote on passage was:

Yea—39

Mr. President	Altman	Bennett
Alexander	Benacquisto	Bogdanoff

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

Nays—None

CS for CS for SB 490—A bill to be entitled An act relating to financial responsibility for medical expenses of pretrial detainees or sentenced inmates; amending s. 901.35, F.S.; providing that the responsibility for paying the expenses of medical care, treatment, hospitalization, and transportation for a person who is ill, wounded, or otherwise injured during or as a result of an arrest for a violation of a state law or a county or municipal ordinance is the responsibility of the person receiving the medical care, treatment, hospitalization, or transportation; removing provisions establishing the order by which medical providers receive reimbursement for the expenses incurred in providing the medical services or transportation; amending s. 951.032, F.S.; setting forth the order by which a county or municipal detention facility may seek reimbursement for the expenses incurred during the course of treating or transporting in-custody pretrial detainees or sentenced inmates; requiring each in-custody pretrial detainee or sentenced inmate who receives medical care or other services to cooperate with the county or municipal detention facility in seeking reimbursement for the expenses incurred by the facility; setting forth the order of fiscal resources from which a third-party provider of medical services may seek reimbursement for the expenses the provider incurred in providing medical care; providing that, absent a written agreement between a third-party provider and a governmental body, the remuneration be billed by the third-party provider and paid by the governmental body at a rate not to exceed a specified percent of the Medicare allowable rate for the service rendered; requiring each in-custody pretrial detainee or sentenced inmate who has health insurance, subscribes to a health care corporation, or receives health care benefits from any other source to assign such benefits to the health care provider; defining the term “in-custody pretrial detainee or sentenced inmate”; providing that law enforcement personnel or county or municipal detention facility personnel are responsible for restricting the personal freedom of certain in-custody pretrial detainees or sentenced inmates; providing that the act does not apply to certain counties; providing that certain charter counties are not obligated to reimburse any third-party provider of medical care, treatment, hospitalization, or transportation for an in-custody pretrial detainee or sentenced inmate of a county detention facility at a rate exceeding a particular rate for certain transportation or medical costs; providing an effective date.

—was read the second time by title. On motion by Senator Jones, by two-thirds vote **CS for CS for SB 490** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Flores

Consideration of **CS for CS for CS for SB 530** was deferred.

CS for CS for SB 582—A bill to be entitled An act relating to local business taxes; amending s. 205.022, F.S.; defining the term “independent contractor”; creating s. 205.066, F.S.; exempting an individual engaging in or managing a business in an individual capacity as an employee from requirements related to local business taxes; specifying that an individual licensed and operating as a broker associate or sales associate is an employee; specifying that an independent contractor is not an employee; prohibiting a local governing authority from holding an exempt employee liable for the failure of a principal or employer to comply with certain obligations related to a local business tax or requiring an exempt employee to take certain actions related to a local business tax; prohibiting a local governing authority from requiring a principal or employer to provide personal or contact information for exempt individuals in order to obtain a local business tax receipt; providing that the exemption does not apply to a business tax imposed on an individual employee by a municipality or county pursuant to a resolution or ordinance adopted before October 13, 2010; amending s. 205.194, F.S.; deleting obsolete provisions; requiring a person applying for or renewing a local business tax receipt to engage in or manage a business or occupation regulated by the Florida Supreme Court or a state agency to exhibit certain documentation before such receipt may be issued; authorizing online renewals as a means of providing electronic certifications that meet such requirement; deleting a requirement that the Department of Business and Professional Regulation provide certain professional regulation information to local officials who issue business tax receipts; deleting a provision prohibiting a local official who issues business tax receipts from renewing a license under certain circumstances; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 582**, on motion by Senator Detert, by two-thirds vote **CS for CS for CS for HB 311** was withdrawn from the Committees on Community Affairs; Regulated Industries; Budget Subcommittee on Finance and Tax; and Budget.

On motion by Senator Detert—

CS for CS for HB 311—A bill to be entitled An act relating to local business taxes; amending s. 205.022, F.S.; defining the term “independent contractor”; creating s. 205.066, F.S.; exempting an individual engaging in or managing a business as an employee from requirements related to local business taxes; specifying that an individual licensed and operating as a broker associate or sales associate is an employee; specifying that an independent contractor is not an employee; prohibiting a local governing authority from holding an exempt employee liable for the failure of a principal or employer to comply with certain obligations related to a local business tax or requiring an exempt employee to take certain actions related to a local business tax; prohibiting a local governing authority from requiring a principal or employer to provide personal or contact information for exempt individuals in order to obtain a local business tax receipt; providing that the exemption does not apply to a business tax imposed on individual employees by a municipality or county pursuant to a resolution or ordinance adopted before October 13, 2010; amending s. 205.194, F.S.; deleting obsolete language; requiring a person applying for or renewing a local business tax receipt to engage in or manage a business or occupation regulated by the Florida Supreme Court or a state agency to exhibit certain documentation before such receipt may be issued; authorizing online renewals as a means of providing electronic certifications that meet such requirement; deleting a requirement that the Department of Business and Professional Regulation provide certain professional regulation information to local officials who issue business tax receipts; deleting a provision prohibiting a local official who issues business tax receipts from renewing a license under certain circumstances; providing for retroactive application; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 582** and read the second time by title.

On motion by Senator Detert, by two-thirds vote **CS for CS for CS for HB 311** was read the third time by title, passed and certified to the House. The vote on passage was:

Yea—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

SB 722—A bill to be entitled An act relating to damage by dogs; amending s. 767.11, F.S.; redefining the term “dangerous dog” to exclude dogs trained or used for dog fighting from the term; providing an effective date.

—was read the second time by title. On motion by Senator Norman, by two-thirds vote **SB 722** was read the third time by title, passed and certified to the House. The vote on passage was:

Yea—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

SB 850—A bill to be entitled An act relating to state forests; amending s. 589.19, F.S.; providing for Wounded Warrior special hunt areas for certain disabled veterans; providing for funding; providing eligibility requirements; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 850** to **CS for HB 663**.

Pending further consideration of **SB 850** as amended, on motion by Senator Hays, by two-thirds vote **CS for HB 663** was withdrawn from the Committees on Military Affairs, Space, and Domestic Security; Environmental Preservation and Conservation; Budget Subcommittee on General Government Appropriations; and Budget.

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

CS for HB 663—A bill to be entitled An act relating to state forests; amending s. 589.19, F.S.; requiring the designation of “Wounded Warrior Special Hunt Areas” within state forests; limiting guest admittance to such areas for eligible veterans, servicemembers, and certain persons; requiring that funding for specialized accommodations be provided through specified sources; authorizing the Division of Forestry of the

Department of Agriculture and Consumer Services to adopt rules; providing an effective date.

—a companion measure, was substituted for **SB 850** as amended and read the second time by title.

On motion by Senator Hays, by two-thirds vote **CS for HB 663** was read the third time by title, passed and certified to the House. The vote on passage was:

Yea—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 CS for SB 890—A bill to be entitled An act relating to public safety telecommunicators; amending s. 401.465, F.S.; providing for sworn state-certified law enforcement officers to serve as temporary 911 public safety telecommunicators; providing training requirements; providing an effective date.

—was read the second time by title. On motion by Senator Dean, by two-thirds vote **CS for CS for SB 890** was read the third time by title, passed and certified to the House. The vote on passage was:

Yea—38

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

Nays—None

SB 904—A bill to be entitled An act relating to driver’s licenses and identification cards; amending s. 322.08, F.S.; requiring that the application form for an original, renewal, or replacement driver’s license or identification card include an option to make a voluntary contribution to Disabled American Veterans, Department of Florida; providing that such contributions are not income of a revenue nature; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 904**, on motion by Senator Dean, by two-thirds vote **HB 431** was withdrawn from the Committees on Military Affairs, Space, and Domestic Security; Transportation; and Budget.

On motion by Senator Dean—

HB 431—A bill to be entitled An act relating to driver's licenses and identification cards; amending s. 322.08, F.S.; requiring the application form for an original, renewal, or replacement driver's license or identification card shall include an option to make a voluntary contribution to Disabled American Veterans, Department of Florida; providing that such contributions are not income of a revenue nature; providing an effective date.

—a companion measure, was substituted for **SB 904** and read the second time by title.

On motion by Senator Dean, by two-thirds vote **HB 431** was read the third time by title, passed and certified to the House. The vote on passage was:

Yea—39

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

Nays—None

CS for SB 920—A bill to be entitled An act relating to possession of stolen credit or debit cards; amending s. 817.60, F.S.; prohibiting possession of a stolen credit or debit card in specified circumstances; providing penalties; providing that a retailer or retail employee who possesses, receives, or returns a stolen credit or debit card without knowledge that the card is stolen or in order to investigate the card's theft or unlawful use does not commit a violation of the act; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 920**, on motion by Senator Ring, by two-thirds vote **CS for CS for HB 339** was withdrawn from the Committees on Criminal Justice; Commerce and Tourism; and Agriculture.

On motion by Senator Ring—

CS for CS for HB 339—A bill to be entitled An act relating to possession of stolen credit or debit cards; amending s. 817.60, F.S.; prohibiting possession of a stolen credit or debit card in specified circumstances; providing penalties; providing that a retailer or retail employee who possesses, receives, or returns a stolen credit or debit card without knowledge that the card is stolen or in order to investigate the card's theft or unlawful use does not commit a violation of the act; providing an effective date.

—a companion measure, was substituted for **CS for SB 920** and read the second time by title.

On motion by Senator Ring, by two-thirds vote **CS for CS for HB 339** was read the third time by title, passed and certified to the House. The vote on passage was:

Yea—38

Mr. President	Braynon	Fasano
Alexander	Dean	Flores
Altman	Detert	Gaetz
Benacquisto	Diaz de la Portilla	Garcia
Bennett	Dockery	Gardiner
Bogdanoff	Evers	Hays

Hill	Negron	Simmons
Jones	Norman	Smith
Joyer	Oelrich	Sobel
Latvala	Rich	Storms
Lynn	Richter	Thrasher
Margolis	Ring	Wise
Montford	Sachs	

Nays—None

Vote after roll call:

Yea—Siplin

CS for CS for SB 952—A bill to be entitled An act relating to uniform prudent management of institutional funds; creating s. 617.2104, F.S.; creating a short title; providing definitions; providing requirements for the management of funds held by an institution exclusively for charitable purposes; providing standards of conduct in managing and investing institutional funds; providing requirements for appropriation for expenditure or accumulation of an endowment fund by an institution; authorizing an institution to delegate to an external agent the management and investment of an institutional fund; authorizing the release or modification of a restriction on management, investment, or purpose of an institutional fund; providing for determination of compliance; providing for application to existing or newly established institutional funds; providing relationship to federal law; providing requirements for uniformity of application and construction of the act; repealing s. 1010.10, F.S., relating to the Florida Uniform Management of Institutional Funds Act; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 952 to CS for CS for HB 599**.

Pending further consideration of **CS for CS for SB 952** as amended, on motion by Senator Richter, by two-thirds vote **CS for CS for CS for HB 599** was withdrawn from the Committees on Commerce and Tourism; Higher Education; and Governmental Oversight and Accountability.

On motion by Senator Richter—

CS for CS for CS for HB 599—A bill to be entitled An act relating to corporations not for profit; creating s. 617.2104, F.S.; providing a short title; providing definitions; providing requirements for the management of funds held by an institution exclusively for charitable purposes; providing standards of conduct in managing and investing institutional funds; providing requirements for appropriation for expenditure or accumulation of an endowment fund by an institution; authorizing an institution to delegate to an external agent the management and investment of an institutional fund; authorizing the release or modification of a restriction on management, investment, or purpose of an institutional fund; providing for determination of compliance; providing for application to existing or newly established institutional funds; providing relationship to federal law; providing requirements for uniformity of application and construction of the act; creating s. 617.2105, F.S.; authorizing reversion of real property to the Board of Trustees of the Internal Improvement Trust Fund if a not-for-profit corporation holding a deed subject to a reverter clause violates deed restrictions; providing for retroactive and prospective application; repealing s. 1010.10, F.S., relating to the Florida Uniform Management of Institutional Funds Act; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 952** as amended and read the second time by title.

On motion by Senator Richter, by two-thirds vote **CS for CS for CS for HB 599** was read the third time by title, passed and certified to the House. The vote on passage was:

Yea—39

Mr. President	Altman	Bennett
Alexander	Benacquisto	Bogdanoff

Braynon	Hays	Rich
Dean	Hill	Richter
Detert	Jones	Ring
Diaz de la Portilla	Joyner	Sachs
Dockery	Latvala	Simmons
Evers	Lynn	Siplin
Fasano	Margolis	Smith
Flores	Montford	Sobel
Gaetz	Negron	Storms
Garcia	Norman	Thrasher
Gardiner	Oelrich	Wise
Nays—None		

CS for SB 1092—A bill to be entitled An act relating to state attorneys; amending s. 27.366, F.S.; deleting a provision that requires each state attorney to quarterly submit deviation memoranda relating to offenders who are not sentenced to the mandatory minimum prison sentence in cases involving the possession or use of a weapon; amending s. 775.082, F.S.; deleting a provision that requires each state attorney to quarterly submit deviation memoranda relating to why a defendant did not receive the mandatory minimum prison sentence in cases involving certain specified offenses; repealing s. 775.08401, F.S., relating to criteria to be used when state attorneys decide to pursue habitual felony offenders or habitual violent felony offenders; repealing s. 775.087(5), F.S., relating to a provision that requires each state attorney to report why a case-qualified defendant did not receive the mandatory minimum prison sentence in cases involving certain specified offenses; repealing s. 985.557(4), F.S., relating to direct-file policies and guidelines for juveniles; amending s. 775.0843, F.S.; conforming a cross-reference; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 1092**, on motion by Senator Wise, by two-thirds vote **HB 4159** was withdrawn from the Committees on Criminal Justice; Judiciary; and Budget.

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

HB 4159—A bill to be entitled An act relating to state attorneys; amending s. 775.082, F.S.; deleting provisions requiring each state attorney to submit certain deviation memoranda to the president of the association and requiring the association to maintain such information for a specified period; repealing s. 775.08401, F.S., relating to criteria to be used when state attorneys decide to pursue habitual felony offenders, habitual violent felony offenders, or violent career criminals; amending s. 775.087, F.S.; deleting provisions requiring each state attorney to report why a case-qualified defendant did not receive the mandatory minimum prison sentence in cases involving certain offenses; transferring, renumbering, and amending s. 27.366, F.S.; deleting a provision requiring each state attorney to submit certain deviation memoranda to the President of the Florida Prosecuting Attorneys Association, Inc., and to report annually to the Governor and Legislature; deleting a provision requiring the association to maintain such information for a specified period; transferring provisions relating to the intent of s. 775.087, F.S., to that section; amending s. 938.27, F.S.; providing that convicted persons are liable for certain costs of prosecution; deleting provisions regarding the burden of establishing financial resources of the defendant and demonstrating other matters; amending s. 985.557, F.S.; deleting provisions relating to direct-file policies and guidelines for juveniles; amending s. 775.0843, F.S.; conforming a cross-reference; providing an effective date.

—a companion measure, was substituted for **CS for SB 1092** and by two-thirds vote read the second time by title.

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 1 (352434) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 27.366, Florida Statutes, is amended to read:

27.366 Legislative intent and policy in cases meeting criteria of s. 775.087(2) and (3); ~~report~~.

(1) It is the intent of the Legislature that convicted criminal offenders who meet the criteria in s. 775.087(2) and (3) be sentenced to the minimum mandatory prison terms provided herein. It is the intent of the Legislature to establish zero tolerance of criminals who use, threaten to use, or avail themselves of firearms in order to commit crimes and thereby demonstrate their lack of value for human life. It is also the intent of the Legislature that prosecutors should appropriately exercise their discretion in those cases in which the offenders' possession of the firearm is incidental to the commission of a crime and not used in furtherance of the crime, used in order to commit the crime, or used in preparation to commit the crime. For every case in which the offender meets the criteria in this act and does not receive the mandatory minimum prison sentence, the state attorney must explain the sentencing deviation in writing and place such explanation in the case file maintained by the state attorney. ~~On a quarterly basis, each state attorney shall submit copies of deviation memoranda regarding offenses committed on or after the effective date of this act to the President of the Florida Prosecuting Attorneys Association, Inc. The association must maintain such information and make such information available to the public upon request for at least a 10 year period.~~

(2) Effective July 1, 2000, each state attorney shall annually report to the Speaker of the House of Representatives, the President of the Senate, and the Executive Office of the Governor regarding the prosecution and sentencing of offenders who met the criteria in s. 775.087(2) and (3). The report must categorize the defendants by age, gender, race, and ethnicity. Cases in which a final disposition has not yet been reached shall be reported in a subsequent annual report.

Section 2. Paragraph (d) of subsection (9) of section 775.082, Florida Statutes, is amended to read:

775.082 Penalties; applicability of sentencing structures; mandatory minimum sentences for certain reoffenders previously released from prison.—

(9)

(d)1. It is the intent of the Legislature that offenders previously released from prison who meet the criteria in paragraph (a) be punished to the fullest extent of the law and as provided in this subsection, unless the state attorney determines that extenuating circumstances exist which preclude the just prosecution of the offender, including whether the victim recommends that the offender not be sentenced as provided in this subsection.

2. For every case in which the offender meets the criteria in paragraph (a) and does not receive the mandatory minimum prison sentence, the state attorney must explain the sentencing deviation in writing and place such explanation in the case file maintained by the state attorney. ~~On an annual basis, each state attorney shall submit copies of deviation memoranda regarding offenses committed on or after the effective date of this subsection, to the president of the Florida Prosecuting Attorneys Association, Inc. The association must maintain such information, and make such information available to the public upon request, for at least a 10 year period.~~

Section 3. *Section 775.08401, Florida Statutes, is repealed.*

Section 4. *Subsection (5) of section 775.087, Florida Statutes, is repealed.*

Section 5. *Subsection (4) of section 985.557, Florida Statutes, is repealed.*

Section 6. Subsection (5) of section 775.0843, Florida Statutes, is amended to read:

775.0843 Policies to be adopted for career criminal cases.—

(5) Each career criminal apprehension program shall concentrate on the identification and arrest of career criminals and the support of subsequent prosecution. The determination of which suspected felony offenders shall be the subject of career criminal apprehension efforts

shall be made in accordance with written target selection criteria selected by the individual law enforcement agency and state attorney consistent with the provisions of this section and s. ss. 775.08401 and 775.0842.

Section 7. 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 state attorneys; amending s. 27.366, F.S.; deleting a provision that requires each state attorney to quarterly submit deviation memoranda relating to offenders who are not sentenced to the mandatory minimum prison sentence in cases involving the possession or use of a weapon; amending s. 775.082, F.S.; deleting a provision that requires each state attorney to quarterly submit deviation memoranda relating to why a defendant did not receive the mandatory minimum prison sentence in cases involving certain specified offenses; repealing s. 775.08401, F.S., relating to criteria to be used when state attorneys decide to pursue habitual felony offenders or habitual violent felony offenders; repealing s. 775.087(5), F.S., relating to a provision that requires each state attorney to report why a case-qualified defendant did not receive the mandatory minimum prison sentence in cases involving certain specified offenses; repealing s. 985.557(4), F.S., relating to direct-file policies and guidelines for juveniles; amending s. 775.0843, F.S.; conforming a cross-reference; providing an effective date.

On motion by Senator Wise, by two-thirds vote **HB 4159** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yea—36

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

Nay—3

Braynon	Joyner	Smith
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CS for SB 1158—A bill to be entitled An act relating to a teaching agency for home and community-based care; creating s. 430.81, F.S.; providing a definition; authorizing the Department of Elderly Affairs to designate a home health agency as a teaching agency for home and community-based care; establishing criteria for qualification; authorizing a teaching agency to be affiliated with an academic research university in the state that meets certain criteria; authorizing a teaching agency to be affiliated with an academic health center; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 1158**, on motion by Senator Garcia, by two-thirds vote **CS for HB 843** was withdrawn from the Committees on Children, Families, and Elder Affairs; Health Regulation; and Budget.

On motion by Senator Garcia—

CS for HB 843—A bill to be entitled An act relating to a teaching agency for home and community-based care; creating s. 430.81, F.S.; providing a definition; authorizing the Department of Elderly Affairs to designate a home health agency as a teaching agency for home and community-based care; establishing criteria for qualification; authorizing a teaching agency to be affiliated with an academic research university in the state that meets certain criteria; authorizing a teaching

agency to be affiliated with an academic health center; providing an effective date.

—a companion measure, was substituted for **CS for SB 1158** and read the second time by title.

On motion by Senator Garcia, by two-thirds vote **CS for HB 843** was read the third time by title, passed and certified to the House. The vote on passage was:

Yea—37

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

Nay—None

CS for CS for SB 1228—A bill to be entitled An act relating to temporary certificates and licenses for certain health care practitioners; amending s. 456.024, F.S.; providing for issuance of a temporary license to specified health care practitioners who are spouses of active duty members of the Armed Forces under certain circumstances; providing for criminal history checks; providing fees; providing for expiration of a temporary license; requiring a person who is issued a temporary license to be subject to certain general licensing requirements; providing that certain persons are ineligible for such license; providing for revocation of such license; requiring certain temporary licensees to practice under the indirect supervision of other licensees; amending ss. 458.315 and 459.0076, F.S.; naming the temporary certificates issued to physicians who practice in areas of critical need after Rear Admiral LeRoy Collins, Jr.; providing an effective date.

—was read the second time by title.

An amendment was adopted to conform **CS for CS for SB 1228** to **CS for CS for HB 1319**.

Pending further consideration of **CS for CS for SB 1228** as amended, on motion by Senator Altman, by two-thirds vote **CS for CS for CS for HB 1319** was withdrawn from the Committees on Health Regulation; Military Affairs, Space, and Domestic Security; and Budget.

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

CS for CS for HB 1319—A bill to be entitled An act relating to certificates and licenses for certain health care practitioners; amending s. 456.024, F.S.; providing for issuance of a temporary license to specified health care practitioners who are spouses of active duty members of the Armed Forces under certain circumstances; providing for criminal history checks; providing fees; providing for expiration of a temporary license; requiring a person who is issued a temporary license to be subject to certain general licensing requirements; providing that certain persons are ineligible for such license; providing for revocation of such license; requiring certain temporary licensees to practice under the indirect supervision of other licensees; amending ss. 458.315 and 459.0076, F.S.; naming the temporary certificates issued to physicians who practice in areas of critical need after Rear Admiral LeRoy Collins, Jr.; amending s. 466.003, F.S.; revising the definition of the term “health access setting” and defining the term “school-based prevention program” for purposes of provisions regulating the practice of dentistry; amending s. 466.023, F.S.; revising the scope and area of practice for dental hygienists; amending s. 466.0235, F.S.; revising the locations at which dental hygienists may perform dental charting; amending s. 466.024, F.S.; authorizing dental hygienists to perform certain duties without supervision or authorization by a dentist; providing exceptions; requir-

ing that dental hygienists in a health access setting provide a certain disclaimer to patients before a procedure is performed; providing that a health access setting may bill for certain services; requiring that dental hygienists provide a referral, encourage the establishment of a dental home, and maintain insurance coverage in specified circumstances; re-enacting s. 466.00672(2), F.S., relating to the revocation of health access dental licenses, to incorporate the amendment made by the act to s. 466.003, F.S., in a reference thereto; amending s. 466.006, F.S.; providing legislative intent with respect to the use of the American Dental Licensing Examination developed by the American Board of Dental Examiners, Inc., in lieu of an independent state-developed practical or clinical exam, to measure an applicant's ability to practice the profession of dentistry; providing for examination fees and use thereof; revising criteria for applicants for licensure with respect to accreditation of dental school and period of validity of examination scores; adopting the American Dental Licensing Examination as the clinical or practical licensure examination used for licensure as a dentist in this state, providing specified conditions are maintained; providing for period of validity of examination scores; authorizing applicants to submit American Dental Licensing Examination scores from a jurisdiction outside the state; specifying period of validity of such examination scores; providing that authority to submit such examination scores does not apply retroactively; providing that such examination scores outside the period of validity be recognized as valid upon demonstration that the applicant has met specified additional standards; designating the practical examination and specifying minimum standards therefor; requiring applicants for licensure with American Dental Licensing Examination scores from a state other than this state to engage in the full-time practice of dentistry inside the geographic boundaries of this state within 1 year of receiving such licensure in this state; providing legislative findings with respect thereto; providing a definition; providing legislative intent with respect to expiration of such licenses upon a finding that acceptable proof of full-time practice within the geographic boundaries of this state within 1 year after the initial issuance of the license was not received by the board; providing procedures and requirements with respect to determination of compliance; providing procedures, requirements, and prohibitions in the event of expiration; providing a penalty for using or attempting to use a license that has expired; amending s. 466.0067, F.S.; correcting a cross-reference; re-enacting ss. 466.0065(1), 466.0067(2), (5), (9), and (12), 466.00671(1)(d), 466.007(2)(b) and (3), 466.009(1), and 466.011, F.S., relating to regional licensure examinations, application for health access dental license, renewal of the health access dental license, examination of dental hygienists, reexamination, and licensure, respectively, to incorporate the amendments made to s. 466.006, F.S., in references thereto; amending s. 468.701, F.S.; defining "Board of Certification"; amending s. 468.703, F.S.; revising qualifications for certain members of the Board of Athletic Training; amending s. 468.707, F.S.; revising requirements for licensure by the Department of Health as an athletic trainer; reorganizing provisions; amending s. 468.711, F.S.; revising provisions relating to renewal of license and continuing education requirements for athletic trainers; providing severability; providing that the act does not apply retroactively; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 1228** as amended and read the second time by title.

On motion by Senator Altman, by two-thirds vote **CS for CS for CS for HB 1319** was read the third time by title, passed and certified to the House. The vote on passage was:

Yea—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 CS for SB 1286—A bill to be entitled An act relating to state reciprocity in workers' compensation claims; creating s. 440.094, F.S.; providing extraterritorial coverage for employees of this state who temporarily leave this state incidental to his or her employment; exempting certain employees from another state working in this state and the employers of such employees from the workers' compensation law of this state under certain conditions; providing that the benefits under the workers' compensation insurance or similar laws of the other state are the exclusive remedy against the employer for any injury received by an employee working temporarily in this state; providing requirements for the establishment of *prima facie* evidence that the employer carries certain workers' compensation insurance; requiring courts to take judicial notice of the construction of certain laws; requiring an employee having a claim under the workers' compensation law of another state, territory, province, or country for the same injury as the claim filed in this state to have the total amount of compensation paid under another workers' compensation law credited against the compensation due under the state workers' compensation law; providing criteria for employees to be considered temporarily in a state; providing for the application of the act to a claim; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1286**, on motion by Senator Bennett, by two-thirds vote **CS for HB 723** was withdrawn from the Committees on Banking and Insurance; Budget; and Rules.

On motion by Senator Bennett—

CS for HB 723—A bill to be entitled An act relating to extraterritorial reciprocity in workers' compensation claims; creating s. 440.094, F.S.; providing extraterritorial coverage; exempting certain employees working in this state and the employers of such employees from the Workers' Compensation Law of this state under certain conditions; providing requirements for the establishment of *prima facie* evidence that the employer carries certain workers' compensation insurance; requiring courts to take judicial notice of the construction of certain laws; providing requirements for claims made in other states; providing criteria for employees to be considered temporarily in a state; providing application; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1286** and read the second time by title.

On motion by Senator Bennett, by two-thirds vote **CS for HB 723** was read the third time by title, passed and certified to the House. The vote on passage was:

Yea—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 CS for CS for SB 1290—A bill to be entitled An act relating to pest control; amending s. 482.051, F.S.; providing for rule changes that allow operators to provide certain emergency notice to the Department of Agriculture and Consumer Services by facsimile or electronic means; amending s. 482.071, F.S.; increasing the minimum bodily injury and property damage insurance coverage required for pest control busi-

nesses; creating s. 482.072, F.S.; providing for licensure by the department of pest control customer contact centers; providing application requirements; providing for fees, licensure renewal, penalties, licensure expiration, and transfer of licenses; creating s. 482.157, F.S.; providing for the certification of commercial wildlife trappers; providing certification requirements, examination requirements, and fees; limiting the scope of work permitted by certificateholders; clarifying that licensees and certificateholders who practice accepted pest control methods are immune from liability for violating laws prohibiting cruelty to animals; amending s. 482.226, F.S.; increasing the minimum financial responsibility requirements for licensees that perform certain inspections; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for CS for SB 1290**, on motion by Senator Dean, by two-thirds vote **CS for CS for CS for HB 949** was withdrawn from the Committees on Agriculture; Environmental Preservation and Conservation; Budget Subcommittee on General Government Appropriations; and Budget.

On motion by Senator Dean—

CS for CS for CS for HB 949—A bill to be entitled An act relating to pest control; amending s. 482.051, F.S.; providing rule changes that allow operators to provide certain emergency notice to the Department of Agriculture and Consumer Services by facsimile or electronic means; amending s. 482.071, F.S.; increasing the minimum bodily injury and property damage insurance coverage required for pest control businesses; creating s. 482.072, F.S.; providing for licensure by the department of pest control customer contact centers; providing application requirements; providing for fees, licensure renewal, penalties, and licensure expiration; creating s. 482.157, F.S.; providing for the certification of commercial wildlife trappers; providing certification requirements, examination requirements, and fees; limiting the scope of work permitted by certificateholders; amending s. 482.183, F.S.; providing that licensees and certificateholders who practice accepted pest control methods are immune from liability for violating laws prohibiting cruelty to animals; providing construction; amending s. 482.226, F.S.; increasing the minimum financial responsibility requirements for licensees that perform certain inspections; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 1290** and read the second time by title.

On motion by Senator Dean, by two-thirds vote **CS for CS for CS for HB 949** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Consideration of **CS for CS for SB 1318** was deferred.

CS for SB 1332—A bill to be entitled An act relating to financial institutions; amending s. 655.005, F.S.; revising definitions relating to the financial institutions codes; amending s. 655.013, F.S.; updating a reference; creating s. 655.03855, F.S.; authorizing the office to appoint provisional directors or executive officers; specifying the rights, qualifications, and reporting requirements of such directors and officers; clarifying the liability of such directors and officers and of the office; amending s. 655.044, F.S.; specifying which accounting practice must be followed by financial institutions; amending s. 655.045, F.S.; authorizing the office to conduct additional examinations of financial institutions if warranted; providing for the use of certain examination methods; amending s. 655.41, F.S.; revising definitions to conform provisions to changes made by the act; amending s. 655.411, F.S.; revising the criteria for approval of a financial entity's plan of conversion; amending s. 655.414, F.S.; providing for the transfer of assets from a federally chartered or out-of-state chartered institution; amending ss. 655.416, 655.417, and 655.418, F.S.; conforming provisions to changes made by the act; amending s. 655.4185, F.S.; revising provisions relating to emergency actions that may be taken for a failing financial institution; authorizing the office to provide prior approval for the chartering of an entity acquiring control of a failing institution; amending s. 655.419, F.S.; deleting a provision relating to actions conducted outside this state; amending s. 655.947, F.S.; conforming a cross-reference; amending s. 657.038, F.S.; specifying the loan factors that must be considered when computing a person's total obligations for purposes of extending credit; amending s. 657.042, F.S.; revising criteria that limit a credit union's investment of funds; requiring a credit union to establish policies and procedures for evaluating risk; amending ss. 657.063 and 657.064, F.S.; conforming cross-references; amending s. 658.12, F.S.; revising the definition of "banker's bank"; conforming a cross-reference; deleting a provision relating to the application of definitions in the financial institutions codes; amending s. 658.165, F.S.; revising provisions relating to banker's banks; specifying the type of business such a bank may do with entities or individuals that are not banks; revising provisions relating to the services a banker's bank may provide to financial institutions in organization; repealing s. 658.20(3), F.S., relating to applications for prior approval of officers or directors; amending s. 658.28, F.S.; providing additional limitations on acquiring or controlling another bank; repealing s. 658.295, F.S., relating to the Florida Interstate Banking Act; amending s. 658.2953, F.S.; revising and updating provisions relating to Florida bank mergers with out-of-state banks; deleting legislative intent; repealing s. 658.296, F.S., relating to the control of deposit-taking institutions; amending s. 658.36, F.S.; authorizing the office to approve a special stock offering plan under certain circumstances; amending s. 658.41, F.S.; clarifying that state laws do not restrict the right of a state bank or trust company to merge with an out-of-state bank; amending s. 658.48, F.S.; revising provisions relating to bank loans; specifying the process for computing the liabilities of a person seeking a loan; amending s. 658.53, F.S.; deleting a provision providing that unpaid proceeds of sales are used to evaluate the adequacy of a bank's capital; repealing ss. 658.65, 665.013(33), and 667.003(35), F.S., relating to remote financial service units; amending s. 658.67, F.S.; updating provisions relating to the investment powers of a bank or trust company; requiring banks and trust companies to establish procedures for evaluating risk; amending ss. 288.772, 288.99, 440.12, 440.20, 445.051, 489.503, 501.005, 501.165, 624.605, 626.321, 626.730, and 626.9885, F.S.; conforming cross-references; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 1332**, on motion by Senator Richter, by two-thirds vote **CS for HB 1121** was withdrawn from the Committees on Banking and Insurance; Budget Subcommittee on General Government Appropriations; Budget; and Rules.

On motion by Senator Richter—

CS for HB 1121—A bill to be entitled An act relating to financial institutions; amending s. 655.005, F.S.; revising definitions relating to the financial institutions codes; amending s. 655.013, F.S.; updating a reference; creating s. 655.03855, F.S.; authorizing the office to appoint provisional directors or executive officers; specifying the rights, qualifications,

cations, and reporting requirements of such directors and officers; clarifying the liability of such directors and officers and of the office; amending s. 655.044, F.S.; specifying which accounting principles must be followed by financial institutions; amending s. 655.045, F.S.; authorizing the office to conduct additional examinations of financial institutions if warranted; providing for the use of certain examination methods; amending s. 655.41, F.S.; revising definitions to conform provisions to changes made by the act; amending s. 655.411, F.S.; revising the criteria for approval of a financial entity's plan of conversion; amending s. 655.414, F.S.; providing for the transfer of assets from a federally chartered or out-of-state chartered institution; amending ss. 655.416, 655.417, and 655.418, F.S.; conforming provisions to changes made by the act; amending s. 655.4185, F.S.; revising provisions relating to emergency actions that may be taken for a failing financial institution; authorizing the office to provide prior approval for the chartering of an entity acquiring control of a failing institution; amending s. 655.419, F.S.; deleting a provision relating to actions conducted outside this state; amending s. 655.947, F.S.; conforming a cross-reference; amending s. 657.038, F.S.; specifying the loan factors that must be considered when computing a person's total obligations for purposes of extending credit; amending s. 657.042, F.S.; revising criteria that limit a credit union's investment of funds; requiring a credit union to establish policies and procedures for evaluating risk; amending ss. 657.063 and 657.064, F.S.; conforming cross-references; amending s. 658.12, F.S.; revising the definition of "banker's bank"; conforming a cross-reference; deleting a provision relating to the application of definitions in the financial institutions codes; amending s. 658.165, F.S.; revising provisions relating to banker's banks; specifying the type of business that such bank may do with entities or individuals that are not banks; revising provisions relating to the services a banker's bank may provide to financial institutions in organization; repealing s. 658.20(3), F.S., relating to applications for prior approval of officers or directors; amending s. 658.28, F.S.; providing additional limitations on acquiring or controlling another bank; repealing s. 658.295, F.S., relating to the Florida Interstate Banking Act; amending s. 658.2953, F.S.; revising and updating provisions relating to Florida bank mergers with out-of-state banks; deleting legislative intent; repealing s. 658.296, F.S., relating to the control of deposit-taking institutions; amending s. 658.36, F.S.; authorizing the office to approve a special stock offering plan under certain circumstances; amending s. 658.41, F.S.; clarifying that state laws do not restrict the right of a state bank or trust company to merge with an out-of-state bank; amending s. 658.48, F.S.; revising provisions relating to bank loans; specifying the process for computing the liabilities of a person seeking a loan; amending s. 658.53, F.S.; deleting a provision providing that unpaid proceeds of sales are used to evaluate the adequacy of a bank's capital; repealing ss. 658.65, 665.013(33), and 667.003(35), F.S., relating to remote financial service units; amending s. 658.67, F.S.; updating provisions relating to the investment powers of a bank or trust company; requiring banks and trust companies to establish procedures for evaluating risk; amending ss. 288.772, 288.99, 440.12, 440.20, 445.051, 489.503, 501.005, 501.165, 624.605, 626.321, 626.730, and 626.9885, F.S.; conforming cross-references; providing an effective date.

—a companion measure, was substituted for **CS for SB 1332** and read the second time by title.

On motion by Senator Richter, by two-thirds vote **CS for HB 1121** was read the third time by title, passed and certified to the House. The vote on passage was:

Yea—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

SM 1344—A memorial to the Congress of the United States, urging Congress to direct the Department of the Treasury to withdraw a proposed rule on deposits made by nonresident aliens and to examine the proposed rule for negative effects.

WHEREAS, Florida is known as the "Gateway to the Americas" and, as such, has promoted international trade and finance, and

WHEREAS, the United States has had longstanding policies encouraging nonresident aliens to deposit their funds into financial institutions in the United States so that these funds may be used to foster growth, encourage economic development, and create jobs in Florida and the United States, and

WHEREAS, federal law does not permit the taxation of nonresident alien deposit accounts, and

WHEREAS, the United States Commerce Department has stated that foreigners have deposited nearly \$3 trillion in banks and with securities brokers in the United States, and

WHEREAS, this policy has lead to the deposit of tens of billions of dollars by nonresident aliens in banks in this state, and

WHEREAS, the Treasury Department has issued a proposed Internal Revenue Service regulation, REG-146097-09, which will require financial institutions in the United States and in this state to report interest earned on deposits made by nonresident aliens, so that this information can be reported to the nonresident alien's home country, and

WHEREAS, many nonresident alien accounts located in banks in this state were established by Latin Americans who do not trust the privacy of the financial institutions in their home countries, are afraid of kidnappings and extortion when funds are domestically deposited, and are so concerned with the viability of the economies of their home countries that they have moved their money to the safety and soundness of this nation's financial system, and

WHEREAS, adoption of the rule would place financial institutions in the United States and in Florida at a competitive disadvantage relative to the banks of foreign countries and will result in significant withdrawals of foreign deposits from our financial institutions, and

WHEREAS, the withdrawal of these nonresident alien deposits from Florida financial institutions will drive job-creating capital out of Florida and cause a further and deepening banking and economic crisis in Florida and the United States, NOW, THEREFORE,

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

That the Congress of the United States is urged to direct the Department of the Treasury to withdraw proposed Internal Revenue Service regulation REG-146097-09.

BE IT FURTHER RESOLVED that the Congress of the United States is urged to hold hearings to examine the negative effects of the proposed rule on the economy of the United States and Florida and the cost of the proposed rule to financial institutions.

BE IT FURTHER RESOLVED that copies of this memorial be dispatched 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.

Pending further consideration of **SM 1344**, on motion by Senator Flores, by two-thirds vote **HM 1047** was withdrawn from the Committees on Banking and Insurance; and Judiciary.

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

HM 1047—A memorial urging the United States Department of the Treasury to withdraw a proposed rule on nonresident alien accounts and Congress to hold certain hearings on the proposed rule.

WHEREAS, Florida is the gateway to the Americas and, as such, has promoted international trade and finance, and WHEREAS, the United States has had a long policy to encourage nonresident aliens to deposit their funds into financial institutions in the United States so that these funds can be used to foster growth, encourage economic development, and create jobs in Florida and the United States, and,

WHEREAS, the federal law does not permit the taxation of the deposit account of a nonresident alien, and

WHEREAS, the United States Commerce Department has stated that foreigners have deposited nearly \$3 trillion in United States banks and with securities brokers, and

WHEREAS, this policy has led to the influx of tens of billions of nonresident alien dollars being deposited in Florida banks, and

WHEREAS, the Treasury Department has issued proposed Internal Revenue Service regulation REG-146097-09 that will require United States and Florida financial institutions to report interest earned on the nonresident alien deposits so that this information can be reported to the nonresident alien's home country, and

WHEREAS, many nonresident alien accounts were established in Florida by individuals from Latin America because many nonresident aliens do not trust the privacy of the financial institutions in their home countries, fear kidnappings and extortion when such financial information is revealed, and are concerned about the viability of their home country's economy and thus have transferred their money to the safety and soundness of the United States' financial system, and

WHEREAS, the adoption of the rule will place United States' and Florida's financial institutions at a competitive disadvantage relative to the banks of foreign countries and will result in significant withdrawals of foreign deposits from our financial institutions, and

WHEREAS, the withdrawal of these nonresident alien deposits from Florida's financial institutions will drive job-creating capital out of Florida and cause a further, deepening banking and economic crisis in Florida and the United States, NOW, THEREFORE,

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

That the Legislature requests that the United States Treasury Department withdraw proposed Internal Revenue Service regulation REG-146097-09.

BE IT FURTHER RESOLVED that the United States Congress hold hearings to examine the negative effects of the proposed rule on the economies of the United States and Florida and the expense to financial institutions.

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

—a companion measure, was substituted for **SM 1344** and by two-thirds vote read the second time in full. On motion by Senator Flores, **HM 1047** was adopted and certified to the House.

CS for SB 1372—A bill to be entitled An act relating to the Agency for Persons with Disabilities; amending s. 393.125, F.S.; requiring the Department of Children and Family Services to submit its recommended order to the Agency for Persons with Disabilities at the conclusion of an administrative hearing; requiring that the agency issue the final agency order; amending s. 393.506, F.S.; requiring a registered nurse or physician to assess and validate a direct service provider's competency in all routes of medication administration at an onsite setting with an actual client; providing an exception; providing an effective date.

—was read the second time by title. On motion by Senator Storms, by two-thirds vote **CS for SB 1372** was read the third time by title, passed and certified to the House. The vote on passage was:

Yea—36

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

Nays—None

Vote after roll call:

Yea—Oelrich

CS for SB 1390—A bill to be entitled An act relating to supervised reentry programs for inmates; amending s. 945.091, F.S.; providing legislative intent to encourage the Department of Corrections, to the extent possible, to place inmates in the community to perform paid employment for community work; providing that an inmate may leave the confinement of prison to participate in a supervised reentry program in which the inmate is housed in the community while working at paid employment or participating in other programs that are approved by the department; requiring the inmate to live at a department-approved residence while participating in the supervised reentry program; specifying the conditions for participating in the supervised reentry program; requiring that the department adopt rules to operate the supervised reentry program; providing an effective date.

—was read the second time by title. On motion by Senator Dockery, by two-thirds vote **CS for SB 1390** was read the third time by title, passed and certified to the House. The vote on passage was:

Yea—37

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

Nays—1

Garcia

CS for CS for SB 1430—A bill to be entitled An act relating to the regulation of smoking; amending s. 386.209, F.S.; authorizing school districts to restrict smoking on school district property; providing an effective date.

—was read the second time by title. On motion by Senator Altman, by two-thirds vote **CS for CS for SB 1430** was read the third time by title, passed and certified to the House. The vote on passage was:

Yea—38

Mr. President	Benacquisto	Braynon
Alexander	Bennett	Dean
Altman	Bogdanoff	Detert

Diaz de la Portilla	Jones	Ring	Negron	Ring	Sobel
Dockery	Joyer	Sachs	Norman	Sachs	Storms
Evers	Latvala	Simmons	Oelrich	Simmons	Thrasher
Fasano	Margolis	Siplin	Rich	Siplin	Wise
Flores	Montford	Smith	Richter	Smith	
Gaetz	Negron	Sobel		Nays—1	
Garcia	Norman	Storms		Joyer	
Gardiner	Oelrich	Thrasher			
Hays	Rich	Wise			
Hill	Richter				

Nays—1

Lynn

CS for CS for SB 1456—A bill to be entitled An act relating to public records; amending s. 408.910, F.S.; providing definitions; providing exemptions from public-records requirements for personal identifying information of an enrollee or participant in the Florida Health Choices Program, client and customer lists of buyers' representatives which are held by Florida Health Choices, Inc., and proprietary confidential business information of vendors which is held by Florida Health Choices, Inc.; providing for disclosure of such confidential and exempt information to certain persons and entities upon written request; providing that the guardian of a participant in the program is not prohibited from obtaining certain information; providing a criminal penalty; providing for future legislative review and repeal of the exemptions; providing findings of public necessity; providing an effective date.

—was read the second time by title.

An amendment was adopted to conform **CS for CS for SB 1456** to **CS for HB 1473**.

Pending further consideration of **CS for CS for SB 1456** as amended, on motion by Senator Garcia, by two-thirds vote **CS for HB 1473** was withdrawn from the Committees on Health Regulation; Children, Families, and Elder Affairs; and Governmental Oversight and Accountability.

On motion by Senator Garcia—

CS for HB 1473—A bill to be entitled An act relating to public records; amending s. 408.910, F.S.; providing definitions; creating an exemption from public records requirements for personal identifying information of an enrollee or participant in the Florida Health Choices Program; creating an exemption from public records requirements for proprietary confidential business information of a vendor; creating an exemption from public records requirements for client and customer lists of a program buyer's representative; providing exceptions; authorizing an enrollee's legal guardian to obtain confirmation of certain information about the enrollee's health plan; providing for retroactive application; providing a penalty for unlawful disclosure of confidential and exempt information; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1456** as amended and read the second time by title.

On motion by Senator Garcia, by two-thirds vote **CS for HB 1473** was read the third time by title, passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yea—38

Mr. President	Detert	Gardiner			
Alexander	Diaz de la Portilla	Hays			
Altman	Dockery	Hill			
Benacquisto	Evers	Jones			
Bennett	Fasano	Latvala			
Bogdanoff	Flores	Lynn			
Braynon	Gaetz	Margolis			
Dean	Garcia	Montford			

Negron	Ring	Sobel
Norman	Sachs	Storms
Oelrich	Simmons	Thrasher
Rich	Siplin	Wise
Richter	Smith	
	Nays—1	
	Joyer	

Vote after roll call:

Nay to Yea—Joyer

CS for CS for SB 1522—A bill to be entitled An act relating to wellness or health improvement programs; amending ss. 626.9541 and 641.3903, F.S.; authorizing insurers and health maintenance organizations to offer a voluntary wellness or health improvement program and to encourage or reward participation in the program by offering rewards or incentives to members; authorizing insurers and health maintenance organizations to require plan members not participating in the wellness or health improvement programs to provide verification that their medical condition warrants nonparticipation in order for the non-participants to receive rewards or incentives; requiring that the reward or incentive be disclosed in the policy or certificate; providing that the act does not prohibit insurers or health maintenance organizations from offering other incentives or rewards for adherence to a wellness or health improvement program; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1522**, on motion by Senator Gaetz, by two-thirds vote **CS for CS for HB 445** was withdrawn from the Committees on Health Regulation; Banking and Insurance; and Rules.

On motion by Senator Gaetz—

CS for CS for HB 445—A bill to be entitled An act relating to wellness or health improvement programs; amending ss. 626.9541 and 641.3903, F.S.; authorizing insurers and health maintenance organizations to offer a voluntary wellness or health improvement program and to encourage or reward participation in the program by offering rewards or incentives to members; authorizing insurers and health maintenance organizations to require plan members not participating in the wellness or health improvement programs to provide verification that their medical condition warrants nonparticipation in order for the non-participants to receive rewards or incentives; requiring that the reward or incentive be disclosed in the policy or certificate; providing that the act does not prohibit insurers or health maintenance organizations from offering other incentives or rewards for adherence to a wellness or health improvement program; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1522** and read the second time by title.

On motion by Senator Gaetz, by two-thirds vote **CS for CS for HB 445** was read the third time by title, passed and certified to the House. The vote on passage was:

Yea—39

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

Nays—None

CS for SB 1574—A bill to be entitled An act relating to business enterprise opportunities for wartime veterans; amending s. 295.187, F.S.; revising legislative intent; renaming and revising the Florida Service-Disabled Veteran Business Enterprise Opportunity Act to expand the vendor preference in state contracting to include certain businesses owned and operated by wartime veterans or veterans of a period of war; providing an effective date.

—was read the second time by title. On motion by Senator Latvala, by two-thirds vote **CS for SB 1574** was read the third time by title, passed and certified to the House. The vote on passage was:

Yea—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

SB 1586—A bill to be entitled An act relating to the authority of certain professionals to practice in this state; amending ss. 455.2185 and 456.023, F.S.; deleting provisions that limit the practice privileges of out-of-state or foreign health care professionals or veterinarians who are in this state for a specific sporting event; providing an effective date.

—was read the second time by title. On motion by Senator Hays, by two-thirds vote **SB 1586** was read the third time by title, passed and certified to the House. The vote on passage was:

Yea—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

SB 1942—A bill to be entitled An act relating to local government services; repealing s. 163.07, F.S., relating to efficiency and accountability in local government services; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 1942**, on motion by Senator Bennett, by two-thirds vote **HB 4031** was withdrawn from the Committees on Community Affairs; and Budget.

On motion by Senator Bennett—

HB 4031—A bill to be entitled An act relating to local government services; repealing s. 163.07, F.S., relating to efficiency and accountability in local government services; providing an effective date.

—a companion measure, was substituted for **SB 1942** and read the second time by title.

On motion by Senator Bennett, by two-thirds vote **HB 4031** was read the third time by title, passed and certified to the House. The vote on passage was:

Yea—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

SB 874—A bill to be entitled An act relating to public records; amending s. 119.071, F.S.; providing an exemption from public-records requirements for information furnished by a person to an agency for the purpose of being provided with emergency notification by the agency; providing for retroactive effect of the exemption; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 874** to **HB 597**.

Pending further consideration of **SB 874** as amended, on motion by Senator Hays, by two-thirds vote **HB 597** was withdrawn from the Committees on Community Affairs; Governmental Oversight and Accountability; and Budget.

On motion by Senator Hays—

HB 597—A bill to be entitled An act relating to public records; amending s. 119.071, F.S.; providing an exemption from public records requirements for information furnished by a person to an agency for the purpose of being provided with emergency notification by the agency; providing for retroactive effect of the exemption; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

—a companion measure, was substituted for **SB 874** as amended and read the second time by title.

On motion by Senator Hays, by two-thirds vote **HB 597** was read the third time by title, passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yea—39

Mr. President	Detert	Gardiner
Alexander	Diaz de la Portilla	Hays
Altman	Dockery	Hill
Benacquisto	Evers	Jones
Bennett	Fasano	Joyner
Bogdanoff	Flores	Latvala
Braynon	Gaetz	Lynn
Dean	Garcia	Margolis

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

Nays—None

THE PRESIDENT PRESIDING

CS for CS for CS for SB 530—A bill to be entitled An act relating to condominium, cooperative, and homeowners' associations; creating s. 468.439, F.S.; authorizing a claim of lien to secure reasonable expenses for collection services rendered by a community association manager or community management firm on behalf of a community association for a delinquent account; amending s. 633.0215, F.S.; exempting certain residential buildings from a requirement to install a manual fire alarm system; amending s. 718.111, F.S.; revising provisions relating to the official records of condominium associations; providing for disclosure of employment agreements or compensation paid to association employees; amending s. 718.112, F.S.; revising provisions relating to bylaws; providing that board of administration meetings discussing personnel matters are not open to unit members; revising requirements for electing the board of directors; providing for continued office and for filling vacancies under certain circumstances; specifying unit owner eligibility for board membership; requiring that certain educational curriculum be completed within a specified time before the election or appointment of a board director; amending s. 718.113, F.S.; authorizing the board of a condominium association to install impact glass or other code-compliant windows under certain circumstances; amending s. 718.114, F.S.; requiring the vote or written consent of a majority of the voting interests before a condominium association may enter into certain agreements to acquire leaseholds, memberships, or other possessory or use interests; amending s. 718.116, F.S.; revising provisions relating to condominium assessments; providing that an association that acquires title to a unit through the foreclosure of its lien for assessments is not liable for unpaid assessments, late fees, interest, or attorney's fees and costs under specified circumstances; conforming a cross-reference; revising provisions authorizing an association to collect rent from the tenant of a unit owner that owes money to the association; amending s. 718.117, F.S.; providing a procedure for the termination of ownership of a condominium if the units have been totally destroyed or demolished; providing procedures and requirements for partial termination of a condominium property; requiring that a lien against a condominium unit being terminated be transferred to the proceeds of sale for that property; amending s. 718.303, F.S.; revising provisions relating to imposing remedies against a delinquent unit owner or occupant; providing for the suspension of certain rights of use or voting rights; forbidding a voting interest or consent right allocated to a unit or member which has been suspended from being counted toward the total number of voting interests; requiring that the suspension of certain rights of use or voting rights be approved at a noticed board meeting; amending s. 718.703, F.S.; redefining the term "bulk assignee" for purposes of the Distressed Condominium Relief Act; amending s. 718.704, F.S.; revising provisions relating to the assignment of developer rights by a bulk assignee; amending s. 718.705, F.S.; revising provisions relating to the transfer of control of a condominium board of administration to unit owners; amending s. 718.706, F.S.; revising provisions relating to the offering of units by a bulk assignee or bulk buyer; amending s. 718.707, F.S.; revising the time limitation for classification as a bulk assignee or bulk buyer; amending s. 719.108, F.S.; deleting a provision authorizing an association to add administrative late fees and costs for collection services to a lien against a cooperative parcel for unpaid rents and assessments; amending s. 719.303, F.S.; revising provisions relating to imposing remedies against a delinquent unit owner or occupant; providing for the suspension of certain rights of use or voting rights; forbidding a voting interest or consent right allocated to a unit or member which has been suspended from being counted toward the total number of voting interests; requiring that the suspension of certain rights of use or voting rights be approved at a noticed board meeting; amending s. 720.301, F.S.; revising the definition of the term "declaration of covenants"; amending s. 720.303, F.S.; revising provisions relating to records that are not accessible to members of a homeowners' association; providing for disclosure of employment agreements and compensation paid to association employees; amending s. 720.305, F.S.; revising provisions

relating to imposing remedies against a delinquent member of a homeowners' association; forbidding a voting interest or consent right allocated to a parcel or member which has been suspended from being counted toward the total number of voting interests; requiring that the suspension of certain rights of use or voting rights be approved at a noticed board meeting; amending s. 720.306, F.S.; providing limitations on who may serve on the board of directors of a homeowners' association; amending s. 720.3085, F.S.; revising provisions relating to the payment of assessments; providing that an association that acquires title to a unit through the foreclosure of its lien for assessments is not liable for unpaid assessments, late fees, interest, or attorney's fees and costs under specified circumstances; amending s. 720.309, F.S.; providing for the allocation of communication services by a homeowners' association; providing for the cancellation of communication contracts; providing that hearing-impaired or legally blind owners and owners receiving certain supplemental security income or food stamps may discontinue the service without incurring costs; providing that residents may not be denied access to available franchised, licensed, or certificated cable or video service providers; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for CS for SB 530** to **CS for CS for CS for HB 1195**.

Pending further consideration of **CS for CS for CS for SB 530** as amended, on motion by Senator Fasano, by two-thirds vote **CS for CS for CS for HB 1195** was withdrawn from the Committees on Regulated Industries; Community Affairs; Judiciary; and Budget.

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

CS for CS for CS for HB 1195—A bill to be entitled An act relating to condominium, cooperative, and homeowners' associations; amending s. 633.0215, F.S.; exempting certain residential buildings from a requirement to install a manual fire alarm system; providing intent; amending s. 718.111, F.S.; revising provisions relating to the official records of condominium associations; providing for disclosure of certain employment agreements with and compensation paid to association employees; amending s. 718.112, F.S.; revising provisions relating to bylaws; providing that board of administration meetings discussing personnel matters are not open to unit owners; revising requirements for electing the board of directors; providing a definition; providing for continued office and for filling vacancies under certain circumstances; specifying unit owner eligibility for board membership; requiring that certain educational curriculum be completed within a specified time before or after the election or appointment of a board director; providing application; amending s. 718.113, F.S.; authorizing the board of a condominium association to install impact glass or other code-compliant windows under certain circumstances; amending s. 718.114, F.S.; requiring the vote or written consent of a majority of the total voting interests before a condominium association may enter into certain agreements to acquire leaseholds, memberships, or other possessory or use interests; amending s. 718.116, F.S.; revising liability of an association, or its successor or assignee, that acquires title to a unit through the foreclosure of its lien for assessments; revising provisions relating to condominium assessments; providing association notice requirements regarding tenants delinquent in paying any monetary obligation due to the association; conforming a cross-reference; amending s. 718.117, F.S.; providing procedures and requirements for termination of a condominium property that has been totally destroyed or demolished; providing procedures and requirements for partial termination of a condominium property; requiring that a lien against a condominium unit being terminated be transferred to the proceeds of sale for certain portions of that property; amending s. 718.303, F.S.; revising provisions relating to imposing remedies against a delinquent unit owner or a unit owner's tenant, guest, or invitee; providing for the suspension of certain rights of use; revising provisions relating to the suspension of a member's voting rights; requiring that the suspension of certain rights of use and voting rights be approved at a noticed board meeting; amending s. 718.703, F.S.; redefining the term "bulk assignee" and revising the definition of the term "bulk buyer" for purposes of the Distressed Condominium Relief Act; amending s. 718.704, F.S.; revising provisions relating to the assignment and assumption of developer rights by a bulk assignee; amending s. 718.705, F.S.; revising provisions relating to the transfer of control of a condominium board of administration to unit owners; amending s. 718.706, F.S.; revising provisions relating to the offering of units by a bulk assignee or bulk buyer; amending s. 718.707,

F.S.; revising the time limitation for classification as a bulk assignee or bulk buyer; amending s. 719.108, F.S.; providing association notice requirements regarding tenants delinquent in paying any monetary obligation due to the association; amending s. 719.303, F.S.; revising provisions relating to imposing remedies against a delinquent unit owner or a unit owner's tenant, guest, or invitee; providing for the suspension of certain rights of use and voting rights; requiring that the suspension of certain rights of use and voting rights be approved at a noticed board meeting; amending s. 720.301, F.S.; revising the definition of the term "declaration of covenants"; amending s. 720.303, F.S.; revising provisions relating to the rights of a member of a homeowners' association to speak at meetings of the board; revising provisions relating to records that are not accessible to members of a homeowners' association; providing for disclosure of employment agreements with and compensation paid to association employees; amending s. 720.305, F.S.; revising provisions relating to imposing remedies against a delinquent member of a homeowners' association or any member's tenant, guest, or invitee; providing for the suspension of certain rights of use; revising provisions relating to the suspension of a member's voting rights; requiring that the suspension of certain rights of use and voting rights be approved at a noticed board meeting; amending s. 720.306, F.S.; specifying additional requirements for candidates to be a member of the board of a homeowners' association; amending s. 720.3085, F.S.; revising liability of an association, or its successor or assignee, that acquires title to a unit through the foreclosure of its lien for assessments; providing association notice requirements regarding tenants delinquent in paying any monetary obligation due to the association; amending s. 720.309, F.S.; providing for the allocation of communications services by a homeowners' association; providing for the cancellation of communication contracts; providing that hearing-impaired or legally blind parcel owners and parcel owners receiving certain supplemental security income or food assistance may discontinue the service without incurring certain costs; providing that parcel residents may not be denied access to available franchised, licensed, or certificated cable or video service providers under certain circumstances; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 530** as amended and by two-thirds vote read the second time by title.

On motion by Senator Fasano, by two-thirds vote **CS for CS for CS for HB 1195** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

SPECIAL ORDER CALENDAR

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.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 1182 to HB 7155**.

Pending further consideration of **CS for SB 1182** as amended, on motion by Senator Ring, by two-thirds vote **HB 7155** was withdrawn from the Committees on Governmental Oversight and Accountability; and Budget.

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

HB 7155—A bill to be entitled An act relating to state financial matters; amending s. 215.44, F.S.; revising provisions which authorize the State Board of Administration to invest specified funds pursuant to the enrollment requirements of a local government investment authority; authorizing the board to invest specified funds in the Local Government Surplus Funds Trust Fund without a trust agreement upon completion of enrollment materials provided by the board; providing that investments made by the board under a trust agreement are subject only to the restrictions and limitations contained in the trust agreement; amending s. 215.4755, F.S.; correcting a cross-reference; clarifying provisions with respect to an investment adviser's or manager's code of ethics; providing an effective date.

—a companion measure, was substituted for **CS for SB 1182** as amended and by two-thirds vote read the second time by title.

On motion by Senator Ring, by two-thirds vote **HB 7155** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Consideration of **CS for SB 1974** and **CS for CS for SB 1998** was deferred.

SB 2064—A bill to be entitled An act relating to mental health and substance abuse treatment; amending s. 916.106, F.S.; redefining the term "court" to include county courts in certain circumstances; amending s. 916.13, F.S.; requiring the Department of Children and Family Services to provide a discharged defendant with up to a 7-day supply of psychotropic medication when he or she is returning to jail from a state treatment facility; requiring the department to prescribe a specified formulary when filling prescriptions for psychotropic medications; amending s. 916.17, F.S.; authorizing a county court to order the conditional release of a defendant for the provision of outpatient care and treatment; creating s. 916.185, F.S.; creating the Forensic Hospital Diversion Pilot Program; providing legislative intent; providing definitions; requiring the Department of Children and Family Services to implement a Forensic Hospital Diversion Pilot Program in three specified judicial circuits; providing the scope of eligibility for the pilot program; providing legislative intent concerning training; authorizing the department to adopt rules; directing the Office of Program Policy Analysis and Government Accountability to submit a report to the Governor and Legislature; amending s. 951.23, F.S.; defining the term "facility" for purposes of the administration of county and municipal detention facilities to include detention facilities and residential probation centers; requiring county and municipal detention facilities to use a formulary approved by the Department of Children and Family Services when prescribing

psychotropic medications for defendants discharged from state treatment facilities; providing an effective date.

—was read the second time by title. On motion by Senator Storms, by two-thirds vote **SB 2064** was read the third time by title, passed and certified to the House. The vote on passage was:

Yea—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

Consideration of **CS for CS for SB 2086, SB 1770 and CS for SB 1388** was deferred.

CS for CS for SB 728—A bill to be entitled An act relating to unemployment compensation; amending s. 213.053, F.S.; increasing the number of employer payroll service providers who qualify for access to unemployment tax information by filing a memorandum of understanding; amending s. 443.031, F.S.; revising provisions relating to statutory construction; amending s. 443.036, F.S.; revising the definitions for “available for work,” “earned income,” “misconduct,” and “unemployment”; adding a definition for “initial skills review”; amending s. 443.091, F.S.; revising requirements for making continued claims for benefits; requiring that an individual claiming benefits report certain information and participate in an initial skills review; providing an exception; specifying criteria for determining an applicant’s availability for work; amending s. 443.101, F.S.; clarifying “good cause” for voluntarily leaving employment; specifying acts that are “gross misconduct” for purposes of discharging an employee and disqualifying him or her for benefits; revising the criteria for determining suitable work to reduce the number of weeks a person may receive benefits before having to accept a job that pays a certain amount; disqualifying a person for benefits due to the receipt of severance pay; revising provisions relating to the effect of criminal acts on eligibility for benefits; disqualifying an individual for benefits for any week he or she is incarcerated; amending s. 443.111, F.S.; revising the manner in which benefits are payable; eliminating payment by mail; providing an exception; conforming provisions to changes made by the act; amending s. 443.1115, F.S.; conforming cross-references; revising, readopting, and amending s. 443.1117, F.S., relating to temporary extended benefits; providing for retroactive application; providing for applicability relating to extended benefits for certain weeks and for periods of high unemployment; providing for applicability; amending s. 443.1216, F.S.; providing that employee leasing companies may make a one-time election to report leased employees under the respective unemployment account of each leasing company client; providing procedures and application for such election; conforming a cross-reference; amending s. 443.141, F.S.; providing an employer payment schedule for 2012, 2013, and 2014 contributions; requiring an employer to pay a fee for paying contributions on a quarterly schedule; providing penalties, interest, and fees on delinquent contributions; amending s. 443.151, F.S.; requiring claims to be submitted by electronic means; conforming cross-references; specifying the allowable forms of evidence in an appeal hearing; specifying the judicial venue for filing a notice of appeal; providing for repayment of benefits in cases of agency error; amending s. 443.171, F.S.; specifying that evidence of mailing an agency document creates a rebuttable presumption; providing that the act fulfills an important state interest; providing effective dates.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 728**, on motion by Senator Detert, by two-thirds vote **CS for CS for HB 7005** was withdrawn from the Committees on Commerce and Tourism; Judiciary; and Budget.

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

CS for CS for HB 7005—A bill to be entitled An act relating to unemployment compensation; amending s. 213.053, F.S.; increasing the number of employer payroll service providers who qualify for access to unemployment tax information by filing a memorandum of understanding; amending s. 443.031, F.S.; revising provisions relating to statutory construction; amending s. 443.036, F.S.; revising and providing definitions; revising the term “misconduct” to include conduct outside of the workplace and additional lapses in behavior; amending s. 443.041, F.S.; conforming a cross-reference; amending s. 443.091, F.S.; conforming provisions to changes made by the act; requiring that an applicant for benefits participate in an initial skills review; providing exceptions; requiring the administrator or operator of the initial skills review to notify specified entities regarding review completion and results; amending s. 443.101, F.S.; clarifying “good cause” for voluntarily leaving employment; disqualifying a person for benefits due to the receipt of severance pay; revising provisions relating to the effects of criminal acts on eligibility for benefits; amending s. 443.111, F.S.; providing a definition; reducing the amount and revising the calculation of the number of weeks of a claimant’s benefit eligibility; amending s. 443.1216, F.S.; conforming provisions to changes made by the act; amending s. 443.131, F.S.; providing definitions; revising an employer’s unemployment compensation contribution rate by certain factors; amending s. 443.141, F.S.; providing an employer payment schedule for 2012, 2013, and 2014 contributions; amending s. 443.151, F.S.; revising allowable forms of evidence in benefit appeals; revising the judicial venue for reviewing commission orders; amending s. 443.171, F.S.; specifying that evidence of mailing an agency document is based on the date stated on the document; revising, readopting, and amending s. 443.1117, F.S., relating to temporary extended benefits; providing for retroactive application; establishing temporary state extended benefits for weeks of unemployment; revising definitions; providing for state extended benefits for certain weeks and for periods of high unemployment; providing severability; providing applicability; providing appropriations for purposes of implementation; providing that the act fulfills an important state interest; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 728** and by two-thirds vote read the second time by title.

Senator Detert moved the following amendment which was adopted:

Amendment 1 (336278) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (4) of section 213.053, Florida Statutes, is amended to read:

213.053 Confidentiality and information sharing.—

(4) The department, while providing unemployment tax collection services under contract with the Agency for Workforce Innovation through an interagency agreement pursuant to s. 443.1316, may release unemployment tax rate information to the agent of an employer *who, which agent* provides payroll services for more than 100 500 employers, pursuant to the terms of a memorandum of understanding. The memorandum of understanding must state that the agent affirms, subject to the criminal penalties contained in ss. 443.171 and 443.1715, that the agent will retain the confidentiality of the information, that the agent has in effect a power of attorney from the employer which permits the agent to obtain unemployment tax rate information, and that the agent shall provide the department with a copy of the employer’s power of attorney upon request.

Section 2. Section 443.031, Florida Statutes, is amended to read:

443.031 Rule of liberal construction.—This chapter shall be liberally construed to accomplish its purpose to promote employment security by increasing opportunities for reemployment and to provide, through the accumulation of reserves, for the payment of compensation to individuals with respect to their unemployment. The Legislature hereby declares its intention to provide for carrying out the purposes of this chapter in co-

operation with the appropriate agencies of other states and of the Federal Government as part of a nationwide employment security program, and particularly to provide for meeting the requirements of Title III, the requirements of the Federal Unemployment Tax Act, and the Wagner-Peyser Act of June 6, 1933, entitled "An Act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system, and for other purposes," each as amended, in order to secure for this state and its citizens the grants and privileges available under such acts. All doubts in favor of a claimant of unemployment benefits who is unemployed through no fault of his or her own. Any doubt as to the proper construction of any provision of this chapter shall be resolved in favor of conformity with such requirements federal law, including, but not limited to, the Federal Unemployment Tax Act, the Social Security Act, the Wagner-Peyser Act, and the Workforce Investment Act.

Section 3. Present subsections (26) through (45) of section 443.036, Florida Statutes, are renumbered as subsections (27) through (46), respectively, new subsection (26) is added to that section, and present subsections (6), (9), (29), and (43) of that section are amended, to read:

443.036 Definitions.—As used in this chapter, the term:

(6) "Available for work" means actively seeking and being ready and willing to accept suitable *work employment*.

(9) "Benefit year" means, for an individual, the 1-year period beginning with the first day of the first week for which the individual first files a valid claim for benefits and, thereafter, the 1-year period beginning with the first day of the first week for which the individual next files a valid claim for benefits after the termination of his or her last preceding benefit year. Each claim for benefits made in accordance with s. 443.151(2) is a valid claim *under this subsection* if the individual was paid wages for insured work in accordance with s. 443.091(1)(g) and is unemployed as defined in subsection (43) at the time of filing the claim. However, the Agency for Workforce Innovation may adopt rules providing for the establishment of a uniform benefit year for all workers in one or more groups or classes of service or within a particular industry if the agency determines, after notice to the industry and to the workers in the industry and an opportunity to be heard in the matter, that those groups or classes of workers in a particular industry periodically experience unemployment resulting from layoffs or shutdowns for limited periods of time.

(26) "Initial skills review" means an online education or training program, such as that established under s. 1004.99, that is approved by the Agency for Workforce Innovation and designed to measure an individual's mastery level of workplace skills.

(31)(29) "Misconduct," irrespective of whether the misconduct occurs at the workplace or during working hours, includes, but is not limited to, the following, which may not be construed in pari materia with each other:

(a) Conduct demonstrating *conscious willful or wanton* disregard of an employer's interests and found to be a deliberate violation or disregard of the *reasonable* standards of behavior which the employer *expects has a right to expect* of his or her employee; or

(b) Carelessness or negligence to a degree or recurrence that manifests culpability, or wrongful intent, or *evil design* or shows an intentional and substantial disregard of the employer's interests or of the employee's duties and obligations to his or her employer.

(c) *Chronic absenteeism or tardiness in deliberate violation of a known policy of the employer or one or more unapproved absences following a written reprimand or warning relating to more than one unapproved absence.*

(d) *A willful and deliberate violation of a standard or regulation of this state by an employee of an employer licensed or certified by this state, which violation would cause the employer to be sanctioned or have its license or certification suspended by this state.*

(e) *A violation of an employer's rule, unless the claimant can demonstrate that:*

1. *He or she did not know, and could not reasonably know, of the rule's requirements;*

2. *The rule is not lawful or not reasonably related to the job environment and performance; or*

3. *The rule is not fairly or consistently enforced.*

(45)(48) "Unemployment" or "unemployed" means:

(a) An individual is "totally unemployed" in any week during which he or she does not perform any services and for which earned income is not payable to him or her. An individual is "partially unemployed" in any week of less than full-time work if the earned income payable to him or her for that week is less than his or her weekly benefit amount. The Agency for Workforce Innovation may adopt rules prescribing distinctions in the procedures for unemployed individuals based on total unemployment, part-time unemployment, partial unemployment of individuals attached to their regular jobs, and other forms of short-time work.

(b) An individual's week of unemployment commences only after his or her registration with the Agency for Workforce Innovation as required in s. 443.091, except as the agency may otherwise prescribe by rule.

Section 4. Effective August 1, 2011, paragraphs (b), (c), (d), and (f) of subsection (1) of section 443.091, Florida Statutes, are amended to read:

443.091 Benefit eligibility conditions.—

(1) An unemployed individual is eligible to receive benefits for any week only if the Agency for Workforce Innovation finds that:

(b) She or he has registered with the agency for work and subsequently reports to the one-stop career center as directed by the regional workforce board for reemployment services. This requirement does not apply to persons who are:

1. Non-Florida residents;
2. On a temporary layoff, as defined in s. 443.036(42);
3. Union members who customarily obtain employment through a union hiring hall; or
4. Claiming benefits under an approved short-time compensation plan as provided in s. 443.1116.

(c) To make continued claims for benefits, she or he is reporting to the Agency for Workforce Innovation in accordance with this paragraph and agency its rules, and participating in an initial skills review as directed by the agency. Agency These rules may not conflict with s. 443.1111(b), which requires including the requirement that each claimant continue to report regardless of any pending appeal relating to her or his eligibility or disqualification for benefits.

1. For each week of unemployment claimed, each report must, at a minimum, include the name, address, and telephone number of each prospective employer contacted, or the date the claimant reported to a one-stop career center, pursuant to paragraph (d).

2. The administrator or operator of the initial skills review shall notify the agency when the individual completes the initial skills review and report the results of the review to the regional workforce board or the one-stop career center as directed by the workforce board. The workforce board shall use the initial skills review to develop a plan for referring individuals to training and employment opportunities. The failure of the individual to comply with this requirement will result in the individual being determined ineligible for benefits for the week in which the non-compliance occurred and for any subsequent week of unemployment until the requirement is satisfied. However, this requirement does not apply if the individual is able to affirmatively attest to being unable to complete such review due to illiteracy or a language impediment.

(d) She or he is able to work and is available for work. In order to assess eligibility for a claimed week of unemployment, the agency shall develop criteria to determine a claimant's ability to work and availability for work. A claimant must be actively seeking work in order to be considered available for work. This means engaging in systematic and sustained efforts to find work, including contacting at least five prospective employers for each week of unemployment claimed. The agency may require the claimant to provide proof of such efforts to the one-stop career

center as part of reemployment services. The agency shall conduct random reviews of work search information provided by claimants. As an alternative to contacting at least five prospective employers for any week of unemployment claimed, a claimant may, for that same week, report in person to a one-stop career center to meet with a representative of the center and access reemployment services of the center. The center shall keep a record of the services or information provided to the claimant and shall provide the records to the agency upon request by the agency. However:

1. Notwithstanding any other provision of this paragraph or paragraphs (b) and (e), an otherwise eligible individual may not be denied benefits for any week because she or he is in training with the approval of the agency, or by reason of s. 443.101(2) relating to failure to apply for, or refusal to accept, suitable work. Training may be approved by the agency in accordance with criteria prescribed by rule. A claimant's eligibility during approved training is contingent upon satisfying eligibility conditions prescribed by rule.

2. Notwithstanding any other provision of this chapter, an otherwise eligible individual who is in training approved under s. 236(a)(1) of the Trade Act of 1974, as amended, may not be determined ineligible or disqualified for benefits due to her or his enrollment in such training or because of leaving work that is not suitable employment to enter such training. As used in this subparagraph, the term "suitable employment" means work of a substantially equal or higher skill level than the worker's past adversely affected employment, as defined for purposes of the Trade Act of 1974, as amended, the wages for which are at least 80 percent of the worker's average weekly wage as determined for purposes of the Trade Act of 1974, as amended.

3. Notwithstanding any other provision of this section, an otherwise eligible individual may not be denied benefits for any week because she or he is before any state or federal court pursuant to a lawfully issued summons to appear for jury duty.

(f) She or he has been unemployed for a waiting period of 1 week. A week may not be counted as a week of unemployment under this subsection unless:

1. Unless It occurs within the benefit year that includes the week for which she or he claims payment of benefits.

2. If Benefits have been paid for that week.

3. Unless The individual was eligible for benefits for that week as provided in this section and s. 443.101, except for the requirements of this subsection and of s. 443.101(5).

Section 5. Effective August 1, 2011, paragraph (a) of subsection (1) and subsections (2), (3), and (9) of section 443.101, Florida Statutes, are amended, and subsection (12) is added to that section, to read:

443.101 Disqualification for benefits.—An individual shall be disqualified for benefits:

(1)(a) For the week in which he or she has voluntarily left work without good cause attributable to his or her employing unit or in which the individual has been discharged by the employing unit for misconduct connected with his or her work, based on a finding by the Agency for Workforce Innovation. As used in this paragraph, the term "work" means any work, whether full-time, part-time, or temporary.

1. Disqualification for voluntarily quitting continues for the full period of unemployment next ensuing after the individual has left his or her full-time, part-time, or temporary work voluntarily without good cause and until the individual has earned income equal to or greater than in excess of 17 times his or her weekly benefit amount. As used in this subsection, the term "good cause" includes only that cause attributable to the employing unit which would compel a reasonable employee to cease working or attributable to which consists of the individual's illness or disability requiring separation from his or her work. Any other disqualification may not be imposed. An individual is not disqualified under this subsection for voluntarily leaving temporary work to return immediately when called to work by the permanent employing unit that temporarily terminated his or her work within the previous 6 calendar months, or: An individual is not disqualified under this subsection for voluntarily leaving work to relocate as a result of his or her military

connected spouse's permanent change of station orders, activation orders, or unit deployment orders.

2. Disqualification for being discharged for misconduct connected with his or her work continues for the full period of unemployment next ensuing after having been discharged and until the individual is re-employed and has earned income of at least 17 times his or her weekly benefit amount and for not more than 52 weeks that immediately following follow that week, as determined by the agency in each case according to the circumstances in each case or the seriousness of the misconduct, under the agency's rules adopted for determinations of disqualification for benefits for misconduct.

3. If an individual has provided notification to the employing unit of his or her intent to voluntarily leave work and the employing unit discharges the individual for reasons other than misconduct before the date the voluntary quit was to take effect, the individual, if otherwise entitled, shall receive benefits from the date of the employer's discharge until the effective date of his or her voluntary quit.

4. If an individual is notified by the employing unit of the employer's intent to discharge the individual for reasons other than misconduct and the individual quits without good cause, as defined in this section, before the date the discharge was to take effect, the claimant is ineligible for benefits pursuant to s. 443.091(1)(d) for failing to be available for work for the week or weeks of unemployment occurring before the effective date of the discharge.

(2) If the Agency for Workforce Innovation finds that the individual has failed without good cause to apply for available suitable work when directed by the agency or the one stop career center, to accept suitable work when offered to him or her, or to return to the individual's customary self-employment when directed by the agency, the disqualification continues for the full period of unemployment next ensuing after he or she failed without good cause to apply for available suitable work, to accept suitable work, or to return to his or her customary self-employment, under this subsection, and until the individual has earned income of at least 17 times his or her weekly benefit amount. The Agency for Workforce Innovation shall by rule adopt criteria for determining the "suitability of work," as used in this section. The Agency for Workforce Innovation In developing these rules, the agency shall consider the duration of a claimant's unemployment in determining the suitability of work and the suitability of proposed rates of compensation for available work. Further, after an individual has received 25 weeks of benefits in a single year, suitable work is a job that pays the minimum wage and is 120 percent or more of the weekly benefit amount the individual is drawing.

(a) In determining whether or not any work is suitable for an individual, the Agency for Workforce Innovation shall consider the degree of risk involved to the individual's his or her health, safety, and morals; the individual's his or her physical fitness, and prior training; the individual's experience, and prior earnings; his or her length of unemployment, and prospects for securing local work in his or her customary occupation; and the distance of the available work from his or her residence.

(b) Notwithstanding any other provisions of this chapter, work is not deemed suitable and benefits may not be denied under this chapter to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

1. If The position offered is vacant due directly to a strike, lockout, or other labor dispute.

2. If The wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality.

3. If As a condition of being employed, the individual is would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

(c) If the Agency for Workforce Innovation finds that an individual was rejected for offered employment as the direct result of a positive, confirmed drug test required as a condition of employment, the individual is disqualified for refusing to accept an offer of suitable work.

(3) For any week with respect to which he or she is receiving or has received remuneration in the form of:

(a) Wages in lieu of notice.

(b) *Severance pay. The number of weeks that an individual's severance pay disqualifies the individual is equal to the amount of the severance pay divided by that individual's average weekly wage received from the employer that paid the severance pay, rounded down to the nearest whole number, beginning with the week the individual is separated from employment.*

(c)(b)1. Compensation for temporary total disability or permanent total disability under the workers' compensation law of any state or under a similar law of the United States.

2. ~~If the remuneration referred to in this subsection paragraphs (a) and (b) is less than the benefits that would otherwise be due under this chapter, an individual who is otherwise eligible he or she is entitled to receive for that week, if otherwise eligible, benefits reduced by the amount of the remuneration.~~

(9) If the individual was terminated from his or her work ~~for violation of any criminal law punishable by imprisonment, or for any dishonest act, in connection with his or her work~~, as follows:

(a) If the Agency for Workforce Innovation or the Unemployment Appeals Commission finds that the individual was terminated from ~~his or her work for violation of any criminal law, under any jurisdiction, which was punishable by imprisonment~~ in connection with his or her work, and the individual was ~~convicted found guilty of the offense, made an admission of guilt in a court of law, or entered a plea of guilty or nolo contendere no contest~~, the individual is not entitled to unemployment benefits for up to 52 weeks, ~~pursuant to under~~ rules adopted by the agency ~~for Workforce Innovation~~, and until he or she has earned income of at least 17 times his or her weekly benefit amount. If, before an adjudication of guilt, an admission of guilt, or a plea of ~~nolo contendere no contest~~, the employer ~~proves by competent substantial evidence to shows~~ the agency ~~for Workforce Innovation~~ that the arrest was due to a crime against the employer or the employer's business, customers, or invitees and, after considering all the evidence, the Agency for Workforce Innovation finds misconduct in connection with the individual's work, the individual is not entitled to unemployment benefits.

(b) If the Agency for Workforce Innovation or the Unemployment Appeals Commission finds that the individual was terminated from work for any dishonest act in connection with his or her work, the individual is not entitled to unemployment benefits for up to 52 weeks, ~~pursuant to under~~ rules adopted by the Agency ~~for Workforce Innovation~~, and until he or she has earned income of at least 17 times his or her weekly benefit amount. ~~In addition, If the employer terminates an individual as a result of a dishonest act in connection with his or her work and the Agency for Workforce Innovation finds misconduct in connection with his or her work, the individual is not entitled to unemployment benefits.~~

~~If With respect to~~ an individual is disqualified for benefits, the account of the terminating employer, if the employer is in the base period, is non-charged at the time the disqualification is imposed.

(12) *For any week in which the individual is unavailable for work due to incarceration or imprisonment.*

Section 6. Effective August 1, 2011, subsection (1) of section 443.111, Florida Statutes, is amended to read:

443.111 Payment of benefits.—

(1) MANNER OF PAYMENT.—Benefits are payable from the fund in accordance with rules adopted by the Agency for Workforce Innovation, subject to the following requirements:

(a) Benefits are payable ~~by mail or electronically, except that an individual being paid by paper warrant on July 1, 2011, may continue to be paid in that manner until the expiration of the claim.~~ Notwithstanding s. 409.942(4), the agency may develop a system for the payment of benefits by electronic funds transfer, including, but not limited to, debit cards, electronic payment cards, or any other means of electronic payment that the agency deems to be commercially viable or cost-effective. Commodity

ities or services related to the development of such a system shall be procured by competitive solicitation, unless they are purchased from a state term contract pursuant to s. 287.056. The agency shall adopt rules necessary to administer *this paragraph the system*.

(b) ~~As required under s. 443.091(1), each claimant must report in the manner prescribed by the agency for Workforce Innovation to certify for benefits that are paid and must continue to report at least biweekly to receive unemployment benefits and to attest to the fact that she or he is able and available for work, has not refused suitable work, is seeking work and has contacted at least five prospective employers or reported in person to a one-stop career center for reemployment services for each week of unemployment claimed, and, if she or he has worked, to report earnings from that work. Each claimant must continue to report regardless of any appeal or pending appeal relating to her or his eligibility or disqualification for benefits.~~

Section 7. Effective July 1, 2011, paragraph (a) of subsection (1) and paragraph (f) of subsection (13) of section 443.1216, Florida Statutes, are amended to read:

443.1216 Employment.—Employment, as defined in s. 443.036, is subject to this chapter under the following conditions:

(1)(a) The employment ~~subject to this chapter~~ includes a service performed, including a service performed in interstate commerce, by:

1. An officer of a corporation.

2. An individual who, under the usual common-law rules applicable in determining the employer-employee relationship, is an employee. However, if ~~whenever~~ a client, as defined in s. 443.036(18), which would otherwise be designated as an employing unit, has contracted with an employee leasing company to supply it with workers, those workers are considered employees of the employee leasing company ~~and must be reported under the leasing company's tax identification number and contribution rate for work performed for the leasing company.~~

a. *However, except for the internal employees of an employee leasing company, a leasing company may make a one-time election to report and pay contributions under the client method. Under the client method, a leasing company must assign leased employees to the client company that is leasing the employees. The client method is solely a method to report and pay unemployment contributions. For all other purposes, the leased employees are considered employees of the employee leasing company. A leasing company that elects the client method shall pay contributions at the rates assigned to each client company.*

(I) *The election applies to all of the leasing company's current and future clients.*

(II) *The leasing company must notify the Agency for Workforce Innovation or the tax collection service provider of its election by August 1 of the calendar year prior to the year the election will go into effect, and such election applies to reports and contributions beginning the first quarter of the calendar year following the election. The notification must include:*

(A) *A list of each client company and its unemployment account number;*

(B) *A list of each client company's current and previous employees and their respective social security numbers for the prior 3 state fiscal years; and*

(C) *All wage data and benefit charges for the prior 3 state fiscal years.*

(III) *Subsequent to such election, the employee leasing company may not change its reporting method.*

(IV) *The employee leasing company must, by approved electronic means, file a Florida Department of Revenue Employer's Quarterly Report (UCT-6) for each client company and pay all contributions.*

(V) *For the purposes of calculating experience rates, the election is treated like a total or partial succession, depending on the percentage of employees leased. If the client company leases only a portion of its employees from the leasing company, the client company shall continue to report the nonleased employees under its tax rate based on the experience of the nonleased employees.*

(VI) A leasing company that that elects to report and pay contributions under the client method is not required to submit quarterly Multiple Worksite Reports required by sub-subparagraphs c. and d.

(VII) This sub-subparagraph applies to all employee leasing companies, including each leasing company that is a group member or group leader of an employee leasing company group licensed pursuant to chapter 468. The election is binding on all employee leasing companies and their related enterprises, subsidiaries, or other entities that share common ownership, management, or control with the leasing company. The election is also binding on all clients of the leasing company for as long as a written agreement is in effect between the client and the leasing company pursuant to s. 468.525(3)(a). If the relationship between the leasing company and the client terminates, the client retains the wage and benefit history experienced under the leasing company.

b. An employee leasing company may lease corporate officers of the client to the client and other workers to the client, except as prohibited by regulations of the Internal Revenue Service. ~~Employees of an employee leasing company must be reported under the employee leasing company's tax identification number and contribution rate for work performed for the employee leasing company.~~

c.e. In addition to any other report required to be filed by law, an employee leasing company shall submit a report to the Labor Market Statistics Center within the Agency for Workforce Innovation which includes each client establishment and each establishment of the ~~employee~~ leasing company, or as otherwise directed by the agency. The report must include the following information for each establishment:

- (I) The trade or establishment name;
- (II) The former unemployment compensation account number, if available;
- (III) The former federal employer's identification number (FEIN), if available;
- (IV) The industry code recognized and published by the United States Office of Management and Budget, if available;
- (V) A description of the client's primary business activity in order to verify or assign an industry code;
- (VI) The address of the physical location;
- (VII) The number of full-time and part-time employees who worked during, or received pay that was subject to unemployment compensation taxes for, the pay period including the 12th of the month for each month of the quarter;
- (VIII) The total wages subject to unemployment compensation taxes paid during the calendar quarter;
- (IX) An internal identification code to uniquely identify each establishment of each client;
- (X) The month and year that the client entered into the contract for services; and
- (XI) The month and year that the client terminated the contract for services.

d.b. The report shall be submitted electronically or in a manner otherwise prescribed by the Agency for Workforce Innovation in the format specified by the Bureau of Labor Statistics of the United States Department of Labor for its Multiple Worksite Report for Professional Employer Organizations. The report must be provided quarterly to the Labor Market Statistics Center within the agency ~~for Workforce Innovation~~, or as otherwise directed by the agency, and must be filed by the last day of the month immediately following the end of the calendar quarter. The information required in sub-sub-subparagraphs c.(X) and (XI) ~~a.(X) and (XI)~~ need be provided only in the quarter in which the contract to which it relates was entered into or terminated. The sum of the employment data and the sum of the wage data in this report must match the employment and wages reported in the unemployment compensation quarterly tax and wage report. A report is not required for any calendar quarter preceding the third calendar quarter of 2010.

e.e. The Agency for Workforce Innovation shall adopt rules as necessary to administer this subparagraph, and may administer, collect, enforce, and waive the penalty imposed by s. 443.141(1)(b) for the report required by this subparagraph.

f.d. For the purposes of this subparagraph, the term "establishment" means any location where business is conducted or where services or industrial operations are performed.

3. An individual other than an individual who is an employee under subparagraph 1. or subparagraph 2., who performs services for remuneration for any person:

a. As an agent-driver or commission-driver engaged in distributing meat products, vegetable products, fruit products, bakery products, beverages other than milk, or laundry or drycleaning services for his or her principal.

b. As a traveling or city salesperson engaged on a full-time basis in the solicitation on behalf of, and the transmission to, his or her principal of orders from wholesalers, retailers, contractors, or operators of hotels, restaurants, or other similar establishments for merchandise for resale or supplies for use in their business operations. This sub-subparagraph does not apply to an agent-driver or a commission-driver and does not apply to sideline sales activities performed on behalf of a person other than the salesperson's principal.

4. The services described in subparagraph 3. are employment subject to this chapter only if:

a. The contract of service contemplates that substantially all of the services are to be performed personally by the individual;

b. The individual does not have a substantial investment in facilities used in connection with the services, other than facilities used for transportation; and

c. The services are not in the nature of a single transaction that is not part of a continuing relationship with the person for whom the services are performed.

(13) The following are exempt from coverage under this chapter:

(f) Service performed in the employ of a public employer as defined in s. 443.036, except as provided in subsection (2), and service performed in the employ of an instrumentality of a public employer as described in s. 443.036(37)(b)(35)(4) or (c), to the extent that the instrumentality is immune under the United States Constitution from the tax imposed by s. 3301 of the Internal Revenue Code for that service.

Section 8. Effective January 1, 2012, subsection (5) of section 443.111, Florida Statutes, is amended to read:

443.111 Payment of benefits.—

(5) DURATION OF BENEFITS.—

(a) As used in this section, the term "Florida average unemployment rate" means the average of the 3 months for the most recent third calendar year quarter of the seasonally adjusted statewide unemployment rates as published by the Agency for Workforce Innovation.

(b) Each otherwise eligible individual is entitled during any benefit year to a total amount of benefits equal to 25 percent of the total wages in his or her base period, not to exceed \$7,150 or the product arrived at by multiplying the weekly benefit amount with the number of weeks determined in paragraph (c), whichever is less. However, the total amount of benefits, if not a multiple of \$1, is rounded downward to the nearest full dollar amount. These benefits are payable at a weekly rate no greater than the weekly benefit amount.

(c) For claims submitted during a calendar year, the duration of benefits is limited to:

1. Twelve weeks if this state's average unemployment rate is at or below 5 percent.

2. An additional week in addition to the 12 weeks for each 0.5 percent increment in this state's average unemployment rate above 5 percent.

3. Up to a maximum of 26 weeks if this state's average unemployment rate equals or exceeds 12 percent.

(d) For the purposes of this subsection, wages are counted as "wages for insured work" for benefit purposes with respect to any benefit year only if the benefit year begins after the date the employing unit by whom the wages were paid has satisfied the conditions of this chapter for becoming an employer.

(e) If the remuneration of an individual is not based upon a fixed period or duration of time or if the individual's wages are paid at irregular intervals or in a manner that does not extend regularly over the period of employment, the wages for any week or for any calendar quarter for the purpose of computing an individual's right to employment benefits only are determined in the manner prescribed by rule. These rules, to the extent practicable, must secure results reasonably similar to those that would prevail if the individual were paid her or his wages at regular intervals.

Section 9. Effective January 1, 2012, paragraph (b) of subsection (2) of section 443.041, Florida Statutes, is amended to read:

443.041 Waiver of rights; fees; privileged communications.—

(2) FEES.—

(b) An attorney at law representing a claimant for benefits in any district court of appeal of this state or in the Supreme Court of Florida is entitled to counsel fees payable by the Agency for Workforce Innovation as set by the court if the petition for review or appeal is initiated by the claimant and results in a decision awarding more benefits than provided in the decision from which appeal was taken. The amount of the fee may not exceed 50 percent of the total amount of regular benefits permitted under s. 443.111(5)(b)(e) during the benefit year.

Section 10. Effective upon this act becoming a law, for tax rates effective on or after January 1, 2012, paragraphs (b) and (e) of subsection (3) of section 443.131, Florida Statutes, are amended to read:

443.131 Contributions.—

(3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT EXPERIENCE.—

(b) *Benefit ratio.*—

1. As used in this paragraph, the term "annual payroll" means the calendar quarter taxable payroll reported to the tax collection service provider for the quarters used in computing the benefit ratio. The term does not include a penalty resulting from the untimely filing of required wage and tax reports. All of the taxable payroll reported to the tax collection service provider by the end of the quarter preceding the quarter for which the contribution rate is to be computed must be used in the computation.

2. As used in this paragraph, the term "benefits charged to the employer's employment record" means the amount of benefits paid to individuals multiplied by:

a. For benefits paid prior to July 1, 2007, 1.

b. For benefits paid during the period beginning on July 1, 2007, and ending March 31, 2011, 0.90.

c. For benefits paid after March 31, 2011, 1.

3. For each calendar year, the tax collection service provider shall compute a benefit ratio for each employer whose employment record was chargeable for benefits during the 12 consecutive quarters ending June 30 of the calendar year preceding the calendar year for which the benefit ratio is computed. An employer's benefit ratio is the quotient obtained by dividing the total benefits charged to the employer's employment record during the 3-year period ending June 30 of the preceding calendar year by the total of the employer's annual payroll for the 3-year period ending June 30 of the preceding calendar year. The benefit ratio shall be computed to the fifth decimal place and rounded to the fourth decimal place.

4. The tax collection service provider shall compute a benefit ratio for each employer who was not previously eligible under subparagraph

3. 2, whose contribution rate is set at the initial contribution rate in paragraph (2)(a), and whose employment record was chargeable for benefits during at least 8 calendar quarters immediately preceding the calendar quarter for which the benefit ratio is computed. The employer's benefit ratio is the quotient obtained by dividing the total benefits charged to the employer's employment record during the first 6 of the 8 completed calendar quarters immediately preceding the calendar quarter for which the benefit ratio is computed by the total of the employer's annual payroll during the first 7 of the 9 completed calendar quarters immediately preceding the calendar quarter for which the benefit ratio is computed. The benefit ratio shall be computed to the fifth decimal place and rounded to the fourth decimal place and applies for the remainder of the calendar year. The employer must subsequently be rated on an annual basis using up to 12 calendar quarters of benefits charged and up to 12 calendar quarters of annual payroll. That employer's benefit ratio is the quotient obtained by dividing the total benefits charged to the employer's employment record by the total of the employer's annual payroll during the quarters used in his or her first computation plus the subsequent quarters reported through June 30 of the preceding calendar year. Each subsequent calendar year, the rate shall be computed under subparagraph 3. 2. The tax collection service provider shall assign a variation from the standard rate of contributions in paragraph (c) on a quarterly basis to each eligible employer in the same manner as an assignment for a calendar year under paragraph (e).

(e) *Assignment of variations from the standard rate.*—

1. As used in this paragraph, the terms "total benefit payments," "benefits paid to an individual," and "benefits charged to the employment record of an employer" mean the amount of benefits paid to individuals multiplied by:

a. For benefits paid prior to July 1, 2007, 1.

b. For benefits paid during the period beginning on July 1, 2007, and ending March 31, 2011, 0.90.

c. For benefits paid after March 31, 2011, 1.

2. For the calculation of contribution rates effective January 1, 2010, and thereafter:

a. The tax collection service provider shall assign a variation from the standard rate of contributions for each calendar year to each eligible employer. In determining the contribution rate, varying from the standard rate to be assigned each employer, adjustment factors computed under sub-sub-subparagraphs (I)-(IV) sub subparagraphs a. d. are added to the benefit ratio. This addition shall be accomplished in two steps by adding a variable adjustment factor and a final adjustment factor. The sum of these adjustment factors computed under sub-sub-subparagraphs (I)-(IV) sub subparagraphs a. d. shall first be algebraically summed. The sum of these adjustment factors shall next be divided by a gross benefit ratio determined as follows: Total benefit payments for the 3-year period described in subparagraph (b)3. (b)2. are charged to employers eligible for a variation from the standard rate, minus excess payments for the same period, divided by taxable payroll entering into the computation of individual benefit ratios for the calendar year for which the contribution rate is being computed. The ratio of the sum of the adjustment factors computed under sub-sub-subparagraphs (I)-(IV) sub subparagraphs a. d. to the gross benefit ratio is multiplied by each individual benefit ratio that is less than the maximum contribution rate to obtain variable adjustment factors; except that if the sum of an employer's individual benefit ratio and variable adjustment factor exceeds the maximum contribution rate, the variable adjustment factor is reduced in order for the sum to equal the maximum contribution rate. The variable adjustment factor for each of these employers is multiplied by his or her taxable payroll entering into the computation of his or her benefit ratio. The sum of these products is divided by the taxable payroll of the employers who entered into the computation of their benefit ratios. The resulting ratio is subtracted from the sum of the adjustment factors computed under sub-sub-subparagraphs (I)-(IV) sub subparagraphs a. d. to obtain the final adjustment factor. The variable adjustment factors and the final adjustment factor must be computed to five decimal places and rounded to the fourth decimal place. This final adjustment factor is added to the variable adjustment factor and benefit ratio of each employer to obtain each employer's contribution rate. An employer's contribution rate may not, however, be rounded to less than 0.1 percent.

(I)æ. An adjustment factor for noncharge benefits is computed to the fifth decimal place and rounded to the fourth decimal place by dividing the amount of noncharge benefits during the 3-year period described in subparagraph (b)3. (b)2. by the taxable payroll of employers eligible for a variation from the standard rate who have a benefit ratio for the current year which is less than the maximum contribution rate. For purposes of computing this adjustment factor, the taxable payroll of these employers is the taxable payrolls for the 3 years ending June 30 of the current calendar year as reported to the tax collection service provider by September 30 of the same calendar year. As used in this *sub-sub-subparagraph sub subparagraph*, the term "noncharge benefits" means benefits paid to an individual from the Unemployment Compensation Trust Fund, but which were not charged to the employment record of any employer.

(II)þ. An adjustment factor for excess payments is computed to the fifth decimal place, and rounded to the fourth decimal place by dividing the total excess payments during the 3-year period described in subparagraph (b)3. (b)2. by the taxable payroll of employers eligible for a variation from the standard rate who have a benefit ratio for the current year which is less than the maximum contribution rate. For purposes of computing this adjustment factor, the taxable payroll of these employers is the same figure used to compute the adjustment factor for noncharge benefits under *sub-sub-subparagraph (I) sub subparagraph a.* As used in this sub-subparagraph, the term "excess payments" means the amount of benefits charged to the employment record of an employer during the 3-year period described in subparagraph (b)3. (b)2., less the product of the maximum contribution rate and the employer's taxable payroll for the 3 years ending June 30 of the current calendar year as reported to the tax collection service provider by September 30 of the same calendar year. As used in this *sub-sub-subparagraph sub subparagraph*, the term "total excess payments" means the sum of the individual employer excess payments for those employers that were eligible for assignment of a contribution rate different from the standard rate.

(III)e. With respect to computing a positive adjustment factor:

(A)þ. Beginning January 1, 2012, if the balance of the Unemployment Compensation Trust Fund on September 30 of the calendar year immediately preceding the calendar year for which the contribution rate is being computed is less than 4 percent of the taxable payrolls for the year ending June 30 as reported to the tax collection service provider by September 30 of that calendar year, a positive adjustment factor shall be computed. The positive adjustment factor is computed annually to the fifth decimal place and rounded to the fourth decimal place by dividing the sum of the total taxable payrolls for the year ending June 30 of the current calendar year as reported to the tax collection service provider by September 30 of that calendar year into a sum equal to one-third of the difference between the balance of the fund as of September 30 of that calendar year and the sum of 5 percent of the total taxable payrolls for that year. The positive adjustment factor remains in effect for subsequent years until the balance of the Unemployment Compensation Trust Fund as of September 30 of the year immediately preceding the effective date of the contribution rate equals or exceeds 5 percent of the taxable payrolls for the year ending June 30 of the current calendar year as reported to the tax collection service provider by September 30 of that calendar year.

(B)þ. Beginning January 1, 2015, and for each year thereafter, the positive adjustment shall be computed by dividing the sum of the total taxable payrolls for the year ending June 30 of the current calendar year as reported to the tax collection service provider by September 30 of that calendar year into a sum equal to one-fourth of the difference between the balance of the fund as of September 30 of that calendar year and the sum of 5 percent of the total taxable payrolls for that year. The positive adjustment factor remains in effect for subsequent years until the balance of the Unemployment Compensation Trust Fund as of September 30 of the year immediately preceding the effective date of the contribution rate equals or exceeds 4 percent of the taxable payrolls for the year ending June 30 of the current calendar year as reported to the tax collection service provider by September 30 of that calendar year.

(IV)þ. If, beginning January 1, 2015, and each year thereafter, the balance of the Unemployment Compensation Trust Fund as of September 30 of the year immediately preceding the calendar year for which the contribution rate is being computed exceeds 5 percent of the taxable payrolls for the year ending June 30 of the current calendar year as reported to the tax collection service provider by September 30 of that

calendar year, a negative adjustment factor must be computed. The negative adjustment factor shall be computed annually beginning on January 1, 2015, and each year thereafter, to the fifth decimal place and rounded to the fourth decimal place by dividing the sum of the total taxable payrolls for the year ending June 30 of the current calendar year as reported to the tax collection service provider by September 30 of the calendar year into a sum equal to one-fourth of the difference between the balance of the fund as of September 30 of the current calendar year and 5 percent of the total taxable payrolls of that year. The negative adjustment factor remains in effect for subsequent years until the balance of the Unemployment Compensation Trust Fund as of September 30 of the year immediately preceding the effective date of the contribution rate is less than 5 percent, but more than 4 percent of the taxable payrolls for the year ending June 30 of the current calendar year as reported to the tax collection service provider by September 30 of that calendar year. The negative adjustment authorized by this section is suspended in any calendar year in which repayment of the principal amount of an advance received from the federal Unemployment Compensation Trust Fund under 42 U.S.C. s. 1321 is due to the Federal Government.

(V)e. The maximum contribution rate that may be assigned to an employer is 5.4 percent, except employers participating in an approved short-time compensation plan may be assigned a maximum contribution rate that is 1 percent greater than the maximum contribution rate for other employers in any calendar year in which short-time compensation benefits are charged to the employer's employment record.

(VI)þ. As used in this subsection, "taxable payroll" shall be determined by excluding any part of the remuneration paid to an individual by an employer for employment during a calendar year in excess of the first \$7,000. Beginning January 1, 2012, "taxable payroll" shall be determined by excluding any part of the remuneration paid to an individual by an employer for employment during a calendar year as described in s. 443.1217(2). For the purposes of the employer rate calculation that will take effect in January 1, 2012, and in January 1, 2013, the tax collection service provider shall use the data available for taxable payroll from 2009 based on excluding any part of the remuneration paid to an individual by an employer for employment during a calendar year in excess of the first \$7,000, and from 2010 and 2011, the data available for taxable payroll based on excluding any part of the remuneration paid to an individual by an employer for employment during a calendar year in excess of the first \$8,500.

b.2. If the transfer of an employer's employment record to an employing unit under paragraph (f) which, before the transfer, was an employer, the tax collection service provider shall recompute a benefit ratio for the successor employer based on the combined employment records and reassign an appropriate contribution rate to the successor employer effective on the first day of the calendar quarter immediately after the effective date of the transfer.

Section 11. Present paragraph (f) of subsection (1) of section 443.141, Florida Statutes, is redesignated as paragraph (g), and new paragraph (f) is added to that subsection to read:

443.141 Collection of contributions and reimbursements.—

(1) PAST DUE CONTRIBUTIONS AND REIMBURSEMENTS; DELINQUENT, ERRONEOUS, INCOMPLETE, OR INSUFFICIENT REPORTS.—

(f) *Payments for 2012, 2013, and 2014 Contributions.* For an annual administrative fee not to exceed \$5, a contributing employer may pay its quarterly contributions due for wages paid in the first three quarters of 2012, 2013, and 2014 in equal installments if those contributions are paid as follows:

1. For contributions due for wages paid in the first quarter of each year, one-fourth of the contributions due must be paid on or before April 30, one-fourth must be paid on or before July 31, one-fourth must be paid on or before October 31, and one-fourth must be paid on or before December 31.

2. In addition to the payments specified in subparagraph 1, for contributions due for wages paid in the second quarter of each year, one-third of the contributions due must be paid on or before July 31, one-third

must be paid on or before October 31, and one-third must be paid on or before December 31.

3. In addition to the payments specified in subparagraphs 1. and 2., for contributions due for wages paid in the third quarter of each year, one-half of the contributions due must be paid on or before October 31, and one-half must be paid on or before December 31.

4. The annual administrative fee assessed for electing to pay under the installment method shall be collected at the time the employer makes the first installment payment each year. The fee shall be segregated from the payment and deposited into the Operating Trust Fund of the Department of Revenue.

5. Interest does not accrue on any contribution that becomes due for wages paid in the first three quarters of each year if the employer pays the contribution in accordance with subparagraphs 1.-4. Interest and fees continue to accrue on prior delinquent contributions and commence accruing on all contributions due for wages paid in the first three quarters of each year which are not paid in accordance with subparagraphs 1.-3. Penalties may be assessed in accordance with this chapter. The contributions due for wages paid in the fourth quarter of 2012, 2013, and 2014 are not affected by this paragraph and are due and payable in accordance with this chapter.

Section 12. Effective August 1, 2011, paragraph (a) of subsection (2) and paragraphs (b) and (e) of subsection (4) of section 443.151, Florida Statutes, are amended to read:

443.151 Procedure concerning claims.—

(2) FILING OF CLAIM INVESTIGATIONS; NOTIFICATION OF CLAIMANTS AND EMPLOYERS.—

(a) *In general.*—Initial and continued claims for benefits must be made by approved electronic means and in accordance with the rules adopted by the Agency for Workforce Innovation. The agency must notify claimants and employers regarding monetary and nonmonetary determinations of eligibility. Investigations of issues raised in connection with a claimant which may affect a claimant's eligibility for benefits or charges to an employer's employment record shall be conducted by the agency through written, telephonic, or electronic means as prescribed by rule.

(4) APPEALS.—

(b) *Filing and hearing.*—

1. The claimant or any other party entitled to notice of a determination may appeal an adverse determination to an appeals referee within 20 days after the date of mailing of the notice to her or his last known address or, if the notice is not mailed, within 20 days after the date of ~~delivering delivery~~ of the notice.

2. Unless the appeal is untimely or withdrawn or review is initiated by the commission, the appeals referee, after mailing all parties and attorneys of record a notice of hearing at least 10 days before the date of hearing, notwithstanding the 14-day notice requirement in s. 120.569(2)(b), may only affirm, modify, or reverse the determination. An appeal may not be withdrawn without the permission of the appeals referee.

3. However, if ~~when~~ an appeal appears to have been filed after the permissible time limit, the Office of Appeals may issue an order to show cause to the appellant which requires, requiring the appellant to show why the appeal should not be dismissed as untimely. If ~~the appellant does not~~, within 15 days after the mailing date of the order to show cause, ~~the appellant does not~~ provide written evidence of timely filing or good cause for failure to appeal timely, the appeal shall be dismissed.

4. If ~~When~~ an appeal involves a question of whether services were performed by a claimant in employment or for an employer, the referee must give special notice of the question and of the pendency of the appeal to the employing unit and to the Agency for Workforce Innovation, both of which become parties to the proceeding.

5.a. Any part of the evidence may be received in written form, and all testimony of parties and witnesses shall be made under oath.

b. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded, but all other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs is admissible, whether or not such evidence would be admissible in a trial in state court.

c. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, or to support a finding if it would be admissible over objection in civil actions. Notwithstanding s. 120.57(1)(c), hearsay evidence may support a finding of fact if:

(I) The party against whom it is offered has a reasonable opportunity to review such evidence prior to the hearing; and

(II) The appeals referee or special deputy determines, after considering all relevant facts and circumstances, that the evidence is trustworthy and probative and that the interests of justice are best served by its admission into evidence.

6.5. The parties must be notified promptly of the referee's decision. The referee's decision is final unless further review is initiated under paragraph (c) within 20 days after the date of mailing notice of the decision to the party's last known address or, in lieu of mailing, within 20 days after the delivery of the notice.

(e) *Judicial review.*—Orders of the commission entered under paragraph (c) are subject to review only by notice of appeal in the district court of appeal in the appellate district in which a claimant resides or the job separation arose or in the appellate district where the order was issued the issues involved were decided by an appeals referee. However, if the notice of appeal is filed solely with the commission, the appeal shall be filed in the district court of appeal in the appellate district in which the order was issued. Notwithstanding chapter 120, the commission is a party respondent to every such proceeding. The Agency for Workforce Innovation may initiate judicial review of orders in the same manner and to the same extent as any other party.

Section 13. Section (10) is added to section 443.171, Florida Statutes, to read:

443.171 Agency for Workforce Innovation and commission; powers and duties; records and reports; proceedings; state-federal cooperation.—

(10) EVIDENCE OF MAILING.—A mailing date on any notice, determination, decision, order, or other document mailed by the Agency for Workforce Innovation or its tax collection service provider pursuant to this chapter creates a rebuttable presumption that such notice, determination, order, or other document was mailed on the date indicated.

Section 14. Notwithstanding the expiration date contained in section 1 of chapter 2010-90, Laws of Florida, operating retroactive to June 2, 2010, and expiring January 4, 2012, section 443.1117, Florida Statutes, is revived, readopted, and amended to read:

443.1117 Temporary extended benefits.—

(1) APPLICABILITY OF EXTENDED BENEFITS STATUTE.—Except if the result is inconsistent with other provisions of this section, s. 443.1115(2), (3), (4), (6), and (7) apply to all claims covered by this section.

(2) DEFINITIONS.—As used in ~~For the purposes of~~ this section, the term:

(a) “Regular benefits” and “extended benefits” have the same meaning as in s. 443.1115.

(b) “Eligibility period” means the weeks in an individual's benefit year or emergency benefit period which begin in an extended benefit period and, if the benefit year or emergency benefit period ends within that extended benefit period, any subsequent weeks beginning in that period.

(c) “Emergency benefits” means Emergency Unemployment Compensation paid pursuant to Pub. L. No. 110-252, Pub. L. No. 110-449, Pub. L. No. 111-5, Pub. L. No. 111-92, Pub. L. No. 111-118, Pub. L. No. 111-144, and Pub. L. No. 111-157, Pub. L. No. 111-205, and Pub. L. No. 111-312.

(d) "Extended benefit period" means a period that:

1. Begins with the third week after a week for which there is a state "on" indicator; and
2. Ends with any of the following weeks, whichever occurs later:
 - a. The third week after the first week for which there is a state "off" indicator; or
 - b. The 13th consecutive week of that period.

However, an extended benefit period may not begin by reason of a state "on" indicator before the 14th week after the end of a prior extended benefit period that was in effect for this state.

(e) "Emergency benefit period" means the period during which an individual receives emergency benefits as defined in paragraph (e).

(f) "Exhaustee" means an individual who, for any week of unemployment in her or his eligibility period:

1. Has received, before that week, all of the regular benefits and emergency benefits, if any, available under this chapter or any other law, including dependents' allowances and benefits payable to federal civilian employees and ex-servicemembers under 5 U.S.C. ss. 8501-8525, in the current benefit year or emergency benefit period that includes that week. For the purposes of this subparagraph, an individual has received all of the regular benefits and emergency benefits, if any, available even if although, as a result of a pending appeal for wages paid for insured work which were not considered in the original monetary determination in the benefit year, she or he may subsequently be determined to be entitled to added regular benefits;

2. Had a benefit year that ~~which~~ expired before that week, and was paid no, or insufficient, wages for insured work on the basis of which she or he could establish a new benefit year that includes that week; and

3.a. Has no right to unemployment benefits or allowances under the Railroad Unemployment Insurance Act or other federal laws as specified in regulations issued by the United States Secretary of Labor; and

b. Has not received and is not seeking unemployment benefits under the unemployment compensation law of Canada; but if an individual is seeking those benefits and the appropriate agency finally determines that she or he is not entitled to benefits under that law, she or he is considered an exhaustee.

(g) "State 'on' indicator" means, with respect to weeks of unemployment ~~beginning on or after February 1, 2009, and ending on or before December 10, 2011 May 8, 2010~~, the occurrence of a week in which the average total unemployment rate, seasonally adjusted, as determined by the United States Secretary of Labor, for the most recent 3 months for which data for all states are published by the United States Department of Labor:

1. Equals or exceeds 110 percent of the average of those rates for the corresponding 3-month period ending in ~~any or all each~~ of the preceding 3 2 calendar years; and

2. Equals or exceeds 6.5 percent.

(h) "High unemployment period" means, with respect to weeks of unemployment ~~beginning on or after February 1, 2009, and ending on or before December 10, 2011 May 8, 2010~~, any week in which the average total unemployment rate, seasonally adjusted, as determined by the United States Secretary of Labor, for the most recent 3 months for which data for all states are published by the United States Department of Labor:

1. Equals or exceeds 110 percent of the average of those rates for the corresponding 3-month period ending in ~~any or all each~~ of the preceding 3 2 calendar years; and

2. Equals or exceeds 8 percent.

(i) "State 'off' indicator" means the occurrence of a week in which there is no state "on" indicator or which does not constitute a high unemployment period.

(3) TOTAL EXTENDED BENEFIT AMOUNT.—Except as provided in subsection (4):

(a) For any week for which there is an "on" indicator pursuant to paragraph (2)(g), the total extended benefit amount payable to an eligible individual for her or his applicable benefit year is the lesser of:

1. Fifty percent of the total regular benefits payable under this chapter in the applicable benefit year; or

2. Thirteen times the weekly benefit amount payable under this chapter for a week of total unemployment in the applicable benefit year.

(b) For any high unemployment period, the total extended benefit amount payable to an eligible individual for her or his applicable benefit year is the lesser of:

1. Eighty percent of the total regular benefits payable under this chapter in the applicable benefit year; or

2. Twenty times the weekly benefit amount payable under this chapter for a week of total unemployment in the applicable benefit year.

(4) EFFECT ON TRADE READJUSTMENT.—Notwithstanding any other provision of this chapter, if the benefit year of an individual ends within an extended benefit period, the number of weeks of extended benefits the individual is entitled to receive in that extended benefit period for weeks of unemployment beginning after the end of the benefit year, except as provided in this section, is reduced, but not to below zero, by the number of weeks for which the individual received, within that benefit year, trade readjustment allowances under the Trade Act of 1974, as amended.

Section 15. *The provisions of s. 443.1117, Florida Statutes, as revived, readopted, and amended by this act, apply only to claims for weeks of unemployment in which an exhaustee establishes entitlement to extended benefits pursuant to that section which are established for the period between June 2, 2010, and January 4, 2012.*

Section 16. *If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.*

Section 17. Section 443.17161, Florida Statutes, is created to read:

443.17161 Authorized electronic access to employer information.—

(1) Notwithstanding any other provision of this chapter, the Agency for Workforce Innovation shall contract with one or more consumer-reporting agencies to provide users with secured electronic access to employer-provided information relating to the quarterly wages report submitted in accordance with the state's unemployment compensation law. The access is limited to the wage reports for the appropriate amount of time for the purpose the information is requested.

(2) Users must obtain consent in writing or by electronic signature from an applicant for credit, employment, or other permitted purposes. Any written or electronic signature consent from an applicant must be signed and must include the following:

(a) Specific notice that information concerning the applicant's wage and employment history will be released to a consumer-reporting agency;

(b) Notice that the release is made for the sole purpose of reviewing the specific application for credit, employment, or other permitted purpose made by the applicant;

(c) Notice that the files of the Agency for Workforce Innovation or its tax collection service provider containing information concerning wage and employment history which is submitted by the applicant or his or her employers may be accessed; and

(d) A listing of the parties authorized to receive the released information.

(3) Consumer-reporting agencies and users accessing information under this section must safeguard the confidentiality of the information.

A consumer-reporting agency or user may use the information only to support a single transaction for the user to satisfy its standard underwriting or eligibility requirements or for those requirements imposed upon the user, and to satisfy the user's obligations under applicable state or federal laws, rules, or regulations.

(4) *If a consumer-reporting agency or user violates this section, the Agency for Workforce Innovation shall, upon 30 days written notice to the consumer-reporting agency, terminate the contract established between the Agency for Workforce Innovation and the consumer-reporting agency or require the consumer-reporting agency to terminate the contract established between the consumer-reporting agency and the user under this section.*

(5) *The Agency for Workforce Innovation shall establish minimum audit, security, net-worth, and liability-insurance standards, technical requirements, and any other terms and conditions considered necessary in the discretion of the state agency to safeguard the confidentiality of the information released under this section and to otherwise serve the public interest. The Agency for Workforce Innovation shall also include, in coordination with any necessary state agencies, necessary audit procedures to ensure that these rules are followed.*

(6) *In contracting with one or more consumer-reporting agencies under this section, any revenues generated by the contract must be used to pay the entire cost of providing access to the information. Further, in accordance with federal regulations, any additional revenues generated by the Agency for Workforce Innovation or the state under this section must be paid into the Administrative Trust Fund of the Agency for Workforce Innovation for the administration of the unemployment compensation system or be used as program income.*

(7) *The Agency for Workforce Innovation may not provide wage and employment history information to any consumer-reporting agency before the consumer-reporting agency or agencies under contract with the Agency for Workforce Innovation pay all development and other startup costs incurred by the state in connection with the design, installation, and administration of technological systems and procedures for the electronic-access program.*

(8) *The release of any information under this section must be for a purpose authorized by and in the manner permitted by the United States Department of Labor and any subsequent rules or regulations adopted by that department.*

(9) *As used in this section, the term:*

(a) *"Consumer-reporting agency" has the same meaning as that set forth in the Federal Fair Credit Reporting Act, 15 U.S.C. s. 1681a.*

(b) *"Creditor" has the same meaning as that set forth in the Federal Fair Debt Collection Practices Act, 15 U.S.C. ss. 1692 et seq.*

(c) *"User" means a creditor, employer, or other entity with a permissible purpose that is allowed under the Federal Fair Credit Reporting Act, 15 U.S.C. ss. 1681 et seq. to access the data contained in the wage reports through a consumer-reporting agency.*

Section 18. *There is appropriated to the Department of Revenue \$236,940 of nonrecurring funds from the Federal Grants Trust Fund and four full-time equivalent positions for Fiscal Year 2010-2011, and \$198,676 of recurring funds from the Federal Grants Trust Fund for Fiscal Year 2011-2012 to implement the provisions of this act. There is appropriated to the Agency for Workforce Innovation \$236,940 of nonrecurring funds from Employment Security Trust Fund for Fiscal Year 2010-2011, and \$198,676 of recurring funds from the Employment Security Trust Fund for Fiscal Year 2011-2012 to be used to contract with the Department of Revenue for services as required to implement this act.*

Section 19. *The Legislature finds that this act fulfills an important state interest.*

Section 20. *Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.*

And the title is amended as follows:

Delete everything before the enacting clause and insert: *A bill to be entitled An act relating to unemployment compensation; amending s.*

213.053, F.S.; increasing the number of employer payroll service providers who qualify for access to unemployment tax information by filing a memorandum of understanding; amending s. 443.031, F.S.; revising provisions relating to statutory construction; amending s. 443.036, F.S.; revising the definitions for "available for work," "misconduct," and "unemployment"; adding definitions for "individual in continued reporting status" and "initial skills review"; amending s. 443.091, F.S.; revising requirements for making continued claims for benefits; requiring that an individual claiming benefits report certain information and participate in an initial skills review; providing an exception; specifying criteria for determining an applicant's availability for work; amending s. 443.101, F.S.; clarifying "good cause" for voluntarily leaving employment; disqualifying a person for benefits due to the receipt of severance pay; revising provisions relating to the effects of criminal acts on eligibility for benefits; amending s. 443.111, F.S.; taking effect August 1, 2011; revising the manner in which benefits are payable; eliminating payment by mail; providing an exception; conforming provisions to changes made by the act; amending s. 443.1216, F.S.; providing that employee leasing companies may make a one-time election to report leased employees under the respective unemployment account of each leasing company client; providing procedures and application for such election; conforming a cross-reference; amending s. 443.111, F.S.; taking effect January 1, 2012; defining the term "Florida average unemployment rate"; revising the number of available weeks of unemployment benefits available; amending s. 443.041, F.S.; conforming a cross-reference; amending s. 443.141, F.S.; providing an employer payment schedule for 2012, 2013, and 2014 contributions; requiring an employer to pay a fee for paying contributions on a quarterly schedule; providing penalties, interest, and fees on delinquent contributions; amending s. 443.151, F.S.; requiring claims to be submitted by electronic means; revising allowable forms of evidence in benefit appeals; revising the judicial venue for reviewing commission orders; amending s. 443.171, F.S.; specifying that evidence of mailing an agency document is based on the date stated on the document; reviving, readopting, and amending s. 443.1117, F.S., relating to temporary extended benefits; providing for retroactive application; establishing temporary state extended benefits for weeks of unemployment; revising definitions; providing for state extended benefits for certain weeks and for periods of high unemployment; providing severability; providing applicability; creating s. 443.17161, F.S.; requiring the Agency for Workforce Innovation to contract with one or more consumer-reporting agencies to provide creditors, employers, and other entities with a permissible purpose with secured electronic access to employer-provided information relating to the quarterly wages reports; providing conditions; requiring consent from the applicant for credit, employment, or other permitted purpose; prescribing information that must be included in the written consent; providing for confidentiality; limiting use of the information released; providing for termination of contracts under certain circumstances; requiring the agency to establish minimum audit, security, net worth, and liability insurance standards and other requirements it considers necessary; providing that any revenues generated from a contract with a consumer reporting agency must be used to pay the entire cost of providing access to the information; providing that any additional revenues generated must be paid into the Administrative Trust Fund of the Agency for Workforce Innovation or used for program purposes; providing restrictions on the release of information under the act; defining the terms "consumer-reporting agency," "creditor," and "user"; providing appropriations for purposes of implementation; providing that the act fulfills an important state interest; providing effective dates.

On motion by Senator Detert, by two-thirds vote **CS for CS for HB 7005** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yea—29

Mr. President	Evers	Margolis
Alexander	Fasano	Negron
Altman	Flores	Norman
Benacquisto	Gaetz	Oelrich
Bennett	Garcia	Richter
Bogdanoff	Gardiner	Simmons
Dean	Hays	Storms
Detert	Jones	Thrasher
Diaz de la Portilla	Latvala	Wise
Dockery	Lynn	

Nays—10

Braynon	Rich	Smith
Hill	Ring	Sobel
Joyner	Sachs	
Montford	Siplin	

Vote after roll call:

Yea to Nay—Margolis

MOTIONS RELATING TO COMMITTEE REFERENCE

SENATOR BENNETT PRESIDING

On motion by Senator Thrasher, by two-thirds vote **CS for CS for HB 1043** was withdrawn from the Committee on Rules.

LOCAL BILL CALENDAR

CS for CS for HB 1043—A bill to be entitled An act relating to Citrus County; providing for codification of special laws relating to the Citrus County Hospital Board, an independent special district in Citrus County; codifying, amending, reenacting, and repealing chapters 99-442 and 2001-308, Laws of Florida, as the “Citrus County Hospital and Medical Nursing and Convalescent Home Act”; deleting obsolete provisions; making technical revisions; providing definitions; authorizing the board to enter into a lease or contract with a not-for-profit corporation for the purpose of operating and managing the hospital and its facilities; declaring a need for governance authority to fulfill the hospital board’s public responsibilities; providing for a board of directors; providing for membership; requiring that the not-for-profit corporation conform all governance documents to certain requirements, if necessary; authorizing ad valorem taxation; requiring that the not-for-profit corporation separately account for the expenditure of all ad valorem tax moneys provided by the hospital board; requiring that the expenditure of all public tax funds be approved in a public meeting and maintained in a separate account; providing for the hospital board’s approval or rejection of the not-for-profit corporation’s articles of incorporation or bylaws, selection of a chief executive officer or renewal of his or her employment contract, the annual operating and capital budgets, additional loan indebtedness or leases in excess of a specified amount, and the not-for-profit corporation’s policies for travel reimbursements and contract bid procedures; providing that all records of the not-for-profit corporation are public records unless exempt; providing that any dispute between the hospital board and the not-for-profit corporation is subject to court action; providing for a future operational audit of the hospital board; providing application; repealing chapters 99-442 and 2001-308, Laws of Florida, relating to the Citrus County Hospital Board; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator Dean, by two-thirds vote **CS for CS for HB 1043** was read the third time by title, passed and certified to the House. The vote on passage was:

Yea—38

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

Nays—1

Oelrich

Vote after roll call:

Nay to Yea—Oelrich

SPECIAL ORDER CALENDAR

CS for SB 1388—A bill to be entitled An act relating to the Department of Revenue; amending s. 213.053, F.S.; authorizing the department to release certain taxpayers’ names and addresses to certain scholarship-funding organizations; amending ss. 220.1875 and 624.51055, F.S.; deleting a limitation on the amount of tax credit allowable for contributions made to certain scholarship-funding organizations; amending s. 1002.395, F.S.; extending the carry-forward period for the use of certain tax credits resulting from contributions to the Florida Tax Credit Scholarship Program; deleting a restriction on a taxpayer’s ability to rescind certain tax credits resulting from contributions to the program; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 1388** to **CS for CS for HB 965**.

Pending further consideration of **CS for SB 1388** as amended, on motion by Senator Flores, by two-thirds vote **CS for CS for HB 965** was withdrawn from the Committees on Education Pre-K - 12; Budget; and Rules.

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

CS for CS for HB 965—A bill to be entitled An act relating to the Florida Tax Credit Scholarship Program; amending ss. 220.1875 and 624.51055, F.S.; revising provisions relating to the amount of a tax credit allowed for a contribution made to an eligible nonprofit scholarship-funding organization; amending s. 1002.395, F.S.; revising provisions relating to the carryforward of an unused amount of a tax credit and the rescindment of all or part of a tax credit under the Florida Tax Credit Scholarship Program; providing an effective date.

—a companion measure, was substituted for **CS for SB 1388** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 965** was placed on the calendar of Bills on Third Reading.

CS for CS for SJR 658—A joint resolution proposing amendments to Sections 4 and 6 of Article VII and Section 27 of Article XII and the creation of Sections 32 and 33 of Article XII of the State Constitution to allow the Legislature by general law to prohibit increases in the assessed value of homestead and specified nonhomestead property if the just value of the property decreases, reduce the limitation on annual assessment increases applicable to nonhomestead real property, provide an additional homestead exemption for owners of homestead property who have not owned homestead property for a specified time before purchase of the current homestead property, and application and limitations with respect thereto, delete a future repeal of provisions limiting annual assessment increases for specified nonhomestead real property, and provide effective dates.

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

That the following amendments to Sections 4 and 6 of Article VII and Section 27 of Article XII and the creation of Sections 32 and 33 of Article XII of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE VII
FINANCE AND TAXATION

SECTION 4. Taxation; assessments.—By general law regulations shall be prescribed which shall secure a just valuation of all property for ad valorem taxation, provided:

(a) Agricultural land, land producing high water recharge to Florida's aquifers, or land used exclusively for noncommercial recreational purposes may be classified by general law and assessed solely on the basis of character or use.

(b) As provided by general law and subject to conditions, limitations, and reasonable definitions specified therein, land used for conservation purposes shall be classified by general law and assessed solely on the basis of character or use.

(c) Pursuant to general law tangible personal property held for sale as stock in trade and livestock may be valued for taxation at a specified percentage of its value, may be classified for tax purposes, or may be exempted from taxation.

(d) All persons entitled to a homestead exemption under Section 6 of this Article shall have their homestead assessed at just value as of January 1 of the year following the effective date of this amendment. This assessment shall change only as provided in this subsection.

(1) Assessments subject to this subsection shall ~~change be changed annually on January 1 st of each year; but those changes in assessments~~

a. A change in an assessment may ~~shall~~ not exceed the lower of the following:

1.a. Three percent (3%) of the assessment for the prior year.

2.b. The percent change in the Consumer Price Index for all urban consumers, U.S. City Average, all items 1967=100, or a successor index ~~reports~~ for the preceding calendar year as initially reported by the United States Department of Labor, Bureau of Labor Statistics.

b. The legislature may provide by general law that except for changes, additions, reductions, or improvements to homestead property assessed as provided in paragraph (d)(5), an assessment may not increase if the just value of the property is less than the just value of the property on the preceding January 1.

(2) An ~~No~~ assessment may not ~~shall~~ exceed just value.

(3) After a ~~any~~ change of ownership, as provided by general law, homestead property shall be assessed at just value as of January 1 of the following year, unless the provisions of paragraph (8) apply. Thereafter, the homestead shall be assessed as provided in this subsection.

(4) New homestead property shall be assessed at just value as of January 1 ~~1 st~~ of the year following the establishment of the homestead, unless the provisions of paragraph (8) apply. That assessment shall ~~only~~ change only as provided in this subsection.

(5) Changes, additions, reductions, or improvements to homestead property shall be assessed as provided for by general law; ~~provided~~. However, after the adjustment for any change, addition, reduction, or improvement, the property shall be assessed as provided in this subsection.

(6) In the event of a termination of homestead status, the property shall be assessed as provided by general law.

(7) The provisions of this subsection ~~amendment~~ are severable. If a provision ~~any of the provisions~~ of this subsection is ~~amendment~~ shall be held unconstitutional by a ~~any~~ court of competent jurisdiction, the decision of the ~~such~~ court does ~~shall~~ not affect or impair any remaining provisions of this subsection ~~amendment~~.

(8)a. A person who establishes a new homestead as of January 1, 2009, or January 1 of any subsequent year and who has received a homestead exemption pursuant to Section 6 of this Article as of January 1 of either of the 2 ~~two~~ years immediately preceding the establishment of

~~a the new homestead is entitled to have the new homestead assessed at less than just value. If this revision is approved in January of 2008, a person who establishes a new homestead as of January 1, 2008, is entitled to have the new homestead assessed at less than just value only if that person received a homestead exemption on January 1, 2007. The assessed value of the newly established homestead shall be determined as follows:~~

1. If the just value of the new homestead is greater than or equal to the just value of the prior homestead as of January 1 of the year in which the prior homestead was abandoned, the assessed value of the new homestead shall be the just value of the new homestead minus an amount equal to the lesser of \$500,000 or the difference between the just value and the assessed value of the prior homestead as of January 1 of the year in which the prior homestead was abandoned. Thereafter, the homestead shall be assessed as provided in this subsection.

2. If the just value of the new homestead is less than the just value of the prior homestead as of January 1 of the year in which the prior homestead was abandoned, the assessed value of the new homestead shall be equal to the just value of the new homestead divided by the just value of the prior homestead and multiplied by the assessed value of the prior homestead. However, if the difference between the just value of the new homestead and the assessed value of the new homestead calculated pursuant to this sub-subparagraph is greater than \$500,000, the assessed value of the new homestead shall be increased so that the difference between the just value and the assessed value equals \$500,000. Thereafter, the homestead shall be assessed as provided in this subsection.

b. By general law and subject to conditions specified therein, the legislature shall provide for application of this paragraph to property owned by more than one person.

(e) The legislature may, by general law, for assessment purposes and subject to the provisions of this subsection, allow counties and municipalities to authorize by ordinance that historic property may be assessed solely on the basis of character or use. Such character or use assessment shall apply only to the jurisdiction adopting the ordinance. The requirements for eligible properties must be specified by general law.

(f) A county may, in the manner prescribed by general law, provide for a reduction in the assessed value of homestead property to the extent of any increase in the assessed value of that property which results from the construction or reconstruction of the property for the purpose of providing living quarters for one or more natural or adoptive grandparents or parents of the owner of the property or of the owner's spouse if at least one of the grandparents or parents for whom the living quarters are provided is 62 years of age or older. Such a reduction may not exceed the lesser of the following:

(1) The increase in assessed value resulting from construction or reconstruction of the property.

(2) Twenty percent of the total assessed value of the property as improved.

(g) For all levies other than school district levies, assessments of residential real property, as defined by general law, which contains nine units or fewer and which is not subject to the assessment limitations set forth in subsections (a) through (d) shall change only as provided in this subsection.

(1) Assessments subject to this subsection shall be changed annually on the date of assessment provided by law. However, ~~but those changes in assessments~~ ~~may~~ ~~shall~~ not exceed 5 ~~ten~~ percent (10%) of the assessment for the prior year. The legislature may provide by general law that an assessment may not increase if the just value of the property is less than the just value of the property on the preceding date of assessment provided by law.

(2) An ~~No~~ assessment may not ~~shall~~ exceed just value.

(3) After a change of ownership or control, as defined by general law, including any change of ownership of a legal entity that owns the property, such property shall be assessed at just value as of the next assessment date. Thereafter, such property shall be assessed as provided in this subsection.

(4) Changes, additions, reductions, or improvements to such property shall be assessed as provided for by general law.; However, after the adjustment for any change, addition, reduction, or improvement, the property shall be assessed as provided in this subsection.

(h) For all levies other than school district levies, assessments of real property that is not subject to the assessment limitations set forth in subsections (a) through (d) and (g) shall change only as provided in this subsection.

(1) Assessments subject to this subsection shall be changed annually on the date of assessment provided by law. *However, but* those changes in assessments ~~may~~ shall not exceed 5 ~~ten~~ percent (10%) of the assessment for the prior year. *The legislature may provide by general law that an assessment may not increase if the just value of the property is less than the just value of the property on the preceding date of assessment provided by law.*

(2) *An* ~~No~~ assessment ~~may not~~ shall exceed just value.

(3) The legislature must provide that such property shall be assessed at just value as of the next assessment date after a qualifying improvement, as defined by general law, is made to such property. Thereafter, such property shall be assessed as provided in this subsection.

(4) The legislature may provide that such property shall be assessed at just value as of the next assessment date after a change of ownership or control, as defined by general law, including any change of ownership of the legal entity that owns the property. Thereafter, such property shall be assessed as provided in this subsection.

(5) Changes, additions, reductions, or improvements to such property shall be assessed as provided for by general law.; However, after the adjustment for any change, addition, reduction, or improvement, the property shall be assessed as provided in this subsection.

(i) The legislature, by general law and subject to conditions specified therein, may prohibit the consideration of the following in the determination of the assessed value of real property used for residential purposes:

(1) Any change or improvement made for the purpose of improving the property's resistance to wind damage.

(2) The installation of a renewable energy source device.

(j)(1) The assessment of the following working waterfront properties shall be based upon the current use of the property:

a. Land used predominantly for commercial fishing purposes.

b. Land that is accessible to the public and used for vessel launches into waters that are navigable.

c. Marinas and drystacks that are open to the public.

d. Water-dependent marine manufacturing facilities, commercial fishing facilities, and marine vessel construction and repair facilities and their support activities.

(2) The assessment benefit provided by this subsection is subject to conditions and limitations and reasonable definitions as specified by the legislature by general law.

SECTION 6. Homestead exemptions.—

(a) Every person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner, or another legally or naturally dependent upon the owner, shall be exempt from taxation thereon, except assessments for special benefits, up to the assessed valuation of \$25,000 ~~twenty five thousand dollars~~ and, for all levies other than school district levies, on the assessed valuation greater than \$50,000 ~~fifty thousand dollars~~ and up to \$75,000 ~~seventy five thousand dollars~~, upon establishment of right thereto in the manner prescribed by law. The real estate may be held by legal or equitable title, by the entireties, jointly, in common, as a condominium, or indirectly by stock ownership or membership representing the owner's or member's proprietary interest in a corporation owning a fee or a leasehold initially

in excess of 98 ~~ninety eight~~ years. The exemption shall not apply with respect to any assessment roll until such roll is first determined to be in compliance with the provisions of Section 4 by a state agency designated by general law. This exemption is repealed on the effective date of any amendment to this Article which provides for the assessment of homestead property at less than just value.

(b) Not more than one exemption shall be allowed any individual or family unit or with respect to any residential unit. No exemption shall exceed the value of the real estate assessable to the owner or, in case of ownership through stock or membership in a corporation, the value of the proportion which the interest in the corporation bears to the assessed value of the property.

(c) By general law and subject to conditions specified therein, the legislature may provide to renters, who are permanent residents, ad valorem tax relief on all ad valorem tax levies. Such ad valorem tax relief shall be in the form and amount established by general law.

(d) The legislature may, by general law, allow counties or municipalities, for the purpose of their respective tax levies and subject to the provisions of general law, to grant an additional homestead tax exemption not exceeding \$50,000 ~~fifty thousand dollars~~ to any person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner and who has attained age 65 ~~sixty five~~ and whose household income, as defined by general law, does not exceed \$20,000 ~~twenty thousand dollars~~. The general law must allow counties and municipalities to grant this additional exemption, within the limits prescribed in this subsection, by ordinance adopted in the manner prescribed by general law, and must provide for the periodic adjustment of the income limitation prescribed in this subsection for changes in the cost of living.

(e) Each veteran who is age 65 or older who is partially or totally permanently disabled shall receive a discount from the amount of the ad valorem tax otherwise owed on homestead property the veteran owns and resides in if the disability was combat related, the veteran was a resident of this state at the time of entering the military service of the United States, and the veteran was honorably discharged upon separation from military service. The discount shall be in a percentage equal to the percentage of the veteran's permanent, service-connected disability as determined by the United States Department of Veterans Affairs. To qualify for the discount granted by this subsection, an applicant must submit to the county property appraiser, by March 1, proof of residency at the time of entering military service, an official letter from the United States Department of Veterans Affairs stating the percentage of the veteran's service-connected disability and such evidence that reasonably identifies the disability as combat related, and a copy of the veteran's honorable discharge. If the property appraiser denies the request for a discount, the appraiser must notify the applicant in writing of the reasons for the denial, and the veteran may reapply. The legislature may, by general law, waive the annual application requirement in subsequent years. This subsection shall take effect December 7, 2006, is self-executing, and does not require implementing legislation.

(f) *As provided by general law and subject to conditions specified therein, every person who establishes the right to receive the homestead exemption provided in subsection (a) within 1 year after purchasing the homestead property and who has not owned property in the previous 3 calendar years to which the homestead exemption provided in subsection (a) applied is entitled to an additional homestead exemption in an amount equal to 50 percent of the homestead property's just value on January 1 of the year the homestead is established for all levies other than school district levies. The additional exemption shall apply for a period of 5 years or until the year the property is sold, whichever occurs first. The amount of the additional exemption shall not exceed \$200,000 and shall be reduced in each subsequent year by an amount equal to 20 percent of the amount of the additional exemption received in the year the homestead was established or by an amount equal to the difference between the just value of the property and the assessed value of the property determined under Section 4(d), whichever is greater. Not more than one exemption provided under this subsection shall be allowed per homestead property. The additional exemption shall apply to property purchased on or after January 1, 2011, if this amendment is approved at a special election held on the date of the 2012 presidential preference primary, or on or after January 1, 2012, if approved at the 2012 general election, but shall not be available in the sixth and subsequent years after the additional exemption is first received.*

ARTICLE XII
SCHEDULE

SECTION 27. *Property tax exemptions and limitations on property tax assessments.—The amendments to Sections 3, 4, and 6 of Article VII, providing a \$25,000 exemption for tangible personal property, providing an additional \$25,000 homestead exemption, authorizing transfer of the accrued benefit from the limitations on the assessment of homestead property, and this section, if submitted to the electors of this state for approval or rejection at a special election authorized by law to be held on January 29, 2008, shall take effect upon approval by the electors and shall operate retroactively to January 1, 2008, or, if submitted to the electors of this state for approval or rejection at the next general election, shall take effect January 1 of the year following such general election. The amendments to Section 4 of Article VII creating subsections (f) and (g) of that section, creating a limitation on annual assessment increases for specified real property, shall take effect upon approval of the electors and shall first limit assessments beginning January 1, 2009, if approved at a special election held on January 29, 2008, or shall first limit assessments beginning January 1, 2010, if approved at the general election held in November of 2008. Subsections (f) and (g) of Section 4 of Article VII are repealed effective January 1, 2019; however, the legislature shall by joint resolution propose an amendment abrogating the repeal of subsections (f) and (g), which shall be submitted to the electors of this state for approval or rejection at the general election of 2018 and, if approved, shall take effect January 1, 2019.*

SECTION 32. *Property assessments.—This section and the amendment to Section 4 of Article VII protecting homestead property having a declining just value and reducing the limit on the maximum annual increase in the assessed value of nonhomestead property from 10 percent to 5 percent, if submitted to the electors of this state for approval or rejection at a special election authorized by law to be held on the date of the 2012 presidential preference primary, shall take effect upon approval by the electors and shall operate retroactively to January 1, 2012, or, if submitted to the electors of this state for approval or rejection at the 2012 general election, shall take effect January 1, 2013.*

SECTION 33. *Additional homestead exemption for owners of homestead property who recently have not owned homestead property.—This section and the amendment to Section 6 of Article VII providing for an additional homestead exemption for owners of homestead property who have not owned homestead property during the 3 calendar years immediately preceding purchase of the current homestead property, if submitted to the electors of this state for approval or rejection at a special election authorized by law to be held on the date of the 2012 presidential preference primary, shall take effect upon approval by the electors and operate retroactively to January 1, 2012, and the additional homestead exemption shall be available for properties purchased on or after January 1, 2011, or if submitted to the electors of this state for approval or rejection at the 2012 general election, shall take effect January 1, 2013, and the additional homestead exemption shall be available for properties purchased on or after January 1, 2012.*

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT
ARTICLE VII, SECTIONS 4, 6
ARTICLE XII, SECTIONS 27, 32, 33

PROPERTY TAX LIMITATIONS; ADDITIONAL HOMESTEAD EXEMPTION.—

(1) In certain circumstances, the law requires the assessed value of real property to increase when the just value of the property decreases. This amendment authorizes the Legislature, by general law, to prohibit such increases in the assessment of property whose just value has declined below its just value on the preceding assessment date. This amendment takes effect upon approval by the voters, if approved at a special election held on the date of the 2012 presidential preference primary and operates retroactively to January 1, 2012, or, if approved by the voters at the general election, takes effect January 1, 2013.

(2) This amendment reduces from 10 percent to 5 percent the limitation on annual increases in assessments of nonhomestead real property. This amendment takes effect upon approval of the voters, if approved at a special election held on the date of the 2012 presidential preference primary and operates retroactively to January 1, 2012, or, if approved by the voters at the general election, takes effect January 1, 2013.

(3) This amendment also provides owners of homestead property who have not owned homestead property during the 3 calendar years immediately preceding purchase of the current homestead property with an additional homestead exemption equal to 50 percent of the property's just value in the first year for all levies other than school district levies, limited to \$200,000; applies the additional exemption for the shorter of 5 years or the year of sale of the property; reduces the amount of the additional exemption in each succeeding year for 5 years by the greater of 20 percent of the amount of the initial additional exemption or the difference between the just value and the assessed value of the property; limits the additional exemption to one per homestead property; limits the additional exemption to properties purchased on or after January 1, 2011, if approved by the voters at a special election held on the date of the 2012 presidential preference primary, or on or after January 1, 2012, if approved by the voters at the 2012 general election; prohibits availability of the additional exemption in the sixth and subsequent years after the additional exemption is granted; and provides for the amendment to take effect upon approval of the voters and operate retroactively to January 1, 2012, if approved at the special election held on the date of the 2012 presidential preference primary, or on January 1, 2013, if approved by the voters at the 2012 general election.

(4) This amendment also removes from the State Constitution a repeal, scheduled to take effect in 2019, of constitutional amendments adopted in 2008 that limit annual assessment increases for specified nonhomestead real property.

—was read the second time in full.

An amendment was considered and adopted to conform **CS for CS for SJR 658 to CS for CS for CS for CS for HJR 381**.

Pending further consideration of **CS for CS for SJR 658** as amended, on motion by Senator Fasano, by two-thirds vote **CS for CS for CS for CS for CS for HJR 381** was withdrawn from the Committees on Community Affairs; Judiciary; Budget; and Rules.

On motion by Senator Fasano—

CS for CS for CS for CS for HJR 381—A joint resolution proposing amendments to Sections 4 and 6 of Article VII and Section 27 of Article XII and the creation of Sections 32 and 33 of Article XII of the State Constitution to allow the Legislature by general law to prohibit increases in the assessed value of homestead and specified nonhomestead property if the just value of the property decreases, reduce the limitation on annual assessment increases applicable to nonhomestead real property, provide an additional homestead exemption for owners of homestead property who have not owned homestead property for a specified time before purchase of the current homestead property, and application and limitations with respect thereto, delay the future repeal of provisions limiting annual assessment increases for specified nonhomestead real property, and provide effective dates.

—a companion measure, was substituted for **CS for CS for SJR 658** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for CS for HJR 381** was placed on the calendar of Bills on Third Reading.

MOTION

On motion by Senator Thrasher, the rules were waived and time of recess was extended until 7:00 p.m.

CS for SB 1722—A bill to be entitled An act relating to ad valorem taxation; amending ss. 193.1554 and 193.1555, F.S.; reducing the amount that any change in the value of certain real property resulting from an annual reassessment may exceed the assessed value of the

property for the prior year under specified circumstances; providing exceptions; creating s. 196.078, F.S.; providing a definition; providing a first-time Florida homesteader with an additional homestead exemption; providing for calculation of the exemption; providing for the applicability period of the exemption; providing for an annual reduction in the exemption during the applicability period; providing application procedures; providing for applicability of specified provisions; providing for contingent effect of provisions and varying dates of application depending on the adoption and adoption date of specified joint resolutions; authorizing the Department of Revenue to adopt emergency rules; providing for application and renewal of emergency rules; amending s. 218.12, F.S.; requiring the Legislature to appropriate funds to fiscally constrained counties to offset reductions in ad valorem tax revenue as the result of the implementation of certain proposed revisions to the State Constitution; providing for certain contingent effect and retroactive application; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 1722 to CS for CS for CS for HB 1163**.

Pending further consideration of **CS for SB 1722** as amended, on motion by Senator Fasano, by two-thirds vote **CS for CS for CS for HB 1163** was withdrawn from the Committees on Community Affairs; Judiciary; and Rules.

On motion by Senator Fasano—

CS for CS for CS for HB 1163—A bill to be entitled An act relating to ad valorem taxation; amending s. 193.1554, F.S.; reducing the amount by which any change in the value of nonhomestead residential property resulting from an annual reassessment may exceed the assessed value of the property for the prior year; amending s. 193.1555, F.S.; reducing the amount by which any change in the value of certain residential and nonresidential real property resulting from an annual reassessment may exceed the assessed value of the property for the prior year; creating s. 196.078, F.S.; providing a definition; providing a first-time Florida homesteader with an additional homestead exemption; providing for calculation of the exemption; providing for the applicability period of the exemption; providing for an annual reduction in the exemption during the applicability period; providing application procedures; providing for applicability of specified provisions; providing for contingent effect of provisions and varying dates of application depending on the adoption and adoption date of specified joint resolutions; authorizing the Department of Revenue to adopt emergency rules; providing for application and renewal of emergency rules; amending s. 218.12, F.S.; requiring the Legislature to consider appropriating funds to fiscally constrained counties to offset reductions in ad valorem tax revenue as the result of the implementation of certain revisions to the State Constitution; requiring application to the department to participate in the distribution of such an appropriation; providing for certain contingent effect and retroactive application; providing an effective date.

—a companion measure, was substituted for **CS for SB 1722** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for HB 1163** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 1732—A bill to be entitled An act relating to postsecondary education; amending s. 1004.015, F.S.; requiring the Higher Education Coordinating Council to recommend plans and submit a report to the Governor and the Legislature relating to core responsibilities of postsecondary education institutions, performance outputs and outcomes, articulation policies, workforce development education, and baccalaureate degree authorization; requiring the council to submit a report to the Governor, the President of the Senate, the Speaker of the House of Representatives, the State Board of Education, and the Board of Governors of the State University System by a date certain which includes certain recommendations; amending s. 1007.27, F.S.; requiring the Department of Education to use student performance data to determine appropriate credit-by-examination scores and courses; requiring the Department of Education to review performance data for students who take Advanced Placement Examinations and to set minimum scores based on the review; deleting an exemption from summer-term enrollment in a public postsecondary education institution for students earn-

ing accelerated credit; amending s. 1007.33, F.S.; deleting an exemption from provisions governing the approval process for baccalaureate degrees; amending s. 1001.64, F.S.; requiring a community college board of trustees to ask the Commissioner of Education to authorize an investigation of a college president by the Department of Education's inspector general in specified circumstances; requiring the inspector general to report on the investigation and make recommendations; requiring the inspector general to refer any potential legal violation to the Commission on Ethics, the Department of Law Enforcement, the Attorney General, or other appropriate authority; repealing s. 1000.07, F.S., relating to the Florida Business and Education Collaborative; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 1732 to CS for HB 7151**.

Pending further consideration of **CS for CS for SB 1732** as amended, on motion by Senator Lynn, by two-thirds vote **CS for HB 7151** was withdrawn from the Committees on Higher Education; Budget Subcommittee on Higher Education Appropriations; and Budget.

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

CS for HB 7151—A bill to be entitled An act relating to postsecondary education; amending s. 467.009, F.S.; deleting a reference to the College-Level Academic Skills Test (CLAST); amending s. 705.18, F.S.; revising provisions relating to the disposal of personal property lost or abandoned on public postsecondary institution campuses; providing requirements for notification, disposal, and use or disposition of proceeds from the sale of lost or abandoned bicycles and bicycle safety equipment; repealing s. 1007.07, F.S., relating to the Florida Business and Education Collaborative; amending s. 1001.64, F.S.; requiring a Florida College System institution board of trustees to ask the Commissioner of Education to authorize an investigation of the college president by the Department of Education's inspector general in specified circumstances; requiring a report and recommendations; requiring the inspector general to refer potential legal violations to the Commission on Ethics, the Department of Law Enforcement, the Attorney General, or another appropriate authority; amending s. 1004.015, F.S.; requiring the Higher Education Coordinating Council to make recommendations and submit a report relating to core missions of postsecondary education institutions, performance outputs and outcomes, articulation policies, and workforce development education; amending s. 1004.04, F.S.; deleting a reference to the CLAST; amending s. 1004.68, F.S.; deleting provisions relating to the use of test scores for assessment of college-level communication and computation skills; amending s. 1007.01, F.S.; providing legislative intent and requirements relating to articulation; requiring the establishment of the Articulation Coordinating Committee and providing its responsibilities; amending s. 1007.25, F.S.; deleting provisions that require an examination or demonstration of remediation of academic deficiencies to obtain a postsecondary degree; amending ss. 1007.264 and 1007.265, F.S.; deleting provisions that exclude students with intellectual disabilities from eligibility for substitute requirements for admission to or graduation from a public postsecondary education institution; amending s. 1007.27, F.S.; requiring the Department of Education to use student performance data to determine appropriate credit-by-examination scores and courses; deleting an exemption from summer-term enrollment in a public postsecondary education institution for students earning accelerated credit; amending s. 1007.33, F.S.; providing for State Board of Education rules relating to approval and exemption from approval for baccalaureate degree programs at Florida College System institutions; amending s. 1008.30, F.S., relating to common placement testing for public postsecondary education; deleting a reference to the CLAST; requiring rules for remediation opportunities, retesting policies, and academic competencies; requiring that students be advised of academic requirements, financial aid eligibility, and certain costs; amending s. 1008.345, F.S.; deleting Department of Education duties relating to tests and assessment procedures that measure student achievement of college-level communication and computation skills; amending s. 1008.38, F.S.; revising and conforming provisions relating to the articulation accountability process; amending s. 1009.534, F.S.; revising provisions relating to approval of community service work for eligibility for the Florida Academic Scholars award; amending ss. 267.062, 1004.23, 1010.03, 1010.04, 1010.07, and 1013.171, F.S.; replacing references to university rules with university regulations; conforming provisions; amending s. 1013.33, F.S.; conforming provisions;

repealing s. 1013.63, F.S., relating to the University Concurrency Trust Fund; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1732** as amended and read the second time by title.

MOTION

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

Senator Oelrich moved the following amendment:

Amendment 1 (561840) (with title amendment)—Delete lines 85-439 and insert:

Section 2. Section 705.18, Florida Statutes, is amended to read:

705.18 Disposal of personal property lost or abandoned on university or ~~Florida College System institution~~ ~~community college~~ campuses; disposition of proceeds from sale.—

(1) Whenever any lost or abandoned personal property is ~~shall be~~ found on a campus of an institution in the State University System or a campus of a ~~Florida College System institution~~ ~~state-supported community college~~, the president of the institution or the president's designee shall take charge of the property and make a record of the date such property was found. If ~~the property is not claimed by the owner~~, within 30 days after ~~it such property~~ is found, or a longer period of time as may be deemed appropriate by the president ~~under the circumstances, the property is not claimed by the owner~~, the president or his or her designee ~~shall dispose of or make use of the property in accordance with established policies and procedures that best meet the needs of the university or the Florida College System institution and its students shall order it sold at public outcry after giving notice of the time and place of sale in a publication of general circulation on the campus of such institution and written notice to the owner if known~~. The rightful owner of ~~the such~~ property may reclaim ~~the property the same~~ at any time prior to ~~the disposition, sale, or use of the property in accordance with this section and the established policies and procedures of the university or the Florida College System institution~~.

(2) ~~All moneys realized from such institution's sale shall be placed in an appropriate fund and used solely for student scholarship and loan purposes.~~

Section 3. Section 1000.07, Florida Statutes, is repealed.

Section 4. Subsection (3) of section 1001.64, Florida Statutes, is amended to read:

1001.64 Community college boards of trustees; powers and duties.—

(3) A board of trustees shall have the power to take action without a recommendation from the president and shall have the power to require the president to deliver to the board of trustees all data and information required by the board of trustees in the performance of its duties. *A board of trustees shall ask the Commissioner of Education to authorize an investigation of the president's actions by the department's inspector general if the board considers such investigation necessary. The inspector general shall provide a report detailing each issue under investigation and shall recommend corrective action. If the inspector general identifies potential legal violations, he or she shall refer the potential legal violations to the Commission on Ethics, the Department of Law Enforcement, the Attorney General, or another appropriate authority.*

Section 5. Subsection (4) of section 1004.015, Florida Statutes, is renumbered as subsection (6) and amended, and new subsections (4) and (5) are added to that section, to read:

1004.015 Higher Education Coordinating Council.—

(4) *The council shall make detailed recommendations relating to:*

(a) *The primary core mission of public and nonpublic postsecondary education institutions in the context of state access demands and economic development goals.*

(b) *Performance outputs and outcomes designed to meet annual and long-term state goals, including, but not limited to, increased student access, preparedness, retention, transfer, and completion. Performance measures must be consistent across sectors and allow for a comparison of the state's performance to that of other states.*

(c) *The state's articulation policies and practices to ensure that cost benefits to the state are maximized without jeopardizing quality. The recommendation shall consider return on investment for both the state and students and propose systems to facilitate and ensure institutional compliance with state articulation policies.*

(d) *A plan for workforce development education that addresses:*

1. *The alignment of school district and Florida College System workforce development education programs to ensure cost efficiency and mission delineation, including an examination of the need for both college credit and noncollege credit certificate programs, an evaluation of the merit of retaining the associate in applied science degree, and the consolidation of adult general education programs within school districts.*

2. *The consistency of workforce education data collected and reported by Florida College System institutions and school districts, including the establishment of common elements and definitions for any data that is used for state and federal funding and program accountability.*

(5) *The council shall submit a report outlining its detailed recommendations to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Board of Governors, and the State Board of Education by December 31, 2011, which specifically includes recommendations for consideration by the Legislature for implementation in the 2012-2013 fiscal year.*

(6)(4) *The Board of Governors and the Department of Education shall provide administrative support for the council.*

Section 6. Section 1004.68, Florida Statutes, is amended to read:

1004.68 Community college; degrees and certificates; ~~tests for certain skills~~.—

(1) *Each community college board of trustees shall adopt rules establishing student performance standards for the award of degrees and certificates.*

(2) *Each community college board of trustees shall require the use of scores on tests for college level communication and computation skills provided in s. 1008.345(7) as a condition for graduation with an associate in arts degree.*

Section 7. Section 1007.01, Florida Statutes, is amended to read:

1007.01 Articulation; legislative intent; purpose; role of the State Board of Education and the Board of Governors; *Articulation Coordinating Committee*.—

(1) *It is the intent of the Legislature to facilitate articulation and seamless integration of the K-20 education system by building, and sustaining, and strengthening relationships among K-20 public organizations, between public and private organizations, and between the education system as a whole and Florida's communities. The purpose of building, and sustaining, and strengthening these relationships is to provide for the efficient and effective progression and transfer of students within the education system and to allow students to proceed toward their educational objectives as rapidly as their circumstances permit. The Legislature further intends that articulation policies and budget actions be implemented consistently in the practices of the Department of Education and postsecondary educational institutions and expressed in the collaborative policy efforts of the State Board of Education and the Board of Governors.*

(2) *To improve and facilitate articulation systemwide, the State Board of Education and the Board of Governors shall collaboratively establish and adopt ~~recommend~~ policies and guidelines to the Legislature with input from statewide K-20 advisory groups established by the Commissioner of Education and the Chancellor of the State University System and shall recommend the policies to the Legislature. The policies shall relate ~~relating~~ to:*

(a) The alignment between the exit requirements of one *education* system and the admissions requirements of another *education* system into which students typically transfer.

(b) The identification of common courses, the level of courses, institutional participation in a statewide course numbering system, and the transferability of credits among such institutions.

(c) Identification of courses that meet general education or common degree program prerequisite requirements at public postsecondary educational institutions.

(d) Dual enrollment course equivalencies.

(e) Articulation agreements.

(3) *The Commissioner of Education, in consultation with the Chancellor of the State University System, shall establish the Articulation Coordinating Committee which shall make recommendations related to statewide articulation policies to the Higher Education Coordination Council, the State Board of Education, and the Board of Governors. The committee shall consist of two members each representing the State University System, the Florida College System, public career and technical education, public K-12 education, and nonpublic education and one member representing students. The chair shall be elected from the membership. The committee shall:*

(a) *Monitor the alignment between the exit requirements of one education system and the admissions requirements of another education system into which students typically transfer and make recommendations for improvement.*

(b) *Propose guidelines for interinstitutional agreements between and among public schools, career and technical education centers, Florida College System institutions, state universities, and nonpublic postsecondary institutions.*

(c) *Annually recommend dual enrollment course and high school subject area equivalencies for approval by the State Board of Education and the Board of Governors.*

(d) *Annually review the statewide articulation agreement pursuant to s. 1007.23 and make recommendations for revisions.*

(e) *Annually review the statewide course numbering system, the levels of courses, and the application of transfer credit requirements among public and nonpublic institutions participating in the statewide course numbering system and identify instances of student transfer and admissions difficulties.*

(f) *Annually publish a list of courses that meet common general education and common degree program prerequisite requirements at public postsecondary institutions identified pursuant to s. 1007.25.*

(g) *Examine statewide data regarding articulation to identify issues and make recommendations to improve articulation throughout the K-20 education system.*

(h) *Recommend roles and responsibilities of public education entities in interfacing with the single, statewide computer-assisted student advising system established pursuant to s. 1007.28.*

Section 8. Subsection (12) of section 1007.25, Florida Statutes, is amended to read:

1007.25 General education courses; common prerequisites; and other degree requirements.—

(12)(a) *A public postsecondary educational institution may not confer an associate in arts or baccalaureate degree upon any student who fails to successfully complete one of the following requirements:*

1. Achieve a score that meets or exceeds a minimum score on a nationally standardized examination, as established by the State Board of Education in conjunction with the Board of Governors, or

2. Demonstrate successful remediation of any academic deficiencies and achieve a cumulative grade point average of 2.5 or above, on a 4.0 scale, in postsecondary level coursework identified by the State Board of

~~Education in conjunction with the Board of Governors. The Department of Education shall specify the means by which a student may demonstrate successful remediation.~~

(b) ~~Any student who, in the best professional opinion of the postsecondary educational institution, has a specific learning disability such that the student cannot demonstrate successful mastery of one or more of the authorized examinations but is achieving at the college level in every area despite his or her disability, and whose diagnosis indicates that further remediation will not succeed in overcoming the disability, may appeal through the appropriate dean to a committee appointed by the president or the chief academic officer for special consideration. The committee shall examine the evidence of the student's academic and medical records and may hear testimony relevant to the case. The committee may grant a waiver for one or more of the authorized examinations based on the results of its review.~~

(c) ~~Each public postsecondary educational institution president shall establish a committee to consider requests for waivers from the requirements in paragraph (a). The committee shall be chaired by the chief academic officer of the institution and shall have four additional members appointed by the president as follows:~~

1. ~~One faculty member from the mathematics department;~~
2. ~~One faculty member from the English department;~~
3. ~~The institutional test administrator; and~~
4. ~~One faculty member from a department other than English or mathematics.~~

(d) ~~Any student who has taken the authorized examinations and has not achieved a passing score, but has otherwise demonstrated proficiency in coursework in the same subject area, may request a waiver from the examination requirement. Waivers shall be considered only after students have been provided test accommodations or other administrative adjustments to permit the accurate measurement of the student's proficiency in the subject areas measured by the authorized examinations. The committee shall consider the student's educational records and other evidence as to whether the student should be able to pass the authorized examinations. A waiver may be recommended to the president upon a majority vote of the committee. The president may approve or disapprove the recommendation. The president may not approve a request that the committee has disapproved. If a waiver is approved, the student's transcript shall include a statement that the student did not meet the requirements of this subsection and that a waiver was granted.~~

Section 9. Subsection (1) of section 1007.264, Florida Statutes, is amended to read:

1007.264 Persons with disabilities; admission to postsecondary educational institutions; substitute requirements; rules and regulations.—

(1) Any student with a disability, as defined in s. 1007.02(2), ~~who is otherwise eligible except those students who have been documented as having intellectual disabilities~~, shall be eligible for reasonable substitution for any requirement for admission into a public postsecondary educational institution where documentation can be provided that the person's failure to meet the admission requirement is related to the disability.

Section 10. Subsection (1) of section 1007.265, Florida Statutes, is amended to read:

1007.265 Persons with disabilities; graduation, study program admission, and upper-division entry; substitute requirements; rules and regulations.—

(1) Any student with a disability, as defined in s. 1007.02(2), in a public postsecondary educational institution, ~~except those students who have been documented as having intellectual disabilities~~, shall be eligible for reasonable substitution for any requirement for graduation, for admission into a program of study, or for entry into the upper division where documentation can be provided that the person's failure to meet the requirement is related to the disability and where failure to meet the

graduation requirement or program admission requirement does not constitute a fundamental alteration in the nature of the program.

Section 11. Subsections (2) and (10) of section 1007.27, Florida Statutes, are amended to read:

1007.27 Articulated acceleration mechanisms.—

(2) The Department of Education shall *annually identify and publish* the minimum scores, maximum credit, and course or courses for which credit is to be awarded for each College Level Examination Program (CLEP) general examination, CLEP subject examination, College Board Advanced Placement Program examination, *Advanced International Certificate of Education examination*, and International Baccalaureate examination. *The department shall use student performance data in subsequent postsecondary courses to determine the appropriate examination scores and courses for which credit is to be granted. Minimum scores may vary by subject area based on available performance data.* In addition, the department shall identify such courses in the general education core curriculum of each state university and community college.

(10) ~~Any student who earns 9 or more credits from one or more of the acceleration mechanisms provided for in this section is exempt from any requirement of a public postsecondary educational institution mandating enrollment during a summer term.~~

Section 12. Subsection (11) of section 1001.64, Florida Statutes, is amended to read

1001.64 Community college boards of trustees; powers and duties.—

(11) Each board of trustees shall submit an institutional budget request, including a request for fixed capital outlay, and an operating budget to the State Board of Education for *review approval* in accordance with guidelines established by the State Board of Education.

Section 13. Section 1011.30, Florida Statutes, is amended to read:

1011.30 Budgets for community colleges.—Each community college president shall recommend to the community college board of trustees a budget of income and expenditures at such time and in such form as the State Board of Education may prescribe. Upon approval of a budget by the community college board of trustees, such budget shall be transmitted to the Department of Education for *review and approval*. Rules of the State Board of Education shall prescribe procedures for effecting budget amendments subsequent to the final approval of a budget for a given year.

Section 14. *Section 6 of chapter 2006-58, Laws of Florida, is repealed.*

And the title is amended as follows:

Delete lines 4-49 and insert: Academic Skills Test (CLAST); amending s. 705.18, F.S.; revising provisions relating to the disposal of personal property lost or abandoned on a university or Florida College System institution campus and the disposition of proceeds from the sale of such property; requiring that the university or Florida College System institution president, or his or her designee, dispose of or make use of unclaimed property in accordance with university or Florida College System institution policies and procedures; repealing s. 1007.07, F.S., relating to the Florida Business and Education Collaborative; amending s. 1001.64, F.S.; requiring a Florida College System institution board of trustees to ask the Commissioner of Education to authorize an investigation of the college president by the Department of Education's inspector general in specified circumstances; requiring a report and recommendations; requiring the inspector general to refer potential legal violations to the Commission on Ethics, the Department of Law Enforcement, the Attorney General, or another appropriate authority; amending s. 1004.015, F.S.; requiring the Higher Education Coordinating Council to make recommendations and submit a report relating to core missions of postsecondary education institutions, performance outputs and outcomes, articulation policies, and workforce development education; amending s. 1004.68, F.S.; deleting provisions relating to the use of test scores for assessment of college-level communication and computation skills; amending s. 1007.01, F.S.; providing legislative intent and requirements relating to articulation; requiring the establishment of the Articulation Coordinating Committee and providing its responsibilities; amending s. 1007.25, F.S.; deleting provisions that require

an examination or demonstration of remediation of academic deficiencies to obtain a postsecondary degree; amending ss. 1007.264 and 1007.265, F.S.; deleting provisions that exclude students with intellectual disabilities from eligibility for substitute requirements for admission to or graduation from a public postsecondary education institution; amending s. 1007.27, F.S.; requiring the Department of Education to use student performance data to determine appropriate credit-by-examination scores and courses; deleting an exemption from summer-term enrollment in a public postsecondary education institution for students earning accelerated credit; amending ss. 1001.64 and 1011.30, F.S.; removing provisions requiring that a budget of a community college be transmitted to the Department of Education for approval; repealing s. 6 of chapter 2006-58, Laws of Florida; abrogating the repeal of s. 1004.226, F.S., which created the 21st Century World Class Scholars Program; amending s. 1008.30, F.S.,

MOTION

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

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

Amendment 1A (966450) (with title amendment)—Delete lines 323 and 324.

And the title is amended as follows:

Delete lines 380-383 and insert: for approval; amending s. 1008.30, F.S.,

Amendment 1 as amended was adopted.

On motion by Senator Lynn, by two-thirds vote **CS for HB 7151** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yea—38

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

Nay—1

Joyner

THE PRESIDENT PRESIDING

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 re-

uirements; 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.

—was read the second time by title.

Pending further consideration of **CS for SB 1620**, on motion by Senator Flores, by two-thirds vote **CS for CS for HB 7197** was withdrawn from the Committees on Education Pre-K - 12; Budget; and Rules.

On motion by Senator Flores—

CS for CS for HB 7197—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.

—a companion measure, was substituted for **CS for SB 1620** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 7197** was placed on the calendar of Bills on Third Reading.

SB 912—A bill to be entitled An act relating to affordable housing; amending s. 20.055, F.S.; revising the definition of "state agency" to include the Florida Housing Finance Corporation; revising the definition of "agency head" to include the board of directors of the corporation; requiring the inspector general to prepare an annual report; amending s. 159.608, F.S.; providing a housing finance authority with an additional purpose for which it may exercise its power to borrow; amending s. 163.3177, F.S.; revising provisions relating to the elements of local comprehensive plans to authorize the inclusion of an element for affordable housing for certain seniors; providing for the disposition of real property by a local government for the development of affordable housing; amending s. 201.15, F.S.; revising the allocation of certain proceeds distributed from the excise tax on documents that are paid into the State Treasury to the credit of the State Housing Trust Fund; providing for retroactive repeal of s. 8, ch. 2009-131, Laws of Florida, to eliminate a conflicting version of s. 201.15, F.S.; amending s. 420.0003, F.S.; including the needs of persons with special needs in the state housing strategy's periodic review and report; amending s. 420.0004, F.S.; defining the terms "disabling condition" and "person with special needs"; conforming cross-references; amending s. 420.0006, F.S.; removing an obsolete reference; deleting provisions requiring the inspector general of the Department of Community Affairs to perform functions for the corporation to conform to changes made by the act; amending s. 420.504, F.S.; authorizing the Secretary of Community Affairs to designate a senior-level agency employee to serve on the board of directors of the Florida Housing Finance Corporation; amending s. 420.506, F.S.; providing for the appointment of an inspector general of the Florida Housing Finance Corporation; providing appointing authority thereof; providing duties and responsibilities of the inspector general; amending s. 420.507, F.S.; requiring certain rates of interest to be made available to sponsors of projects for persons with special needs; providing additional powers of the corporation relating to receipt of federal funds; revising powers of the corporation relating to criteria establishing a preference for eligible developers and general contractors; conforming a cross-reference; amending s. 420.5087, F.S.; limiting the reservation of funds within each notice of fund availability to the persons with special needs tenant group; including persons with special needs as a tenant group for specified purposes of the State Apartment Incentive Loan Program; revising and providing criteria to be used by a specified review committee for the competitive ranking of applications for such program; conforming a cross-reference; amending ss. 163.31771, 212.08, 215.5586, and 420.503, F.S.; conforming cross-references; providing legislative intent; prohibiting funds from the State Housing Trust Fund or the Local Government Housing Trust Fund that are appropriated for specified programs from being used for certain purposes; providing for future repeal; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 912**, on motion by Senator Bennett, by two-thirds vote **HB 639** was withdrawn from the Committees on Community Affairs; and Children, Families, and Elder Affairs.

On motion by Senator Bennett—

HB 639—A bill to be entitled An act relating to affordable housing; amending s. 20.055, F.S.; revising the definition of "state agency" to include the Florida Housing Finance Corporation; revising the definition of "agency head" to include the board of directors of the corporation; requiring the inspector general to prepare an annual report; amending s. 159.608, F.S.; providing a housing finance authority with an additional purpose for which it may exercise its power to borrow; amending s. 163.3177, F.S.; revising provisions relating to the elements of local comprehensive plans to authorize the inclusion of an element for affordable housing for certain seniors; providing for the disposition of real property by a local government for the development of affordable housing; amending s. 201.15, F.S.; revising the allocation of certain proceeds distributed from the excise tax on documents that are paid into the State Treasury to the credit of the State Housing Trust Fund; providing for retroactive repeal of s. 8, ch. 2009-131, Laws of Florida, to eliminate a conflicting version of s. 201.15, F.S.; amending s. 420.0003, F.S.; in-

cluding the needs of persons with special needs in the state housing strategy's periodic review and report; amending s. 420.0004, F.S.; defining the terms "disabling condition" and "person with special needs"; conforming cross-references; amending s. 420.0006, F.S.; removing an obsolete reference; deleting provisions requiring the inspector general of the Department of Community Affairs to perform functions for the corporation to conform to changes made by the act; amending s. 420.504, F.S.; authorizing the Secretary of Community Affairs to designate a senior-level agency employee to serve on the board of directors of the Florida Housing Finance Corporation; amending s. 420.506, F.S.; providing for the appointment of an inspector general of the Florida Housing Finance Corporation; providing appointing authority thereof; providing duties and responsibilities of the inspector general; amending s. 420.507, F.S.; requiring certain rates of interest to be made available to sponsors of projects for persons with special needs; providing additional powers of the corporation relating to receipt of federal funds; revising powers of the corporation relating to criteria establishing a preference for eligible developers and general contractors; conforming a cross-reference; amending s. 420.5087, F.S.; limiting the reservation of funds within each notice of fund availability to the persons with special needs tenant group; including persons with special needs as a tenant group for specified purposes of the State Apartment Incentive Loan Program; revising and providing criteria to be used by a specified review committee for the competitive ranking of applications for such program; conforming a cross-reference; amending ss. 163.31771, 212.08, 215.5586, and 420.503, F.S.; conforming cross-references; providing legislative intent; prohibiting funds from the State Housing Trust Fund or the Local Government Housing Trust Fund that are appropriated for specified programs from being used for certain purposes; providing for future repeal; providing an effective date.

—a companion measure, was substituted for **SB 912** and read the second time by title.

On motion by Senator Bennett, by two-thirds vote **HB 639** was read the third time by title, passed and certified to the House. The vote on passage was:

Yea—37

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

Nay—2

Joyner	Rich
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CS for CS for SB 1998—A bill to be entitled An act relating to the corporate income tax; amending s. 220.03, F.S.; providing for the adoption of the 2011 version of the Internal Revenue Code; amending s. 220.13, F.S.; specifying the treatment by this state of certain depreciation and expensing of assets that are allowed for federal income tax purposes; authorizing the executive director of the Department of Revenue to adopt emergency rules; providing an appropriation; providing for the reversion of funds and reappropriation; providing for retroactive application; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1998**, on motion by Senator Bogdanoff, by two-thirds vote **CS for HB 7185** was withdrawn from the Committees on Budget Subcommittee on Finance and Tax; and Budget.

On motion by Senator Bogdanoff—

CS for HB 7185—A bill to be entitled An act relating to the corporate income tax; amending s. 220.03, F.S.; providing for the adoption of the 2011 version of the Internal Revenue Code; amending s. 220.13, F.S.; specifying the treatment by this state of certain depreciation and expensing of assets that are allowed for federal income tax purposes; authorizing the executive director of the Department of Revenue to adopt emergency rules; providing an appropriation; providing for reversion and reappropriation; providing for retroactive application; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1998** and read the second time by title.

MOTION

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

Senator Bogdanoff moved the following amendment which was adopted:

Amendment 1 (211262) (with title amendment)—Delete lines 124 and 125 and insert:

Section 5. Effective January 1, 2012, and applying to tax years beginning on or after January 1, 2012, subsection (1) of section 220.14, Florida Statutes, is amended to read

220.14 Exemption.—

(1) In computing a taxpayer's liability for tax under this code, there shall be exempt from the tax \$25,000 ~~\$5,000~~ of net income as defined in s. 220.12 or such lesser amount as will, without increasing the taxpayer's federal income tax liability, provide the state with an amount under this code which is equal to the maximum federal income tax credit which may be available from time to time under federal law.

Section 6. Effective January 1, 2012, and applying to tax years beginning on or after January 1, 2012, subsection (3) of section 220.63, Florida Statutes, is amended to read:

220.63 Franchise tax imposed on banks and savings associations.—

(3) For purposes of this part, the franchise tax base shall be adjusted federal income, as defined in s. 220.13, apportioned to this state, plus nonbusiness income allocated to this state pursuant to s. 220.16, less the deduction allowed in subsection (5) and less \$25,000 ~~\$5,000~~.

Section 7. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law and shall operate retroactively to January 1, 2011.

And the title is amended as follows:

Delete line 11 and insert: application; amending s. 220.14, F.S.; increasing the amount of income that is exempt from taxation; amending s. 220.63, F.S.; amending the amount of income that is exempt from the franchise tax imposed on banks and savings associations; providing effective dates.

On motion by Senator Bogdanoff, by two-thirds vote **CS for HB 7185** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yea—39

Mr. President	Dockery	Joyner
Alexander	Evers	Latvala
Altman	Fasano	Lynn
Benacquisto	Flores	Margolis
Bennett	Gaetz	Montford
Bogdanoff	Garcia	Negron
Braynon	Gardiner	Norman
Dean	Hays	Oelrich
Detert	Hill	Rich
Diaz de la Portilla	Jones	Richter

Ring
Sachs
Simmons
Nays—None

Siplin
Smith
Sobel
Storms
Thrasher
Wise

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Thrasher, by two-thirds vote **CS for SB 606, SB 1052, CS for CS for SB 1460, CS for SB 1736, CS for SB 506, CS for CS for SB 476, CS for CS for SB 1174, and CS for SB 1748** were withdrawn from the Committee on Budget; and **CS for SB 730** was withdrawn from Committee on Rules.

By two-thirds vote, Senator Thrasher moved that **CS for SB 822** be withdrawn from the Committee on Budget. The motion was not adopted.

POINT OF ORDER

Senator Fasano raised a point of order that **CS for SB 822** should not be withdrawn from the Committee on Budget as it contains a substantial fiscal impact and pursuant to Rule 4.8, all bills authorizing or substantially affecting appropriations or tax revenue shall be reviewed by the appropriate revenue or appropriations committee.

The President referred the point of order to Senator Thrasher, Chair of the Committee on Rules.

MOTIONS

On motion by Senator Thrasher, the rules were waived and by two-thirds vote **CS for CS for SB 488, CS for SB 1902, CS for SB 1246, CS for CS for SB 476, CS for CS for SB 1174, CS for SB 1622, CS for CS for SB 1316, CS for SB 730, CS for SB 584, and CS for CS for SB 1318** were established as the Special Order Calendar for Wednesday, May 4.

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 Wednesday, May 4.

On motion by Senator Thrasher, a deadline of 8:00 a.m., Wednesday, May 4, was set for filing amendments to Bills on Third Reading and the bills added to the Special Order Calendar to be considered that day.

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 Tuesday, May 3, 2011: CS for SB 90, SB 118, SB 238, CS for CS for SB 450, CS for SB 480, SB 548, CS for CS for SB 632, SB 688, SB 690, CS for SB 746, SB 788, SB 870, CS for SB 880, CS for SB 886, CS for CS for SB 888, CS for CS for SB 1180, CS for SB 1182, CS for CS for SB 1194, CS for SB 1226, SB 1584, SB 1624, CS for SB 1626, CS for SB 1650, CS for SB 1676, CS for CS for SB 1732, SM 1762, SB 1788, CS for CS for CS for SB 1816, CS for SB 1886, CS for SB 1974, CS for CS for SB 1998, SB 2064, CS for CS for SB 2086.

Respectfully submitted,
John Thrasher, Chair

Pursuant to Rule 4.17(4) the Chair of the Committee on Rules submits the following bills to be placed on the Consent Calendar for Tuesday, May 3, 2011: CS for SB 242, CS for SB 328, CS for CS for SB 364, SB 418, SB 464, CS for CS for SB 490, CS for CS for SB 520, CS for CS for CS for SB 530, CS for CS for SB 582, CS for CS for SB 666, SB 722, SB 850, SB 874, CS for CS for SB 890, SB 904, CS for SB 920, CS for CS for SB 952, CS for SB 1092, CS for SB 1158, CS for SB 1176, CS for CS for SB 1228, CS for CS for SB 1286, CS for CS for CS for SB 1290, CS for CS for SB 1318, CS for SB 1332, SM 1344, CS for SB 1372, CS for CS for SB 1382, CS for SB 1390, CS for CS for SB 1430, CS for CS for SB 1456, CS for CS for SB 1522, CS for SB 1574, SB 1586, CS for SB 1620, SB 1792, SB 1942.

Respectfully submitted,
John Thrasher, Chair

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

EXECUTIVE APPOINTMENTS SUBJECT TO CONFIRMATION BY THE SENATE:

The Secretary of State has certified that pursuant to the provisions of section 114.05, Florida Statutes, certificates subject to confirmation by the Senate have been prepared for the following:

Office and Appointment	For Term Ending
Board of Trustees of Daytona State College Appointees: Brosemer, Donna, Daytona Beach Holness, Betty Jean, Ormond Beach	05/31/2013 05/31/2011
Board of Trustees, Florida International University Appointee: Armas, Jose, Coral Gables	01/06/2016

Referred to the Rules Subcommittee on Ethics and Elections.

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 621, CS for CS for HB 831, CS for CS for CS for HB 993 and HB 7239, HB 4159, HB 7155; has passed as amended CS for HB 63, CS for CS for CS for HB 251, CS for CS for HB 301, CS for CS for HB 421, CS for CS for HB 879, CS for CS for CS for HB 883, CS for CS for HB 965, CS for CS for CS for HB 1111, CS for CS for CS for HB 1195, CS for CS for HB 7005; has adopted HM 1047 and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

By Civil Justice Subcommittee and Representative(s) Renuart—

CS for HB 621—A bill to be entitled An act relating to child custody; amending s. 61.13002, F.S.; providing that a parent's activation, deployment, or temporary assignment to military service and the resultant temporary disruption to the child may not be the sole factor in granting a petition for or modification of permanent time-sharing and parental responsibility; providing an effective date.

—was referred to the Committees on Judiciary; Military Affairs, Space, and Domestic Security; Children, Families, and Elder Affairs; and Budget.

By Education Committee, Health & Human Services Quality Subcommittee and Representative(s) Rooney, Corcoran—

CS for CS for HB 831—A bill to be entitled An act relating to high school athletic trainers; requiring the Florida High School Athletic Association to conduct a study related to the need for athletic trainers in certain high schools and to submit the study's findings to the Governor and Legislature by a specified date; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; Judiciary; and Budget.

By Rules & Calendar Committee, Government Operations Subcommittee, Rulemaking & Regulation Subcommittee and Representative(s) Roberson, K., Gaetz—

CS for CS for CS for HB 993 and HB 7239—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 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 in 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. 120.74, F.S.; providing for agency reporting of certain annual regulatory plans; providing for certain omissions and suspensions of reports; creating s. 120.745, F.S.; providing for legislative review of agency rules in effect on or before November 16, 2010; providing definitions; requiring that each agency complete an enhanced biennial review of its existing rules; requiring a report of the enhanced biennial review; providing specifications for the report; providing for objections and the agency's response; requiring the performance of a compliance economic review and report under certain circumstances; providing specifications for the review; providing specifications for publishing the final report of the agency's review; requiring that an agency publish notices, determinations, and reports in a specified format; requiring the Department of State to publish certain notices in the Florida Administrative Weekly; providing specifications; providing for future review and repeal; providing for suspension of rulemaking authority for failure to comply with the certification requirements of the section; providing for an exemption from certain requirements; creating s. 120.7455, F.S.; providing that the Legislature may establish and maintain an Internet-based public survey of regulatory impacts; providing input details; providing that legislative leaders may certify in writing to certain individuals the establishment and identity of any such Internet-based survey; providing immunities from enforcement action or prosecution involving information solicited through the survey; providing protections from retaliatory enforcement actions; clarifying that the legal status of a rule that has been determined to be invalid is not changed by the amendment or creation of specified provisions by the act; 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.

—was referred to the Committees on Governmental Oversight and Accountability; and Budget.

By Representative(s) Ray—

HB 4159—A bill to be entitled An act relating to state attorneys; amending s. 775.082, F.S.; deleting provisions requiring each state attorney to submit certain deviation memoranda to the president of the association and requiring the association to maintain such information for a specified period; repealing s. 775.08401, F.S., relating to criteria to be used when state attorneys decide to pursue habitual felony offenders, habitual violent felony offenders, or violent career criminals; amending s. 775.087, F.S.; deleting provisions requiring each state attorney to report why a case-qualified defendant did not receive the mandatory minimum prison sentence in cases involving certain offenses; transferring, renumbering, and amending s. 27.366, F.S.; deleting a provision requiring each state attorney to submit certain deviation memoranda to the President of the Florida Prosecuting Attorneys Association, Inc., and to report annually to the Governor and Legislature; deleting a provision requiring the association to maintain such information for a specified period; transferring provisions relating to the intent of s. 775.087, F.S., to that section; amending s. 938.27, F.S.; providing that convicted persons are liable for certain costs of prosecution; deleting provisions regarding the burden of establishing financial resources of the defendant and demonstrating other matters; amending s. 985.557, F.S.; deleting provisions relating to direct-file policies and guidelines for juveniles; amending s. 775.0843, F.S.; conforming a cross-reference; providing an effective date.

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

By Government Operations Subcommittee and Representative(s) Patronis—

HB 7155—A bill to be entitled An act relating to state financial matters; amending s. 215.44, F.S.; revising provisions which authorize the State Board of Administration to invest specified funds pursuant to the enrollment requirements of a local government investment authority; authorizing the board to invest specified funds in the Local Government Surplus Funds Trust Fund without a trust agreement upon completion of enrollment materials provided by the board; providing that investments made by the board under a trust agreement are subject only to the restrictions and limitations contained in the trust agreement; amending s. 215.4755, F.S.; correcting a cross-reference; clarifying provisions with respect to an investment adviser's or manager's code of ethics; providing an effective date.

—was referred to the Committees on Governmental Oversight and Accountability; and Budget.

By Business & Consumer Affairs Subcommittee and Representative(s) Crisafulli, Baxley, Horner, Nelson, Randolph, Van Zant—

CS for HB 63—A bill to be entitled An act relating to public lodging and food service establishments; providing a short title; amending s. 509.144, F.S.; revising definitions; 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 sign an affidavit containing information supporting the determination of probable cause; amending s. 932.701, F.S.; revising the definition of the term "contraband article"; amending s. 509.013, F.S.; excluding nonprofit organizations operating facilities providing certain housing from the definition of the term "public lodging establishment"; amending s. 509.032, F.S.; conforming provisions to changes made by the act; revising authority preempted to the state with regard to regulation of public lodging establishments and public food service establishments; prohibiting local governments from regulating, restricting, or prohibiting vacation rentals based solely on their classification, use, or occupancy; providing exceptions; 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 penalties for operating a public lodging establishment or public food service establishment without a valid license; 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 that specified portions of this 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 effective dates.

—was referred to the Committees on Regulated Industries; Judiciary; and Budget.

By Judiciary Committee, Appropriations Committee, Criminal Justice Subcommittee and Representative(s) Dorworth, Eisnaugle, Julien, Kiar, Pafford, Porth—

CS for CS for CS for HB 251—A bill to be entitled An act relating to sexual offenses; providing a short title; amending s. 90.404, F.S.; revising offenses that are considered "child molestation" for purposes of admitting evidence of other crimes, wrongs, or acts in a criminal case involving child molestation; providing for admission of evidence of other crimes,

wrongs, or acts in cases involving a sexual offense; defining the term "sexual offense"; amending s. 92.55, F.S.; authorizing the use of service or therapy animals in courts hearing sexual offense cases under certain circumstances; requiring certain property or material that is used in a criminal proceeding to remain in the care, custody, and control of the law enforcement agency, the state attorney, or the court; prohibiting the reproduction of such property or material by the defendant when specified criteria are met by the state attorney; permitting access to the materials by the defendant; amending s. 395.1021, F.S.; requiring a licensed facility that provides emergency room services to arrange for the gathering of forensic medical evidence required for investigation and prosecution from a victim who has reported a sexual battery to a law enforcement agency or who requests that such evidence be gathered for a possible future report; amending s. 775.15, F.S.; providing that a prosecution for video voyeurism in violation of specified provisions may, in addition to existing time periods, be commenced within 1 year after the victim of video voyeurism obtains actual knowledge of the existence of such a recording or the recording is confiscated by a law enforcement agency, whichever occurs first; providing that dissemination of a recording before such knowledge or confiscation does not affect such a time period; amending s. 794.052, F.S.; requiring a law enforcement officer to provide or arrange for transportation of a victim of sexual battery to an appropriate facility for medical treatment or forensic examination; providing for a review of a police officer's final report by a victim and an opportunity for a statement by a victim; amending ss. 794.056 and 938.085, F.S.; requiring that an additional court cost or surcharge be assessed against a defendant who pleads guilty or nolo contendere to, or is found guilty of, regardless of adjudication, certain criminal offenses; providing for proceeds of the additional court cost or surcharge to be deposited into the Rape Crisis Program Trust Fund; reenacting s. 20.435(21)(a), F.S., relating to the Rape Crisis Program Trust Fund, to incorporate the amendment made to s. 794.056, F.S., in a reference thereto; reenacting s. 794.055(3)(b), F.S., relating to access to services for victims of sexual battery, to incorporate the amendment made to s. 938.085, F.S., in a reference thereto; amending s. 960.003, F.S.; providing for hepatitis testing of persons charged with certain offenses; amending s. 1003.42, F.S.; requiring that public schools provide comprehensive health education that addresses concepts of Internet safety; amending s. 827.071, F.S.; defining the term "intentionally view"; prohibiting controlling or intentionally viewing any photograph, motion picture, exhibition, show, image, data, computer depiction, representation, or other presentation that includes sexual conduct by a child; providing an exception; providing penalties; amending s. 921.0022, F.S.; conforming provisions of the offense severity ranking chart of the Criminal Punishment Code to changes made to s. 827.071, F.S., by the act; providing effective dates.

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

By Education Committee, K-20 Innovation Subcommittee and Representative(s) Renuart, Abruzzo, Ahern, Dorworth, Drake, Hooper, Ingram, McBurney, Passidomo, Steinberg—

CS for CS for HB 301—A bill to be entitled An act relating to youth athletes; amending ss. 943.0438 and 1006.20, F.S.; requiring an independent sanctioning authority for youth athletic teams and the Florida High School Athletic Association to adopt guidelines, bylaws, and policies relating to the nature and risk of concussion and head injury in youth athletes; requiring informed consent for participation in practice or competition; requiring removal from practice or competition under certain circumstances and written clearance to return; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; Health Regulation; and Rules.

By State Affairs Committee, Agriculture & Natural Resources Appropriations Subcommittee and Representative(s) Bembry, Nelson, Perry, Van Zant, Williams, T., Wood—

CS for CS for HB 421—A bill to be entitled An act relating to agricultural-related exemptions to water management requirements; amending s. 373.406, F.S.; revising an exemption for agricultural-related activities to include certain impacts to surface waters and wetlands;

clarifying the purposes of such activities; limiting applicability of the exemption; providing for retroactive application of the exemption; amending s. 373.407, F.S.; providing exclusive authority to the Department of Agriculture and Consumer Services to determine whether certain activities qualify for an agricultural-related exemption under specified conditions; requiring a specified memorandum of agreement between the department and each water management district; authorizing the department to adopt rules; amending s. 403.927, F.S.; providing an exemption from mitigation requirements for converted agricultural lands under certain conditions; revising the definition of the term "agricultural activities" to include cultivating, fallowing, leveling, and implementation of specified practices and standards and to provide for certain impacts to surface waters and wetlands; providing an effective date.

—was referred to the Committees on Agriculture; Environmental Preservation and Conservation; and Budget.

By Economic Affairs Committee, Finance & Tax Committee and Representative(s) Eisnaugle, Van Zant—

CS for CS for HB 879—A bill to be entitled An act relating to targeted economic development; amending s. 220.191, F.S.; providing that a capital investment tax credit may be carried forward for use against the corporate income tax in specified years after the commencement of operations of a project; amending s. 288.106, F.S.; redefining the term "target industry business" to revise the eligibility criteria for the tax refund program for target industry businesses; requiring certain local governing boards to notify the Office of Tourism, Trade, and Economic Development and Enterprise Florida, Inc., of the average private-sector wage calculation to be used for purposes of a business's wage commitment under the tax refund program; authorizing a reduction in the local financial support requirements for qualified target industry businesses located in specified counties under certain circumstances; providing for future expiration; amending s. 377.809, F.S.; deleting an obsolete provision; revising the date by which the Department of Community Affairs must submit a report to the Governor and Legislature which evaluates the success of the Energy Economic Zone Pilot Program; requiring that all incentives and benefits provided for enterprise zones be made available to energy economic zones by a specified date; assigning duties for the administration of energy economic zones to the local governing bodies that have jurisdiction over such zones; providing for boundaries of the zones, eligibility criteria for the incentives, and benefits provided in the zones; specifying the incentives and benefits available in the zones; requiring that the applicable requirements for employee residency for higher refund or credit thresholds be based on employee residency in the energy economic zone or an enterprise zone; establishing priorities for funding certain projects; limiting the annual amount of such incentives; authorizing the carryforward of any unused amount of incentives for a specified period; providing for the issuance of certificates to eligible businesses; requiring the local governing body to certify to the Department of Revenue or the Office of Tourism, Trade, and Economic Development which businesses or properties are eligible for the incentives; requiring the Department of Revenue to send written instructions to eligible businesses on claiming the credit on a sales and use tax return initiated through an electronic data interchange; authorizing the Office of Tourism, Trade, and Economic Development and the Department of Revenue to adopt emergency rules; providing for renewal of the rules; amending s. 380.06, F.S.; exempting certain developments in an energy economic zone from review as a development of regional impact; providing an effective date.

—was referred to the Committees on Commerce and Tourism; Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations; and Budget.

By Economic Affairs Committee, Government Operations Appropriations Subcommittee, Business & Consumer Affairs Subcommittee and Representative(s) Horner—

CS for CS for CS for HB 883—A bill to be entitled An act relating to public lodging establishments and public food service establishments; amending s. 509.013, F.S.; excluding nonprofit organizations providing certain housing from the definition of “public lodging establishment”; amending s. 509.032, F.S.; conforming provisions to changes made by the act; prohibiting local governments from regulating, restricting, or prohibiting vacation rentals based solely on their classification, use, or occupancy; providing exceptions; revising authority preempted to the state with regard to regulation of public lodging establishments and public food service establishments; 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 penalties for public lodging establishments and public food service establishments operating without a valid license; 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 definitions; 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 sign 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.

—was referred to the Committees on Regulated Industries; Judiciary; and Budget.

By Appropriations Committee, Finance & Tax Committee and Representative(s) Horner, Ahern, Campbell, Costello, McKeel, Moraitis—

CS for CS for HB 965—A bill to be entitled An act relating to the Florida Tax Credit Scholarship Program; amending ss. 220.1875 and 624.51055, F.S.; revising provisions relating to the amount of a tax credit allowed for a contribution made to an eligible nonprofit scholarship-funding organization; amending s. 1002.395, F.S.; revising provisions relating to the carryforward of an unused amount of a tax credit and the rescindment of all or part of a tax credit under the Florida Tax Credit Scholarship Program; providing an effective date.

—was referred to the Committee on Education Pre-K - 12; and Budget.

By Judiciary Committee, Health & Human Services Committee, Civil Justice Subcommittee and Representative(s) Mayfield—

CS for CS for CS for HB 1111—A bill to be entitled An act relating to family law; amending s. 88.1011, F.S.; revising and providing definitions; amending s. 88.1021, F.S.; designating the Department of Revenue as the support enforcement agency of this state; amending s. 88.1031, F.S.; revising provisions relating to remedies provided by the act; creating s. 88.1041, F.S.; providing for applicability of provisions to residents of foreign counties and foreign support proceedings; amending s. 88.2011, F.S.; providing that specified bases of personal jurisdiction may not be used to acquire personal jurisdiction for certain purposes unless specified requirements are met; amending s. 88.2021, F.S.; providing for duration of personal jurisdiction; deleting provisions relating to procedure when exercising jurisdiction over nonresident; amending ss. 88.2031 and 88.2041, F.S.; conforming provisions to changes made by the

act; amending s. 88.2051, F.S.; revising provisions relating to continuation of exclusive jurisdiction; amending s. 88.2061, F.S.; providing for continuing jurisdiction to enforce child support orders; amending s. 88.2071, F.S.; revising provisions relating to determination of a controlling child support order; amending s. 88.2081, F.S.; revising language relating to child support orders for two or more obligees; amending s. 88.2091, F.S.; revising language relating to credit for child support payments; creating s. 88.2101, F.S.; providing for application of the act to a nonresident subject to personal jurisdiction; creating s. 88.2111, F.S.; providing for continuing, exclusive jurisdiction to modify a spousal support order; amending s. 88.3011, F.S.; revising provisions relating to applicability of the act; amending ss. 88.3021 and 88.3031, F.S.; revising terminology; amending s. 88.3041, F.S.; revising provisions relating to duties of an initiating tribunal; amending s. 88.3051, F.S.; revising provisions relating to duties and powers of a responding tribunal; amending s. 88.3061, F.S.; revising terminology; amending s. 88.3071, F.S.; revising provisions relating to the duties of a support enforcement agency; amending s. 88.3081, F.S.; providing that the Governor and Cabinet may determine that a foreign country has established a reciprocal arrangement for child support with this state and take appropriate action for notification of the determination; amending s. 88.3101, F.S.; revising terminology; amending s. 88.3111, F.S.; revising provisions relating to pleadings and accompanying documents; amending s. 88.3121, F.S.; revising requirements for nondisclosure of certain information; amending ss. 88.3131 and 88.3141, F.S.; revising terminology; amending s. 88.3161, F.S.; revising provisions relating to special rules of evidence and procedure; amending ss. 88.3171 and 88.3181, F.S.; revising terminology; amending s. 88.3191, F.S.; revising provisions relating to receipt and disbursement of payments; amending s. 88.4011, F.S.; revising provisions relating to establishment of a support order; creating s. 88.4021, F.S.; providing that certain tribunals of this state may serve as responding tribunals in proceedings to determine parentage of a child under certain provisions; providing a directive to the Division of Statutory Revision; amending s. 88.5011, F.S.; revising provisions relating to an employer's receipt of an income-withholding order from another state; amending ss. 88.50211, 88.5031, 88.5041, and 88.5051, F.S.; revising terminology; amending s. 88.5061, F.S.; revising provisions relating to a contest by obligor; amending s. 88.5071, F.S.; revising terminology; providing a directive to the Division of Statutory Revision; amending s. 88.6011, F.S.; revising terminology; amending s. 88.6021, F.S.; revising provisions relating to the procedure to register order for enforcement; amending s. 88.6031, F.S.; revising terminology; amending s. 88.6041, F.S.; revising provisions relating to choice of law; amending s. 88.6051, F.S.; revising provisions relating to notice of registration of order; amending s. 88.6061, F.S.; revising provisions relating to the procedure to contest the validity or enforcement of a registered order; amending s. 88.6071, F.S.; revising provisions relating to the contesting of registration or enforcement; amending s. 88.6081, F.S.; revising terminology; amending s. 88.6091, F.S.; correcting a cross-reference; amending s. 88.6111, F.S.; revising provisions relating to modification of a child support order of another state; amending s. 88.6121, F.S.; revising provisions relating to recognition of a child support order modified in another state; creating s. 88.6151, F.S.; providing for jurisdiction to modify a child support order of a foreign country; creating s. 88.6161, F.S.; providing procedures for registration of a child support order of a foreign country for modification; providing a directive to the Division of Statutory Revision; repealing s. 88.7011, F.S., relating to a proceeding to determine parentage of a child; creating s. 88.7011, F.S.; providing definitions relating to a support proceeding under the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance; creating s. 88.7021, F.S.; providing for applicability; creating s. 88.7031, F.S.; specifying the relationship of the Department of Revenue to the United States central authority; creating s. 88.7041, F.S.; providing for initiation by the Department of Revenue of support proceedings under the convention; creating s. 88.7051, F.S.; providing for direct requests to tribunals; creating s. 88.7061, F.S.; providing for registration of convention support orders; creating s. 88.7071, F.S.; providing for contest of registered convention support orders; creating s. 88.7081, F.S.; providing for recognition and enforcement of registered convention support orders; creating s. 88.7091, F.S.; providing for partial

enforcement of convention support orders; creating s. 88.7101, F.S.; providing requirements for a foreign support agreement; creating s. 88.7111, F.S.; providing for modification of convention child support orders; creating s. 88.7121, F.S.; providing limits on the personal use of certain information; creating s. 88.7131, F.S.; requiring a record filed with a tribunal of this state under specified provisions to be in the original language and, if not in English, to be accompanied by an English translation; amending s. 88.8011, F.S.; revising terminology; amending s. 88.9011, F.S.; revising provisions relating to the uniformity of application and construction of the act; creating s. 88.9021, F.S.; providing applicability; amending s. 88.9031, F.S.; revising terminology; amending ss. 61.13 and 827.06, F.S.; correcting cross-references; directing the Department of Revenue to apply for a waiver; amending s. 61.08, F.S.; revising provisions relating to factors to be considered for alimony awards; revising provisions relating to awards of durational alimony; revising provisions relating to awards of permanent alimony; providing that the award of alimony may not leave the payor with significantly less net income than the net income of the recipient unless there are written findings of exceptional circumstances; providing for applicability of specified provisions; providing effective dates.

—was referred to the Committees on Judiciary; Children, Families, and Elder Affairs; Budget Subcommittee on General Government Appropriations; and Budget.

By Judiciary Committee, Economic Affairs Committee, Civil Justice Subcommittee and Representative(s) Moraitis, Grant—

CS for CS for CS for HB 1195—A bill to be entitled An act relating to condominium, cooperative, and homeowners' associations; amending s. 633.0215, F.S.; exempting certain residential buildings from a requirement to install a manual fire alarm system; providing intent; amending s. 718.111, F.S.; revising provisions relating to the official records of condominium associations; providing for disclosure of certain employment agreements with and compensation paid to association employees; amending s. 718.112, F.S.; revising provisions relating to bylaws; providing that board of administration meetings discussing personnel matters are not open to unit owners; revising requirements for electing the board of directors; providing a definition; providing for continued office and for filling vacancies under certain circumstances; specifying unit owner eligibility for board membership; requiring that certain educational curriculum be completed within a specified time before or after the election or appointment of a board director; providing application; amending s. 718.113, F.S.; authorizing the board of a condominium association to install impact glass or other code-compliant windows under certain circumstances; amending s. 718.114, F.S.; requiring the vote or written consent of a majority of the total voting interests before a condominium association may enter into certain agreements to acquire leaseholds, memberships, or other possessory or use interests; amending s. 718.116, F.S.; revising liability of an association, or its successor or assignee, that acquires title to a unit through the foreclosure of its lien for assessments; revising provisions relating to condominium assessments; providing association notice requirements regarding tenants delinquent in paying any monetary obligation due to the association; conforming a cross-reference; amending s. 718.117, F.S.; providing procedures and requirements for termination of a condominium property that has been totally destroyed or demolished; providing procedures and requirements for partial termination of a condominium property; requiring that a lien against a condominium unit being terminated be transferred to the proceeds of sale for certain portions of that property; amending s. 718.303, F.S.; revising provisions relating to imposing remedies against a delinquent unit owner or a unit owner's tenant, guest, or invitee; providing for the suspension of certain rights of use; revising provisions relating to the suspension of a member's voting rights; requiring that the suspension of certain rights of use and voting rights be approved at a noticed board meeting; amending s. 718.703, F.S.; redefining the term "bulk assignee" and revising the definition of the term "bulk buyer" for purposes of the Distressed Condominium Relief Act; amending s. 718.704, F.S.; revising provisions relating to the assignment and assumption of developer rights by a bulk

assignee; amending s. 718.705, F.S.; revising provisions relating to the transfer of control of a condominium board of administration to unit owners; amending s. 718.706, F.S.; revising provisions relating to the offering of units by a bulk assignee or bulk buyer; amending s. 718.707, F.S.; revising the time limitation for classification as a bulk assignee or bulk buyer; amending s. 719.108, F.S.; providing association notice requirements regarding tenants delinquent in paying any monetary obligation due to the association; amending s. 719.303, F.S.; revising provisions relating to imposing remedies against a delinquent unit owner or a unit owner's tenant, guest, or invitee; providing for the suspension of certain rights of use and voting rights; requiring that the suspension of certain rights of use and voting rights be approved at a noticed board meeting; amending s. 720.301, F.S.; revising the definition of the term "declaration of covenants"; amending s. 720.303, F.S.; revising provisions relating to the rights of a member of a homeowners' association to speak at meetings of the board; revising provisions relating to records that are not accessible to members of a homeowners' association; providing for disclosure of employment agreements with and compensation paid to association employees; amending s. 720.305, F.S.; revising provisions relating to imposing remedies against a delinquent member of a homeowners' association or any member's tenant, guest, or invitee; providing for the suspension of certain rights of use; revising provisions relating to the suspension of a member's voting rights; requiring that the suspension of certain rights of use and voting rights be approved at a noticed board meeting; amending s. 720.306, F.S.; specifying additional requirements for candidates to be a member of the board of a homeowners' association; amending s. 720.3085, F.S.; revising liability of an association, or its successor or assignee, that acquires title to a unit through the foreclosure of its lien for assessments; providing association notice requirements regarding tenants delinquent in paying any monetary obligation due to the association; amending s. 720.309, F.S.; providing for the allocation of communications services by a homeowners' association; providing for the cancellation of communication contracts; providing that hearing-impaired or legally blind parcel owners and parcel owners receiving certain supplemental security income or food assistance may discontinue the service without incurring certain costs; providing that parcel residents may not be denied access to available franchised, licensed, or certificated cable or video service providers under certain circumstances; providing an effective date.

—was referred to the Committees on Regulated Industries; Community Affairs; Judiciary; and Rules.

By Economic Affairs Committee, Finance & Tax Committee, Economic Development & Tourism Subcommittee and Representative(s) Holder—

CS for CS for HB 7005—A bill to be entitled An act relating to unemployment compensation; amending s. 213.053, F.S.; increasing the number of employer payroll service providers who qualify for access to unemployment tax information by filing a memorandum of understanding; amending s. 443.031, F.S.; revising provisions relating to statutory construction; amending s. 443.036, F.S.; revising and providing definitions; revising the term "misconduct" to include conduct outside of the workplace and additional lapses in behavior; amending s. 443.041, F.S.; conforming a cross-reference; amending s. 443.091, F.S.; conforming provisions to changes made by the act; requiring that an applicant for benefits participate in an initial skills review; providing exceptions; requiring the administrator or operator of the initial skills review to notify specified entities regarding review completion and results; amending s. 443.101, F.S.; clarifying "good cause" for voluntarily leaving employment; disqualifying a person for benefits due to the receipt of severance pay; revising provisions relating to the effects of criminal acts on eligibility for benefits; amending s. 443.111, F.S.; providing a definition; reducing the amount and revising the calculation of the number of weeks of a claimant's benefit eligibility; amending s. 443.1216, F.S.; conforming provisions to changes made by the act; amending s. 443.131, F.S.; providing definitions; revising an employer's unemployment compensation contribution rate by certain factors; amending s. 443.141, F.S.; providing an employer payment schedule for 2012, 2013, and 2014 contributions; amending s. 443.151, F.S.; revising allowable forms of

evidence in benefit appeals; revising the judicial venue for reviewing commission orders; amending s. 443.171, F.S.; specifying that evidence of mailing an agency document is based on the date stated on the document; reviving, readopting, and amending s. 443.1117, F.S., relating to temporary extended benefits; providing for retroactive application; establishing temporary state extended benefits for weeks of unemployment; revising definitions; providing for state extended benefits for certain weeks and for periods of high unemployment; providing severability; providing applicability; providing appropriations for purposes of implementation; providing that the act fulfills an important state interest; providing effective dates.

—was referred to the Committees on Commerce and Tourism; Judiciary; and Budget.

By Representative(s) Diaz, Moraitis—

HM 1047—A memorial urging the United States Department of the Treasury to withdraw a proposed rule on nonresident alien accounts and Congress to hold certain hearings on the proposed rule.

—was referred to the Committees on Banking and Insurance; and Judiciary.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 2 was corrected and approved.

CO-INTRODUCERS

Senators Bogdanoff—SR 2196; Negron—SCR 1558; Oelrich—CS for CS for CS for SB 1546; Smith—SB 912; Thrasher—SR 2216

RECESS

On motion by Senator Thrasher, the Senate recessed at 6:22 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Wednesday, May 4 or upon call of the President.