



Journal of the Senate

Number 15—Regular Session

Thursday, February 23, 2012

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CALL TO ORDER

The Senate was called to order by President Haridopolos at 9:45 a.m.
A quorum present—40:

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

Excused: Senator Montford at 3:30 p.m.

PRAYER

The following prayer was offered by Rev. Andrew Creel, Chaplain, Big Bend Hospice of Tallahassee:

Gracious God, we thank you for these who have been entrusted by the citizens of this state with our lives and our futures. Make them aware of the responsibility that accompanies that trust. Give them clarity of thought and the wisdom to understand they hold the well-being of individuals and families in their hands.

Help all of us see the obligation we have to your children who are less fortunate than we are. Help us to reflect compassion, kindness, and your

grace. We thank you for this legislative body's willingness to shoulder such a heavy burden; help them to see clearly what you would have them to do. Guide them. Imbue them with thoughtfulness and a caring spirit. Amen.

PLEDGE

Senate Pages, Christina Wiley of Lakeland; Alan Koolik of Boca Raton; McKenzie Altman of Rockledge, daughter of Senator Altman; Mackenzie Dummer of Melbourne; and Adriana Lopez of Coral Gables, led the Senate in the pledge of allegiance to the flag of the United States of America.

ADOPTION OF RESOLUTIONS

On motion by Senator Wise—

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

SR 2126—A resolution expressing the deepest sympathy of the members of the Senate on the death in the line of duty of Clay County Sheriff Deputy David Adam White.

WHEREAS, David Adam White was born in Jacksonville on November 11, 1976, and later moved to Clay County, where, in 1995, he graduated from Middleburg High School, and

WHEREAS, David Adam White joined the U.S. Army Reserves in 1996 and became a military police officer and platoon commander, serving from August 1997 to April 1998 in Bosnia in support of Operation Joint Guard, and

WHEREAS, David Adam White attended St. Johns River Community College and, in 2001, graduated from the University of Central Florida with a criminal justice degree, and

WHEREAS, in 2001, David Adam White joined the Clay County Sheriff's Office and, the following year, married the love of his life, Jennifer Murphy White, and

WHEREAS, David Adam White took a leave of absence from the Clay County Sheriff's Office to serve as a military policeman during the initial stages of the Iraq War during Operations Enduring Freedom and Iraqi Freedom, and

WHEREAS, during his service in Iraq and Kuwait from May 2003 to June 2004, David Adam White received a series of medals and ribbons, including the War on Terrorism Service Medal and a Sharpshooter badge for proficiency in the use of rifles and grenades, leaving the reserves as a corporal, and

WHEREAS, upon his return to civilian life, David Adam White rejoined the Clay County Sheriff's Office, where he worked with distinction in positions including patrol and investigations, most recently serving in the narcotics section, and

WHEREAS, in August 2011, David Adam White was named Deputy of the Month in the Clay County Sheriff's Office Operations Bureau for his work investigating an Orange Park pain-management clinic, which re-

sulted in a series of arrests and the seizure of hundreds of thousands of dollars, and

WHEREAS, on February 16, 2012, David Adam White and eight fellow deputies from the Clay County Sheriff's Office initiated a drug raid at a vacant home in Middleburg which was believed to be used by drug dealers as a methamphetamine lab, and

WHEREAS, during the course of that drug raid, David Adam White was fatally shot, dying en route to a local hospital, and

WHEREAS, David Adam White was a devoted husband, father, and friend and his death is mourned by all who knew him, and

WHEREAS, all Floridians owe a debt of gratitude to David Adam White and all other fallen law enforcement officers who have died in the line of duty, NOW, THEREFORE,

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

That members of the Senate remember the life of David Adam White and express our deepest sympathy to his wife, Jennifer, to his adoring mother and father, Sandy and David, to his beloved sister, Rachel, and to his many friends and colleagues.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Jennifer Murphy White so that she may one day share it with the precious daughter and son that David Adam White left behind as a tangible token of the sentiments of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Wise, **SR 2126** was read the second time in full and adopted.

SPECIAL GUESTS

Senator Wise introduced Jennifer White, the wife of the late Clay County Sheriff's Deputy David Adam White, and Sheriff Beseler who were present in the chamber. Senator Wise also introduced the parents of the late Deputy David Adam White, Sandy and David White, who were present in the gallery.

On motion by Senator Smith—

By Senator Smith—

SR 2128—A resolution honoring the life of Sara Louise Jones Pettis.

WHEREAS, Sara Louise Jones was born and raised in Miami, where she graduated from Booker T. Washington High School in 1938, and

WHEREAS, Sara Louise Jones went on to attend Florida Normal and Industrial Institute in St. Augustine, graduating in 1940, and several months later met her future husband Cyrus Pettis, and

WHEREAS, in 1947, Sara and Cyrus relocated to Ft. Lauderdale, where they bought a home and began a family, which grew to include seven children, fourteen grandchildren, and four great-grandchildren, and

WHEREAS, in 1985, the 25 Pettises went to the White House to be recognized by then-First Lady Nancy Reagan as a Great American Family, one of only nine families so honored for their exemplary lives and civic service, including creating jobs for black youth and developing programs for the elderly, and

WHEREAS, under Sara Louise Jones Pettis' guiding hand, all seven of their children went to college, with some earning graduate degrees, and

WHEREAS, Sara Louise Jones Pettis was a long-time member of Mt. Olive Baptist Church, where she taught Sunday School for more than 20 years, was active in the Parent Teacher Association, which presented her with a National Lifetime Membership Award, and served as a poll worker for more than 30 years, and

WHEREAS, Sara Louise Jones Pettis was employed for 21 years by the Broward County School Board as a teacher's assistant and, upon her

retirement in 1988, her sons established a scholarship in her name at Dillard High School to benefit an outstanding college-bound senior, and

WHEREAS, on February 15, 2011, Sara Louise Jones Pettis died at age 90 from natural causes at her Ft. Lauderdale home, NOW, THEREFORE,

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

That the members of the Senate remember the life of Sarah Louise Jones Pettis and the legacy she leaves behind as a devoted and adoring mother, grandmother, and great-grandmother and as a champion of quality education.

—was introduced out of order and read by title. On motion by Senator Smith, **SR 2128** was read the second time in full and adopted.

MOMENT OF SILENCE

At the request of Senator Smith, the Senate observed a moment of silence for the late Clay County Sheriff's Deputy David Adam White and Mrs. Sara Louise Jones Pettis.

At the request of Senator Latvala—

By Senator Latvala—

SR 1140—A resolution commemorating the 25th Anniversary of the inauguration of Bob Martinez as Florida's 40th Governor.

WHEREAS, Bob Martinez was born on December 25, 1934, and was raised in Tampa by his parents Serafin and Ida Carreno Martinez, and

WHEREAS, Bob Martinez attended Tampa Bay Boulevard Elementary School, MacFarland Junior High, and Thomas Jefferson High School in Tampa, and

WHEREAS, in 1957, Bob Martinez earned an undergraduate degree in Social Science from the University of Tampa and, in 1964, received a postgraduate degree in Labor and Industrial Relations from the University of Illinois, and

WHEREAS, in 1979, Bob Martinez was elected Mayor of Tampa and, in 1983, was reelected to a second term, and

WHEREAS, on September 6, 1986, Bob Martinez received the majority of votes in a crowded Republican primary, and on November 4, 1986, he became the first Hispanic Governor of Florida and only the second Republican Governor of this state since Reconstruction, and

WHEREAS, on January 6, 1987, Bob Martinez was inaugurated as Florida's 40th Governor, serving this state honorably throughout his 4 years in office, and

WHEREAS, the accomplishments of Governor Bob Martinez are numerous and include the creation of Preservation 2000, the largest land acquisition program in the nation, now known as Florida Forever; the creation of the Governor's Commission on Space, the Florida Turnpike Authority, and the Florida Prepaid College Program; implementation of Florida's first comprehensive growth management law and the Florida Lottery; and advocacy on behalf of Florida's 10th public university, Florida Gulf Coast University, and

WHEREAS, Governor Bob Martinez has left an indelible impact on the State of Florida, NOW, THEREFORE,

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

That the members of the Senate recognize January 6, 2012, as the 25th Anniversary of the inauguration of Governor Bob Martinez and pay tribute to this dedicated public servant.

—**SR 1140** was introduced, read and adopted by publication.

SPECIAL GUESTS

Senator Latvala introduced former Governor Bob Martinez and his wife, Mary Jane, who were present in the gallery.

At the request of Senator Fasano—

By Senator Fasano—

SR 1296—A resolution commending those who serve as election day officials at polling places throughout Florida for their outstanding service and dedication.

WHEREAS, freedom is best maintained and nurtured through the democratic process, which requires fair and open elections that accurately reflect the intent of the electorate, and

WHEREAS, the supervisors of elections have long relied upon election day officials to assist them in administering elections, and

WHEREAS, those seeking to become election officials are extraordinarily committed in attending training sessions to learn policies, procedures, and responsibilities to ensure that voting is administered in a fair, nondiscriminatory, and transparent manner, and

WHEREAS, election day officials enthusiastically assist fellow citizens during the election process with early voting and at polling places, ensuring accurate and trouble-free elections along with timely results, and

WHEREAS, election day officials are responsible for administering all activities at polling places in Florida, and have remained willing, positive, and innovative throughout the many changes in election procedures, policies, and voting equipment, and

WHEREAS, election day officials have served as ambassadors of the supervisors of elections and have contributed to the high level of integrity in the election process in Florida, NOW, THEREFORE,

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

That the Senate commends those who serve as election day officials at polling places throughout Florida for their outstanding service and dedication.

—**SR 1296** was introduced, read and adopted by publication.

At the request of Senator Oelrich—

By Senator Oelrich—

SR 1896—A resolution commending the University of Florida men's track and field team for its second National Collegiate Athletic Association (NCAA) Indoor Championship.

WHEREAS, the University of Florida athletics program has long been recognized for its tradition of stellar performance in all intercollegiate sports, and

WHEREAS, the University of Florida men's track and field team has continued this tradition, achieved through hard work, determination, and a winning attitude, and

WHEREAS, the University of Florida men's track and field team grew and matured under the experienced and skillful guidance of head coach Mike Holloway, and

WHEREAS, the University of Florida men's track and field team captured its second NCAA Indoor Championship, becoming only the fourth men's program in NCAA history to claim back-to-back NCAA indoor championships, on Saturday, March 12, 2011, at the Gilliam Indoor Track Stadium on the campus of Texas A&M University, scoring 52 total team points and beating Texas A&M University by 12 points, and

WHEREAS, this national championship victory by the University of Florida men's track and field team marks the 25th national title won by a Gator sports team, NOW, THEREFORE,

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

That the members of the Senate salute the University of Florida men's track and field team for winning its second consecutive NCAA Indoor Championship.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the University of Florida men's track and field team as a tangible token of the sentiments of the Florida Senate.

—**SR 1896** was introduced, read and adopted by publication.

At the request of Senator Bullard—

By Senator Bullard—

SR 2066—A resolution recognizing and commending David A. White, Ed.D., for his career achievements and commitment to community in his hometown of Coconut Grove.

WHEREAS, David A. White was born in Coconut Grove on June 27, 1931, attended George W. Carver High School, and, in 1949, after his high school graduation, enlisted and served 2 years in the United States Air Force during the Korean War, and

WHEREAS, after David A. White was discharged from the United States Air Force, he attended what was then known as Florida Agricultural and Mechanical College, but, due to financial concerns, left college to enroll in a 1-year barbering program, and

WHEREAS, using his personal savings from barbering and proceeds from the G.I. Bill, David A. White was able to return to college, graduating from Florida Agricultural and Mechanical University with a bachelor of science degree in 1955 and a master's degree in education in 1959, and

WHEREAS, in 1978, David A. White graduated from what was then known as Nova University with a doctor of education degree in educational leadership, and

WHEREAS, before his retirement in 1990, David A. White was employed with the Miami-Dade County Public Schools for 35 years as a classroom teacher, counselor, and administrator, and

WHEREAS, not only does David A. White have a passion for education, but he has a heart for community involvement, serving as president emeritus of the Village West Homeowners-Tenants Association in Coconut Grove and, for 20 years, as the coordinator and treasurer of the Coconut Grove Crisis Food Pantry, an organization that distributes food to needy area residents, and

WHEREAS, David A. White also served as the past commander and finance officer of American Legion, Post 182, where he is a life member, and is an active member of the Sigma Alpha Chapter of Omega Psi Phi Fraternity, Inc., and

WHEREAS, David A. White is committed to his church and the promotion of unity among churches, is an active member and past officer of Christ Episcopal Church in Coconut Grove, is a former chairman and current member of the Ecumenical Council of Coconut Grove-Coral Gables, and is a former officer and current member of the Theodore R. Gibson Chapter of the Union of Black Episcopalians, and

WHEREAS, David A. White has been married to his beloved wife, Tessie, for 57 years, and, together, they raised four sons and one daughter and now enjoy their 12 grandchildren and two great-grandsons, and

WHEREAS, even though David A. White's physical mobility is currently limited, he has the mind and heart to continue his involvement in community and church activities and is a servant and leader in Coconut Grove, held in the highest regard and admired as a cherished member of the community, NOW, THEREFORE,

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

That the Florida Senate recognizes and commends David A. White, Ed.D., for his outstanding career accomplishments in education in the Miami-Dade County Public Schools and his leadership and commitment to his friends and neighbors in Coconut Grove.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to David A. White, Ed.D., as an expression of the esteem of the Florida Senate.

—**SR 2066** was introduced, read and adopted by publication.

SPECIAL GUESTS

Senator Bullard introduced Imojean Sanders and Ethel Dennis who were present in the gallery.

At the request of Senator Oelrich—

By Senator Oelrich—

SR 2112—A resolution recognizing and commending the University of Florida women's tennis team for winning the 2011 NCAA Championship.

WHEREAS, the University of Florida Gators have long been recognized for their winning tradition in all intercollegiate sports, and

WHEREAS, the University of Florida women's tennis team has continued this tradition of athletic excellence, achieved and maintained through hard work, determination, and a team-first attitude, and

WHEREAS, the University of Florida women's tennis team on May 24, 2011, scored a 4-3 win against the top-seeded Stanford University team at Taube Tennis Stadium on the Stanford campus, and

WHEREAS, under Head Coach Roland Thornqvist, who guided the Gators to its second national championship in his 10 years with the team, his coaching staff, and Athletic Director Jeremy Foley, the Florida Gators came together as a championship team, and

WHEREAS, the national championship won by the University of Florida women's tennis team marked the 26th national title won by a Gator sports team and the women's tennis team's fifth national team title, the most of any team in the Gator program, NOW, THEREFORE,

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

That the members of the Senate recognize and commend the University of Florida women's tennis team for winning the 2011 NCAA Championship, the Gator's second national team championship of the season.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to University of Florida women's tennis team Head Coach Roland Thornqvist and to each member of the University of Florida women's tennis team as a tangible token of the sentiments of the Florida Senate.

—**SR 2112** was introduced, read and adopted by publication.

At the request of Senator Oelrich—

By Senator Oelrich—

SR 2114—A resolution recognizing February 16, 2012, as "University of Florida Day" at the Capitol.

WHEREAS, the University of Florida, one of the nation's most academically rigorous and comprehensive institutions of higher learning, is and has been since 1985 the state's only university honored by membership in the prestigious Association of American Universities, and

WHEREAS, the University of Florida is a land-grant university and, in 2012, will help lead the national celebration of the 150th Anniversary of the Morrill Act of 1862, which established the land-grant university system, and

WHEREAS, the University of Florida is one of only 17 universities in the nation classified as land-grant, sea-grant, and space-grant institutions, and

WHEREAS, the university attracts the best students in the state, the nation, and the world, with an average incoming freshman grade point average of 4.23 and an average SAT score of 1920, the highest of any state university in Florida, and ranks among the top 10 universities in the nation where corporations prefer to recruit new employees, and

WHEREAS, the University of Florida is home to the finest faculty and staff, including 52 Eminent Scholar chairs and 35 faculty elections to the National Academy of Sciences, the National Academy of Engineering, the Institute of Medicine, and the American Academy of Arts and Sciences, and was awarded \$619 million in research and training grants in the 2011-2012 academic year, more than any other state university, and

WHEREAS, the University of Florida's overall accomplishments and quality of education earned it a ranking in Kiplinger Magazine for the 7th consecutive year as one of the best values for a university education, and

WHEREAS, the University of Florida, a vital economic engine with an annual statewide economic impact that exceeds \$8.76 billion, an amount as large as Florida's spectator sports industry, generates more than 106,000 jobs statewide, resulting in a return of \$15 for every state dollar invested in the university, and

WHEREAS, a 2011 study rated the University of Florida as the most efficient public research university in the country in terms of tuition and graduation rates, and its 4-year graduation rate of 65 percent is the highest of any state university, and

WHEREAS, the University of Florida is a leading institution in the STEM fields, with its Department of Chemistry ranked first in the number of STEM graduates at the graduate and undergraduate levels statewide, and has the highest percentage among all state universities of degrees awarded in STEM fields, and

WHEREAS, the University of Florida also excels in its student-athletic program, which has been a top 10 program nationally for the past 28 years and whose athletic victories include 26 national team championships, 201 SEC titles, and more than 230 individual national titles, NOW, THEREFORE,

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

That February 16, 2012, is recognized as "University of Florida Day" at the Capitol.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to University of Florida President J. Bernard Machen as a tangible token of the sentiments of the Florida Senate.

—**SR 2114** was introduced, read and adopted by publication.

At the request of Senator Rich—

By Senator Rich—

SR 2124—A resolution recognizing November 12-18, 2012, as "Spinal Cord Injury Awareness Week" in Florida.

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, the Darrell Gwynn Foundation will spend the week of November 12-18, 2012, working with local governments and schools to educate Floridians about the causes of and treatments for spinal cord injuries, as well as informing the public on how to prevent these injuries from taking place, NOW, THEREFORE,

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

That November 12-18, 2012, is recognized as "Spinal Cord Injury Awareness Week" in the State of Florida.

—**SR 2124** was introduced, read and adopted by publication.

SPECIAL GUESTS

The President introduced Lauren Book, the founder of Lauren's Kids, and Senator Oelrich introduced her father, Ron Book. Both were present in the gallery.

At the request of Senator Joyner—

By Senator Joyner—

SR 2110—A resolution recognizing the extraordinary life of Lee Roy Selmon, Sr.

WHEREAS, Lee Roy Selmon, Sr., the youngest of nine children born to Lucious and Jessie Selmon in Eufaula, Oklahoma, was a devoted husband of 34 years to his wife, Claybra Selmon, a loving and proud father to his children, Brandy, Lee Roy, Jr., and Christopher, and a loving brother to eight siblings, and

WHEREAS, Lee Roy Selmon, Sr., was a legendary athlete who began his distinguished football career at Eufaula High School, where he was named a high school All-American in 1971, and

WHEREAS Lee Roy Selmon, Sr., led the University of Oklahoma to the college national championship in 1975, where he earned the prestigious Outland and Lombardi trophies and was named College Football All-American in 1974 and 1975, and

WHEREAS, as the Number 1 pick and first player selected by the Tampa Bay Buccaneers in the National Football League's draft, Lee Roy Selmon, Sr., played defensive end with the Buccaneers from 1976-1984, earning honors in the NFL All-Pro in 1978, 1979, 1980, 1982, and 1984 and played in the Pro Bowl in 1979, 1980, 1981, 1982, 1983, and 1984, and

WHEREAS, Lee Roy Selmon, Sr., earned athletic accolades, including induction into the National College Football Foundation's College Hall of Fame in 1988, the Florida Sports Hall of Fame in 1989, the Buccaneers' Krewe of Honor in 1991, and the Oklahoma Sports Hall of Fame in 1992, and was the first player from the Buccaneers voted into the Pro Football Hall of Fame in 1995, and the Buccaneers' Ring of Honor in 2009, and

WHEREAS, after an illustrious professional football career, Lee Roy Selmon, Sr., served as the athletic director for the University of South Florida, and, most recently, as president of the University of South Florida Foundation Partnership for Athletics, and

WHEREAS, Lee Roy Selmon, Sr., established Lee Roy Selmon's restaurant in Tampa, which has expanded with locations along Florida's west coast from Tampa to Fort Myers, and

WHEREAS, Lee Roy Selmon, Sr., was dearly loved and respected in the Tampa Bay area for his contributions to the community, which were recognized with the naming of the Lee Roy Selmon, Sr., Expressway in his honor, as well as his reputation as a person committed to caring and sharing, and

WHEREAS, Lee Roy Selmon, Sr., was described as a "standard bearer" and "class act" for his unwavering professional demeanor both on and off the football field and as one who "set the standard for kindness," and will be remembered as a quintessential role model by all who encountered him, and

WHEREAS, Lee Roy Selmon, Sr., will long be remembered with great love and respect for the way he touched the hearts and lives of many through his leadership and public service in community activities and his legacy as a legendary football player, and

WHEREAS, Lee Roy Selmon, Sr., came to the great state of Florida in 1976 to play professional football and adopted the state as his home and, in turn, the State of Florida embraced him as a "favorite son," and

WHEREAS, it pleased God to take our esteemed friend, Lee Roy Selmon, Sr., to his heavenly home on September 4, 2011, NOW, THEREFORE,

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

That the members of the Senate recognize the extraordinary life of Lee Roy Selmon, Sr., and extend our condolences to his family and dearest friends.

—**SR 2110** was introduced, read and adopted by publication.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Thrasher, by two-thirds vote **CS for SB 110**, **CS for SB 198**, **CS for CS for SB 332**, **CS for SB 498**, **CS for SB 872**, **CS for SB 1354**, and **CS for SB 1826** were withdrawn from the Committee on Budget; **CS for SB 1348** was withdrawn from the Committee on Community Affairs; **SB 1312** and **CS for SB 1868** were withdrawn from the Committee on Judiciary; **SB 770** was withdrawn from the Committee on Regulated Industries; and **CS for CS for SB 1390** was withdrawn from the Committee on Rules.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Thrasher, the rules were waived and the Committee on Rules was granted permission to add **CS for SB 1208** to the agenda at the meeting scheduled for February 27.

BILLS ON THIRD READING

CS for SB 692—A bill to be entitled An act relating to local government; amending s. 165.031, F.S.; deleting definitions; amending s. 165.041, F.S.; revising the deadline for submission of a feasibility study of a proposed incorporation of a municipality; revising a requirement for the content of the study; amending s. 257.171, F.S.; conforming a cross-reference; amending s. 163.3167, F.S.; authorizing a local government to

retain certain initiatives or referendum processes that were in effect as of a specified date; providing that qualified electors of certain independent districts may commence a municipal conversion proceeding by filing a petition with the governing body of the independent special district; providing an exception; providing criteria for the petition; providing that the petition must be filed with the governing body of the independent special district and submitted to the supervisor of elections of each county in which the district lands are located; requiring that the supervisor of elections certify within a certain time to the governing body the number of signatures of qualified electors contained in the petition; requiring the governing body to meet, prepare, and approve by resolution, a proposed elector-initiated combined conversion and incorporation plan; providing criteria for the plan; providing criteria for approving the resolution; requiring the governing body to provide notice and public access to the elector-initiated combined municipal incorporation plan; providing criteria for a public hearing on the proposed elector-initiated combined municipal incorporation plan; providing notice of a final public hearing, a descriptive summary of the elector-initiated combined municipal incorporation plan, and a reference to the public place where a copy of the plan can be examined; authorizing the governing body to amend the municipal incorporation plan after the final hearing if notice and public hearing requirements are met; requiring the governing body to approve the final version of the plan within a certain time after the final hearing; requiring the governing body to notify the supervisor of elections of the county within which the special district is located of the adoption of the resolution; providing for notice of the referendum; requiring that the referenda be held in accordance with the election code; requiring the independent special district to bear the costs associated with the referenda; providing for the form of the ballot question; providing for the counting of ballots, making and canvassing of returns, and certifying the results; requiring a majority of the votes cast in the independent special district for the incorporation plan to take effect; requiring that the independent special district notify the special district information program and certain local general-purpose governments that the plan was approved; prohibiting a conversion process from being initiated for 2 years if the referendum fails; providing for interim governance of the district; providing for an effective date of the incorporation; providing an effective date.

—as amended February 14 was read the third time by title.

Senators Bennett and Rich offered the following amendment which was moved by Senator Bennett and adopted by two-thirds vote:

Amendment 1 (221814) (with title amendment)—Between lines 446 and 447 insert:

(20) Counties as defined in s. 125.011(1), Florida Statutes, hospital districts, and children's services districts established pursuant to s. 125.901, Florida Statutes, are not eligible for municipal conversion under this section.

And the title is amended as follows:

Delete line 61 and insert: the incorporation; prohibiting the municipal conversion of home rule counties, hospital districts, or children's services districts; providing an effective date.

On motions by Senator Bennett, **CS for SB 692** as amended was passed, ordered engrossed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

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

Nays—2

Benacquisto Richter

Vote after roll call:

Yea—Diaz de la Portilla

INTRODUCTION OF FORMER SENATORS

President Haridopolos introduced former Senate President John McKay who was present in the chamber. Senator Simmons introduced former Senate President and current Chief Financial Officer Jeff Atwater who was present in the chamber.

SPECIAL ORDER CALENDAR

SB 2000—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 2012, and ending June 30, 2013, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of state government; providing an effective date.

—was read the second time by title.

SENATOR JONES PRESIDING

SENATOR BENNETT PRESIDING

THE PRESIDENT PRESIDING

SENATOR SIMMONS PRESIDING

THE PRESIDENT PRESIDING

Senator Rich moved the following amendment which was adopted:

Amendment 1 (995042)—

		DELETE	INSERT
	EDUCATION, DEPARTMENT OF Public Schools, Division Of Program: State Grants/K-12 Program - Non FEFP 48250400		
92A	In Section 02 On Page 022 Special Categories 104052 Grants And Aids - School And Instructional Enhancements IOEB		
1000	From General Revenue Fund CA 100,000 FSI1 100,000	2,000,609	2,100,609
	At the end of existing proviso language, following Specific Appropriation 92A, INSERT:		
	Florida Holocaust Museum.....		100,000
	Program: Educational Media & Technology Services 48250600		
102	In Section 02 On Page 024 Special Categories 100586 Grants And Aids - Instructional Technology IOEB		
1000	From General Revenue Fund CA -100,000 FSI1 -100,000	380,000	280,000

Senator Sobel moved the following amendment which was adopted:

Amendment 2 (995067)—

MOTION

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

Senator Hays moved the following substitute amendment which was adopted:

Substitute Amendment 3 (995073)—

	DELETE	INSERT
EDUCATION, DEPARTMENT OF		
Public Schools, Division Of		
Program: Educational Media & Technology		
Services 48250600		
In Section 02 On Page 024		
102 Special Categories 100586		
Grants And Aids - Instructional		
Technology IOEB		

Following Specific Appropriation 102, DELETE:

Funds in Specific Appropriation 102 are provided to the Panhandle Area Educational Consortium (PAEC) for Response to Intervention (K-12) behavioral interventions, tracking, management and web-based counseling for students in Tier 1 and Tier 2 and students who have had 5 or more disciplinary/behavioral referrals (universal screening).

AND INSERT:

From funds in Specific Appropriation 102, \$330,000 is provided to the Panhandle Area Educational Consortium (PAEC) for Response to Intervention (K-12) behavioral interventions, tracking, management and web-based counseling for students in Tier 1 and Tier 2 and students who have had 5 or more disciplinary/behavioral referrals (universal screening) and \$50,000 is provided for the Broward Education Communication Network for educational programming.

Senator Fasano moved the following amendment:

Amendment 3 (995065)—

	DELETE	INSERT
AGRICULTURE AND CONSUMER SERVICES,		
DEPARTMENT OF, AND COMMISSIONER OF		
AGRICULTURE		
Program: Office Of The Commissioner And		
Administration		
Agricultural Water Policy Coordination 42010200		
In Section 05 On Page 188		
1399 Special Categories 104128		
Best Management Practices - Cost Share IOEA		
1000 From General Revenue Fund	8,000,000	5,000,000
CA -3,000,000 FSI1 -3,000,000		
EDUCATION, DEPARTMENT OF		
Universities, Division Of		
Program: Educational And General		
Activities 48900100		
In Section 02 On Page 032		
129 Aid To Local Governments 052310		
Grants And Aids - Education And General		
Activities IOEB		
1000 From General Revenue Fund	960,935,615	963,935,615
CA 3,000,000 FSI1 3,000,000		

Following Specific Appropriation 129, DELETE:

Funds in Specific Appropriation 129 from the General Revenue Fund shall be allocated as follows:

University of South Florida..... 70,698,467

AND INSERT in lieu thereof:

Funds in Specific Appropriation 129 from the General Revenue Fund shall be allocated as follows:

University of South Florida..... 73,698,467

	DELETE	INSERT
AGRICULTURE AND CONSUMER SERVICES,		
DEPARTMENT OF, AND COMMISSIONER OF		
AGRICULTURE		
Program: Office Of The Commissioner And		
Administration		
Agricultural Water Policy Coordination 42010200		
In Section 05 On Page 188		
1399 Special Categories 104128		
Best Management Practices - Cost Share IOEA		
1000 From General Revenue Fund	8,000,000	5,000,000
CA -3,000,000 FSI1 -3,000,000		
Program: Forest And Resource Protection		
Wildfire Prevention And Management 42110200		
In Section 05 On Page 192		
1448 Special Categories 100100		
Forestry Wildfire Protection/Suppression		
Equipment IOEA		
1000 From General Revenue Fund	4,603,000	7,603,000
CA 3,000,000 FSI1 3,000,000		

Senator Altman moved the following amendment which was adopted:

Amendment 4 (995057)—

	DELETE	INSERT
ENVIRONMENTAL PROTECTION, DEPARTMENT OF		
Program: District Offices		
Water Resource Protection And Restoration 37150100		
In Section 05 On Page 208		
1609 Expenses 040000 IOEA		
2193 From Ecosystem Management And		0
Restoration Trust Fund		
CA 0		

From the funds in Specific Appropriation 1609, \$25,000 in non-recurring Ecosystem Management and Restoration Trust Fund is provided for the Eau Gallie River Project.

Senator Jones moved the following amendment which was adopted:

Amendment 5 (995047)—

	DELETE	INSERT
ENVIRONMENTAL PROTECTION, DEPARTMENT OF		
Program: Recreation And Parks		
State Park Operations 37500300		
In Section 05 On Page 219		
1722 Special Categories 102334		
Control Of Invasive Exotics IOEA		
2675 From State Park Trust Fund		0
CA 0		

Following Specific Appropriation 1722, INSERT:

From the funds in Specific Appropriation 1722, \$60,000 in non-recurring trust funds is provided to complete the Rainbow Springs Restoration Plan.

Senator Negron moved the following amendments which were adopted:

Amendment 6 (995049)—

		DELETE	INSERT
	AGENCY FOR HEALTH CARE ADMINISTRATION Program: Health Care Services Executive Direction And Support Services	68500200	
174	In Section 03 On Page 039 Special Categories 100777 Contracted Services IOEA		
1000	From General Revenue Fund CA -350,000 FSI2NR -350,000	19,114,381	18,764,381
	In Section 03 On Page 040		
2474	From Medical Care Trust Fund CA -350,000 FSI3NR -350,000	55,033,270	54,683,270

In Section 03, on Page 39, DELETE the following:

From the funds in Specific Appropriation 174, \$350,000 in nonrecurring funds from the General Revenue Fund and \$350,000 in nonrecurring funds from the Medical Care Trust Fund shall be used to contract with Gartner, Inc., and Information Technology Research Company, to complete a feasibility study for developing an internet-based system for eligibility determination for Medicaid and the Children's Health Insurance Program (CHIP) established in Senate Bill 1988 or similar legislation and that complies with all applicable state and federal laws including the standards and conditions of the U.S. Department of Health and Human Services/Centers for Medicare and Medicaid Services (CMS) final rule published in the April 19, 2011, vol. 76, NO. 75 of the Federal Register.

The feasibility study shall include an analysis of two options for implementation of the Medicaid and CHIP eligibility determination system: (1) remediation and enhancement of the state's legacy eligibility determination system known as the Automated Community Connection to Economic Self-Sufficiency Florida or ACCESS Florida, and (2) develop of a new system that would support the Medicaid and CHIP eligibility determination and enrollment services. The analysis of both options must include, but not be limited to, a cost benefit analysis and a project risk assessment.

The completed feasibility study along with the Agency for Health Care Administration's recommendation for remediating the current system or developing a new system based on the results of the feasibility study, must be submitted for consideration and approval by the Legislative Budget Commission no later than December 1, 2012.

	CHILDREN AND FAMILY SERVICES, DEPARTMENT OF Administration Program: Executive Leadership Executive Direction And Support Services	60900101	
298	In Section 03 On Page 060 Data Processing Services 210008 Children And Families Data Center IOEH		
1000	From General Revenue Fund CA 350,000 FSI2NR 350,000	14,656,169	15,006,169
2021	From Administrative Trust Fund CA 350,000 FSI2NR 350,000	6,533,019	6,883,019

Immediately following Specific Appropriation 298, INSERT:

From the funds in Specific Appropriation 298, \$350,000 in nonrecurring funds from the General Revenue Fund and \$350,000 in nonrecurring funds from the Administrative Trust Fund shall be used to complete a feasibility study for developing an internet-based system for eligibility determination for Medicaid and the Children's Health Insurance Program (CHIP) established in Senate Bill 1988 or similar legislation and that complies with all applicable state

and federal laws including the standards and conditions of the U.S. Department of Health and Human Services/Centers for Medicare and Medicaid Services (CMS) final rule published in the April 19, 2011, vol. 76, NO. 75 of the Federal Register.

The feasibility study shall include an analysis of two options for implementation of the Medicaid and CHIP eligibility determination system: (1) remediation and enhancement of the state's legacy eligibility determination system known as the Automated Community Connection to Economic Self-Sufficiency Florida or ACCESS Florida, and (2) develop of a new system that would support the Medicaid and CHIP eligibility determination and enrollment services. The analysis of both options must include, but not be limited to, a cost benefit analysis and a project risk assessment.

The completed feasibility study along with the Department of Children and Family Services's recommendation for remediating the current system or developing a new system based on the results of the feasibility study, must be submitted for consideration and approval by the Legislative Budget Commission no later than December 1, 2012.

295	In Section 03 On Page 059 Qualified Expenditure Category 200083 Florida's Public Assistance Eligibility System IOEA
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DELETE the proviso immediately following Specific Appropriation 295:

From the funds in Specific Appropriation 295, the nonrecurring sum of \$3,365,955 from the Operations and Maintenance Trust Fund and the nonrecurring sum of \$30,293,595 from the Federal Grants Trust Funds are contingent upon Senate Bill 1988 or similar legislation relating to the development and implementation of an eligibility determination system for Medicaid and the Children's Health Insurance Program (CHIP), becoming law. The department is authorized to submit budget amendments requesting quarterly release of funds based on the recommendation approved by the Legislative Budget Commission in Specific Appropriation 174 pursuant to the provisions of Chapter 216, Florida Statutes. Requests for release of funds shall include detailed operational work and spending plans.

AND INSERT:

From the funds in Specific Appropriation 295, the nonrecurring sum of \$3,365,955 from the Operations and Maintenance Trust Fund and the nonrecurring sum of \$30,293,595 from the Federal Grants Trust Funds are contingent upon Senate Bill 1988 or similar legislation relating to the development and implementation of an eligibility determination system for Medicaid and the Children's Health Insurance Program (CHIP), becoming law. The department is authorized to submit budget amendments requesting quarterly release of funds based on the recommendation approved by the Legislative Budget Commission in Specific Appropriation 298 pursuant to the provisions of Chapter 216, Florida Statutes. Requests for release of funds shall include detailed operational work

and spending plans.

296	In Section 03 On Page 060 Qualified Expenditure Category 200085 Child Dependency System Redesign IOEA
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DELETE the proviso immediately following Specific Appropriation 296:

From the funds in Specific Appropriation 296, the nonrecurring sum of \$2,540,000 from the Federal Grants Trust Fund and the nonrecurring sum of \$1,960,000 from the Operations and Maintenance Trust Fund shall be used by the Department of Children and Family Services to fund programming changes to the Florida Safe Families Network (FSFN) system. The programming changes include the requirements identified in the January 2011 compliance assessment completed by the U.S. Department of Health & Human Services Administration for Children and Families as not currently being in the FSFN system and needed in order to comply with all federal Statewide Automated Child Welfare Information Systems (SACWIS) requirements. The department is authorized to submit budget amendments requesting quarterly release of funds based on the recommendation approved by the Legislative Budget Commission in Specific Appropriation 174 pursuant to the provisions of Chapter 216, Florida

Statutes. Requests for release of funds shall include detailed operational work and spending plans.

From the funds in Specific Appropriation 296, the nonrecurring sum of \$1,950,000 from the Social Services Block Grant Trust Fund and the sum of \$6,000,000 from the Welfare Transition Trust Fund shall be used by the department to fund enhancements to the Florida Safe Families Network (FSFN). The department is authorized to submit budget amendments requesting quarterly release of funds based on the recommendation approved by the Legislative Budget Commission in Specific Appropriation 174 pursuant to the provisions of Chapter 216, Florida Statutes. Requests for release of funds shall include detailed operational work and spending plans.

AND INSERT:

From the funds in Specific Appropriation 296, the nonrecurring sum of \$2,540,000 from the Federal Grants Trust Fund and the nonrecurring sum of \$1,960,000 from the Operations and Maintenance Trust Fund shall be used by the Department of Children and Family Services to fund programming changes to the Florida Safe Families Network (FSFN) system. The programming changes include the requirements identified in the January 2011 compliance assessment completed by the U.S. Department of Health & Human Services Administration for Children and Families as not currently being in the FSFN system and needed in order to comply with all federal Statewide Automated Child Welfare Information Systems (SACWIS) requirements. The department is authorized to submit budget amendments requesting quarterly release of funds based on the recommendation approved by the Legislative Budget Commission pursuant to the provisions of Chapter 216, Florida Statutes. Requests for release of funds shall include detailed operational work and spending plans.

From the funds in Specific Appropriation 296, the nonrecurring sum of \$1,950,000 from the Social Services Block Grant Trust Fund and the sum of \$6,000,000 from the Welfare Transition Trust Fund shall be used by the department to fund enhancements to the Florida Safe Families Network (FSFN). The department is authorized to submit budget amendments requesting quarterly release of funds based on the recommendation approved by the Legislative Budget Commission pursuant to the provisions of Chapter 216, Florida Statutes. Requests for release of funds shall include detailed operational work and spending plans.

300 Data Processing Services 210022
Northwood Shared Resource Center IOEA

Immediately following Specific Appropriation 300, DELETE:

From the funds in Specific Appropriation 300, the Department of Children and Family Services and the Northwood Shared Resource Center (NSRC) shall submit a report providing options and recommendations for reducing the data center service costs of the FLORIDA System. The NSRC and department shall base their report on the results of the feasibility study approved by the Legislative Budget Commission in accordance with Specific Appropriation 174. The report shall be submitted to the Executive Office of the Governor, the chair of the Senate Budget Committee, the chair of the House Appropriations Committee by January 15, 2013.

AND INSERT:

From the funds in Specific Appropriation 300, the Department of Children and Family Services and the Northwood Shared Resource Center (NSRC) shall submit a report providing options and recommendations for reducing the data center service costs of the FLORIDA System. The NSRC and department shall base their report on the results of the feasibility study approved by the Legislative Budget Commission in accordance with Specific Appropriation 298. The report shall be submitted to the Executive Office of the Governor, the chair of the Senate Budget Committee, the chair of the House Appropriations Committee by January 15, 2013.

Program: Support Services
Information Technology 60900202

In Section 03 On Page 061
313 Qualified Expenditure Category 200083

Florida's Public Assistance Eligibility

System IOEA

Immediately following Specific Appropriation 313, DELETE:

From the funds in Specific Appropriation 313, the nonrecurring sum of 32,525,565 from the Working Capital Trust Fund is contingent upon Senate Bill 1988 or similar legislation relating to the development and implementation of an eligibility determination system for Medicaid and the Children's Health Insurance Program (CHIP), becoming law. The Department of Children and Families Services is authorized to submit budget amendments requesting quarterly release of these funds based on the recommendation approved by the Legislative Budget Commission in Specific Appropriation 174 pursuant to the provisions of Chapter 216, Florida Statutes. Requests for release of funds shall include detailed operational work and spending plans.

AND INSERT:

From the funds in Specific Appropriation 313, the nonrecurring sum of 32,525,565 from the Working Capital Trust Fund is contingent upon Senate Bill 1988 or similar legislation relating to the development and implementation of an eligibility determination system for Medicaid and the Children's Health Insurance Program (CHIP), becoming law. The Department of Children and Families Services is authorized to submit budget amendments requesting quarterly release of these funds based on the recommendation approved by the Legislative Budget Commission in Specific Appropriation 298 pursuant to the provisions of Chapter 216, Florida Statutes. Requests for release of funds shall include detailed operational work and spending plans.

In Section 03 On Page 062

314 Qualified Expenditure Category 200085
Child Dependency System Redesign IOEA

DELETE the proviso immediately following Specific Appropriation 314:

From the funds in Specific Appropriation 314, the nonrecurring sum of \$4,500,000 from the Working Capital Trust Fund shall be used by the Department of Children and Family Services to fund programming changes to the Florida Safe Families Network (FSFN) system. The programming changes include the requirements identified in the January 2011 compliance assessment completed by the U.S. Department of Health & Human Services Administration for Children and Families as not currently being in the FSFN system and needed in order to comply with all federal Statewide Automated Child Welfare Information Systems (SACWIS) requirements. The department is authorized to submit budget amendments requesting quarterly release of these funds based on the recommendation approved by the Legislative Budget Commission in Specific Appropriation 174 pursuant to the provisions of Chapter 216, Florida Statutes. Requests for release of funds shall include detailed operational work and spending plans.

From the Funds in Specific Appropriation 314, the nonrecurring sum of \$7,950,000 from the Working Capital Trust Fund shall be used by the department to fund enhancements to the Florida Safe Families Network (FSFN). The department is authorized to submit budget amendments requesting quarterly release of funds based on the recommendation approved by the Legislative Budget Commission in Specific Appropriation 174 pursuant to the provisions of Chapter 216, Florida Statutes. Request for release of funds shall include detailed operational work and spending plans.

AND INSERT:

From the funds in Specific Appropriation 314, the nonrecurring sum of \$4,500,000 from the Working Capital Trust Fund shall be used by the Department of Children and Family Services to fund programming changes to the Florida Safe Families Network (FSFN) system. The programming changes include the requirements identified in the January 2011 compliance assessment completed by the U.S. Department of Health & Human Services Administration for Children and Families as not currently being in the FSFN system and needed in order to comply with all federal Statewide Automated Child Welfare Information Systems (SACWIS) requirements. The department is authorized to submit budget amendments requesting quarterly release of these funds based on the recommendation

approved by the Legislative Budget Commission pursuant to the provisions of Chapter 216, Florida Statutes. Requests for release of funds shall include detailed operational work and spending plans.

From the Funds in Specific Appropriation 314, the nonrecurring sum of \$7,950,000 from the Working Capital Trust Fund shall be used by the department to fund enhancements to the Florida Safe Families Network (FSFN). The department is authorized to submit budget amendments requesting quarterly release of funds based on the recommendation approved by the Legislative Budget Commission pursuant to the provisions of Chapter 216, Florida Statutes. Request for release of funds shall include detailed operational work and spending plans.

Amendment 7 (995062)—

	In Section	On Page	000	DELETE	INSERT
174	000000	IOE			

At the end of existing proviso language, following Specific Appropriation 174, INSERT:

From the funds in Specific Appropriation 174, the Agency for Health Care Administration, pursuant to Paragraph 69 of the Special Terms and Conditions for the Florida Medicaid Reform Section 1115 Demonstration waiver, as approved by the federal Centers for Medicare & Medicaid Services on December 15, 2011, shall develop a cost reimbursement methodology to utilize certified public expenditures as a funding mechanism for the Medicaid program, including a detailed explanation of the process by which the state would identify those costs eligible under the Medicaid program for purposes of certifying the public expenditures. The methodology must adhere to all requirements of state law and federal regulations or waiver authority. The agency, through a competitive procurement under chapter 287, Florida Statutes, may engage a consultant to develop the methodology. The agency shall submit a report containing the methodology and the policy implications of implementing the methodology no later than January 31, 2013, to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Amendment 8 (995055) was withdrawn.

Senator Negron moved the following amendment which was adopted:

Amendment 9 (995064)—

	In Section	On Page	000	DELETE	INSERT
193	000000	IOE			

At the end of existing proviso language, following Specific Appropriation 193, INSERT:

From the funds in Specific Appropriations 193 and 198, the Agency for Health Care Administration shall develop a process to reconcile the differences between the amounts of intergovernmental transfers used for the purposes of funding exemptions from reimbursement ceilings or buying back the Medicaid inpatient or outpatient trend adjustments for individual hospitals and the amounts of intergovernmental transfers indicated in the letters of agreement executed for each state fiscal year.

SENATOR GAETZ PRESIDING

Senator Hays moved the following amendment which was adopted:

Amendment 10 (995059)—

	INSERT
208	<p>AGENCY FOR HEALTH CARE ADMINISTRATION Program: Health Care Services Medicaid Services To Individuals 68501400</p> <p>In Section 03 On Page 049 Special Categories 102673 Prepaid Health Plans IOEB</p>

At the end of existing proviso language, following Specific Appropriation 208, INSERT:

From the funds in Specific Appropriation 208 and pursuant to section 409.912(41), Florida Statutes, as amended by Senate Bill 2002, the agency is authorized to provide a Medicaid Prepaid Dental Health Program in Miami-Dade County. For all other counties, the agency may not limit dental services to pre-paid plans and must allow qualified dental providers to provide dental services under Medicaid on a fee-for-service reimbursement methodology. The agency is authorized to seek any necessary revisions or amendments to the state plan or federal waivers to implement this policy.

Senators Negron and Detert offered the following amendment which was moved by Senator Negron and adopted:

Amendment 11 (995037)—

		DELETE	INSERT
	<p>AGENCY FOR PERSONS WITH DISABILITIES Program: Services To Persons With Disabilities Home And Community Services 67100100</p> <p>In Section 03 On Page 054 Other Personal Services 030000 IOEA</p> <p>1000 From General Revenue Fund 2,277,749 1,977,749 CA -300,000 FSI2 -300,000</p> <p>Program Management And Compliance 67100200</p> <p>In Section 03 On Page 056 Expenses 040000 IOEA</p> <p>1000 From General Revenue Fund 1,617,382 1,417,382 CA -200,000 FSI2 -200,000</p> <p>Home And Community Services 67100100</p> <p>In Section 03 On Page 055 Special Categories 100778 Grants And Aids - Contracted Services IOEB</p> <p>1000 From General Revenue Fund 1,661,811 2,161,811 CA 500,000 FSI1 500,000</p>		
244			
258			
250			

DELETE the proviso at the end of Specific Appropriation 250:

From the funds in Specific Appropriations 250, \$500,000 in recurring funds from the General Revenue Fund is provided for the Loveland Center, Inc., in Sarasota County.

AND INSERT:

From the funds in Specific Appropriations 250, \$1,000,000 in recurring funds from the General Revenue Fund is provided for the Loveland Center, Inc., in Sarasota County.

Senator Rich moved the following amendment which was adopted:

Amendment 12 (995053)—

		DELETE	INSERT
	<p>CHILDREN AND FAMILY SERVICES, DEPARTMENT OF Services Program: Family Safety Program Family Safety And Preservation Services 60910310</p> <p>In Section 03 On Page 065 Special Categories 108304 Grants And Aids - Community Based Care Funds For Providers Of Child Welfare Services IOEB</p> <p>2261 From Federal Grants Trust Fund 267,302,064 270,302,064</p>		
336			

CA 3,000,000 FSI2 3,000,000

1000 From General Revenue Fund
CA 1,000,000 FSI1 1,000,000

50,155,640 51,155,640

At the end of existing proviso language, following Specific Appropriation 336, INSERT:

From the funds in Specific Appropriation 336, \$3,000,000 from the Federal Grants Trust Fund is provided for adoption subsidies contingent on the repayment of a loan to the Florida Coalition for Children.

Senator Braynon moved the following amendment which was adopted:

Amendment 13 (995061)—

	DELETE	INSERT
CHILDREN AND FAMILY SERVICES, DEPARTMENT OF Services Program: Economic Self Sufficiency Program Economic Self Sufficiency Services 60910708		
In Section 03 On Page 071 379 Special Categories 100778 Grants And Aids - Contracted Services IOEB		
1000 From General Revenue Fund CA 0	1,189,913	1,189,913

At the end of existing proviso language, following Specific Appropriation 379, INSERT:

From the funds in Specific Appropriation 379, \$75,000 from the General Revenue Fund is provided to Fanm Ayisyen Nan Miyami, Inc./Haitian Women of Miami.

Senator Rich moved the following amendment which was adopted:

Amendment 14 (995036)—

	DELETE	INSERT
ELDER AFFAIRS, DEPARTMENT OF Program: Services To Elders Program Home And Community Services 65100400		
In Section 03 On Page 074 417 Special Categories 109970 Capitated Nursing Home Diversion Waiver IOEB		
1000 From General Revenue Fund CA -1,000,000 FSI2 -1,000,000	163,073,930	162,073,930
2516 From Operations And Maintenance Trust Fund CA -1,365,744 FSI9 -1,365,744	222,717,248	221,351,504

DELETE the proviso immediately following Specific Appropriation 417:

From the funds in Specific Appropriation 417, \$12,691,348 from the General Revenue Fund and \$17,333,132 from the Operations and Maintenance Trust Fund are provided to expand the current Nursing Home Diversion program by an additional 1,762 slots, effective July 1, 2012. The Department of Elder Affairs shall first enroll individuals who are assessed at a priority score of 4 or higher.

AND INSERT:

From the funds in Specific Appropriation 417, \$11,691,348 from the General Revenue Fund and \$15,967,388 from the Operations and Maintenance Trust Fund are provided to expand the current Nursing Home Diversion program by an additional 1,623 slots, effective July 1, 2012. The Department of Elder Affairs shall first enroll individuals who are assessed at a priority score of 4 or higher.

405	In Section 03 On Page 073 Special Categories 100547 Grants And Aids - Community Care For The Elderly IOEB
-----	---

THE PRESIDENT PRESIDING

Senator Rich moved the following amendment which failed:

Amendment 15 (995035)—

	DELETE	INSERT
HEALTH, DEPARTMENT OF Program: Community Public Health Family Health Outpatient And Nutrition Services 64200300		
465 In Section 03 On Page 079 Aid To Local Governments 050001 Grants And Aids - Family Planning Services IOEB		
1000 From General Revenue Fund CA 2,000,000 FSI1 2,000,000	4,245,455	6,245,455
475 In Section 03 On Page 080 Special Categories 100766 Grants And Aids - Crisis Counseling IOEB		
1000 From General Revenue Fund CA -2,000,000 FSI1 -2,000,000	2,000,000	0

DELETE the proviso immediately following Specific Appropriation 475:

From the funds in Specific Appropriation 475, a minimum of 85 percent of the appropriated funds shall be spent on direct client services, direct service provider certification and Option Line.

The department shall award a contract to a current Florida Pregnancy Support Services Program (FPSSP) contract management provider that is a Florida non-profit corporation and recognized as tax exempt by the IRS under code section 501 (c)(3) for this Specific Appropriation. The contract shall provide for the development and implementation of certification standards and to provide the required contract management of all sub-contracted direct service providers, OptionLine and FPSSP website.

The department shall pay the non-profit contract management provider no less than \$380 per month per sub-contracted direct service provider for contract management and an FPSSP website.

The department is authorized to spend no more than \$50,000 for agency program oversight activities.

Senators Braynon and Montford offered the following amendment which was moved by Senator Montford and adopted:

Amendment 16 (995054)—

	DELETE	INSERT
HEALTH, DEPARTMENT OF Program: Community Public Health County Health Departments Local Health Needs 64200700		
521 In Section 03 On Page 086 Aid To Local Governments 050329 Contribution To County Health Units IOEB		
1000 From General Revenue Fund CA -100,000 FSI1NR -100,000	112,536,898	112,436,898
Family Health Outpatient And Nutrition Services 64200300		
469 In Section 03 On Page 080 Aid To Local Governments 050331 Grants And Aids - Primary Care Program IOEB		

1000 From General Revenue Fund 16,383,035 16,483,035
CA 100,000 FSI1NR 100,000

SENATOR BENNETT PRESIDING**THE PRESIDENT PRESIDING**

Senator Lynn moved the following amendment which was adopted:

Amendment 20 (995058)—

Immediately following Specific Appropriation 469, INSERT:

From the funds in Specific Appropriation 469, \$100,000 in nonrecurring funds from the General Revenue Fund is provided to establish a countywide mobile health unit to provide primary and acute care to the uninsured population of Gadsden County.

Senator Gaetz moved the following amendment which was adopted:

Amendment 17 (995052)—

	DELETE	INSERT
HEALTH, DEPARTMENT OF		
Program: Community Public Health		
Statewide Public Health Support Services	64200800	
In Section 03 On Page 088		
543 Special Categories 101503		
William G. "Bill" Bankhead, Jr., And		
David Coley Cancer Research Program		IOEB

At the end of existing proviso language, following Specific Appropriation 543, INSERT:

From the funds appropriated in Specific Appropriation 543, at least one competitive clinical trials project grant, particularly those projects such as matching services that identify prospective clinical trials treatment options for cancer patients in this state or those projects that otherwise foster greater rates of participation in trials, shall be awarded if a meritorious proposal is, or proposals are, received. Such project grant proposals are not required to be posed as a formal research question in order to qualify for an award, but shall demonstrate that such project will insure to the benefit of cancer research.

Senators Negrón and Gaetz offered the following amendment which was moved by Senator Negrón and adopted:

Amendment 18 (995044)—

	DELETE	INSERT
VETERANS' AFFAIRS, DEPARTMENT OF		
Program: Services To Veterans' Program		
Veterans' Homes 50100100		
In Section 03 On Page 096		
598 Salaries And Benefits 010000 IOEA		
2516 From Operations And Maintenance	38,942,834	42,960,151
Trust Fund		
CA 4,017,317 FSI1 2,410,390 FSI3 1,606,927		

Immediately preceding Specific Appropriation 598, DELETE:

Approved salary rate..... 30,327,168

AND INSERT:

Approved salary rate..... 33,896,213

603 Special Categories 100777		
Contracted Services IOEA		
2516 From Operations And Maintenance	13,328,171	9,310,854
Trust Fund		
CA -4,017,317 FSI1 -2,410,390 FSI3 -1,606,927		

Amendment 19 (995043) and Substitute Amendment 19 (995070) were withdrawn.

	DELETE	INSERT
EDUCATION, DEPARTMENT OF		
Florida Colleges, Division Of		
Program: Florida Colleges	48400600	

108 In Section 02 On Page 027		
Aid To Local Governments 050217		
Grants And Aids - Community Colleges		
Program Fund IOEB		

1000 From General Revenue Fund	909,143,721	911,143,721
CA 2,000,000 FSI1 2,000,000		

Following Specific Appropriation 108, DELETE:

Funds provided in Specific Appropriation 108 are provided for operating funds, including performance incentives and approved baccalaureate programs, and shall be allocated as follows:

Brevard Community College..... 31,666,077

AND INSERT:

Funds provided in Specific Appropriation 108 are provided for operating funds, including performance incentives and approved baccalaureate programs, and shall be allocated as follows:

Brevard Community College..... 33,666,077

Universities, Division Of	
Program: Educational And General	
Activities 48900100	

129 In Section 02 On Page 032	
Aid To Local Governments 052310	
Grants And Aids - Education And General	
Activities IOEB	

1000 From General Revenue Fund	960,935,615	958,935,615
CA -2,000,000 FSI1 -2,000,000		

Funds in Specific Appropriation 129 from the General Revenue Fund shall be allocated as follows:

Outcome Based Performance Allocation..... 12,683,626

Funds in Specific Appropriation 129 from the General Revenue Fund shall be allocated as follows:

Outcome Based Performance Allocation..... 10,683,626

Senators Norman, Dockery, Jones, Latvala, Joyner, Fasano, Storms, and Bullard offered the following amendment which was moved by Senator Norman:

Amendment 21 (995039)—

	DELETE	INSERT
EDUCATION, DEPARTMENT OF		
Universities, Division Of		
Program: Educational And General		
Activities 48900100		

129 In Section 02 On Page 032	
Aid To Local Governments 052310	
Grants And Aids - Education And General	
Activities IOEB	

Following Specific Appropriation 129, DELETE:

Funds in Specific Appropriation 129 from the General Revenue Fund shall be allocated as follows:

University of South Florida.....	70,698,467
Florida Polytechnic University.....	27,336,459

AND INSERT:

Funds in Specific Appropriation 129 from the General Revenue Fund shall be allocated as follows:

University of South Florida.....	76,698,467
Florida Polytechnic University.....	21,336,459

Senators Lynn, Norman, Alexander, Joyner, and Bullard offered the following substitute amendment which was moved by Senator Norman and adopted:

Substitute Amendment 21 (995071)—

	DELETE	INSERT
EDUCATION, DEPARTMENT OF Universities, Division Of Program: Educational And General Activities 48900100		
131 In Section 02 On Page 033 Aid To Local Governments 052320 Grants And Aids - University Of South Florida Medical Center IOEB		
1000 From General Revenue Fund CA 3,000,000 FSI1 3,000,000	50,852,083	53,852,083
ECONOMIC OPPORTUNITY, DEPARTMENT OF Program: Strategic Business Development Strategic Business Development 40400100		
2314 In Section 06 On Page 283 Qualified Expenditure Category 200005 Qualified Expenditure Category - Economic Development Tools IOEB		
1000 From General Revenue Fund CA -3,000,000 FSI1 -3,000,000	50,000,000	47,000,000

Senators Norman, Dockery, Jones, Latvala, Joyner, Fasano, Storms, and Bullard offered the following amendment which was moved by Senator Norman:

Amendment 22 (995040)—

	DELETE	INSERT
EDUCATION, DEPARTMENT OF Universities, Division Of Program: Educational And General Activities 48900100		
129 In Section 02 On Page 032 Aid To Local Governments 052310 Grants And Aids - Education And General Activities IOEB		

Following Specific Appropriation 129, DELETE:

Funds in Specific Appropriation 129 from the General Revenue Fund shall be allocated as follows:

University of South Florida.....	70,698,467
Florida Polytechnic University.....	27,336,459

AND INSERT:

Funds in Specific Appropriation 129 from the General Revenue Fund shall be allocated as follows:

University of South Florida.....	86,698,467
----------------------------------	------------

Florida Polytechnic University.....	11,336,459
-------------------------------------	------------

Senators Lynn, Norman, Alexander, Joyner, and Bullard offered the following substitute amendment which was moved by Senator Norman and adopted:

Substitute Amendment 22 (995072)—

	DELETE	INSERT
EDUCATION, DEPARTMENT OF Universities, Division Of Program: Educational And General Activities 48900100		
129 In Section 02 On Page 032 Aid To Local Governments 052310 Grants And Aids - Education And General Activities IOEB		
1000 From General Revenue Fund CA 10,000,000 FSI1 10,000,000	960,935,615	970,935,615

Following Specific Appropriation 129, DELETE:

Funds in Specific Appropriation 129 from the General Revenue Fund shall be allocated as follows:

University of South Florida.....	70,698,467
----------------------------------	------------

AND INSERT:

Funds in Specific Appropriation 129 from the General Revenue Fund shall be allocated as follows:

University of South Florida.....	80,698,467
----------------------------------	------------

From the General Revenue Fund allocation for the University of South Florida, \$10 million is provided for costs associated with allowing students enrolled in the University of South Florida Polytechnic to complete their degrees at the University of South Florida. If the documented costs associated with these educational services exceed the \$10 million allocation, the Florida Polytechnic University shall enter into a memorandum of agreement to provide additional funds for these educational services until those students complete their degrees.

ECONOMIC OPPORTUNITY, DEPARTMENT OF Program: Strategic Business Development Strategic Business Development 40400100		
2314 In Section 06 On Page 283 Qualified Expenditure Category 200005 Qualified Expenditure Category - Economic Development Tools IOEB		
1000 From General Revenue Fund CA -10,000,000 FSI1 -10,000,000	50,000,000	40,000,000

Senators Norman, Latvala, Dockery, Jones, Joyner, Fasano, and Bullard offered the following amendment which was moved by Senator Norman and adopted:

Amendment 23 (995050)—

	DELETE	INSERT
EDUCATION, DEPARTMENT OF Universities, Division Of Program: Educational And General Activities 48900100		
129 In Section 02 On Page 032 Aid To Local Governments 052310 Grants And Aids - Education And General Activities IOEB		
1000 From General Revenue Fund CA 26,981,529 FSI1 26,981,529	960,935,615	987,917,144

Following Specific Appropriation 129, DELETE:

Funds in Specific Appropriation 129 from the General Revenue Fund shall be allocated as follows:

University of South Florida.....	70,698,467
University of South Florida, St. Petersburg.....	19,674,493
University of South Florida, Sarasota/Manatee.....	12,123,122
Florida Polytechnic University.....	27,336,459

AND INSERT:

Funds in Specific Appropriation 129 from the General Revenue Fund shall be allocated as follows:

University of South Florida.....	104,019,182
University of South Florida, St. Petersburg.....	17,462,134
University of South Florida, Sarasota/Manatee.....	10,940,915
Florida Polytechnic University.....	24,391,839

In Section 14 On Page 380

DELETE the following:

SECTION 14. The authorization to expend the remaining \$250,000,000 in unissued bonds for the enumerated authorized capital outlay projects in the Department of Education Specific Appropriations 15A through 28A of chapter 2008-152, Laws of Florida, and Specific Appropriations 17 through 26 of chapter 2010-152, Laws of Florida from the Public Education Capital Outlay and Debt Service Trust Fund is revoked and \$120,000,000 from nonrecurring general revenue and \$130,000,000 from nonrecurring Educational Enhancement Trust Funds is hereby appropriated for the same authorized Public Education Capital Outlay projects.

AND INSERT:

SECTION 14. The authorization to expend the remaining \$223,018,471 in unissued bonds for the enumerated authorized capital outlay projects in the Department of Education Specific Appropriations 15A through 28A of chapter 2008-152, Laws of Florida, and Specific Appropriations 17 through 26 of chapter 2010-152, Laws of Florida from the Public Education Capital Outlay and Debt Service Trust Fund is revoked and \$93,018,471 from nonrecurring general revenue and \$130,000,000 from nonrecurring Educational Enhancement Trust Funds is hereby appropriated for the same authorized Public Education Capital Outlay projects.

Senators Lynn and Bullard offered the following amendments which were moved by Senator Lynn and adopted:

Amendment 24 (995041)—

In Section 14 On Page 380

DELETE INSERT

At the end of existing section language, INSERT:

This section is effective upon becoming law.

Amendment 25 (995045)—

EDUCATION, DEPARTMENT OF 48000000

DELETE INSERT

In Section 02 On Page 006

At the end of existing proviso language, following the Department of Education, INSERT:

Funds in Specific Appropriations 55B, 56A, 56B, 129, 131, 132, 133, 134, and 135 for medical schools may be used as certified public expenditures for matching Medical Care Trust Fund sources through the Agency for Health Care Administration for contracting with the Florida Medical Schools Quality Network.

Senator Fasano moved the following amendment:

Amendment 26 (995048)—

In Section 72 On Page 388

DELETE INSERT

INSERT the following new Back of the Bill section and renumber all subsequent sections:

Section 72. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2012-0238 as submitted on January 25, 2012, by the Governor on behalf of the Department of Corrections for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2011-2012 consistent with the amendment. This section is effective upon becoming law.

MOTION

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

Senator Bogdanoff moved the following substitute amendment which was adopted:

Substitute Amendment 26 (995075)—

In Section 72 On Page 388

DELETE INSERT

INSERT the following new Back of the Bill section and renumber all subsequent sections:

Section 72. Unless Budget Amendment EOG #B2012-0238 is approved by the Legislative Budget Commission prior to this act becoming law, the Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2012-0238 as submitted on January 25, 2012, by the Governor on behalf of the Department of Corrections for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2011-2012 consistent with the amendment. This section is effective upon becoming law.

Senator Gardiner moved the following amendment which was adopted:

Amendment 27 (995046)—

DELETE INSERT

TRANSPORTATION, DEPARTMENT OF
Transportation Systems Development
Program: Transportation Systems
Development 55100100

In Section 05 On Page 239
1919 Fixed Capital Outlay 088777
Right-Of-Way Land Acquisition IOEK

Immediately following Specific Appropriation 1919, DELETE:

From the funds in Specific Appropriation 1919, no funds are provided for right-of-way land acquisition in support of the Department of Transportation's obligation to construct the Wekiva Parkway. The term "Wekiva Parkway" means a limited access highway or expressway constructed between State Road 429 and Interstate 4 specifically incorporating the corridor alignment recommended by Recommendation 2 of the Wekiva River Basin Area Task Force final report dated January 15, 2003, and the recommendations of the SR 429 Working Group which were adopted January 16, 2004, and related transportation facilities.

In Section 05 On Page 240
1925 Fixed Capital Outlay 088849
Preliminary Engineering Consultants IOEK

Immediately following Specific Appropriation 1925, DELETE:

From the funds in Specific Appropriation 1925, no funds are provided for preliminary engineering and consultant services in support of the Department of Transportation's obligation to construct the Wekiva Parkway. The term "Wekiva Parkway" means a limited access highway or expressway constructed between State Road 429 and Interstate 4 specifically incorporating the corridor alignment recommended by Recommendation 2 of the Wekiva River Basin Area Task Force final report dated January 15, 2003, and the recommendations of the SR 429 Working Group which were adopted January 16, 2004, and related transportation facilities.

Transportation Systems Operations
Program: Highway Operations 55150200

In Section 05 On Page 243
1956 Fixed Capital Outlay 088716
Intrastate Highway Construction IOEK

DELETE the proviso immediately following Specific Appropriation 1956:

From the funds in Specific Appropriation 1956, no funds are provided in support of the Department's obligation's for the construction of the Wekiva Parkway. The term "Wekiva Parkway" means a limited access highway or expressway constructed between State Road 429 and Interstate 4 specifically incorporating the corridor alignment recommended by Recommendation 2 of the Wekiva River Basin Area Task Force final report dated January 15, 2003, and the recommendations of the SR 429 Working Group which were adopted January 16, 2004, and related transportation facilities.

In Section 05 On Page 244
1957 Fixed Capital Outlay 088717
Arterial Highway Construction IOEK

Immediately following Specific Appropriation 1957, DELETE:

From the funds in Specific Appropriation 1957, no funds are provided for the construction of the Wekiva Parkway. The term "Wekiva Parkway" means a limited access highway or expressway constructed between State Road 429 and Interstate 4 specifically incorporating the corridor alignment recommended by Recommendation 2 of the Wekiva River Basin Area Task Force final report dated January 15, 2003, and the recommendations of the SR 429 Working Group which were adopted January 16, 2004, and related transportation facilities.

1958 Fixed Capital Outlay 088718
Construction Inspection Consultants IOEK

Immediately following Specific Appropriation 1958, DELETE:

From the funds in Specific Appropriation 1958, no funds are provided for construction inspection consultant services in support of the Department of Transportation's obligation to construct the Wekiva Parkway. The term "Wekiva Parkway" means a limited access highway or expressway constructed between State Road 429 and Interstate 4 specifically incorporating the corridor alignment recommended by Recommendation 2 of the Wekiva River Basin Area Task Force final report dated January 15, 2003, and the recommendations of the SR 429 Working Group which were adopted January 16, 2004, and related transportation facilities.

Florida's Turnpike Systems
Orlando-Orange County Expressway
Authority 55180200

In Section 05 On Page 249

DELETE the following:

The funds provided in Specific Appropriations 2023A through 2023R from the State Transportation Trust Fund are the only budget authority provided in this act for 2012-13 fiscal year to the Orlando-Orange County Expressway Authority to expend revenues collected during the 2012-13 fiscal year and carried forward from the prior fiscal year and that are appropriated in local accounts of the authority pursuant to section 348.52, Florida Statutes. The expenditures of revenues from

local accounts by the authority shall not exceed the authority provided by these appropriations, unless approved pursuant to the provisions of chapter 216, Florida Statutes.

In order to implement the recommendations of the 2011 Government Efficiency Task Force regarding Expressway and Bridge Authority Consolidation that all toll collections be consolidated into a single entity and system including administrative functions, software and information technology systems, accounting, personnel, enforcement, customer service and billing, the Legislature intends these toll collection activities and services be consolidated into and performed by Florida's Turnpike Enterprise. The Department of Transportation is authorized to transfer budget authority provided by this Act between budget entities to support toll collection consolidation in accordance with the provisions of chapter 216, Florida Statutes.

From the funds in Specific Appropriations, 2023J through 2023Q, no funds are provided for preliminary engineering, right of-way land acquisition, design, and construction of the Orlando-Orange County Expressway Authority's obligation to construct the Wekiva Parkway. The term "Wekiva Parkway" means a limited access highway or expressway constructed between State Road 429 and Interstate 4 specifically incorporating the corridor alignment recommended by Recommendation 2 of the Wekiva River Basin Area Task Force final report dated January 15, 2003, and the recommendations of the SR 429 Working Group which were adopted January 16, 2004, and related transportation facilities.

In Section 05 On Page 250
2023A Salaries And Benefits 010000 IOEA

2540	From State Transportation (Primary) Trust Fund	6,976,324	0
CA	-6,976,324 FSI1 -6,976,324		

2023B Expenses 040000 IOEA

2540	From State Transportation (Primary) Trust Fund	7,663,724	0
CA	-7,663,724 FSI1 -7,663,724		

2023C Operating Capital Outlay 060000 IOEA

2540	From State Transportation (Primary) Trust Fund	1,366,160	0
CA	-1,366,160 FSI1 -1,366,160		

2023D Special Categories 100686
Consultant Fees IOEA

2540	From State Transportation (Primary) Trust Fund	461,000	0
CA	-461,000 FSI1 -461,000		

2023E Special Categories 100777
Contracted Services IOEA

2540	From State Transportation (Primary) Trust Fund	8,228,928	0
CA	-8,228,928 FSI1 -8,228,928		

2023F Special Categories 100900
Toll Operation Contracts IOEA

2540	From State Transportation (Primary) Trust Fund	16,772,361	0
CA	-16,772,361 FSI1 -16,772,361		

2023G Special Categories 101337
Florida Highway Patrol Services IOEA

2540	From State Transportation (Primary) Trust Fund	653,401	0
CA	-653,401 FSI1 -653,401		

2023H Special Categories 101640
Human Resources Development IOEA

2540	From State Transportation (Primary) Trust Fund CA -22,000 FSI1 -22,000	22,000	0	Tampa-Hillsborough County Expressway Authority 55180300		
2023I	Special Categories 103892 Transportation Materials And Equipment IOEA			DELETE THE FOLLOWING PROVISIO:		
2540	From State Transportation (Primary) Trust Fund CA -2,089,000 FSI1 -2,089,000	2,089,000	0	The funds provided in Specific Appropriations 2023S through 2023AC from the State Transportation Trust Fund are the only budget authority provided in this act for 2012-13 fiscal year to the Tampa-Hillsborough County Expressway Authority to expend revenues collected during the 2012-13 fiscal year and carried forward from the prior fiscal year and that are appropriated in local accounts of the authority pursuant to section 348.52, Florida Statutes. The expenditures of revenues from local accounts by the authority shall not exceed the authority provided by these specific appropriations, unless approved pursuant to the provisions of chapter 216, Florida Statutes.		
2023J	Fixed Capital Outlay 088712 Transportation Highway Maintenance Contracts IOEK					
2540	From State Transportation (Primary) Trust Fund CA -8,745,250 FSI1 -8,745,250	8,745,250	0	In order to implement the recommendations of the 2011 Government Efficiency Task Force regarding Expressway and Bridge Authority Consolidation that all toll collections be consolidated into a single entity and system including administrative functions, software and information technology systems, accounting, personnel, enforcement, customer service and billing, the Legislature intends these toll collection activities and services be consolidated into and performed by Florida's Turnpike Enterprise. The Department of Transportation is authorized to transfer budget authority provided by this Act between budget entities to support toll collection consolidation in accordance with the provisions of chapter 216, Florida Statutes.		
2023K	In Section 05 On Page 251 Fixed Capital Outlay 088716 Intrastate Highway Construction IOEK					
2540	From State Transportation (Primary) Trust Fund CA -84,626,000 FSI1 -84,626,000	84,626,000	0			
2023L	Fixed Capital Outlay 088718 Construction Inspection Consultants IOEK			2023S Salaries And Benefits 010000 IOEA		
2540	From State Transportation (Primary) Trust Fund CA -8,503,000 FSI1 -8,503,000	8,503,000	0	2540 From State Transportation (Primary) Trust Fund CA -1,508,357 FSI1 -1,508,357	1,508,357	0
2023M	Fixed Capital Outlay 088777 Right-Of-Way Land Acquisition IOEK			In Section 05 On Page 252 2023T Other Personal Services 030000 IOEA		
2540	From State Transportation (Primary) Trust Fund CA -77,400,000 FSI1 -77,400,000	77,400,000	0	2540 From State Transportation (Primary) Trust Fund CA -25,000 FSI1 -25,000	25,000	0
2023N	Fixed Capital Outlay 088799 Bridge Construction IOEK			2023U Expenses 040000 IOEA		
2540	From State Transportation (Primary) Trust Fund CA -405,000 FSI1 -405,000	405,000	0	2540 From State Transportation (Primary) Trust Fund CA -877,008 FSI1 -877,008	877,008	0
2023O	Fixed Capital Outlay 088849 Preliminary Engineering Consultants IOEK			2023V Special Categories 100686 Consultant Fees IOEA		
2540	From State Transportation (Primary) Trust Fund CA -57,820,967 FSI1 -57,820,967	57,820,967	0	2540 From State Transportation (Primary) Trust Fund CA -612,790 FSI1 -612,790	612,790	0
2023P	Fixed Capital Outlay 088853 Right-Of-Way Support IOEK			2023W Special Categories 100777 Contracted Services IOEA		
2540	From State Transportation (Primary) Trust Fund CA -600,000 FSI1 -600,000	600,000	0	2540 From State Transportation (Primary) Trust Fund CA -5,674,065 FSI1 -5,674,065	5,674,065	0
2023Q	Fixed Capital Outlay 088922 Tolls System Equipment And Development IOEK			2023X Special Categories 103892 Transportation Materials And Equipment IOEA		
2540	From State Transportation (Primary) Trust Fund CA -14,175,634 FSI1 -14,175,634	14,175,634	0	2540 From State Transportation (Primary) Trust Fund CA -351,900 FSI1 -351,900	351,900	0
2023R	Fixed Capital Outlay 089070 Debt Service IOEN			2023Y Fixed Capital Outlay 088712 Transportation Highway Maintenance Contracts IOEK		
2540	From State Transportation (Primary) Trust Fund CA -160,411,818 FSI1 -160,411,818	160,411,818	0	2540 From State Transportation (Primary) Trust Fund CA -1,596,856 FSI1 -1,596,856	1,596,856	0

2023Z	Fixed Capital Outlay 088864 Bridge Inspection IOEK				ECONOMIC OPPORTUNITY, DEPARTMENT OF Program: Workforce Services Workforce Florida, Inc. 40200600			
2540	From State Transportation (Primary) Trust Fund CA -298,816 FSI1 -298,816	298,816	0		In Section 06 On Page 276 Special Categories 109072 Quick Response Training IOEB			
2023AA	Fixed Capital Outlay 088922 Tolls System Equipment And Development IOEK				1000 From General Revenue Fund CA -100,000 FSI1 -100,000	763,193	663,193	
2540	From State Transportation (Primary) Trust Fund CA -133,651 FSI1 -133,651	133,651	0		2041 From State Economic Enhancement And Development Trust Fund CA 100,000 FSI1NR 100,000	1,836,807	1,936,807	
2023AB	Fixed Capital Outlay 089070 Debt Service IOEN				STATE, DEPARTMENT OF Program: Library And Information Services Library, Archives And Information Services 45400100			
2540	From State Transportation (Primary) Trust Fund CA -23,236,844 FSI1 -23,236,844	23,236,844	0		In Section 06 On Page 364 Aid To Local Governments 050792 Grants And Aids - Library Grants IOEB			
2023AC	Fixed Capital Outlay 089200 Expressway Improvements IOEK				3163			
2540	From State Transportation (Primary) Trust Fund CA -405,859 FSI1 -405,859	405,859	0		1000 From General Revenue Fund CA 0 FSI1 100,000 FSI1NR -100,000	21,300,000	21,300,000	

Senator Benacquisto moved the following amendments which were adopted:

Amendment 28 (995056)—

		DELETE	INSERT					
	TRANSPORTATION, DEPARTMENT OF Transportation Systems Operations Program: Highway Operations 55150200			2041	From State Economic Enhancement And Development Trust Fund CA -100,000 FSI1NR -100,000	72,622,464	72,522,464	
1968A	In Section 05 On Page 245 Fixed Capital Outlay 088865 Economic Development Transportation Projects - Road Fund IOEK							

Immediately following Specific Appropriation 1968A, INSERT:

Miami River Environmental Enhancement - Lummus Park/Dock and Piers for Commercial Use - \$100,000

NW 25th Avenue Improvements - City of Miami Gardens - \$300,000

Little River Canal Seawall Remediation Project - Village of El Portal - \$150,000

SW 56th Avenue (Martin Luther King Boulevard) Transportation Enhancement - City of West Park - \$150,000

Amendment 29 (995060)—

		DELETE	INSERT					
	STATE, DEPARTMENT OF Program: Cultural Affairs Cultural Affairs 45500300				ECONOMIC OPPORTUNITY, DEPARTMENT OF Program: Workforce Services Workforce Florida, Inc. 40200600			
3174A	In Section 06 On Page 365 Special Categories 100123 Grants And Aids - Cultural And Museum Grants IOEB			2271	In Section 06 On Page 276 Special Categories 109072 Quick Response Training IOEB			
1000	From General Revenue Fund CA 100,000 FSI1NR 100,000	5,050,000	5,150,000	1000	From General Revenue Fund CA 0 FSI1 150,000 FSI1NR -150,000	21,300,000	21,300,000	

At the end of existing proviso language, immediately following Specific Appropriation 3174A, INSERT:

From the funds in Specific Appropriation 3174A, \$100,000 shall be allocated to Family Empowerment and Intervention for Family Night Meetings in North Miami.

					STATE, DEPARTMENT OF Program: Library And Information Services Library, Archives And Information Services 45400100			
3143	In Section 06 On Page 362 Special Categories 101548 Grants And Aids - Historic Preservation Grants IOEB			3163	In Section 06 On Page 364 Aid To Local Governments 050792 Grants And Aids - Library Grants IOEB			
1000	From General Revenue Fund			1000	From General Revenue Fund	3,773,905	3,923,905	

CA 150,000 FSI1NR 150,000

At the end of existing proviso language, immediately following Specific Appropriation 3143, INSERT:

Historical Log Cabin - The Village of Biscayne Park.....\$150,000

ECONOMIC OPPORTUNITY, DEPARTMENT OF
Program: Strategic Business Development
Strategic Business Development 40400100

In Section 06 On Page 281

2304A Lump Sum 098019
Economic Development Tools IOEA

2041	From State Economic Enhancement And Development Trust Fund	72,622,464	72,472,464
	CA -150,000 FSI1NR -150,000		

Senator Montford moved the following amendment which was adopted:

Amendment 31 (995038)—

		DELETE	INSERT
	ECONOMIC OPPORTUNITY, DEPARTMENT OF Program: Strategic Business Development Strategic Business Development 40400100		

In Section 06 On Page 281

2304A Lump Sum 098019
Economic Development Tools IOEA

At the end of existing proviso language, immediately following Specific Appropriation 2304A, INSERT:

From the funds in Specific Appropriation 2304A from the State Economic Enhancement and Development Trust Fund, Enterprise Florida, Inc. (EFI), in conjunction with the Department of Economic Opportunity (DEO) and Workforce Florida, Inc., may use up to \$150,000 to conduct a study to identify innovative strategies for expanding the economic activity of each rural area in the state. Expanding economic activity includes increasing employment through: existing businesses and through new businesses locating to the area; increasing the total production of goods and services; and increasing the need for expanded infrastructure due to increasing population in that area. The rural areas to be included in the strategies shall be all those counties and municipalities defined as rural for the Rural Economic Development Initiative (REDI) in section 288.0656, Florida Statutes, as well as any other counties or municipalities included in any of the designated Rural Areas of Critical Economic Concern (RACEC). The study shall create strategies for providing small business assistance as well as proactively recruiting new businesses to locate in rural areas. The study shall provide recommendations for strategies specific to each rural community. Besides employing the existing statutory incentive programs and the statutorily authorized criteria waivers for those programs in rural areas, the study shall identify alternative means of enticing businesses to locate or expand in rural areas. Alternative means may include increased incentive amounts, reduced incentive performance metrics, newly proposed incentives, and newly proposed ways to eliminate non-financial barriers to business expansion in rural areas, such as permitting barriers, workforce needs or needed transportation improvements. The study shall take into account local incentive programs as well as the existing state statutory incentive programs. EFI may use the annual data reported to the Office of Economic and Demographic research pursuant to sections 125.045 and 166.021, Florida Statutes, related to incentives given to businesses, and the information reported directly to EFI related to the community inventory under section 288.912, Florida Statutes. The strategies developed shall include the most effective and efficient methods of coordinating and employing the resources and planning efforts of all of the entities identified in section 288.0656(6)(a), Florida Statutes, as Rural Economic Development Initiative agencies. The study shall specifically identify and rank both the impediments deemed most problematic and the inducements deemed most effective as they relate to promoting economic growth in each rural community. The study should also recommend the types and characteristics of businesses that should be priority targets

for economic development in each rural community. EFI shall submit the study and recommendations no later than December 1, 2012, to the chair of the Senate Budget Committee and the chair of the House Appropriations Committee. The DEO shall also include in the annual incentives report required pursuant to section 288.907, Florida Statutes, on December 30, 2012, detailed information showing geographic distribution of incentive contracts, specifically showing the difference between rural and non rural communities and the industry type for such projects.

Senator Benacquisto moved the following amendments which were adopted:

Amendment 32 (995051)—

		DELETE	INSERT
	ECONOMIC OPPORTUNITY, DEPARTMENT OF Program: Strategic Business Development Strategic Business Development 40400100		
	In Section 06 On Page 282		
2306B	Special Categories 100562 Economic Development Projects IOEA		
2041	From State Economic Enhancement And Development Trust Fund CA 1,000,000 FSI1NR 1,000,000		1,000,000

At the end of existing proviso language, immediately following Specific Appropriation 2306B, INSERT:

World Class International Regatta Sports Center, Nathan Benderson Park (Sarasota).....\$1,000,000

In Section 06 On Page 281

2304A Lump Sum 098019
Economic Development Tools IOEA

2041	From State Economic Enhancement And Development Trust Fund CA -1,000,000 FSI1NR -1,000,000	72,622,464	71,622,464
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Amendment 33 (995066)—

		DELETE	INSERT
	ECONOMIC OPPORTUNITY, DEPARTMENT OF Program: Strategic Business Development Strategic Business Development 40400100		
	In Section 06 On Page 281		
2304A	Lump Sum 098019 Economic Development Tools IOEA		
2041	From State Economic Enhancement And Development Trust Fund CA -75,000 FSI1NR -75,000	72,622,464	72,547,464
2306	Special Categories 100315 Grants And Aid - Florida Defense Support Task Force IOEB		
1000	From General Revenue Fund CA -75,000 FSI1NR -75,000	2,000,000	1,925,000
2041	From State Economic Enhancement And Development Trust Fund CA 75,000 FSI1NR 75,000		75,000
	STATE, DEPARTMENT OF Program: Cultural Affairs Cultural Affairs 45500300		
	In Section 06 On Page 365		
3174A	Special Categories 100123 Grants And Aids - Cultural And Museum Grants IOEB		
1000	From General Revenue Fund	5,050,000	5,125,000

CA 75,000 FSI1NR 75,000

At the end of existing proviso language, immediately following Specific Appropriation 3174A, INSERT:

From the funds in Specific Appropriation 3174A, \$75,000 shall be allocated to the Haitian Heritage Museum Project.

MOTION

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

Senators Storms and Joyner offered the following amendment which was moved by Senator Storms and adopted:

Amendment 34 (995077)—

		DELETE	INSERT
	JUVENILE JUSTICE, DEPARTMENT OF Program: Probation And Community Corrections Program Juvenile Probation 80700200		
1209	In Section 04 On Page 163 Special Categories 100005 Juvenile Redirections Program IOEA		
1000	From General Revenue Fund CA -2,000,000 FSI1NR -2,000,000	19,364,831	17,364,831
	CORRECTIONS, DEPARTMENT OF Program: Security And Institutional Operations Correctional Facilities Maintenance And Repair 70032000		
758A	In Section 04 On Page 111 Fixed Capital Outlay 083258 Major Repairs, Renovations And Improvements To Major Institutions IOEJ		
1000	From General Revenue Fund CA 2,000,000 FSI1NR 2,000,000	4,000,000	6,000,000

Immediately following Specific Appropriation 758A, INSERT:

From the funds in Specific Appropriation 758A, \$2,000,000 in nonrecurring general revenue funds is appropriated for the renovation and repair of the Hillsborough Correctional Institution. These repairs will allow the department to utilize an existing building in order to increase the population to 489 inmates.

MOTION

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

Senator Smith moved the following amendment which was adopted:

Amendment 35 (995076)—

		DELETE	INSERT
	TRANSPORTATION, DEPARTMENT OF Transportation Systems Operations Program: Highway Operations 55150200		
1968A	In Section 05 On Page 245 Fixed Capital Outlay 088865 Economic Development Transportation Projects - Road Fund IOEK		

Following Specific Appropriation 1968A, INSERT:

From the funds provided in Specific Appropriation 1968A, from the State Transportation Trust Fund, \$500,000 shall be provided to the City of

Riviera Beach for the purpose of Economic Development Transportation projects on 13th Street for the support and delivery of goods and services to this key industrial area in the community. These funds will provide economic stimulus through job creation and retention while allowing freight carriers to become more efficient and globally competitive through Palm Beach County's primary industrial region.

MOTION

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

Senator Benacquisto moved the following amendments which were adopted:

Amendment 36 (995068)—

		DELETE	INSERT
	ECONOMIC OPPORTUNITY, DEPARTMENT OF Program: Workforce Services Workforce Development 40200100		
2246	In Section 06 On Page 273 Salaries And Benefits 010000 IOEA		
2195	Positions: From Employment Security Administration Trust Fund CA 531,931 FSI3 531,931	634.5 31,496,584	646.5 32,028,515
2252	Special Categories 100780 Grants And Aids - Regional Workforce Boards IOEB		
2195	From Employment Security Administration Trust Fund CA 313,797 FSI3 313,797	167,030,741	167,344,538
2256	In Section 06 On Page 274 Special Categories 107040 Transfer To Department Of Management Services - Human Resources Services Purchased Per Statewide Contract IOEH		
2195	From Employment Security Administration Trust Fund CA 4,272 FSI3 4,272	254,270	258,542
2251	In Section 06 On Page 273 Special Categories 100778 Grants And Aids - Contracted Services IOEB		
2195	From Employment Security Administration Trust Fund CA -850,000 FSI3 -850,000	21,071,761	20,221,761

Amendment 37 (995074)—

		DELETE	INSERT
	STATE, DEPARTMENT OF Program: Cultural Affairs Cultural Affairs 45500300		
3174A	In Section 06 On Page 365 Special Categories 100123 Grants And Aids - Cultural And Museum Grants IOEB		
1000	From General Revenue Fund CA 500,000 FSI1NR 500,000	5,050,000	5,550,000

At the end of existing proviso language, immediately following Specific Appropriation 3174A, INSERT:

From the funds provided in Specific Appropriation 3174A, \$500,000 shall be allocated to the Bay of Pigs Museum.

ECONOMIC OPPORTUNITY, DEPARTMENT OF
Program: Strategic Business Development
Strategic Business Development 40400100

In Section 06 On Page 283
2314 Qualified Expenditure Category 200005
Qualified Expenditure Category - Economic
Development Tools IOEB

1000	From General Revenue Fund	50,000,000	49,500,000
	CA -500,000 FSIINR -500,000		

MOTION

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

Senators Benacquisto and Margolis offered the following amendment which was moved by Senator Benacquisto and adopted:

Amendment 38 (995069)—

	DELETE	INSERT
In Section 59	On Page 387	

Immediately following Section 59, on Page 387, INSERT the following NEW SECTION 60 (and renumber subsequent sections):

SECTION 60. There is hereby appropriated the nonrecurring sum of up to \$29.6 million from the General Revenue Fund for Fiscal Year 2012-2013 to the Florida Housing Finance Corporation for the purpose of funding the State Housing Initiatives Partnership Program. Funds in this appropriation are to be distributed to eligible local governments in accordance with section 420.9073, Florida Statutes. The Florida Housing Finance Corporation shall distribute the funds when received, and shall not utilize any of the funds for any purpose other than the distribution to eligible local governments. The Florida Housing Finance Corporation may not utilize any of the funds for its administrative activities. This appropriation is contingent upon, and funded exclusively from, all General Revenue Fund appropriations in this act not included in the final Fiscal Year 2012-2013 budget as approved by the Governor.

MOTION

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

Senators Montford and Gaetz offered the following amendment which was moved by Senator Montford and adopted:

Amendment 39 (995078)—

	DELETE	INSERT
ENVIRONMENTAL PROTECTION, DEPARTMENT OF		
Program: Water Resource Management	37350000	

In Section 05 On Page 215
1674 Special Categories 100628
Water Quality Management/Planning Grants IOEA

From the funds in Specific Appropriation 1674, \$2,300,000 in non-recurring funds is provided for the Apalachicola River Sustainable Water Management Plan.

On motion by Senator Alexander, **SB 2000** as amended was ordered engrossed.

Pending further consideration of **SB 2000** as amended, on motion by Senator Alexander, by two-thirds vote **HB 5001** was withdrawn from the Committee on Budget.

On motion by Senator Alexander—

HB 5001—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 2012, and ending June 30, 2013, to pay salaries, and other expenses, capital outlay –

buildings, and other improvements, and for other specified purposes of the various agencies of state government; providing an effective date.

—a companion measure, was substituted for **SB 2000** as amended and read the second time by title.

Senator Alexander moved the following amendment which was adopted:

Amendment 1 (848884)—Delete everything after the enacting clause and insert:

Pursuant to Rule 7.6, **Amendment 1 (848884)** constituted an entirely new bill and was not published in the Journal.

SENATOR GAETZ PRESIDING

THE PRESIDENT PRESIDING

On motions by Senator Alexander, by two-thirds vote **HB 5001** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—33

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

Nays—6

Dockery	Rich	Smith
Oelrich	Sachs	Sobel

DISCLOSURE

I have an ownership interest in Caregivers, Inc., a company based in Pensacola, Florida. The company provides services to the elderly and the disabled and a minority of its revenues are derived from reimbursements from the Escambia County Council on Aging and the Florida Medicaid program. Because Caregivers, Inc., is among a class of health care providers receiving funds from such state sources, it appears to me that the company may be affected by **SB 2000** and **HB 5001** which came before the Senate Floor for a vote on February 23, 2012.

Therefore, I believe that, because Caregivers, Inc., is a member of such class, I am required by Senate Rule 1.39 to disclose the above facts.

Senator Don Gaetz, 4th District

Vote Preference:

February 24, 2012: Yea—Montford

SB 2002—A bill to be entitled An act implementing the 2012-2013 General Appropriations Act; providing legislative intent; incorporating by reference certain calculations of the Florida Education Finance Program for the 2012-2013 fiscal year; amending s. 216.292, F.S.; authorizing the transfer of funds between appropriation categories to fund fixed capital outlay projects for public schools upon certain approval; authorizing a university board of trustees to expend reserve or carry-forward balances for the establishment of a new campus; providing requirements relating to completing phase 2 and phase 3 of the Department of Health's Florida Onsite Sewage Nitrogen Reduction Strategies Study; incorporating by reference certain calculations of the Medicaid Low-Income Pool, Disproportionate Share Hospital, and Hospital Exemptions Programs; amending s. 20.04, F.S.; providing for or-

ganizational units called “circuits” and “regions” in the Department of Children and Family Services; providing for the future expiration of certain amendments to such provision and for the reversion of statutory text; specifying how funds appropriated to the Department of Children and Family Services for adult community mental health and adult substance abuse services are spent; requiring certain budget amendments recommending the release of funds for the FAMU Crestview Education Center project to provide more notice and be subject to certain objection procedures; authorizing the Department of Corrections and the Department of Juvenile Justice to make certain expenditures to defray costs incurred by a municipality or county for opening or operating a facility under the authority of the respective entity; amending s. 216.262, F.S.; providing for additional positions to operate additional prison bed capacity under certain circumstances; authorizing the Department of Legal Affairs to transfer certain funds to pay salaries and benefits and to continue to expend appropriated funds as directed in prior appropriations acts; amending s. 932.7055, F.S.; authorizing a municipality to expend funds from its special law enforcement trust fund to reimburse the municipality’s general fund; requiring that the Department of Juvenile Justice comply with specified reimbursement limitations with respect to payments to hospitals or health care providers for health care services; authorizing certain payments pursuant to a contracted rate only until the contract expires or is renewed; defining the term “hospital” for purposes of such limitations; amending s. 215.18, F.S.; providing for trust fund loans to the state court system sufficient to meet its appropriation; providing that any funds remaining in the Clerks of the Courts Trust Fund remain available to the clerks; incorporating certain documents by reference which display the calculations used to make the appropriations for the clerks of the court and the state trial courts; amending s. 29.008, F.S.; providing counties with an exemption from the requirement to annually increase certain expenditures by a specified percentage; requiring the Department of Management Services to use certain interest earnings to fund the administration of the MyFlorida.com portal; amending s. 375.041, F.S.; providing for the transfer of moneys from the Land Acquisition Trust Fund to support the Total Maximum Daily Loads programs; amending s. 373.59, F.S.; providing for the allocation of moneys from the Water Management Lands Trust Fund for certain purposes; reenacting s. 403.1651(1)(g), F.S., relating to the use of funds from the Ecosystem Management and Restoration Trust Fund for the purpose of funding activities to preserve and repair the state’s beaches; providing for the future expiration of certain amendments to such provision and for the reversion of statutory text; amending s. 403.7095, F.S.; requiring that the Department of Environmental Protection award a specified amount in grants to certain counties for solid waste programs; authorizing the Department of Agriculture and Consumer Services to extend, revise, and renew current contracts or agreements created or entered into for the purpose of promotion of agriculture; amending s. 379.209, F.S.; authorizing the Fish and Wildlife Conservation Commission to transfer funds from the Nongame Wildlife Trust Fund to the Grants and Donations Trust Fund to support cash flow needs; authorizing the commission to transfer hunting and fishing license revenue to repay a loan; authorizing the Executive Office of the Governor to transfer appropriations between the Fish and Wildlife Conservation Commission in order to implement projects relating to the restoration of Lake Apopka; amending s. 373.4145, F.S.; directing the Northwest Florida Water Management District to use certain funds to fund the environmental resource permitting program if certain other funds have been expended; amending s. 445.009, F.S.; providing that a participant in an adult or youth work experience activity under ch. 445, F.S., is an employee of the state for purposes of workers’ compensation coverage; reenacting s. 163.3247(3)(d), F.S., relating to members of the Century Commission for a Sustainable Florida serving without compensation; providing for the future expiration of certain amendments to such provision and for the reversion of statutory text; reenacting s. 201.15(1)(c), F.S., relating to funds deposited into the Grants and Donations Trust Fund in the Department of Economic Opportunity which are used to fund technical assistance to local governments and school boards; providing for the future expiration of certain amendments to such provision and for the reversion of statutory text; amending chapter 2011-142, Laws of Florida; extending the date the Commission on Oil Spill Response Coordination must submit a report relating to offshore oil drilling and damage claims; amending s. 338.2275, F.S.; prohibiting the Department of Transportation from issuing any bonds to fund the Wekiva Parkway; authorizing the Executive Office of the Governor to transfer funds between departments for purposes of aligning amounts paid for risk management premiums; authorizing the Department of Transportation to reallocate FTE reductions; authorizing the Executive

Office of the Governor to transfer funds between departments for purposes of aligning amounts paid for human resource management services; amending s. 110.123, F.S., relating to the state group insurance program; providing the state’s monthly contribution for individual coverage; providing that the state contribution toward the cost of a plan is the difference between the overall premium and the employee contribution; amending s. 112.24, F.S.; providing conditions relating to the assignment of an employee of a state agency without reimbursement from the receiving agency; providing that the annual salary of the members of the Legislature be maintained at a specified level; reenacting s. 215.5601(4)(b), F.S., relating to the administration of the Lawton Chiles Endowment Fund; providing for the future expiration of certain amendments to such provision and for the reversion of statutory text; providing a legislative finding that the issuance of new debt is in the best interests of the state and necessary to address a critical state emergency; limiting the use of travel funds to activities that are critical to an agency’s mission; providing exceptions; authorizing agencies scheduled for data center consolidation to accelerate such consolidation; authorizing the establishment of data center positions in exchange for agency positions placed in reserve; authorizing the Executive Office of the Governor to transfer funds in appropriation categories used to pay for e-mail in order to align the budget authority of agencies; reenacting s. 110.12315(7)(a), F.S., relating to copayments for the state employees’ prescription drug program; providing for the future expiration of certain amendments to such provision and for the reversion of statutory text; requiring the Agency for Health Care Administration to reprocur the Florida Discount Drug Card Program; providing requirements for the program; providing that revenues derived from the contract be deposited into the agency’s Grants and Donations Trust Fund; amending s. 946.515, F.S.; requiring each state agency to submit a report to the Legislature listing products or services obtained from sources other than the prison industries corporation; prohibiting certain state agencies from leasing space at the Koger Executive Center in Tallahassee after a certain date and from expending certain funds for the lease of such space; requiring all state agencies to vacate space at the Koger Center after a certain date; providing for the effect of a veto of one or more specific appropriations or proviso to which implementing language refers; providing for reversion of statutory text of certain provisions; providing for the continued operation of certain provisions notwithstanding a future repeal or expiration provided by the act; providing for severability; providing effective dates.

—was read the second time by title.

Senator Hays moved the following amendment which was adopted:

Amendment 1 (913706) (with title amendment)—Between lines 301 and 302 insert:

Section 10. In order to implement Specific Appropriation 208 of the 2012-2013 General Appropriations Act, subsection (41) of section 409.912, Florida Statutes, is amended to read:

409.912 Cost-effective purchasing of health care.—The agency shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. To ensure that medical services are effectively utilized, the agency may, in any case, require a confirmation or second physician’s opinion of the correct diagnosis for purposes of authorizing future services under the Medicaid program. This section does not restrict access to emergency services or poststabilization care services as defined in 42 C.F.R. part 438.114. Such confirmation or second opinion shall be rendered in a manner approved by the agency. The agency shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies, including competitive bidding pursuant to s. 287.057, designed to facilitate the cost-effective purchase of a case-managed continuum of care. The agency shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services. The agency shall contract with a vendor to monitor and evaluate the clinical practice patterns of providers in order to identify trends that are outside the normal practice patterns of a provider’s professional peers or the national guidelines of a provider’s professional association. The vendor must be able to provide information and counseling to a provider whose practice patterns are outside the norms, in consultation with the agency, to improve patient care and reduce inappropriate utilization. The agency may mandate prior au-

thorization, drug therapy management, or disease management participation for certain populations of Medicaid beneficiaries, certain drug classes, or particular drugs to prevent fraud, abuse, overuse, and possible dangerous drug interactions. The Pharmaceutical and Therapeutics Committee shall make recommendations to the agency on drugs for which prior authorization is required. The agency shall inform the Pharmaceutical and Therapeutics Committee of its decisions regarding drugs subject to prior authorization. The agency is authorized to limit the entities it contracts with or enrolls as Medicaid providers by developing a provider network through provider credentialing. The agency may competitively bid single-source-provider contracts if procurement of goods or services results in demonstrated cost savings to the state without limiting access to care. The agency may limit its network based on the assessment of beneficiary access to care, provider availability, provider quality standards, time and distance standards for access to care, the cultural competence of the provider network, demographic characteristics of Medicaid beneficiaries, practice and provider-to-beneficiary standards, appointment wait times, beneficiary use of services, provider turnover, provider profiling, provider licensure history, previous program integrity investigations and findings, peer review, provider Medicaid policy and billing compliance records, clinical and medical record audits, and other factors. Providers are not entitled to enrollment in the Medicaid provider network. The agency shall determine instances in which allowing Medicaid beneficiaries to purchase durable medical equipment and other goods is less expensive to the Medicaid program than long-term rental of the equipment or goods. The agency may establish rules to facilitate purchases in lieu of long-term rentals in order to protect against fraud and abuse in the Medicaid program as defined in s. 409.913. The agency may seek federal waivers necessary to administer these policies.

(41)(a) The agency shall contract on a prepaid or fixed-sum basis with appropriately licensed prepaid dental health plans to provide dental services. This subsection expires October 1, 2014.

(b) *Notwithstanding paragraph (a) and for the 2012-2013 fiscal year only, the agency is authorized to provide a Medicaid prepaid dental health program in Miami-Dade County. For all other counties, the agency may not limit dental services to prepaid plans and must allow qualified dental providers to provide dental services under Medicaid on a fee-for-service reimbursement methodology. The agency may seek any necessary revisions or amendments to the state plan or federal waivers in order to implement this paragraph. The agency shall terminate existing contracts as needed to implement this paragraph. This paragraph expires July 1, 2013.*

And the title is amended as follows:

Delete line 26 and insert: services are spent; amending s. 409.912, F.S.; authorizing the Agency for Health Care Administration to provide a Medicaid prepaid dental health program in Miami-Dade County; authorizing the agency to seek revisions or amendments to the state plan or federal waivers in order to implement the program; requiring that the agency terminate existing contracts as necessary to implement the program; requiring certain budget

Senator Gardiner moved the following amendment which was adopted:

Amendment 2 (472688) (with title amendment)—Delete lines 712-726.

And the title is amended as follows:

Delete lines 116-118 and insert: authorizing the Executive Office of

On motion by Senator Alexander, **SB 2002** as amended was ordered engrossed.

Pending further consideration of **SB 2002** as amended, on motion by Senator Alexander, by two-thirds vote **HB 5003** was withdrawn from the Committee on Budget.

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

HB 5003—A bill to be entitled An act relating to implementing the 2012-2013 General Appropriations Act; providing legislative intent; incorporating by reference certain calculations of the Florida Education Finance Program for the 2012-2013 fiscal year; amending ss. 1012.885

and 1012.975, F.S.; limiting the amount of remuneration provided to a Florida College System institution president or a state university president from state funds for the 2012-2013 fiscal year; amending ss. 1012.886 and 1012.976, F.S.; limiting the amount of remuneration provided to Florida College System institution administrative employees and state university administrative employees; amending s. 216.292, F.S.; authorizing the transfer of funds between appropriation categories to fund fixed capital outlay projects for charter schools upon certain approval; providing requirements to govern the completion of Phase 2 and Phase 3 of the Department of Health's Florida Onsite Sewage Nitrogen Reduction Strategies Study; prohibiting any state agency from adopting or implementing a rule or policy mandating or establishing new nitrogen-reduction limits under certain circumstances; incorporating by reference certain calculations of the Medicaid Low-Income Pool, Disproportionate Share Hospital, and Hospital Exemptions Programs for the 2012-2013 fiscal year; amending s. 216.262, F.S.; authorizing the Department of Corrections to submit a budget amendment for additional positions to operate additional prison bed capacity under certain circumstances; amending s. 932.7055, F.S.; authorizing a municipality to expend funds from its special law enforcement trust fund to reimburse the municipality's general fund; requiring the Department of Juvenile Justice to comply with specified reimbursement limitations with respect to payments to hospitals or health care providers for health care services; authorizing certain payments pursuant to a contracted rate only until the contract expires or is renewed; defining the term "hospital" for purposes of such limitations; amending s. 29.008, F.S., relating to county funding of court-related functions; providing counties with an exemption from the requirement to annually increase certain expenditures by a specified percentage; amending s. 282.709, F.S.; allowing funds from the State Agency Law Enforcement Radio System Trust Fund to be used for mutual aid buildup maintenance and sustainment; amending s. 375.041, F.S.; providing for the transfer of moneys from the Land Acquisition Trust Fund to support the Total Maximum Daily Loads Program, Drinking Water Revolving Loan Trust Fund, and Wastewater Treatment and Stormwater Management Revolving Loan Trust Fund; amending s. 373.59, F.S.; providing for the allocation and distribution of moneys from the Water Management Lands Trust Fund for certain purposes; amending s. 403.1651, F.S.; authorizing the use of funds from the Ecosystem Management and Restoration Trust Fund to fund activities to preserve and repair the state's beaches; amending s. 403.7095, F.S.; requiring the Department of Environmental Protection to award a specified amount in grants to certain counties for solid waste programs; authorizing the Department of Agriculture and Consumer Services to extend, revise, and renew current contracts or agreements created or entered into for the purpose of promotion of agriculture; amending s. 379.204, F.S.; authorizing the Fish and Wildlife Conservation Commission to transfer certain funds to the Federal Grants Trust Fund to support cash flow needs; amending s. 379.209, F.S.; authorizing the Fish and Wildlife Conservation Commission to transfer funds from the Non-game Wildlife Trust Fund to the Grants and Donations Trust Fund to support cash flow needs; authorizing the Fish and Wildlife Conservation Commission to transfer a specified amount of funds in hunting and fishing license fees from the Grants and Donations Trust Fund to the State Game Trust Fund for the purpose repaying a loan; amending s. 339.135, F.S.; authorizing the Department of Transportation to reduce work program levels to balance the finance plan to revised funding levels; requiring the department's cash balances to meet certain requirements before a project or phase may be deferred; providing that certain reductions not negatively impact safety or maintenance or project contingency percentage levels as of a specified date; providing for the transfer of funds to the Department of Economic Opportunity to use for funding transportation-related needs of economic development projects; providing that the transfer not reduce, delete, or defer any existing projects funded as of a specified date in the Department of Transportation's 5-year work program; amending s. 339.08, F.S.; authorizing the transfer of funds from the State Transportation Trust Fund to the State School Trust Fund under certain circumstances; reenacting s. 163.3247(3)(d), F.S., relating to members of the Century Commission for a Sustainable Florida serving without compensation; reenacting s. 201.15(1)(c), F.S., relating to funds deposited into the Grants and Donations Trust Fund in the Department of Economic Opportunity which are used to fund technical assistance to local governments and school boards; amending s. 206.608, F.S.; authorizing the transfer of certain tax funds to the State Transportation Trust Fund; amending s. 320.204, F.S.; prohibiting the transfer of funds from the Highway Safety Operating Trust Fund to the Transportation Disadvantaged Trust Fund; amending s. 257.17, F.S.; requiring certain library administrative units

that outsource their operations be awarded a portion of eligible grants when specified requirements are met; authorizing the Executive Office of the Governor to transfer funds between departments for purposes of aligning amounts paid for risk management premiums and for purposes of aligning amounts paid for human resource management services; amending s. 110.123, F.S., relating to the state group insurance program; providing the amounts of the state's monthly contribution; amending s. 112.24, F.S.; providing conditions on the assignment of an employee of a state agency; amending s. 110.1245, F.S.; authorizing agency heads to provide one-time lump sum bonuses under certain circumstances; providing limitations and criteria; expanding the definition of the term "agency head"; providing that the annual salary of the members of the Legislature be maintained at a specified level; reenacting s. 215.32(2)(b), F.S., relating to the source and use of certain trust funds to implement the transfer of funds to the State School Trust Fund from trust funds in the 2012-2013 General Appropriations Act; providing a legislative finding that the issuance of new debt is in the best interests of the state and necessary to address a critical state emergency; limiting the use of travel funds to activities that are critical to an agency's mission; providing exceptions; authorizing certain agencies to request the transfer of resources between Data Processing Services appropriation categories and appropriation categories for operation based upon changes to the data center services consolidation schedule; authorizing the Executive Office of the Governor to transfer funds for use by the state's designated primary data centers; authorizing the Executive Office of the Governor to transfer funds between agencies in order to allocate a reduction relating to SUNCOM; reenacting s. 110.12315(7)(a), F.S., relating to copayments for the state employees' prescription drug program; providing for reversion of statutory text of certain provisions; providing for the effect of a veto of one or more specific appropriations or proviso to which implementing language refers; providing for the continued operation of certain provisions notwithstanding a future repeal or expiration provided by this act; providing for severability; providing effective dates.

—a companion measure, was substituted for **SB 2002** as amended and read the second time by title.

Senator Alexander moved the following amendment which was adopted:

Amendment 1 (771958) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *It is the intent of the Legislature that the implementing and administering provisions of this act apply to the General Appropriations Act for the 2012-2013 fiscal year.*

Section 2. *In order to implement Specific Appropriations 6, 7, 8, 84, and 85 of the 2012-2013 General Appropriations Act, the calculations of the Florida Education Finance Program for the 2012-2013 fiscal year in the document entitled "Public School Funding-The Florida Education Finance Program," dated February 20, 2012, and filed with the Secretary of the Senate, are incorporated by reference for the purpose of displaying the calculations used by the Legislature, consistent with the requirements of the Florida Statutes, in making appropriations for the Florida Education Finance Program.*

Section 3. In order to implement Specific Appropriations 16 and 16A of the 2012-2013 General Appropriations Act, paragraph (c) of subsection (3) of section 216.292, Florida Statutes, is amended to read:

216.292 Appropriations nontransferable; exceptions.—

(3) The following transfers are authorized with the approval of the Executive Office of the Governor for the executive branch or the Chief Justice for the judicial branch, subject to the notice and objection provisions of s. 216.177:

(c) The transfer of appropriations for fixed capital outlay from the Survey Recommended Needs-Public Schools appropriation category to the Maintenance, Repair, Renovation and Remodeling appropriation category. The allocation of transferred funds must be in accordance with s. 1013.62. This paragraph expires July 1, 2013 ~~2012~~.

Section 4. *In order to implement Specific Appropriation 129 of the 2012-2013 General Appropriations Act and notwithstanding any other law, for the 2012-2013 fiscal year only, a university board of trustees may*

expend reserve or carry-forward balances from prior year operational and programmatic appropriations for legislatively approved fixed capital outlay projects authorized for the establishment of a new campus.

Section 5. *In order to implement Specific Appropriation 512 of the 2012-2013 General Appropriations Act, and for the 2012-2013 fiscal year only, the following requirements govern the completion of Phase 2 and Phase 3 of the Department of Health's Florida Onsite Sewage Nitrogen Reduction Strategies Study:*

(1) *The Department of Health's underlying contract for the study remains in full force and effect and funding for completion of Phase 2 and Phase 3 is through the Department of Health.*

(2) *The Department of Health, the Department of Health's Research Review and Advisory Committee, and the Department of Environmental Protection shall work together to provide the necessary technical oversight for completing Phase 2 and Phase 3 of the project.*

(3) *Management and oversight for completing Phase 2 and Phase 3 must be consistent with the terms of the existing contract. However, the main focus and priority to be completed during Phase 3 is developing, testing, and recommending cost-effective passive technology design criteria for nitrogen reduction.*

(4) *The systems installed at homesites are experimental in nature and shall be installed with significant field testing and monitoring. The Department of Health is specifically authorized to allow installation of these experimental systems. Notwithstanding any other law, before Phase 3 of the study is completed, a state agency may not adopt or implement a rule or policy that:*

(a) *Mandates, establishes, or implements more restrictive nitrogen-reduction standards to existing or new onsite sewage treatment systems or modification of such systems; or*

(b) *Directly or indirectly requires the use of performance-based treatment systems or similar technology, such as through an administrative order developed by the Department of Environmental Protection as part of a basin management action plan adopted pursuant to s. 403.067, Florida Statutes. However, the implementation of more restrictive nitrogen-reduction standards for onsite systems may be required through a basin management action plan if such plan is phased in after completion of Phase 3.*

Section 6. *In order to implement Specific Appropriations 187, 189, 193 through 195, and 198 of the 2012-2013 General Appropriations Act, the calculations of the Medicaid Low-Income Pool, Disproportionate Share Hospital, and Hospital Exemptions Programs for the 2012-2013 fiscal year in the document entitled "Medicaid Supplemental Hospital Funding Programs" dated February 10, 2012, and filed with the Secretary of the Senate, are incorporated by reference for the purpose of displaying the calculations used by the Legislature, consistent with the requirements of the Florida Statutes, in making appropriations for the Low-Income Pool, Disproportionate Share Hospital, and Hospital Exemptions Programs.*

Section 7. In order to implement Specific Appropriations 283 through 390 of the 2012-2013 General Appropriations Act, subsection (4) of section 20.04, Florida Statutes, is amended to read:

20.04 Structure of executive branch.—The executive branch of state government is structured as follows:

(4) Within the Department of Children and Family Services there are organizational units called "circuits" and "regions." ~~"program offices," headed by program directors.~~ *Each circuit is aligned geographically with each of the state's judicial circuits, and each region is comprised of multiple circuits, and each region is comprised of multiple circuits that are in geographical proximity to each other.*

Section 8. *The amendment to s. 20.04(4), Florida Statutes, shall expire July 1, 2013, and the text of that subsection shall revert to that in existence on June 30, 2012, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.*

Section 9. *In order to implement Specific Appropriations 337 through 371 of the 2012-2013 General Appropriations Act, funds appropriated to the Department of Children and Family Services for:*

(1) *Adult community mental health must first be used to fund crisis stabilization services and forensic mental health treatment services. The remaining funds shall be allocated by region and awarded to providers as ranked by the department as having achieved the highest performance.*

(2) *Adult substance abuse services must first be used to fund detoxification services. The remaining funds shall be allocated by region and awarded to providers as ranked by the department as having achieved the highest performance.*

(3) *This section expires July 1, 2013.*

Section 10. In order to implement Specific Appropriation 208 of the 2012-2013 General Appropriations Act, subsection (41) of section 409.912, Florida Statutes, is amended to read:

409.912 Cost-effective purchasing of health care.—The agency shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. To ensure that medical services are effectively utilized, the agency may, in any case, require a confirmation or second physician's opinion of the correct diagnosis for purposes of authorizing future services under the Medicaid program. This section does not restrict access to emergency services or poststabilization care services as defined in 42 C.F.R. part 438.114. Such confirmation or second opinion shall be rendered in a manner approved by the agency. The agency shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies, including competitive bidding pursuant to s. 287.057, designed to facilitate the cost-effective purchase of a case-managed continuum of care. The agency shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services. The agency shall contract with a vendor to monitor and evaluate the clinical practice patterns of providers in order to identify trends that are outside the normal practice patterns of a provider's professional peers or the national guidelines of a provider's professional association. The vendor must be able to provide information and counseling to a provider whose practice patterns are outside the norms, in consultation with the agency, to improve patient care and reduce inappropriate utilization. The agency may mandate prior authorization, drug therapy management, or disease management participation for certain populations of Medicaid beneficiaries, certain drug classes, or particular drugs to prevent fraud, abuse, overuse, and possible dangerous drug interactions. The Pharmaceutical and Therapeutics Committee shall make recommendations to the agency on drugs for which prior authorization is required. The agency shall inform the Pharmaceutical and Therapeutics Committee of its decisions regarding drugs subject to prior authorization. The agency is authorized to limit the entities it contracts with or enrolls as Medicaid providers by developing a provider network through provider credentialing. The agency may competitively bid single-source-provider contracts if procurement of goods or services results in demonstrated cost savings to the state without limiting access to care. The agency may limit its network based on the assessment of beneficiary access to care, provider availability, provider quality standards, time and distance standards for access to care, the cultural competence of the provider network, demographic characteristics of Medicaid beneficiaries, practice and provider-to-beneficiary standards, appointment wait times, beneficiary use of services, provider turnover, provider profiling, provider licensure history, previous program integrity investigations and findings, peer review, provider Medicaid policy and billing compliance records, clinical and medical record audits, and other factors. Providers are not entitled to enrollment in the Medicaid provider network. The agency shall determine instances in which allowing Medicaid beneficiaries to purchase durable medical equipment and other goods is less expensive to the Medicaid program than long-term rental of the equipment or goods. The agency may establish rules to facilitate purchases in lieu of long-term rentals in order to protect against fraud and abuse in the Medicaid program as defined in s. 409.913. The agency may seek federal waivers necessary to administer these policies.

(41)(a) The agency shall contract on a prepaid or fixed-sum basis with appropriately licensed prepaid dental health plans to provide dental services. This subsection expires October 1, 2014.

(b) *Notwithstanding paragraph (a) and for the 2012-2013 fiscal year only, the agency is authorized to provide a Medicaid prepaid dental health program in Miami-Dade County. For all other counties, the agency may not limit dental services to prepaid plans and must allow qualified dental providers to provide dental services under Medicaid on a fee-for-service reimbursement methodology. The agency may seek any necessary revisions or amendments to the state plan or federal waivers in order to implement this paragraph. The agency shall terminate existing contracts as needed to implement this paragraph. This paragraph expires July 1, 2013.*

Section 11. *In order to implement Specific Appropriation 587A of the 2012-2013 General Appropriations Act, notwithstanding s. 216.177, Florida Statutes, requiring only 3 days' notice to the Legislature for the release of funds, budget amendments recommending the release of funds to continue the Crestview Education Center project at Florida Agricultural and Mechanical University must be provided at least 14 days before the effective date of the action and are subject to the objection procedures in s. 216.177(2)(b), Florida Statutes.*

Section 12. *In order to fulfill legislative intent regarding the use of funds contained in Specific Appropriations 661, 673, 686, and 1261 of the 2012-2013 General Appropriations Act, the Department of Corrections and the Department of Juvenile Justice may expend appropriated funds to assist in defraying costs that are incurred by a municipality or county and are associated with opening or operating a facility under the authority of the respective department. The amount paid for a facility may not exceed 1 percent of the cost to construct the facility, less building impact fees imposed by the municipality or county. This section expires July 1, 2013.*

Section 13. In order to implement Specific Appropriations 625 through 758 and 778 through 815 of the 2012-2013 General Appropriations Act, subsection (4) of section 216.262, Florida Statutes, is amended to read:

216.262 Authorized positions.—

(4) Notwithstanding the provisions of this chapter relating to increasing the number of authorized positions, and for the ~~2012-2013~~ ~~2011-2012~~ fiscal year only, if the actual inmate population of the Department of Corrections exceeds the inmate population projections of the December 14, ~~February 21,~~ 2011, Criminal Justice Estimating Conference by 1 percent for 2 consecutive months or 2 percent for any month, the Executive Office of the Governor, with the approval of the Legislative Budget Commission, shall immediately notify the Criminal Justice Estimating Conference, which shall convene as soon as possible to revise the estimates. The Department of Corrections may then submit a budget amendment requesting the establishment of positions in excess of the number authorized by the Legislature and additional appropriations from unallocated general revenue sufficient to provide for essential staff, fixed capital improvements, and other resources to provide classification, security, food services, health services, and other variable expenses within the institutions to accommodate the estimated increase in the inmate population. All actions taken pursuant to this subsection are subject to review and approval by the Legislative Budget Commission. This subsection expires July 1, 2013 ~~2012~~.

Section 14. *In order to implement Specific Appropriations 1327, 1340, 1351, and 1368 of the 2012-2013 General Appropriations Act, the Department of Legal Affairs may transfer cash remaining after required disbursements for Attorney General case numbers 09-CV-51614, 16-2008-CA-01-3142CV-C, and CACE08022328 from FLAIR account 41-74-2-601001-41100100-00-181076-00 to the Operating Trust Fund to pay salaries and benefits. This section expires July 1, 2013.*

Section 15. *In order to implement Specific Appropriations 1333 and 1334 of the 2012-2013 General Appropriations Act, the Department of Legal Affairs may expend appropriated funds in those specific appropriations on the same programs that were funded by the department pursuant to specific appropriations made in general appropriations acts in prior years. This section expires July 1, 2013.*

Section 16. In order to implement Specific Appropriations 1297B and 1299 of the 2012-2013 General Appropriations Act, paragraph (d) of subsection (4) of section 932.7055, Florida Statutes, is amended to read:

932.7055 Disposition of liens and forfeited property.—

(4) The proceeds from the sale of forfeited property shall be disbursed in the following priority:

(d) Notwithstanding any other provision of this subsection, and for the 2012-2013 ~~2011-2012~~ fiscal year only, the funds in a special law enforcement trust fund established by the governing body of a municipality may be expended to reimburse the general fund of the municipality for moneys advanced from the general fund to the special law enforcement trust fund before October 1, 2001. This paragraph expires July 1, 2013 ~~2012~~.

Section 17. (1) *In order to implement Specific Appropriations 1187, 1188, 1193, 1194, 1239, 1240, 1244, 1245, 1247, 1251, 1252, 1255, 1256, 1257, and 1267 of the 2012-2013 General Appropriations Act, the Department of Juvenile Justice must comply with the following reimbursement limitations:*

(a) *Payments to a hospital or a health care provider may not exceed 110 percent of the Medicare allowable rate for any health care services provided if no contract exists between the department and the hospital or the health care provider providing services at a hospital;*

(b) *The department may continue to make payments for health care services at the currently contracted rates through the current term of the contract if a contract has been executed between the department and a hospital or a health care provider providing services to a hospital; however, payments may not exceed 110 percent of the Medicare allowable rate after the current term of the contract expires or after the contract is renewed during the 2012-2013 fiscal year;*

(c) *Payments may not exceed 110 percent of the Medicare allowable rate under a contract executed on or after July 1, 2012, between the department and a hospital or health care provider providing services at a hospital;*

(d) *Notwithstanding paragraphs (a), (b), and (c), the department may pay up to 125 percent of the Medicare allowable rate for health care services at a hospital that reports or has reported a negative operating margin for the previous fiscal year to the Agency for Health Care Administration through hospital-audited financial data; and*

(e) *The department may not execute a contract for health care services at a hospital for rates other than rates based on a percentage of the Medicare allowable rate.*

(2) *For purposes of this section, the term “hospital” means a hospital licensed under chapter 395, Florida Statutes.*

(3) *This section expires July 1, 2013.*

Section 18. In order to implement Section 7 of the 2012-2013 General Appropriations Act, subsection (2) of section 215.18, Florida Statutes, is amended to read:

215.18 Transfers between funds; limitation.—

(2) The Chief Justice of the Supreme Court may receive one or more trust fund loans ~~of up to \$54 million in total, the purpose of which is to ensure that the state court system has funds sufficient to meet its appropriations in the 2012-2013 ~~2011-2012~~ General Appropriations Act.~~ If the Chief Justice accesses the loan, he or she must notify the Governor and the chairs of the legislative appropriations committees in writing. The loan must come from other funds in the State Treasury which are for the time being or otherwise in excess of the amounts necessary to meet the just requirements of such last-mentioned funds. The Governor shall order the transfer of funds within 5 days after the written notification from the Chief Justice. If the Governor does not order the transfer, the Chief Financial Officer shall transfer the requested funds. The loan of funds from which any money is temporarily transferred must be repaid by the end of the 2012-2013 ~~2011-2012~~ fiscal year. This subsection expires July 1, 2013 ~~2012~~.

Section 19. *In order to implement Specific Appropriation 850 of the 2012-2013 General Appropriations Act, and notwithstanding s. 28.2455, Florida Statutes, any funds remaining in the Clerks of Court Trust Fund may not be transferred to the General Revenue Fund and remain available to the clerks of court for expenditures during the 2012-2013 fiscal year. This section shall take effect upon this act becoming a law and expires July 1, 2013.*

Section 20. *In order to implement Specific Appropriations 850 and 3215 through 3238 of the 2012-2013 General Appropriations Act, the calculation of unit costs for the clerks of court and the state trial courts for the 2011-2012 and 2012-2013 fiscal years are contained in the documents entitled “Fiscal Year 2011-12 and Fiscal Year 2012-13 Clerks of Court Unit Cost Budgets” and “Fiscal Year 2011-12 and Fiscal Year 2012-13 Trial Courts Unit Cost Budgets” dated February 10, 2012, which are filed with the Secretary of the Senate and incorporated by reference for the purpose of displaying the calculations used by the Legislature in making appropriations for the clerks of court and the state trial courts.*

Section 21. In order to implement section 7 of the 2012-2013 General Appropriations Act, paragraph (c) of subsection (4) of section 29.008, Florida Statutes, is amended to read:

29.008 County funding of court-related functions.—

(4)

(c) Counties are exempt from all requirements and provisions of paragraph (a) for the 2012-2013 ~~2011-2012~~ fiscal year. Accordingly, for the 2012-2013 ~~2011-2012~~ fiscal year, counties shall maintain, but are not required to increase, their expenditures for the items specified in paragraphs (1)(a)-(h) and subsection (3). The requirements described in paragraph (a) shall be reinstated beginning with the 2013-2014 ~~2012-2013~~ fiscal year. This paragraph expires July 1, 2013 ~~2012~~.

Section 22. *In order to implement Specific Appropriations 2743 through 2753 of the 2012-2013 General Appropriations Act, the Department of Management Services shall use interest earnings of the Communications Working Capital Trust Fund as the funding source for its responsibilities relating to the administration of the MyFlorida.com portal.*

Section 23. In order to implement Specific Appropriation 1662 of the 2012-2013 General Appropriations Act, paragraph (b) of subsection (3) of section 375.041, Florida Statutes, is amended to read:

375.041 Land Acquisition Trust Fund.—

(3)

(b) In addition to the uses allowed under paragraph (a), for the 2012-2013 ~~2011-2012~~ fiscal year, moneys in the Land Acquisition Trust Fund are authorized for transfer to support the Total Maximum Daily Loads Program as provided in the General Appropriations Act. This paragraph expires July 1, 2013 ~~2012~~.

Section 24. In order to implement Specific Appropriation 1644 of the 2012-2013 General Appropriations Act, subsection (12) of section 373.59, Florida Statutes, is amended to read:

373.59 Water Management Lands Trust Fund.—

(12) Notwithstanding subsection (8), and for the 2012-2013 ~~2011-2012~~ fiscal year only, the moneys from the Water Management Lands Trust Fund are allocated as follows:

(a) An amount necessary to pay debt service on bonds issued before February 1, 2009, by the South Florida Water Management District and the St. Johns River Water Management District, which are secured by revenues provided pursuant to this section, or to fund debt service reserve funds, rebate obligations, or other amounts payable with respect to such bonds;

(b) Eight million dollars to be transferred to the General Revenue Fund; and

(c) The remaining ~~appropriation funds~~ to be distributed to the Suwannee River Water Management District, ~~of which \$500,000 may be used for minimum flows and levels.~~

This subsection expires July 1, 2013 ~~2012~~.

Section 25. In order to implement Specific Appropriations 1664 through 1666 and 1668 and Section 42 of the 2012-2013 General Appropriations Act, paragraph (g) of subsection (1) of section 403.1651, Florida Statutes, is reenacted to read:

403.1651 Ecosystem Management and Restoration Trust Fund.—

(1) There is created the Ecosystem Management and Restoration Trust Fund to be administered by the Department of Environmental Protection for the purposes of:

(g) Funding activities to preserve and repair the state's beaches as provided in ss. 161.091-161.212.

Section 26. *The amendment to s. 403.1651(1)(g), Florida Statutes, as carried forward by this act from chapter 2011-47, Laws of Florida, shall expire July 1, 2013, and the text of that paragraph shall revert to that in existence on June 30, 2009, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.*

Section 27. In order to implement Specific Appropriation 1714 of the 2012-2013 General Appropriations Act, subsection (5) of section 403.7095, Florida Statutes, is amended to read:

403.7095 Solid waste management grant program.—

(5) Notwithstanding any other provision of this section, and for the 2012-2013 ~~2011-2012~~ fiscal year only, the Department of Environmental Protection shall award the sum of \$2,400,000 in grants equally to counties having populations of fewer than 100,000 for waste tire and litter prevention, recycling education, and general solid waste programs. This subsection expires July 1, 2013 ~~2012~~.

Section 28. *In order to implement Specific Appropriation 1496 of the 2012-2013 General Appropriations Act and to provide consistency and continuity in the promotion of agriculture throughout the state, notwithstanding s. 287.057, Florida Statutes, the Department of Agriculture and Consumer Services may extend, revise, and renew current contracts or agreements created or entered into pursuant to chapter 2006-25, Laws of Florida. This section expires July 1, 2013.*

Section 29. In order to implement Specific Appropriations 1806, 1841, 1863, and 1903 of the 2012-2013 General Appropriations Act, subsection (4) is added to section 379.209, Florida Statutes, to read:

379.209 Nongame Wildlife Trust Fund.—

(4) *The commission may transfer cash balance from the trust fund to the Grants and Donations Trust Fund for the purpose of supporting cash flow needs. This subsection expires July 1, 2013.*

Section 30. *In order to implement Specific Appropriations 1806, 1841, 1863, and 1903 of the 2012-2013 General Appropriations Act, the Fish and Wildlife Conservation Commission may transfer \$500,000 in hunting and fishing license revenue from the Grants and Donations Trust Fund to the State Game Trust Fund, in order to repay the loan originally authorized in Specific Appropriation 1950 of the 2008-2009 General Appropriations Act, chapter 2008-152, Laws of Florida.*

Section 31. *In order to implement Specific Appropriation 1863A of the 2012-2013 General Appropriations Act relating to the restoration of Lake Apopka and pursuant to the notice, review, and objection procedures of s. 216.177, Florida Statutes, the Executive Office of the Governor is authorized to transfer appropriations between the Fish and Wildlife Conservation Commission and the Department of Environmental Protection as necessary to implement the approved list of projects consistent with s. 216.292(1)(a), Florida Statutes. This section expires July 1, 2013.*

Section 32. In order to implement Specific Appropriations 1641 and 1642 of the 2012-2013 General Appropriations Act, subsection (11) is added to section 373.4145, Florida Statutes, to read:

373.4145 Part IV permitting program within the geographical jurisdiction of the Northwest Florida Water Management District.—

(11) *Notwithstanding subsection (10) and for the 2012-2013 fiscal year only, the Northwest Florida Water Management District is directed to use up to \$1,851,231 in unbudgeted reserves to fund and staff the environmental resource permitting program established under this section. The unbudgeted reserves may be used only if prior legislative appropriations for the environmental resource permitting program have been expended in their entirety. This subsection expires July 1, 2013.*

Section 33. In order to implement Specific Appropriation 2255 of the 2012-2013 General Appropriations Act, subsection (11) of section 445.009, Florida Statutes, is amended to read:

445.009 One-stop delivery system.—

(11) A participant in an adult or youth work experience activity administered under this chapter shall be deemed an employee of the state for purposes of workers' compensation coverage. In determining the average weekly wage, all remuneration received from the employer shall be considered a gratuity, and the participant shall not be entitled to any benefits otherwise payable under s. 440.15, regardless of whether the participant may be receiving wages and remuneration from other employment with another employer and regardless of his or her future wage-earning capacity. This subsection expires July 1, 2013 ~~2012~~.

Section 34. In order to implement Specific Appropriation 2287 of the 2012-2013 General Appropriations Act, paragraph (d) of subsection (3) of section 163.3247, Florida Statutes, is reenacted to read:

163.3247 Century Commission for a Sustainable Florida.—

(3) CENTURY COMMISSION FOR A SUSTAINABLE FLORIDA; CREATION; ORGANIZATION.—The Century Commission for a Sustainable Florida is created as a standing body to help the citizens of this state envision and plan their collective future with an eye towards both 25-year and 50-year horizons.

(d) Members of the commission shall serve without compensation.

Section 35. *The amendment to s. 163.3247(3)(d), Florida Statutes, as carried forward by this act from chapter 2011-47, Laws of Florida, shall expire July 1, 2013, and the text of that paragraph shall revert to that in existence on June 30, 2010, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.*

Section 36. In order to implement Specific Appropriation 2287 of the 2012-2013 General Appropriations Act, paragraph (c) of subsection (1) of section 201.15, Florida Statutes, is reenacted to read:

201.15 Distribution of taxes collected.—All taxes collected under this chapter are subject to the service charge imposed in s. 215.20(1). Prior to distribution under this section, the Department of Revenue shall deduct amounts necessary to pay the costs of the collection and enforcement of the tax levied by this chapter. Such costs and the service charge may not be levied against any portion of taxes pledged to debt service on bonds to the extent that the costs and service charge are required to pay any amounts relating to the bonds. After distributions are made pursuant to subsection (1), all of the costs of the collection and enforcement of the tax levied by this chapter and the service charge shall be available and transferred to the extent necessary to pay debt service and any other amounts payable with respect to bonds authorized before January 1, 2010, secured by revenues distributed pursuant to subsection (1). All taxes remaining after deduction of costs and the service charge shall be distributed as follows:

(1) Sixty-three and thirty-one hundredths percent of the remaining taxes shall be used for the following purposes:

(c) After the required payments under paragraphs (a) and (b), the remainder shall be paid into the State Treasury to the credit of:

1. The State Transportation Trust Fund in the Department of Transportation in the amount of the lesser of 38.2 percent of the remainder or \$541.75 million in each fiscal year. Out of such funds, the first \$50 million for the 2012-2013 fiscal year; \$65 million for the 2013-2014 fiscal year; and \$75 million for the 2014-2015 fiscal year and all subsequent years, shall be transferred to the State Economic Enhancement and Development Trust Fund within the Department of Economic

Opportunity. The remainder is to be used for the following specified purposes, notwithstanding any other law to the contrary:

a. For the purposes of capital funding for the New Starts Transit Program, authorized by Title 49, U.S.C. s. 5309 and specified in s. 341.051, 10 percent of these funds;

b. For the purposes of the Small County Outreach Program specified in s. 339.2818, 5 percent of these funds. Effective July 1, 2014, the percentage allocated under this sub-subparagraph shall be increased to 10 percent;

c. For the purposes of the Strategic Intermodal System specified in ss. 339.61, 339.62, 339.63, and 339.64, 75 percent of these funds after allocating for the New Starts Transit Program described in sub-subparagraph a. and the Small County Outreach Program described in sub-subparagraph b.; and

d. For the purposes of the Transportation Regional Incentive Program specified in s. 339.2819, 25 percent of these funds after allocating for the New Starts Transit Program described in sub-subparagraph a. and the Small County Outreach Program described in sub-subparagraph b. Effective July 1, 2014, the first \$60 million of the funds allocated pursuant to this sub-subparagraph shall be allocated annually to the Florida Rail Enterprise for the purposes established in s. 341.303(5).

2. The Grants and Donations Trust Fund in the Department of Economic Opportunity in the amount of the lesser of .23 percent of the remainder or \$3.25 million in each fiscal year to fund technical assistance to local governments and school boards on the requirements and implementation of this act.

3. The Ecosystem Management and Restoration Trust Fund in the amount of the lesser of 2.12 percent of the remainder or \$30 million in each fiscal year, to be used for the preservation and repair of the state's beaches as provided in ss. 161.091-161.212.

4. General Inspection Trust Fund in the amount of the lesser of .02 percent of the remainder or \$300,000 in each fiscal year to be used to fund oyster management and restoration programs as provided in s. 379.362(3).

Moneys distributed pursuant to this paragraph may not be pledged for debt service unless such pledge is approved by referendum of the voters.

Section 37. *The amendment to s. 201.15(1)(c)2., Florida Statutes, as carried forward by this act from chapter 2011-47, Laws of Florida, shall expire July 1, 2013, and the text of that subparagraph shall revert to that in existence on June 30, 2010, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.*

Section 38. In order to implement Section 50 of the 2012-2013 General Appropriations Act, subsections (3) and (4) of section 496 of chapter 2011-142, Laws of Florida, are amended to read:

Section 496. Commission on Oil Spill Response Coordination.—

(3) The board of trustees shall deliver the report to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Secretary of Environmental Protection, and the executive director of the Department of Economic Opportunity by *January 1, 2013* ~~September 1, 2012~~.

(4) This section expires *January 1, 2013* ~~September 30, 2012~~.

Section 39. *In order to implement the appropriation of funds in appropriation category "Special Categories-Risk Management Insurance" in the 2012-2013 General Appropriations Act, and pursuant to the notice, review, and objection procedures of s. 216.177, Florida Statutes, the Executive Office of the Governor may transfer funds appropriated in that category between departments in order to align the budget authority granted with the premiums paid by each department for risk management insurance. This section expires July 1, 2013.*

Section 40. *In order to implement Specific Appropriations 1904, 1929, 1935, 1971, and 1990 of the 2012-2013 General Appropriations Act, the Department of Transportation may reallocate the FTE reductions in-*

cluded in the General Appropriations Act in order to meet the needs of the department in accordance with chapter 216, Florida Statutes.

Section 41. *In order to implement the appropriation of funds in the appropriation category "Special Categories-Transfer to Department of Management Services-Human Resources Services Purchased Per Statewide Contract" in the 2011-2012 General Appropriations Act, and pursuant to the notice, review, and objection procedures of s. 216.177, Florida Statutes, the Executive Office of the Governor may transfer funds appropriated in that category between departments in order to align the budget authority granted with the assessments that must be paid by each agency to the Department of Management Services for human resource management services. This section expires July 1, 2013.*

Section 42. In order to implement specific appropriations for salaries and benefits in the 2012-2013 General Appropriations Act, paragraph (a) of subsection (12) of section 110.123, Florida Statutes, is amended to read:

110.123 State group insurance program.—

(12) HEALTH SAVINGS ACCOUNTS.—The department is authorized ~~to~~ establish health savings accounts for full-time and part-time state employees in association with a health insurance plan option authorized by the Legislature and conforming to the requirements and limitations of federal provisions relating to the Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

(a)1. A member participating in this health insurance plan option is eligible to receive an employer contribution into the employee's health savings account from the State Employees Health Insurance Trust Fund in an amount to be determined by the Legislature. A member is not eligible for an employer contribution upon termination of employment. For the 2012-2013 ~~2011-2012~~ fiscal year, the state's monthly contribution for employees having individual coverage shall be \$41.66 and the monthly contribution for employees having family coverage shall be \$83.33.

2. A member participating in this health insurance plan option is eligible to deposit the member's own funds into a health savings account.

Section 43. In order to implement Section 8 of the 2012-2013 General Appropriations Act, paragraph (j) of subsection (3) of section 110.123, Florida Statutes, is amended to read:

110.123 State group insurance program.—

(3) STATE GROUP INSURANCE PROGRAM.—

(j) Notwithstanding paragraph (f) requiring uniform contributions, and for the 2012-2013 ~~2011-2012~~ fiscal year only, the state contribution toward the cost of any plan in the state group insurance plan is the difference between the overall premium and the employee contribution. This subsection expires June 30, 2013 ~~2012~~.

Section 44. In order to implement specific appropriations for salaries and benefits in the 2012-2013 General Appropriations Act, paragraph (b) of subsection (3) of section 112.24, Florida Statutes, is amended to read:

112.24 Intergovernmental interchange of public employees.—To encourage economical and effective utilization of public employees in this state, the temporary assignment of employees among agencies of government, both state and local, and including school districts and public institutions of higher education is authorized under terms and conditions set forth in this section. State agencies, municipalities, and political subdivisions are authorized to enter into employee interchange agreements with other state agencies, the Federal Government, another state, a municipality, or a political subdivision including a school district, or with a public institution of higher education. State agencies are also authorized to enter into employee interchange agreements with private institutions of higher education and other nonprofit organizations under the terms and conditions provided in this section. In addition, the Governor or the Governor and Cabinet may enter into employee interchange agreements with a state agency, the Federal Government, another state, a municipality, or a political subdivision including a school district, or with a public institution of higher learning to fill, subject to the requirements of chapter 20, appointive offices which are within the executive branch of government and which are filled by appointment by the Governor or the Governor and Cabinet. Under no

circumstances shall employee interchange agreements be utilized for the purpose of assigning individuals to participate in political campaigns. Duties and responsibilities of interchange employees shall be limited to the mission and goals of the agencies of government.

(3) Salary, leave, travel and transportation, and reimbursements for an employee of a sending party that is participating in an interchange program shall be handled as follows:

(b)1. The assignment of an employee of a state agency on detail or on leave of absence may be made without reimbursement by the receiving party for the travel and transportation expenses to or from the place of the assignment or for the pay and benefits, or a part thereof, of the employee during the assignment.

2. For the 2012-2013 ~~2011-2012~~ fiscal year only, the assignment of an employee of a state agency as provided in subparagraph 1. may be made if recommended by the Governor or Chief Justice, as appropriate, and approved by the chairs of the legislative appropriations committees. Such actions shall be deemed approved if neither chair provides written notice of objection within 14 days after the chair's receiving notice of the action pursuant to s. 216.177. This subparagraph expires July 1, 2013 ~~2012~~.

Section 45. *In order to implement Specific Appropriations 2710 and 2711 of the 2012-2013 General Appropriations Act and notwithstanding s. 11.13(1), Florida Statutes, the authorized salaries for members of the Legislature for the 2012-2013 fiscal year shall be set at the same level in effect on July 1, 2010. This section expires July 1, 2013.*

Section 46. In order to implement the transfer of moneys to the General Revenue Fund from trust funds in the 2012-2013 General Appropriations Act, paragraph (b) of subsection (4) of section 215.5601, Florida Statutes, is reenacted to read:

215.5601 Lawton Chiles Endowment Fund.—

(4) ADMINISTRATION.—

(b) The endowment shall be managed as an annuity. The investment objective is the long-term preservation of the real value of the net contributed principal and a specified regular annual cash outflow for appropriation, as nonrecurring revenue. From the annual cash outflow, a pro rata share shall be used solely for biomedical research activities as provided in paragraph (3)(d), until such time as cures are found for tobacco-related cancer and heart and lung disease. Five percent of the annual cash outflow dedicated to the biomedical research portion of the endowment shall be reinvested and applied to that portion of the endowment's principal, with the remainder to be spent on biomedical research activities consistent with this section. The schedule of annual cash outflow must be included within the investment plan adopted under paragraph (a). Withdrawals other than specified regular cash outflow are considered reductions in contributed principal for the purposes of this subsection.

Section 47. *The amendment to s. 215.5601(4)(b), Florida Statutes, as carried forward by this act from chapter 2011-47, Laws of Florida, shall expire July 1, 2013, and the text of that paragraph shall revert to that in existence on June 30, 2010, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.*

Section 48. *In order to implement the issuance of new debt authorized in the 2012-2013 General Appropriations Act, and pursuant to s. 215.98, Florida Statutes, the Legislature determines that the authorization and issuance of debt for the 2012-2013 fiscal year should be implemented, is in the best interest of the state, and necessary to address a critical state emergency. This section expires July 1, 2013.*

Section 49. *In order to implement the funds appropriated in the 2012-2013 General Appropriations Act for state employee travel, the funds appropriated to each state agency, which may be used for travel by state employees, are limited during the 2012-2013 fiscal year to travel for activities that are critical to each state agency's mission. Funds may not be used to pay for travel by state employees to foreign countries, other states, conferences, staff-training activities, or other administrative functions unless the agency head has approved in writing that such activities are*

critical to the agency's mission. The agency head must consider the use of teleconferencing and other forms of electronic communication to meet the needs of the proposed activity before approving mission-critical travel. This section does not apply to travel for law enforcement purposes, military purposes, emergency management activities, or public health activities. This section expires July 1, 2013.

Section 50. *In order to implement the appropriations authorized in the 2012-2013 General Appropriations Act for each of the state's designated primary data centers, which are funded from the data processing appropriation category and other categories used to pay for computing services of user agencies, and pursuant to the notice, review, and objection procedures of s. 216.177, Florida Statutes, the Executive Office of the Governor may transfer funds appropriated in any appropriation category used to pay for data processing in the 2012-2013 General Appropriations Act between agencies in order to align the budget authority granted with the utilization rate of each department. This section expires July 1, 2013.*

Section 51. *State agencies that are required to begin planning for a data center consolidation scheduled for a subsequent fiscal year may accelerate the consolidation into the 2012-2013 fiscal year, contingent upon approval by the Legislative Budget Commission of budget adjustments necessary to accomplish the consolidation. The primary data center may establish positions contingent on an equal or greater number of positions being placed in reserve from the agency data centers being consolidated. This section expires July 1, 2013.*

Section 52. *In order to implement appropriations in the 2012-2013 General Appropriations Act for the state's designated consolidated e-mail system within the Southwood Shared Resource Center, which are funded from the data processing appropriation category and other categories used to pay e-mail services of user agencies, and pursuant to the notice, review, and objection procedures of s. 216.177, Florida Statutes, the Executive Office of the Governor may transfer funds appropriated in any appropriation category used to pay for e-mail in the 2012-2013 General Appropriations Act between agencies in order to align the budget authority granted with the projected e-mail bills for each agency. This section expires July 1, 2013.*

Section 53. In order to implement Section 8 of the General Appropriations Act for the 2012-2013 fiscal year, paragraph (a) of subsection (7) of section 110.12315, Florida Statutes, is reenacted to read:

110.12315 Prescription drug program.—The state employees' prescription drug program is established. This program shall be administered by the Department of Management Services, according to the terms and conditions of the plan as established by the relevant provisions of the annual General Appropriations Act and implementing legislation, subject to the following conditions:

(7) Under the state employees' prescription drug program copayments must be made as follows:

(a) Effective January 1, 2011, for the State Group Health Insurance Standard Plan:

1. For generic drug with card \$7.
2. For preferred brand name drug with card. \$30.
3. For nonpreferred brand name drug with card. \$50.
4. For generic mail order drug \$14.
5. For preferred brand name mail order drug \$60.
6. For nonpreferred brand name mail order drug \$100.

Section 54. *The amendment to s. 110.12315(7)(a), Florida Statutes, as carried forward by this act from chapter 2011-47, Laws of Florida, shall expire on July 1, 2013, and the text of that paragraph shall revert to that in existence on December 31, 2010, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.*

Section 55. *In order to implement Specific Appropriation 209 of the 2012-2013 General Appropriations Act and notwithstanding chapter 287, Florida Statutes, the Agency for Health Care Administration shall com-*

petitively procure a Florida Discount Drug Card Program to provide market competitive discounts through a broad network of retail pharmacies and a mail order pharmacy within the state and return money to the state on a per prescription dispensed basis. Discounts must be available to Florida residents without income restrictions. Residents must be able to enroll and acquire a member identification card from the participating pharmacies, online and through text messaging, without a charge. Revenues derived from this contract shall be deposited into the agency's Grants and Donations Trust Fund to reduce the cost of Medicaid pharmacy purchases. This section expires July 1, 2013.

Section 56. In order to implement specific appropriations for Expense and Other Capital Outlay in the 2012-2013 General Appropriations Act, subsection (8) of section 946.515, Florida Statutes, is amended to read:

946.515 Use of goods and services produced in correctional work programs.—

(8) On June 30, 2013 ~~2012~~, each state agency must submit a report to the President of the Senate and the Speaker of the House of Representatives which lists products or services obtained from a source other than the corporation when a comparable product or service could have been obtained from the corporation. The report must include an explanation of why the product or service was not obtained from the corporation. This subsection expires July 1, 2013 ~~2012~~.

Section 57. *In order to implement Specific Appropriations 26A, 42A, 566A, 593A, 1190A, 1200A, 1209A, 1221A, 1255A, 1797A, 1813A, 1832B, 1846B, 1882A, 1896A, 1907A, 1939A, 1974A, 1993A, 2273A, 2320A, 2417A, 2477A, 2507A, 2516A, and 3153A of the 2012-2013 General Appropriations Act, the Department of Economic Opportunity, the Department of Education, the Department of Financial Services, the Department of Health, the Department of Juvenile Justice, the Department of State, the Department of Transportation, and the Fish and Wildlife Conservation Commission, respectively, which are occupying space located at the Koger Executive Center Tallahassee pursuant to State of Florida Lease No. 720:0138, or any other lease, on June 30, 2012, and the Department of Management Services shall not amend State of Florida Lease No. 720:0138 or other existing lease of or for any space located at Koger Executive Center Tallahassee, shall not defer any rent due under any such lease and shall not occupy any additional space at Koger Executive Center Tallahassee which was not occupied on June 30, 2012, notwithstanding any lease or contract to the contrary. Except for the funds specifically appropriated in Specific Appropriations 26A, 42A, 566A, 593A, 1190A, 1200A, 1209A, 1221A, 1255A, 1797A, 1813A, 1832B, 1846B, 1882A, 1896A, 1907A, 1939A, 1974A, 1993A, 2273A, 2320A, 2417A, 2477A, 2507A, 2516A, and 3153A, the Department of Economic Opportunity, the Department of Education, the Department of Financial Services, the Department of Health, the Department of Juvenile Justice, the Department of State, the Department of Transportation, and the Fish and Wildlife Conservation Commission, respectively, which are occupying space located at the Koger Executive Center Tallahassee pursuant to State of Florida Lease No. 720:0138, or any other lease, on June 30, 2012, and the Department of Management Services are prohibited from expending any other funds from the General Revenue Fund, any trust fund or from any other source for the rent, lease or possession of any space for offices or other purpose or use at Koger Executive Center Tallahassee pursuant to State of Florida Lease No. 720:0138, or any other lease. Any department or agency of the State of Florida occupying space at Koger Executive Center Tallahassee pursuant to State of Florida Lease No. 720:0138, or any other lease, on June 30, 2012, shall vacate all such space not later than December 31, 2012, and shall surrender possession of all such space to the owner thereof not later than December 31, 2012, notwithstanding any lease or contract to the contrary.*

Section 58. *Any section of this act which implements a specific appropriation or specifically identified proviso language in the 2012-2013 General Appropriations Act is void if the specific appropriation or specifically identified proviso language is vetoed. Any section of this act which implements more than one specific appropriation or more than one portion of specifically identified proviso language in the 2012-2013 General Appropriations Act is void if all the specific appropriations or portions of specifically identified proviso language are vetoed.*

Section 59. *If any other act passed during the 2012 Regular Session contains a provision that is substantively the same as a provision in this act, but that removes or is otherwise not subject to the future repeal ap-*

plied to such provision by this act, the Legislature intends that the provision in the other act takes precedence and continues to operate, notwithstanding the future repeal provided by this act.

Section 60. *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 61. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2012; or, if this act fails to become a law until after that date, it shall take effect upon becoming a law and shall operate retroactively to July 1, 2012.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act implementing the 2012-2013 General Appropriations Act; providing legislative intent; incorporating by reference certain calculations of the Florida Education Finance Program for the 2012-2013 fiscal year; amending s. 216.292, F.S.; authorizing the transfer of funds between appropriation categories to fund fixed capital outlay projects for public schools upon certain approval; authorizing a university board of trustees to expend reserve or carry-forward balances for the establishment of a new campus; providing requirements relating to completing phase 2 and phase 3 of the Department of Health's Florida Onsite Sewage Nitrogen Reduction Strategies Study; incorporating by reference certain calculations of the Medicaid Low-Income Pool, Disproportionate Share Hospital, and Hospital Exemptions Programs; amending s. 20.04, F.S.; providing for organizational units called "circuits" and "regions" in the Department of Children and Family Services; providing for the future expiration of certain amendments to such provision and for the reversion of statutory text; specifying how funds appropriated to the Department of Children and Family Services for adult community mental health and adult substance abuse services are spent; amending s. 409.912, F.S.; authorizing the Agency for Health Care Administration to provide a Medicaid prepaid dental health program in Miami-Dade County; authorizing the agency to seek revisions or amendments to the state plan or federal waivers in order to implement the program; requiring that the agency terminate existing contracts as necessary to implement the program; requiring certain budget amendments recommending the release of funds for the FAMU Crestview Education Center project to provide more notice and be subject to certain objection procedures; authorizing the Department of Corrections and the Department of Juvenile Justice to make certain expenditures to defray costs incurred by a municipality or county for opening or operating a facility under the authority of the respective entity; amending s. 216.262, F.S.; providing for additional positions to operate additional prison bed capacity under certain circumstances; authorizing the Department of Legal Affairs to transfer certain funds to pay salaries and benefits and to continue to expend appropriated funds as directed in prior appropriations acts; amending s. 932.7055, F.S.; authorizing a municipality to expend funds from its special law enforcement trust fund to reimburse the municipality's general fund; requiring that the Department of Juvenile Justice comply with specified reimbursement limitations with respect to payments to hospitals or health care providers for health care services; authorizing certain payments pursuant to a contracted rate only until the contract expires or is renewed; defining the term "hospital" for purposes of such limitations; amending s. 215.18, F.S.; providing for trust fund loans to the state court system sufficient to meet its appropriation; providing that any funds remaining in the Clerks of the Courts Trust Fund remain available to the clerks; incorporating certain documents by reference which display the calculations used to make the appropriations for the clerks of the court and the state trial courts; amending s. 29.008, F.S.; providing counties with an exemption from the requirement to annually increase certain expenditures by a specified percentage; requiring the Department of Management Services to use certain interest earnings to fund the administration of the MyFlorida.com portal; amending s. 375.041, F.S.; providing for the transfer of moneys from the Land Acquisition Trust Fund to support the Total Maximum Daily Loads programs; amending s. 373.59, F.S.; providing for the allocation of moneys from the Water Management Lands Trust Fund for certain purposes; reenacting s. 403.1651(1)(g), F.S., relating to the use of funds from the Ecosystem Management and Restoration Trust Fund for the purpose of funding activities to preserve and repair the state's beaches; providing for the future expiration of certain amend-

ments to such provision and for the reversion of statutory text; amending s. 403.7095, F.S.; requiring that the Department of Environmental Protection award a specified amount in grants to certain counties for solid waste programs; authorizing the Department of Agriculture and Consumer Services to extend, revise, and renew current contracts or agreements created or entered into for the purpose of promotion of agriculture; amending s. 379.209, F.S.; authorizing the Fish and Wildlife Conservation Commission to transfer funds from the Nongame Wildlife Trust Fund to the Grants and Donations Trust Fund to support cash flow needs; authorizing the commission to transfer hunting and fishing license revenue to repay a loan; authorizing the Executive Office of the Governor to transfer appropriations between the Fish and Wildlife Conservation Commission in order to implement projects relating to the restoration of Lake Apopka; amending s. 373.4145, F.S.; directing the Northwest Florida Water Management District to use certain funds to fund the environmental resource permitting program if certain other funds have been expended; amending s. 445.009, F.S.; providing that a participant in an adult or youth work experience activity under ch. 445, F.S., is an employee of the state for purposes of workers' compensation coverage; reenacting s. 163.3247(3)(d), F.S., relating to members of the Century Commission for a Sustainable Florida serving without compensation; providing for the future expiration of certain amendments to such provision and for the reversion of statutory text; reenacting s. 201.15(1)(c), F.S., relating to funds deposited into the Grants and Donations Trust Fund in the Department of Economic Opportunity which are used to fund technical assistance to local governments and school boards; providing for the future expiration of certain amendments to such provision and for the reversion of statutory text; amending chapter 2011-142, Laws of Florida; extending the date the Commission on Oil Spill Response Coordination must submit a report relating to offshore oil drilling and damage claims; authorizing the Executive Office of the Governor to transfer funds between departments for purposes of aligning amounts paid for risk management premiums; authorizing the Department of Transportation to reallocate FTE reductions; authorizing the Executive Office of the Governor to transfer funds between departments for purposes of aligning amounts paid for human resource management services; amending s. 110.123, F.S., relating to the state group insurance program; providing the state's monthly contribution for individual coverage; providing that the state contribution toward the cost of a plan is the difference between the overall premium and the employee contribution; amending s. 112.24, F.S.; providing conditions relating to the assignment of an employee of a state agency without reimbursement from the receiving agency; providing that the annual salary of the members of the Legislature be maintained at a specified level; reenacting s. 215.5601(4)(b), F.S., relating to the administration of the Lawton Chiles Endowment Fund; providing for the future expiration of certain amendments to such provision and for the reversion of statutory text; providing a legislative finding that the issuance of new debt is in the best interests of the state and necessary to address a critical state emergency; limiting the use of travel funds to activities that are critical to an agency's mission; providing exceptions; authorizing agencies scheduled for data center consolidation to accelerate such consolidation; authorizing the establishment of data center positions in exchange for agency positions placed in reserve; authorizing the Executive Office of the Governor to transfer funds in appropriation categories used to pay for e-mail in order to align the budget authority of agencies; reenacting s. 110.12315(7)(a), F.S., relating to copayments for the state employees' prescription drug program; providing for the future expiration of certain amendments to such provision and for the reversion of statutory text; requiring the Agency for Health Care Administration to repurchase the Florida Discount Drug Card Program; providing requirements for the program; providing that revenues derived from the contract be deposited into the agency's Grants and Donations Trust Fund; amending s. 946.515, F.S.; requiring each state agency to submit a report to the Legislature listing products or services obtained from sources other than the prison industries corporation; prohibiting certain state agencies from leasing space at the Koger Executive Center in Tallahassee after a certain date and from expending certain funds for the lease of such space; requiring all state agencies to vacate space at the Koger Center after a certain date; providing for the effect of a veto of one or more specific appropriations or proviso to which implementing language refers; providing for reversion of statutory text of certain provisions; providing for the continued operation of certain provisions notwithstanding a future repeal or expiration provided by the act; providing for severability; providing effective dates.

On motions by Senator Alexander, by two-thirds vote **HB 5003** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—32

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

Nays—7

Dockery	Rich	Sobel
Gibson	Sachs	
Joyner	Smith	

DISCLOSURE

I have an ownership interest in Caregivers, Inc., a company based in Pensacola, Florida. The company provides services to the elderly and the disabled and a minority of its revenues are derived from reimbursements from the Escambia County Council on Aging and the Florida Medicaid program. Because Caregivers, Inc., is among a class of health care providers receiving funds from such state sources, it appears to me that the company may be affected by **SB 2002** and **HB 5003** which came before the Senate Floor for a vote on February 23, 2012.

Therefore, I believe that, because Caregivers, Inc., is a member of such class, I am required by Senate Rule 1.39 to disclose the above facts.

Senator Don Gaetz, 4th District

Vote Preference:

February 24, 2012: Yea—Montford

MOTIONS

On motion by Senator Alexander, the Senate having refused to pass **HB 5001** and **HB 5003** as passed by the House, acceded to the request for a conference committee.

On motion by Senator Alexander, the rules were waived and staff of the Committee on Budget was instructed to make technical and conforming changes in **HB 5001** and **HB 5003** as necessary.

SB 2004—A bill to be entitled An act relating to state employees; providing for the resolution of collective bargaining issues at impasse between the state and certified bargaining units of state employees; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 2004**, on motion by Senator Alexander, by two-thirds vote **HB 5007** was withdrawn from the Committee on Budget.

On motion by Senator Alexander—

HB 5007—A bill to be entitled An act relating to state employees; providing for the resolution of collective bargaining issues at impasse between the State of Florida and certified bargaining units for state employees pursuant to specified instructions; providing an effective date.

—a companion measure, was substituted for **SB 2004** 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 which was adopted:

Amendment 1 (538282) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *All collective bargaining issues for which negotiations have reached an impasse for the 2012-2013 fiscal year between the state and the legal representatives of the certified bargaining units for state employees shall be resolved pursuant to the instructions provided in the General Appropriations Act and the relevant provisions of any legislation enacted to implement the General Appropriations Act for the 2012-2013 fiscal year.*

Section 2. This act shall take effect July 1, 2012.

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 employees; providing for the resolution of collective bargaining issues at impasse between the state and certified bargaining units of state employees; providing an effective date.

On motions by Senator Alexander, by two-thirds vote **HB 5007** as amended was read the third time by title, passed and immediately 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	Gibson	Sachs
Bogdanoff	Hays	Simmons
Braynon	Jones	Siplin
Bullard	Joyner	Smith
Dean	Latvala	Sobel
Detert	Lynn	Storms
Diaz de la Portilla	Margolis	Thrasher
Evers	Negron	Wise
Fasano	Norman	

Nays—None

Vote Preference:

February 24, 2012: Yea—Montford

SB 2006—A bill to be entitled An act relating to retirement; amending s. 121.051, F.S.; revising employer contributions for members of the Florida Retirement System who are employees of public community colleges or charter technical career centers sponsored by public community colleges on a certain date; amending s. 121.055, F.S.; revising employer contributions for members of the Senior Management Service Class of the Florida Retirement System on a certain date; amending s. 121.35, F.S.; revising employer contributions for members of the optional retirement program for the State University System on a certain date; amending s. 121.71, F.S.; revising the required employer retirement contribution rates for members of each membership class and subclass of the Florida Retirement System; amending s. 121.72, F.S.; revising allocations from the Florida Retirement System Contributions Clearing Trust Fund to investment plan member accounts on a certain date; amending s. 1012.875, F.S.; revising employer contributions for members of the State Community College System Optional Retirement Program on a certain date; providing that the act fulfills an important state interest; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 2006**, on motion by Senator Alexander, by two-thirds vote **HB 5005** was withdrawn from the Committee on Budget.

On motion by Senator Alexander—

HB 5005—A bill to be entitled An act relating to retirement; amending s. 121.051, F.S.; revising employer contributions for members of the Florida Retirement System who are employees of public community colleges or charter technical career centers sponsored by public community colleges on a certain date; amending s. 121.055, F.S.; revising employer contributions for members of the Senior Management Service Class of the Florida Retirement System on a certain date; amending s. 121.35, F.S.; revising employer contributions for members of the optional retirement program for the State University System on a certain date; amending s. 121.71, F.S.; revising the required employer retirement contribution rates for members of each membership class and subclass of the Florida Retirement System; amending s. 121.72, F.S.; revising allocations from the Florida Retirement System Contributions Clearing Trust Fund to investment plan member accounts on a certain date; amending s. 1012.875, F.S.; revising employer contributions for members of the State Community College System Optional Retirement Program on a certain date; providing that the act fulfills an important state interest; providing an effective date.

—a companion measure, was substituted for **SB 2006** 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 which was adopted:

Amendment 1 (174806) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (c) of subsection (2) of section 121.051, Florida Statutes, is amended to read:

121.051 Participation in the system.—

(2) OPTIONAL PARTICIPATION.—

(c) Employees of public community colleges or charter technical career centers sponsored by public community colleges, designated in s. 1000.21(3), who are members of the Regular Class of the Florida Retirement System and who comply with the criteria set forth in this paragraph and s. 1012.875 may, in lieu of participating in the Florida Retirement System, elect to withdraw from the system altogether and participate in the State Community College System Optional Retirement Program provided by the employing agency under s. 1012.875.

1.a. Through June 30, 2001, the cost to the employer for benefits under the optional retirement program equals the normal cost portion of the employer retirement contribution which would be required if the employee were a member of the pension plan's Regular Class, plus the portion of the contribution rate required by s. 112.363(8) which would otherwise be assigned to the Retiree Health Insurance Subsidy Trust Fund.

b. Effective July 1, 2001, through June 30, 2011, each employer shall contribute on behalf of each member of the optional program an amount equal to 10.43 percent of the employee's gross monthly compensation. The employer shall deduct an amount for the administration of the program.

c. Effective July 1, 2011, *through June 30, 2012*, each member shall contribute an amount equal to the employee contribution required under s. 121.71(3). The employer shall contribute on behalf of each program member an amount equal to the difference between 10.43 percent of the employee's gross monthly compensation and the employee's required contribution based on the employee's gross monthly compensation.

d. *Effective July 1, 2012, each member shall contribute an amount equal to the employee contribution required under s. 121.71(3). The em-*

ployer shall contribute on behalf of each program member an amount equal to the difference between 8.15 percent of the employee's gross monthly compensation and the employee's required contribution based on the employee's gross monthly compensation.

e.4. The employer shall contribute an additional amount to the Florida Retirement System Trust Fund equal to the unfunded actuarial accrued liability portion of the Regular Class contribution rate.

2. The decision to participate in the optional retirement program is irrevocable as long as the employee holds a position eligible for participation, except as provided in subparagraph 3. Any service creditable under the Florida Retirement System is retained after the member withdraws from the system; however, additional service credit in the system may not be earned while a member of the optional retirement program.

3. An employee who has elected to participate in the optional retirement program shall have one opportunity, at the employee's discretion, to transfer from the optional retirement program to the pension plan of the Florida Retirement System or to the investment plan established under part II of this chapter, subject to the terms of the applicable optional retirement program contracts.

a. If the employee chooses to move to the investment plan, any contributions, interest, and earnings creditable to the employee under the optional retirement program are retained by the employee in the optional retirement program, and the applicable provisions of s. 121.4501(4) govern the election.

b. If the employee chooses to move to the pension plan of the Florida Retirement System, the employee shall receive service credit equal to his or her years of service under the optional retirement program.

(I) The cost for such credit is the amount representing the present value of the employee's accumulated benefit obligation for the affected period of service. The cost shall be calculated as if the benefit commencement occurs on the first date the employee becomes eligible for unreduced benefits, using the discount rate and other relevant actuarial assumptions that were used to value the Florida Retirement System Pension Plan liabilities in the most recent actuarial valuation. The calculation must include any service already maintained under the pension plan in addition to the years under the optional retirement program. The present value of any service already maintained must be applied as a credit to total cost resulting from the calculation. The division *must* ~~shall~~ ensure that the transfer sum is prepared using a formula and methodology certified by an enrolled actuary.

(II) The employee must transfer from his or her optional retirement program account and from other employee moneys as necessary, a sum representing the present value of the employee's accumulated benefit obligation immediately following the time of such movement, determined assuming that attained service equals the sum of service in the pension plan and service in the optional retirement program.

4. Participation in the optional retirement program is limited to employees who satisfy the following eligibility criteria:

a. The employee is otherwise eligible for membership or renewed membership in the Regular Class of the Florida Retirement System, as provided in s. 121.021(11) and (12) or s. 121.122.

b. The employee is employed in a full-time position classified in the Accounting Manual for Florida's Public Community Colleges as:

(I) Instructional; or

(II) Executive Management, Instructional Management, or Institutional Management and the community college determines that recruiting to fill a vacancy in the position is to be conducted in the national or regional market, and the duties and responsibilities of the position include the formulation, interpretation, or implementation of policies, or the performance of functions that are unique or specialized within higher education and that frequently support the mission of the community college.

c. The employee is employed in a position not included in the Senior Management Service Class of the Florida Retirement System as described in s. 121.055.

5. Members of the program are subject to the same reemployment limitations, renewed membership provisions, and forfeiture provisions applicable to regular members of the Florida Retirement System under ss. 121.091(9), 121.122, and 121.091(5), respectively. A member who receives a program distribution funded by employer and required employee contributions is deemed to be retired from a state-administered retirement system if the member is subsequently employed with an employer that participates in the Florida Retirement System.

6. Eligible community college employees are compulsory members of the Florida Retirement System until, pursuant to s. 1012.875, a written election to withdraw from the system and participate in the optional retirement program is filed with the program administrator and received by the division.

a. A community college employee whose program eligibility results from initial employment shall be enrolled in the optional retirement program retroactive to the first day of eligible employment. The employer and employee retirement contributions paid through the month of the employee plan change shall be transferred to the community college to the employee's optional program account, and, effective the first day of the next month, the employer shall pay the applicable contributions based upon subparagraph 1.

b. A community college employee whose program eligibility is due to the subsequent designation of the employee's position as one of those specified in subparagraph 4., or due to the employee's appointment, promotion, transfer, or reclassification to a position specified in subparagraph 4., must be enrolled in the program on the first day of the first full calendar month that such change in status becomes effective. The employer and employee retirement contributions paid from the effective date through the month of the employee plan change must be transferred to the community college to the employee's optional program account, and, effective the first day of the next month, the employer shall pay the applicable contributions based upon subparagraph 1.

7. Effective July 1, 2003, through December 31, 2008, any member of the optional retirement program who has service credit in the pension plan of the Florida Retirement System for the period between his or her first eligibility to transfer from the pension plan to the optional retirement program and the actual date of transfer may, during employment, transfer to the optional retirement program a sum representing the present value of the accumulated benefit obligation under the defined benefit retirement program for the period of service credit. Upon transfer, all service credit previously earned under the pension plan during this period is nullified for purposes of entitlement to a future benefit under the pension plan.

Section 2. Paragraph (d) of subsection (6) of section 121.055, Florida Statutes, is amended to read:

121.055 Senior Management Service Class.—There is hereby established a separate class of membership within the Florida Retirement System to be known as the "Senior Management Service Class," which shall become effective February 1, 1987.

(6)

(d) *Contributions.*—

1.a. Through June 30, 2001, each employer shall contribute on behalf of each member of the Senior Management Service Optional Annuity Program an amount equal to the normal cost portion of the employer retirement contribution which would be required if the member were a Senior Management Service Class member of the Florida Retirement System Pension Plan, plus the portion of the contribution rate required in s. 112.363(8) that would otherwise be assigned to the Retiree Health Insurance Subsidy Trust Fund.

b. Effective July 1, 2001, through June 30, 2011, each employer shall contribute on behalf of each member of the optional *annuity* program an amount equal to 12.49 percent of the employee's gross monthly compensation.

c. Effective July 1, 2011, *through June 30, 2012*, each member of the optional annuity program shall contribute an amount equal to the employee contribution required under s. 121.71(3). The employer shall contribute on behalf of such employee an amount equal to the difference

between 12.49 percent of the employee's gross monthly compensation and the amount equal to the employee's required contribution based on the employee's gross monthly compensation.

d. Effective July 1, 2012, each member of the optional annuity program shall contribute an amount equal to the employee contribution required under s. 121.73. The employer shall contribute on behalf of such employee an amount equal to the difference between 9.27 percent of the employee's gross monthly compensation and the amount equal to the employee's required contribution based on the employee's gross monthly compensation.

e. The department shall deduct an amount approved by the Legislature to provide for the administration of this program. Payment of the contributions, including contributions made by the employee, shall be made by the employer to the department, which shall forward the contributions to the designated company or companies contracting for payment of benefits for the member under the program.

2. Each employer shall contribute on behalf of each member of the Senior Management Service Optional Annuity Program an amount equal to the unfunded actuarial accrued liability portion of the employer contribution which would be required for members of the Senior Management Service Class in the Florida Retirement System. This contribution shall be paid to the department for transfer to the Florida Retirement System Trust Fund.

3. An Optional Annuity Program Trust Fund shall be established in the State Treasury and administered by the department to make payments to provider companies on behalf of the optional annuity program members, and to transfer the unfunded liability portion of the state optional annuity program contributions to the Florida Retirement System Trust Fund.

4. Contributions required for social security by each employer and employee, in the amount required for social security coverage as now or hereafter may be provided by the federal Social Security Act shall be maintained for each member of the Senior Management Service retirement program and are in addition to the retirement contributions specified in this paragraph.

5. Each member of the ~~Senior Management Service~~ optional annuity program may contribute by way of salary reduction or deduction a percentage amount of the employee's gross compensation not to exceed the percentage amount contributed by the employer to the optional annuity program. Payment of the employee's contributions shall be made by the employer to the department, which shall forward the contributions to the designated company or companies contracting for payment of benefits for the member under the program.

Section 3. Paragraph (a) of subsection (4) of section 121.35, Florida Statutes, is amended to read:

121.35 Optional retirement program for the State University System.—

(4) CONTRIBUTIONS.—

(a)1. Through June 30, 2001, each employer shall contribute on behalf of each member of the optional retirement program an amount equal to the normal cost portion of the employer retirement contribution which would be required if the employee were a regular member of the Florida Retirement System Pension Plan, plus the portion of the contribution rate required in s. 112.363(8) that would otherwise be assigned to the Retiree Health Insurance Subsidy Trust Fund.

2. Effective July 1, 2001, through June 30, 2011, each employer shall contribute on behalf of each member of the optional retirement program an amount equal to 10.43 percent of the employee's gross monthly compensation.

3. Effective July 1, 2011, *through June 30, 2012*, each member of the optional retirement program shall contribute an amount equal to the employee contribution required in s. 121.71(3). The employer shall contribute on behalf of each such member an amount equal to the difference between 10.43 percent of the employee's gross monthly compensation and the amount equal to the employee's required contribution based on the employee's gross monthly compensation.

4. Effective July 1, 2012, each member of the optional retirement program shall contribute an amount equal to the employee contribution required in s. 121.71(3). The employer shall contribute on behalf of each such member an amount equal to the difference between 8.15 percent of the employee's gross monthly compensation and the amount equal to the employee's required contribution based on the employee's gross monthly compensation.

5.4. The payment of the contributions, including contributions by the employee, shall be made by the employer to the department, which shall forward the contributions to the designated company or companies contracting for payment of benefits for members of the program. However, such contributions paid on behalf of an employee described in paragraph (3)(c) may not be forwarded to a company and do not begin to accrue interest until the employee has executed a contract and notified the department. The department shall deduct an amount from the contributions to provide for the administration of this program.

Section 4. Subsections (4) and (5) of section 121.71, Florida Statutes, are amended to read:

121.71 Uniform rates; process; calculations; levy.—

(4) Required employer retirement contribution rates for each membership class and subclass of the Florida Retirement System for both retirement plans are as follows:

Membership Class	Percentage of Gross Compensation, Effective July 1, 2012 2011	Percentage of Gross Compensation, Effective July 1, 2013 2012
Regular Class	3.55% 3.28%	3.55% 3.28%
Special Risk Class	11.01% 10.21%	11.01% 10.21%
Special Risk Administrative Support Class	3.94% 4.07%	3.94% 4.07%
Elected Officers' Class— Legisla- tors, Governor, Lt. Governor, Cabinet Officers, State Attor- neys, Public Defenders	6.51% 7.02%	6.51% 7.02%
Elected Officers' Class— Jus- tices, Judges	10.02% 9.78%	10.02% 9.78%
Elected Officers' Class— County Elected Officers	8.36% 9.27%	8.36% 9.27%
Senior Management Class	4.84% 4.81%	4.84% 4.81%
DROP	4.33% 3.31%	4.33% 3.31%

(5) In order to address unfunded actuarial liabilities of the system, the required employer retirement contribution rates for each membership class and subclass of the Florida Retirement System for both retirement plans are as follows:

Membership Class	Percentage of Gross Compensation, Effective July 1, 2012 2011	Percentage of Gross Compensation, Effective July 1, 2013 2012
Regular Class	0.49%	2.02% 2.16%
Special Risk Class	2.75%	7.03% 8.21%
Special Risk Administrative Support Class	0.83%	27.04% 21.40%
Elected Officers' Class— Legisla- tors, Governor, Lt. Governor, Cabinet Officers, State Attor- neys, Public Defenders	0.88%	27.18% 21.76%

Elected Officers' Class— Justices, Judges	0.77%	16.38% 12.86%
Elected Officers' Class— County Elected Officers	0.73%	23.01% 22.05%
Senior Management Service Class	0.32%	11.25% 10.51%
DROP	0.00%	6.21% 6.36%

Section 5. Subsection (4) of section 121.72, Florida Statutes, is amended, and subsection (5) is added to that section, to read:

121.72 Allocations to investment plan member accounts; percentage amounts.—

(4) Effective July 1, 2002, *through June 30, 2012*, allocations from the Florida Retirement System Contributions Clearing Trust Fund to investment plan member accounts are as follows:

Membership Class	Percentage of Gross Compensation
Regular Class	9.00%
Special Risk Class	20.00%
Special Risk Administrative Support Class	11.35%
Elected Officers' Class— Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders	13.40%
Elected Officers' Class— Justices, Judges	18.90%
Elected Officers' Class— County Elected Officers	16.20%
Senior Management Service Class	10.95%

(5) *Effective July 1, 2012*, allocations from the Florida Retirement System Contributions Clearing Trust Fund to investment plan member accounts are as follows:

Membership Class	Percentage of Gross Compensation
Regular Class	6.30%
Special Risk Class	14.00%
Special Risk Administrative Support Class	7.95%
Elected Officers' Class— Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders	9.38%
Elected Officers' Class— Justices, Judges	13.23%
Elected Officers' Class— County Elected Officers	11.34%
Senior Management Service Class	7.67%

Section 6. Paragraph (a) of subsection (4) of section 1012.875, Florida Statutes, is amended to read:

1012.875 State Community College System Optional Retirement Program.—Each Florida College System institution may implement an optional retirement program, if such program is established therefor pursuant to s. 1001.64(20), under which annuity or other contracts

providing retirement and death benefits may be purchased by, and on behalf of, eligible employees who participate in the program, in accordance with s. 403(b) of the Internal Revenue Code. Except as otherwise provided herein, this retirement program, which shall be known as the State Community College System Optional Retirement Program, may be implemented and administered only by an individual Florida College System institution or by a consortium of Florida College System institutions.

(4)(a)1. Through June 30, 2011, each college must contribute on behalf of each program member an amount equal to 10.43 percent of the employee's gross monthly compensation.

2. Effective July 1, 2011, *through June 30, 2012*, each member shall contribute an amount equal to the employee contribution required under s. 121.71(3). The employer shall contribute on behalf of each program member an amount equal to the difference between 10.43 percent of the employee's gross monthly compensation and the employee's required contribution based on the employee's gross monthly compensation.

3. *Effective July 1, 2012*, each member shall contribute an amount equal to the employee contribution required under s. 121.71(3). The employer shall contribute on behalf of each program member an amount equal to the difference between 8.15 percent of the employee's gross monthly compensation and the employee's required contribution based on the employee's gross monthly compensation.

4. ~~3.~~ The college shall deduct an amount approved by the district board of trustees of the college to provide for the administration of the optional retirement program. Payment of this contribution must be made directly by the college or through the program administrator to the designated company contracting for payment of benefits to the program member.

Section 7. *The Legislature finds that a proper and legitimate state purpose is served when employees and retirees of the state and its political subdivisions, and the dependents, survivors, and beneficiaries of such employees and retirees, are extended the basic protections afforded by governmental retirement systems. These persons must be provided benefits that are fair and adequate and that are managed, administered, and funded in an actuarially sound manner, as required by s. 14, Article X of the State Constitution and part VII of chapter 112, Florida Statutes. Therefore, the Legislature determines and declares that this act fulfills an important state interest.*

Section 8. This act shall take effect July 1, 2012.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to retirement; amending s. 121.051, F.S.; revising employer contributions for members of the Florida Retirement System who are employees of public community colleges or charter technical career centers sponsored by public community colleges on a certain date; amending s. 121.055, F.S.; revising employer contributions for members of the Senior Management Service Class of the Florida Retirement System on a certain date; amending s. 121.35, F.S.; revising employer contributions for members of the optional retirement program for the State University System on a certain date; amending s. 121.71, F.S.; revising the required employer retirement contribution rates for members of each membership class and subclass of the Florida Retirement System; amending s. 121.72, F.S.; revising allocations from the Florida Retirement System Contributions Clearing Trust Fund to investment plan member accounts on a certain date; amending s. 1012.875, F.S.; revising employer contributions for members of the State Community College System Optional Retirement Program on a certain date; providing that the act fulfills an important state interest; providing an effective date.

On motions by Senator Alexander, by two-thirds vote **HB 5005** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

Mr. President	Benacquisto	Braynon
Alexander	Bennett	Bullard
Altman	Bogdanoff	Dean

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

Nays—None

Vote Preference:

February 24, 2012: Yea—Montford

MOTION

On motion by Senator Alexander, the Senate having refused to pass **HB 5005** and **HB 5007** as passed by the House, acceded to the request for a conference committee.

CS for SB 2068—A bill to be entitled An act relating to taxation; amending s. 212.12, F.S.; providing for the collection of allowances of the amount of tax due by persons who file returns only by electronic means and pay the amount due on such returns only by electronic means; deleting provisions that provide for the collection of such allowances by persons who file paper returns; defining the term “electronic means” for purposes of collecting allowances of the amount of tax due by persons who file sales and use tax returns; providing for applicability; amending s. 220.03, F.S.; adopting the 2012 version of the Internal Revenue Code for purposes of ch. 220, F.S.; providing for retroactive operation; amending s. 220.33, F.S.; changing the filing date for estimated tax under certain circumstances; providing for future expiration; authorizing the Department of Revenue to adopt emergency rules; reenacting s. 723.008, F.S., relating to certain fees, penalties, and fines applicable to the “Florida Mobile Home Act,” to incorporate the amendment made to s. 212.12, F.S., in a reference thereto; requiring the Department of Revenue to provide adequate notice to affected taxpayers relating to earlier due dates for making an estimated payment; providing effective dates.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 2068** to **HB 5701**.

Pending further consideration of **CS for SB 2068** as amended, on motion by Senator Norman, by two-thirds vote **HB 5701** was withdrawn from the Committee on Budget.

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

HB 5701—A bill to be entitled An act relating to corporate income tax; amending s. 220.33, F.S.; changing the filing date for estimated tax under certain circumstances; providing for future repeal; providing for emergency rules; providing an effective date.

—a companion measure, was substituted for **CS for SB 2068** as amended and read the second time by title.

MOTION

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

Senator Norman moved the following amendment:

Amendment 1 (716500) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Effective July 1, 2012, and applicative to returns due on or after that date, subsection (1) of section 212.12, Florida Statutes, is amended to read:

212.12 Dealer’s credit for collecting tax; penalties for noncompliance; powers of Department of Revenue in dealing with delinquents; brackets applicable to taxable transactions; records required.—

(1)(a)1. Notwithstanding any other ~~provision of~~ law and for the purpose of compensating persons granting licenses for and the lessors of real and personal property taxed hereunder, for the purpose of compensating dealers in tangible personal property, for the purpose of compensating dealers providing communication services and taxable services, for the purpose of compensating owners of places where admissions are collected, and for the purpose of compensating remitters of any taxes or fees reported on the same documents utilized for the sales and use tax, as compensation for the keeping of prescribed records, filing timely tax returns, and the proper accounting and remitting of taxes by them, such seller, person, lessor, dealer, owner, and remitter (except dealers who make mail order sales) *who files the return required pursuant to s. 212.11 only by electronic means and who pays the amount due on such return only by electronic means* shall be allowed 2.5 percent of the amount of the tax due, ~~and~~ accounted for, and remitted to the department; in the form of a deduction ~~in submitting his or her report and paying the amount due by him or her; the department shall allow such deduction of 2.5 percent of the amount of the tax to the person paying the same for remitting the tax and making of tax returns in the manner herein provided, for paying the amount due to be paid by him or her, and as further compensation to dealers in tangible personal property for the keeping of prescribed records and for collection of taxes and remitting the same.~~ However, if the amount of the tax due and remitted to the department *by electronic means* for the reporting period exceeds \$1,200, ~~an no allowance is not shall be~~ allowed for all amounts in excess of \$1,200. *For purposes of this subparagraph, the term “electronic means” has the same meaning as provided in s. 213.755(2)(c).*

2. The executive director of the department is authorized to negotiate a collection allowance, pursuant to rules promulgated by the department, with a dealer who makes mail order sales. The rules of the department shall provide guidelines for establishing the collection allowance based upon the dealer’s estimated costs of collecting the tax, the volume and value of the dealer’s mail order sales to purchasers in this state, and the administrative and legal costs and likelihood of achieving collection of the tax absent the cooperation of the dealer. However, in no event shall the collection allowance negotiated by the executive director exceed 10 percent of the tax remitted for a reporting period.

(b)(~~a~~) The Department of Revenue may deny the collection allowance if a taxpayer files an incomplete return or if the required tax return or tax is delinquent at the time of payment.

1. An “incomplete return” is, for purposes of this chapter, a return which is lacking such uniformity, completeness, and arrangement that the physical handling, verification, review of the return, or determination of other taxes and fees reported on the return may not be readily accomplished.

2. The department shall adopt rules requiring such information as it may deem necessary to ensure that the tax levied hereunder is properly collected, reviewed, compiled, reported, and enforced, including, but not limited to: the amount of gross sales; the amount of taxable sales; the amount of tax collected or due; the amount of lawful refunds, deductions, or credits claimed; the amount claimed as the dealer’s collection allowance; the amount of penalty and interest; the amount due with the return; and such other information as the Department of Revenue may specify. The department shall require that transient rentals and agricultural equipment transactions be separately shown. Sales made through vending machines as defined in s. 212.0515 must be separately shown on the return. Sales made through coin-operated amusement machines as defined by s. 212.02 and the number of machines operated must be separately shown on the return or on a form prescribed by the department. If a separate form is required, the same penalties for late filing, incomplete filing, or failure to file as provided for the sales tax return shall apply to ~~the said~~ form.

(c)(~~b~~) The collection allowance and other credits or deductions provided in this chapter shall be applied proportionally to any taxes or fees reported on the same documents used for the sales and use tax.

(d)(~~c~~)1. A dealer entitled to the collection allowance provided in this section may elect to forego the collection allowance and direct that ~~the said~~ amount be transferred into the Educational Enhancement Trust

Fund. Such an election must be made with the timely filing of a return and may not be rescinded once made. If a dealer who makes such an election files a delinquent return, underpays the tax, or files an incomplete return, the amount transferred into the Educational Enhancement Trust Fund shall be the amount of the collection allowance remaining after resolution of liability for all of the tax, interest, and penalty due on that return or underpayment of tax. The Department of Education shall distribute the remaining amount from the trust fund to the school districts that have adopted resolutions stating that those funds will be used to ensure that up-to-date technology is purchased for the classrooms in the district and that teachers are trained in the use of that technology. Revenues collected in districts that do not adopt such a resolution shall be equally distributed to districts that have adopted such resolutions.

2. This paragraph applies to all taxes, surtaxes, and any local option taxes administered under this chapter and remitted directly to the department. This paragraph does not apply to a ~~any~~ locally imposed and self-administered convention development tax, tourist development tax, or tourist impact tax administered under this chapter.

3. Revenues from the dealer-collection allowances shall be transferred quarterly from the General Revenue Fund to the Educational Enhancement Trust Fund. The Department of Revenue shall provide to the Department of Education quarterly information about such revenues by county to which the collection allowance was attributed.

Notwithstanding any provision of chapter 120 to the contrary, the Department of Revenue may adopt rules to carry out the amendment made by chapter 2006-52, Laws of Florida, to this section.

Section 2. Effective upon this act becoming a law and operating retroactively to January 1, 2012, paragraph (n) of subsection (1) and subsection (2) of section 220.03, Florida Statutes, are amended to read:

220.03 Definitions.—

(1) **SPECIFIC TERMS.**—When used in this code, and when not otherwise distinctly expressed or manifestly incompatible with the intent thereof, the following terms shall have the following meanings:

(n) “Internal Revenue Code” means the United States Internal Revenue Code of 1986, as amended and in effect on January 1, 2012 ~~2011~~, except as provided in subsection (3).

(2) **DEFINITIONAL RULES.**—When used in this code and neither otherwise distinctly expressed nor manifestly incompatible with the intent thereof:

(a) The word “corporation” or “taxpayer” shall be deemed to include the words “and its successors and assigns” as if these words, or words of similar import, were expressed;

(b) Any term used in any section of this code with respect to the application of, or in connection with, the provisions of any other section of this code shall have the same meaning as in such other section; and

(c) Any term used in this code shall have the same meaning as when used in a comparable context in the Internal Revenue Code and other statutes of the United States relating to federal income taxes, as such code and statutes are in effect on January 1, 2012 ~~2011~~. However, if subsection (3) is implemented, the meaning of any term shall be taken at the time the term is applied under this code.

Section 3. Present subsection (7) of section 220.33, Florida Statutes, is renumbered as subsection (8), and a new subsection (7) is added to that section, to read:

220.33 Payments of estimated tax.—A taxpayer required to file a declaration of estimated tax pursuant to s. 220.24 shall pay such estimated tax as follows:

(7) *Notwithstanding any administrative rule or determination of the department which allows estimated payments otherwise due on a Saturday, Sunday, or legal holiday to be paid on the next succeeding day that is not a Saturday, Sunday, or legal holiday, any estimated tax payment required under this section which would otherwise be due no later than Sunday, June 30, 2013, shall be paid on or before June 28, 2013. This subsection expires July 1, 2014.*

Section 4. (1) *The executive director of the Department of Revenue is authorized to adopt emergency rules pursuant to ss. 120.536(1) and 120.54(4), Florida Statutes, for the purpose of implementing section 3 of this act.*

(2) *Notwithstanding any other law, the emergency rules adopted pursuant to this section shall remain in effect for 6 months after adoption and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.*

Section 5. For the purpose of incorporating the amendments made by this act to section 212.12, Florida Statutes, in a reference thereto, section 723.008, Florida Statutes, is reenacted to read:

723.008 Applicability of chapter 212 to fees, penalties, and fines under this chapter.—The same duties and privileges imposed by chapter 212 upon dealers in tangible property respecting the collection and remission of tax; the making of returns; the keeping of books, records, and accounts; and the compliance with the rules of the enforcing agency in the administration of that chapter apply to and are binding upon all persons who are subject to the fee, penalty, and fine provisions of this chapter. However, the provisions of s. 212.12(1) do not apply to this chapter.

Section 6. *The Department of Revenue shall provide adequate notice to affected taxpayers of the earlier due date for making an estimated payment established by this act. The department may satisfy this requirement by revising its corporate income tax return forms, creating a Tax Information Publication, and revising the due dates provided on its electronic filing calendar.*

Section 7. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2012.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to taxation; amending s. 212.12, F.S.; providing for the collection of allowances of the amount of tax due by persons who file returns only by electronic means and pay the amount due on such returns only by electronic means; deleting provisions that provide for the collection of such allowances by persons who file paper returns; defining the term “electronic means” for purposes of collecting allowances of the amount of tax due by persons who file sales and use tax returns; providing for applicability; amending s. 220.03, F.S.; adopting the 2012 version of the Internal Revenue Code for purposes of ch. 220, F.S.; providing for retroactive operation; amending s. 220.33, F.S.; changing the filing date for estimated tax under certain circumstances; providing for future expiration; authorizing the Department of Revenue to adopt emergency rules; reenacting s. 723.008, F.S., relating to certain fees, penalties, and fines applicable to the “Florida Mobile Home Act,” to incorporate the amendment made to s. 212.12, F.S., in a reference thereto; requiring the Department of Revenue to provide adequate notice to affected taxpayers relating to earlier due dates for making an estimated payment; providing effective dates.

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 to **Amendment 1** which was adopted:

Amendment 1A (178758) (with title amendment)—Between lines 195 and 196 insert:

Section 7. Subsections (1) and (2) of section 212.0596, Florida Statutes, are amended to read:

212.0596 Taxation of mail order sales.—

(1) For purposes of this chapter, a “mail order sale” is a sale of tangible personal property, ordered by mail, *use of the Internet*, or other means of communication, from a dealer who receives the order in another state of the United States, or in a commonwealth, territory, or other area under the jurisdiction of the United States, and transports

the property or causes the property to be transported, whether or not by mail, from any jurisdiction of the United States, including this state, to a person in this state, including the person who ordered the property.

(2) Every dealer as defined in s. 212.06(2)(c) who makes a mail order sale is subject to the power of this state to levy and collect the tax imposed by this chapter when:

(a) The dealer is ~~a corporation~~ doing business under the laws of this state or a person domiciled in, a resident of, or a citizen of, this state;

(b) The dealer maintains retail establishments or offices in this state, whether the mail order sales thus subject to taxation by this state result from or are related in any other way to the activities of such establishments or offices;

(c) The dealer has agents in this state who solicit business or transact business on behalf of the dealer, whether the mail order sales thus subject to taxation by this state result from or are related in any other way to such solicitation or transaction of business, except that a printer who mails or delivers for an out-of-state print purchaser material the printer printed for it shall not be deemed to be the print purchaser's agent for purposes of this paragraph;

~~(d) The property was delivered in this state in fulfillment of a sales contract that was entered into in this state, in accordance with applicable conflict of laws rules, when a person in this state accepted an offer by ordering the property;~~

~~(e) The dealer, by purposefully or systematically exploiting the market provided by this state by any media assisted, media facilitated, or media solicited means, including, but not limited to, direct mail advertising, unsolicited distribution of catalogs, computer assisted shopping, television, radio, or other electronic media, or magazine or newspaper advertisements or other media, creates nexus with this state;~~

~~(f) Through compact or reciprocity with another jurisdiction of the United States, that jurisdiction uses its taxing power and its jurisdiction over the retailer in support of this state's taxing power;~~

~~(d)(g)~~ The dealer consents, expressly or by implication, to the imposition of the tax imposed by this chapter;

~~(h) The dealer is subject to service of process under s. 48.181;~~

~~(e)(i)~~ The dealer's mail order sales are subject to the power of this state to tax sales or to require the dealer to collect use taxes under a statute or statutes of the United States;

~~(f)(j)~~ The dealer owns real property or tangible personal property that is physically in this state, except that a dealer whose only property (including property owned by an affiliate) in this state is located at the premises of a printer with which the vendor has contracted for printing, and is either a final printed product, or property which becomes a part of the final printed product, or property from which the printed product is produced, is not deemed to own such property for purposes of this paragraph;

~~(g)(k)~~ The dealer and any affiliated person that, notwithstanding its form of organization, bears the same relationship to the dealer as, while not having nexus with this state on any of the bases described in paragraphs (a) (j) or paragraph (l), is a corporation that is a member of an affiliated group of corporations, as defined in s. 1504(a) of the Internal Revenue Code, whose members are includable under s. 1504(b) of the Internal Revenue Code, and whose members are eligible to file a consolidated tax return for federal corporate income tax purposes bears to and any parent or subsidiary corporation in the affiliated group; the affiliated person has nexus with this state; and: ~~on one or more of the bases described in paragraphs (a) (j) or paragraph (l); or~~

1. The dealer sells a similar line of products as the affiliated person and does so under the same or a similar business name;

2. The affiliated person uses its in-state employees or in-state facilities to advertise, promote, or facilitate sales by the dealer to customers;

3. The affiliated person maintains an office, distribution facility, warehouse, storage place, or similar place of business in this state to

facilitate the delivery of property or services sold by the dealer to the dealer's customers;

4. The affiliated person uses trademarks, service marks, or trade names in this state that are the same or substantially similar to those used by the dealer; or

5. The affiliated person delivers, installs, assembles, or performs maintenance services for the dealer's customers within this state;

(h) The dealer has an arrangement with any person pursuant to which that person performs services in this state for the dealer's customers on behalf of the dealer, including, but not limited to, installation, assembly, maintenance, or repair services;

(i) The dealer has an arrangement with any person, other than a common carrier, pursuant to which that person facilitates the dealer's delivery of property to customers in this state by allowing the dealer's customers to pick up property sold by the person at an office, distribution facility, warehouse, storage place, or similar place of business maintained by the dealer in this state; or

~~(j)(l)~~ The dealer or the dealer's activities have sufficient connection with or relationship to this state or its residents of some type other than those described in paragraphs (a)-(i) ~~(a)-(k)~~ to create nexus empowering this state to tax its mail order sales or to require the dealer to collect sales tax or accrue use tax.

Notwithstanding any provision to the contrary, a dealer is not required to collect and remit sales or use tax under this subsection unless the retailer has a physical presence in this state or the activities conducted in this state on the retailer's behalf are significantly associated with the dealer's ability to establish and maintain a market for sales in this state.

And the title is amended as follows:

Delete line 229 and insert: estimated payment; revising the definition of "mail order sale" to include the sale of tangible personal property ordered by use of the Internet for purposes relating to the imposition and collection of the tax on sales, use, and other transactions; revising the conditions, requirements, and criteria that subject a dealer to the state's power to impose and collect the tax on sales, use, and other transactions on mail order sales; specifying that a dealer is not required to collect the tax on sales, use, and other transactions unless certain circumstances exist relating to the retailer; providing effective dates.

Amendment 1 as amended was adopted.

On motion by Senator Norman, further consideration of **HB 5701** as amended was deferred.

SB 1972—A bill to be entitled An act relating to kindergarten through grade 12 education funding; amending s. 1001.42, F.S.; requiring that any contract or employment agreement, or renewal or renegotiation of an existing contract or employment agreement, entered into by a school district with an officer, agent, employee, or contractor which contains a provision for severance pay include provisions in s. 215.425, F.S., relating to limitations on extra compensation, bonuses, and severance pay; requiring that each district school board enter into an interlocal agreement for the purpose of establishing the School District Consortium; amending s. 1001.50, F.S.; requiring that any employment contract entered into by a district school board with a district school superintendent which contains a provision for severance pay include provisions in s. 215.425, F.S.; amending s. 1002.33, F.S.; revising provisions relating to the calculation of the total administrative fee for providing administrative and educational services to charter schools; amending s. 1003.03, F.S.; extending dates relating to calculations for the class size maximum; amending s. 1003.52, F.S.; providing for the funding of juvenile justice education programs; amending s. 1006.40, F.S.; authorizing the Commissioner of Education to waive a requirement relating to the purchase of current instructional materials for school districts under certain circumstances; amending s. 1011.61, F.S.; revising the definition of the term "full-time equivalent student" for full-time students enrolled in a combination of certain programs; revising provisions relating to the funding of students in kindergarten through grade 12 or exceptional children in a prekindergarten program to conform to changes made by the act; amending s. 1011.62, F.S.; requiring that each school district

having low-performing elementary schools use funds from the supplemental academic instruction categorical fund, along with the school district's research-based reading instruction allocation, to provide an additional hour of instruction per day for intensive reading instruction; requiring that the Department of Education monitor and track the implementation of each school district's comprehensive reading plan and report its findings to the Legislature by a specified date each year; revising provisions relating to the total allocation of state funds to each district for current operations; amending s. 1011.71, F.S.; deleting an obsolete fiscal year reference; amending s. 1013.03, F.S.; authorizing the Commissioner of Education to grant waivers to district school boards from certain requirements relating to the validation of surveys and inventory data under certain circumstances; amending s. 1013.35, F.S.; requiring that each district school board have a financial management and performance audit conducted of the district's educational planning and construction activities; requiring that the calculation required in s. 1003.03(4)(a)4., F.S., be an amount equal to 50 percent of the base student allocation adjusted by the district cost differential for a specified fiscal year; specifying the formula to be used for the 2011-2012 fiscal year in calculating the alternate compliance calculation amounts to the class size operating categorical fund, notwithstanding certain other provisions of law; requiring that the Commissioner of Education modify payments to school districts; providing effective dates.

—was read the second time by title.

Pending further consideration of **SB 1972**, on motion by Senator Simmons, by two-thirds vote **HB 5101** was withdrawn from the Committee on Budget.

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

HB 5101—A bill to be entitled An act relating to prekindergarten through grade 12 education funding; amending s. 496.404, F.S.; conforming provisions to changes made by the act; amending s. 1001.25, F.S.; deleting provisions that authorize the Department of Education to provide equipment, funds, and other services to extend and update existing and proposed educational radio systems; amending s. 1001.26, F.S.; deleting provisions that authorize department support and funding for public broadcasting program system educational radio stations; amending s. 1002.71, F.S.; providing requirements relating to student enrollment reporting and funding under the Voluntary Prekindergarten Education Program; amending s. 1003.03, F.S.; revising provisions relating to calculations for reducing a school district's class size categorical allocation when class size requirements are not met; amending s. 1011.71, F.S.; deleting a restriction relating to the amount of capital outlay millage that may be used to fund payments for educational facilities and sites due under certain lease-purchase agreements; requiring school districts that meet certain criteria to submit documentation to the Auditor General to certify an operational deficit; requiring a plan for resolving the deficit to be submitted to the Legislative Budget Commission; placing restrictions on a school district meeting the criteria and requirements; providing an effective date.

—a companion measure, was substituted for **SB 1972** and read the second time by title.

MOTION

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

Senator Simmons moved the following amendment which was adopted:

Amendment 1 (907770) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsections (24) and (25) of section 1001.42, Florida Statutes, are amended, and a new subsection (25) is added to that section, to read:

1001.42 Powers and duties of district school board.—The district school board, acting as a board, shall exercise all powers and perform all duties listed below:

(24) **EMPLOYMENT CONTRACTS.**—*If a school district enters into a contract or employment agreement, or renewal or renegotiation of an ex-*

isting contract or employment agreement, with an officer, agent, employee, or contractor which contains a provision for severance pay, the contract or employment agreement must include the provisions of s. 215.425. A district school board may not enter into an employment contract that requires the district to pay from state funds an employee an amount in excess of 1 year of the employee's annual salary for termination, buyout, or any other type of contract settlement. This subsection does not prohibit the payment of earned leave and benefits in accordance with the district's leave and benefits policies which were accrued by the employee before the contract terminates.

(25) **INTERLOCAL AGREEMENTS.**—*Each district school board shall enter into an interlocal agreement as provided in s. 163.01 for the purpose of establishing the School District Consortium and maximizing the purchasing power for goods and services. A consortium may be statewide or regional, as appropriate to achieve the lowest cost.*

(26)(25) **ADOPT RULES.**—Adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this section.

Section 2. Subsection (2) of section 1001.50, Florida Statutes, is amended to read:

1001.50 Superintendents employed under Art. IX of the State Constitution.—

(2) *Each district school board of each of such districts shall enter into an employment contract contracts of employment with the district school superintendent and shall adopt rules relating to his or her appointment; however, if the employment contract contains a provision for severance pay, it must include the provisions required by s. 215.425. the district school board may not enter into an employment contract that requires the district to pay from state funds a superintendent an amount in excess of 1 year of the superintendent's annual salary for termination, buyout, or any other type of contract settlement. This subsection does not prohibit the payment of earned leave and benefits in accordance with the district's leave and benefits policies which were accrued by the superintendent before the contract terminates.*

Section 3. Paragraph (a) of subsection (20) of section 1002.33, Florida Statutes, is amended to read:

1002.33 Charter schools.—

(20) **SERVICES.**—

(a)1. A sponsor shall provide certain administrative and educational services to charter schools. These services shall include contract management services; full-time equivalent and data reporting services; exceptional student education administration services; services related to eligibility and reporting duties required to ensure that school lunch services under the federal lunch program, consistent with the needs of the charter school, are provided by the school district at the request of the charter school, that any funds due to the charter school under the federal lunch program be paid to the charter school as soon as the charter school begins serving food under the federal lunch program, and that the charter school is paid at the same time and in the same manner under the federal lunch program as other public schools serviced by the sponsor or the school district; test administration services, including payment of the costs of state-required or district-required student assessments; processing of teacher certificate data services; and information services, including equal access to student information systems that are used by public schools in the district in which the charter school is located. Student performance data for each student in a charter school, including, but not limited to, FCAT scores, standardized test scores, previous public school student report cards, and student performance measures, shall be provided by the sponsor to a charter school in the same manner provided to other public schools in the district.

2. A total administrative fee for the provision of such services shall be calculated based upon up to 5 percent of the available funds defined in paragraph (17)(b) for all students, *except that when 75 percent or more of the students enrolled in the charter school are exceptional students as defined in s. 1003.01(3), the 5 percent of those available funds shall be calculated based on unweighted full-time equivalent students.* However, a sponsor may only withhold up to a 5-percent administrative fee for enrollment for up to and including 250 students. For charter schools with a population of 251 or more students, the difference between the total

administrative fee calculation and the amount of the administrative fee withheld may only be used for capital outlay purposes specified in s. 1013.62(2).

3. For high-performing charter schools, as defined in ch. 2011-232, a sponsor may withhold a total administrative fee of up to 2 percent for enrollment up to and including 250 students per school.

4. In addition, a sponsor may withhold only up to a 5-percent administrative fee for enrollment for up to and including 500 students within a system of charter schools which meets all of the following:

- a. Includes both conversion charter schools and nonconversion charter schools;
- b. Has all schools located in the same county;
- c. Has a total enrollment exceeding the total enrollment of at least one school district in the state;
- d. Has the same governing board; and
- e. Does not contract with a for-profit service provider for management of school operations.

5. The difference between the total administrative fee calculation and the amount of the administrative fee withheld pursuant to subparagraph 4. may be used for instructional and administrative purposes as well as for capital outlay purposes specified in s. 1013.62(2).

6. For a high-performing charter school system that also meets the requirements in subparagraph 4., a sponsor may withhold a 2-percent administrative fee for enrollments up to and including 500 students per system.

7. Sponsors shall not charge charter schools any additional fees or surcharges for administrative and educational services in addition to the maximum 5-percent administrative fee withheld pursuant to this paragraph.

8. The sponsor of a virtual charter school may withhold a fee of up to 5 percent. The funds shall be used to cover the cost of services provided under subparagraph 1. and for the school district's local instructional improvement system pursuant to s. 1006.281 or other technological tools that are required to access electronic and digital instructional materials.

Section 4. Paragraph (a) of subsection (4) of section 1003.03, Florida Statutes, is amended to read:

1003.03 Maximum class size.—

(4) ACCOUNTABILITY.—

(a) If the department determines that the number of students assigned to any individual class exceeds the class size maximum, as required in subsection (1), based upon the October student membership survey, the department shall:

1. Identify, for each grade group, the number of classes in which the number of students exceeds the maximum and the total number of students which exceeds the maximum for all classes.
2. Determine the number of FTE students which exceeds the maximum for each grade group.
3. Multiply the total number of FTE students which exceeds the maximum for each grade group by the district's FTE dollar amount of the class size categorical allocation for that year and calculate the total for all three grade groups.
4. Multiply the total number of FTE students which exceeds the maximum for all classes by an amount equal to 50 percent of the base student allocation adjusted by the district cost differential for the 2010-2011 fiscal year through the 2013-2014 fiscal year and by an amount equal to the base student allocation adjusted by the district cost differential beginning in the 2014-2015 ~~2011-2012~~ fiscal year and thereafter.
5. Reduce the district's class size categorical allocation by an amount equal to the sum of the calculations in subparagraphs 3. and 4.

Section 5. Subsection (12) of section 1003.52, Florida Statutes, is amended to read:

1003.52 Educational services in Department of Juvenile Justice programs.—

(12)(a) *Funding for eligible students enrolled in juvenile justice education programs shall be provided through the Florida Education Finance Program as provided in s. 1011.62 and the General Appropriations Act. Funding shall include, at a minimum:*

1. *Weighted program funding or the basic amount for current operation multiplied by the district cost differential as provided in s. 1011.62(1)(r) and (2);*
2. *The supplemental allocation for juvenile justice education as provided in s. 1011.62(10);*
3. *A proportionate share of the district's exceptional student education guaranteed allocation, the supplemental academic instruction allocation, and the instructional materials allocation;*
4. *An amount equivalent to the proportionate share of the state average potential discretionary local effort for operations, which shall be determined as follows:*

a. If the district levies the maximum discretionary local effort and the district's discretionary local effort per FTE is less than the state average potential discretionary local effort per FTE, the proportionate share shall include both the discretionary local effort and the compression supplement per FTE. If the district's discretionary local effort per FTE is greater than the state average per FTE, the proportionate share shall be equal to the state average; or

b. If the district does not levy the maximum discretionary local effort and the district's actual discretionary local effort per FTE is less than the state average potential discretionary local effort per FTE, the proportionate share shall be equal to the district's actual discretionary local effort per FTE. If the district's actual discretionary local effort per FTE is greater than the state average per FTE, the proportionate share shall be equal to the state average potential local effort per FTE; and

5. *A proportionate share of the district's proration to funds available, if necessary. ~~The district school board shall fund the educational program in a Department of Juvenile Justice facility at the same or higher level of funding for equivalent students in the district school system based on the funds generated by state funding through the Florida Education Finance Program for such students. It is the intent of the Legislature that the school district maximize its available local, state, and federal funding to a juvenile justice program.~~*

~~(a) Juvenile justice educational programs shall be funded in the appropriate FEFP program based on the educational services needed by the student for Department of Juvenile Justice programs in accordance with s. 1011.62.~~

(b) Juvenile justice educational programs to receive the appropriate FEFP funding for Department of Juvenile Justice programs shall include those operated through a contract with the Department of Juvenile Justice and which are under purview of the Department of Juvenile Justice quality assurance standards for education.

(c) Consistent with the rules of the State Board of Education, district school boards are required to request an alternative FTE survey for Department of Juvenile Justice programs experiencing fluctuations in student enrollment.

(d) FTE count periods shall be prescribed in rules of the State Board of Education and shall be the same for programs of the Department of Juvenile Justice as for other public school programs. The summer school period for students in Department of Juvenile Justice programs shall begin on the day immediately following the end of the regular school year and end on the day immediately preceding the subsequent regular school year. Students shall be funded for no more than 25 hours per week of direct instruction.

(e) Each juvenile justice education program must receive all federal funds for which the program is eligible.

Section 6. Subsection (2) of section 1006.40, Florida Statutes, is amended to read:

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

(2) Each district school board must purchase current instructional materials to provide each student with a major tool of instruction in core courses of the subject areas of mathematics, language arts, science, social studies, reading, and literature for kindergarten through grade 12. Such purchase must be made within the first 2 years after the effective date of the adoption cycle; *however, upon request of a school district, the Commissioner of Education may provide a waiver of the 2-year requirement if the school district demonstrates that the content of the instructional materials is provided by alternative means.*

Section 7. Paragraph (c) of subsection (1) and subsection (4) of section 1011.61, Florida Statutes, are amended to read:

1011.61 Definitions.—Notwithstanding the provisions of s. 1000.21, the following terms are defined as follows for the purposes of the Florida Education Finance Program:

(1) A “full-time equivalent student” in each program of the district is defined in terms of full-time students and part-time students as follows:

(c)1. A “full-time equivalent student” is:

a. A full-time student in any one of the programs listed in s. 1011.62(1)(c); or

b. A combination of full-time or part-time students in any one of the programs listed in s. 1011.62(1)(c) which is the equivalent of one full-time student based on the following calculations:

(I) A full-time student in a combination of programs listed in s. 1011.62(1)(c) shall be a fraction of a full-time equivalent membership in each ~~special~~ program equal to the number of net hours per school year for which he or she is a member, divided by the appropriate number of hours set forth in subparagraph (a)1. or subparagraph (a)2. *The sum of the fractions for each program may not exceed the maximum value set forth in subsection (4).* ~~The difference between that fraction or sum of fractions and the maximum value as set forth in subsection (4) for each full-time student is presumed to be the balance of the student's time not spent in such special education programs and shall be recorded as time in the appropriate basic program.~~

(II) A prekindergarten handicapped student shall meet the requirements specified for kindergarten students.

(III) A full-time equivalent student for students in kindergarten through grade 5 in a virtual instruction program under s. 1002.45 or a virtual charter school under s. 1002.33 shall consist of a student who has successfully completed a basic program listed in s. 1011.62(1)(c)1.a. or b., and who is promoted to a higher grade level.

(IV) A full-time equivalent student for students in grades 6 through 12 in a virtual instruction program under s. 1002.45(1)(b)1., 2., or 3. or a virtual charter school under s. 1002.33 shall consist of six full credit completions in programs listed in s. 1011.62(1)(c)1.b. or c. and 3. Credit completions may be a combination of full-credit courses or half-credit courses. Beginning in the 2014-2015 fiscal year, when s. 1008.22(3)(g) is implemented, the reported full-time equivalent students and associated funding of students enrolled in courses requiring passage of an end-of-course assessment shall be adjusted after the student completes the end-of-course assessment.

(V) A Florida Virtual School full-time equivalent student shall consist of six full credit completions or the prescribed level of content that counts toward promotion to the next grade in the programs listed in s. 1011.62(1)(c)1.a. and b. for kindergarten through grade 8 and the programs listed in s. 1011.62(1)(c)1.c. for grades 9 through 12. Credit completions may be a combination of full-credit courses or half-credit courses. Beginning in the 2014-2015 fiscal year, when s. 1008.22(3)(g) is implemented, the reported full-time equivalent students and associated funding of students enrolled in courses requiring passage of an end-of-course assessment shall be adjusted after the student completes the end-of-course assessment.

(VI) Each successfully completed full-credit course earned through an online course delivered by a district other than the one in which the student resides shall be calculated as 1/6 FTE.

(VII) Each successfully completed credit earned under the alternative high school course credit requirements authorized in s. 1002.375, which is not reported as a portion of the 900 net hours of instruction pursuant to subparagraph (1)(a)1., shall be calculated as 1/6 FTE.

2. A student in membership in a program scheduled for more or less than 180 school days or the equivalent on an hourly basis as specified by rules of the State Board of Education is a fraction of a full-time equivalent membership equal to the number of instructional hours in membership divided by the appropriate number of hours set forth in subparagraph (a)1.; however, for the purposes of this subparagraph, membership in programs scheduled for more than 180 days is limited to students enrolled in juvenile justice education programs and the Florida Virtual School.

The department shall determine and implement an equitable method of equivalent funding for experimental schools and for schools operating under emergency conditions, which schools have been approved by the department to operate for less than the minimum school day.

(4) The maximum value for funding a student in kindergarten through grade 12 or in a prekindergarten program for exceptional children as provided in s. 1003.21(1)(e), ~~except for a student as set forth in sub-subparagraph (1)(c)1.b.(I),~~ is one full-time equivalent student membership for a school year or equivalent.

Section 8. Paragraph (f) of subsection (1), paragraph (b) of subsection (6), subsection (9), and paragraph (b) of subsection (13) of section 1011.62, Florida Statutes, are amended to read:

1011.62 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(f) *Supplemental academic instruction; categorical fund.—*

1. There is created a categorical fund to provide supplemental academic instruction to students in kindergarten through grade 12. This paragraph may be cited as the “Supplemental Academic Instruction Categorical Fund.”

2. Categorical funds for supplemental academic instruction shall be allocated annually to each school district in the amount provided in the General Appropriations Act. These funds shall be in addition to the funds appropriated on the basis of FTE student membership in the Florida Education Finance Program and shall be included in the total potential funds of each district. These funds shall be used to provide supplemental academic instruction to students enrolled in the K-12 program. *For the 2012-2013 and 2013-2014 fiscal years, each school district that has elementary schools designated as having a grade of “D” or “F” or elementary schools that are on the Persistently Low Achieving list shall use these funds, together with the funds provided in the school district's research-based reading instruction allocation and other available funds, to provide an additional hour of instruction beyond the normal school day for each day of the entire school year for the purpose of providing intensive reading instruction for the students in such elementary schools. After this requirement has been met, supplemental instruction strategies may include, but are not limited to: modified curriculum, reading instruction, after-school instruction, tutoring, mentoring, class size reduction, extended school year, intensive skills development in summer school, and other methods for improving student achievement. Supplemental instruction may be provided to a student in any manner and at any time during or beyond the regular 180-day term identified by the school as being the most effective and efficient way to best help that student progress from grade to grade and to graduate.*

3. Effective with the 1999-2000 fiscal year, funding on the basis of FTE membership beyond the 180-day regular term shall be provided in

the FEFP only for students enrolled in juvenile justice education programs or in education programs for juveniles placed in secure facilities or programs under s. 985.19. Funding for instruction beyond the regular 180-day school year for all other K-12 students shall be provided through the supplemental academic instruction categorical fund and other state, federal, and local fund sources with ample flexibility for schools to provide supplemental instruction to assist students in progressing from grade to grade and graduating.

4. The Florida State University School, as a lab school, is authorized to expend from its FEFP or Lottery Enhancement Trust Fund allocation the cost to the student of remediation in reading, writing, or mathematics for any graduate who requires remediation at a postsecondary educational institution.

5. Beginning in the 1999-2000 school year, dropout prevention programs as defined in ss. 1003.52, 1003.53(1)(a), (b), and (c), and 1003.54 shall be included in group 1 programs under subparagraph (d)3.

(6) CATEGORICAL FUNDS.—

(b) If a district school board finds and declares in a resolution adopted at a regular meeting of the school board that the funds received for any of the following categorical appropriations are urgently needed to maintain school board specified academic classroom instruction, the school board may consider and approve an amendment to the school district operating budget transferring the identified amount of the categorical funds to the appropriate account for expenditure:

1. Funds for student transportation.
2. Funds for safe schools.
3. Funds for supplemental academic instruction *if the required additional hour of instruction beyond the normal school day for each day of the entire school year has been provided for elementary schools designated as having a grade of "D" or "F" or elementary schools that are on the Persistently Low Achieving list pursuant to paragraph (1)(f).*
4. Funds for research-based reading instruction *if the required additional hour of instruction beyond the normal school day for each day of the entire school year has been provided for the lowest-performing students pursuant to paragraph (9)(a).*
5. Funds for instructional materials if all instructional material purchases necessary to provide updated materials aligned to Next Generation Sunshine State Standards and benchmarks and that meet statutory requirements of content and learning have been completed for that fiscal year, but no sooner than March 1. Funds available after March 1 may be used to purchase hardware for student instruction.

(9) RESEARCH-BASED READING INSTRUCTION ALLOCATION.—

(a) The research-based reading instruction allocation is created to provide comprehensive reading instruction to students in kindergarten through grade 12. *For the 2012-2013 and 2013-2014 fiscal years, priority shall be given to providing an additional hour per day of intensive reading instruction beyond the normal school day for each day of the entire school year to each school district's lowest-performing students. The intensive reading instruction delivered in this additional hour shall include: research-based reading instruction that has been proven to accelerate progress of students exhibiting a reading deficiency; differentiated instruction based on student assessment data to meet students' specific reading needs; explicit and systematic reading development in phonemic awareness, phonics, fluency, vocabulary, and comprehension, with more extensive opportunities for guided practice, error correction, and feedback; and the integration of social studies, science, and mathematics-text reading, text discussion, and writing in response to reading. For the 2012-2013 and 2013-2014 fiscal years, a school district may not hire more reading coaches than were hired during the 2011-2012 fiscal year unless all students in kindergarten through grade 5 who demonstrate a reading deficiency, as determined by district and state assessments, including students scoring Level 1 or Level 2 on FCAT Reading, are provided an additional hour per day of intensive reading instruction beyond the normal school day for each day of the entire school year.*

(b) Funds for comprehensive, research-based reading instruction shall be allocated annually to each school district in the amount provided

in the General Appropriations Act. Each eligible school district shall receive the same minimum amount as specified in the General Appropriations Act, and any remaining funds shall be distributed to eligible school districts based on each school district's proportionate share of K-12 base funding.

(c) Funds allocated under this subsection must be used to provide a system of comprehensive reading instruction to students enrolled in the K-12 programs, which may include the following:

1. *The provision of effective or highly effective reading teachers to provide an additional hour per day of intensive reading instruction to the lowest-performing elementary school students.*

2. *Kindergarten through grade 5 reading intervention teachers to provide intensive intervention during the school day and in the required extra hour for students identified as having a reading deficiency.*

3.1. *The provision of highly qualified reading coaches to specifically support teachers in making instructional decisions based on student data, and improve teacher delivery of effective reading instruction, intervention, and reading in the content areas based on student need.*

4.2. *Professional development for school district teachers in scientifically based reading instruction, including strategies to teach reading in content areas and with an emphasis on technical and informational text.*

5.3. *The provision of summer reading camps for all students in kindergarten through grade 2 who demonstrate a reading deficiency as determined by district and state assessments, and students in grades 3 through 5 who score at Level 1 on FCAT Reading.*

6.4. *The provision of supplemental instructional materials that are grounded in scientifically based reading research.*

7.5. *The provision of intensive interventions for ~~middle and high school~~ students in kindergarten through grade 12 who have been identified as having a reading deficiency or who are reading below grade level as determined by the FCAT.*

(d) Annually, by a date determined by the Department of Education but before May 1, school districts shall submit a K-12 comprehensive reading plan for the specific use of the research-based reading instruction allocation in the format prescribed by the department for review and approval by the Just Read, Florida! Office created pursuant to s. 1001.215. The plan annually submitted by school districts shall be deemed approved unless the department rejects the plan on or before June 1. If a school district and the Just Read, Florida! Office cannot reach agreement on the contents of the plan, the school district may appeal to the State Board of Education for resolution. School districts shall be allowed reasonable flexibility in designing their plans and shall be encouraged to offer reading *intervention* ~~remediation~~ through innovative methods, including career academies. The plan format shall be developed with input from school district personnel, including teachers and principals, and shall allow courses in core, career, and alternative programs that deliver intensive reading remediation through integrated curricula, provided that the teacher is deemed highly qualified to teach reading or working toward that status. No later than July 1 annually, the department shall release the school district's allocation of appropriated funds to those districts having approved plans. A school district that spends 100 percent of this allocation on its approved plan shall be deemed to have been in compliance with the plan. The department may withhold funds upon a determination that reading instruction allocation funds are not being used to implement the approved plan. *The department shall monitor and track the implementation of each district plan, including conducting site visits and collecting specific data on expenditures and reading improvement results. By February 1 of each year, the department shall report its findings to the Legislature.*

(13) TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT FOR CURRENT OPERATION.—The total annual state allocation to each district for current operation for the FEFP shall be distributed periodically in the manner prescribed in the General Appropriations Act.

(b) The amount thus obtained shall be the net annual allocation to each school district. However, if it is determined that any school district received an underallocation or overallocation for any prior year because

of an arithmetical error, assessment roll change required by final judicial decision, full-time equivalent student membership error, or any allocation error revealed in an audit report, the allocation to that district shall be appropriately adjusted. Beginning with audits for the 2001-2002 fiscal year, if the adjustment is the result of an audit finding in which group 2 FTE are reclassified to the basic program and the district weighted FTE are over the weighted enrollment ceiling for group 2 programs, the adjustment shall not result in a gain of state funds to the district. *Beginning with the 2011-2012 fiscal year, if a special program cost factor is less than the basic program cost factor, an audit adjustment may not result in the reclassification of the special program FTE to the basic program FTE.* If the Department of Education audit adjustment recommendation is based upon controverted findings of fact, the Commissioner of Education is authorized to establish the amount of the adjustment based on the best interests of the state.

Section 9. Paragraph (e) of subsection (2) of section 1011.71, Florida Statutes, is amended to read:

1011.71 District school tax.—

(2) In addition to the maximum millage levy as provided in subsection (1), each school board may levy not more than 1.5 mills against the taxable value for school purposes for district schools, including charter schools at the discretion of the school board, to fund:

(e) Payments for educational facilities and sites due under a lease-purchase agreement entered into by a district school board pursuant to s. 1003.02(1)(f) or s. 1013.15(2), not exceeding, in the aggregate, an amount equal to three-fourths of the proceeds from the millage levied by a district school board pursuant to this subsection. ~~For the 2009-2010 fiscal year, The three-fourths limit is waived for lease-purchase agreements entered into before June 30, 2009, by a district school board pursuant to this paragraph.~~

Section 10. Paragraph (a) of subsection (10) of section 1013.03, Florida Statutes, is amended to read:

1013.03 Functions of the department and the Board of Governors.—The functions of the Department of Education as it pertains to educational facilities of school districts and Florida College System institutions and of the Board of Governors as it pertains to educational facilities of state universities shall include, but not be limited to, the following:

(10)(a) Review and validate surveys proposed or amended by the boards and recommend to the Commissioner of Education, or the Chancellor of the State University System, as appropriate, for approval, surveys that meet the requirements of this chapter.

1. The term “validate” as applied to surveys by school districts means to review inventory data as submitted to the department by district school boards; provide for review and inspection, where required, of student stations and aggregate square feet of inventory changed from satisfactory to unsatisfactory or changed from unsatisfactory to satisfactory; compare new school inventory to allocation limits provided by this chapter; review cost projections for conformity with cost limits set by s. 1013.64(6); compare total capital outlay full-time equivalent enrollment projections in the survey with the department’s projections; review facilities lists to verify that student station and auxiliary facility space allocations do not exceed the limits provided by this chapter and related rules; review and confirm the application of uniform facility utilization factors, where provided by this chapter or related rules; utilize the documentation of programs offered per site, as submitted by the board, to analyze facility needs; confirm that need projections for career and adult educational programs comply with needs documented by the Department of Education; and confirm the assignment of full-time student stations to all space except auxiliary facilities, which, for purposes of exemption from student station assignment, include the following:

- a. Cafeterias.
- b. Multipurpose dining areas.
- c. Media centers.
- d. Auditoriums.
- e. Administration.

f. Elementary, middle, and high school resource rooms, up to the number of such rooms recommended for the applicable occupant and space design capacity of the educational plant in the State Requirements for Educational Facilities, beyond which student stations must be assigned.

g. Elementary school skills labs, up to the number of such rooms recommended for the applicable occupant and space design capacity of the educational plant in the State Requirements for Educational Facilities, beyond which student stations must be assigned.

h. Elementary school art and music rooms.

The Commissioner of Education may grant a waiver from the requirements of this subparagraph if a district school board determines that such waiver will make possible a substantial savings of funds or will be advantageous to the welfare of the educational system. The district school board shall present a full statement to the commissioner which sets forth the facts that warrant the waiver. If the commissioner denies a request for a waiver, the district school board may appeal such decision to the State Board of Education.

2. The term “validate” as applied to surveys by Florida College System institutions and universities means to review and document the approval of each new site and official designation, where applicable; review the inventory database as submitted by each board to the department, including noncareer, and total capital outlay full-time equivalent enrollment projections per site and per college; provide for the review and inspection, where required, of student stations and aggregate square feet of space changed from satisfactory to unsatisfactory; utilize and review the documentation of programs offered per site submitted by the boards as accurate for analysis of space requirements and needs; confirm that needs projected for career and adult educational programs comply with needs documented by the Department of Education; compare new facility inventory to allocations limits as provided in this chapter; review cost projections for conformity with state averages or limits designated by this chapter; compare student enrollment projections in the survey to the department’s projections; review facilities lists to verify that area allocations and space factors for generating space needs do not exceed the limits as provided by this chapter and related rules; confirm the application of facility utilization factors as provided by this chapter and related rules; and review, as submitted, documentation of how survey recommendations will implement the detail of current campus master plans and integrate with local comprehensive plans and development regulations.

Section 11. Paragraph (f) of subsection (2) of section 1013.35, Florida Statutes, is amended to read:

1013.35 School district educational facilities plan; definitions; preparation, adoption, and amendment; long-term work programs.—

(2) PREPARATION OF TENTATIVE DISTRICT EDUCATIONAL FACILITIES PLAN.—

(f) ~~Commencing on October 1, 2002, and thereafter, the district school board shall have contract with a qualified, independent third party to conduct a financial management and performance audit conducted of the educational planning and construction activities of the district. An audit conducted by the Office of Program Policy Analysis and Government Accountability and the Auditor General pursuant to s. 1008.35 satisfies this requirement.~~ Not less than once every 5 years, the district school board shall have contract with a qualified, independent third party to conduct a financial management and performance audit conducted of the educational planning and construction activities of the district. An audit conducted by the Office of Program Policy Analysis and Government Accountability and the Auditor General pursuant to s. 1008.35 satisfies this requirement.

Section 12. *Notwithstanding the amendments made by this act to s. 1003.03(4)(a)4., Florida Statutes, for the 2011-2012 fiscal year, the calculation required by that subparagraph shall be an amount equal to 50 percent of the base student allocation adjusted by the district cost differential. This section shall take effect upon this act becoming a law.*

Section 13. *Notwithstanding the required review by the Legislative Budget Commission pursuant to s. 1003.03(4)(c), Florida Statutes, and s. 41 of chapter 2011-55, Laws of Florida, for the 2011-2012 fiscal year, the alternate compliance calculation amounts to the class size operating categorical fund authorized by s. 1003.03(4)(c), Florida Statutes, shall be the reduction calculation required by s. 1003.03(4), Florida Statutes. The Commissioner of Education shall modify payments to districts as required by s. 1003.03(4), Florida Statutes, for the 2011-2012 fiscal year. This section shall take effect upon this act becoming a law.*

Section 14. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2012.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to kindergarten through grade 12 education funding; amending s. 1001.42, F.S.; requiring that any contract or employment agreement, or renewal or renegotiation of an existing contract or employment agreement, entered into by a school district with an officer, agent, employee, or contractor which contains a provision for severance pay include provisions in s. 215.425, F.S., relating to limitations on extra compensation, bonuses, and severance pay; requiring that each district school board enter into an interlocal agreement for the purpose of establishing the School District Consortium; amending s. 1001.50, F.S.; requiring that any employment contract entered into by a district school board with a district school superintendent which contains a provision for severance pay include provisions in s. 215.425, F.S.; amending s. 1002.33, F.S.; revising provisions relating to the calculation of the total administrative fee for providing administrative and educational services to charter schools; amending s. 1003.03, F.S.; extending dates relating to calculations for the class size maximum; amending s. 1003.52, F.S.; providing for the funding of juvenile justice education programs; amending s. 1006.40, F.S.; authorizing the Commissioner of Education to waive a requirement relating to the purchase of current instructional materials for school districts under certain circumstances; amending s. 1011.61, F.S.; revising the definition of the term “full-time equivalent student” for full-time students enrolled in a combination of certain programs; revising provisions relating to the funding of students in kindergarten through grade 12 or exceptional children in a pre-kindergarten program to conform to changes made by the act; amending s. 1011.62, F.S.; requiring that each school district having low-performing elementary schools use funds from the supplemental academic instruction categorical fund, along with the school district’s research-based reading instruction allocation, to provide an additional hour of instruction per day for intensive reading instruction; requiring that the Department of Education monitor and track the implementation of each school district’s comprehensive reading plan and report its findings to the Legislature by a specified date each year; revising provisions relating to the total allocation of state funds to each district for current operations; amending s. 1011.71, F.S.; deleting an obsolete fiscal year reference; amending s. 1013.03, F.S.; authorizing the Commissioner of Education to grant waivers to district school boards from certain requirements relating to the validation of surveys and inventory data under certain circumstances; amending s. 1013.35, F.S.; requiring that each district school board have a financial management and performance audit conducted of the district’s educational planning and construction activities; requiring that the calculation required in s. 1003.03(4)(a)4., F.S., be an amount equal to 50 percent of the base student allocation adjusted by the district cost differential for a specified fiscal year; specifying the formula to be used for the 2011-2012 fiscal year in calculating the alternate compliance calculation amounts to the class size operating categorical fund, notwithstanding certain other provisions of law; requiring that the Commissioner of Education modify payments to school districts; providing effective dates.

On motions by Senator Simmons, by two-thirds vote **HB 5101** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote Preference:

February 24, 2012: Yea—Montford

SB 1974—A bill to be entitled An act relating to early learning funding; amending s. 411.01, F.S.; revising the duties of the Office of Early Learning; authorizing the Office of Early Learning to adopt rules relating to the adoption of a uniform chart of accounts and the adoption of a statewide, standardized contract and standardized contract monitoring tool; requiring that the Office of Early Learning coordinate with other state agencies to perform data matches on families participating in the school readiness program; revising the minimum number of children who must be served by each early learning coalition; deleting provisions that require the Office of Early Learning to grant waivers to early learning coalitions serving fewer children than the minimum number established; requiring that each school readiness provider administer preassessments and postassessments; revising the standards for school readiness plans to conform to changes made by the act; requiring that each approved plan require a parent copayment of a minimum percentage of a family’s income; authorizing an early learning coalition to grant a waiver from such parent copayment; revising provisions relating to eligibility for school readiness programs; requiring that each early learning coalition give priority to children who meet certain requirements; requiring that funding for the school readiness program be allocated among the early learning coalitions pursuant to the act or as provided in the General Appropriations Act; revising provisions relating to the minimum percentage of funds to be used for administrative, nondirect, and quality expenditures; authorizing the Office of Early Learning to provide waivers of limitations on such expenditures under certain circumstances; requiring that the Office of Early Learning adopt school readiness provider payment rates for each early learning coalition service area based on the prevailing market rate; requiring that the Office of Early Learning ensure that each payment rate is uniform statewide by care level and provider type; authorizing the Office of Early Learning to investigate early learning coalitions and school readiness recipients and providers for fraud or overpayment; providing reporting requirements; providing penalties; amending s. 411.0101, F.S.; conforming a cross-reference; amending s. 411.01013, F.S.; revising provisions relating to the prevailing market rate schedule established by the Office of Early Learning; requiring that each child care and early learning education provider that receives school readiness funds submit its market rate to the Office of Early Learning by a specified date each year; amending s. 411.0106, F.S.; conforming a cross-reference; amending s. 1002.71, F.S.; requiring that the Office of Early Learning establish criteria for granting exemptions for good cause for children enrolled in prekindergarten programs; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 1974**, on motion by Senator Simmons, by two-thirds vote **CS for HB 5103** was withdrawn from the Committee on Budget.

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

CS for HB 5103—A bill to be entitled An act relating to school readiness programs; amending s. 411.01, F.S.; defining terms for purposes of the School Readiness Act; revising legislative intent related to operation of school readiness programs; revising the number of early learning coalitions and the minimum number of children that each coalition must serve; deleting certain provisions related to the merger of coalitions; revising provisions related to school readiness plans adopted by early learning coalitions; deleting provisions for the establishment of payment rates and sliding fee scales by early learning coalitions; revising procurement requirements and requirements for the expenditure of funds by early learning coalitions; revising the eligibility criteria for the enrollment of children in the school readiness program and the priorities by which children are enrolled; providing procedures and notice requirements for the disenrollment of children; providing reporting requirements for children who are absent from the program; providing for the allocation of school readiness funds as specified in the General Appropriations Act and deleting provisions for the establishment of an allocation formula by the Office of Early Learning; limiting expenditures for administrative activities, quality activities, and nondirect services; providing for the payment of school readiness providers according to

calculations of payment rates and sliding fee scales as provided in the General Appropriations Act; authorizing the Office of Early Learning to request budget amendments for increased payment rates in certain geographic areas under certain circumstances; deleting a provision related to the applicability of provisions that conflict with federal requirements; defining the term “fraud” for purposes of the school readiness program; providing for investigations of fraud or overpayment in the school readiness program; providing for the repayment of identified overpayments; limiting the participation of school readiness providers and parents in the program until repayment is made in full; providing penalties for acts of fraud; conforming provisions; conforming cross-references; amending ss. 216.136 and 411.0101, F.S.; conforming cross-references; amending s. 411.01013, F.S.; revising provisions for calculation of the prevailing market rate schedule; requiring school readiness providers to annually submit their market rates by a specified date; amending ss. 411.0106 and 445.023, F.S.; conforming cross-references; providing an effective date.

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

MOTION

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

Senator Simmons moved the following amendment which was adopted:

Amendment 1 (742786) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 411.01, Florida Statutes, is amended to read:

411.01 School readiness programs; early learning coalitions.—

(1) **SHORT TITLE.**—This section may be cited as the “School Readiness Act.”

(2) **LEGISLATIVE INTENT.**—

(a) The Legislature recognizes that school readiness programs increase children’s chances of achieving future educational success and becoming productive members of society. It is the intent of the Legislature that the programs be developmentally appropriate, research-based, involve the parent as a child’s first teacher, serve as preventive measures for children at risk of future school failure, enhance the educational readiness of eligible children, and support family education. Each school readiness program shall provide the elements necessary to prepare at-risk children for school, including health screening and referral and an appropriate educational program.

(b) It is the intent of the Legislature that school readiness programs be operated on a full-day, year-round basis to the maximum extent possible to enable parents to work and become financially self-sufficient.

(c) It is the intent of the Legislature that school readiness programs not exist as isolated programs, but build upon existing services and work in cooperation with other programs for young children, and that school readiness programs be coordinated to achieve full effectiveness.

(d) It is the intent of the Legislature that the administrative staff for school readiness programs be kept to the minimum necessary to administer the duties of the Office of Early Learning and early learning coalitions. The Office of Early Learning shall adopt system support services at the state level to build a comprehensive early learning system. Each early learning coalition shall implement and maintain direct enhancement services at the local level, as approved in its school readiness plan by the Office of Early Learning, and ensure access to such services in all 67 counties.

(e) It is the intent of the Legislature that the school readiness program coordinate and operate in conjunction with the district school systems. However, it is also the intent of the Legislature that the school readiness program not be construed as part of the system of free public schools but rather as a separate program for children under the age of kindergarten eligibility, funded separately from the system of free public schools, utilizing a mandatory sliding fee scale, and providing an in-

tegrated and seamless system of school readiness services for the state’s birth-to-kindergarten population.

(f) It is the intent of the Legislature that school readiness services be an integrated and seamless program of services with a developmentally appropriate education component for the state’s eligible birth-to-kindergarten population described in subsection (6) and not be construed as part of the seamless K-20 education system.

(3) **PARENTAL PARTICIPATION IN SCHOOL READINESS PROGRAMS.**—This section does not:

(a) Relieve parents and guardians of their own obligations to prepare their children for school; or

(b) Create any obligation to provide publicly funded school readiness programs or services beyond those authorized by the Legislature.

(4) **OFFICE OF EARLY LEARNING OF THE DEPARTMENT OF EDUCATION.**—

(a) The Office of Early Learning shall administer school readiness programs at the state level and shall coordinate with the early learning coalitions in providing school readiness services on a full-day, full-year, full-choice basis to the extent possible in order to enable parents to work and be financially self-sufficient.

(b) The Office of Early Learning shall:

1. *Prioritize services to eligible children from birth to kindergarten.*

2. ~~1.~~ Coordinate the birth-to-kindergarten services for children who are eligible under subsection (6) and the programmatic, administrative, and fiscal standards under this section for all public providers of school readiness programs.

3. ~~2.~~ Focus on improving the educational quality of all program providers participating in publicly funded school readiness programs.

4. ~~3.~~ Provide comprehensive services to the state’s birth-to-5 population, which shall ensure the preservation of parental choice by permitting parents to choose from a variety of child care categories, including: center-based child care; group home child care; family child care; and in-home child care. Care and curriculum by a sectarian provider may not be limited or excluded in any of these categories.

(c) The Governor shall designate the Office of Early Learning as the lead agency for administration of the federal Child Care and Development Fund, 45 C.F.R. parts 98 and 99, and the office shall comply with the lead agency responsibilities under federal law.

(d) The Office of Early Learning shall:

1. Be responsible for the prudent use of all public and private funds in accordance with all legal and contractual requirements.

2. *Adopt a uniform chart of accounts for budgeting and financial reporting which provides standard definitions for expenditures and reports for each of the following categories:*

a. *Direct expenditures for services to children;*

b. *Administrative costs;*

c. *Nondirect expenditures; and*

d. *Quality.*

3. ~~2.~~ Provide final approval and every 2 years review early learning coalitions and school readiness plans.

4. ~~3.~~ Establish a unified approach to the state’s efforts toward enhancement of school readiness. In support of this effort, the Office of Early Learning shall adopt specific system support services that address the state’s school readiness programs. An early learning coalition shall amend its school readiness plan to conform to the specific system support services adopted by the Office of Early Learning. System support services shall include, ~~but are not limited to:~~

a. Child care resource and referral services;

- b. Warm-Line services;
- c. Eligibility determinations;
- d. Child performance standards;
- e. Child screening ~~and assessment~~;
- f. Developmentally appropriate curricula;
- g. Health and safety requirements;
- h. Statewide data system requirements; and
- i. Rating and improvement systems.

5.4. Safeguard the effective use of *and prioritize* federal *and*, state funds for direct services, ~~local, and private resources~~ to achieve the highest possible level of school readiness for the children in this state.

6.5. Adopt a rule establishing criteria for the expenditure of funds designated for the purpose of funding activities to improve the quality of child care within the state in accordance with s. 658G of the federal Child Care and Development Block Grant Act.

7.6. Provide technical assistance to early learning coalitions in a manner determined by the Office of Early Learning based upon information obtained by the office from various sources, including, but not limited to, public input, government reports, private interest group reports, office monitoring visits, and coalition requests for service.

8.7. In cooperation with the early learning coalitions, coordinate with the Child Care Services Program Office of the Department of Children and Family Services to minimize duplicating interagency activities, health and safety monitoring, and acquiring and composing data pertaining to child care training and credentialing.

9.8. Develop and adopt performance standards and outcome measures for school readiness programs. The performance standards must address the age-appropriate progress of children in the development of school readiness skills. The performance standards for children from birth to 5 years of age in school readiness programs must be integrated with the performance standards adopted by the Department of Education for children in the Voluntary Prekindergarten Education Program under s. 1002.67.

10. *By July 1, 2013, identify a preassessment and postassessment aligned with the performance standards adopted under subparagraph 9. The preassessments and postassessments shall begin immediately after adoption and shall be used by school readiness program providers. The office shall collect the results of the preassessments and postassessments statewide to evaluate the effectiveness of the school readiness program. At a minimum, a preassessment shall be administered to each child who participates in a school readiness program within the first 45 days after enrollment. By May 30 of each year, a postassessment shall be administered to each child who participates in a provider's program for at least the previous 6 months.*

11.9. Adopt a statewide, standardized ~~standard~~ contract that must be used by the coalitions when contracting with school readiness providers. *The office shall prohibit the coalitions from adopting addenda to the contract.*

12. *Adopt a statewide, standardized contract monitoring tool that must be used by each early learning coalition when monitoring the compliance of school readiness providers under the statewide, standardized contract adopted under subparagraph 11.*

(e) The Office of Early Learning may adopt rules under ss. 120.536(1) and 120.54 to administer the provisions of law conferring duties upon the office, including, but not limited to, rules governing the administration of system support services of school readiness programs, *the adoption of a uniform chart of accounts, the adoption of a statewide, standardized contract and standardized contract monitoring tool*, the collection of data, the approval of early learning coalitions and school readiness plans, the provision of a method whereby an early learning coalition may serve two or more counties, the award of incentives to early learning coalitions, child performance standards, child outcome measures, the issuance of waivers, and the implementation of the state's

Child Care and Development Fund Plan as approved by the federal Administration for Children and Families.

(f) The Office of Early Learning shall have all powers necessary to administer this section, including, but not limited to, the power to receive and accept grants, loans, or advances of funds from any public or private agency and to receive and accept from any source contributions of money, property, labor, or any other thing of value, to be held, used, and applied for purposes of this section.

(g) Except as provided by law, the Office of Early Learning may not impose requirements on a child care or early childhood education provider that does not deliver services under the school readiness programs or receive state or federal funds under this section.

(h) The Office of Early Learning shall have a budget for school readiness programs, which shall be financed through an annual appropriation made for purposes of this section in the General Appropriations Act.

(i) *The Office of Early Learning shall coordinate with other state agencies to perform data matches on families participating in the school readiness program in order to ensure proper eligibility for the school readiness program.*

(j)(k) The Office of Early Learning shall coordinate the efforts toward school readiness in this state and provide independent policy analyses, data analyses, and recommendations to the Governor, the State Board of Education, and the Legislature.

(k)(j) The Office of Early Learning shall require that school readiness programs, at a minimum, enhance the age-appropriate progress of each child in attaining the performance standards adopted under subparagraph (d)9. ~~(d)9.~~ and in the development of the following school readiness skills:

1. Compliance with rules, limitations, and routines.
2. Ability to perform tasks.
3. Interactions with adults.
4. Interactions with peers.
5. Ability to cope with challenges.
6. Self-help skills.
7. Ability to express the child's needs.
8. Verbal communication skills.
9. Problem-solving skills.
10. Following of verbal directions.
11. Demonstration of curiosity, persistence, and exploratory behavior.
12. Interest in books and other printed materials.
13. Paying attention to stories.
14. Participation in art and music activities.
15. Ability to identify colors, geometric shapes, letters of the alphabet, numbers, and spatial and temporal relationships.

Within 30 days after enrollment in the school readiness program, the early learning coalition must ensure that the program provider obtains information regarding the child's immunizations, physical development, and other health requirements as necessary, including appropriate vision and hearing screening and examinations. ~~For a program provider licensed by the Department of Children and Family Services, the provider's compliance with s. 402.305(9), as verified pursuant to s. 402.311, shall satisfy this requirement.~~

(l)(k) The Office of Early Learning shall conduct studies and planning activities related to the overall improvement and effectiveness of the outcome measures adopted by the office for school readiness pro-

grams and the specific system support services to address the state's school readiness programs adopted by the Office of Early Learning in accordance with subparagraph (d)4. ~~(d)3.~~

(m)~~(4)~~ The Office of Early Learning shall monitor and evaluate the performance of each early learning coalition in administering the school readiness program, implementing the coalition's school readiness plan, and administering the Voluntary Prekindergarten Education Program. These monitoring and performance evaluations must include, at a minimum, onsite monitoring of each coalition's finances, management, operations, and programs.

(n)~~(5)~~ The Office of Early Learning shall submit an annual report of its activities conducted under this section to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the minority leaders of both houses of the Legislature. In addition, the Office of Early Learning's reports and recommendations shall be made available to the Florida Early Learning Advisory Council and other appropriate state agencies and entities. The annual report must provide an analysis of school readiness activities across the state, including the number of children who were served in the programs.

(o)~~(6)~~ The Office of Early Learning shall work with the early learning coalitions to ensure availability of training and support for parental involvement in children's early education and to provide family literacy activities and services.

(5) CREATION OF EARLY LEARNING COALITIONS.—

(a) *Early learning coalitions.*—

1. Each early learning coalition shall maintain direct enhancement services at the local level and ensure access to such services in all 67 counties.

2. The Office of Early Learning shall establish the minimum number of children to be served by each early learning coalition through the coalition's school readiness program. The Office of Early Learning may only approve school readiness plans in accordance with this minimum number. The minimum number must be uniform for every early learning coalition and must:

- a. Permit 31 or fewer coalitions to be established; and
- b. Require each coalition to serve at least 1,700 ~~2,000~~ children based upon the average number of all children served per month through the coalition's school readiness program during the previous 12 months.

3. If an early learning coalition would serve fewer children than the minimum number established under subparagraph 2., the coalition must merge with another county to form a multicounty coalition. The Office of Early Learning shall adopt procedures for merging early learning coalitions, including procedures for the consolidation of merging coalitions, and for the early termination of the terms of coalition members which are necessary to accomplish the mergers. ~~However, the Office of Early Learning shall grant a waiver to an early learning coalition to serve fewer children than the minimum number established under subparagraph 2., if:~~

- ~~a. The Office of Early Learning has determined during the most recent review of the coalition's school readiness plan, or through monitoring and performance evaluations conducted under paragraph (4)(l), that the coalition has substantially implemented its plan;~~
- ~~b. The coalition demonstrates to the Office of Early Learning the coalition's ability to effectively and efficiently implement the Voluntary Prekindergarten Education Program; and~~
- ~~c. The coalition demonstrates to the Office of Early Learning that the coalition can perform its duties in accordance with law.~~

~~If an early learning coalition fails or refuses to merge as required by this subparagraph, the Office of Early Learning may dissolve the coalition and temporarily contract with a qualified entity to continue school readiness and prekindergarten services in the coalition's county or multicounty region until the office reestablishes the coalition and a new school readiness plan is approved by the office.~~

4. Each early learning coalition shall be composed of at least 15 members but not more than 30 members. The Office of Early Learning shall adopt standards establishing within this range the minimum and maximum number of members that may be appointed to an early learning coalition and procedures for identifying which members have voting privileges under subparagraph 6. These standards must include variations for a coalition serving a multicounty region. Each early learning coalition must comply with these standards.

5. The Governor shall appoint the chair and two other members of each early learning coalition, who must each meet the same qualifications as private sector business members appointed by the coalition under subparagraph 7.

6. Each early learning coalition must include the following member positions; however, in a multicounty coalition, each ex officio member position may be filled by multiple nonvoting members but no more than one voting member shall be seated per member position. If an early learning coalition has more than one member representing the same entity, only one of such members may serve as a voting member:

- a. A Department of Children and Family Services circuit administrator or his or her designee who is authorized to make decisions on behalf of the department.
- b. A district superintendent of schools or his or her designee who is authorized to make decisions on behalf of the district.
- c. A regional workforce board executive director or his or her designee.
- d. A county health department director or his or her designee.
- e. A children's services council or juvenile welfare board chair or executive director, if applicable.
- f. An agency head of a local licensing agency as defined in s. 402.302, where applicable.
- g. A president of a community college or his or her designee.
- h. One member appointed by a board of county commissioners or the governing board of a municipality.
- i. A central agency administrator, where applicable.
- j. A Head Start director.
- k. A representative of private for-profit child care providers, including private for-profit family day care homes.
- l. A representative of faith-based child care providers.
- m. A representative of programs for children with disabilities under the federal Individuals with Disabilities Education Act.

7. Including the members appointed by the Governor under subparagraph 5., more than one-third of the members of each early learning coalition must be private sector business members who do not have, and none of whose relatives as defined in s. 112.3143 has, a substantial financial interest in the design or delivery of the Voluntary Prekindergarten Education Program created under part V of chapter 1002 or the coalition's school readiness program. To meet this requirement an early learning coalition must appoint additional members. The Office of Early Learning shall establish criteria for appointing private sector business members. These criteria must include standards for determining whether a member or relative has a substantial financial interest in the design or delivery of the Voluntary Prekindergarten Education Program or the coalition's school readiness program.

8. A majority of the voting membership of an early learning coalition constitutes a quorum required to conduct the business of the coalition. An early learning coalition board may use any method of telecommunications to conduct meetings, including establishing a quorum through telecommunications, provided that the public is given proper notice of a telecommunications meeting and reasonable access to observe and, when appropriate, participate.

9. A voting member of an early learning coalition may not appoint a designee to act in his or her place, except as otherwise provided in this paragraph. A voting member may send a representative to coalition meetings, but that representative does not have voting privileges. When a district administrator for the Department of Children and Family Services appoints a designee to an early learning coalition, the designee is the voting member of the coalition, and any individual attending in the designee's place, including the district administrator, does not have voting privileges.

10. Each member of an early learning coalition is subject to ss. 112.313, 112.3135, and 112.3143. For purposes of s. 112.3143(3)(a), each voting member is a local public officer who must abstain from voting when a voting conflict exists.

11. For purposes of tort liability, each member or employee of an early learning coalition shall be governed by s. 768.28.

12. An early learning coalition serving a multicounty region must include representation from each county.

13. Each early learning coalition shall establish terms for all appointed members of the coalition. The terms must be staggered and must be a uniform length that does not exceed 4 years per term. Coalition chairs shall be appointed for 4 years in conjunction with their membership on the Early Learning Advisory Council under s. 20.052. Appointed members may serve a maximum of two consecutive terms. When a vacancy occurs in an appointed position, the coalition must advertise the vacancy.

(b) *Limitation.*—Except as provided by law, the early learning coalitions may not impose requirements on a child care or early childhood education provider that does not deliver services under the school readiness programs or receive state, federal, required maintenance of effort, or matching funds under this section.

(c) *Program expectations.*—

1. The school readiness program must meet the following expectations:

a. The program must, at a minimum, enhance the age-appropriate progress of each child in attaining the performance standards and outcome measures adopted by the Office of Early Learning.

b. The program must provide extended-day and extended-year services to the maximum extent possible without compromising the quality of the program to meet the needs of parents who work.

c. The program must provide a coordinated professional development system that supports the achievement and maintenance of core competencies by school readiness instructors in helping children attain the performance standards and outcome measures adopted by the Office of Early Learning.

d. There must be expanded access to community services and resources for families to help achieve economic self-sufficiency.

e. There must be a single point of entry and unified waiting list. As used in this sub-subparagraph, the term "single point of entry" means an integrated information system that allows a parent to enroll his or her child in the school readiness program at various locations throughout a county, that may allow a parent to enroll his or her child by telephone or through an Internet website, and that uses a unified waiting list to track eligible children waiting for enrollment in the school readiness program. The Office of Early Learning shall establish through technology a single statewide information system that each coalition must use for the purposes of managing the single point of entry, tracking children's progress, coordinating services among stakeholders, determining eligibility, tracking child attendance, and streamlining administrative processes for providers and early learning coalitions.

~~f. The Office of Early Learning must consider the access of eligible children to the school readiness program, as demonstrated in part by waiting lists, before approving a proposed increase in payment rates submitted by an early learning coalition. In addition, early learning coalitions shall use school readiness funds made available due to enrollment shifts from school readiness programs to the Voluntary Pre-~~

~~kindergarten Education Program for increasing the number of children served in school readiness programs before increasing payment rates.~~

~~f.g.~~ The program must meet all state licensing guidelines, where applicable.

~~g.h.~~ The program must ensure that minimum standards for child discipline practices are age-appropriate. Such standards must provide that children not be subjected to discipline that is severe, humiliating, or frightening or discipline that is associated with food, rest, or toileting. Spanking or any other form of physical punishment is prohibited.

2. Each early learning coalition must implement a comprehensive program of school readiness services in accordance with the rules adopted by the office which enhance the cognitive, social, and physical development of children to achieve the performance standards and outcome measures. At a minimum, these programs must contain the following system support service elements:

a. Developmentally appropriate curriculum designed to enhance the age-appropriate progress of children in attaining the performance standards adopted by the Office of Early Learning under subparagraph (4)(d)9 ~~(4)(d)8~~.

b. A character development program to develop basic values.

c. An age-appropriate screening of each child's development.

d. An age-appropriate *preassessment and postassessment of children as provided in subsection (4)* ~~assessment administered to children when they enter a program and an age appropriate assessment administered to children when they leave the program.~~

e. An appropriate staff-to-children ratio, pursuant to s. 402.305(4) or s. 402.302(8) or (11), as applicable, and as verified pursuant to s. 402.311.

f. A healthy and safe environment pursuant to s. 401.305(5), (6), and (7), as applicable, and as verified pursuant to s. 402.311.

g. A resource and referral network established under s. 411.0101 to assist parents in making an informed choice and a regional Warm-Line under s. 411.01015.

The Office of Early Learning and early learning coalitions shall coordinate with the Child Care Services Program Office of the Department of Children and Family Services to minimize duplicating interagency activities pertaining to acquiring and composing data for child care training and credentialing.

(d) *Implementation.*—

1. An early learning coalition may not implement the school readiness program until the coalition's school readiness plan is approved by the Office of Early Learning.

2. Each early learning coalition shall coordinate with one another to implement a comprehensive program of school readiness services which enhances the cognitive, social, physical, and moral character of the children to achieve the performance standards and outcome measures and which helps families achieve economic self-sufficiency. Such program must contain, at a minimum, the following elements:

a. Implement the school readiness program to meet the requirements of this section and the system support services, performance standards, and outcome measures adopted by the Office of Early Learning.

b. Demonstrate how the program will ensure that each child from birth through 5 years of age in a publicly funded school readiness program receives scheduled activities and instruction designed to enhance the age-appropriate progress of the children in attaining the performance standards adopted by the department under subparagraph (4)(d)9 ~~(4)(d)8~~.

c. Ensure that the coalition has solicited and considered comments regarding the proposed school readiness plan from the local community.

Before implementing the school readiness program, the early learning coalition must submit the plan to the office for approval. The office may approve the plan, reject the plan, or approve the plan with conditions. The office shall review school readiness plans at least every 2 years.

3. If the Office of Early Learning determines during the review of school readiness plans, or through monitoring and performance evaluations conducted under paragraph (4)(m) ~~(4)(l)~~, that an early learning coalition has not substantially implemented its plan, has not substantially met the performance standards and outcome measures adopted by the office, or has not effectively administered the school readiness program or Voluntary Prekindergarten Education Program, the office may dissolve the coalition and temporarily contract with a qualified entity to continue school readiness and prekindergarten services in the coalition's county or multicounty region until the office reestablishes the coalition and a new school readiness plan is approved in accordance with the rules adopted by the office.

4. The Office of Early Learning shall adopt rules establishing criteria for the approval of school readiness plans. The criteria must be consistent with the system support services, performance standards, and outcome measures adopted by the office and must require each approved plan to include the following minimum standards for the school readiness program:

a. A community plan that addresses the needs of all children and providers within the coalition's county or multicounty region.

b. ~~Require a parent copayment of at least 10 percent of a family's income. A sliding fee scale establishing a copayment for parents based upon their ability to pay, which is the same for all program providers. An early learning coalition may grant a waiver from the required parent copayment on a case-by-case basis and in accordance with federal law.~~

c. A choice of settings and locations in licensed, registered, religious-exempt, or school-based programs to be provided to parents.

d. Specific eligibility priorities for children in accordance with subsection (6).

e. Performance standards and outcome measures adopted by the office.

~~f. Payment rates adopted by the early learning coalitions and approved by the office. Payment rates may not have the effect of limiting parental choice or creating standards or levels of services that have not been expressly established by the Legislature, unless the creation of such standards or levels of service, which must be uniform throughout the state, has been approved by the Federal Government and result in the state being eligible to receive additional federal funds available for early learning on a statewide basis.~~

~~f.g.~~ Direct enhancement services for families and children. System support and direct enhancement services shall be in addition to payments for the placement of children in school readiness programs. Direct enhancement services for families may include parent training and involvement activities and strategies to meet the needs of unique populations and local eligibility priorities. Enhancement services for children may include provider supports and professional development approved in the plan by the Office of Early Learning.

~~g.h.~~ The business organization of the early learning coalition, which must include the coalition's articles of incorporation and bylaws if the coalition is organized as a corporation. If the coalition is not organized as a corporation or other business entity, the plan must include the contract with a fiscal agent. An early learning coalition may contract with other coalitions to achieve efficiency in multicounty services, and these contracts may be part of the coalition's school readiness plan.

~~h.i.~~ The implementation of locally developed quality programs in accordance with the requirements adopted by the office under subparagraph (4)(d)6 ~~(4)(d)5~~.

The Office of Early Learning may request the Governor to apply for a waiver to allow the coalition to administer the Head Start Program to accomplish the purposes of the school readiness program.

5. Persons with an early childhood teaching certificate may provide support and supervision to other staff in the school readiness program.

6. An early learning coalition may not implement its school readiness plan until it submits the plan to and receives approval from the Office of Early Learning. Once the plan is approved, the plan and the services provided under the plan shall be controlled by the early learning coalition. The plan shall be reviewed and revised as necessary, but at least biennially. An early learning coalition may not implement the revisions until the coalition submits the revised plan to and receives approval from the office. If the office rejects a revised plan, the coalition must continue to operate under its prior approved plan.

7. Section 125.901(2)(a)3. does not apply to school readiness programs. The Office of Early Learning may apply to the Governor and Cabinet for a waiver of, and the Governor and Cabinet may waive, any of the provisions of ss. 411.223 and 1003.54, if the waiver is necessary for implementation of school readiness programs.

8. Two or more early learning coalitions may join for purposes of planning and implementing a school readiness program.

(e) *Requests for proposals; payment schedule.*—

~~1.~~ Each early learning coalition must comply with the procurement and expenditure procedures adopted by the Office of Early Learning, including, but not limited to, applying the procurement and expenditure procedures required by federal law for the expenditure of federal funds.

~~2. Each early learning coalition shall adopt a payment schedule that encompasses all programs funded under this section. The payment schedule must take into consideration the prevailing market rate, must include the projected number of children to be served, and must be submitted for approval by the Office of Early Learning. Informal child care arrangements shall be reimbursed at not more than 50 percent of the rate adopted for a family day care home.~~

(f) *Evaluation and annual report.*—Each early learning coalition shall conduct an evaluation of its implementation of the school readiness program, including system support services, performance standards, and outcome measures, and shall provide an annual report and fiscal statement to the Office of Early Learning. This report must also include an evaluation of the effectiveness of its direct enhancement services and conform to the content and format specifications adopted by the Office of Early Learning. The Office of Early Learning must include an analysis of the early learning coalitions' reports in the office's annual report.

(6) PROGRAM ELIGIBILITY.—~~The school readiness program is established for children from birth to the beginning of the school year for which a child is eligible for admission to kindergarten in a public school under s. 1003.21(1)(a)2. or who are eligible for any federal subsidized child care program. Each early learning coalition shall give priority for participation in the school readiness program as follows:~~

(a) Priority shall be given first to a child from birth through 12 years of age who is from a family in which there is an adult receiving temporary cash assistance who is subject to federal work requirements.

(b) Priority shall be given next to ~~an at-risk~~ a child from birth through 12 years of age who is eligible for a school readiness program but who has not yet entered school, who is served by the Family Safety Program Office of the Department of Children and Family Services or a community-based lead agency under chapter 39 or chapter 409, and for whom child care is needed to minimize risk of further abuse, neglect, or abandonment.

(c) *Priority shall be given next to a child from birth through the beginning of the school year for which the child is eligible for admission to kindergarten in a public school under s. 1003.21(1)(a)2., who is from a working family that is economically disadvantaged, including children of agricultural workers. However, the child ceases to be eligible if his or her family income exceeds 200 percent of the federal poverty level. In addition, priority shall be given to a child who has special needs, who is 3 through 5 years of age, who has been determined eligible as a student with disabilities, and who has a current individual education plan.*

(d) *Priority shall be given next to a child who is younger than 13 years of age and who is a sibling of a child enrolled in the school readiness program under paragraph (c).*

(e) *Notwithstanding paragraphs (a)-(d), priority shall be given last to a child who otherwise meets the eligibility criteria in paragraph (c), but*

who is also enrolled concurrently in the federal Head Start program and the Voluntary Prekindergarten Education Program.

An early learning coalition may not disenroll any school readiness child who is receiving services under the eligibility priorities in effect on June 30, 2012, until such child is no longer eligible under those priorities. An early learning coalition shall enroll all eligible children, including those from its waiting list, in accordance with the eligibility priorities in this paragraph.

~~(c) Subsequent priority shall be given to a child who meets one or more of the following criteria:~~

~~1. A child who is younger than the age of kindergarten eligibility and:~~

~~a. Is at risk of welfare dependency, including an economically disadvantaged child, a child of a participant in the welfare transition program, a child of a migratory agricultural worker, or a child of a teen parent.~~

~~b. Is a member of a working family that is economically disadvantaged.~~

~~c. For whom financial assistance is provided through the Relative Caregiver Program under s. 39.5085.~~

~~2. A 3 year old child or 4 year old child who may not be economically disadvantaged but who has a disability, has been served in a specific part-time exceptional education program or a combination of part-time exceptional education programs with required special services, aids, or equipment; and was previously reported for funding part-time under the Florida Education Finance Program as an exceptional student.~~

~~3. An economically disadvantaged child, a child with a disability, or a child at risk of future school failure, from birth to 4 years of age, who is served at home through a home visitor program and an intensive parent education program.~~

~~4. A child who meets federal and state eligibility requirements for the migrant preschool program but who is not economically disadvantaged.~~

As used in this paragraph, the term “economically disadvantaged” means having a family income that does not exceed 150 percent of the federal poverty level. Notwithstanding any change in a family’s economic status, but subject to additional family contributions in accordance with the *parent copayment under sub-subparagraph (5)(d)4.b. sliding fee scale*, a child who meets the eligibility requirements upon initial registration for the program remains eligible until the beginning of the school year for which the child is eligible for admission to kindergarten in a public school under s. 1003.21(1)(a)2.

(7) PARENTAL CHOICE.—

(a) Parental choice of child care providers shall be established, to the maximum extent practicable, in accordance with 45 C.F.R. s. 98.30.

(b) As used in this subsection, the term “payment certificate” means a child care certificate as defined in 45 C.F.R. s. 98.2.

(c) The school readiness program shall, in accordance with 45 C.F.R. s. 98.30, provide parental choice through a payment certificate that ensures, to the maximum extent possible, flexibility in the school readiness program and payment arrangements. The payment certificate must bear the names of the beneficiary and the program provider and, when redeemed, must bear the signatures of both the beneficiary and an authorized representative of the provider.

(d) If it is determined that a provider has given any cash to the beneficiary in return for receiving a payment certificate, the early learning coalition or its fiscal agent shall refer the matter to the Department of Financial Services pursuant to s. 414.411 for investigation.

(e) The office of the Chief Financial Officer shall establish an electronic transfer system for the disbursement of funds in accordance with this subsection. Each early learning coalition shall fully implement the electronic funds transfer system within 2 years after approval of the

coalition’s school readiness plan, unless a waiver is obtained from the Office of Early Learning.

(8) STANDARDS; OUTCOME MEASURES.—A program provider participating in the school readiness program must meet the performance standards and outcome measures adopted by the Office of Early Learning.

(9) FUNDING; SCHOOL READINESS PROGRAM.—

~~(a) Funding for the school readiness program shall be allocated among the early learning coalitions in accordance with this section or as provided in the General Appropriations Act. It is the intent of this section to establish an integrated and quality seamless service delivery system for all publicly funded early childhood education and child care programs operating in this state.~~

(b)1. The Office of Early Learning shall administer school readiness funds, plans, and policies and shall prepare and submit a unified budget request for the school readiness system in accordance with chapter 216.

2. All instructions to early learning coalitions for administering this section shall emanate from the Office of Early Learning in accordance with the policies of the Legislature.

(c) The Office of Early Learning, subject to legislative notice and review under s. 216.177, shall establish a formula for the allocation of all state and federal school readiness funds provided for children participating in the school readiness program, whether served by a public or private provider, based upon equity for each county. The allocation formula must be submitted to the Governor, the chair of the Senate Ways and Means Committee or its successor, and the chair of the House of Representatives Fiscal Council or its successor no later than January 1 of each year. If the Legislature specifies changes to the allocation formula, the Office of Early Learning shall allocate funds as specified in the General Appropriations Act.

(d) All state, federal, and required local maintenance-of-effort or matching funds provided to an early learning coalition for purposes of this section shall be used for implementation of its approved school readiness plan, including the hiring of staff to effectively operate the coalition’s school readiness program. As part of plan approval and periodic plan review, the Office of Early Learning shall require that administrative costs be kept to the minimum necessary for efficient and effective administration of the school readiness plan, but *no more than 18 percent may be used for administrative, nondirect, and quality expenditures, of which the total administrative expenditures must not exceed 4 5 percent unless specifically waived by the Office of Early Learning. The Office of Early Learning may provide a waiver of this limitation to an early learning coalition during the 2012-2013 and 2013-2014 fiscal years if the early learning coalition provides adequate documentation justifying why it could not meet this limitation. The Office of Early Learning shall annually report to the Legislature any problems relating to administrative costs.*

(e) For each early learning coalition, the Office of Early Learning shall adopt payment rates for school readiness providers based on the prevailing market rate schedule calculated under s. 411.01013. By July 1, 2015, the Office of Early Learning shall ensure that the payment rates are uniform statewide by care level and provider type. Each school readiness provider payment shall be based on the uniform statewide rate multiplied by the district cost differential as determined in s. 1011.62(2) for the county in which the school readiness provider is located.

~~(f)(e)~~ The Office of Early Learning shall annually distribute, to a maximum extent practicable, all eligible funds provided under this section as block grants to the early learning coalitions in accordance with the terms and conditions specified by the office.

~~(g)(f)~~ State funds appropriated for the school readiness program may not be used for the construction of new facilities or the purchase of buses.

~~(h)(g)~~ All cost savings and all revenues received through a mandatory *parent copayment sliding fee scale* shall be used to help fund each early learning coalition’s school readiness program.

(10) CONFLICTING PROVISIONS.—If a conflict exists between this section and federal requirements, the federal requirements control.

(11) INVESTIGATIONS OF FRAUD OR OVERPAYMENT; PENALTIES.—

(a) The Office of Early Learning may investigate early learning coalitions, recipients, and providers of the school readiness program. While conducting such investigation, the office may examine all records, including electronic benefits transfer records and make inquiry of all persons who may have knowledge as to any irregularity incidental to the disbursement of public moneys or other items or benefits authorizations to recipients. All school readiness recipients, as a condition precedent to qualification for public assistance under this chapter, must give in writing, on a form prescribed by rule of the Office of Early Learning, to the early learning coalition and to the Office of Early Learning, consent to make inquiry of past or present employers and records, financial or otherwise.

(b) The Office of Early Learning may employ persons having qualifications that are useful in conducting an investigation authorized under this subsection.

(c) The results of the investigation shall be reported by the Office of Early Learning to the appropriate legislative committees, the Department of Education, the Department of Financial Services, the Department of Children and Family Services, and to such others as the office may determine appropriate.

(d) The Department of Financial Services, the Department of Education, and the Department of Children and Family Services shall report to the Office of Early Learning the final disposition of all cases wherein action has been taken, whether criminal, civil, or administrative, based upon information furnished by the Office of Early Learning.

(e) All lawful fees and expenses of officers and witnesses, expenses incident to taking testimony and transcripts of testimony, and proceedings are a proper charge to the Office of Early Learning.

(f) This subsection shall be liberally construed in order to effectively carry out the purposes of this subsection in the interest of protecting public moneys and other public property.

(g) Based on the results of the investigation, in addition to the reporting requirement in paragraph (c), the Office of Early Learning may refer the investigation for criminal prosecution, seek civil enforcement, or refer the matter to the applicable early learning coalition.

(h) When the early learning coalition receives the referral described in paragraph (g), the early learning coalition may pursue reimbursement through the court system, suspend or deny the provider or client from further participation in the school readiness program, or create a repayment plan or other appropriate civil or administrative remedies.

(i) If an early learning coalition or other subrecipient reviews and determines that a school readiness provider has fraudulently misrepresented enrollment or attendance in order to receive funds related to the school readiness program, the early learning coalition or other subrecipient may not contract or use the services of that provider for a minimum of 3 years after such determination.

(j) If a school readiness provider, after the investigation and adjudication by a court of competent jurisdiction, has been convicted of fraudulently misrepresenting eligibility, enrollment, or attendance related to the school readiness program, the early learning coalition shall permanently refrain from contracting with, or using the services of, that provider.

(k) As a condition of school readiness eligibility, subject to federal approval, a school readiness recipient shall agree in writing to forfeit all entitlements to any goods or services provided through the school readiness program for 3 years if the school readiness recipient has been found to have committed public assistance fraud, through judicial or administrative determination. This paragraph applies only to the school readiness recipient found to have committed or participated in public assistance fraud and does not apply to any family member of the recipient who was not involved in the fraud.

~~(11) SUBSTITUTE INSTRUCTORS. Each school district shall make a list of all individuals currently eligible to act as a substitute teacher within the county pursuant to the rules adopted by the school district pursuant to s. 1012.35 available to an early learning coalition~~

~~serving students within the school district. Child care facilities, as defined by s. 402.302, may employ individuals listed as substitute instructors for the purpose of offering the school readiness program, the Voluntary Prekindergarten Education Program, and all other legally operating child care programs.~~

Section 2. Subsection (1) of section 411.0101, Florida Statutes, is amended to read:

411.0101 Child care and early childhood resource and referral.—

(1) As a part of the school readiness programs, the Office of Early Learning shall establish a statewide child care resource and referral network that is unbiased and provides referrals to families for child care. Preference shall be given to using the already established early learning coalitions as the child care resource and referral agencies. If an early learning coalition cannot comply with the requirements to offer the resource information component or does not want to offer that service, the early learning coalition shall select the resource and referral agency for its county or multicounty region based upon a request for proposal pursuant to s. 411.01(5)(e) ~~411.01(5)(e)1.~~

Section 3. Section 411.01013, Florida Statutes, is amended to read:

411.01013 Prevailing market rate schedule.—

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

~~(a) “Market rate” means the price that a child care provider charges for daily, weekly, or monthly child care services.~~

~~(b) “Prevailing market rate” means the annually determined 75th percentile of a reasonable frequency distribution of the market rate in a predetermined geographic market at which child care providers charge a person for child care services.~~

~~(1)(2) The Office of Early Learning shall establish procedures for the adoption of a prevailing market rate schedule. The schedule must include, at a minimum, county by county rates:~~

~~(a) At the prevailing market rate, plus the maximum rate, for child care providers that hold a Gold Seal Quality Care designation under s. 402.281.~~

~~(b) At the prevailing market rate for child care providers that do not hold a Gold Seal Quality Care designation.~~

~~(3) The prevailing market rate schedule, at a minimum, must:~~

~~(a) Differentiate rates by type, including, but not limited to, a child care provider that holds a Gold Seal Quality Care designation under s. 402.281, a child care facility licensed under s. 402.305, a public or non-public school exempt from licensure under s. 402.3025, a faith-based child care facility exempt from licensure under s. 402.316 that does not hold a Gold Seal Quality Care designation, a large family child care home licensed under s. 402.3131, or a family day care home licensed or registered under s. 402.313.~~

~~(b) Differentiate rates by the type of child care services provided for children with special needs or risk categories, infants, toddlers, preschool-age children, and school-age children.~~

~~(c) Differentiate rates between full-time and part-time child care services.~~

~~(d) Consider discounted rates for child care services for multiple children in a single family.~~

~~(2)(4) The prevailing market rate schedule must be based exclusively on the prices charged for child care services. If a conflict exists between this subsection and federal requirements, the federal requirements shall control.~~

~~(3)(5) Each child care and early childhood education provider that receives school readiness funds must submit its market rate by August 1 of each year to the Office of Early Learning for inclusion in the calculation of the prevailing market rate schedule. The prevailing market rate shall be considered by an early learning coalition in the adoption of a payment schedule in accordance with s. 411.01(5)(e)2.~~

(4)(6) The office of Early Learning may contract with one or more qualified entities to administer this section and provide support and technical assistance for child care providers.

(5)(7) The office of Early Learning may adopt rules pursuant to ss. 120.536(1) and 120.54 for establishing procedures for the collection of child care providers' market rate, the calculation of a reasonable frequency distribution of the market rate, and the publication of a prevailing market rate schedule.

Section 4. Section 411.0106, Florida Statutes, is amended to read:

411.0106 Infants and toddlers in state-funded education and care programs; brain development activities.—Each state-funded education and care program for children from birth to 5 years of age must provide activities to foster brain development in infants and toddlers. A program must provide an environment that helps children attain the performance standards adopted by the Office of Early Learning under s. 411.01(4)(d) 9. 411.01(4)(d)8. and must be rich in language and music and filled with objects of various colors, shapes, textures, and sizes to stimulate visual, tactile, auditory, and linguistic senses in the children and must include classical music and at least 30 minutes of reading to the children each day. A program may be offered through an existing early childhood program such as Healthy Start, the Title I program, the school readiness program, the Head Start program, or a private child care program. A program must provide training for the infants' and toddlers' parents including direct dialogue and interaction between teachers and parents demonstrating the urgency of brain development in the first year of a child's life. Family day care centers are encouraged, but not required, to comply with this section.

Section 5. Subsection (4) of section 1002.71, Florida Statutes, is amended to read:

1002.71 Funding; financial and attendance reporting.—

(4) Notwithstanding s. 1002.53(3) and subsection (2):

(a) A child who, for any of the prekindergarten programs listed in s. 1002.53(3), has not completed more than 70 percent of the hours authorized to be reported for funding under subsection (2), or has not expended more than 70 percent of the funds authorized for the child under s. 1002.66, may withdraw from the program for good cause and reenroll in one of the programs. The total funding for a child who reenrolls in one of the programs for good cause may not exceed one full-time equivalent student. Funding for a child who withdraws and reenrolls in one of the programs for good cause shall be issued in accordance with the Office of Early Learning's uniform attendance policy adopted pursuant to paragraph (6)(d).

(b) A child who has not substantially completed any of the prekindergarten programs listed in s. 1002.53(3) may withdraw from the program due to an extreme hardship that is beyond the child's or parent's control, reenroll in one of the summer programs, and be reported for funding purposes as a full-time equivalent student in the summer program for which the child is reenrolled.

A child may reenroll only once in a prekindergarten program under this section. A child who reenrolls in a prekindergarten program under this subsection may not subsequently withdraw from the program and reenroll, unless the child is granted a good cause exemption under this subsection. The Office of Early Learning shall establish criteria specifying whether a good cause exists for a child to withdraw from a program under paragraph (a), whether a child has substantially completed a program under paragraph (b), and whether an extreme hardship exists which is beyond the child's or parent's control under paragraph (b). *The Office of Early Learning shall also establish criteria for granting a good cause exemption under this subsection.*

Section 6. This act shall take effect July 1, 2012.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to early learning funding; amending s. 411.01, F.S.; revising the duties of the Office of Early Learning; authorizing the Office of Early Learning to adopt rules relating to the adoption of a uniform chart of accounts and the adoption of a statewide, standardized contract and standardized contract monitoring tool; requiring that the

Office of Early Learning coordinate with other state agencies to perform data matches on families participating in the school readiness program; revising the minimum number of children who must be served by each early learning coalition; deleting provisions that require the Office of Early Learning to grant waivers to early learning coalitions serving fewer children than the minimum number established; requiring that each school readiness provider administer preassessments and post-assessments; revising the standards for school readiness plans to conform to changes made by the act; requiring that each approved plan require a parent copayment of a minimum percentage of a family's income; authorizing an early learning coalition to grant a waiver from such parent copayment; revising provisions relating to eligibility for school readiness programs; requiring that each early learning coalition give priority to children who meet certain requirements; requiring that funding for the school readiness program be allocated among the early learning coalitions pursuant to the act or as provided in the General Appropriations Act; revising provisions relating to the minimum percentage of funds to be used for administrative, nondirect, and quality expenditures; authorizing the Office of Early Learning to provide waivers of limitations on such expenditures under certain circumstances; requiring that the Office of Early Learning adopt school readiness provider payment rates for each early learning coalition service area based on the prevailing market rate; requiring that the Office of Early Learning ensure that each payment rate is uniform statewide by care level and provider type; authorizing the Office of Early Learning to investigate early learning coalitions and school readiness recipients and providers for fraud or overpayment; providing reporting requirements; providing penalties; amending s. 411.0101, F.S.; conforming a cross-reference; amending s. 411.01013, F.S.; revising provisions relating to the prevailing market rate schedule established by the Office of Early Learning; requiring that each child care and early learning education provider that receives school readiness funds submit its market rate to the Office of Early Learning by a specified date each year; amending s. 411.0106, F.S.; conforming a cross-reference; amending s. 1002.71, F.S.; requiring that the Office of Early Learning establish criteria for granting exemptions for good cause for children enrolled in prekindergarten programs; providing an effective date.

On motions by Senator Simmons, by two-thirds vote **CS for HB 5103** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

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

Nays—1

Joyner

Vote Preference:

February 24, 2012: Yea—Montford

MOTIONS

On motion by Senator Simmons, the Senate having refused to pass **HB 5101** and **HB 5103** as passed by the House, acceded to the request for a conference committee.

SB 1992—A bill to be entitled An act relating to postsecondary education; amending s. 11.45, F.S.; requiring that the Auditor General notify the Legislative Auditing Committee of any financial or operational audit

report indicating that a state university or state college has failed to take full corrective action in response to recommendations in previous audit reports; authorizing the committee to direct the governing body of the state university or state college to provide a written statement explaining why full corrective action has not been taken or notifying that it intends to take full corrective action; requiring that a hearing be held if the committee determines that the state university or state college has, without justification, failed to take full corrective action; amending s. 287.057, F.S.; deleting a provision that exempts from competitive-solicitation requirements training and education services for injured employees, to conform to changes made by the act; amending s. 402.7305, F.S.; conforming a cross-reference; amending s. 413.011, F.S.; revising the duties of the Division of Blind Services within the Department of Education; requiring that Daytona State College be given priority for the use of available property located in Daytona Beach which is no longer needed by the division; requiring prior approval by the Division of Blind Services and the Division of State Lands within the Department of Environmental Protection for the future construction of facilities not related to programs under the Division of Blind Services; amending s. 427.0135, F.S.; conforming a cross-reference; amending s. 440.15, F.S.; revising provisions to conform to changes made by the act; repealing s. 440.33(3), F.S., relating to provisions that authorize a judge of compensation claims to request an evaluation pursuant to s. 440.491, F.S., to conform to changes made by the act; repealing s. 440.491, F.S., relating to the reemployment of injured workers and rehabilitation; amending s. 440.50, F.S.; revising provisions to conform to changes made by the act; amending s. 1001.02, F.S.; requiring that the State Board of Education delegate to the Division of Florida Colleges oversight responsibility for certain Florida College System institutions; amending s. 1001.64, F.S.; requiring that each contract or employment agreement, or renewal or renegotiation of an existing contract or employment agreement, containing a provision for severance pay include certain provisions; requiring that each board of trustees enter into consortia and cooperative agreements; providing that a consortium or cooperative agreement may be statewide, regional, or a combination of institutions, as appropriate to achieve the lowest cost; amending s. 1001.706, F.S.; requiring that the Board of Governors adopt regulations requiring universities to enter into consortia and cooperative agreements; authorizing the Board of Governors to approve the transfer between institutions of unused budget authority from the Education/General Student and Other Fees Trust Fund; revising provisions relating to employment contracts with the Board of Governors; requiring that each contract or employment agreement, or renewal or renegotiation of an existing contract or employment agreement, containing a provision for severance pay include certain provisions; creating s. 1004.092, F.S.; establishing the Florida Degree Consortium by merging the Florida Distance Learning Consortium, the computer-assisted student advising system, and the degree completion pilot program; providing a purpose; requiring that the Chancellor of the State University System and the Chancellor of the Florida College System jointly oversee the implementation of the Florida Degree Consortium; creating s. 1004.093, F.S.; creating the degree completion pilot program; providing a purpose; requiring that the Chancellor of the State University System and the Chancellor of the Florida College System jointly oversee the implementation of the pilot program; defining the term "adult learner"; providing that priority attention be given to adult learners who are veterans and active-duty servicemembers; providing for implementation and requirements of the pilot program; requiring that the chancellors submit a detailed project plan to the Legislature by a specified date; creating s. 1006.73, F.S.; establishing the Florida Education Library Resource Center; providing a purpose; requiring that the Chancellor of the State University System and the Chancellor of the Florida College System jointly govern and oversee the center; providing for membership; authorizing the center to enter into contracts with postsecondary education institutions for certain support services; requiring that the Florida Center for Library Automation and the College Center for Library Automation cease independent operations by a specified date; providing for all remaining assets and responsibilities to be transferred to the center; providing authority and duties of the center; amending s. 1007.33, F.S.; deleting provisions providing a procedure for a Florida College System institution to apply for an exemption from certain requirements for approval of additional baccalaureate degree programs; amending s. 1009.215, F.S.; providing that students who are enrolled in the student enrollment pilot program and who are eligible to receive Bright Futures Scholarships may receive the scholarship award during the summer term; prohibiting a student from receiving the scholarship award for more than 2 semesters in any given fiscal year; amending s. 1009.25, F.S.; revising provisions relating to exemptions

from the payment of tuition and fees at a school district that provides workforce education for certain students; providing such exemption for a student for whom the full program cost is paid by another party; amending s. 1009.286, F.S.; requiring that state universities require each student to pay an excess hour surcharge; providing for application; amending s. 1009.531, F.S.; revising provisions relating to student eligibility for Florida Bright Futures Scholarships; providing that certain students are eligible to accept an initial award and a renewal award for a specified period after high school graduation; providing exceptions; authorizing the Department of Education to provide an alternate form to the Free Application for Federal Student Aid for purposes of eligibility under the Florida Bright Futures Scholarship Program; amending s. 1009.532, F.S.; revising provisions relating the student eligibility requirements for renewal awards of a Florida Bright Futures Scholarship; providing that certain students may receive an award for a maximum percentage of the number of credit hours required to complete an associate degree program or a baccalaureate degree program; providing that a student may receive a Florida Gold Seal Vocational Scholarship award for a maximum percentage of the credit hours or equivalent clock hours; amending ss. 1009.534 and 1009.535, F.S.; authorizing the Legislature to provide an additional supplement in the General Appropriations Act for upper-division courses in the fields of science, technology, engineering, and mathematics for the Florida Academic Scholars and Florida Medallion Scholars awards; amending s. 1009.536, F.S.; revising the eligibility requirements for receiving a Florida Gold Seal Vocational Scholars award; providing that a Florida Gold Seal Vocational Scholar is eligible for an award equal to the amount specified in the General Appropriations Act; providing that certain students may earn a Florida Gold Seal Vocational Scholarship for up to a specified percentage of the credit hours or equivalent clock hours required to complete an applied technology diploma program, a technology degree program, or a career certificate program; amending s. 1009.60, F.S.; requiring that the Florida Fund for Minority Teachers, Inc., use a contingency collections agency to collect repayments of defaulted scholarships awarded through the minority teacher education scholars program; amending s. 1009.605, F.S.; requiring that the Florida Fund for Minority Teachers, Inc., report the annual balance of the corporation's assets and cash reserves to the Department of Education; amending s. 1012.83, F.S.; revising provisions relating to employment contracts with Florida College System institutions; requiring that each contract or employment agreement, or renewal or renegotiation of an existing contract or employment agreement, containing a provision for severance pay include certain provisions; authorizing the University of Florida to use revenues from the activity and service fee to finance the renovation and expansion of the university's J. Wayne Reitz Union; providing an effective date.

—was read the second time by title.

Senator Gardiner moved the following amendment which was adopted:

Amendment 1 (618728) (with title amendment)—Between lines 513 and 514 insert:

Section 15. Section 1004.935, Florida Statutes, is created to read:

1004.935 Adults with Disabilities Workforce Education Pilot Program.—

(1) The Adults with Disabilities Workforce Education Pilot Program is established for 2 years in Charlotte County, DeSoto County, Manatee County, and Sarasota County to provide the option of receiving a scholarship for instruction at private schools for up to 30 students who:

- (a) Have a disability;*
- (b) Are 22 years of age;*
- (c) Are receiving instruction from an instructor in a private school to meet the high school graduation requirements in s. 1003.428;*
- (d) Do not have a standard high school diploma or a special high school diploma; and*
- (e) Receive supported employment services, which is employment that is located or provided in an integrated work setting, with earnings paid*

on a commensurate wage basis, and for which continued support is needed for job maintenance.

As used in this subsection, the term “student with a disability” includes a student who is documented as having an intellectual disability; a speech impairment; a language impairment; a hearing impairment, including deafness; a visual impairment, including blindness; a dual sensory impairment; an orthopedic impairment; another health impairment; an emotional or behavioral disability; a specific learning disability, including, but not limited to, dyslexia, dyscalculia, or developmental aphasia; a traumatic brain injury; a developmental delay; or autism spectrum disorder.

(2) A student participating in the pilot program may continue to participate in the program until the student graduates from high school, or reaches the age of 30 years, whichever occurs first.

(3) The supported employment services may be provided at more than one site.

(4) The provider of supported employment services must be a non-profit corporation under s. 501(c)(3) of the Internal Revenue Code which serves Charlotte County, DeSoto County, Manatee County, or Sarasota County and must contract with a private school in this state which meets the requirements in subsection (5).

(5) A private school that participates in the program may be sectarian or nonsectarian and must:

(a) Be academically accountable for meeting the educational needs of the student by annually providing to the provider of supported employment services a written explanation of the student’s progress.

(b) Comply with the antidiscrimination provisions of 42 U.S.C. s. 2000d.

(c) Meet state and local health and safety laws and codes.

(d) Provide to the provider of supported employment services all documentation required for a student’s participation, including the private school’s and student’s fee schedules, at least 30 days before any quarterly scholarship payment is made for the student. A student is not eligible to receive a quarterly scholarship payment if the private school fails to meet this deadline.

The inability of a private school to meet the requirements of this subsection constitutes a basis for the ineligibility of the private school to participate in the scholarship program.

(6)(a) If the student chooses to participate in the program and is accepted by the provider of supported employment services, the student must notify the Department of Education of his or her acceptance into the program 60 days before the first scholarship payment and before participating in the program in order to be eligible for the scholarship.

(b) Upon receipt of a scholarship warrant, the student or parent to whom the warrant is made must restrictively endorse the warrant to the provider of supported employment services for deposit into the account of the provider. The student or parent may not designate any entity or individual associated with the participating provider of supported employment services as the student’s or parent’s attorney in fact to endorse a scholarship warrant. A participant who fails to comply with this paragraph forfeits the scholarship.

(7) Funds for the scholarship shall be provided from the appropriation from the school district’s Workforce Development Fund in the General Appropriations Act for students who reside in the Charlotte County School District, the DeSoto County School District, the Manatee County School District, or the Sarasota County School District. During the 2-year pilot program, the scholarship amount granted for an eligible student with a disability shall be equal to the cost per unit of a full-time equivalent adult general education student, multiplied by the adult general education funding factor, and multiplied by the district cost differential pursuant to the formula required by s. 1011.80(6)(a) for the district in which the student resides.

(8) Upon notification by the Department of Education that it has received the required documentation, the Chief Financial Officer shall make scholarship payments in four equal amounts no later than September 1,

November 1, February 1, and April 1 of each academic year in which the scholarship is in force. The initial payment shall be made after the Department of Education verifies that the student was accepted into the program, and subsequent payments shall be made upon verification of continued participation in the program. Payment must be by individual warrant made payable to the student or parent and mailed by the Department of Education to the provider of supported employment services, and the student or parent shall restrictively endorse the warrant to the provider of supported employment services for deposit into the account of that provider.

(9) Subsequent to each scholarship payment, the Department of Education shall request from the Department of Financial Services a sample of endorsed warrants to review and confirm compliance with endorsement requirements.

And the title is amended as follows:

Delete line 85 and insert: specified date; creating s. 1004.935, F.S.; establishing the Adults with Disabilities Workforce Education Pilot Program for a specified period in certain counties; providing a purpose; providing eligibility requirements for participation in the program; providing a definition for the term “student with a disability” for purposes of the pilot program; providing requirements for providers of supported employment services and private schools to participate in the pilot program; providing notice requirements for students who are accepted into the pilot program; providing funding; requiring that the Chief Financial Officer make scholarship payments; requiring that the Department of Education request from the Department of Financial Services a sample of endorsed warrants after each scholarship payment; creating s. 1006.73, F.S.;

SENATOR BENNETT PRESIDING

Senator Lynn moved the following amendments which were adopted:

Amendment 2 (632642) (with title amendment)—Between lines 1006 and 1007 insert:

Section 27. Section 1010.30, Florida Statutes, is amended to read:

1010.30 Audits required.—

(1) School districts, Florida College System institutions, and other institutions and agencies under the supervision of the State Board of Education and state universities under the supervision of the Board of Governors are subject to the audit provisions under ss. 11.45 and 218.39.

(2) If an audit contains a significant finding, the district school board, the Florida College System institution board of trustees, or the university board of trustees shall conduct an audit overview during a public meeting.

And the title is amended as follows:

Delete line 162 and insert: Department of Education; amending s. 1010.30, F.S.; requiring that the district school board, the Florida College System institution board of trustees, or the university board of trustees conduct an audit overview during a public meeting if an audit contains significant findings; amending s. 1012.83, F.S.;

Amendment 3 (540518) (with title amendment)—Between lines 1029 and 1030 insert:

Section 29. The Higher Education Coordinating Council, created pursuant to s. 1004.015, Florida Statutes, shall review and evaluate the current higher education governance structure in this state and shall make recommendations to the Legislature regarding potential revisions to the higher education delivery system to improve student services, access, affordability, and accountability. At a minimum, the council shall consider academics, fiscal efficiencies, and regional demographics. The council shall report its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

And the title is amended as follows:

Delete line 171 and insert: the university’s J. Wayne Reitz Union; requiring that the Higher Education Coordinating Council review and

evaluate the current higher education governance structure in this state and make recommendations to the Legislature for potential revisions to the higher education delivery system; requiring that the council report its findings and recommendations to the Governor and Legislature; providing an

On motion by Senator Lynn, **SB 1992** as amended was ordered engrossed.

Pending further consideration of **SB 1992** as amended, on motion by Senator Lynn, by two-thirds vote **HB 5201** was withdrawn from the Committee on Budget.

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

HB 5201—A bill to be entitled An act relating to postsecondary education funding; amending s. 282.201, F.S.; conforming provisions to changes made by the act; amending s. 1000.21, F.S.; revising the name of South Florida Community College; providing for contingent effect; amending s. 1001.706, F.S.; authorizing the Board of Governors to transfer certain funds between state universities; amending s. 1001.73, F.S.; providing a restriction on the transfer of certain funds by a state university board of trustees; providing procedures for additional transfer of funds; amending s. 1003.4156, F.S.; conforming provisions to changes made by the act; repealing s. 1004.09, F.S., relating to the Florida Higher Education Distance Learning Catalog; repealing s. 1004.091, F.S., relating to the Florida Distance Learning Consortium; amending ss. 1004.39, 1004.40, and 1006.72, F.S.; conforming provisions to changes made by the act; creating s. 1006.73, F.S.; establishing the Florida Virtual Campus to provide access to online student and library support services and to serve as a statewide resource and clearinghouse for technology-based public postsecondary education distance learning courses and degree programs; requiring the Florida Virtual Campus to develop and manage a library information portal and automated library management tools, to develop and manage an Internet-based catalog of distance learning courses, to implement an online admissions application process for transient students, to develop and manage a computer-assisted student advising system, to license and acquire electronic library resources, to promote and provide recommendations concerning the use and distribution of open-access textbooks, to provide help desk support to institutions and students, and to identify and evaluate new technologies and instructional methods; providing for the transfer of assets and liabilities of the Florida Distance Learning Consortium, the Florida Center for Library Automation, the College Center for Library Automation, and FACTS.org to the Florida Virtual Campus; requiring recommendations to the Legislature; creating s. 1006.735, F.S.; requiring the Florida Virtual Campus to collaborate with specified postsecondary educational institutions to implement the Degree Completion Pilot Project to recruit, recover, and retain adult learners and assist them in completing degrees aligned to high-wage, high-skill workforce needs; specifying components of the pilot project and the tuition and fee structure to be used; requiring the Florida Virtual Campus to submit a project plan to the Legislature; amending s. 1007.01, F.S.; conforming a cross-reference; amending s. 1007.27, F.S.; conforming provisions to changes made by the act; repealing s. 1007.28, F.S., relating to a computer-assisted student advising system; amending s. 1009.215, F.S.; revising provisions relating to scholarship awards under a student enrollment pilot program for the spring and summer terms; amending ss. 1009.23 and 1009.24, F.S.; conforming provisions to changes made by the act; amending s. 1009.286, F.S., relating to additional student payment for credit hours exceeding baccalaureate degree program completion requirements; including reference to Florida College System institutions offering baccalaureate degree programs; revising criteria for the excess credit hour surcharge; amending ss. 1009.531 and 1009.532, F.S.; revising eligibility requirements for initial and renewal awards under the Florida Bright Futures Scholarship Program; amending ss. 1009.534, 1009.535, and 1009.536, F.S.; revising provisions relating to the amount of a Florida Academic Scholars award, a Florida Medallion Scholars award, and a Florida Gold Seal Vocational Scholars award; revising student eligibility requirements for renewal awards; providing that a student may earn a Florida Gold Seal Vocational Scholarship for credit hours or equivalent clock hours to complete an applied technology diploma program, a technical degree education program, or a career certificate program; amending s. 1009.60, F.S.; providing a duty of the Florida Fund for Minority Teachers, Inc., relating to collections under the minority teacher education scholars program; amending s. 1009.605, F.S.; providing a duty of the Florida Fund for Minority Teachers, Inc., relating to reporting; amending s. 1009.70, F.S.; revising provisions re-

lating to the Florida Education Fund; authorizing the Legislature to appropriate funds and providing the basis for matched funding and expenditures; requiring the fund to provide the Department of Education with its financial statement and annual report; revising the names of certain fellowship programs; providing requirements for the award of scholarships; deleting the legal education component of the fund which includes a law and pre-law program; amending ss. 1009.72 and 1009.73, F.S.; revising requirements for matching funds under the Jose Marti Scholarship Challenge Grant Program and the Mary McLeod Bethune Scholarship Program; amending s. 1011.80, F.S.; revising provisions relating to the reporting for funding purposes of certain students who are coenrolled in a K-12 education program and an adult education program; amending s. 1012.885, F.S.; extending provisions relating to remuneration of Florida College System institution presidents; reenacting and amending s. 1012.886, F.S.; delaying the expiration of provisions relating to the remuneration of Florida College System institution administrative employees; amending s. 1012.975, F.S.; extending provisions relating to remuneration of state university presidents; reenacting and amending s. 1012.976, F.S.; delaying the expiration of provisions relating to the remuneration of state university administrative employees; providing effective dates.

—a companion measure, was substituted for **SB 1992** as amended and read the second time by title.

MOTION

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

Senator Lynn moved the following amendment:

Amendment 1 (965714) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (j) is added to subsection (7) of section 11.45, Florida Statutes, to read:

11.45 Definitions; duties; authorities; reports; rules.—

(7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

(j) *The Auditor General shall notify the Legislative Auditing Committee of any financial or operational audit report prepared pursuant to this section which indicates that a state university or state college has failed to take full corrective action in response to a recommendation that was included in the two preceding financial or operational audit reports.*

1. *The committee may direct the governing body of the state university or state college to provide a written statement to the committee explaining why full corrective action has not been taken or, if the governing body intends to take full corrective action, describing the corrective action to be taken and when it will occur.*

2. *If the committee determines that the written statement is not sufficient, the committee may require the chair of the governing body of the state university or state college, or the chair's designee, to appear before the committee.*

3. *If the committee determines that the state university or state college has failed to take full corrective action for which there is no justifiable reason, or has failed to comply with committee requests made pursuant to this section, the committee may proceed in accordance with s. 11.40(2).*

Section 2. Paragraph (f) of subsection (3) of section 287.057, Florida Statutes, is amended to read:

287.057 Procurement of commodities or contractual services.—

(3) When the purchase price of commodities or contractual services exceeds the threshold amount provided in s. 287.017 for CATEGORY TWO, no purchase of commodities or contractual services may be made without receiving competitive sealed bids, competitive sealed proposals, or competitive sealed replies unless:

(f) The following contractual services and commodities are not subject to the competitive-solicitation requirements of this section:

1. Artistic services. For the purposes of this subsection, the term “artistic services” does not include advertising or typesetting. As used in this subparagraph, the term “advertising” means the making of a representation in any form in connection with a trade, business, craft, or profession in order to promote the supply of commodities or services by the person promoting the commodities or contractual services.

2. Academic program reviews if the fee for such services does not exceed \$50,000.

3. Lectures by individuals.

4. Legal services, including attorney, paralegal, expert witness, appraisal, or mediator services.

5.a. Health services involving examination, diagnosis, treatment, prevention, medical consultation, or administration.

b. Beginning January 1, 2011, health services, including, but not limited to, substance abuse and mental health services, involving examination, diagnosis, treatment, prevention, or medical consultation, when such services are offered to eligible individuals participating in a specific program that qualifies multiple providers and uses a standard payment methodology. Reimbursement of administrative costs for providers of services purchased in this manner shall also be exempt. For purposes of this sub-subparagraph, “providers” means health professionals, health facilities, or organizations that deliver or arrange for the delivery of health services.

6. Services provided to persons with mental or physical disabilities by not-for-profit corporations which have obtained exemptions under the provisions of s. 501(c)(3) of the United States Internal Revenue Code or when such services are governed by the provisions of Office of Management and Budget Circular A-122. However, in acquiring such services, the agency shall consider the ability of the vendor, past performance, willingness to meet time requirements, and price.

7. Medicaid services delivered to an eligible Medicaid recipient unless the agency is directed otherwise in law.

8. Family placement services.

9. Prevention services related to mental health, including drug abuse prevention programs, child abuse prevention programs, and shelters for runaways, operated by not-for-profit corporations. However, in acquiring such services, the agency shall consider the ability of the vendor, past performance, willingness to meet time requirements, and price.

~~10. Training and education services provided to injured employees pursuant to s. 440.491(6).~~

~~10.11.~~ Contracts entered into pursuant to s. 337.11.

~~11.12.~~ Services or commodities provided by governmental agencies.

Section 3. Paragraph (a) of subsection (2) of section 402.7305, Florida Statutes, is amended to read:

402.7305 Department of Children and Family Services; procurement of contractual services; contract management.—

(2) PROCUREMENT OF COMMODITIES AND CONTRACTUAL SERVICES.—

(a) Notwithstanding s. 287.057(3)(f)11., ~~287.057(3)(f)12.~~, whenever the department intends to contract with a public postsecondary institution to provide a service, the department must allow all public postsecondary institutions in this state that are accredited by the Southern Association of Colleges and Schools to bid on the contract. Thereafter, notwithstanding any other provision to the contrary, if a public postsecondary institution intends to subcontract for any service awarded in the contract, the subcontracted service must be procured by competitive procedures.

Section 4. Paragraph (q) of subsection (3) of section 413.011, Florida Statutes, is amended to read:

413.011 Division of Blind Services, legislative policy, intent; internal organizational structure and powers; Rehabilitation Council for the Blind.—

(3) DIVISION STRUCTURE AND DUTIES.—The internal organizational structure of the Division of Blind Services shall be designed for the purpose of ensuring the greatest possible efficiency and effectiveness of services to the blind and to be consistent with chapter 20. The Division of Blind Services shall plan, supervise, and carry out the following activities:

(q) Establish one or more training schools and workshops for the employment of suitable blind persons; make expenditures of funds for such purposes; receive moneys from sales of commodities involved in such activities and from such funds make payments of wages, repairs, insurance premiums, and replacements of equipment. All of the activities provided for in this section may be carried on in cooperation with private workshops for the blind, except that all tools and equipment furnished by the division shall remain the property of the state. *If any property leased by the Division of Blind Services and located in Daytona Beach, including an existing sublease upon the expiration of its current term, is no longer needed for the expansion of the division's programs, Daytona State College shall be given priority for the use of such available property. In addition, future construction of any facilities not related to programs under the Division of Blind Services may not be commenced without prior approval by the Division of Blind Services and the Division of State Lands.*

Section 5. Subsection (3) of section 427.0135, Florida Statutes, is amended to read:

427.0135 Purchasing agencies; duties and responsibilities.—Each purchasing agency, in carrying out the policies and procedures of the commission, shall:

(3) Not procure transportation disadvantaged services without initially negotiating with the commission, as provided in s. 287.057(3)(f)11., ~~287.057(3)(f)12.~~, or unless otherwise authorized by statute. If the purchasing agency, after consultation with the commission, determines that it cannot reach mutually acceptable contract terms with the commission, the purchasing agency may contract for the same transportation services provided in a more cost-effective manner and of comparable or higher quality and standards. The Medicaid agency shall implement this subsection in a manner consistent with s. 409.908(18) and as otherwise limited or directed by the General Appropriations Act.

Section 6. Paragraph (c) of subsection (2) of section 440.15, Florida Statutes, is amended to read:

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

(2) TEMPORARY TOTAL DISABILITY.—

(c) Temporary total disability benefits paid pursuant to this subsection shall include such period as may be reasonably necessary for training in the use of artificial members and appliances, ~~and shall include such period as the employee may be receiving training and education under a program pursuant to s. 440.491.~~

Section 7. Subsection (3) of section 440.33, Florida Statutes, is repealed.

Section 8. Section 440.491, Florida Statutes, is repealed.

Section 9. Subsection (5) of section 440.50, Florida Statutes, is amended to read:

440.50 Workers' Compensation Administration Trust Fund.—

(5) Funds appropriated by an operating appropriation or a non-operating transfer from the Workers' Compensation Administration Trust Fund to the Department of Education, the Agency for Health Care Administration, the Department of Business and Professional Regulation, the Department of Management Services, the First District Court of Appeal, and the Justice Administrative Commission remaining unencumbered as of June 30 or undisbursed as of September 30 each year shall revert to the Workers' Compensation Administration Trust Fund.

Section 10. Subsection (7) is added to section 1001.02, Florida Statutes, to read:

1001.02 General powers of State Board of Education.—

(7) *The State Board of Education shall delegate to the Division of Florida Colleges oversight responsibility for Florida College System institutions that have significant potential management or academic issues.*

Section 11. Subsection (47) of section 1001.64, Florida Statutes, is amended, and subsection (48) is added to that section, to read:

1001.64 Florida College System institution boards of trustees; powers and duties.—

(47) *Each contract or employment agreement, or renewal or renegotiation of an existing contract or employment agreement, containing a provision for severance pay with an officer, agent, employee, or contractor must include the provisions required in s. 215.425. A board of trustees may not enter into an employment contract that requires the Florida College System institution to pay a Florida College System institution president an amount from state funds in excess of 1 year of the president's annual salary for termination, buyout, or any other type of contract settlement. This subsection does not prohibit the payment of leave and benefits accrued by the president in accordance with the Florida College System institution's leave and benefits policies before the contract terminates.*

(48) *Each board of trustees shall enter into consortia and cooperative agreements to maximize the purchasing power for goods and services. A consortium or cooperative agreement may be statewide, regional, or a combination of institutions, as appropriate to achieve the lowest cost, with the goal of achieving a 5 percent savings on existing contract prices through the use of new cooperative arrangements or new consortium contracts.*

Section 12. Paragraph (i) is added to subsection (3) and paragraph (e) is added to subsection (4) of section 1001.706, Florida Statutes, and paragraph (d) of subsection (6) of that section is amended, to read:

1001.706 Powers and duties of the Board of Governors.—

(3) POWERS AND DUTIES RELATING TO ORGANIZATION AND OPERATION OF STATE UNIVERSITIES.—

(i) *The Board of Governors shall adopt regulations requiring universities to enter into consortia and cooperative agreements to maximize the purchasing power for goods and services. A consortium or cooperative agreement may be statewide, regional, or a combination of institutions, as appropriate to achieve the lowest cost, with the goal of achieving a 5 percent savings on existing contract prices through the use of new cooperative arrangements or new consortium contracts.*

(4) POWERS AND DUTIES RELATING TO FINANCE.—

(e) *The Board of Governors may approve the transfer between institutions of unused budget authority from the Education/General Student and Other Fees Trust Fund.*

(6) POWERS AND DUTIES RELATING TO PERSONNEL.—

(d) *Each contract or employment agreement, or renewal or renegotiation of an existing contract or employment agreement, containing a provision for severance pay with an officer, agent, employee, or contractor must include the provisions required in s. 215.425. The Board of Governors, or the board's designee, may not enter into an employment contract that requires it to pay an employee an amount from state funds in excess of 1 year of the employee's annual salary for termination, buyout, or any other type of contract settlement. This paragraph does not prohibit the payment of leave and benefits accrued by the employee in accordance with the board's or designee's leave and benefits policies before the contract terminates.*

Section 13. Section 1004.092, Florida Statutes, is created to read:

1004.092 Florida Degree Consortium.—

(1) *The Florida Degree Consortium is established by merging the Florida Distance Learning Consortium as provided in s. 1004.091, the*

computer assisted student advising system as provided in s. 1007.28, and the degree completion pilot program as provided in s. 1004.093.

(2) *The Florida Degree Consortium is established for the purpose of serving as a central point of contact for:*

(a) *Information about online courses, programs, and degrees offered by colleges and universities in the state and shall provide assistance to individuals wishing to enroll in online instruction offered by the colleges and universities.*

(b) *Information and links to student and library support services and electronic resources that will guide the student toward the successful completion of an online degree.*

(3) *The Chancellor of the State University System and the Chancellor of the Florida College System shall jointly oversee the implementation of the Florida Degree Consortium.*

Section 14. Section 1004.093, Florida Statutes, is created to read:

1004.093 Degree completion pilot program.—

(1) *The degree completion pilot program is established for the purpose of recruiting, recovering, and retaining the state's adult learners and assisting them in completing an associate degree or baccalaureate degree that is aligned to high-wage, high-skill workforce needs. As used in this section, the term "adult learner" means a student who has left an institution in good standing before completing his or her associate degree or baccalaureate degree. Priority attention shall be given to adult learners who are veterans and active-duty servicemembers.*

(2) *The Chancellor of the State University System and the Chancellor of the Florida College System shall jointly oversee the implementation of the pilot program. The pilot program shall be implemented in collaboration with the University of West Florida, which is the lead institution, and the University of South Florida, Florida State College at Jacksonville, and St. Petersburg College. The pilot program shall include the associate, applied baccalaureate, and baccalaureate degree programs that those institutions have selected, in partnership with public post-secondary education institutions providing areas of specialization or concentration.*

(3) *The pilot program shall be implemented and administered as an activity within the Florida Degree Consortium. The pilot program shall provide adult learners with a single point of access to information and links to innovative online and accelerated distance learning courses, student and library support services, and electronic resources that will guide the adult learner toward the successful completion of a post-secondary education degree.*

(4) *Beginning with the 2012-2013 academic year, the pilot program shall be implemented and must:*

(a) *Use the distance learning course catalog established pursuant to ss. 1004.09 and 1004.091 to communicate course availability to the adult learner.*

(b) *Develop and implement an advising and student support system that includes the use of degree completion specialists, that is based on best practices and processes, and that includes academic and career support services designed specifically for the adult learner.*

(c) *Use the streamlined, automated, online registration process for transient students established pursuant to s. 1004.091 and identify any additional admissions and registration policies and practices that could be further streamlined and automated for purposes of assisting the adult learner.*

(d) *Use competency-based evaluation tools to assess prior performance, experience, and education for the award of college credit, which must include the American Council on Education's collaborative link between the United States Department of Defense and higher education through the review of military training and experience for the award of equivalent college credit for members of the Armed Forces.*

(e) *Develop and implement an evaluation process that collects, analyzes, and provides information to participating postsecondary education institutions, the chairs of the legislative appropriations committees, and*

the Executive Office of the Governor which details the effectiveness of the pilot program and the attainment of its goals. The evaluation process must include a management information system that collects the appropriate student, programmatic, and fiscal data necessary to complete the evaluation of the pilot program.

(f) Develop and implement a statewide marketing campaign targeted at recruiting the adult learners, in particular veterans and active-duty servicemembers, for enrollment in the degree programs offered through the pilot program.

(5) For purposes of the pilot program, each postsecondary education institution's current tuition and fee structure shall be used. However, participating postsecondary education institutions shall collaboratively identify the applicable cost components associated with developing and delivering distance learning courses and submit the information regarding such cost components to the pilot program director.

(6) By August 1, 2012, the Chancellor of the State University System and the Chancellor of the Florida College System shall submit to the chairs of the legislative appropriations committees a detailed project plan that defines the major work activities, timeline, and cost for implementing and administering the pilot program.

Section 15. Section 1006.73, Florida Statutes, is created to read:

1006.73 Florida Education Library Resource Center.—

(1) The Florida Education Library Resource Center is established for the purpose of facilitating the collaboration among academic libraries in acquiring resources and deploying services, leveraging their assets through formal and informal cooperative agreements and collaborative action, and providing coordination and leadership for services in support of teaching, learning, research, and public service.

(2)(a) The Chancellor of the State University System and the Chancellor of the Florida College System, or their designees as appropriate and applicable, shall jointly govern and oversee the center, with the assistance of a board of directors and members council, using the administrative and operational policies and procedures of the center.

(b)1. A board of directors shall make recommendations to the chancellors and approve and implement bylaws governing the policies and operations of the center. The board of directors shall consist, at a minimum, of:

- a. A university provost selected by the Chancellor of the State University System;
- b. A college academic vice president selected by the Chancellor of the Florida College System;
- c. The chair, past chair, and chair-elect of the members council;
- d. One university representative selected by the members council; and
- e. One college representative selected by the members council.

2. The members council shall consist of one representative from each state university library and college library who shall advise the board of directors regarding services and products offered by the center. The membership of the council may be expanded to include representatives of other types of libraries contracting for services through the center as provided in the bylaws of the center.

(3) The center may enter into a contract with a postsecondary education institution for fiscal services and administrative support services or may, at the discretion of the chancellors, provide such services and support internally. The services and fees charged by the postsecondary education institution shall be negotiated with the center and may not exceed the actual cost for providing the services.

(4) The center shall maintain an unencumbered balance of 5 percent of the approved operating budget.

(5) By June 30, 2013, the Florida Center for Library Automation and the College Center for Library Automation shall cease independent operations and all remaining assets and responsibilities, not otherwise disposed of, shall be transferred to the center.

(6) In order to support academic libraries in fulfilling their missions, the center shall:

(a) Provide services as determined by its board of directors and authorized by the chancellors. The center shall develop a menu of core and optional services, including areas that must be offered to and used by institutions at no charge.

(b) Provide for the cost-efficient and cost-effective use of the technological infrastructure needed to deliver its services through the acquisition of a next generation library management system and its associated services, including a discovery tool. The library management system and discovery tool shall replace the tools provided to postsecondary academic libraries by the Florida Center for Library Automation and the College Center for Library Automation. The center may also assist member institutions in and through the acquisition or implementation of other specialized tools and resources in support of or on behalf of member institutions.

(c) Build upon existing opportunities and seek new opportunities for formal and informal cooperative agreements and partnerships to foster continuing collaborative action that leverages institutional and statewide resources.

(d) Coordinate the negotiation of statewide licensing and preferred pricing agreements with content and service providers that result in cost savings for member institutions pursuant to s. 1006.72.

(e) Have the authority to enter into contracts, issue purchase orders, and own or lease property and equipment. The center may secure assistance and services from other state universities and colleges in order to avail itself of the necessary expertise and support in the most cost-effective manner possible.

(f) Have the authority, upon recommendation of the board of directors and approval of the chancellors, to apply for and accept funds, grants, gifts, and services from local, state, or federal governments, or from any of their agencies, or any other public or private source and use such funds to defray administrative costs and implement programs as may be necessary to carry out the center's purpose and assist member institutions and the students, faculty, and staff that the center serves and supports.

Section 16. Subsection (6) of section 1007.33, Florida Statutes, is amended to read:

1007.33 Site-determined baccalaureate degree access.—

~~(6)(a) Beginning July 1, 2010, and each subsequent July 1, the Division of Florida Colleges may accept and review applications from a Florida College System institution to obtain an exemption from the State Board of Education's approval for subsequent degrees as required in subsection (5), if the Florida College System institution is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools as a baccalaureate degree-granting institution and has been offering baccalaureate degree programs for 3 or more years. The division shall develop criteria for determining eligibility for an exemption based upon demonstrated compliance with the requirements for baccalaureate degrees, primary mission, and fiscal, including, but not limited to:~~

- ~~1. Obtaining and maintaining appropriate SACS accreditation;~~
- ~~2. The maintenance of qualified faculty and institutional resources;~~
- ~~3. The maintenance of enrollment projections in previously approved programs;~~
- ~~4. The appropriate management of fiscal resources;~~
- ~~5. Compliance with the primary mission and responsibility requirements in subsections (2) and (3);~~
- ~~6. The timely submission of the institution's annual performance accountability report; and~~
- ~~7. Other indicators of success such as program completers, placements, and surveys of students and employers.~~

~~(b) If the Florida College System institution has demonstrated satisfactory progress in fulfilling the eligibility criteria in this subsection,~~

~~the Division of Florida Colleges may recommend to the State Board of Education that the institution be exempt from the requirement in subsection (5) for approval of future baccalaureate degree programs. The State Board of Education shall review the division's recommendation and determine if an exemption is warranted. If the State Board of Education approves the application, the Florida College System institution is exempt from subsequent program approval under subsection (5) and such authority is delegated to the Florida College System institution board of trustees. If the State Board of Education disapproves of the Florida College System institution's request for an exemption, the college shall continue to be subject to the State Board of Education's approval of subsequent baccalaureate degree programs.~~

(a)(e) Prior to developing or proposing a new baccalaureate degree program, all Florida College System institutions, ~~regardless of an exemption from subsection (5),~~ shall:

1. Engage in need, demand, and impact discussions with the state university in their service district and other local and regional, accredited postsecondary providers in their region.

2. Send documentation, data, and other information from the inter-institutional discussions regarding program need, demand, and impact required in subparagraph 1. to the college's board of trustees, the Division of Florida Colleges, and the Chancellor of the State University System.

3. Base board of trustees approval of the new program upon the documentation, data, and other information required in this paragraph and the factors in subsection (5)(d).

The Division of Florida Colleges shall use the documentation, data, and other information required in this subsection, including information from the Chancellor of the State University System, in its compliance review.

~~(b)(d)~~ The board of trustees of a Florida College System institution ~~that is exempt from subsection (5)~~ must submit newly approved programs to the Division of Florida Colleges and SACS within 30 days after approval.

~~(c)(e)~~ Within 30 days after receiving the approved baccalaureate degree program, the Division of Florida Colleges shall conduct a compliance review and notify the college if the proposal meets the criteria for implementation based upon the criteria in paragraphs (5)(d) and (6)(a) ~~(6)(e)~~. If the program fails to meet the criteria for implementation as determined by the Division of Florida Colleges, the college may not proceed with implementation of the program until the State Board of Education reviews the proposal and the compliance materials and gives its final approval of the program.

Section 17. Subsection (3) of section 1009.215, Florida Statutes, is amended to read:

1009.215 Student enrollment pilot program for the spring and summer terms.—

(3) Students who are enrolled in the pilot program and who are eligible to receive Bright Futures Scholarships under ss. 1009.53-1009.536 shall be eligible to receive the scholarship award for attendance during the summer term. *A student may not receive the scholarship award for more than 2 semesters in any given fiscal year in the spring and summer terms but are not eligible to receive the scholarship for attendance during the fall term.*

Section 18. Subsection (1) of section 1009.25, Florida Statutes, is amended to read:

1009.25 Fee exemptions.—

(1) The following students are exempt from the payment of tuition and fees, including lab fees, at a school district that provides *workforce education postsecondary career programs*, Florida College System institution, or state university:

(a) A student enrolled in a dual enrollment or early admission program pursuant to s. 1007.27 or s. 1007.271.

(b) A student enrolled in an approved apprenticeship program, as defined in s. 446.021.

(c) A student who is or was at the time he or she reached 18 years of age in the custody of the Department of Children and Family Services or who, after spending at least 6 months in the custody of the department after reaching 16 years of age, was placed in a guardianship by the court. Such exemption includes fees associated with enrollment in career-preparatory instruction. The exemption remains valid until the student reaches 28 years of age.

(d) A student who is or was at the time he or she reached 18 years of age in the custody of a relative under s. 39.5085 or who was adopted from the Department of Children and Family Services after May 5, 1997. Such exemption includes fees associated with enrollment in career-preparatory instruction. The exemption remains valid until the student reaches 28 years of age.

(e) A student enrolled in an employment and training program under the welfare transition program. The regional workforce board shall pay the state university, Florida College System institution, or school district for costs incurred for welfare transition program participants.

(f) A student who lacks a fixed, regular, and adequate nighttime residence or whose primary nighttime residence is a public or private shelter designed to provide temporary residence for individuals intended to be institutionalized, or a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

(g) A student who is a proprietor, owner, or worker of a company whose business has been at least 50 percent negatively financially impacted by the buyout of property around Lake Apopka by the State of Florida. Such student may receive a fee exemption only if the student has not received compensation because of the buyout, the student is designated a Florida resident for tuition purposes, pursuant to s. 1009.21, and the student has applied for and been denied financial aid, pursuant to s. 1009.40, which would have provided, at a minimum, payment of all student fees. The student is responsible for providing evidence to the postsecondary education institution verifying that the conditions of this paragraph have been met, including supporting documentation provided by the Department of Revenue. The student must be currently enrolled in, or begin coursework within, a program area by fall semester 2000. The exemption is valid for a period of 4 years after the date that the postsecondary education institution confirms that the conditions of this paragraph have been met.

(h) *A student for whom the full program cost is paid by another party.*

Section 19. Subsections (2) and (7) of section 1009.286, Florida Statutes, are amended to read:

1009.286 Additional student payment for hours exceeding baccalaureate degree program completion requirements at state universities.—

(2) State universities shall require a student to pay an excess hour surcharge ~~equal to 100 percent of the tuition rate~~ for each credit hour in excess of ~~115 percent of~~ the number of credit hours required to complete the baccalaureate degree program in which the student is enrolled. *The excess hour surcharge shall become effective for students who enter a Florida College System institution or a state university for the first time as follows:*

(a) *For the 2009-2010 and 2010-2011 academic years, an excess hour surcharge equal to 50 percent of the tuition rate for each credit hour in excess of 120 percent;*

(b) *For the 2011-2012 academic year, an excess hour surcharge equal to 100 percent of the tuition rate for each credit hour in excess of 115 percent; and*

(c) *For the 2012-2013 academic year and thereafter, an excess hour surcharge equal to 100 percent of the tuition rate for each credit hour in excess of 110 percent.*

~~(7) The provisions of this section become effective for students who enter a Florida College System institution or a state university for the first time in the 2011-2012 academic year and thereafter.~~

Section 20. Subsections (2) and (7) of section 1009.531, Florida Statutes, are amended to read:

1009.531 Florida Bright Futures Scholarship Program; student eligibility requirements for initial awards.—

(2)(a) For students graduating from high school prior to the 2010-2011 academic year, a student is eligible to accept an initial award for 3 years following high school graduation and to accept a renewal award for 7 years following high school graduation. A student who applies for an award by high school graduation and who meets all other eligibility requirements, but who does not accept his or her award, may reapply during subsequent application periods up to 3 years after high school graduation. For a student who enlists in the United States Armed Forces immediately after completion of high school, the 3-year eligibility period for his or her initial award shall begin upon the date of separation from active duty. For a student who is receiving a Florida Bright Futures Scholarship and discontinues his or her education to enlist in the United States Armed Forces, the remainder of his or her 7-year renewal period shall commence upon the date of separation from active duty.

(b) For students graduating from high school in the 2010-2011 and 2011-2012 academic years ~~year and thereafter~~, a student is eligible to accept an initial award for 3 years following high school graduation and to accept a renewal award for 5 years following high school graduation. A student who applies for an award by high school graduation and who meets all other eligibility requirements, but who does not accept his or her award, may reapply during subsequent application periods up to 3 years after high school graduation. For a student who enlists in the United States Armed Forces immediately after completion of high school, the 3-year eligibility period for his or her initial award and the 5-year renewal period shall begin upon the date of separation from active duty. For a student who is receiving a Florida Bright Futures Scholarship award and discontinues his or her education to enlist in the United States Armed Forces, the remainder of his or her 5-year renewal period shall commence upon the date of separation from active duty. If a course of study is not completed after 5 academic years, an exception of 1 year to the renewal timeframe may be granted due to a verifiable illness or other documented emergency pursuant to s. 1009.40(1)(b)4.

(c) *For students graduating from high school in the 2012-2013 academic year and thereafter, a student is eligible to accept an initial award for 2 years after high school graduation and to accept a renewal award for 5 years after high school graduation. A student who applies for an award by high school graduation and who meets all other eligibility requirements, but who does not accept his or her award, may reapply during subsequent application periods up to 2 years after high school graduation. For a student who enlists in the United States Armed Forces immediately after the completion of high school, the 2-year eligibility period for his or her initial award and the 5-year renewal period shall begin upon the date of separation from active duty. For a student who is receiving a Florida Bright Futures Scholarship award and discontinues his or her education to enlist in the United States Armed Forces, the remainder of his or her 5-year renewal period shall begin upon the date of separation from active duty. If a course of study is not completed after 5 academic years, an exception of 1 year to the renewal timeframe may be granted due to a verifiable illness or other documented emergency pursuant to s. 1009.40(1)(b)4.*

(7) To be eligible for an *initial and for each renewal* award under the Florida Bright Futures Scholarship Program, a student must submit a Free Application for Federal Student Aid which is complete and error free prior to disbursement of funds. *The department may provide an alternate form for use by students who do not choose to submit a Free Application for Federal Student Aid. The alternate form shall provide the appropriate information, including, but not limited to, information regarding funds and assets.*

Section 21. Subsection (3) of section 1009.532, Florida Statutes, is amended to read:

1009.532 Florida Bright Futures Scholarship Program; student eligibility requirements for renewal awards.—

(3)(a) A student who is initially eligible prior to the 2010-2011 academic year and is enrolled in a program that terminates in an associate degree or a baccalaureate degree may receive an award for a maximum of 110 percent of the number of credit hours required to complete the

program. A student who is enrolled in a program that terminates in a career certificate may receive an award for a maximum of 110 percent of the credit hours or clock hours required to complete the program up to 90 credit hours.

(b) For a student who is initially eligible in the 2010-2011 *and 2011-2012 academic years* ~~term and thereafter~~, the student may receive an award for a maximum of 100 percent of the number of credit hours required to complete an associate degree program or a baccalaureate degree program, or the student may receive an award for a maximum of 100 percent of the credit hours or clock hours required to complete up to 90 credit hours of a program that terminates in a career certificate.

(c) *For a student who is initially eligible in the 2012-2013 academic year and thereafter, the student may receive an award for a maximum of 100 percent of the number of credit hours required to complete an associate degree program or a baccalaureate degree program. A student may earn a Florida Gold Seal Vocational Scholarship for a maximum of 100 percent of the credit hours or equivalent clock hours as provided in s. 1009.536(4)(c).* A student who transfers from one of these program levels to another becomes eligible for the higher of the two credit hour limits.

Section 22. Subsection (5) of section 1009.534, Florida Statutes, is amended to read:

1009.534 Florida Academic Scholars award.—

(5) Notwithstanding subsections (2) and (4), a Florida Academic Scholar is eligible for an award equal to the amount specified in the General Appropriations Act. *The Legislature may provide in the General Appropriations Act an additional supplement for upper-division courses in the fields of science, technology, engineering, and mathematics.*

Section 23. Subsection (4) of section 1009.535, Florida Statutes, is amended to read:

1009.535 Florida Medallion Scholars award.—

(4) Notwithstanding subsection (2), a Florida Medallion Scholar is eligible for an award equal to the amount specified in the General Appropriations Act. *The Legislature may provide in the General Appropriations Act an additional supplement for upper-division courses in the fields of science, technology, engineering, and mathematics.*

Section 24. Section 1009.536, Florida Statutes, is amended to read:

1009.536 Florida Gold Seal Vocational Scholars award.—The Florida Gold Seal Vocational Scholars award is created within the Florida Bright Futures Scholarship Program to recognize and reward academic achievement and career preparation by high school students who wish to continue their education.

(1) A student is eligible for a Florida Gold Seal Vocational Scholars award if the student meets the general eligibility requirements for the Florida Bright Futures Scholarship Program and the student:

(a) ~~Completes the secondary school portion of a sequential program of studies that requires at least three secondary school career credits taken over at least 2 academic years, and is continued in a planned, related postsecondary education program. If the student's school does not offer such a two plus two or tech prep program, the student must complete a job preparatory career education program selected by Workforce Florida, Inc., for its ability to provide high wage employment in an occupation with high potential for employment opportunities. On the job training may not be substituted for any of the three required career credits.~~

(b) Demonstrates readiness for postsecondary education by earning a passing score on the Florida College Entry Level Placement Test or its equivalent as identified by the Department of Education.

(c) Earns a minimum cumulative weighted grade point average of 3.0, as calculated pursuant to s. 1009.531, on all subjects required for a standard high school diploma, excluding elective courses.

(d) Earns a minimum unweighted grade point average of 3.5 on a 4.0 scale for secondary career courses comprising the career program.

(e) Beginning with high school students graduating in the 2011-2012 academic year and thereafter, completes a program of community service work approved by the district school board or the administrators of a nonpublic school, which shall include a minimum of 30 hours of service work, and identifies a social problem that interests him or her, develops a plan for his or her personal involvement in addressing the problem, and, through papers or other presentations, evaluates and reflects upon his or her experience.

(2) A Florida Gold Seal Vocational Scholar is eligible for an award equal to the amount *specified in the General Appropriations Act* ~~required to pay 75 percent of tuition and fees, if the student is enrolled in a public postsecondary education institution. A student who is enrolled in a nonpublic postsecondary education institution is eligible for an award equal to the amount that would be required to pay 75 percent of the tuition and mandatory fees of a public postsecondary education institution at the comparable level.~~

(3) To be eligible for a renewal award as a Florida Gold Seal Vocational Scholar, a student must maintain the equivalent of a cumulative grade point average of 2.75 on a 4.0 scale with an opportunity for restoration one time as provided in this chapter.

(4)(a) A student who is initially eligible before the 2010-2011 academic year may earn a Florida Gold Seal Vocational Scholarship for 110 percent of the number of credit hours required to complete the program, up to 90 credit hours or the equivalent.

(b) For a student who is initially eligible in the 2010-2011 and 2011-2012 academic terms ~~term and thereafter~~, the student may earn a Florida Gold Seal Vocational Scholarship for 100 percent of the number of credit hours required to complete the program, up to 90 credit hours or the equivalent.

(c) For a student who is initially eligible in the 2012-2013 academic term and thereafter, the student may earn a Florida Gold Seal Vocational Scholarship for up to 100 percent of the number of credit hours or equivalent clock hours required to complete one of the following programs:

1. Up to 60 credit hours or equivalent clock hours in an applied technology diploma program as defined in s. 1004.02(8);
2. Up to 72 credit hours in a technology degree education program as defined in s. 1004.02(14); and
3. Up to the prescribed number of credit hours or equivalent clock hours, not to exceed 72, required for a career certificate program as defined in s.1004.02(21).

~~(5) Notwithstanding subsection (2), a Florida Gold Seal Vocational Scholar is eligible for an award equal to the amount specified in the General Appropriations Act.~~

Section 25. Present subsection (7) of section 1009.60, Florida Statutes, is redesignated as subsection (8), and a new subsection (7) is added to that section, to read:

1009.60 Minority teacher education scholars program.—There is created the minority teacher education scholars program, which is a collaborative performance-based scholarship program for African-American, Hispanic-American, Asian-American, and Native American students. The participants in the program include Florida's Florida College System institutions and its public and private universities that have teacher education programs.

(7) The Florida Fund for Minority Teachers, Inc., shall use a contingency collections agency to collect repayments of defaulted scholarships.

Section 26. Paragraph (b) of subsection (2) of section 1009.605, Florida Statutes, is amended to read:

1009.605 Florida Fund for Minority Teachers, Inc.—

(2)

(b) The corporation shall report to the Department of Education, by the date established by the department, the eligible students to whom scholarship moneys are disbursed each academic term, *the annual bal-*

ance of the corporation's assets and cash reserves, and any other information requested by the department in accordance with s. 1009.94. By June 30 of each fiscal year, the corporation shall remit to the department any appropriated funds that were not distributed for scholarships, less the 5 percent for administration, including administration of the required training program, authorized pursuant to subsection (3).

Section 27. Subsection (2) of section 1012.83, Florida Statutes, is amended to read:

1012.83 Contracts with administrative and instructional staff.—

(2) *Each contract or employment agreement, or renewal or renegotiation of an existing contract or employment agreement, containing a provision for severance pay with an officer, agent, employee, or contractor must include the provisions required in s. 215.425. A Florida College System institution board of trustees may not enter into an employment contract that requires the Florida College System institution to pay an employee an amount from appropriated state funds in excess of 1 year of the employee's annual salary for termination, buyout, or any other type of contract settlement. This subsection does not prohibit the payment of leave and benefits accrued by the employee in accordance with the Florida College System institution's leave and benefits policies before the contract terminates.*

Section 28. *Notwithstanding the 5 percent limitation provided in s. 1010.62(2)(a), Florida Statutes, the University of Florida is authorized to use revenues derived from the activity and service fee to pay and secure debt in an amount not to exceed \$2.55 per credit hour to finance the renovation and expansion of the university's J. Wayne Reitz Union.*

Section 29. This act shall take effect July 1, 2012.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to postsecondary education; amending s. 11.45, F.S.; requiring that the Auditor General notify the Legislative Auditing Committee of any financial or operational audit report indicating that a state university or state college has failed to take full corrective action in response to recommendations in previous audit reports; authorizing the committee to direct the governing body of the state university or state college to provide a written statement explaining why full corrective action has not been taken or notifying that it intends to take full corrective action; requiring that a hearing be held if the committee determines that the state university or state college has, without justification, failed to take full corrective action; amending s. 287.057, F.S.; deleting a provision that exempts from competitive-solicitation requirements training and education services for injured employees, to conform to changes made by the act; amending s. 402.7305, F.S.; conforming a cross-reference; amending s. 413.011, F.S.; revising the duties of the Division of Blind Services within the Department of Education; requiring that Daytona State College be given priority for the use of available property located in Daytona Beach which is no longer needed by the division; requiring prior approval by the Division of Blind Services and the Division of State Lands within the Department of Environmental Protection for the future construction of facilities not related to programs under the Division of Blind Services; amending s. 427.0135, F.S.; conforming a cross-reference; amending s. 440.15, F.S.; revising provisions to conform to changes made by the act; repealing s. 440.33(3), F.S., relating to provisions that authorize a judge of compensation claims to request an evaluation pursuant to s. 440.491, F.S., to conform to changes made by the act; repealing s. 440.491, F.S., relating to the re-employment of injured workers and rehabilitation; amending s. 440.50, F.S.; revising provisions to conform to changes made by the act; amending s. 1001.02, F.S.; requiring that the State Board of Education delegate to the Division of Florida Colleges oversight responsibility for certain Florida College System institutions; amending s. 1001.64, F.S.; requiring that each contract or employment agreement, or renewal or renegotiation of an existing contract or employment agreement, containing a provision for severance pay include certain provisions; requiring that each board of trustees enter into consortia and cooperative agreements; providing that a consortium or cooperative agreement may be statewide, regional, or a combination of institutions, as appropriate to achieve the lowest cost; amending s. 1001.706, F.S.; requiring that the Board of Governors adopt regulations requiring universities to enter into consortia and cooperative agreements; authorizing the Board of Governors to approve the transfer between institutions of unused budget au-

thority from the Education/General Student and Other Fees Trust Fund; revising provisions relating to employment contracts with the Board of Governors; requiring that each contract or employment agreement, or renewal or renegotiation of an existing contract or employment agreement, containing a provision for severance pay include certain provisions; creating s. 1004.092, F.S.; establishing the Florida Degree Consortium by merging the Florida Distance Learning Consortium, the computer-assisted student advising system, and the degree completion pilot program; providing a purpose; requiring that the Chancellor of the State University System and the Chancellor of the Florida College System jointly oversee the implementation of the Florida Degree Consortium; creating s. 1004.093, F.S.; creating the degree completion pilot program; providing a purpose; requiring that the Chancellor of the State University System and the Chancellor of the Florida College System jointly oversee the implementation of the pilot program; defining the term "adult learner"; providing that priority attention be given to adult learners who are veterans and active-duty servicemembers; providing for implementation and requirements of the pilot program; requiring that the chancellors submit a detailed project plan to the Legislature by a specified date; creating s. 1006.73, F.S.; establishing the Florida Education Library Resource Center; providing a purpose; requiring that the Chancellor of the State University System and the Chancellor of the Florida College System jointly govern and oversee the center; providing for membership; authorizing the center to enter into contracts with postsecondary education institutions for certain support services; requiring that the Florida Center for Library Automation and the College Center for Library Automation cease independent operations by a specified date; providing for all remaining assets and responsibilities to be transferred to the center; providing authority and duties of the center; amending s. 1007.33, F.S.; deleting provisions providing a procedure for a Florida College System institution to apply for an exemption from certain requirements for approval of additional baccalaureate degree programs; amending s. 1009.215, F.S.; providing that students who are enrolled in the student enrollment pilot program and who are eligible to receive Bright Futures Scholarships may receive the scholarship award during the summer term; prohibiting a student from receiving the scholarship award for more than 2 semesters in any given fiscal year; amending s. 1009.25, F.S.; revising provisions relating to exemptions from the payment of tuition and fees at a school district that provides workforce education for certain students; providing such exemption for a student for whom the full program cost is paid by another party; amending s. 1009.286, F.S.; requiring that state universities require each student to pay an excess hour surcharge; providing for application; amending s. 1009.531, F.S.; revising provisions relating to student eligibility for Florida Bright Futures Scholarships; providing that certain students are eligible to accept an initial award and a renewal award for a specified period after high school graduation; providing exceptions; authorizing the Department of Education to provide an alternate form to the Free Application for Federal Student Aid for purposes of eligibility under the Florida Bright Futures Scholarship Program; amending s. 1009.532, F.S.; revising provisions relating to student eligibility requirements for renewal awards of a Florida Bright Futures Scholarship; providing that certain students may receive an award for a maximum percentage of the number of credit hours required to complete an associate degree program or a baccalaureate degree program; providing that a student may receive a Florida Gold Seal Vocational Scholarship award for a maximum percentage of the credit hours or equivalent clock hours; amending ss. 1009.534 and 1009.535, F.S.; authorizing the Legislature to provide an additional supplement in the General Appropriations Act for upper-division courses in the fields of science, technology, engineering, and mathematics for the Florida Academic Scholars and Florida Medallion Scholars awards; amending s. 1009.536, F.S.; revising the eligibility requirements for receiving a Florida Gold Seal Vocational Scholars award; providing that a Florida Gold Seal Vocational Scholar is eligible for an award equal to the amount specified in the General Appropriations Act; providing that certain students may earn a Florida Gold Seal Vocational Scholarship for up to a specified percentage of the credit hours or equivalent clock hours required to complete an applied technology diploma program, a technology degree program, or a career certificate program; amending s. 1009.60, F.S.; requiring that the Florida Fund for Minority Teachers, Inc., use a contingency collections agency to collect repayments of defaulted scholarships awarded through the minority teacher education scholars program; amending s. 1009.605, F.S.; requiring that the Florida Fund for Minority Teachers, Inc., report the annual balance of the corporation's assets and cash reserves to the Department of Education; amending s. 1012.83, F.S.; revising provisions relating to employment contracts with

Florida College System institutions; requiring that each contract or employment agreement, or renewal or renegotiation of an existing contract or employment agreement, containing a provision for severance pay include certain provisions; authorizing the University of Florida to use revenues from the activity and service fee to finance the renovation and expansion of the university's J. Wayne Reitz Union; providing an effective date.

MOTION

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

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

Amendment 1A (189240) (with title amendment)—Between lines 858 and 859 insert:

Section 29. *The Higher Education Coordinating Council, created pursuant to s. 1004.015, Florida Statutes, shall review and evaluate the current higher education governance structure in this state and shall make recommendations to the Legislature regarding potential revisions to the higher education delivery system to improve student services, access, affordability, and accountability. At a minimum, the council shall consider academics, fiscal efficiencies, and regional demographics. The council shall report its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives.*

And the title is amended as follows:

Delete line 1035 and insert: the university's J. Wayne Reitz Union; requiring that the Higher Education Coordinating Council review and evaluate the current higher education governance structure in this state and make recommendations to the Legislature for potential revisions to the higher education delivery system; requiring that the council report its findings and recommendations to the Governor and Legislature; providing an

MOTION

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

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

Amendment 1B (605364) (with title amendment)—Between lines 342 and 343 insert:

Section 15. Section 1004.935, Florida Statutes, is created to read:

1004.935 Adults with Disabilities Workforce Education Pilot Program.—

(1) The Adults with Disabilities Workforce Education Pilot Program is established for 2 years in Charlotte County, DeSoto County, Manatee County, and Sarasota County to provide the option of receiving a scholarship for instruction at private schools for up to 30 students who:

- (a) Have a disability;*
- (b) Are 22 years of age;*
- (c) Are receiving instruction from an instructor in a private school to meet the high school graduation requirements in s. 1003.428;*
- (d) Do not have a standard high school diploma or a special high school diploma; and*
- (e) Receive supported employment services, which is employment that is located or provided in an integrated work setting, with earnings paid on a commensurate wage basis, and for which continued support is needed for job maintenance.*

As used in this subsection, the term "student with a disability" includes a student who is documented as having an intellectual disability; a speech impairment; a language impairment; a hearing impairment, including

deafness; a visual impairment, including blindness; a dual sensory impairment; an orthopedic impairment; another health impairment; an emotional or behavioral disability; a specific learning disability, including, but not limited to, dyslexia, dyscalculia, or developmental aphasia; a traumatic brain injury; a developmental delay; or autism spectrum disorder.

(2) A student participating in the pilot program may continue to participate in the program until the student graduates from high school, or reaches the age of 30 years, whichever occurs first.

(3) The supported employment services may be provided at more than one site.

(4) The provider of supported employment services must be a non-profit corporation under s. 501(c)(3) of the Internal Revenue Code which serves Charlotte County, DeSoto County, Manatee County, or Sarasota County and must contract with a private school in this state which meets the requirements in subsection (5).

(5) A private school that participates in the program may be sectarian or nonsectarian and must:

(a) Be academically accountable for meeting the educational needs of the student by annually providing to the provider of supported employment services a written explanation of the student's progress.

(b) Comply with the antidiscrimination provisions of 42 U.S.C. s. 2000d.

(c) Meet state and local health and safety laws and codes.

(d) Provide to the provider of supported employment services all documentation required for a student's participation, including the private school's and student's fee schedules, at least 30 days before any quarterly scholarship payment is made for the student. A student is not eligible to receive a quarterly scholarship payment if the private school fails to meet this deadline.

The inability of a private school to meet the requirements of this subsection constitutes a basis for the ineligibility of the private school to participate in the scholarship program.

(6)(a) If the student chooses to participate in the program and is accepted by the provider of supported employment services, the student must notify the Department of Education of his or her acceptance into the program 60 days before the first scholarship payment and before participating in the program in order to be eligible for the scholarship.

(b) Upon receipt of a scholarship warrant, the student or parent to whom the warrant is made must restrictively endorse the warrant to the provider of supported employment services for deposit into the account of the provider. The student or parent may not designate any entity or individual associated with the participating provider of supported employment services as the student's or parent's attorney in fact to endorse a scholarship warrant. A participant who fails to comply with this paragraph forfeits the scholarship.

(7) Funds for the scholarship shall be provided from the appropriation from the school district's Workforce Development Fund in the General Appropriations Act for students who reside in the Charlotte County School District, the DeSoto County School District, the Manatee County School District, or the Sarasota County School District. During the 2-year pilot program, the scholarship amount granted for an eligible student with a disability shall be equal to the cost per unit of a full-time equivalent adult general education student, multiplied by the adult general education funding factor, and multiplied by the district cost differential pursuant to the formula required by s. 1011.80(6)(a) for the district in which the student resides.

(8) Upon notification by the Department of Education that it has received the required documentation, the Chief Financial Officer shall make scholarship payments in four equal amounts no later than September 1, November 1, February 1, and April 1 of each academic year in which the scholarship is in force. The initial payment shall be made after the Department of Education verifies that the student was accepted into the program, and subsequent payments shall be made upon verification of continued participation in the program. Payment must be by individual warrant made payable to the student or parent and mailed by the Department of Education to the provider of supported employment services, and the student or parent shall restrictively endorse the warrant to the provider of supported employment services for deposit into the account of that provider.

partment of Education to the provider of supported employment services, and the student or parent shall restrictively endorse the warrant to the provider of supported employment services for deposit into the account of that provider.

(9) Subsequent to each scholarship payment, the Department of Education shall request from the Department of Financial Services a sample of endorsed warrants to review and confirm compliance with endorsement requirements.

And the title is amended as follows:

Delete line 949 and insert: specified date; creating s. 1004.935, F.S.; establishing the Adults with Disabilities Workforce Education Pilot Program for a specified period in certain counties; providing a purpose; providing eligibility requirements for participation in the program; providing a definition for the term "student with a disability" for purposes of the pilot program; providing requirements for providers of supported employment services and private schools to participate in the pilot program; providing notice requirements for students who are accepted into the pilot program; providing funding; requiring that the Chief Financial Officer make scholarship payments; requiring that the Department of Education request from the Department of Financial Services a sample of endorsed warrants after each scholarship payment; creating s. 1006.73, F.S.;

MOTION

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

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

Amendment 1C (441838) (with title amendment)—Between lines 835 and 836 insert:

Section 27. Section 1010.30, Florida Statutes, is amended to read:

1010.30 Audits required.—

(1) School districts, Florida College System institutions, and other institutions and agencies under the supervision of the State Board of Education and state universities under the supervision of the Board of Governors are subject to the audit provisions under ss. 11.45 and 218.39.

(2) If an audit contains a significant finding, the district school board, the Florida College System institution board of trustees, or the university board of trustees shall conduct an audit overview during a public meeting.

And the title is amended as follows:

Delete line 1026 and insert: Department of Education; amending s. 1010.30, F.S.; requiring that the district school board, the Florida College System institution board of trustees, or the university board of trustees conduct an audit overview during a public meeting if an audit contains significant findings; amending s. 1012.83, F.S.;

Amendment 1 as amended was adopted.

On motions by Senator Lynn, by two-thirds vote **HB 5201** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Jones
Alexander	Dockery	Joyner
Altman	Evers	Latvala
Benacquisto	Fasano	Lynn
Bennett	Flores	Margolis
Bogdanoff	Gaetz	Negron
Braynon	Garcia	Norman
Bullard	Gardiner	Oelrich
Dean	Gibson	Rich
Detert	Hays	Richter

Ring	Siplin	Storms
Sachs	Smith	Thrasher
Simmons	Sobel	Wise

Nays—None

Vote Preference:

February 24, 2012: Yea—Montford

MOTIONS

On motion by Senator Lynn, the Senate having refused to pass **HB 5201** as passed by the House, acceded to the request for a conference committee.

SB 1994—A bill to be entitled An act relating to postsecondary education; amending s. 1004.345, F.S.; deleting provisions creating the University of South Florida Polytechnic; requiring that the Florida Polytechnic University meet certain criteria established by the Board of Governors by a specified date; requiring that the Board of Trustees of the Florida Polytechnic University notify the Board of Governors when such criteria are met; requiring that students enrolled at the University of South Florida Polytechnic be afforded the opportunity to complete their degrees at the University of South Florida; transferring all real and personal property, licenses, contracts, and associated funds from the University of South Florida Polytechnic to the Florida Polytechnic University; transferring all programs, functions, offices, records, and faculty and staff positions from the University of South Florida Polytechnic to the University of South Florida; authorizing the Board of Trustees of the Florida Polytechnic University to certify a direct-support organization to serve the Florida Polytechnic University; requiring that the Board of Trustees of the University of South Florida and the University of South Florida Foundation transfer to the new foundation assets that were intended for the University of South Florida Polytechnic; providing that memorandums of understanding between the University of South Florida and the University of South Florida Polytechnic are invalid upon the act becoming law; requiring that the University of South Florida transfer the lease of certain federal communications licenses and the proceeds from such lease to the Florida Polytechnic University; requiring the transfer of space at the Lakeland joint-use facility to Polk State College when the Florida Polytechnic University no longer needs the space; requiring that the University of Florida be available in an advisory or consulting capacity to assist the Florida Polytechnic University; amending s. 1001.21, F.S.; revising the definition of “state university” to include the Florida Polytechnic University; amending s. 1004.346, F.S.; revising provisions relating to the Florida Industrial and Phosphate Research Institute, to conform to changes made by the act; amending s. 1004.387, F.S.; providing for a doctor of pharmacy degree program at the University of South Florida; deleting provisions that authorize the development and implementation of the program on the campus of the University of South Florida Polytechnic; amending s. 1013.74, F.S.; authorizing a university board of trustees to expend certain reserve or carry-forward balances from prior years for capital outlay projects for a new campus for specified fiscal years; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Thrasher, the rules were waived and time of recess was extended until 9:00 p.m.

Senator Lynn moved the following amendment which was adopted:

Amendment 1 (962672) (with title amendment)—Delete lines 99-102 and insert:

(2) *All Florida Industrial and Phosphate Research Institute programs, functions, offices, records, faculty positions, and staff positions of the University of South Florida Polytechnic shall be transferred to the Florida Polytechnic University.*

(3) *After the transfers required in subsections (1) and (2) are complete, all programs, functions, offices, records, faculty positions, and staff po-*

sitions of the University of South Florida Polytechnic shall be transferred to the University of South Florida.

And the title is amended as follows:

Delete lines 16-19 and insert: Polytechnic University; transferring all Florida Industrial and Phosphate Research Institute programs, functions, offices, records, faculty positions, and staff positions from the University of South Florida Polytechnic to the Florida Polytechnic University; transferring all programs, functions, offices, records, and faculty and staff positions from the University of South Florida Polytechnic to the University of South Florida when certain transfers are complete;

THE PRESIDENT PRESIDING

On motions by Senator Lynn, by two-thirds vote **SB 1994** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—35

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

Nays—4

Dockery	Evers	Fasano
Oelrich		

Vote Preference:

February 24, 2012: Yea—Montford

MOTIONS

On motion by Senator Lynn, the House was requested to pass **SB 1994** as passed by the Senate; or agree to include this bill in the budget conference.

SB 1966—A bill to be entitled An act relating to shared county and state responsibility for juvenile detention; amending s. 985.686, F.S.; redefining the term “detention care” to include respite beds for juveniles charged with domestic violence; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 1966**, on motion by Senator Bogdanoff, by two-thirds vote **HB 5401** was withdrawn from the Committee on Budget.

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

HB 5401—A bill to be entitled An act relating to juvenile detention; amending s. 985.686, F.S.; providing that detention care, for purposes of provisions relating to shared county and state responsibility for juvenile detention costs, includes alternatives to secured detention; providing an effective date.

—a companion measure, was substituted for **SB 1966** 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 (340914) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (2) of section 985.686, Florida Statutes, is amended to read:

985.686 Shared county and state responsibility for juvenile detention.—

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

(a) “Detention care” means secure detention *and respite beds for juveniles charged with a domestic violence crime*.

Section 2. 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 shared county and state responsibility for juvenile detention; amending s. 985.686, F.S.; redefining the term “detention care” to include respite beds for juveniles charged with domestic violence; providing an effective date.

On motions by Senator Bogdanoff, by two-thirds vote **HB 5401** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote Preference:

February 24, 2012: Yea—Montford

MOTIONS

On motion by Senator Bogdanoff, the Senate having refused to pass **HB 5401** as passed by the House, acceded to the request for a conference committee.

SB 1958—A bill to be entitled An act relating to the Department of Health; amending s. 945.602, F.S.; assigning, for administrative purposes, the Correctional Medical Authority to the Executive Office of the Governor, rather than the Department of Health; conforming provisions to changes made by the act; deleting an obsolete provision; providing for a transfer of the administration of the Correctional Medical Authority from the Department of Health to the Executive Office of the Governor; providing an effective date.

—was read the second time by title. On motions by Senator Bogdanoff, by two-thirds vote **SB 1958** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

DISCLOSURE

I have an ownership interest in Caregivers, Inc., a company based in Pensacola, Florida. The company provides services to the elderly and the disabled and a minority of its revenues are derived from reimbursements from the Escambia County Council on Aging and the Florida Medicaid program. Because Caregivers, Inc., is among a class of health care providers receiving funds from such state sources, it appears to me that the company may be affected by **SB 1958** which came before the Senate Floor for a vote on February 23, 2012.

Therefore, I believe that, because Caregivers, Inc., is a member of such class, I am required by Senate Rule 1.39 to disclose the above facts.

Senator Don Gaetz, 4th District

Vote Preference:

February 24, 2012: Yea—Montford

SB 1960—A bill to be entitled An act relating to the state judicial system; amending s. 27.511, F.S.; revising the procedures by which a regional conflict counsel is appointed by the Governor; requiring each regional counsel to designate a chief assistant to serve if the regional counsel is unable to fulfill his or her responsibilities or until a replacement is appointed; amending s. 27.52, F.S.; authorizing the clerk to conduct a review of the county's property records to confirm that an applicant seeking appointment of a public defender is indigent; amending s. 27.5304, F.S.; revising procedures for court-appointed counsel who apply for compensation for casework when the attorney fees exceed the limits of compensation prescribed by law; providing procedures to be applied in criminal cases if the court orders payment in excess of the flat fee established by law; amending s. 39.8296, F.S.; authorizing court-appointed volunteers to transport children who are abused, abandoned, or neglected; prohibiting a guardian ad litem program or the court from requiring that volunteers transport children; creating s. 39.8297, F.S.; authorizing a county and the Statewide Guardian Ad Litem Office to enter into an agreement whereby the county provides funding to the office in order to employ additional guardian ad litem personnel to serve in the county; requiring an agreement between the county and the Statewide Guardian Ad Litem Office; specifying the duties and responsibilities of the county and the participating guardian ad litem office; prohibiting the Statewide Guardian Ad Litem Office from using county-paid positions in a formula to measure the county's need for additional guardian ad litem personnel; providing that an agreement between the county and the office does not obligate the state to provide additional funds to the county; amending s. 318.18, F.S.; requiring the clerk of court and the Florida Clerks of Court Operations Corporation to submit reports on local traffic assessments in an electronic format; providing an effective date.

—was read the second time by title. On motions by Senator Bogdanoff, by two-thirds vote **SB 1960** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote Preference:

February 24, 2012: Yea—Montford

SB 1964—A bill to be entitled An act relating to court-related assessments; creating s. 28.2457, F.S.; providing for a monetary assessment mandated by statute to be imposed regardless of whether the assessment is announced in open court; providing guidelines for establishing the amount of a mandatory assessment under certain conditions; requiring the clerks of court to develop a uniform form to be used in identifying and imposing mandatory assessments; providing for the Supreme Court to approve the form; defining terms; amending s. 28.246, F.S.; revising requirements for the clerks of court to report on the assessment and collection of certain fines or other monetary penalties, fees, costs, and charges; prescribing requirements for reporting certain assessments that are waived, suspended, or reduced; requiring the clerks to report collection rates; providing guidelines for calculating the collection rate; revising the timeframe for submitting the report; requiring the clerks, rather than the Department of Financial Services, to develop a reporting form; amending s. 28.42, F.S.; removing an obsolete date; providing for the clerks to consult with the Office of the State Courts Administrator in developing the form and guidelines governing the reporting of amounts assessed and collected; providing for the clerks of court, rather than the Office of the State Courts Administrator, to prepare and disseminate a manual of court-related filing fees, service charges, costs, and fines; providing for applicability of amendments made by the act; providing an effective date.

—was read the second time by title. On motions by Senator Bogdanoff, by two-thirds vote **SB 1964** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote Preference:

February 24, 2012: Yea—Montford

SB 1968—A bill to be entitled An act relating to criminal justice; transferring, renumbering, and amending s. 938.25, F.S.; requiring a court to assess an additional amount against a defendant who pleads guilty or nolo contendere to, or who is convicted of, violating certain specified offenses, and if the services of a criminal analysis laboratory are used in the investigation of the offense; providing for the proceeds of the assessment to be deposited into the Operating Trust Fund of the Department of Law Enforcement and used by the statewide criminal analysis laboratory system; amending ss. 921.187 and 943.361, F.S.; conforming cross-references to changes made by the act; providing an effective date.

—was read the second time by title. On motions by Senator Bogdanoff, by two-thirds vote **SB 1968** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote Preference:

February 24, 2012: Yea—Montford

MOTIONS

On motion by Senator Bogdanoff, the House was requested to pass **SB 1958**, **SB 1960**, **SB 1964**, and **SB 1968** as passed by the Senate; or agree to include these bills in the budget conference.

SB 1988—A bill to be entitled An act relating to Medicaid; amending s. 383.15, F.S.; revising legislative intent relating to funding for regional perinatal intensive care centers; amending s. 409.8132, F.S.; revising a cross-reference; amending s. 409.814, F.S.; deleting a prohibition preventing children who are eligible for coverage under a state health benefit plan from being eligible for services provided through the subsidized program; revising cross-references; requiring a completed application, including a clinical screening, for enrollment in the Children's Medical Services Network; amending s. 409.902, F.S.; providing for the creation an Internet-based system for determining eligibility for the Medicaid and Kidcare programs, contingent on the appropriation; providing system business objectives and requirements; requiring the Department of Children and Family Services to develop the system; requiring the system to be completed and implemented by specified dates; providing a governance structure pending implementation of the program, including an executive steering committee and a project management team; amending s. 409.905, F.S.; limiting the number of paid hospital emergency department visits for nonpregnant adults; authorizing the Agency for Health Care Administration to request approval by the Legislative Budget Commission of hospital rate adjustments; providing components for the agency's plan to convert inpatient hospital rates to a prospective payment system; revising dates for submitting the plan and implementing the system; amending 409.908, F.S.; conforming a cross-reference; authorizing the Agency for Health Care Administration to accept voluntary intergovernmental transfers of local taxes and other qualified revenue from counties, municipalities, or special taxing districts in order to fund certain costs; limiting the use of intergovernmental transfer funds for hospital reimbursements; prohibiting the inclusion of certain hospital costs in the capitation rates for prepaid health plans; providing for the inclusion of certain hospital costs in capitation rates for prepaid health plans if funded by intergovernmental transfers;

incorporating a transferred provision; amending s. 409.911, F.S.; updating references to data used for calculations in the disproportionate share program; repealing s. 409.9112, F.S., relating to the disproportionate share program for regional perinatal intensive care centers; amending s. 409.9113, F.S.; conforming a cross-reference; authorizing the agency to distribute moneys in the disproportionate share program for teaching hospitals; repealing s. 409.9117, F.S., relating to the primary care disproportionate share program; amending s. 409.912, F.S.; revising the conditions for contracting with certain managed care plans for behavioral health care services; deleting requirements for assigning certain MediPass recipients to managed care plans for behavioral health care services; requiring the assignment of recipients to provider service networks; amending s. 409.9121, F.S.; revising legislative findings relating to the Medicaid program; amending s. 409.9122, F.S.; providing criteria and procedures relating to recipient enrollment choice and assignment among Medicaid managed care plans and MediPass; deleting transferred provisions relating to school districts; amending s. 409.9123, F.S.; revising provisions relating to the publication of quality measures for managed care plans; reenacting s. 409.9126, F.S., relating to children with special health care needs; amending s. 409.915, F.S.; specifying criteria for determining a county's eligible recipients; providing for payment of billings that have been denied by the county from the county's tax revenues; providing for refunds; providing for the transfer of certain refunds to the Lawton Chiles Endowment Fund; amending ss. 409.979 and 430.04, F.S.; deleting references to the Adult Day Health Care Waiver in provisions relating to Medicaid eligibility and duties and responsibilities of the Department of Elderly Affairs; amending s. 31, chapter 2009-223, Laws of Florida, as amended, and redesignating that section as s. 409.9132, F.S.; expanding the home health agency monitoring pilot project statewide; amending s. 32, chapter 2009-223, Laws of Florida, and redesignating that section as s. 409.9133, F.S.; expanding the comprehensive care management pilot project for home health services statewide and including private-duty nursing and personal care services; providing an additional site in Broward County for the Program of All-Inclusive Care for the Elderly; providing that a public hospital located in trauma service area 2 which has local funds available for intergovernmental transfers may have its reimbursement rates adjusted after a certain date; providing effective dates.

—was read the second time by title.

Senator Negron moved the following amendment which was adopted:

Amendment 1 (648194) (with title amendment)—Between lines 98 and 99 insert:

Section 1. Subsection (3) of section 381.79, Florida Statutes, is amended to read:

381.79 Brain and Spinal Cord Injury Program Trust Fund.—

(3) Annually, 5 percent of the revenues deposited monthly ~~into~~ the fund pursuant to s. 318.21(2)(d) shall be appropriated to the University of Florida and 5 percent to the University of Miami for spinal cord injury and brain injury research. The amount to be distributed to the universities shall be calculated based on the deposits into the fund for each quarter in the fiscal year, but may not exceed \$750,000 ~~\$500,000~~ per university per year. Funds distributed under this subsection shall be made in quarterly payments at the end of each quarter during the fiscal year.

And the title is amended as follows:

Delete line 2 and insert: An act relating to Medicaid; amending s. 381.79, F.S.; increasing the amount that may be available to the University of Florida and the University of Miami for brain and spinal cord injury research; amending s. 383.15, F.S.;

Senator Gibson moved the following amendment which failed:

Amendment 2 (137474)—Between lines 389 and 390 insert:

8. *Providing appropriate infrastructure, equipment, and staffing levels to adequately support and provide meaningful customer service, including, but not limited to, toll-free telephone lines.*

9. *Developing guidelines and standards for, and requirements for each circuit to submit, a detailed county-by-county plan, which sets out county-specific procedures for identifying and assisting, during the ap-*

plication process, persons who have disabilities, who are illiterate or have limited proficiency in English, who are homeless, who are homebound, who live in remote areas, who are without free access to technology, or who are frail or elderly. The plans must be approved by department headquarters and updated annually. The plans shall be publicized on the Internet and through flyers, posters, and other media in low-income communities.

On motion by Senator Negron, **SB 1988** as amended was ordered engrossed.

Pending further consideration of **SB 1988** as amended, on motion by Senator Negron, by two-thirds vote **HB 5301** was withdrawn from the Committee on Budget.

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

HB 5301—A bill to be entitled An act relating to Medicaid services; amending s. 409.902, F.S.; creating, subject to appropriation, an Internet-based system for eligibility determination for Medicaid and the Children's Health Insurance Program; requiring the system to accomplish specified business objectives; requiring the Department of Children and Family Services to develop the system contingent upon an appropriation; requiring the system to be completed and implemented by specified dates; requiring the department to implement a governance structure pending implementation of the program; providing for the membership and duties of an executive steering committee and a project management team; amending s. 409.905, F.S.; limiting payment for emergency room services for a nonpregnant Medicaid recipient 21 years of age or older under certain circumstances; amending s. 409.906, F.S.; eliminating Medicaid optional coverage for chiropractic services for a Medicaid recipient 21 years of age or older by a specified date; eliminating Medicaid optional coverage for podiatric services for a Medicaid recipient 21 years of age or older by a specified date; amending s. 409.911, F.S.; continuing the audited data specified for use in calculating amounts due to hospitals under the disproportionate share program; amending s. 409.912, F.S.; continuing the prohibition against distributing moneys under the disproportionate share program for regional perinatal intensive care centers; amending s. 409.9113, F.S.; continuing the authorization for the distribution of moneys to certain teaching hospitals under the disproportionate share program; amending s. 409.9117, F.S.; continuing the prohibition against distributing moneys under the primary care disproportionate share program; amending ss. 409.979 and 430.04, F.S.; deleting references to the Adult Day Health Care Waiver in provisions relating to Medicaid eligibility and duties and responsibilities of the Department of Elderly Affairs; amending s. 31, ch. 2009-223, Laws of Florida, as amended, and redesignating the section as s. 409.9132, F.S.; expanding the scope of the home health agency monitoring pilot project; amending s. 32, ch. 2009-223, Laws of Florida, and redesignating the section as s. 409.9133, F.S.; expanding the scope of the comprehensive care management pilot project for home health services; authorizing the Agency for Health Care Administration to contract with certain organizations to provide services under the federal Program of All-inclusive Care for the Elderly in specified counties; exempting such organizations from ch. 641, F.S., relating to health care services programs; authorizing, subject to appropriation, enrollment slots for the program in such counties; providing an effective date.

—a companion measure, was substituted for **SB 1988** as amended and read the second time by title.

MOTION

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

Senator Negron moved the following amendment:

Amendment 1 (588096) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 383.15, Florida Statutes, is amended to read:

383.15 Legislative intent; perinatal intensive care services.—The Legislature finds ~~and declares~~ that many perinatal diseases and disabilities have debilitating, costly, and often fatal consequences if left untreated. Many of these debilitating conditions could be prevented or ameliorated if services were available to the public through a regional

perinatal intensive care centers program. Perinatal intensive care services are critical to the well-being and development of a healthy society and represent a constructive, cost-beneficial, and essential investment in the future of our state. Therefore, it is the intent of the Legislature to develop a regional perinatal intensive care centers program. The Legislature further intends that development of ~~such a regional perinatal intensive care centers program~~ shall not reduce or dilute the current financial commitment of the state, as indicated through appropriation, to the existing regional perinatal intensive care centers. It is ~~also~~ the intent of the Legislature that any additional ~~centers regional perinatal intensive care center~~ authorized under s. 383.19 after July 1, 1993, shall not receive payments ~~under a disproportionate share program for regional perinatal intensive care centers~~ authorized under ~~chapter 409 s. 409.9112~~ unless specific appropriations are provided to expand such payments to additional hospitals.

Section 2. Paragraph (b) of subsection (6) of section 409.8132, Florida Statutes, is amended to read:

409.8132 Medikids program component.—

(6) ELIGIBILITY.—

(b) The provisions of s. ~~409.814 apply 409.814(3), (4), (5), and (6) shall be applicable~~ to the Medikids program.

Section 3. Section 409.814, Florida Statutes, is amended to read:

409.814 Eligibility.—A child who has not reached 19 years of age whose family income is equal to or below 200 percent of the federal poverty level is eligible for the Florida Kidcare program as provided in this section. ~~For enrollment in the Children's Medical Services Network, a complete application includes the medical or behavioral health screening. If, subsequently, an enrolled individual is determined to be ineligible for coverage, he or she must be immediately be disenrolled from the respective Florida Kidcare program component.~~

(1) A child who is eligible for Medicaid coverage under s. 409.903 or s. 409.904 must be enrolled in Medicaid and is not eligible to receive health benefits under any other health benefits coverage authorized under the Florida Kidcare program.

(2) A child who is not eligible for Medicaid, but who is eligible for the Florida Kidcare program, may obtain health benefits coverage under any of the other components listed in s. 409.813 if such coverage is approved and available in the county in which the child resides.

(3) A Title XXI-funded child who is eligible for the Florida Kidcare program who is a child with special health care needs, as determined through a medical or behavioral screening instrument, is eligible for health benefits coverage from and shall be assigned to and may opt out of the Children's Medical Services Network.

(4) The following children are not eligible to receive Title XXI-funded premium assistance for health benefits coverage under the Florida Kidcare program, except under Medicaid if the child would have been eligible for Medicaid under s. 409.903 or s. 409.904 as of June 1, 1997:

~~(a) A child who is eligible for coverage under a state health benefit plan on the basis of a family member's employment with a public agency in the state.~~

~~(a)(b)~~ A child who is covered under a family member's group health benefit plan or under other private or employer health insurance coverage, if the cost of the child's participation is not greater than 5 percent of the family's income. If a child is otherwise eligible for a subsidy under the Florida Kidcare program and the cost of the child's participation in the family member's health insurance benefit plan is greater than 5 percent of the family's income, the child may enroll in the appropriate subsidized Kidcare program.

~~(b)(c)~~ A child who is seeking premium assistance for the Florida Kidcare program through employer-sponsored group coverage, if the child has been covered by the same employer's group coverage during the 60 days ~~before the family submitted prior to the family's submitting~~ an application for determination of eligibility under the program.

~~(c)(d)~~ A child who is an alien, but who does not meet the definition of qualified alien, in the United States.

~~(d)(e)~~ A child who is an inmate of a public institution or a patient in an institution for mental diseases.

~~(e)(f)~~ A child who is otherwise eligible for premium assistance for the Florida Kidcare program and has had his or her coverage in an employer-sponsored or private health benefit plan voluntarily canceled in the last 60 days, except those children whose coverage was voluntarily canceled for good cause, including, but not limited to, the following circumstances:

1. The cost of participation in an employer-sponsored health benefit plan is greater than 5 percent of the family's income;

2. The parent lost a job that provided an employer-sponsored health benefit plan for children;

3. The parent who had health benefits coverage for the child is deceased;

4. The child has a medical condition that, without medical care, would cause serious disability, loss of function, or death;

5. The employer of the parent canceled health benefits coverage for children;

6. The child's health benefits coverage ended because the child reached the maximum lifetime coverage amount;

7. The child has exhausted coverage under a COBRA continuation provision;

8. The health benefits coverage does not cover the child's health care needs; or

9. Domestic violence led to loss of coverage.

(5) A child who is otherwise eligible for the Florida Kidcare program and who has a preexisting condition that prevents coverage under another insurance plan as described in paragraph ~~(4)(a)~~ ~~(4)(b)~~ which would have disqualified the child for the Florida Kidcare program if the child were able to enroll in the plan ~~is shall be~~ eligible for Florida Kidcare coverage when enrollment is possible.

(6) A child whose family income is above 200 percent of the federal poverty level or a child who is excluded under the provisions of subsection (4) may participate in the Florida Kidcare program as provided in s. 409.8132 or, if the child is ineligible for Medikids by reason of age, in the Florida Healthy Kids program, subject to the following ~~provisions~~:

(a) The family is not eligible for premium assistance payments and must pay the full cost of the premium, including any administrative costs.

(b) The board of directors of the Florida Healthy Kids Corporation may offer a reduced benefit package to these children in order to limit program costs for such families.

(7) Once a child is enrolled in the Florida Kidcare program, the child is eligible for coverage ~~under the program~~ for 12 months without a redetermination or reverification of eligibility; if the family continues to pay the applicable premium. Eligibility for program components funded through Title XXI of the Social Security Act ~~terminates shall terminate~~ when a child attains the age of 19. A child who has not attained the age of 5 and who has been determined eligible for the Medicaid program is eligible for coverage for 12 months without a redetermination or reverification of eligibility.

(8) When determining or reviewing a child's eligibility under the Florida Kidcare program, the applicant shall be provided with reasonable notice of changes in eligibility which may affect enrollment in one or more of the program components. ~~If When~~ a transition from one program component to another is authorized, there shall be cooperation between the program components and the affected family which promotes continuity of health care coverage. Any authorized transfers must be managed within the program's overall appropriated or authorized levels of funding. Each component of the program shall establish a reserve to ensure that transfers between components will be accomplished within current year appropriations. These reserves shall be reviewed by each

convening of the Social Services Estimating Conference to determine the adequacy of such reserves to meet actual experience.

(9) In determining the eligibility of a child, an assets test is not required. Each applicant shall provide documentation during the application process and the redetermination process, including, but not limited to, the following:

(a) ~~Each applicant's~~ Proof of family income, *which must shall* be verified electronically to determine financial eligibility for the Florida Kidcare program. Written documentation, which may include wages and earnings statements or pay stubs, W-2 forms, or a copy of the applicant's most recent federal income tax return, *is shall be* required only if the electronic verification is not available or does not substantiate the applicant's income.

(b) ~~Each applicant shall provide~~ A statement from all applicable, employed family members that:

1. Their employers do not sponsor health benefit plans for employees;
2. The potential enrollee is not covered by an employer-sponsored health benefit plan; or
3. The potential enrollee is covered by an employer-sponsored health benefit plan and the cost of the employer-sponsored health benefit plan is more than 5 percent of the family's income.

(c) *To enroll in the Children's Medical Services Network, a completed application, including a clinical screening.*

(10) Subject to paragraph (4)(a) ~~(4)(b)~~, the Florida Kidcare program shall withhold benefits from an enrollee if the program obtains evidence that the enrollee is no longer eligible, submitted incorrect or fraudulent information in order to establish eligibility, or failed to provide verification of eligibility. The applicant or enrollee shall be notified that because of such evidence program benefits will be withheld unless the applicant or enrollee contacts a designated representative of the program by a specified date, which must be within 10 working days after the date of notice, to discuss and resolve the matter. The program shall make every effort to resolve the matter within a timeframe that will not cause benefits to be withheld from an eligible enrollee.

(11) The following individuals may be subject to prosecution in accordance with s. 414.39:

(a) An applicant obtaining or attempting to obtain benefits for a potential enrollee under the Florida Kidcare program *if when* the applicant knows or should have known *that* the potential enrollee does not qualify for the ~~Florida Kidcare~~ program.

(b) An individual who assists an applicant in obtaining or attempting to obtain benefits for a potential enrollee under the Florida Kidcare program *if when* the individual knows or should have known *that* the potential enrollee does not qualify for the ~~Florida Kidcare~~ program.

Section 4. Section 409.902, Florida Statutes, is amended to read:

409.902 Designated single state agency; *eligibility determinations* ~~payment requirements; program title; release of medical records.—~~

(1) The Agency for Health Care Administration is designated as the single state agency authorized to make payments for medical assistance and related services under Title XIX of the Social Security Act. These payments shall be made, subject to any limitations or directions provided ~~for~~ in the General Appropriations Act, only for services included in the program, ~~shall be made~~ only on behalf of eligible individuals, and ~~shall be made~~ only to qualified providers in accordance with federal requirements for Title XIX of the Social Security Act and ~~the provisions~~ of state law. This program of medical assistance is designated the "Medicaid program."

(2) The Department of Children and Family Services is responsible for determining Medicaid eligibility ~~determinations~~, including, but not limited to, policy, rules, and the agreement with the Social Security Administration for Medicaid eligibility ~~determinations~~ for Supplemental Security Income recipients, as well as the actual determination of eligibility. As a condition of Medicaid eligibility, subject to federal approval,

the agency for Health Care Administration and the department ~~of Children and Family Services~~ *must of* ensure that each recipient of Medicaid consents to the release of her or his medical records to the agency ~~for Health Care Administration~~ and the Medicaid Fraud Control Unit of the Department of Legal Affairs.

(3)~~(2)~~ Eligibility is restricted to United States citizens and to lawfully admitted noncitizens who meet the criteria provided in s. 414.095(3).

(a) Citizenship or immigration status must be verified. For non-citizens, this includes verification of the validity of documents with the United States Citizenship and Immigration Services using the federal SAVE verification process.

(b) State funds may not be used to provide medical services to individuals who do not meet the requirements of this subsection unless the services are necessary to treat an emergency medical condition or are for pregnant women. Such services are authorized only to the extent provided under federal law and in accordance with federal regulations as provided in 42 C.F.R. s. 440.255.

(4) *To the extent funds are appropriated, the department shall collaborate with the agency to develop an Internet-based system for determining eligibility for the Medicaid and Kidcare programs which complies with all applicable federal and state laws and requirements.*

(a) *The system must accomplish the following primary business objectives:*

1. *Provide individuals and families with a single access point to information that explains benefits, premiums, and cost-sharing available through Medicaid, Kidcare, or any other state or federal health insurance exchange.*

2. *Enable timely, accurate, and efficient enrollment of eligible persons into available assistance programs.*

3. *Prevent eligibility fraud.*

4. *Allow for detailed financial analysis of eligibility-based cost drivers.*

(b) *The system must include, but need not be limited to, the following business and functional requirements:*

1. *Allowing for the completion and submission of an online application for determining eligibility which accepts the use of electronic signatures.*

2. *Including a process that enables automatic enrollment of qualified individuals into Medicaid, Kidcare, or any other state or federal exchange that offers cost-sharing benefits for the purchase of health insurance.*

3. *Allowing for the determination of Medicaid eligibility based on modified adjusted gross income by using information submitted in the application and information accessed and verified through automated and secure interfaces with authorized databases.*

4. *Including the ability to determine specific categories of Medicaid eligibility and interface with the Florida Medicaid Management Information System to support such determination, using federally approved assessment methodologies, of state and federal financial participation rates for persons in each eligibility category.*

5. *Allowing for the accurate and timely processing of eligibility claims and adjudications.*

6. *Aligning with and incorporating all applicable state and federal laws, requirements, and standards, including the information technology security requirements established under s. 282.318 and the accessibility standards established under part II of chapter 282.*

7. *Producing transaction data, reports, and performance information that contributes to an evaluation of the program, continuous improvement in business operations, and increased transparency and accountability.*

(c) *The department shall develop the system subject to approval by the Legislative Budget Commission and as required by the General Appropriations Act for the 2012-2013 fiscal year.*

(d) *The system must be completed by October 1, 2013, and ready for implementation by January 1, 2014.*

(e) *The department shall implement the following project-governance structure until the system is implemented:*

1. *The director of the department's Economic Self-Sufficiency Services Program Office shall have overall responsibility for the project.*

2. *The project shall be governed by an executive steering committee composed of three department staff members appointed by the Secretary of Children and Family Services; three agency staff members, including at least two state Medicaid program staff members, appointed by the Secretary of Health Care Administration; and one staff member from Children's Medical Services within the Department of Health appointed by the Surgeon General.*

3. *The executive steering committee shall have overall responsibility for ensuring that the project meets its primary business objectives and shall:*

a. *Provide management direction and support to the project management team.*

b. *Review and approve any changes to the project's scope, schedule, and budget.*

c. *Review, approve, and determine whether to proceed with any major deliverable project.*

d. *Recommend suspension or termination of the project to the Governor, the President of the Senate, and the Speaker of the House of Representatives if the committee determines that the primary business objectives cannot be achieved.*

4. *A project management team shall be appointed by and work under the direction of the executive steering committee. The project management team shall:*

a. *Provide planning, management, and oversight of the project.*

b. *Submit an operational work plan and provide quarterly updates to the plan to the executive steering committee. The plan must specify project milestones, deliverables, and expenditures.*

c. *Submit written monthly project status reports to the executive steering committee.*

Section 5. Subsection (5) of section 409.905, Florida Statutes, is amended to read:

409.905 **Mandatory Medicaid services.**—The agency may make payments for the following services, which are required of the state by Title XIX of the Social Security Act, furnished by Medicaid providers to recipients who are determined to be eligible on the dates on which the services were provided. Any service under this section shall be provided only when medically necessary and in accordance with state and federal law. Mandatory services rendered by providers in mobile units to Medicaid recipients may be restricted by the agency. Nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, number of services, or any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216.

(5) **HOSPITAL INPATIENT SERVICES.**—The agency shall pay for all covered services provided for the medical care and treatment of a Medicaid recipient who is admitted as an inpatient by a licensed physician or dentist to a hospital licensed under part I of chapter 395. However, the agency shall limit the payment for inpatient hospital services for a nonpregnant Medicaid recipient 21 years of age or older to 45 days per fiscal year ~~or the number of days necessary to comply with the General Appropriations Act. Effective August 1, 2012, the agency shall limit payment for hospital emergency department visits for a nonpregnant recipient 21 years of age or older to six visits per fiscal year.~~

(a) ~~The agency may be authorized to~~ implement reimbursement and utilization management reforms in order to comply with any limitations or directions in the General Appropriations Act, which may include, but

are not limited to: prior authorization for inpatient psychiatric days; prior authorization for nonemergency hospital inpatient admissions for individuals 21 years of age and older; authorization of emergency and urgent-care admissions within 24 hours after admission; enhanced utilization and concurrent review programs for highly utilized services; reduction or elimination of covered days of service; adjusting reimbursement ceilings for variable costs; adjusting reimbursement ceilings for fixed and property costs; and implementing target rates of increase. The agency may limit prior authorization for hospital inpatient services to selected diagnosis-related groups, based on an analysis of the cost and potential for unnecessary hospitalizations represented by certain diagnoses. Admissions for normal delivery and newborns are exempt from ~~requirements for~~ prior authorization ~~requirements~~. In implementing ~~the provisions of~~ this section related to prior authorization, the agency ~~must~~ ~~shall~~ ensure that the process for authorization is accessible 24 hours per day, 7 days per week and authorization is automatically granted ~~if when~~ not denied within 4 hours after the request. Authorization procedures must include steps for the review of denials. Upon implementing the prior authorization program for hospital inpatient services, the agency shall discontinue its hospital retrospective review program.

(b) A licensed hospital maintained primarily for the care and treatment of patients having mental disorders or mental diseases is not eligible to participate in the hospital inpatient portion of the Medicaid program except as provided ~~under~~ ~~in~~ federal law. However, the department shall apply for a waiver, within 9 months after June 5, 1991, designed to provide hospitalization services for mental health reasons to children and adults in the most cost-effective and lowest cost setting possible. Such waiver ~~must~~ ~~shall~~ include a request for the opportunity to pay for care in hospitals known under federal law as "institutions for mental disease" or "IMD's." The waiver proposal ~~may not~~ ~~shall~~ propose ~~no~~ additional aggregate cost to the state or Federal Government, and shall be conducted in Hillsborough County, Highlands County, Hardee County, Manatee County, and Polk County. The waiver proposal may incorporate competitive bidding for hospital services, comprehensive brokering, prepaid capitated arrangements, or other mechanisms deemed by the department to show promise in reducing the cost of acute care and increasing the effectiveness of preventive care. When developing the waiver proposal, the department shall take into account price, quality, accessibility, linkages of the hospital to community services and family support programs, plans of the hospital to ensure the earliest discharge possible, and the comprehensiveness of the mental health and other health care services offered by participating providers.

(c) The agency shall implement a methodology for establishing base reimbursement rates for each hospital based on allowable costs; as defined by the agency. Rates shall be calculated annually and take effect July 1 of each year based on the most recent complete and accurate cost report submitted by each hospital. Adjustments may not be made to the rates after September 30 of the state fiscal year in which the rate takes effect, ~~except that the agency may request that adjustments be approved by the Legislative Budget Commission when needed due to insufficient commitments or collections of intergovernmental transfers under s. 409.908(1) or s. 409.908(4).~~ Errors in cost reporting or calculation of rates discovered after September 30 must be reconciled in a subsequent rate period. The agency may not make any adjustment to a hospital's reimbursement rate more than 5 years after a hospital is notified of an audited rate established by the agency. ~~The prohibition against requirement that the agency making may not make~~ any adjustment to a hospital's reimbursement rate more than 5 years after a hospital is notified of an audited rate established by the agency is remedial and ~~applies~~ ~~shall apply~~ to actions by providers involving Medicaid claims for hospital services. Hospital rates shall be subject to such limits or ceilings as may be established in law or described in the agency's hospital reimbursement plan. Specific exemptions to the limits or ceilings may be provided in the General Appropriations Act.

(d) The agency shall implement a comprehensive utilization management program for hospital neonatal intensive care stays in certain high-volume participating hospitals, select counties, or statewide, and replace existing hospital inpatient utilization management programs for neonatal intensive care admissions. The program shall be designed to manage the lengths of stay for children being treated in neonatal intensive care units and must seek the earliest medically appropriate discharge to the child's home or other less costly treatment setting. The agency may competitively bid a contract for the selection of a qualified organization to provide neonatal intensive care utilization management

services. The agency may seek federal waivers to implement this initiative.

(e) The agency may develop and implement a program to reduce the number of hospital readmissions among the non-Medicare population eligible in areas 9, 10, and 11.

(f) The agency shall develop a plan to convert *Medicaid* inpatient hospital rates to a prospective payment system that categorizes each case into diagnosis-related groups (DRG) and assigns a payment weight based on the average resources used to treat Medicaid patients in that DRG. To the extent possible, the agency shall propose an adaptation of an existing prospective payment system, such as the one used by Medicare, and shall propose such adjustments as are necessary for the Medicaid population and to maintain budget neutrality for inpatient hospital expenditures.

1. *The plan must:*

a. *Define and describe DRGs for inpatient hospital care specific to Medicaid in this state;*

b. *Develop the use of resources needed for each DRG;*

c. *Apply current statewide levels of funding to DRGs based on the associated resource value of DRGs. Current statewide funding levels shall be calculated both with and without the use of intergovernmental transfers;*

d. *Calculate the current number of services provided in the Medicaid program based on DRGs defined under this subparagraph;*

e. *Estimate the number of cases in each DRG for future years based on agency data and the official workload estimates of the Social Services Estimating Conference;*

f. *Estimate potential funding for each hospital with a Medicaid provider agreement, based on the DRGs and estimated workload;*

g. *Propose supplemental DRG payments to augment hospital reimbursements based on patient acuity and individual hospital characteristics, including classification as a children's hospital, rural hospital, trauma center, burn unit, and other characteristics that could warrant higher reimbursements; and*

h. *Estimate potential funding for each hospital with a Medicaid provider agreement for DRGs defined pursuant to this subparagraph and supplemental DRG payments using current funding levels, calculated both with and without the use of intergovernmental transfers.*

2. *The agency, through a competitive procurement pursuant to chapter 287, shall engage a consultant with expertise and experience in the implementation of DRG systems for hospital reimbursement to develop the DRG plan under subparagraph 1.*

3. The agency shall submit the ~~Medicaid~~ DRG plan, identifying all steps necessary for the transition and any costs associated with plan implementation, to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than ~~December 1, 2012~~ ~~January 1, 2013~~. Upon receiving legislative authorization, the agency shall begin making the necessary changes to fiscal agent coding by June 1, 2013, with a target date of November 1, 2013, for full implementation of the DRG system of hospital reimbursement. If, during implementation of this paragraph, the agency determines that these timeframes might not be achievable, the agency shall report to the Legislative Budget Commission the status of its implementation efforts, the reasons the timeframes might not be achievable, and proposals for new timeframes.

Section 6. Paragraph (c) of subsection (1) of section 409.908, Florida Statutes, is amended, paragraph (e) is added to that subsection, and subsections (4) and (21) of that section are amended, to read:

409.908 Reimbursement of Medicaid providers.—Subject to specific appropriations, the agency shall reimburse Medicaid providers, in accordance with state and federal law, according to methodologies set forth in the rules of the agency and in policy manuals and handbooks incorporated by reference therein. These methodologies may include fee schedules, reimbursement methods based on cost reporting, negotiated fees, competitive bidding pursuant to s. 287.057, and other mechanisms

the agency considers efficient and effective for purchasing services or goods on behalf of recipients. If a provider is reimbursed based on cost reporting and submits a cost report late and that cost report would have been used to set a lower reimbursement rate for a rate semester, then the provider's rate for that semester shall be retroactively calculated using the new cost report, and full payment at the recalculated rate shall be effected retroactively. Medicare-granted extensions for filing cost reports, if applicable, shall also apply to Medicaid cost reports. Payment for Medicaid compensable services made on behalf of Medicaid eligible persons is subject to the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. Further, nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act, provided the adjustment is consistent with legislative intent.

(1) Reimbursement to hospitals licensed under part I of chapter 395 must be made prospectively or on the basis of negotiation.

(c) Hospitals that provide services to a disproportionate share of low-income Medicaid recipients, or that participate in the regional perinatal intensive care center program under chapter 383, or that participate in the statutory teaching hospital disproportionate share program may receive additional reimbursement. The total amount of payment for disproportionate share hospitals shall be fixed by the General Appropriations Act. The computation of these payments must be made in compliance with all federal regulations and the methodologies described in ss. 409.911, ~~409.912~~, and 409.913.

(e) *The agency may accept voluntary intergovernmental transfers of local taxes and other qualified revenue from counties, municipalities, or special taxing districts under paragraphs (a) and (b) or the General Appropriations Act for the purpose of funding the costs of special Medicaid payments to hospitals, the costs of exempting hospitals from reimbursement ceilings, or the costs of buying back hospital Medicaid trend adjustments authorized under the General Appropriations Act, except that the use of these intergovernmental transfers for fee-for-service payments to hospitals is limited to the proportionate use of such funds accepted by the agency under subsection (4). As used in this paragraph, the term "proportionate use" means that the use of intergovernmental transfer funds under this subsection must be in the same proportion to the use of such funds under subsection (4) relative to the need for funding hospital costs under each subsection.*

(4) Subject to any limitations or directions provided for in the General Appropriations Act, ~~alternative health plans, health maintenance organizations, and~~ prepaid health plans, including health maintenance organizations, prepaid provider service networks, and other capitated managed care plans, shall be reimbursed a fixed, prepaid amount negotiated, or competitively bid pursuant to s. 287.057, by the agency and prospectively paid to the provider monthly for each Medicaid recipient enrolled. The amount may not exceed the average amount the agency determines it would have paid, based on claims experience, for recipients in the same or similar category of eligibility. The agency shall calculate capitation rates on a regional basis and, ~~beginning September 1, 1995,~~ shall include age-band differentials in such calculations.

(a) *Effective September 1, 2012:*

1. *The costs of special Medicaid payments to hospitals, the costs of exempting hospitals from reimbursement ceilings, and the costs of buying back hospital Medicaid trend adjustments authorized under the General Appropriations Act, which are funded through intergovernmental transfers, may not be included as inpatient or outpatient costs in the calculation of prepaid health plan capitations under this part. This provision must be construed so that inpatient hospital costs included in the calculation of prepaid health plan capitations are identical to those represented by county billing rates under s. 409.915.*

2. *Prepaid health plans may not reimburse hospitals for the costs described in subparagraph 1., except that plans may contract with hospitals to pay inpatient per diems that are between 95 percent and 105 percent of the county billing rate. Hospitals and prepaid health plans may negotiate mutually acceptable higher rates for medically complex care.*

(b) *Notwithstanding paragraph (a):*

1. In order to fund the inclusion of costs described in paragraph (a) in the calculation of capitations paid to prepaid health plans, the agency may accept voluntary intergovernmental transfers of local taxes and other qualified revenue from counties, municipalities, or special taxing districts. After securing commitments from counties, municipalities, or special taxing districts to contribute intergovernmental transfers for that purpose, the agency shall develop capitation payments for prepaid health plans which include the costs described in paragraph (a) if those components of the capitation are funded through intergovernmental transfers and not with general revenue. The rate-setting methodology must preserve federal matching funds for the intergovernmental transfers collected under this paragraph and result in actuarially sound rates. The agency has the discretion to perform this function using supplemental capitation payments.

2. The amounts included in a prepaid health plan's capitations or supplemental capitations under this paragraph for funding the costs described in paragraph (a) must be used exclusively by the prepaid health plan to enhance hospital payments and be calculated by the agency as accurately as possible to equal the costs described in paragraph (a) which the prepaid health plan actually incurs and for which intergovernmental transfers have been secured.

(21) The agency shall reimburse school districts that ~~which~~ certify the state match pursuant to ss. 409.9071 and 1011.70 for the federal portion of the school district's allowable costs to deliver the services, based on the reimbursement schedule. The school district shall determine the costs for delivering services as authorized in ss. 409.9071 and 1011.70 for which the state match will be certified.

(a) School districts participating in the certified school match program pursuant to this subsection and s. 1011.70 shall be reimbursed by Medicaid, subject to the limitations of s. 1011.70(1), for a Medicaid-eligible child participating in the services, as authorized under s. 1011.70 and as provided in s. 409.9071, regardless of whether the child is enrolled in MediPass or a managed care plan. Managed care plans and school districts shall make good faith efforts to execute agreements regarding the coordinated provision of services authorized under s. 1011.70. County health departments delivering school-based services pursuant to ss. 381.0056 and 381.0057 shall be reimbursed by Medicaid for the federal share for a Medicaid-eligible child who receives Medicaid-covered services in a school setting, regardless of whether the child is enrolled in MediPass or a managed care plan. Managed care plans and county health departments shall make good faith efforts to execute agreements regarding the coordinated provision of services to a Medicaid-eligible child. To ensure continuity of care for Medicaid patients, the agency, the Department of Health, and the Department of Education shall develop procedures for ensuring that a student's managed care plan or MediPass primary care provider receives information relating to services provided in accordance with ss. 381.0056, 381.0057, 409.9071, and 1011.70.

(b) Reimbursement of school-based providers is contingent on such providers being enrolled as Medicaid providers and meeting the qualifications contained in 42 C.F.R. s. 440.110, unless otherwise waived by the federal Centers for Medicare and Medicaid Services ~~Health Care Financing Administration~~. Speech therapy providers who are certified through the Department of Education pursuant to rule 6A-4.0176, Florida Administrative Code, are eligible for reimbursement for services that are provided on school premises. ~~Any~~ employee of the school district who has been fingerprinted and has received a criminal background check in accordance with Department of Education rules and guidelines ~~is shall be~~ exempt from any agency requirements relating to criminal background checks.

Section 7. Subsection (1), paragraphs (a) and (b) of subsection (2), and paragraph (d) of subsection (4) of section 409.911, Florida Statutes, are amended to read:

409.911 Disproportionate share program.—Subject to specific allocations established within the General Appropriations Act and any limitations established pursuant to chapter 216, the agency shall distribute, pursuant to this section, moneys to hospitals providing a disproportionate share of Medicaid or charity care services by making quarterly Medicaid payments as required. Notwithstanding the provisions of s. 409.915, counties are exempt from contributing toward the cost of this special reimbursement for hospitals serving a disproportionate share of low-income patients.

(1) DEFINITIONS.—As used in this section, ~~s. 409.9112~~, and the Florida Hospital Uniform Reporting System manual:

(a) "Adjusted patient days" means the sum of acute care patient days and intensive care patient days as reported to the agency ~~for Health Care Administration~~, divided by the ratio of inpatient revenues generated from acute, intensive, ambulatory, and ancillary patient services to gross revenues.

(b) "Actual audited data" or "actual audited experience" means data reported to the agency ~~for Health Care Administration~~ which has been audited in accordance with generally accepted auditing standards by the agency or representatives under contract with the agency.

(c) "Charity care" or "uncompensated charity care" means that portion of hospital charges reported to the agency ~~for Health Care Administration~~ for which there is no compensation, other than restricted or unrestricted revenues provided to a hospital by local governments or tax districts, regardless of the method of payment, for care provided to a patient whose family income for the 12 months preceding the determination is less than or equal to 200 percent of the federal poverty level, unless the amount of hospital charges due from the patient exceeds 25 percent of the annual family income. However, ~~in no case shall~~ the hospital charges for a patient whose family income exceeds four times the federal poverty level for a family of four ~~may not~~ be considered charity.

(d) "Charity care days" means the sum of the deductions from revenues for charity care minus 50 percent of restricted and unrestricted revenues provided to a hospital by local governments or tax districts, divided by gross revenues per adjusted patient day.

(e) "Hospital" means a health care institution licensed as a hospital pursuant to chapter 395, but does not include ambulatory surgical centers.

(f) "Medicaid days" means the number of actual days attributable to Medicaid recipients ~~patients~~ as determined by the agency ~~for Health Care Administration~~.

(2) The agency ~~for Health Care Administration~~ shall use the following actual audited data to determine the Medicaid days and charity care to be used in calculating the disproportionate share payment:

(a) The average of the 2004, 2005, and 2006 audited disproportionate share data to determine each hospital's Medicaid days and charity care for the 2012-2013 ~~2011-2012~~ state fiscal year.

(b) If the agency ~~for Health Care Administration~~ does not have the prescribed 3 years of audited disproportionate share data as noted in paragraph (a) for a hospital, the agency shall use the average of the years of the audited disproportionate share data as noted in paragraph (a) which is available.

(4) The following formulas shall be used to pay disproportionate share dollars to public hospitals:

(d) Any nonstate government owned or operated hospital eligible for payments under this section on July 1, 2011, remains eligible for payments during the 2012-2013 ~~2011-2012~~ state fiscal year.

Section 8. *Section 409.9112, Florida Statutes, is repealed.*

Section 9. Section 409.9113, Florida Statutes, is amended to read:

409.9113 Disproportionate share program for teaching hospitals.—In addition to the payments made under s. ~~ss. 409.911 and 409.9112~~, the agency shall make disproportionate share payments to teaching hospitals, as defined in s. 408.07, for their increased costs associated with medical education programs and for tertiary health care services provided to the indigent. This system of payments must conform to federal requirements and distribute funds in each fiscal year for which an appropriation is made by making quarterly Medicaid payments. Notwithstanding s. 409.915, counties are exempt from contributing toward the cost of this special reimbursement for hospitals serving a disproportionate share of low-income patients. ~~For the 2011-2012 state fiscal year,~~ The agency shall distribute the moneys provided in the General Appropriations Act to statutorily defined teaching hospitals and family practice teaching hospitals, as defined in s. 395.805, pursuant to this

section. The funds provided for statutorily defined teaching hospitals shall be distributed as provided in the General Appropriations Act. The funds provided for family practice teaching hospitals shall be distributed equally among family practice teaching hospitals.

(1) On or before September 15 of each year, the agency shall calculate an allocation fraction to be used for distributing funds to statutory teaching hospitals. Subsequent to the end of each quarter of the state fiscal year, the agency shall distribute to each statutory teaching hospital an amount determined by multiplying one-fourth of the funds appropriated for this purpose by the Legislature times such hospital's allocation fraction. The allocation fraction for each such hospital shall be determined by the sum of the following three primary factors, divided by three:

(a) The number of nationally accredited graduate medical education programs offered by the hospital, including programs accredited by the Accreditation Council for Graduate Medical Education and the combined Internal Medicine and Pediatrics programs acceptable to both the American Board of Internal Medicine and the American Board of Pediatrics at the beginning of the state fiscal year preceding the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the hospital represents of the total number of programs, where the total is computed for all statutory teaching hospitals.

(b) The number of full-time equivalent trainees in the hospital, which comprises two components:

1. The number of trainees enrolled in nationally accredited graduate medical education programs, as defined in paragraph (a). Full-time equivalents are computed using the fraction of the year during which each trainee is primarily assigned to the given institution, over the state fiscal year preceding the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the hospital represents of the total number of full-time equivalent trainees enrolled in accredited graduate programs, where the total is computed for all statutory teaching hospitals.

2. The number of medical students enrolled in accredited colleges of medicine and engaged in clinical activities, including required clinical clerkships and clinical electives. Full-time equivalents are computed using the fraction of the year during which each trainee is primarily assigned to the given institution, over the course of the state fiscal year preceding the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the given hospital represents of the total number of full-time equivalent students enrolled in accredited colleges of medicine, where the total is computed for all statutory teaching hospitals.

The primary factor for full-time equivalent trainees is computed as the sum of these two components, divided by two.

(c) A service index that comprises three components:

1. The Agency for Health Care Administration Service Index, computed by applying the standard Service Inventory Scores established by the agency to services offered by the given hospital, as reported on Worksheet A-2 for the last fiscal year reported to the agency before the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the given hospital represents of the total index values, where the total is computed for all statutory teaching hospitals.

2. A volume-weighted service index, computed by applying the standard Service Inventory Scores established by the agency to the volume of each service, expressed in terms of the standard units of measure reported on Worksheet A-2 for the last fiscal year reported to the agency before the date on which the allocation factor is calculated. The numerical value of this factor is the fraction that the given hospital represents of the total volume-weighted service index values, where the total is computed for all statutory teaching hospitals.

3. Total Medicaid payments to each hospital for direct inpatient and outpatient services during the fiscal year preceding the date on which the allocation factor is calculated. This includes payments made to each hospital for such services by Medicaid prepaid health plans, whether the plan was administered by the hospital or not. The numerical value of

this factor is the fraction that each hospital represents of the total of such Medicaid payments, where the total is computed for all statutory teaching hospitals.

The primary factor for the service index is computed as the sum of these three components, divided by three.

(2) By October 1 of each year, the agency shall use the following formula to calculate the maximum additional disproportionate share payment for statutory teaching hospitals:

$$\text{TAP} = \text{THAF} \times A$$

Where:

TAP = total additional payment.

THAF = teaching hospital allocation factor.

A = amount appropriated for a teaching hospital disproportionate share program.

Section 10. *Section 409.9117, Florida Statutes, is repealed.*

Section 11. Paragraphs (b) and (d) of subsection (4) of section 409.912, Florida Statutes, are amended to read:

409.912 Cost-effective purchasing of health care.—The agency shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. To ensure that medical services are effectively utilized, the agency may, in any case, require a confirmation or second physician's opinion of the correct diagnosis for purposes of authorizing future services under the Medicaid program. This section does not restrict access to emergency services or poststabilization care services as defined in 42 C.F.R. part 438.114. Such confirmation or second opinion shall be rendered in a manner approved by the agency. The agency shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies, including competitive bidding pursuant to s. 287.057, designed to facilitate the cost-effective purchase of a case-managed continuum of care. The agency shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services. The agency shall contract with a vendor to monitor and evaluate the clinical practice patterns of providers in order to identify trends that are outside the normal practice patterns of a provider's professional peers or the national guidelines of a provider's professional association. The vendor must be able to provide information and counseling to a provider whose practice patterns are outside the norms, in consultation with the agency, to improve patient care and reduce inappropriate utilization. The agency may mandate prior authorization, drug therapy management, or disease management participation for certain populations of Medicaid beneficiaries, certain drug classes, or particular drugs to prevent fraud, abuse, overuse, and possible dangerous drug interactions. The Pharmaceutical and Therapeutics Committee shall make recommendations to the agency on drugs for which prior authorization is required. The agency shall inform the Pharmaceutical and Therapeutics Committee of its decisions regarding drugs subject to prior authorization. The agency is authorized to limit the entities it contracts with or enrolls as Medicaid providers by developing a provider network through provider credentialing. The agency may competitively bid single-source-provider contracts if procurement of goods or services results in demonstrated cost savings to the state without limiting access to care. The agency may limit its network based on the assessment of beneficiary access to care, provider availability, provider quality standards, time and distance standards for access to care, the cultural competence of the provider network, demographic characteristics of Medicaid beneficiaries, practice and provider-to-beneficiary standards, appointment wait times, beneficiary use of services, provider turnover, provider profiling, provider licensure history, previous program integrity investigations and findings, peer review, provider Medicaid policy and billing compliance records, clinical and medical record audits, and other factors. Providers are not entitled to enrollment in the Medicaid provider network. The agency shall determine instances in which allowing Medicaid beneficiaries to purchase durable medical equipment and other goods is less expensive to the Medicaid program than long-term rental of the equipment or goods. The

agency may establish rules to facilitate purchases in lieu of long-term rentals in order to protect against fraud and abuse in the Medicaid program as defined in s. 409.913. The agency may seek federal waivers necessary to administer these policies.

(4) The agency may contract with:

(b) An entity that is providing comprehensive behavioral health care services to certain Medicaid recipients through a capitated, prepaid arrangement pursuant to the federal waiver provided ~~for~~ by s. 409.905(5). Such entity must be licensed under chapter 624, chapter 636, or chapter 641, or authorized under paragraph (c) or paragraph (d), and must possess the clinical systems and operational competence to manage risk and provide comprehensive behavioral health care to Medicaid recipients. As used in this paragraph, the term "comprehensive behavioral health care services" means covered mental health and substance abuse treatment services that are available to Medicaid recipients. The secretary of the Department of Children and Family Services shall approve provisions of procurements related to children in the department's care or custody before enrolling such children in a prepaid behavioral health plan. Any contract awarded under this paragraph must be competitively procured. In developing the behavioral health care prepaid plan procurement document, the agency ~~must~~ *shall* ensure that the ~~procurement~~ document requires the contractor to develop and implement a plan *that ensures to ensure* compliance with s. 394.4574 related to services provided to residents of licensed assisted living facilities that hold a limited mental health license. Except as provided in subparagraph 5., and except in counties where the Medicaid managed care pilot program is authorized pursuant to s. 409.91211, the agency shall seek federal approval to contract with a single entity meeting these requirements to provide comprehensive behavioral health care services to all Medicaid recipients not enrolled in a Medicaid managed care plan authorized under s. 409.91211, a provider service network authorized under paragraph (d), or a Medicaid health maintenance organization in an AHCA area. In an AHCA area where the Medicaid managed care pilot program is authorized pursuant to s. 409.91211 in one or more counties, the agency may procure a contract with a single entity to serve the remaining counties as an AHCA area or the remaining counties may be included with an adjacent AHCA area and are subject to this paragraph. Each entity must offer a sufficient choice of providers in its network to ensure recipient access to care and the opportunity to select a provider with whom they are satisfied. The network ~~must~~ *shall* include all public mental health hospitals. To ensure unimpaired access to behavioral health care services by Medicaid recipients, all contracts issued pursuant to this paragraph must require 80 percent of the capitation paid to the managed care plan, including health maintenance organizations and capitated provider service networks, to be expended for the provision of behavioral health care services. If the managed care plan expends less than 80 percent of the capitation paid for the provision of behavioral health care services, the difference shall be returned to the agency. The agency shall provide the plan with a certification letter indicating the amount of capitation paid during each calendar year for behavioral health care services pursuant to this section. The agency may reimburse for substance abuse treatment services on a fee-for-service basis until the agency finds that adequate funds are available for capitated, prepaid arrangements.

1. The agency shall modify the contracts with the entities providing comprehensive inpatient and outpatient mental health care services to Medicaid recipients in Hillsborough, Highlands, Hardee, Manatee, and Polk Counties, to include substance abuse treatment services.

2. Except as provided in subparagraph 5., the agency and the Department of Children and Family Services shall contract with managed care entities in each AHCA area except area 6 or arrange to provide comprehensive inpatient and outpatient mental health and substance abuse services through capitated prepaid arrangements to all Medicaid recipients who are eligible to participate in such plans under federal law and regulation. In AHCA areas where eligible individuals number less than 150,000, the agency shall contract with a single managed care plan to provide comprehensive behavioral health services to all recipients who are not enrolled in a Medicaid health maintenance organization, a provider service network authorized under paragraph (d), or a Medicaid capitated managed care plan authorized under s. 409.91211. The agency may contract with more than one comprehensive behavioral health provider to provide care to recipients who are not enrolled in a Medicaid capitated managed care plan authorized under s. 409.91211, a provider service network authorized under paragraph (d), or a Medicaid health

maintenance organization in AHCA areas where the eligible population exceeds 150,000. In an AHCA area where the Medicaid managed care pilot program is authorized pursuant to s. 409.91211 in one or more counties, the agency may procure a contract with a single entity to serve the remaining counties as an AHCA area or the remaining counties may be included with an adjacent AHCA area and shall be subject to this paragraph. Contracts for comprehensive behavioral health providers awarded pursuant to this section shall be competitively procured. Both for-profit and not-for-profit corporations are eligible to compete. Managed care plans contracting with the agency under subsection (3) or paragraph (d) shall provide and receive payment for the same comprehensive behavioral health benefits as provided in AHCA rules, including handbooks incorporated by reference. In AHCA area 11, *prior to any fiscal year for which the agency expects the number of MediPass enrollees in that area to exceed 150,000*, the agency shall seek to contract with at least two comprehensive behavioral health care providers to provide behavioral health care to recipients in that area who are enrolled in, or assigned to, the MediPass program, ~~and the agency must offer one~~ *One of the behavioral health care contracts to must be with the existing public hospital-operated provider service network pilot project*, as described in paragraph (d), for the purpose of demonstrating the cost-effectiveness of the provision of quality mental health services through a public hospital-operated managed care model. Payment shall be ~~at an agreed-upon capitated rate to ensure cost savings. Of the recipients in area 11 who are assigned to MediPass under s. 409.9122(2)(k), a minimum of 50,000 of those MediPass-enrolled recipients shall be assigned to the existing provider service network in area 11 for their behavioral care.~~

3. Children residing in a statewide inpatient psychiatric program, or in a Department of Juvenile Justice or a Department of Children and Family Services residential program approved as a Medicaid behavioral health overlay services provider may not be included in a behavioral health care prepaid health plan or any other Medicaid managed care plan pursuant to this paragraph.

4. Traditional community mental health providers under contract with the Department of Children and Family Services pursuant to part IV of chapter 394, child welfare providers under contract with the Department of Children and Family Services in areas 1 and 6, and inpatient mental health providers licensed pursuant to chapter 395 must be offered an opportunity to accept or decline a contract to participate in ~~a any~~ provider network for prepaid behavioral health services.

5. All Medicaid-eligible children, except children in area 1 and children in Highlands County, Hardee County, Polk County, or Manatee County of area 6, ~~which that~~ are open for child welfare services in the statewide automated child welfare information system, shall receive their behavioral health care services through a specialty prepaid plan operated by community-based lead agencies through a single agency or formal agreements among several agencies. The agency shall work with the specialty plan to develop clinically effective, evidence-based alternatives as a downward substitution for the statewide inpatient psychiatric program and similar residential care and institutional services. The specialty prepaid plan must result in savings to the state comparable to savings achieved in other Medicaid managed care and prepaid programs. Such plan must provide mechanisms to maximize state and local revenues. The specialty prepaid plan shall be developed by the agency and the Department of Children and Family Services. The agency may seek federal waivers to implement this initiative. Medicaid-eligible children whose cases are open for child welfare services in the statewide automated child welfare information system and who reside in AHCA area 10 shall be enrolled in a capitated provider service network or other capitated managed care plan, which, in coordination with available community-based care providers specified in s. 409.1671, ~~must shall~~ provide sufficient medical, developmental, and behavioral health services to meet the needs of these children.

This paragraph expires October 1, 2014.

(d)1. A provider service network, which may be reimbursed on a fee-for-service or prepaid basis. Prepaid provider service networks shall receive per-member, per-month payments. A provider service network that does not choose to be a prepaid plan shall receive fee-for-service rates with a shared savings settlement. The fee-for-service option shall be available to a provider service network only for the first 2 years of the plan's operation or until the contract year beginning September 1, 2014, whichever is later. The agency shall annually conduct cost reconciliations to determine the amount of cost savings achieved by fee-for-service

provider service networks for the dates of service in the period being reconciled. Only payments for covered services for dates of service within the reconciliation period and paid within 6 months after the last date of service in the reconciliation period shall be included. The agency shall perform the necessary adjustments for the inclusion of claims incurred but not reported within the reconciliation for claims that could be received and paid by the agency after the 6-month claims processing time lag. The agency shall provide the results of the reconciliations to the fee-for-service provider service networks within 45 days after the end of the reconciliation period. The fee-for-service provider service networks shall review and provide written comments or a letter of concurrence to the agency within 45 days after receipt of the reconciliation results. This reconciliation shall be considered final.

2. A provider service network ~~that which~~ is reimbursed by the agency on a prepaid basis ~~is shall be~~ exempt from parts I and III of chapter 641, but must comply with the solvency requirements in s. 641.2261(2) and meet appropriate financial reserve, quality assurance, and patient rights requirements ~~as established by the agency.~~

3. ~~The agency shall assign Medicaid recipients assigned to a provider service network in accordance with s. 409.9122 or s. 409.91211, as applicable shall be chosen equally from those who would otherwise have been assigned to prepaid plans and MediPass. The agency may is au-~~thorized to seek federal Medicaid waivers as necessary to implement the provisions of this section. This subparagraph expires October 1, 2014.

4. A provider service network is a network established or organized and operated by a health care provider, or group of affiliated health care providers, including minority physician networks and emergency room diversion programs that meet the requirements of s. 409.91211, which provides a substantial proportion of the health care items and services under a contract directly through the provider or affiliated group of providers and may make arrangements with physicians or other health care professionals, health care institutions, or any combination of such individuals or institutions to assume all or part of the financial risk on a prospective basis for the provision of basic health services by the physicians, by other health professionals, or through the institutions. The health care providers must have a controlling interest in the governing body of the provider service network organization.

Section 12. Section 409.9121, Florida Statutes, is amended to read:

409.9121 Legislative findings and intent.—The Legislature ~~hereby~~ finds that the Medicaid program ~~has experienced an annual growth rate of approximately 28 percent per year for the past 5 years, and is consuming more than half of all new general revenue growth. The present Medicaid system~~ must be reoriented to emphasize, to the maximum extent possible, the delivery of health care through entities and mechanisms ~~that which~~ are designed to contain costs, to emphasize preventive and primary care, and to promote access and continuity of care. The Legislature further finds that the concept of “managed care” best encompasses these multiple goals. ~~The Legislature also finds that, with the cooperation of the physician community, MediPass, the Medicaid primary care case management program, is responsible for ensuring that there is a sufficient supply of primary care to provide access to preventive and primary care services to Medicaid recipients. Therefore, the Legislature declares its intent that the Medicaid program require, to the maximum extent practicable and permitted by federal law, that all Medicaid recipients be enrolled in a managed care program.~~

Section 13. Subsections (1), (2), (4), (5), and (12) of section 409.9122, Florida Statutes, are amended to read:

409.9122 Mandatory Medicaid managed care enrollment; programs and procedures.—

(1) It is the intent of the Legislature that ~~Medicaid managed care the MediPass program~~ be cost-effective, provide quality health care, and improve access to health services, and ~~that the program be implemented statewide. Medicaid managed care shall consist of the enrollment of Medicaid recipients in the MediPass program or managed care plans for comprehensive medical services.~~ This subsection expires October 1, 2014.

(2)(a) The agency shall enroll ~~all Medicaid recipients~~ in a managed care plan or MediPass ~~all Medicaid recipients~~, except those ~~Medicaid recipients who are in an institution, enrolled in the Medicaid medically needy program, or eligible for both Medicaid and Medicare. Upon en-~~

rollment, recipients may ~~individuals will be able to~~ change their managed care option during the 90-day opt out period required by federal Medicaid regulations. The agency ~~may is authorized to~~ seek the necessary Medicaid state plan amendment to implement this policy. ~~However,~~

(a) To the extent permitted by federal law, the agency may enroll ~~a~~ recipient in a managed care plan or MediPass ~~a Medicaid recipient who is exempt from mandatory managed care enrollment if provided that:~~

1. The recipient's decision to enroll in a managed care plan or MediPass is voluntary;

2. ~~If~~ The recipient chooses to enroll in a managed care plan ~~and~~; the agency has determined that the managed care plan provides specific programs and services ~~that which~~ address the special health needs of the recipient; and

3. The agency receives any necessary waivers from the federal Centers for Medicare and Medicaid Services.

~~School districts participating in the certified school match program pursuant to ss. 409.908(21) and 1011.70 shall be reimbursed by Medicaid, subject to the limitations of s. 1011.70(1), for a Medicaid-eligible child participating in the services as authorized in s. 1011.70, as provided for in s. 409.9071, regardless of whether the child is enrolled in MediPass or a managed care plan. Managed care plans shall make a good faith effort to execute agreements with school districts regarding the coordinated provision of services authorized under s. 1011.70. County health departments delivering school-based services pursuant to ss. 381.0056 and 381.0057 shall be reimbursed by Medicaid for the federal share for a Medicaid-eligible child who receives Medicaid-covered services in a school setting, regardless of whether the child is enrolled in MediPass or a managed care plan. Managed care plans shall make a good faith effort to execute agreements with county health departments regarding the coordinated provision of services to a Medicaid-eligible child. To ensure continuity of care for Medicaid patients, the agency, the Department of Health, and the Department of Education shall develop procedures for ensuring that a student's managed care plan or MediPass provider receives information relating to services provided in accordance with ss. 381.0056, 381.0057, 409.9071, and 1011.70.~~

(b) A Medicaid recipient ~~may shall~~ not be enrolled in or assigned to a managed care plan or MediPass unless the managed care plan or MediPass has complied with the quality-of-care standards specified in paragraphs (3)(a) and (b), respectively.

(c) A Medicaid recipient eligible for managed care enrollment ~~re-~~ipients shall have a choice of managed care ~~options plans or MediPass~~. The Agency for Health Care Administration, the Department of Health, the Department of Children and Family Services, and the Department of Elderly Affairs shall cooperate to ensure that each ~~Medicaid~~ recipient receives clear and easily understandable information that meets the following requirements:

1. Explains the concept of managed care, ~~including MediPass.~~

2. Provides information on the comparative performance of managed care ~~options available to the recipient plans and MediPass~~ in the areas of quality, credentialing, preventive health programs, network size and availability, and patient satisfaction.

3. Explains where additional information on each managed care ~~option plan and MediPass~~ in the recipient's area can be obtained.

4. Explains that recipients have the right to choose their managed care coverage at the time they first enroll in Medicaid and again at regular intervals set by the agency. However, if a recipient does not choose a managed care ~~option plan or MediPass~~, the agency ~~shall will~~ assign the recipient to a managed care plan or MediPass according to the criteria specified in this section.

5. Explains the recipient's right to complain, file a grievance, or change ~~his or her managed care option as specified in this section plans or MediPass providers if the recipient is not satisfied with the managed care plan or MediPass.~~

(d) The agency shall develop a mechanism for providing information to Medicaid recipients for the purpose of ~~choosing making~~ a managed care ~~option plan or MediPass selection~~. Examples of such mechanisms

may include, but are not be limited to, interactive information systems, mailings, and mass marketing materials. Managed care plans and MediPass providers may not provide ~~are prohibited from providing~~ inducements to Medicaid recipients to select their plans or ~~prejudice from~~ ~~prejudicing~~ Medicaid recipients against other managed care plans or MediPass providers.

(e) Medicaid recipients who are already enrolled in a managed care plan or MediPass shall be offered the opportunity to change managed care plans or MediPass providers, *as applicable*, on a staggered basis, as defined by the agency. All Medicaid recipients shall have 30 days in which to choose a managed care option ~~make a choice of managed care plans or MediPass providers~~. Those Medicaid recipients who do not make a choice shall be assigned in accordance with paragraph (f). ~~To facilitate continuity of care, for a Medicaid recipient who is also a recipient of Supplemental Security Income (SSI), prior to assigning the SSI recipient to a managed care plan or MediPass, the agency shall determine whether the SSI recipient has an ongoing relationship with a MediPass provider or managed care plan, and if so, the agency shall assign the SSI recipient to that MediPass provider or managed care plan. Those SSI recipients who do not have such a provider relationship shall be assigned to a managed care plan or MediPass provider in accordance with paragraph (f).~~

1. During the 30-day choice period:

a. A recipient residing in a county in which two or more managed care plans are eligible to accept Medicaid enrollees, including a recipient who was enrolled in MediPass at the commencement of his or her 30-day choice period, shall choose from those managed care plans. A recipient may opt out of his or her choice and choose a different managed care plan during the 90-day opt out period.

b. A recipient residing in a county in which only one managed care plan is eligible to accept Medicaid enrollees shall choose the managed care plan or a MediPass provider. A recipient who chooses the managed care plan may opt out of the plan and choose a MediPass provider during the 90-day opt out period.

c. A recipient residing in a county in which no managed care plan is accepting Medicaid enrollees shall choose a MediPass provider.

2. For the purposes of recipient choice, if a managed care plan reaches its enrollment capacity, as determined by the agency, the plan may not accept additional Medicaid enrollees until the agency determines that the plan's enrollment is sufficiently less than its enrollment capacity, due to a decline in enrollment or by an increase in enrollment capacity. If a managed care plan notifies the agency of its intent to exit a county, the plan may not accept additional Medicaid enrollees in that county before the exit date.

3. As used in this paragraph, when referring to recipient choice, the term "managed care plans" includes health maintenance organizations, exclusive provider organizations, provider service networks, minority physician networks, Children's Medical Services Networks, and pediatric emergency department diversion programs authorized by this chapter or the General Appropriations Act.

4. The agency shall seek federal waiver authority or a state plan amendment consistent with 42 U.S.C. 1396u-2(a)(1), as needed, to implement this paragraph.

(f) If a Medicaid recipient does not choose a managed care option:

1. If the recipient resides in a county in which two or more managed care plans are accepting Medicaid enrollees, the agency shall assign the recipient, including a recipient who was enrolled in MediPass at the commencement of his or her 30-day choice period, to one of those managed care plans. A recipient assigned to a managed care plan under this subparagraph may opt out of the managed care plan and enroll in a different managed care plan during the 90-day opt out period. The agency shall seek to make assignments among the managed care plans on an even basis under the criteria in subparagraph 6.

2. If the recipient resides in a county in which only one managed care plan is accepting Medicaid enrollees, the agency shall assign the recipient, including a recipient who was enrolled in MediPass at the commencement of his or her 30-day choice period, to the managed care plan. A recipient

assigned to a managed care plan under this subparagraph may opt out of the managed care plan and choose a MediPass provider during the 90-day opt out period.

3. If the recipient resides in a county in which no managed care plan is accepting Medicaid enrollees, the agency shall assign the recipient to a MediPass provider.

4. For the purpose of assignment, if a managed care plan reaches its enrollment capacity, as determined by the agency, the plan may not accept additional Medicaid enrollees until the agency determines that the plan's enrollment is sufficiently less than its enrollment capacity, due to a decline in enrollment or by an increase in enrollment capacity. If a managed care plan notifies the agency of its intent to exit a county, the agency may not assign additional Medicaid enrollees to the plan in that county before the exit date. ~~plan or MediPass provider, the agency shall assign the Medicaid recipient to a managed care plan or MediPass provider. Medicaid recipients eligible for managed care plan enrollment who are subject to mandatory assignment but who fail to make a choice shall be assigned to managed care plans until an enrollment of 35 percent in MediPass and 65 percent in managed care plans, of all those eligible to choose managed care, is achieved. Once this enrollment is achieved, the assignments shall be divided in order to maintain an enrollment in MediPass and managed care plans which is in a 35 percent and 65 percent proportion, respectively. Thereafter, assignment of Medicaid recipients who fail to make a choice shall be based proportionally on the preferences of recipients who have made a choice in the previous period. Such proportions shall be revised at least quarterly to reflect an update of the preferences of Medicaid recipients. The agency shall disproportionately assign Medicaid eligible recipients who are required to but have failed to make a choice of managed care plan or MediPass to the Children's Medical Services Network as defined in s. 391.021, exclusive provider organizations, provider service networks, minority physician networks, and pediatric emergency department diversion programs authorized by this chapter or the General Appropriations Act, in such manner as the agency deems appropriate, until the agency has determined that the networks and programs have sufficient numbers to be operated economically.~~

5. As used in ~~For purposes of~~ this paragraph, when referring to assignment, the term "managed care plans" includes health maintenance organizations, exclusive provider organizations, provider service networks, minority physician networks, Children's Medical Services Network, and pediatric emergency department diversion programs authorized by this chapter or the General Appropriations Act.

6. When making assignments, the agency shall consider ~~take into account~~ the following criteria, as applicable:

a.1. Whether a managed care plan has sufficient network capacity to meet the need of members.

b.2. Whether the managed care plan ~~or MediPass~~ has previously enrolled the recipient as a member, or one of the managed care plan's primary care providers or a MediPass primary care provider ~~providers~~ has previously provided health care to the recipient.

c.3. Whether the agency has knowledge that the recipient ~~member~~ has previously expressed a preference for a particular managed care plan or MediPass primary care provider ~~as indicated by Medicaid fee for service claims data~~, but has failed to make a choice.

d.4. Whether the managed care plan's or MediPass primary care providers are geographically accessible to the recipient's residence.

e. If the recipient was already enrolled in a managed care plan at the commencement of his or her 30-day choice period and fails to choose a different option, the recipient must remain enrolled in that same managed care plan.

f. To facilitate continuity of care for a Medicaid recipient who is also a recipient of Supplemental Security Income (SSI), before assigning the SSI recipient, the agency shall determine whether the SSI recipient has an ongoing relationship with a managed care plan or a MediPass primary care provider, and if so, the agency shall assign the SSI recipient to that managed care plan or MediPass provider, as applicable. However, if the recipient has an ongoing relationship with a MediPass primary care provider who is included in the provider network of one or more managed

care plans, the agency shall assign the recipient to one of those managed care plans.

g. If the recipient is diagnosed with HIV/AIDS and resides in Broward County, Miami-Dade County, or Palm Beach County, the agency shall assign the Medicaid recipient to a managed care plan that is a health maintenance organization authorized under chapter 641, that was under contract with the agency on July 1, 2011, and that offers a delivery system in partnership with a university-based teaching and research-oriented organization specializing in providing health care services and treatment for individuals diagnosed with HIV/AIDS. Recipients not diagnosed with HIV/AIDS may not be assigned under this paragraph to a managed care plan that specializes in HIV/AIDS.

7. The agency shall seek federal waiver authority or a state plan amendment consistent with 42 U.S.C. 1396u-2(a)(4)(D), as needed, to implement this paragraph.

(g) When more than one managed care plan or MediPass provider meets the criteria specified in paragraph (f), the agency shall make recipient assignments consecutively by family unit.

(h) The agency may not engage in practices that are designed to favor one managed care plan over another or that are designed to influence Medicaid recipients to enroll in MediPass rather than in a managed care plan or to enroll in a managed care plan rather than in MediPass, as applicable. This subsection does not prohibit the agency from reporting on the performance of MediPass or any managed care plan, as measured by performance criteria developed by the agency.

(i) After a recipient has made his or her selection or ~~has~~ been enrolled in a managed care plan or MediPass, the recipient shall have 90 days to exercise the opportunity to voluntarily disenroll and select another managed care ~~option plan or MediPass~~. After 90 days, no further changes may be made except for good cause. Good cause includes, but is not limited to, poor quality of care, lack of access to necessary specialty services, an unreasonable delay or denial of service, or fraudulent enrollment. The agency shall develop criteria for good cause disenrollment for chronically ill and disabled populations who are assigned to managed care plans if more appropriate care is available through the MediPass program. The agency must make a determination as to whether good cause exists. However, the agency may require a recipient to use the managed care plan's or MediPass grievance process prior to the agency's determination of good cause, except in cases in which immediate risk of permanent damage to the recipient's health is alleged. The grievance process, if used ~~when utilized~~, must be completed in time to permit the recipient to disenroll by the first day of the second month after the month the disenrollment request was made. If the managed care plan or MediPass, as a result of the grievance process, approves an enrollee's request to disenroll, the agency is not required to make a determination in the case. The agency must make a determination and take final action on a recipient's request so that disenrollment occurs by ~~no later than~~ the first day of the second month after the month the request was made. If the agency fails to act within the specified timeframe, the recipient's request to disenroll is deemed to be approved as of the date agency action was required. Recipients who disagree with the agency's finding that good cause does not exist for disenrollment shall be advised of their right to pursue a Medicaid fair hearing to dispute the agency's finding.

(j) Consistent with 42 U.S.C. 1396u-2(a)(4)(A) or under federal waiver authority, as needed, the agency shall ~~apply for a federal waiver from the Centers for Medicare and Medicaid Services to lock eligible Medicaid recipients into a managed care plan or MediPass for 12 months after an open enrollment period, except for the 90-day opt out period and good cause disenrollment. After 12 months' enrollment, a recipient may select another managed care plan or MediPass provider. However, nothing shall prevent a Medicaid recipient may not be prevented from changing primary care providers within the managed care plan or MediPass program, as applicable, during the 12-month period.~~

(k) The agency shall maintain MediPass provider networks in all counties, including those counties in which two or more managed care plans are accepting Medicaid enrollees. ~~When a Medicaid recipient does not choose a managed care plan or MediPass provider, the agency shall assign the Medicaid recipient to a managed care plan, except in those counties in which there are fewer than two managed care plans accepting Medicaid enrollees, in which case assignment shall be to a managed care plan or a MediPass provider. Medicaid recipients in~~

counties with fewer than two managed care plans accepting Medicaid enrollees who are subject to mandatory assignment but who fail to make a choice shall be assigned to managed care plans until an enrollment of 35 percent in MediPass and 65 percent in managed care plans, of all those eligible to choose managed care, is achieved. Once that enrollment is achieved, the assignments shall be divided in order to maintain an enrollment in MediPass and managed care plans which is in a 35 percent and 65 percent proportion, respectively. For purposes of this paragraph, when referring to assignment, the term "managed care plans" includes exclusive provider organizations, provider service networks, Children's Medical Services Network, minority physician networks, and pediatric emergency department diversion programs authorized by this chapter or the General Appropriations Act. When making assignments, the agency shall take into account the following criteria:

1. A managed care plan has sufficient network capacity to meet the need of members.

2. The managed care plan or MediPass has previously enrolled the recipient as a member, or one of the managed care plan's primary care providers or MediPass providers has previously provided health care to the recipient.

3. The agency has knowledge that the member has previously expressed a preference for a particular managed care plan or MediPass provider as indicated by Medicaid fee-for-service claims data, but has failed to make a choice.

4. The managed care plan's or MediPass primary care providers are geographically accessible to the recipient's residence.

5. The agency has authority to make mandatory assignments based on quality of service and performance of managed care plans.

~~(l) If the Medicaid recipient is diagnosed with HIV/AIDS and resides in Broward County, Miami-Dade County, or Palm Beach County, the agency shall assign the Medicaid recipient to a managed care plan that is a health maintenance organization authorized under chapter 641, is under contract with the agency on July 1, 2011, and which offers a delivery system through a university-based teaching and research-oriented organization that specializes in providing health care services and treatment for individuals diagnosed with HIV/AIDS.~~

~~(l)(m)~~ Notwithstanding the provisions of chapter 287, the agency may, at its discretion, renew cost-effective contracts for choice counseling services once or more for such periods as the agency may decide. However, all such renewals may not combine to exceed a total period longer than the term of the original contract.

This subsection expires October 1, 2014.

(4)(a) Each female recipient may select as her primary care provider an obstetrician/gynecologist who has agreed to participate within a managed care plan's provider network or as a MediPass primary care case manager, as applicable.

(b) The agency shall establish a complaints and grievance process to assist Medicaid recipients enrolled in the MediPass program to resolve complaints and grievances. The agency shall investigate reports of quality-of-care grievances which remain unresolved to the satisfaction of the enrollee.

This subsection expires October 1, 2014.

(5)(a) The agency shall work cooperatively with the Social Security Administration to identify recipients beneficiaries who are jointly eligible for Medicare and Medicaid and shall develop cooperative programs to encourage these recipients beneficiaries to enroll in a Medicare participating health maintenance organization or prepaid health plans.

(b) The agency shall work cooperatively with the Department of Elderly Affairs to assess the potential cost-effectiveness of providing managed care enrollment MediPass to recipients beneficiaries who are jointly eligible for Medicare and Medicaid on a voluntary choice basis. If the agency determines that enrollment of these recipients beneficiaries in managed care MediPass has the potential for being cost-effective for the state, the agency shall offer managed care enrollment MediPass to these recipients beneficiaries on a voluntary choice basis in the counties where managed care is available MediPass operates.

This subsection expires October 1, 2014.

(12) The agency shall include in its calculation of the hospital inpatient component of a Medicaid health maintenance organization's capitation rate any special payments, including, but not limited to, upper payment limit or disproportionate share hospital payments, made to qualifying hospitals through the fee-for-service program. The agency may seek federal waiver approval or state plan amendment as needed to implement this adjustment. *This subsection expires September 1, 2012.*

Section 14. Section 409.9123, Florida Statutes, is amended to read:

409.9123 Quality-of-care reporting.—~~In order to promote competition between Medicaid managed care plans and MediPass based on quality-of-care indicators,~~ The agency shall annually develop and publish a set of measures of managed care plan performance based on quality-of-care indicators. This information shall be made available to each Medicaid recipient who makes a choice of a managed care plan in her or his area. This information ~~must~~ *shall* be easily understandable to the Medicaid recipient and ~~shall~~ use nationally recognized standards wherever possible. In formulating this information, the agency shall, *at a minimum, consider take into account at least* the following:

(1) The recommendations of the National Committee for Quality Assurance Medicaid HEDIS Task Force.

(2) Requirements and recommendations of the Centers for Medicare and Medicaid Services ~~Health Care Financing Administration.~~

(3) Recommendations of the managed care industry.

Section 15. For the purpose of incorporating the amendment made by this act to section 409.9122, Florida Statutes, in a reference thereto, subsection (1) of section 409.9126, Florida Statutes, is reenacted to read:

409.9126 Children with special health care needs.—

(1) Except as provided in subsection (4), children eligible for Children's Medical Services who receive Medicaid benefits, and other Medicaid-eligible children with special health care needs, shall be exempt from the provisions of s. 409.9122 and shall be served through the Children's Medical Services network established in chapter 391.

Section 16. Effective upon this act becoming a law, subsections (4) through (6) of section 409.915, Florida Statutes, are amended, and subsections (7) through (11) are added to that section, to read:

409.915 County contributions to Medicaid.—Although the state is responsible for the full portion of the state share of the matching funds required for the Medicaid program, in order to acquire a certain portion of these funds, the state shall charge the counties for certain items of care and service as provided in this section.

(4) Each county shall ~~contribute pay into the General Revenue Fund, unallocated,~~ its pro rata share of the total county participation based upon statements rendered by the agency ~~in consultation with the counties.~~ *The agency shall render such statements monthly based on each county's eligible recipients. For purposes of this section, each county's eligible recipients shall be determined by the recipients' address information contained in the federally approved Medicaid eligibility system within the Department of Children and Family Services. The process developed under subsection (10) may be used for cases in which the Medicaid eligibility system's address information may indicate a need for revision.*

~~(5) The Department of Financial Services shall withhold from the cigarette tax receipts or any other funds to be distributed to the counties the individual county share that has not been remitted within 60 days after billing.~~

~~(5)(6)~~ In any county in which a special taxing district or authority is located which will benefit from the medical assistance programs covered by this section, the board of county commissioners may divide the county's financial responsibility for this purpose proportionately, and each such district or authority must furnish its share to the board of county commissioners in time for the board to comply with the provisions of subsection (3). Any appeal of the proration made by the board of county commissioners must be made to the Department of Financial Services, which shall then set the proportionate share of each party.

~~(6)(7)~~ Counties are exempt from contributing toward the cost of new exemptions on inpatient ceilings for statutory teaching hospitals, specialty hospitals, and community hospital education program hospitals that came into effect July 1, 2000, and for special Medicaid payments that came into effect on or after July 1, 2000.

(7) *By September 1, 2012, the agency shall certify to the Department of Revenue, for each county, an amount equal to 85 percent of each county's billings through April 30, 2012, which remain unpaid.*

(8)(a) *Beginning with the October 2012 distribution, the Department of Revenue shall reduce each county's distributions pursuant to s. 218.26 by one thirty-sixth of the amount certified by the agency under subsection (7) for that county. However, the amount of the reduction may not exceed 50 percent of each county's distribution. If, after 36 months, the reductions for each county do not equal the total amount initially certified by the agency, the Department of Revenue shall continue to reduce each distribution by up to 50 percent until the total amount certified is reached. The amounts by which the distributions are reduced shall be transferred to the General Revenue Fund.*

(b) *As an assurance to holders of bonds issued before the effective date of this act to which distributions made pursuant to s. 218.26 are pledged, or bonds issued to refund such bonds which mature no later than the bonds they refunded and which result in a reduction of debt service payable in each fiscal year, the amount available for distribution to a county shall remain as provided by law and continue to be subject to any lien or claim on behalf of the bondholders. The Department of Revenue must ensure that any reduction in amounts distributed pursuant to paragraph (a) does not reduce the amount of distribution to a county below the amount necessary for the payment of principal and interest on the bonds and the amount necessary to comply with any covenant under the bond resolution or other documents relating to the issuance of the bonds.*

(9)(a) *Beginning May 1, 2012, and each month thereafter, the agency shall certify to the Department of Revenue the amount of the monthly statement rendered to each county pursuant to subsection (4). The department shall reduce each county's monthly distribution pursuant to s. 218.61 by the amount certified. The amounts by which the distributions are reduced shall be transferred to the General Revenue Fund.*

(b) *As an assurance to holders of bonds issued before the effective date of this act to which distributions made pursuant to s. 218.61 are pledged, or bonds issued to refund such bonds which mature no later than the bonds they refunded and which result in a reduction of debt service payable in each fiscal year, the amount available for distribution to a county shall remain as provided by law and continue to be subject to any lien or claim on behalf of the bondholders. The Department of Revenue must ensure that any reductions in amounts distributed pursuant to paragraph (a) does not reduce the amount of distribution to a county below the amount necessary for the payment of principal and interest on the bonds and the amount necessary to comply with any covenant under the bond resolution or other documents relating to the issuance of the bonds.*

(10) *The Department of Revenue shall pay certified refund requests in accordance with a process developed by the agency and the department which:*

(a) *Allows counties to submit to the agency written requests for refunds of any amounts by which the distributions were reduced as provided in subsection (9) and which set forth the reasons for the refund requests.*

(b) *Requires the agency to make a determination as to whether a refund request is appropriate and should be approved, in which case the agency shall certify the amount of the refund to the department.*

(c) *Requires the department to issue the refund for the certified amount to the county from the General Revenue Fund.*

(11) *Beginning in the 2013-2014 fiscal year and each year thereafter until the 2020-2021 fiscal year, the Chief Financial Officer shall transfer from the General Revenue Fund to the Lawton Chiles Endowment Fund an amount equal to the amounts transferred to the General Revenue Fund in the previous fiscal year pursuant to subsections (8) and (9), reduced by the amount of refunds paid pursuant to subsection (10), which are in*

excess of the official estimate for medical hospital fees for such previous fiscal year adopted by the Revenue Estimating Conference on January 12, 2012, as reflected in the conference's workpapers. By July 20 of each year, the Office of Economic and Demographic Research shall certify the amount to be transferred to the Chief Financial Officer. Such transfers must be made before July 31 of each year until the total transfers for all years equal \$265 million. The Office of Economic and Demographic Research shall publish the official estimates reflected in the conference's workpapers on its website.

Section 17. Subsection (2) of section 409.979, Florida Statutes, is amended to read:

409.979 Eligibility.—

(2) Medicaid recipients who, on the date long-term care managed care plans become available in their region, reside in a nursing home facility or are enrolled in one of the following long-term care Medicaid waiver programs are eligible to participate in the long-term care managed care program for up to 12 months without being reevaluated for their need for nursing facility care as defined in s. 409.985(3):

- (a) The Assisted Living for the Frail Elderly Waiver.
- (b) The Aged and Disabled Adult Waiver.
- ~~(c) The Adult Day Health Care Waiver.~~
- ~~(c)(d)~~ The Consumer-Directed Care Plus Program as described in s. 409.221.
- ~~(d)(e)~~ The Program of All-inclusive Care for the Elderly.
- ~~(e)(f)~~ The long-term care community-based diversion pilot project as described in s. 430.705.
- ~~(f)(g)~~ The Channeling Services Waiver for Frail Elders.

Section 18. Subsection (15) of section 430.04, Florida Statutes, is amended to read:

430.04 Duties and responsibilities of the Department of Elderly Affairs.—The Department of Elderly Affairs shall:

(15) Administer all Medicaid waivers and programs relating to elders and their appropriations. The waivers include, but are not limited to:

- (a) The Assisted Living for the Frail Elderly Waiver.
- (b) The Aged and Disabled Adult Waiver.
- ~~(c) The Adult Day Health Care Waiver.~~
- ~~(c)(d)~~ The Consumer-Directed Care Plus Program as defined in s. 409.221.
- ~~(d)(e)~~ The Program of All-inclusive Care for the Elderly.
- ~~(e)(f)~~ The Long-Term Care Community-Based Diversion Pilot Project as described in s. 430.705.
- ~~(f)(g)~~ The Channeling Services Waiver for Frail Elders.

The department shall develop a transition plan for recipients receiving services in long-term care Medicaid waivers for elders or disabled adults on the date eligible plans become available in each recipient's region defined in s. 409.981(2) to enroll those recipients in eligible plans. This subsection expires October 1, 2014.

Section 19. Section 31 of chapter 2009-223, Laws of Florida, as amended by section 44 of chapter 2010-151, Laws of Florida, is redesignated as section 409.9132, Florida Statutes, and amended to read:

~~409.9132 Section 31.~~ Pilot project to monitor home health services.—The agency for Health Care Administration shall expand the develop and implement a home health agency monitoring pilot project in Miami-Dade County on a statewide basis effective July 1, 2012, except in counties in which the program will not be cost-effective, as determined by the agency by January 1, 2010. The agency shall contract with a vendor to

verify the utilization and delivery of home health services and provide an electronic billing interface for home health services. The contract must require the creation of a program to submit claims electronically for the delivery of home health services. The program must verify telephonically visits for the delivery of home health services using voice biometrics. The agency may seek amendments to the Medicaid state plan and waivers of federal laws, as necessary, to implement or expand the pilot project. Notwithstanding s. 287.057(3)(f), ~~Florida Statutes~~, the agency must award the contract through the competitive solicitation process and may use the current contract to expand the home health agency monitoring pilot project to include additional counties as authorized under this section. ~~The agency shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives evaluating the pilot project by February 1, 2011.~~

Section 20. Section 32 of chapter 2009-223, Laws of Florida, is redesignated as section 409.9133, Florida Statutes, and amended to read:

~~409.9133 Section 32.~~ Pilot project for home health care management.—The agency for Health Care Administration shall expand the implement a comprehensive care management pilot project for home health services statewide and include private-duty nursing and personal care services effective July 1, 2012, except in counties in which the program will not be cost-effective, as determined by the agency by January 1, 2010. The program must include, which includes face-to-face assessments by a nurse licensed pursuant to chapter 464, Florida Statutes, consultation with physicians ordering services to substantiate the medical necessity for services, and on-site or desk reviews of recipients' medical records in Miami-Dade County. The agency may enter into a contract with a qualified organization to implement or expand the pilot project. The agency may use the current contract to expand the comprehensive care management pilot project to include the additional services and counties authorized under this section. The agency may seek amendments to the Medicaid state plan and waivers of federal laws, as necessary, to implement or expand the pilot project.

Section 21. Notwithstanding s. 430.707, Florida Statutes, and subject to federal approval of an additional site for the Program of All-Inclusive Care for the Elderly (PACE), the Agency for Health Care Administration shall contract with a current PACE organization authorized to provide PACE services in Southeast Florida to develop and operate a PACE program in Broward County to serve frail elders who reside in Broward County. The organization shall be exempt from chapter 641, Florida Statutes. The agency, in consultation with the Department of Elderly Affairs and subject to an appropriation, shall approve up to 150 initial enrollee slots in the Broward program established by the organization.

Section 22. Effective upon this act becoming a law and for the 2011-2012 state fiscal year only, a public hospital located in trauma service area 2 which has local funds available for intergovernmental transfers that allow for exemptions from inpatient and outpatient reimbursement limitations may, notwithstanding s. 409.905(5)(c), Florida Statutes, have its reimbursement rates adjusted after September 30 of the state fiscal year in which the rates take effect.

Section 23. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2012.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to Medicaid; amending s. 383.15, F.S.; revising legislative intent relating to funding for regional perinatal intensive care centers; amending s. 409.8132, F.S.; revising a cross-reference; amending s. 409.814, F.S.; deleting a prohibition preventing children who are eligible for coverage under a state health benefit plan from being eligible for services provided through the subsidized program; revising cross-references; requiring a completed application, including a clinical screening, for enrollment in the Children's Medical Services Network; amending s. 409.902, F.S.; providing for the creation of an Internet-based system for determining eligibility for the Medicaid and Kidcare programs, contingent on the appropriation; providing system business objectives and requirements; requiring the Department of Children and Family Services to develop the system; requiring the system to be completed and implemented by specified dates; providing a governance structure pending implementation of the program, including an executive steering committee and a project management team; amending s.

409.905, F.S.; limiting the number of paid hospital emergency department visits for nonpregnant adults; authorizing the Agency for Health Care Administration to request approval by the Legislative Budget Commission of hospital rate adjustments; providing components for the agency's plan to convert inpatient hospital rates to a prospective payment system; revising dates for submitting the plan and implementing the system; amending s. 409.908, F.S.; conforming a cross-reference; authorizing the Agency for Health Care Administration to accept voluntary intergovernmental transfers of local taxes and other qualified revenue from counties, municipalities, or special taxing districts in order to fund certain costs; limiting the use of intergovernmental transfer funds for hospital reimbursements; prohibiting the inclusion of certain hospital costs in the capitation rates for prepaid health plans; providing for the inclusion of certain hospital costs in capitation rates for prepaid health plans if funded by intergovernmental transfers; incorporating a transferred provision; amending s. 409.911, F.S.; updating references to data used for calculations in the disproportionate share program; repealing s. 409.9112, F.S., relating to the disproportionate share program for regional perinatal intensive care centers; amending s. 409.9113, F.S.; conforming a cross-reference; authorizing the agency to distribute moneys in the disproportionate share program for teaching hospitals; repealing s. 409.9117, F.S., relating to the primary care disproportionate share program; amending s. 409.912, F.S.; revising the conditions for contracting with certain managed care plans for behavioral health care services; deleting requirements for assigning certain MediPass recipients to managed care plans for behavioral health care services; requiring the assignment of recipients to provider service networks; amending s. 409.9121, F.S.; revising legislative findings relating to the Medicaid program; amending s. 409.9122, F.S.; providing criteria and procedures relating to recipient enrollment choice and assignment among Medicaid managed care plans and MediPass; deleting transferred provisions relating to school districts; amending s. 409.9123, F.S.; revising provisions relating to the publication of quality measures for managed care plans; reenacting s. 409.9126, F.S., relating to children with special health care needs; amending s. 409.915, F.S.; specifying criteria for determining a county's eligible recipients; providing for payment of billings that have been denied by the county from the county's tax revenues; providing for refunds; providing for the transfer of certain refunds to the Lawton Chiles Endowment Fund; amending ss. 409.979 and 430.04, F.S.; deleting references to the Adult Day Health Care Waiver in provisions relating to Medicaid eligibility and duties and responsibilities of the Department of Elderly Affairs; amending s. 31, chapter 2009-223, Laws of Florida, as amended, and redesignating that section as s. 409.9132, F.S.; expanding the home health agency monitoring pilot project statewide; amending s. 32, chapter 2009-223, Laws of Florida, and redesignating that section as s. 409.9133, F.S.; expanding the comprehensive care management pilot project for home health services statewide and including private-duty nursing and personal care services; providing an additional site in Broward County for the Program of All-Inclusive Care for the Elderly; providing that a public hospital located in trauma service area 2 which has local funds available for intergovernmental transfers may have its reimbursement rates adjusted after a certain date; providing effective dates.

MOTION

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

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

Amendment 1A (648940) (with title amendment)—Between lines 4 and 5 insert:

Section 1. Subsection (3) of section 381.79, Florida Statutes, is amended to read:

381.79 Brain and Spinal Cord Injury Program Trust Fund.—

(3) Annually, 5 percent of the revenues deposited monthly ~~into~~ the fund pursuant to s. 318.21(2)(d) shall be appropriated to the University of Florida and 5 percent to the University of Miami for spinal cord injury and brain injury research. The amount to be distributed to the universities shall be calculated based on the deposits into the fund for each quarter in the fiscal year, but may not exceed \$750,000 ~~\$500,000~~ per university per year. Funds distributed under this subsection shall be

made in quarterly payments at the end of each quarter during the fiscal year.

And the title is amended as follows:

Delete line 1841 and insert: An act relating to Medicaid; amending s. 381.79, F.S.; increasing the amount that may be available to the University of Florida and the University of Miami for brain and spinal cord injury research; amending s. 383.15, F.S.;

Amendment 1 as amended was adopted.

On motions by Senator Negron, by two-thirds vote **HB 5301** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—31

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

Nays—5

Braynon	Joyner	Smith
Gibson	Rich	

Vote after roll call:

Yea—Garcia

Yea to Nay—Dockery, Oelrich, Sobel

DISCLOSURE

I have an ownership interest in Caregivers, Inc., a company based in Pensacola, Florida. The company provides services to the elderly and the disabled and a minority of its revenues are derived from reimbursements from the Escambia County Council on Aging and the Florida Medicaid program. Because Caregivers, Inc., is among a class of health care providers receiving funds from such state sources, it appears to me that the company may be affected by **SB 1988** and **HB 5301** which came before the Senate Floor for a vote on February 23, 2012.

Therefore, I believe that, because Caregivers, Inc., is a member of such class, I am required by Senate Rule 1.39 to disclose the above facts.

Senator Don Gaetz, 4th District

Vote Preference:

February 24, 2012: Nay—Montford

MOTIONS

On motion by Senator Negron, the Senate having refused to pass **HB 5301** as passed by the House, acceded to the request for a conference committee.

SB 1990—A bill to be entitled An act relating to developmental disabilities; amending s. 393.063, F.S.; redefining the term “support coordinator”; amending s. 393.0661, F.S.; requiring that the Agency for Persons with Disabilities review a waiver support coordinator's performance to ensure that the support coordinator meets or exceeds criteria established by the agency; providing responsibilities of the support coordinator; providing that the waiver is the funding source of last resort for client services; requiring that the agency's area offices conduct and manage the provider agreements with the waiver support coordinators

and the performance reviews; providing criteria for evaluating a support coordinator's performance; authorizing the agency to recognize superior performance by exempting a waiver support coordinator from annual quality assurance reviews or other mechanisms established by the agency; authorizing the agency to issue sanctions for poor performance; authorizing the agency to adopt rules; conforming a cross-reference; amending s. 393.0662, F.S.; conforming provisions to changes made by the act; providing that funds appropriated to the agency shall be allocated through the iBudget system to eligible, Medicaid-enrolled clients who have a developmental disability and not only Down syndrome; providing that a client has the flexibility to determine the type, amount, frequency, duration, and scope of the services on his or her cost plan if certain criteria are met; requiring that the agency determine the client's initial iBudget amount; requiring that the area office review the amount of funding needed to address each client's extraordinary needs in order to determine the medical necessity for each service in the amount, duration, frequency, intensity, and scope that meets the client's needs; requiring that the agency to consider certain factors of the individual which may affect the level of services needed; requiring that the client's medical necessity review include a comparison of client's algorithm allocation, cost plan, and extraordinary needs; providing certain requirements for an client's initial annualized iBudget amount; authorizing increases to an client's initial iBudget amount under certain circumstances during specified fiscal years; deleting a provision regarding the phasing-in process of the iBudget system; requiring a client to use all available nonwaiver services before using funds from his or her iBudget to pay for support and services; creating s. 393.28, F.S.; requiring that the agency adopt and enforce certain sanitation standards to protect individuals served in facilities licensed or regulated by the agency; requiring that the agency inspect or contract for the inspection of those facilities; authorizing the agency to adopt rules; requiring that the agency defer to certain preexisting standards if rules are not adopted; authorizing the agency to consult with the Department of Health, the Agency for Health Care Administration, the Department of Business and Professional Regulation, and the Department of Agriculture and Consumer Services concerning procedures related to the storage, preparation, serving, or display of food and procedures related to the detection and prevention of diseases caused by certain factors in the environment; authorizing the agency to impose sanctions against certain establishments or operators for violation of sanitary standards; authorizing the agency to contract with another entity for food service protection and inspection services; providing an effective date.

—was read the second time by title. On motions by Senator Negron, by two-thirds vote **SB 1990** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

DISCLOSURE

I have an ownership interest in Caregivers, Inc., a company based in Pensacola, Florida. The company provides services to the elderly and the disabled and a minority of its revenues are derived from reimbursements from the Escambia County Council on Aging and the Florida Medicaid program. Because Caregivers, Inc., is among a class of health care providers receiving funds from such state sources, it appears to me that the company may be affected by **SB 1990** which came before the Senate Floor for a vote on February 23, 2012.

Therefore, I believe that, because Caregivers, Inc., is a member of such class, I am required by Senate Rule 1.39 to disclose the above facts.

Senator Don Gaetz, 4th District

Vote Preference:

February 24, 2012: Yea—Montford

MOTIONS

On motion by Senator Negron, the House was requested to pass **SB 1990** as passed by the Senate; or agree to include this bill in the budget conference.

CS for SB 902—A bill to be entitled An act relating to the Department of the Lottery; amending s. 24.105, F.S.; deleting a provision relating to player-activated vending machines; conforming provisions to changes made by the act; amending s. 24.111, F.S.; revising the requirement that the Department of the Lottery lease certain vending machines; amending s. 24.112, F.S.; allowing vending machines to dispense lottery tickets if certain requirements are met; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 902**, on motion by Senator Jones, by two-thirds vote **CS for HB 843** was withdrawn from the Committee on Budget.

On motion by Senator Jones—

CS for HB 843—A bill to be entitled An act relating to the Department of the Lottery; amending s. 24.105, F.S.; deleting a provision relating to player-activated vending machines; conforming provisions to changes made by the act; amending s. 24.111, F.S.; revising the requirement that the Department of the Lottery lease certain vending machines; amending s. 24.112, F.S.; allowing vending machines to dispense lottery tickets if certain requirements are met; providing an effective date.

—a companion measure, was substituted for **CS for SB 902** and read the second time by title.

SENATOR BENNETT PRESIDING

MOTION

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

Senator Hays offered the following amendment which was moved by Senator Jones and adopted:

Amendment 1 (706706) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (9) of section 24.105, Florida Statutes, is amended to read:

24.105 Powers and duties of department.—The department shall:

(9) Adopt rules governing the establishment and operation of the state lottery, including:

(a) The type of lottery games to be conducted, except that:

1. No name of an elected official shall appear on the ticket or play slip of any lottery game or on any prize or on any instrument used for the payment of prizes, unless such prize is in the form of a state warrant.

2. No coins or currency shall be dispensed from any electronic computer terminal or device used in any lottery game.

3. Other than as *specifically* provided in s. 24.112 ~~subparagraph 4~~, no terminal or device may be used for any lottery game which may be operated solely by the player without the assistance of the retailer.

~~4. The only player-activated machine which may be utilized is a machine which dispenses instant lottery game tickets following the insertion of a coin or currency by a ticket purchaser. To be authorized a machine must: be under the supervision and within the direct line of sight of the lottery retailer to ensure that the machine is monitored and only operated by persons at least 18 years of age; be capable of being electronically deactivated by the retailer to prohibit use by persons less than 18 years of age through the use of a lockout device that maintains the machine's deactivation for a period of no less than 5 minutes; and be designed to prevent its use or conversion for use in any manner other than the dispensing of instant lottery tickets. Authorized machines may dispense change to players purchasing tickets but may not be utilized for paying the holders of winning tickets of any kind. At least one clerk must be on duty at the lottery retailer while the machine is in operation. However, at least two clerks must be on duty at any lottery location which has violated s. 24.1055.~~

Section 2. Paragraph (h) of subsection (2) of section 24.111, Florida Statutes, is amended to read:

24.111 Vendors; disclosure and contract requirements.—

(2) The department shall investigate the financial responsibility, security, and integrity of each vendor with which it intends to negotiate a contract for major procurement. Such investigation may include an investigation of the financial responsibility, security, and integrity of any or all persons whose names and addresses are required to be disclosed pursuant to paragraph (a). Any person who submits a bid, proposal, or offer as part of a major procurement must, at the time of submitting such bid, proposal, or offer, provide the following:

(h) The department shall lease all ~~instant ticket~~ vending machines *that dispense online lottery tickets, instant lottery tickets, or both online and instant lottery tickets.*

The department shall not contract with any vendor who fails to make the disclosures required by this subsection, and any contract with a vendor who has failed to make the required disclosures shall be unenforceable. Any contract with any vendor who does not comply with such requirements for periodically updating such disclosures during the tenure of such contract as may be specified in such contract may be terminated by the department. This subsection shall be construed broadly and liberally to achieve the ends of full disclosure of all information necessary to allow for a full and complete evaluation by the department of the competence, integrity, background, and character of vendors for major procurements.

Section 3. Subsection (15) is added to section 24.112, Florida Statutes, to read:

24.112 Retailers of lottery tickets; *authorization of vending machines to dispense lottery tickets.*—

(15) *A vending machine may be used to dispense online lottery tickets, instant lottery tickets, or both online and instant lottery tickets.*

(a) *The vending machine must:*

1. *Dispense a lottery ticket after a purchaser inserts a coin or currency in the machine.*
2. *Be capable of being electronically deactivated for a period of 5 minutes or more.*
3. *Be designed to prevent its use for any purpose other than dispensing a lottery ticket.*

(b) *In order to be authorized to use a vending machine to dispense lottery tickets, a retailer must:*

1. *Locate the vending machine in the retailer's direct line of sight to ensure that purchases are only made by persons at least 18 years of age.*
2. *Ensure that at least one employee is on duty when the vending machine is available for use. However, if the retailer has previously violated s. 24.1055, at least two employees must be on duty when the vending machine is available for use.*

(c) *A vending machine that dispenses a lottery ticket may dispense change to a purchaser but may not be used to redeem any type of winning lottery ticket.*

(d) *The vending machine, or any machine or device linked to the vending machine, may not include or make use of video reels or mechanical reels or other video depictions of slot machine or casino game themes or titles for game play. This does not preclude the use of casino game themes or titles on such tickets or signage or advertising displays on the machines.*

Section 4. This act shall take effect July 1, 2012.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Department of the Lottery; amending s. 24.105, F.S.; deleting a provision relating to player-activated vending machines; conforming provisions to changes made by the act; amending s. 24.111, F.S.; revising the requirement that the Department of the Lottery lease certain vending machines; amending s. 24.112, F.S.; allowing vending machines to dispense lottery tickets if certain requirements are met; providing an effective date.

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

Yeas—26

Alexander	Garcia	Norman
Altman	Gibson	Rich
Bennett	Hays	Richter
Braynon	Jones	Ring
Bullard	Joyner	Sachs
Dean	Latvala	Simmons
Detert	Lynn	Smith
Diaz de la Portilla	Margolis	Thrasher
Fasano	Negron	

Nays—10

Benacquisto	Gaetz	Storms
Bogdanoff	Gardiner	Wise
Evers	Oelrich	
Flores	Siplin	

Vote after roll call:

Yea—Dockery, Sobel

Vote Preference:

February 24, 2012: Nay—Montford

SB 1976—A bill to be entitled An act relating to the One-Stop Business Registration Portal; amending s. 288.109, F.S.; changing the name of the One-Stop Permitting System to the One-Stop Business Registration Portal; requiring the Department of Revenue to establish and implement an Internet website for the One-Stop Business Registration Portal; expanding the purposes of the portal; authorizing the department to contract for development and maintenance of the portal; revising the list of agencies that are required to participate in the portal; requiring that the department submit an annual report to the Governor and Legislature; providing for the contents of the report; providing that the department may provide relevant information to state agencies and local governments participating in the portal; providing that information that is not otherwise confidential does not become confidential because it is collected through the portal; authorizing the department to adopt rules; repealing s. 288.1092, F.S., relating to the One-Stop Permitting System Grant Program; repealing s. 288.1093, F.S., relating to the Quick Permitting County Designation Program; repealing s. 288.1095, F.S., relating to information about the One-Stop Permitting System; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 1976**, on motion by Senator Hays, by two-thirds vote **HB 5501** was withdrawn from the Committee on Budget.

On motion by Senator Hays—

HB 5501—A bill to be entitled An act relating to the One-Stop Business Registration Portal; amending s. 288.109, F.S.; directing the Department of Revenue to establish the One-Stop Business Registration Portal through which individuals and businesses may submit applications for various licenses, registrations, or permits, file various documents, or remit payment for various fees to a state department or agency; authorizing the department to contract for the development and maintenance of the portal's Internet website; requiring certain state departments to cooperate with the department in the development and implementation of the portal; requiring the department to submit an annual report to the Governor and the Legislature on the portal's implementation and expansion; authorizing the department to provide certain information relative to the One-Stop Business Registration Portal to certain state departments and agencies and local governments; authorizing the department to adopt rules; deleting provisions relating to the One-Stop Permitting System of the former State Technology Office, including provisions authorizing individuals and businesses to apply for certain state, regional, and local development permits through an Internet site developed by the office; repealing ss. 288.1092, 288.1093, and 288.1095, F.S., relating to the One-Stop Permitting System Grant Program and the award of grants to counties that participate in the One-Stop Permitting System, the Quick Permitting County Designation Program and the designation of a county as a Quick Permitting County, and the distribution of literature explaining the One-Stop Permitting System and the Quick Permitting County designations; providing an effective date.

—a companion measure, was substituted for **SB 1976** and read the second time by title.

THE PRESIDENT PRESIDING

MOTION

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

Senator Hays moved the following amendment which was adopted:

Amendment 1 (651036) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 288.109, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 288.109, F.S., for present text.)

288.109 One-Stop Business Registration Portal.—

(1) By January 1, 2013, the Department of Revenue shall establish the One-Stop Business Registration Portal that provides, through an Internet website, individuals and businesses with a single point of entry for:

(a) Completing and submitting applications for various licenses, registrations, or permits that must be issued by a state department or agency in order for applicants to transact business in this state.

(b) Filing various documents that must be filed with a state department or agency in order for the filers to transact business in the state.

(c) Remitting payment for various fees that must be paid to a state department or agency, including, but not limited to, application fees, license fees, registration fees, permit fees, and filing fees.

(2) After establishing the Internet website, the Department of Revenue, in the most timely manner practicable, shall implement the capabilities described in subsection (1).

(3) The Department of Revenue may competitively procure and contract for services to develop and maintain the Internet website for the One-Stop Business Registration Portal.

(4) The following departments shall cooperate with the Department of Revenue in the development and implementation of the One-Stop Business Registration Portal and participate in the portal:

(a) The Department of Business and Professional Regulation.

(b) The Department of Economic Opportunity.

(c) The Department of Financial Services.

(d) The Department of the Lottery.

(e) The Department of Management Services.

(f) The Department of State.

(5) Beginning January 1, 2013, and each January thereafter, the Department of Revenue shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a complete and detailed report on the activities and accomplishments of the One-Stop Business Registration Portal during the preceding year. The report must also include a plan for expanding the portal to allow individuals and businesses to submit applications through the portal for various licenses, registrations, or permits issued by local governments. The report may also include recommendations for improving the effectiveness of the portal and increasing participation by state agencies and local governments.

(6) The Department of Revenue may provide information relevant to this section to each state agency and local government that, in the conduct of its official duties, participates in the One-Stop Business Registration Portal. However, to the extent that such information is not otherwise confidential, information collected from an individual or business by a state agency or local government does not become confidential solely because the information is collected through the portal.

(7) The Department of Revenue may adopt rules to administer this section.

Section 2. Sections 288.1092, 288.1093, and 288.1095 Florida Statutes, are repealed.

Section 3. This act shall take effect July 1, 2012.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the One-Stop Business Registration Portal; amending s. 288.109, F.S.; changing the name of the One-Stop Permitting System to the One-Stop Business Registration Portal; requiring the Department of Revenue to establish and implement an Internet website for the One-Stop Business Registration Portal; expanding the purposes of the portal; authorizing the department to contract for development and maintenance of the portal; revising the list of agencies that are required to participate in the portal; requiring that the department submit an annual report to the Governor and Legislature; providing for the contents of the report; providing that the department may provide relevant information to state agencies and local governments participating in the portal; providing that information that is not otherwise confidential does not become confidential because it is collected through the portal; authorizing the department to adopt rules; repealing s. 288.1092, F.S., relating to the One-Stop Permitting System Grant Program; repealing s. 288.1093, F.S., relating to the Quick Permitting County Designation Program; repealing s. 288.1095, F.S., relating to information about the One-Stop Permitting System; providing an effective date.

On motions by Senator Hays, by two-thirds vote **HB 5501** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

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

Gibson	Norman	Siplin
Jones	Oelrich	Smith
Joyner	Rich	Sobel
Latvala	Richter	Storms
Lynn	Ring	Thrasher
Margolis	Sachs	Wise
Negron	Simmons	

Nays—None

Vote Preference:

February 24, 2012: Yea—Montford

SB 1978—A bill to be entitled An act relating to trust funds; creating s. 215.1995, F.S.; establishing the One-Stop Business Registration Portal Clearing Trust Fund to serve as a depository for receipts obtained through the One-Stop Business Registration Portal and for subsequent transfer or distribution to appropriate agencies and accounts; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was read the second time by title.

Pending further consideration of **SB 1978**, on motion by Senator Hays, by two-thirds vote **HB 5503** was withdrawn from the Committee on Budget.

On motion by Senator Hays—

HB 5503—A bill to be entitled An act relating to trust funds; creating s. 215.1995, F.S.; creating the One-Stop Business Registration Portal Clearing Trust Fund within the Department of Revenue; providing for the purpose of the trust fund and sources of funds; providing a requirement with respect to transfer and distribution of funds; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—a companion measure, was substituted for **SB 1978** and read the second time by title.

MOTION

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

Senator Hays moved the following amendment which was adopted:

Amendment 1 (172206) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 215.1995, Florida Statutes, is created to read:

215.1995 One-Stop Business Registration Portal Clearing Trust Fund.—

(1) *The One-Stop Business Registration Portal Clearing Trust Fund is created within the Department of Revenue.*

(2) *The fund is established for use as a depository for fees paid through the One-Stop Business Registration Portal, established under s. 288.109, and for subsequent transfer or distribution of those fees to appropriate agencies and accounts.*

(3) *The Department of Revenue shall transfer or distribute the moneys in the trust fund to the appropriate agencies and accounts in the month following receipt.*

(4) *In accordance with s. 19(f)(2), Art. III of the State Constitution, the trust fund shall, unless terminated sooner, be terminated on July 1, 2016. Before its scheduled termination, the trust fund shall be reviewed as provided in s. 215.3206(1) and (2).*

Section 2. This act shall take effect July 1, 2012, if SB 1976 or similar legislation is adopted in the same legislative session or an extension thereof and becomes 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 trust funds; creating s. 215.1995, F.S.; establishing the One-Stop Business Registration Portal Clearing Trust Fund to serve as a depository for receipts obtained through the One-Stop Business Registration Portal and for subsequent transfer or distribution to appropriate agencies and accounts; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

On motions by Senator Hays, by two-thirds vote **HB 5503** as amended was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote Preference:

February 24, 2012: Yea—Montford

SB 1980—A bill to be entitled An act relating to the Department of Business and Professional Regulation; amending s. 20.165, F.S.; creating the Division of Drugs, Devices, and Cosmetics within the Department of Business and Professional Regulation; amending s. 455.116, F.S.; deleting the Florida Drug, Device, and Cosmetic Trust Fund from the list of trust funds placed in the department, to conform; amending ss. 499.003, 499.01211, 499.024, 499.065, 499.601, and 499.61, F.S.; conforming provisions to the transfer by s. 27, chapter 2010-161, Laws of Florida, of regulatory authority for ch. 499, F.S., from the Department of Health to the Department of Business and Professional Regulation; repealing s. 499.0031, F.S., relating to the Florida Drug, Device, and Cosmetic Trust Fund; terminating the Florida Drug, Device, and Cosmetic Trust Fund; providing for the disposition of balances in and revenues of such trust fund; prescribing procedures for the termination of such trust fund; amending ss. 499.01, 499.028, 499.04, 499.057, 499.062, 499.066, 499.62, 499.72, and 499.79, F.S.; conforming provisions; requiring the Department of Business and Professional Regulation to submit a report to the Legislature by a specified date; providing for future expiration; providing effective dates.

—was read the second time by title.

Pending further consideration of **SB 1980**, on motion by Senator Hays, by two-thirds vote **HB 5511** was withdrawn from the Committee on Budget.

On motion by Senator Hays—

HB 5511—A bill to be entitled An act relating to the Department of Business and Professional Regulation; amending s. 20.165, F.S.; creating the Division of Drugs, Devices, and Cosmetics within the Department of Business and Professional Regulation; amending s. 455.116, F.S.; deleting the Florida Drug, Device, and Cosmetic Trust Fund from the list of trust funds placed in the department, to conform; amending ss. 499.003, 499.01211, 499.024, 499.065, 499.601, and 499.61, F.S.; conforming provisions to the transfer by s. 27, ch. 2010-161, Laws of Florida, of regulatory authority for chapter 499, F.S., from the Department of Health to the Department of Business and Professional Regulation; re-

pealing s. 499.0031, F.S., relating to the Florida Drug, Device, and Cosmetic Trust Fund; terminating the Florida Drug, Device, and Cosmetic Trust Fund; providing for the disposition of balances in and revenues of such trust fund; prescribing procedures for the termination of such trust fund; amending ss. 499.01, 499.028, 499.04, 499.057, 499.062, 499.066, 499.62, 499.72, and 499.79, F.S.; conforming provisions; providing effective dates.

—a companion measure, was substituted for **SB 1980** and read the second time by title.

MOTION

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

Senator Hays moved the following amendment which was adopted:

Amendment 1 (336928) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraphs (d) through (k) of subsection (2) of section 20.165, Florida Statutes, are redesignated as paragraphs (e) through (l), respectively, and a new paragraph (d) is added to that subsection to read:

20.165 Department of Business and Professional Regulation.—There is created a Department of Business and Professional Regulation.

(2) The following divisions of the Department of Business and Professional Regulation are established:

(d) *Division of Drugs, Devices, and Cosmetics.*

Section 2. Effective November 1, 2012, subsection (8) of section 455.116, Florida Statutes, is amended to read:

455.116 Regulation trust funds.—The following trust funds shall be placed in the department:

~~(8) Florida Drug, Device, and Cosmetic Trust Fund.~~

Section 3. Subsection (15) and paragraph (a) of subsection (54) of section 499.003, Florida Statutes, are amended to read:

499.003 Definitions of terms used in this part.—As used in this part, the term:

(15) “Department” means the Department of *Business and Professional Regulation* ~~Health~~.

(54) “Wholesale distribution” means distribution of prescription drugs to persons other than a consumer or patient, but does not include:

(a) Any of the following activities, which is not a violation of s. 499.005(21) if such activity is conducted in accordance with s. 499.01(2)(g):

1. The purchase or other acquisition by a hospital or other health care entity that is a member of a group purchasing organization of a prescription drug for its own use from the group purchasing organization or from other hospitals or health care entities that are members of that organization.

2. The sale, purchase, or trade of a prescription drug or an offer to sell, purchase, or trade a prescription drug by a charitable organization described in s. 501(c)(3) of the Internal Revenue Code of 1986, as amended and revised, to a nonprofit affiliate of the organization to the extent otherwise permitted by law.

3. The sale, purchase, or trade of a prescription drug or an offer to sell, purchase, or trade a prescription drug among hospitals or other health care entities that are under common control. For purposes of this subparagraph, “common control” means the power to direct or cause the direction of the management and policies of a person or an organization, whether by ownership of stock, by voting rights, by contract, or otherwise.

4. The sale, purchase, trade, or other transfer of a prescription drug from or for any federal, state, or local government agency or any entity

eligible to purchase prescription drugs at public health services prices pursuant to Pub. L. No. 102-585, s. 602 to a contract provider or its subcontractor for eligible patients of the agency or entity under the following conditions:

a. The agency or entity must obtain written authorization for the sale, purchase, trade, or other transfer of a prescription drug under this subparagraph from the *Secretary of Business and Professional Regulation* ~~State Surgeon General~~ or his or her designee.

b. The contract provider or subcontractor must be authorized by law to administer or dispense prescription drugs.

c. In the case of a subcontractor, the agency or entity must be a party to and execute the subcontract.

d. A contract provider or subcontractor must maintain separate and apart from other prescription drug inventory any prescription drugs of the agency or entity in its possession.

e. The contract provider and subcontractor must maintain and produce immediately for inspection all records of movement or transfer of all the prescription drugs belonging to the agency or entity, including, but not limited to, the records of receipt and disposition of prescription drugs. Each contractor and subcontractor dispensing or administering these drugs must maintain and produce records documenting the dispensing or administration. Records that are required to be maintained include, but are not limited to, a perpetual inventory itemizing drugs received and drugs dispensed by prescription number or administered by patient identifier, which must be submitted to the agency or entity quarterly.

f. The contract provider or subcontractor may administer or dispense the prescription drugs only to the eligible patients of the agency or entity or must return the prescription drugs for or to the agency or entity. The contract provider or subcontractor must require proof from each person seeking to fill a prescription or obtain treatment that the person is an eligible patient of the agency or entity and must, at a minimum, maintain a copy of this proof as part of the records of the contractor or subcontractor required under sub-subparagraph e.

g. In addition to the departmental inspection authority set forth in s. 499.051, the establishment of the contract provider and subcontractor and all records pertaining to prescription drugs subject to this subparagraph shall be subject to inspection by the agency or entity. All records relating to prescription drugs of a manufacturer under this subparagraph shall be subject to audit by the manufacturer of those drugs, without identifying individual patient information.

Section 4. Subsection (2) of section 499.01211, Florida Statutes, is amended to read:

499.01211 Drug Wholesale Distributor Advisory Council.—

(2) The *Secretary of Business and Professional Regulation* ~~State Surgeon General~~, or his or her designee, and the Secretary of Health Care Administration, or her or his designee, shall be members of the council. The *Secretary of Business and Professional Regulation* ~~State Surgeon General~~ shall appoint nine additional members to the council who shall be appointed to a term of 4 years each, as follows:

(a) Three different persons each of whom is employed by a different prescription drug wholesale distributor licensed under this part which operates nationally and is a primary wholesale distributor, as defined in s. 499.003(47).

(b) One person employed by a prescription drug wholesale distributor licensed under this part which is a secondary wholesale distributor, as defined in s. 499.003(52).

(c) One person employed by a retail pharmacy chain located in this state.

(d) One person who is a member of the Board of Pharmacy and is a pharmacist licensed under chapter 465.

(e) One person who is a physician licensed pursuant to chapter 458 or chapter 459.

(f) One person who is an employee of a hospital licensed pursuant to chapter 395 and is a pharmacist licensed pursuant to chapter 465.

(g) One person who is an employee of a pharmaceutical manufacturer.

Section 5. Section 499.024, Florida Statutes, is amended to read:

499.024 Drug product classification.—~~The department~~ ~~State Surgeon General~~ shall adopt rules to classify drug products intended for use by humans which the United States Food and Drug Administration has not classified in the federal act or the Code of Federal Regulations.

(1) Drug products must be classified as proprietary, prescription, or investigational drugs.

(2) If a product is distributed without required labeling, it is misbranded while held for sale.

(3) Any product that falls under the definition of drug in s. 499.003(19) may be classified under the authority of this section. This section does not subject portable emergency oxygen inhalators to classification; however, this section does not exempt any person from ss. 499.01 and 499.015.

(4) Any product classified under the authority of this section reverts to the federal classification, if different, upon the federal regulation or act becoming effective.

(5) The department may by rule reclassify drugs subject to this part when such classification action is necessary to protect the public health.

(6) The department may adopt rules that exempt from any labeling or packaging requirements of this part drugs classified under this section if those requirements are not necessary to protect the public health.

Section 6. Subsection (2) of section 499.065, Florida Statutes, is amended to read:

499.065 Inspections; imminent danger.—

(2) To protect the public from prescription drugs that are adulterated or otherwise unfit for human or animal consumption, the department may examine, sample, seize, and stop the sale or use of prescription drugs to determine the condition of those drugs. The department may immediately seize and remove any prescription drugs if the ~~Secretary of Business and Professional Regulation~~ ~~State Surgeon General~~ or his or her designee determines that the prescription drugs represent a threat to the public health. The owner of any property seized under this section may, within 10 days after the seizure, apply to a court of competent jurisdiction for whatever relief is appropriate. At any time after 10 days, the department may destroy the drugs as contraband.

Section 7. Subsection (2) of section 499.601, Florida Statutes, is amended to read:

499.601 Legislative intent; construction.—

(2) The provisions of this part are cumulative and shall not be construed as repealing or affecting any powers, duties, or authority of the department of ~~Health~~ under any other law of this state; except that, with respect to the regulation of ether as herein provided, in instances in which the provisions of this part may conflict with any other such law, the provisions of this part shall control.

Section 8. Subsection (2) of section 499.61, Florida Statutes, is amended to read:

499.61 Definitions.—As used in this part:

(2) “Department” means the Department of ~~Business and Professional Regulation~~ ~~Health~~.

Section 9. *Effective November 1, 2012, section 499.0031, Florida Statutes, is repealed.*

Section 10. (1) *The Florida Drug, Device, and Cosmetic Trust Fund within the Department of Business and Professional Regulation, FLAIR number 20-2-173005, is terminated.*

(2) *The current balance remaining in, and all revenues of, the Florida Drug, Device, and Cosmetic Trust Fund shall be transferred to the Professional Regulation Trust Fund.*

(3) *The Department of Business and Professional Regulation shall pay any outstanding debts or obligations of the Florida Drug, Device, and Cosmetic Trust Fund as soon as practicable, and the Chief Financial Officer shall close out and remove the terminated fund from the various state accounting systems using generally accepted accounting principles concerning warrants outstanding, assets, and liabilities.*

(4) *This section shall take effect November 1, 2012.*

Section 11. Paragraphs (d), (e), and (l) of subsection (2) of section 499.01, Florida Statutes, are amended to read:

499.01 Permits.—

(2) The following permits are established:

(d) *Prescription drug wholesale distributor permit.*—A prescription drug wholesale distributor is a wholesale distributor that may engage in the wholesale distribution of prescription drugs. A prescription drug wholesale distributor that applies to the department for a new permit or the renewal of a permit must submit a bond of \$100,000, or other equivalent means of security acceptable to the department, such as an irrevocable letter of credit or a deposit in a trust account or financial institution, payable to the ~~Professional Regulation~~ ~~Florida Drug, Device, and Cosmetic~~ Trust Fund. The purpose of the bond is to secure payment of any administrative penalties imposed by the department and any fees and costs incurred by the department regarding that permit which are authorized under state law and which the permittee fails to pay 30 days after the fine or costs become final. The department may make a claim against such bond or security until 1 year after the permittee's license ceases to be valid or until 60 days after any administrative or legal proceeding authorized in this part which involves the permittee is concluded, including any appeal, whichever occurs later. The department may adopt rules for issuing a prescription drug wholesale distributor-broker permit to a person who engages in the wholesale distribution of prescription drugs and does not take physical possession of any prescription drugs.

(e) *Out-of-state prescription drug wholesale distributor permit.*—An out-of-state prescription drug wholesale distributor is a wholesale distributor located outside this state which engages in the wholesale distribution of prescription drugs into this state and which must be permitted by the department and comply with all the provisions required of a wholesale distributor under this part. An out-of-state prescription drug wholesale distributor that applies to the department for a new permit or the renewal of a permit must submit a bond of \$100,000, or other equivalent means of security acceptable to the department, such as an irrevocable letter of credit or a deposit in a trust account or financial institution, payable to the ~~Professional Regulation~~ ~~Florida Drug, Device, and Cosmetic~~ Trust Fund. The purpose of the bond is to secure payment of any administrative penalties imposed by the department and any fees and costs incurred by the department regarding that permit which are authorized under state law and which the permittee fails to pay 30 days after the fine or costs become final. The department may make a claim against such bond or security until 1 year after the permittee's license ceases to be valid or until 60 days after any administrative or legal proceeding authorized in this part which involves the permittee is concluded, including any appeal, whichever occurs later.

1. The out-of-state prescription drug wholesale distributor must maintain at all times a license or permit to engage in the wholesale distribution of prescription drugs in compliance with laws of the state in which it is a resident.

2. An out-of-state prescription drug wholesale distributor permit is not required for an intracompany sale or transfer of a prescription drug from an out-of-state establishment that is duly licensed as a prescription drug wholesale distributor, in its state of residence, to a licensed prescription drug wholesale distributor in this state, if both wholesale distributors conduct wholesale distributions of prescription drugs under the same business name. The recordkeeping requirements of ss. 499.0121(6) and 499.01212 must be followed for this transaction.

(l) *Limited prescription drug veterinary wholesale distributor permit.*—Unless engaging in the activities of and permitted as a prescription drug manufacturer, nonresident prescription drug manufacturer, prescription drug wholesale distributor, or out-of-state prescription drug wholesale distributor, a limited prescription drug veterinary wholesale distributor permit is required for any person that engages in the distribution in or into this state of veterinary prescription drugs and prescription drugs subject to, defined by, or described by s. 503(b) of the Federal Food, Drug, and Cosmetic Act under the following conditions:

1. The person is engaged in the business of wholesaling prescription and veterinary prescription drugs to persons:

- a. Licensed as veterinarians practicing on a full-time basis;
- b. Regularly and lawfully engaged in instruction in veterinary medicine;
- c. Regularly and lawfully engaged in law enforcement activities;
- d. For use in research not involving clinical use; or
- e. For use in chemical analysis or physical testing or for purposes of instruction in law enforcement activities, research, or testing.

2. No more than 30 percent of total annual prescription drug sales may be prescription drugs approved for human use which are subject to, defined by, or described by s. 503(b) of the Federal Food, Drug, and Cosmetic Act.

3. The person does not distribute in any jurisdiction prescription drugs subject to, defined by, or described by s. 503(b) of the Federal Food, Drug, and Cosmetic Act to any person who is authorized to sell, distribute, purchase, trade, or use these drugs on or for humans.

4. A limited prescription drug veterinary wholesale distributor that applies to the department for a new permit or the renewal of a permit must submit a bond of \$20,000, or other equivalent means of security acceptable to the department, such as an irrevocable letter of credit or a deposit in a trust account or financial institution, payable to the *Professional Regulation Florida Drug, Device, and Cosmetic Trust Fund*. The purpose of the bond is to secure payment of any administrative penalties imposed by the department and any fees and costs incurred by the department regarding that permit which are authorized under state law and which the permittee fails to pay 30 days after the fine or costs become final. The department may make a claim against such bond or security until 1 year after the permittee's license ceases to be valid or until 60 days after any administrative or legal proceeding authorized in this part which involves the permittee is concluded, including any appeal, whichever occurs later.

5. A limited prescription drug veterinary wholesale distributor must maintain at all times a license or permit to engage in the wholesale distribution of prescription drugs in compliance with laws of the state in which it is a resident.

6. A limited prescription drug veterinary wholesale distributor must comply with the requirements for wholesale distributors under ss. 499.0121 and 499.01212, except that a limited prescription drug veterinary wholesale distributor is not required to provide a pedigree paper as required by s. 499.01212 upon the wholesale distribution of a prescription drug to a veterinarian.

7. A limited prescription drug veterinary wholesale distributor may not return to inventory for subsequent wholesale distribution any prescription drug subject to, defined by, or described by s. 503(b) of the Federal Food, Drug, and Cosmetic Act which has been returned by a veterinarian.

8. A limited prescription drug veterinary wholesale distributor permit is not required for an intracompany sale or transfer of a prescription drug from an out-of-state establishment that is duly licensed to engage in the wholesale distribution of prescription drugs in its state of residence to a licensed limited prescription drug veterinary wholesale distributor in this state if both wholesale distributors conduct wholesale distributions of prescription drugs under the same business name. The recordkeeping requirements of ss. 499.0121(6) and 499.01212 must be followed for this transaction.

Section 12. Subsection (13) of section 499.028, Florida Statutes, is amended to read:

499.028 Drug samples or complimentary drugs; starter packs; permits to distribute.—

(13) The department may, pursuant to chapter 120, impose an administrative fine, not to exceed \$5,000 per violation per day, for the violation of this section or rules adopted under this section. Each day such violation continues constitutes a separate violation, and each such separate violation is subject to a separate fine. All amounts collected under this section shall be deposited into the *Professional Regulation Florida Drug, Device, and Cosmetic Trust Fund*. In determining the amount of fine to be levied for a violation, the following factors must be considered:

- (a) The severity of the violation.
- (b) Any actions taken by the permittee to correct the violation or to remedy complaints.
- (c) Any previous violations.

Section 13. Section 499.04, Florida Statutes, is amended to read:

499.04 Fee authority.—The department may collect fees for all drug, device, and cosmetic applications, permits, product registrations, and free-sale certificates. The total amount of fees collected from all permits, applications, product registrations, and free-sale certificates must be adequate to fund the expenses incurred by the department in carrying out this part. The department shall, by rule, establish a schedule of fees that are within the ranges provided in this section and shall adjust those fees from time to time based on the costs associated with administering this part. The fees are payable to the department to be deposited into the *Professional Regulation Florida Drug, Device, and Cosmetic Trust Fund* for the sole purpose of carrying out the provisions of this part.

Section 14. Section 499.057, Florida Statutes, is amended to read:

499.057 Expenses and salaries.—*Except as otherwise provided in the General Appropriations Act*, all expenses and salaries shall be paid out of the *Professional Regulation Trust Fund*. ~~special fund hereby created in the office of the Chief Financial Officer, which fund is to be known as the "Florida Drug, Device, and Cosmetic Trust Fund."~~

Section 15. Paragraph (a) of subsection (2) of section 499.062, Florida Statutes, is amended to read:

499.062 Seizure and condemnation of drugs, devices, or cosmetics.—

(2) Whenever a duly authorized officer or employee of the department finds cause, or has probable cause to believe that cause exists, for the seizure of any drug, device, or cosmetic, as set out in this part, he or she shall affix to the article a tag, stamp, or other appropriate marking, giving notice that the article is, or is suspected of being, subject to seizure under this part and that the article has been detained and seized by the department. Such officer or employee shall also warn all persons not to remove or dispose of the article, by sale or otherwise, until permission is given by the department or the court. Any person who violates this subsection is guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(a) When any article detained or seized under this subsection has been found by the department to be subject to seizure and condemnation, the department shall petition the court for an order of condemnation or sale, as the court directs. The proceeds of the sale of drugs, devices, and cosmetics, less the legal costs and charges, shall be deposited into the *Professional Regulation Florida Drug, Device, and Cosmetic Trust Fund*.

Section 16. Subsections (3) and (4) of section 499.066, Florida Statutes, are amended to read:

499.066 Penalties; remedies.—In addition to other penalties and other enforcement provisions:

(3) The department may impose an administrative fine, not to exceed \$5,000 per violation per day, for the violation of any provision of this part or rules adopted under this part. Each day a violation continues constitutes a separate violation, and each separate violation is subject to a separate fine. All amounts collected pursuant to this section shall be

deposited into the *Professional Regulation Florida Drug, Device, and Cosmetic Trust Fund* and are appropriated for the use of the department in administering this part. In determining the amount of the fine to be levied for a violation, the department shall consider:

- (a) The severity of the violation;
- (b) Any actions taken by the person to correct the violation or to remedy complaints; and
- (c) Any previous violations.
- (4) The department shall deposit any rewards, fines, or collections that are due the department and which derive from joint enforcement activities with other state and federal agencies which relate to this part, chapter 893, or the federal act, into the *Professional Regulation Florida Drug, Device, and Cosmetic Trust Fund*. The proceeds of those rewards, fines, and collections are appropriated for the use of the department in administering this part.

Section 17. Subsection (7) of section 499.62, Florida Statutes, is amended to read:

499.62 License or permit required of manufacturer, distributor, dealer, or purchaser of ether.—

(7) A licensed or permitted facility shall renew its license or permit prior to its expiration date. If a renewal application and fee are not filed by the expiration date of any year, the permit may be reinstated only upon payment of a delinquent fee of \$50, plus the required renewal fee, within 30 days after the date of expiration. If any person who is subject to the requirements of this part fails to comply with the renewal, the department shall have the authority to seize all ether products and dispose of them as of November 1 of the year the license or permit expires. Any funds collected from the disposal shall be placed in the *Professional Regulation Florida Drug, Device, and Cosmetic Trust Fund*.

Section 18. Subsection (2) of section 499.72, Florida Statutes, is amended to read:

499.72 Administrative fines.—

(2) All such fines, monetary penalties, and costs received by the department in connection with this part shall be deposited in the *Professional Regulation Florida Drug, Device, and Cosmetic Trust Fund*.

Section 19. Section 499.79, Florida Statutes, is amended to read:

499.79 Deposit of fees.—All fees collected for licenses and permits required by this part shall be deposited in the *Professional Regulation Florida Drug, Device, and Cosmetic Trust Fund* created by s. 499.057, and all moneys collected under the provisions of this part and deposited in the such trust fund shall be used by are hereby appropriated for the use of the department in the administration of this part.

Section 20. (1)(a) *The Department of Business and Professional Regulation shall maintain a separate account in the Professional Regulation Trust Fund for the Drugs, Devices, and Cosmetics Program.*

(b) *The Drugs, Devices, and Cosmetics Program protects the public health, safety, and welfare by preventing fraud, adulteration, misbranding, and false advertising in the manufacture, repackaging, or distribution of drugs, devices, and cosmetics. The program promotes consistency between state and federal laws governing drugs, devices, and cosmetics by licensing manufacturers, repackagers, distributors, and certain retailers as required by federal law, and regulating persons and entities engaged in related activities, including, but not limited to, licensees, practitioners, pharmacies, clinics, and hospitals.*

(2) *By January 15, 2013, the Department of Business and Professional Regulation shall submit a report to the chairs of the Senate Budget Subcommittee on General Government Appropriations, the Senate Committee on Regulated Industries, the House Government Operations Appropriations Subcommittee, and the House of Representatives Subcommittee on Business and Consumer Affairs regarding the operation of the Drugs, Devices, and Cosmetics Program. The report must provide detailed options and recommendations to the Legislature relating to:*

- (a) *Eliminating the program's operating deficit through operational changes or improved efficiencies;*
- (b) *The cost-efficient alignment of the licensure renewal process under the program with other professions; and*
- (c) *Regulating the program under chapter 455, Florida Statutes.*
- (d) *This subsection expires July 1, 2013.*

Section 21. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2012.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Department of Business and Professional Regulation; amending s. 20.165, F.S.; creating the Division of Drugs, Devices, and Cosmetics within the Department of Business and Professional Regulation; amending s. 455.116, F.S.; deleting the Florida Drug, Device, and Cosmetic Trust Fund from the list of trust funds placed in the department, to conform; amending ss. 499.003, 499.01211, 499.024, 499.065, 499.601, and 499.61, F.S.; conforming provisions to the transfer by s. 27, chapter 2010-161, Laws of Florida, of regulatory authority for ch. 499, F.S., from the Department of Health to the Department of Business and Professional Regulation; repealing s. 499.0031, F.S., relating to the Florida Drug, Device, and Cosmetic Trust Fund; terminating the Florida Drug, Device, and Cosmetic Trust Fund; providing for the disposition of balances in and revenues of such trust fund; prescribing procedures for the termination of such trust fund; amending ss. 499.01, 499.028, 499.04, 499.057, 499.062, 499.066, 499.62, 499.72, and 499.79, F.S.; conforming provisions; requiring the Department of Business and Professional Regulation to submit a report to the Legislature by a specified date; providing for future expiration; providing effective dates.

On motions by Senator Hays, by two-thirds vote **HB 5511** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote Preference:

February 24, 2012: Yea—Montford

SB 1982—A bill to be entitled An act relating to state law enforcement radio systems; amending ss. 318.18 and 318.21, F.S.; delaying the expiration of a surcharge imposed for certain offenses and traffic violations, the proceeds of which is deposited into the State Agency Law Enforcement Radio System Trust Fund to support such systems; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 1982**, on motion by Senator Hays, by two-thirds vote **HB 5507** was withdrawn from the Committee on Budget.

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

HB 5507—A bill to be entitled An act relating to the Department of Management Services; amending s. 110.181, F.S.; revising provisions relating to reimbursement of the department for actual costs of coordinating the Florida State Employees' Charitable Campaign; amending s. 287.042, F.S.; providing for the transfer of funds generated by fees collected for the use of the department's electronic information services from the department to the Department of Financial Services to support statewide purchasing operations; establishing the amount of transfer; amending s. 287.16, F.S.; eliminating a duty of the department to provide an annual report concerning utilization of aircraft in the executive aircraft pool; repealing s. 287.161, F.S., which establishes the executive aircraft pool within the department and provides procedures and requirements with respect thereto; terminating the Bureau of Aircraft Trust Fund within the department; providing for the disposition of balances in and revenues of the trust fund; prescribing procedures for the termination of the trust fund; amending ss. 318.18 and 318.21, F.S.; revising the expiration date of provisions governing the remission of surcharges for specified criminal offenses and noncriminal moving traffic violations to the Department of Revenue to fund the state agency law enforcement radio system and to provide technical assistance with respect to statewide systems of regional law enforcement communications; amending s. 957.04, F.S.; requiring contractors of private correctional facilities to directly reimburse the Department of Management Services for administration costs; providing an effective date.

—a companion measure, was substituted for **SB 1982** and read the second time by title.

MOTION

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

Senator Hays moved the following amendment which was adopted:

Amendment 1 (595238) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (17) of section 318.18, Florida Statutes, is amended to read:

318.18 Amount of penalties.—The penalties required for a noncriminal disposition pursuant to s. 318.14 or a criminal offense listed in s. 318.17 are as follows:

(17) In addition to any penalties imposed, a surcharge of \$3 must be paid for all criminal offenses listed in s. 318.17 and for all noncriminal moving traffic violations under chapter 316. Revenue from the surcharge shall be remitted to the Department of Revenue and deposited quarterly into the State Agency Law Enforcement Radio System Trust Fund of the Department of Management Services for the state agency law enforcement radio system, as described in s. 282.709, and to provide technical assistance to state agencies and local law enforcement agencies with their statewide systems of regional law enforcement communications, as described in s. 282.7101. This subsection expires July 1, 2021 ~~2012~~. The Department of Management Services may retain funds sufficient to recover the costs and expenses incurred for managing, administering, and overseeing the Statewide Law Enforcement Radio System, and providing technical assistance to state agencies and local law enforcement agencies with their statewide systems of regional law enforcement communications. The Department of Management Services working in conjunction with the Joint Task Force on State Agency Law Enforcement Communications shall determine and direct the purposes for which these funds are used to enhance and improve the radio system.

Section 2. Subsection (17) of section 318.21, Florida Statutes, is amended to read:

318.21 Disposition of civil penalties by county courts.—All civil penalties received by a county court pursuant to the provisions of this chapter shall be distributed and paid monthly as follows:

(17) Notwithstanding subsections (1) and (2), the proceeds from the surcharge imposed under s. 318.18(17) shall be distributed as provided in that subsection. This subsection expires July 1, 2021 ~~2012~~.

Section 3. This act shall take effect July 1, 2012.

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 law enforcement radio systems; amending ss. 318.18 and 318.21, F.S.; delaying the expiration of a surcharge imposed for certain offenses and traffic violations, the proceeds of which are deposited into the State Agency Law Enforcement Radio System Trust Fund to support such systems; providing an effective date.

On motions by Senator Hays, by two-thirds vote **HB 5507** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote Preference:

February 24, 2012: Yea—Montford

SB 1984—A bill to be entitled An act relating to the state data center system; amending s. 282.201, F.S.; revising the dates that specified agency data centers must be consolidated into a primary data center; deleting obsolete provisions; exempting the Department of Law Enforcement from data center consolidation requirements; amending chapter 2011-66, Laws of Florida, relating to the Law Enforcement Consolidation Task Force; requiring that the task force provide additional recommendations relating to the creation of a consolidated law enforcement data center and postponing the expiration of the task force; providing effective dates.

—was read the second time by title.

MOTION

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

Senator Ring moved the following amendment which was adopted:

Amendment 1 (518804) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. (1) *The Agency for Enterprise Information Technology is abolished.*

(2) *All of the powers, duties, functions, records, personnel, and property; funds, trust funds, and unexpended balances of appropriations, allocations, and other funds; administrative authority; administrative rules; pending issues; and existing contracts of the Agency for Enterprise Information Technology are transferred by a type two transfer, pursuant to s. 20.06(2), Florida Statutes, to the Agency for State Technology.*

Section 2. (1) *The portions of the Technology Program established under section 20.22(2), Florida Statutes, and identified in the approved plan defined in s. 282.0055(2), Florida Statutes, shall transfer by a type one transfer, as defined in s. 20.06(1), Florida Statutes, from the Department of Management Services to the Agency for State Technology no later than June 30, 2014.*

(2) *The Northwood Shared Resource Center is transferred by a type one transfer, as defined in s. 20.06(1), Florida Statutes, from the Department of Management Services to the Agency for State Technology.*

(a) *Any binding contract or interagency agreement entered into between the Northwood Shared Resource Center, or an entity or agent of the center, and any other agency, entity, or person is binding on the Agency for State Technology for the remainder of the term of such contract or agreement.*

(b) *The rules of the Northwood Shared Resource Center which were in effect at 11:59 p.m. on June 30, 2012, become rules of the Agency for State Technology and remain in effect until amended or repealed in the manner provided by law.*

(3) *The Southwood Shared Resource Center is transferred by a type one transfer, as defined in s. 20.06(1), Florida Statutes, from the Department of Management Services to the Agency for State Technology.*

(a) *Any binding contract or interagency agreement entered into between the Southwood Shared Resource Center or an entity or agent of the center and any other agency, entity, or person is binding on the Agency for State Technology for the remainder of the term of such contract or agreement.*

(b) *The rules of the Southwood Shared Resource Center which were in effect at 11:59 p.m. on June 30, 2012, become rules of the Agency for State Technology and remain in effect until amended or repealed in the manner provided by law.*

Section 3. *Section 14.204, Florida Statutes, is repealed.*

Section 4. *Section 20.70, Florida Statutes, is created to read:*

20.70 Agency for State Technology.—The Agency for State Technology is created.

(1) *The head of the agency shall be the Governor and Cabinet.*

(2) *The agency shall have an executive director who is the state's Chief Information Officer and who must:*

(a) *Have at least a bachelor's degree in computer science, information systems, business or public administration, or a related field, or equivalent work experience;*

(b) *Have 10 or more years of experience working in the field of information technology;*

(c) *Have 5 or more years of experience in related industry managing multiple, large, cross-functional teams or projects, and influencing senior-level management and key stakeholders;*

(d) *Have at least 5 years of executive-level leadership responsibilities;*

(e) *Have performed an integral role in enterprise-wide information technology consolidations;*

(f) *Be appointed by the Governor, subject to confirmation by the Cabinet and the Senate, and shall serve at the pleasure of the Governor and Cabinet.*

(3) *The executive director:*

(a) *Shall be responsible for developing and administering a comprehensive long-range plan for the state's information technology resources, ensuring the proper management of such resources, and delivering services.*

(b) *Shall appoint a Chief Technology Officer to lead the divisions of the agency dedicated to the operation and delivery of enterprise information technology services.*

(c) *Shall appoint a Chief Operations Officer to lead the divisions of the agency dedicated to enterprise information technology policy, planning, standards, and procurement.*

(d) *Shall designate a state Chief Information Security Officer.*

(e) *May appoint all employees necessary to carry out the duties and responsibilities of the agency.*

(4) *The Agency for State Technology is prohibited from using, and executives of the agency are prohibited from directing spending from, operational information technology trust funds, as defined in 282.0041, F.S., for any purpose for which the Strategic Information Technology Trust Fund was established.*

(5) *The following officers and divisions of the agency are established:*

(a) *Under the Chief Technology Officer:*

1. *Upon transfer any portion of the Technology Program from the Department of Management Services to the agency, there shall be a Division of Telecommunications.*

2. *The Division of Data Center Operations which includes, but is not limited to, any shared resource center established or operated by the agency.*

(b) *Under the Chief Operations Officer:*

1. *Strategic Planning.*

2. *Enterprise Information Technology Standards.*

a. *Enterprise Information Technology Procurement.*

b. *Information Technology Security and Compliance.*

3. *Enterprise Services Planning and Consolidation.*

4. *Enterprise Project Management.*

(c) *Under the Director of Administration:*

1. *Accounting and Budgeting.*

2. *Personnel.*

3. *Procurement and Contracts.*

(d) *Under the Office of the Executive Director:*

1. *Inspector General.*

2. *Legal.*

3. *Governmental Affairs.*

(6) *The agency shall operate in a manner that ensures the participation and representation of state agencies.*

(7) *The agency shall have the following duties and responsibilities. The agency shall:*

(a) *Develop and publish a long-term State Information Technology Resources Strategic Plan.*

(b) *Initiate, plan, design, implement, and manage enterprise information technology services.*

(c) *Beginning October 1, 2012, and every 3 months thereafter, provide a status report on its initiatives. The report shall be presented at a meeting of the Governor and Cabinet.*

(d) *Beginning September 1, 2013, and every 3 months thereafter until enterprise information technology service consolidations are complete, provide a status report on the implementation of the consolidations that must be completed during the fiscal year. The report shall be submitted to the Executive Office of the Governor, the Cabinet, the President of the Senate, and the Speaker of the House of Representatives. At a minimum, the report must describe:*

1. *Whether the consolidation is on schedule, including progress on achieving the milestones necessary for successful and timely consolidation of scheduled agency data centers and computing facilities; and*

2. The risks that may affect the progress or outcome of the consolidation and how such risks are being mitigated or managed.

(e) Set technical standards for information technology, including, but not limited to, desktop computers, printers, and mobile devices; review major information technology projects and procurements; establish information technology security standards; provide for the procurement of information technology resources, excluding human resources; and deliver enterprise information technology services as defined in s. 282.0041.

(f) Designate primary data centers and shared resource centers.

(g) Operate shared resource centers in a manner that promotes energy efficiency.

(h) Establish and deliver enterprise information technology services to serve state agencies on a cost-sharing basis, charging each state agency its proportionate share of the cost of maintaining and delivering a service based on a state agency's use of the service.

(i) Use the following criteria to develop a means of chargeback for primary data center services:

1. The customers of the primary data center shall provide payments to the primary data center which are sufficient to maintain the solvency of the primary data center operation for the costs not directly funded through the General Appropriations Act.

2. Per unit cost of usage shall be the primary basis for pricing, and usage must be accurately measurable and attributable to the appropriate customer.

3. The primary data center shall combine the aggregate purchasing power of large and small customers to achieve collective savings opportunities to all customers.

4. Chargeback methodologies shall be devised to consider restrictions on grants to customers.

5. Chargeback methodologies should establish incentives that lead to customer usage practices that result in lower costs to the state.

6. Chargeback methodologies must consider technological change when:

a. New services require short-term investments before achieving long-term, full cost recovery for the service.

b. Customers of antiquated services may not be able to bear the costs for the antiquated services during periods when customers are migrating to replacement services.

7. Prices may be established which allow for accrual of cash balances for the purpose of maintaining contingent operating funds and funding planned capital investments. Accrual of the cash balances shall be considered costs for the purposes of this section.

8. Flat rate charges may be used only if there are provisions for reconciling charges to comport with actual costs and use.

(i) Exercise technical and fiscal prudence in determining the best way to deliver enterprise information technology services.

(j) Collect and maintain an inventory of the information technology resources in the state agencies.

(k) Assume ownership or custody and control of information processing equipment, supplies, and positions required in order to thoroughly carry out the agency's duties and responsibilities.

(l) Adopt rules and policies for the efficient, secure, and economical management and operation of the shared resource centers and state telecommunications services.

(m) Provide other public sector organizations as defined in s. 282.0041 with access to the services provided by the agency. Access shall be provided on the same cost basis that applies to state agencies.

(n) Ensure that data that is confidential under state or federal law is not entered into or processed through any shared resource center or net-

work established under the agency until the agency head and the executive director of the agency are satisfied that safeguards for the data's security have been properly designed, installed, and tested and are fully operational. This paragraph does not prescribe what actions necessary to satisfy a state agency's objectives are to be undertaken or remove from the control and administration of the state agency the responsibility for working with the agency to implement safeguards, whether such control and administration are specifically required by general law or administered under the general program authority and responsibility of the state agency. If the agency head and executive director of the agency cannot reach agreement on satisfactory safeguards, the issue shall be decided by the Governor and Cabinet.

(o) Conduct periodic assessments of state agencies for compliance with statewide information technology policies and recommend to the Governor and Cabinet statewide policies for information technology.

(8) The agency may not use or direct the spending of operational information technology trust funds to study and develop enterprise information technology strategies, plans, rules, reports, policies, proposals, budgets, or enterprise information technology initiatives that are not directly related to developing information technology services for which usage fees reimburse the costs of the initiative. As used in this subsection, the term "operational information technology trust funds" means funds into which deposits are made on a fee-for-service basis or a trust fund dedicated to a specific information technology project or system.

(9) The portions of the agency's activities described in subsection (8) for which usage fees do not reimburse costs of the activity shall be funded at a rate of 0.55% of the total identified information technology spend through MyFloridaMarketPlace.

(10) The agency may adopt rules to carry out its duties and responsibilities.

Section 5. Section 282.0041, Florida Statutes, is amended to read:

282.0041 Definitions.—As used in this chapter, the term:

~~(1) "Agency" has the same meaning as in s. 216.011(1)(qq), except that for purposes of this chapter, "agency" does not include university boards of trustees or state universities.~~

~~(1)(2)~~ "Agency for State Enterprise Information Technology" or "agency" means the agency created in s. 20.70 ~~14.204~~.

~~(2)(3)~~ "Agency information technology service" means a service that directly helps a state ~~an~~ agency fulfill its statutory or constitutional responsibilities and policy objectives and is usually associated with the state agency's primary or core business functions.

~~(4) "Annual budget meeting" means a meeting of the board of trustees of a primary data center to review data center usage to determine the apportionment of board members for the following fiscal year, review rates for each service provided, and determine any other required changes.~~

~~(3)(5)~~ "Breach" has the same meaning as in s. 817.5681(4).

~~(4)(6)~~ "Business continuity plan" means a plan for disaster recovery which provides for the continued functioning of a primary data center during and after a disaster.

(5) "Collocation" means the method by which a state agency's data center occupies physical space within a shared resource center where physical floor space, bandwidth, power, cooling, and physical security are available for an equitable usage rate and minimal complexity, and allow for the sustained management and oversight of the collocating agency's information technology resources as well as physical and logical database administration by the collocating agency's staff.

~~(6)(7)~~ "Computing facility" means a state agency site ~~space~~ containing fewer than a total of 10 physical or logical servers, any of which supports a strategic or nonstrategic information technology service, as described in budget instructions developed pursuant to s. 216.023, but excluding telecommunications and voice gateways and a clustered pair of servers operating as a single logical server to provide file, print, security, and endpoint management services ~~single, logical server installations that exclusively perform a utility function such as file and print servers.~~

(7) “Computing service” means an information technology service that is used in all state agencies or a subset of agencies and is, therefore, a candidate for being established as an enterprise information technology service. Examples include e-mail, service hosting, telecommunications, and disaster recovery.

~~(8) “Customer entity” means an entity that obtains services from a primary data center.~~

(8)(9) “Data center” means a state agency site ~~space~~ containing 10 or more physical or logical servers any of which supports a strategic or nonstrategic information technology service, as described in budget instructions developed pursuant to s. 216.023.

~~(10) “Department” means the Department of Management Services.~~

(9)(11) “Enterprise information technology service” means an information technology service that is used in all state agencies or a subset of state agencies and is designated by the agency or established in law to be designed, delivered, and managed at the enterprise level. Current enterprise information technology services include data center services, e-mail, and security.

(10)(12) “E-mail, messaging, and calendaring service” means the enterprise information technology service that enables users to send, receive, file, store, manage, and retrieve electronic messages, attachments, appointments, and addresses. ~~The e-mail, messaging, and calendaring service must include e-mail account management, help desk, technical support and user provisioning services, disaster recovery and backup and restore capabilities, antispam and antivirus capabilities, archiving and e-discovery, and remote access and mobile messaging capabilities.~~

(11)(13) “Information-system utility” means an information processing ~~a full service information processing~~ facility offering hardware, software, operations, integration, networking, floor space, and consulting services.

(12)(14) “Information technology resources” means equipment, hardware, software, firmware, programs, systems, networks, infrastructure, media, and related material used to automatically, electronically, and wirelessly collect, receive, access, transmit, display, store, record, retrieve, analyze, evaluate, process, classify, manipulate, manage, assimilate, control, communicate, exchange, convert, converge, interface, switch, or disseminate information of any kind or form, and includes the human resources to perform such duties, but excludes application developers and logical database administrators.

(13) “Local area network” means any telecommunications network through which messages and data are exchanged strictly within a single building or contiguous campus.

(14)(15) “Information technology policy” means statements that describe clear choices for how information technology will deliver effective and efficient government services to residents and improve state agency operations. A policy may relate to investments, business applications, architecture, or infrastructure. A policy describes its rationale, implications of compliance or noncompliance, the timeline for implementation, metrics for determining compliance, and the accountable structure responsible for its implementation.

(15) “Logical database administration” means the resources required to build and maintain database structure, implement and maintain role-based data access controls, and perform performance optimization of data queries and includes the manipulation, transformation, modification, and maintenance of data within a logical database. Typical tasks include schema design and modifications, user provisioning, query tuning, index and statistics maintenance, and data import, export, and manipulation.

(16) “Memorandum of understanding” means a written agreement between a shared resource center or the Division of Telecommunications in the agency and a state agency which specifies the scope of services provided, service level, duration of the agreement, responsible parties, and service costs. A memorandum of understanding is not a rule pursuant to chapter 120.

(17) “Other public sector organizations” means entities of the legislative and judicial branches, the State University System, the Florida Community College System, counties, and municipalities. Such organi-

zations may elect to participate in the information technology programs, services, or contracts offered by the Agency for State Technology, including information technology procurement, in accordance with general law, policies, and administrative rules.

~~(18)(16)~~ “Performance metrics” means the measures of an organization’s activities and performance.

(19) “Physical database administration” means the resources responsible for installing, maintaining, and operating an environment within which a database is hosted. Typical tasks include database engine installation, configuration, and security patching, as well as performing backup and restoration of hosted databases, setup and maintenance of instance-based data replication, and monitoring the health and performance of the database environment.

(20)(17) “Primary data center” means a data center that is a recipient entity for consolidation of state agency information technology resources ~~nonprimary data centers and computing facilities and that is established by law.~~

(21)(18) “Project” means an endeavor that has a defined start and end point; is undertaken to create or modify a unique product, service, or result; and has specific objectives that, when attained, signify completion.

(22)(19) “Risk analysis” means the process of identifying security risks, determining their magnitude, and identifying areas needing safeguards.

(23)(20) “Service level” means the key performance indicators (KPI) of an organization or service which must be regularly performed, monitored, and achieved.

~~(21) “Service-level agreement” means a written contract between a data center and a customer entity which specifies the scope of services provided, service level, the duration of the agreement, the responsible parties, and service costs. A service-level agreement is not a rule pursuant to chapter 120.~~

(24) “Shared resource center” means a primary data center that has been designated and assigned specific duties under this chapter or by the Agency for State Technology under s. 20.70.

(25)(22) “Standards” means required practices, controls, components, or configurations established by an authority.

(26) “State agency” means any official, officer, commission, board, authority, council, committee, or department of the executive branch of state government. The term does not include university boards of trustees or state universities.

(27) “State agency site” means a single, contiguous local area network segment that does not traverse a metropolitan area network or wide area network.

(28)(23) “SUNCOM Network” means the state enterprise telecommunications system that provides all methods of electronic or optical telecommunications beyond a single building or contiguous building complex and used by entities authorized as network users under this part.

(29)(24) “Telecommunications” means the science and technology of communication at a distance, including electronic systems used in the transmission or reception of information.

(30)(25) “Threat” means any circumstance or event that may cause harm to the integrity, availability, or confidentiality of information technology resources.

(31)(26) “Total cost” means all costs associated with information technology projects or initiatives, including, but not limited to, value of hardware, software, service, maintenance, incremental personnel, and facilities. Total cost of a loan or gift of information technology resources to a state ~~an~~ agency includes the fair market value of the resources.

(32)(27) “Usage” means the billing amount charged by the primary data center, less any pass-through charges, to the state agency ~~customer~~ entity.

(33)(28) “Usage rate” means a state agency’s ~~customer entity’s~~ usage or billing amount as a percentage of total usage.

(34) “Wide area network” means any telecommunications network or components thereof through which messages and data are exchanged outside of a local area network.

Section 6. Section 282.0055, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 282.0055, Florida Statutes, for current text.)

282.0055 Assignment of enterprise information technology.—

(1) The establishment of a systematic process for the planning, design, implementation, procurement, delivery, and maintenance of enterprise information technology services shall be the responsibility of the Agency for State Technology for executive branch agencies that are created or authorized in statute to perform legislatively delegated functions. The agency’s duties shall be performed in collaboration with the state agencies. The supervision, design, development, delivery, and maintenance of state-agency specific or unique software applications shall remain within the responsibility and control of the individual state agency or other public sector organization.

(2) During the 2012-2013 fiscal year, the Agency for State Technology shall, in collaboration with the state agencies and other stakeholders, create a road map for enterprise information technology service consolidation. The road map shall be presented for approval by the Governor and Cabinet by August 30, 2013. At a minimum, the road map must include:

(a) An enterprise architecture that provides innovative, yet pragmatic and cost-effective offering, and which contemplates the consolidated delivery of services based on similar business processes and functions that span across all executive and cabinet agencies.

(b) A schedule for the consolidation of state agency data centers.

(c) Cost-saving targets and timeframes for when the savings will be realized.

(d) Recommendations, including cost estimates, for improvements to the shared resource centers, which will improve the agency’s ability to deliver enterprise information technology services.

(e) A transition plan for the transfer of portions of the Technology Program established under s. 20.22(2), Florida Statutes, that provide an enterprise information technology service.

(3) By October 15th of each year beginning in 2013, the Agency for State Technology shall develop a comprehensive transition plan for scheduled consolidations occurring in the next fiscal year. This plan shall be submitted to the Governor, the Cabinet, the President of the Senate, and the Speaker of the House of Representatives. The transition plan shall be developed in consultation with other state agencies submitting state agency transition plans. The comprehensive transition plan must include:

(a) Recommendations for accomplishing the proposed transitions as efficiently and effectively as possible with minimal disruption to state agency business processes.

(b) Strategies to minimize risks associated with any of the proposed consolidations.

(c) A compilation of the state agency transition plans submitted by state agencies scheduled for consolidation for the following fiscal year.

(d) An estimate of the cost to provide enterprise information technology services for each state agency scheduled for consolidation.

(e) An analysis of the cost effects resulting from the planned consolidations on existing state agencies.

(f) The fiscal year adjustments to budget categories in order to absorb the transfer of state agency information technology resources pursuant to the legislative budget request instructions provided in s. 216.023.

(g) A description of any issues that must be resolved in order to accomplish as efficiently and effectively as possible all consolidations required during the fiscal year.

(4) State agencies have the following duties:

(a) For the purpose of completing its work activities, each state agency shall provide to the Agency for State Technology all requested information and any other information relevant to the state agency’s ability to effectively transition its information technology resources into the agency.

(b) For the purpose of completing its work activities, each state agency shall temporarily assign staff to assist the agency with designated tasks as negotiated between the agency and the state agency.

(c) Each state agency identified for consolidation into an enterprise information technology service offering must submit a transition plan to the Agency for State Technology by September 1 of the fiscal year before the fiscal year in which the scheduled consolidation will occur. Transition plans shall be developed in consultation with the agency and must include:

1. An inventory of the state agency data center’s resources being consolidated, including all hardware, software, staff, and contracted services, and the facility resources performing data center management and operations, security, backup and recovery, disaster recovery, system administration, database administration, system programming, mainframe maintenance, job control, production control, print, storage, technical support, help desk, and managed services, but excluding application development.

2. A description of the level of services needed to meet the technical and operational requirements of the platforms being consolidated and an estimate of the primary data center’s cost for the provision of such services.

3. A description of expected changes to its information technology needs and the timeframe when such changes will occur.

4. A description of the information technology resources proposed to remain in the state agency.

5. A baseline project schedule for the completion of the consolidation.

6. The specific recurring and nonrecurring budget adjustments of budget resources by appropriation category into the appropriate data processing category pursuant to the legislative budget instructions in s. 216.023 necessary to support state agency costs for the transfer.

(5)(a) Unless authorized by the Legislature or the agency as provided in paragraphs (b) and (c), a state agency may not:

1. Create a new computing service or expand an existing computing service if that service has been designated as an enterprise information technology service.

2. Spend funds before the state agency’s scheduled consolidation to an enterprise information technology service to purchase or modify hardware or operations software that does not comply with hardware and software standards established by the Agency for State Technology.

3. Unless for the purpose of offsite disaster recovery services, transfer existing computing services to any service provider other than the Agency for State Technology.

4. Terminate services with the Agency for State Technology without giving written notice of intent to terminate or transfer services 180 days before such termination or transfer.

5. Initiate a new computing service with any service provider other than the Agency for State Technology if that service has been designated as an enterprise information technology service.

(b) Exceptions to the limitations in subparagraphs (a)1., 2., 3., and 5. may be granted by the Agency for State Technology if there is insufficient capacity in the primary data centers to absorb the workload associated with agency computing services, expenditures are compatible with the scheduled consolidation and established standards, or the equipment or resources are needed to meet a critical state agency business need that

cannot be satisfied from surplus equipment or resources of the primary data center until the state agency data center is consolidated.

1. A request for an exception must be submitted in writing to the Agency for State Technology. The agency must accept, accept with conditions, or deny the request within 60 days after receipt of the written request. The agency's decision is not subject to chapter 120.

2. The Agency for State Technology may not approve a request unless it includes, at a minimum:

a. A detailed description of the capacity requirements of the state agency requesting the exception.

b. Documentation from the state agency head demonstrating why it is critical to the state agency's mission that the expansion or transfer must be completed within the fiscal year rather than when capacity is established at a primary data center.

3. Exceptions to subparagraph (a)4. may be granted by the Agency for State Technology if the termination or transfer of services can be absorbed within the current cost-allocation plan.

Section 7. Section 282.0056, Florida Statutes, is amended to read:

282.0056 *Strategic plan, development of work plan, and, development of implementation plans; and policy recommendations.—*

(1) In order to provide a systematic process for meeting the state's technology needs, the executive director of the Agency for State Technology shall develop a biennial state Information Technology Resources Strategic Plan. The Governor and Cabinet shall approve the plan before transmitting it to the Legislature, biennially, starting October 1, 2013. The plan must include the following elements:

(a) The vision, goals, initiatives, and targets for state information technology for the short term of 2 years, midterm of 3 to 5 years, and long term of more than 5 years.

(b) An inventory of the information technology resources in state agencies and major projects currently in progress and planned. This does not imply that the agency has approval authority over major projects. As used in this section, the term "major project" means projects that cost more than \$1 million to implement.

(c) An analysis of opportunities for statewide initiatives that would yield efficiencies, cost savings, or avoidance or improve effectiveness in state programs. The analysis must include:

1. Information technology services that should be designed, delivered, and managed as enterprise information technology services.

2. Techniques for consolidating the purchase of information technology commodities and services that may result in savings for the state and for establishing a process to achieve savings through consolidated purchases.

3. A cost-benefit analysis of options, such as privatization, outsourcing, or insourcing, to reduce costs or improve services to agencies and taxpayers.

(d) Recommended initiatives based on the analysis in paragraph (c).

(e) Implementation plans for enterprise information technology services designated by the agency. The implementation plans must describe the scope of service, requirements analyses, costs and savings projects, and a project schedule for statewide implementation.

(2) Each state agency shall, biennially, provide to the agency the inventory required under paragraph (1)(b). The agency shall consult with and assist state agencies in the preparation of these inventories. Each state agency shall submit its inventory to the agency biennially, starting January 1, 2013.

(3) For the purpose of completing its work activities, each state agency shall provide to the agency all requested information, including, but not limited to, the state agency's costs, service requirements, staffing, and equipment inventories.

(4)(1) For the purpose of ensuring accountability for the duties and responsibilities of the executive director and the agency under ss. 20.70 and 282.0055, the executive director ~~For the purposes of carrying out its responsibilities under s. 282.0055, the Agency for Enterprise Information Technology shall develop an annual work plan within 60 days after the beginning of the fiscal year describing the activities that the agency intends to undertake for that year and identify the critical success factors, risks, and issues associated with the work planned. The work plan must also include planned including proposed outcomes and completion timeframes for the planning and implementation of all enterprise information technology services. The work plan must align with the state Information Technology Resources Strategic Plan, be presented at a public hearing, and be approved by the Governor and Cabinet; and, thereafter, be submitted to the President of the Senate and the Speaker of the House of Representatives. The work plan may be amended as needed, subject to approval by the Governor and Cabinet.~~

(2) ~~The agency may develop and submit to the President of the Senate, the Speaker of the House of Representatives, and the Governor by October 1 of each year implementation plans for proposed enterprise information technology services to be established in law.~~

(3) ~~In developing policy recommendations and implementation plans for established and proposed enterprise information technology services, the agency shall describe the scope of operation, conduct costs and requirements analyses, conduct an inventory of all existing information technology resources that are associated with each service, and develop strategies and timeframes for statewide migration.~~

(4) ~~For the purpose of completing its work activities, each state agency shall provide to the agency all requested information, including, but not limited to, the state agency's costs, service requirements, and equipment inventories.~~

(5) For the purpose of ensuring accountability for the duties and responsibilities of the executive director and the agency under ss. 20.70 and 282.0055, within 60 days after the end of each fiscal year, the executive director ~~agency~~ shall report to the Governor and Cabinet, the President of the Senate, and the Speaker of the House of Representatives on what was achieved or not achieved in the prior year's work plan.

Section 8. Section 282.201, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 282.201, Florida Statutes, for current text.)

282.201 *State data center system; agency duties and limitations.—A state data center system that includes all primary data centers, other nonprimary data centers, and computing facilities, and that provides an enterprise information technology service, is established.*

(1) *INTENT.—The Legislature finds that the most efficient and effective means of providing quality utility data processing services to state agencies requires that computing resources be concentrated in quality facilities that provide the proper security, infrastructure, and staff resources to ensure that the state's data is maintained reliably and safely and is recoverable in the event of a disaster. Efficiencies resulting from such consolidation include the increased ability to leverage technological expertise and hardware and software capabilities; increased savings through consolidated purchasing decisions; and the enhanced ability to deploy technology improvements and implement new policies consistently throughout the consolidated organization.*

(2) *AGENCY FOR STATE TECHNOLOGY DUTIES.—*

(a) The agency shall by October 1, 2013, provide to the Governor and Cabinet, recommendations for approving, confirming and removing primary data center designation. The recommendations shall consider the recommendations from the Law Enforcement Consolidations Task Force. Upon approval of the Governor and Cabinet of primary data center designations, existing primary data center designations are repealed by operation of law, and therefore, obsolete.

(b) Establish a schedule for the consolidation of state agency data centers or a transition plan for outsourcing data center services, subject to review by the Governor and Cabinet. The schedule or transition plan must be provided by October 1, 2013, and be updated annually until the

completion of consolidation. The schedule must be based on the goals of maximizing the efficiency and quality of service delivery and cost savings.

(3) STATE AGENCY DUTIES.—

(a) Any state agency that is consolidating agency data centers into a primary data center must execute a new or update an existing memorandum of understanding or service level agreement within 60 days after the specified consolidation date, as required by s. 282.203, in order to specify the services and levels of service it is to receive from the primary data center as a result of the consolidation. If a state agency is unable to execute a memorandum of understanding by that date, the state agency shall submit a report to the Executive Office of the Governor, the Cabinet, the President of the Senate, and the Speaker of the House of Representatives within 5 working days after that date which explains the specific issues preventing execution and describes its plan and schedule for resolving those issues.

(b) On the date of each consolidation specified in general law or the General Appropriations Act, each state agency shall retain the least-privileged administrative access rights necessary to perform the duties not assigned to the primary data centers.

(4) SCHEDULE FOR CONSOLIDATIONS OF STATE AGENCY DATA CENTERS.—Consolidations of state agency data centers are suspended for the 2012-2013 fiscal year. Consolidations shall resume during the 2013-2014 fiscal year based upon a revised schedule developed by the agency. The revised schedule shall consider the recommendations from the Law Enforcement Consolidation Task Force. State agency data centers and computing facilities shall be consolidated into the agency by June 30, 2018.

Section 9. Section 282.203, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 282.203, Florida Statutes, for current text.)

282.203 Primary data centers; duties.—

(1) Each primary data center shall:

(a) Serve participating state agencies as an information-system utility.

(b) Cooperate with participating state agencies to offer, develop, and support the services and applications.

(c) Provide transparent financial statements to participating state agencies.

(d) Assume the least-privileged administrative access rights necessary to perform the services provided by the data center for the software and equipment that is consolidated into a primary data center.

(2) Each primary data center shall enter into a memorandum of understanding with each participating state agency to provide services. A memorandum of understanding may not have a term exceeding 3 years but may include an option to renew for up to 3 years. Failure to execute a memorandum within 60 days after service commencement shall, in the case of a participating state agency, result in the continuation of the terms of the memorandum of understanding from the previous fiscal year, including any amendments that were formally proposed to the state agency by the primary data center within the 3 months before service commencement, and a revised cost-of-service estimate. If a participating state agency fails to execute a memorandum of understanding within 60 days after service commencement, the data center may cease providing services.

Section 10. Section 282.204, Florida Statutes, is repealed.

Section 11. Section 282.205, Florida Statutes, is repealed.

Section 12. Section 282.33, Florida Statutes, is repealed.

Section 13. Section 282.34, Florida Statutes, is amended to read:

282.34 Statewide e-mail service.—A statewide e-mail service that includes the delivery and support of e-mail, messaging, and calendaring capabilities is established as an enterprise information technology service as defined in s. 282.0041. The service shall be provisioned designed

to meet the needs of all executive branch agencies and may also be used by other public sector ~~nonstate agency~~ entities. The primary goals of the service are to provide a reliable collaborative communication service to state agencies; minimize the state investment required to establish, operate, and support the statewide service; reduce the cost of current e-mail operations and the number of duplicative e-mail systems; and eliminate the need for each state agency to maintain its own e-mail staff.

(1) ~~Except as specified in subsection (2), all state agencies shall receive their primary e-mail services exclusively through the Agency for State Technology. The Southwood Shared Resource Center, a primary data center, shall be the provider of the statewide e-mail service for all state agencies. The center shall centrally host, manage, operate, and support the service, or outsource the hosting, management, operational, or support components of the service in order to achieve the primary goals identified in this section.~~

(2) The Department of Legal Affairs shall work with the agency to develop a plan to migrate to the enterprise e-mail service. The plan shall identify the time frame for migration, the associated costs, and the risks. The plan shall be presented to the Governor and Cabinet by December 1, 2014. The Agency for Enterprise Information Technology, in cooperation and consultation with all state agencies, shall prepare and submit for approval by the Legislative Budget Commission at a meeting scheduled before June 30, 2011, a proposed plan for the migration of all state agencies to the statewide e-mail service. The plan for migration must include:

(a) ~~A cost-benefit analysis that compares the total recurring and nonrecurring operating costs of the current agency e-mail systems, including monthly mailbox costs, staffing, licensing and maintenance costs, hardware, and other related e-mail product and service costs to the costs associated with the proposed statewide e-mail service. The analysis must also include:~~

1. ~~A comparison of the estimated total 7-year life cycle cost of the current agency e-mail systems versus the feasibility of funding the migration and operation of the statewide e-mail service.~~

2. ~~An estimate of recurring costs associated with the energy consumption of current agency e-mail equipment, and the basis for the estimate.~~

3. ~~An identification of the overall cost savings resulting from state agencies migrating to the statewide e-mail service and decommissioning their agency e-mail systems.~~

(b) ~~A proposed migration date for all state agencies to be migrated to the statewide e-mail service. The Agency for Enterprise Information Technology shall work with the Executive Office of the Governor to develop the schedule for migrating all state agencies to the statewide e-mail service except for the Department of Legal Affairs. The Department of Legal Affairs shall provide to the Agency for Enterprise Information Technology by June 1, 2011, a proposed migration date based upon its decision to participate in the statewide e-mail service and the identification of any issues that require resolution in order to migrate to the statewide e-mail service.~~

(c) ~~A budget amendment, submitted pursuant to chapter 216, for adjustments to each agency's approved operating budget necessary to transfer sufficient budget resources into the appropriate data processing category to support its statewide e-mail service costs.~~

(d) ~~A budget amendment, submitted pursuant to chapter 216, for adjustments to the Southwood Shared Resource Center approved operating budget to include adjustments in the number of authorized positions, salary budget and associated rate, necessary to implement the statewide e-mail service.~~

(3) ~~Contingent upon approval by the Legislative Budget Commission, the Southwood Shared Resource Center may contract for the provision of a statewide e-mail service. Executive branch agencies must be completely migrated to the statewide e-mail service based upon the migration date included in the proposed plan approved by the Legislative Budget Commission.~~

~~(4) Notwithstanding chapter 216, general revenue funds may be increased or decreased for each agency provided the net change to general revenue in total for all agencies is zero or less.~~

~~(5) Subsequent to the approval of the consolidated budget amendment to reflect budget adjustments necessary to migrate to the statewide e-mail service, an agency may make adjustments subject to s. 216.177, notwithstanding provisions in chapter 216 which may require such adjustments to be approved by the Legislative Budget Commission.~~

~~(6) No agency may initiate a new e-mail service or execute a new e-mail contract or amend a current e-mail contract, other than with the Southwood Shared Resource Center, for nonessential products or services unless the Legislative Budget Commission denies approval for the Southwood Shared Resource Center to enter into a contract for the statewide e-mail service.~~

~~(7) The Agency for Enterprise Information Technology shall work with the Southwood Shared Resource Center to develop an implementation plan that identifies and describes the detailed processes and timelines for an agency's migration to the statewide e-mail service based on the migration date approved by the Legislative Budget Commission. The agency may establish and coordinate workgroups consisting of agency e-mail management, information technology, budget, and administrative staff to assist the agency in the development of the plan.~~

~~(8) Each executive branch agency shall provide all information necessary to develop the implementation plan, including, but not limited to, required mailbox features and the number of mailboxes that will require migration services. Each agency must also identify any known business, operational, or technical plans, limitations, or constraints that should be considered when developing the plan.~~

Section 14. Section 282.702, Florida Statutes, is amended to read:

282.702 Powers and duties.—The Department of Management Services shall have the following powers, duties, and functions:

(1) To publish electronically the portfolio of services available from the department, including pricing information; the policies and procedures governing usage of available services; and a forecast of the department's priorities for each telecommunications service.

(2) To adopt technical standards by rule for the state telecommunications network which ensure the interconnection and operational security of computer networks, telecommunications, and information systems of agencies.

(3) To enter into agreements related to information technology and telecommunications services with state agencies and political subdivisions of the state.

(4) To purchase from or contract with information technology providers for information technology, including private line services.

(5) To apply for, receive, and hold authorizations, patents, copyrights, trademarks, service marks, licenses, and allocations or channels and frequencies to carry out the purposes of this part.

(6) To purchase, lease, or otherwise acquire and to hold, sell, transfer, license, or otherwise dispose of real, personal, and intellectual property, including, but not limited to, patents, trademarks, copyrights, and service marks.

(7) To cooperate with any federal, state, or local emergency management agency in providing for emergency telecommunications services.

(8) To control and approve the purchase, lease, or acquisition and the use of telecommunications services, software, circuits, and equipment provided as part of any other total telecommunications system to be used by the state or its agencies.

(9) To adopt rules pursuant to ss. 120.536(1) and 120.54 relating to telecommunications and to administer the provisions of this part.

(10) To apply for and accept federal funds for the purposes of this part as well as gifts and donations from individuals, foundations, and private organizations.

(11) To monitor issues relating to telecommunications facilities and services before the Florida Public Service Commission and the Federal Communications Commission and, if necessary, prepare position papers, prepare testimony, appear as a witness, and retain witnesses on behalf of state agencies in proceedings before the commissions.

(12) Unless delegated to the *state* agencies by the department, to manage and control, but not intercept or interpret, telecommunications within the SUNCOM Network by:

(a) Establishing technical standards to physically interface with the SUNCOM Network.

(b) Specifying how telecommunications are transmitted within the SUNCOM Network.

(c) Controlling the routing of telecommunications within the SUNCOM Network.

(d) Establishing standards, policies, and procedures for access to and the security of the SUNCOM Network.

(e) Ensuring orderly and reliable telecommunications services in accordance with the service level agreements executed with state agencies.

(13) To plan, design, and conduct experiments for telecommunications services, equipment, and technologies, and to implement enhancements in the state telecommunications network if in the public interest and cost-effective. Funding for such experiments must be derived from SUNCOM Network service revenues and may not exceed 2 percent of the annual budget for the SUNCOM Network for any fiscal year or as provided in the General Appropriations Act. New services offered as a result of this subsection may not affect existing rates for facilities or services.

(14) To enter into contracts or agreements, with or without competitive bidding or procurement, to make available, on a fair, reasonable, and nondiscriminatory basis, property and other structures under departmental control for the placement of new facilities by any wireless provider of mobile service as defined in 47 U.S.C. s. 153(27) or s. 332(d) and any telecommunications company as defined in s. 364.02 if it is practical and feasible to make such property or other structures available. The department may, without adopting a rule, charge a just, reasonable, and nondiscriminatory fee for the placement of the facilities, payable annually, based on the fair market value of space used by comparable telecommunications facilities in the state. The department and a wireless provider or telecommunications company may negotiate the reduction or elimination of a fee in consideration of services provided to the department by the wireless provider or telecommunications company. All such fees collected by the department shall be deposited directly into the Law Enforcement Radio Operating Trust Fund, and may be used by the department to construct, maintain, or support the system.

(15) Establish policies that ensure that the department's cost-recovery methodologies, billings, receivables, expenditures, budgeting, and accounting data are captured and reported timely, consistently, accurately, and transparently and are in compliance with all applicable federal and state laws and rules. The department shall annually submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report that describes each service and its cost, the billing methodology for recovering the cost of the service, and, if applicable, the identity of those services that are subsidized.

(16) *Develop a plan for statewide voice-over-Internet protocol services. The plan shall include cost estimates and the estimated return on investment. The plan shall be submitted to the Governor, the Cabinet, the President of the Senate, and the Speaker of the House of Representatives by June 30, 2013.*

(17) *The department shall produce a feasibility analysis by January 1, 2013, of the options for procuring end-to-end network services, including services provided by the statewide area network, metropolitan area networks, and local area networks, which may be provided by each state agency. The scope of this service does not include wiring or file and print server infrastructure. The feasibility analysis must determine the technical and economic feasibility of using existing resources and infra-*

structure that are owned or used by state entities in the provision or receipt of network services in order to reduce the cost of network services for the state. At a minimum, the feasibility analysis must include:

(a) A definition and assessment of the current portfolio of services, the network services that are provided by each state agency, and a forecast of anticipated changes in network service needs which considers specific state agency business needs and the implementation of enterprise services established under this chapter.

(b) A description of any limitations or enhancements in the network, including any technical or logistical challenges relating to the central provisioning of local area network services currently provided and supported by each state agency. The analysis must also address changes in usage patterns which can reasonably be expected due to the consolidation of state agency data centers or the specific business needs of state agencies and other service customers.

(c) An analysis and comparison of the risks associated with the current service delivery models and at least two other options that leverage the existing resources and infrastructure identified in this subsection. Options may include multi-vendor and segmented contracting options. All sourcing options must produce a service that can be used by schools and other qualified entities that seek federal grants provided through the Universal Service Fund Program.

(d) A cost-benefit analysis that estimates all major cost elements associated with each sourcing option, focusing on the nonrecurring and recurring life-cycle costs of the proposal in order to determine the financial feasibility of each sourcing option. The cost-benefit analysis must include:

1. The total recurring operating costs of the proposed state network service including estimates of monthly charges, staffing, billing, licenses and maintenance, hardware, and other related costs.

2. An estimate of nonrecurring costs associated with construction, transmission lines, premises and switching hardware purchase and installation, and required software based on the proposed solution.

3. An estimate of other critical costs associated with the current and proposed sourcing options for the state network.

(e) Recommendations for reducing current costs associated with statewide network services. The department shall consider the following in developing the recommendations:

1. Leveraging existing resources and expertise.

2. Standardizing service-level agreements to customer entities in order to maximize capacity and availability.

(f) A detailed timeline for the complete procurement and transition to a more efficient and cost-effective solution.

Section 15. Paragraph (e) of subsection (2) of section 110.205, Florida Statutes, is amended to read:

110.205 Career service; exemptions.—

(2) EXEMPT POSITIONS.—The exempt positions that are not covered by this part include the following:

(e) The executive director of ~~Chief Information Officer in the Agency for State Enterprise Information Technology~~. Unless otherwise fixed by law, the Governor and Cabinet ~~Agency for Enterprise Information Technology~~ shall set the salary and benefits of this position in accordance with the rules of the Senior Management Service.

Section 16. Subsections (2) and (9) of section 215.322, Florida Statutes, are amended to read:

215.322 Acceptance of credit cards, charge cards, debit cards, or electronic funds transfers by state agencies, units of local government, and the judicial branch.—

(2) A state agency as defined in s. 216.011, or the judicial branch, may accept credit cards, charge cards, debit cards, or electronic funds transfers in payment for goods and services with the prior approval of the Chief Financial Officer. If the Internet or other related electronic

methods are to be used as the collection medium, the Agency for ~~State Enterprise Information Technology~~ shall review and recommend to the Chief Financial Officer whether to approve the request with regard to the process or procedure to be used.

(9) For payment programs in which credit cards, charge cards, or debit cards are accepted by state agencies, the judicial branch, or units of local government, the Chief Financial Officer, in consultation with the Agency for ~~State Enterprise Information Technology~~, may adopt rules to establish uniform security safeguards for cardholder data and to ensure compliance with the Payment Card Industry Data Security Standards.

Section 17. Subsections (3), (4), (5), and (6) of section 282.318, Florida Statutes, are amended to read:

282.318 Enterprise security of data and information technology.—

(3) The Agency for ~~State Enterprise Information Technology~~ is responsible for establishing rules and publishing guidelines for ensuring an appropriate level of security for all data and information technology resources for executive branch agencies. The agency shall also perform the following duties and responsibilities:

(a) Develop, and annually update by February 1, an enterprise information security strategic plan that includes security goals and objectives for the strategic issues of information security policy, risk management, training, incident management, and survivability planning.

(b) Develop enterprise security rules and published guidelines for:

1. Comprehensive risk analyses and information security audits conducted by state agencies.

2. Responding to suspected or confirmed information security incidents, including suspected or confirmed breaches of personal information or exempt data.

3. Agency security plans, including strategic security plans and security program plans.

4. The recovery of information technology and data following a disaster.

5. The managerial, operational, and technical safeguards for protecting state government data and information technology resources.

(c) Assist agencies in complying with the provisions of this section.

(d) Pursue appropriate funding for the purpose of enhancing domestic security.

(e) Provide training for agency information security managers.

(f) Annually review the strategic and operational information security plans of executive branch agencies.

(4) To assist the Agency for ~~State Enterprise Information Technology~~ in carrying out its responsibilities, each state agency head shall, at a minimum:

(a) Designate an information security manager to administer the security program of the state agency for its data and information technology resources. This designation must be provided annually in writing to the Agency for ~~State Enterprise Information Technology~~ by January 1.

(b) ~~Annually~~ submit to the Agency for ~~State Enterprise Information Technology~~ ~~annually~~ by July 31, the state agency's comprehensive strategic and operational information security plans developed pursuant to the rules and guidelines established by the Agency for ~~State Enterprise Information Technology~~.

1. The state agency comprehensive strategic information security plan must cover a 3-year period and define security goals, intermediate objectives, and projected agency costs for the strategic issues of agency information security policy, risk management, security training, security incident response, and survivability. The plan must be based on the enterprise strategic information security plan created by the Agency for

~~State Enterprise Information Technology~~. Additional issues may be included.

2. The *state* agency operational information security plan must include a progress report for the prior operational information security plan and a project plan that includes activities, timelines, and deliverables for security objectives that, subject to current resources, the *state* agency will implement during the current fiscal year. The cost of implementing the portions of the plan which cannot be funded from current resources must be identified in the plan.

(c) Conduct, and update every 3 years, a comprehensive risk analysis to determine the security threats to the data, information, and information technology resources of the *state* agency. The risk analysis information is confidential and exempt from the provisions of s. 119.07(1), except that such information shall be available to the Auditor General and the Agency for ~~State Enterprise Information Technology~~ for performing postauditing duties.

(d) Develop, and periodically update, written internal policies and procedures ~~that, which~~ include procedures for notifying the Agency for ~~State Enterprise Information Technology~~ when a suspected or confirmed breach, or an information security incident, occurs. Such policies and procedures must be consistent with the rules and guidelines established by the Agency for ~~State Enterprise Information Technology~~ to ensure the security of the data, information, and information technology resources of the *state* agency. The internal policies and procedures that, if disclosed, could facilitate the unauthorized modification, disclosure, or destruction of data or information technology resources are confidential information and exempt from s. 119.07(1), except that such information shall be available to the Auditor General and the Agency for ~~State Enterprise Information Technology~~ for performing postauditing duties.

(e) Implement appropriate cost-effective safeguards to address identified risks to the data, information, and information technology resources of the *state* agency.

(f) Ensure that periodic internal audits and evaluations of the *state* agency's security program for the data, information, and information technology resources of the *state* agency are conducted. The results of such audits and evaluations are confidential information and exempt from s. 119.07(1), except that such information shall be available to the Auditor General and the Agency for ~~State Enterprise Information Technology~~ for performing postauditing duties.

(g) Include appropriate security requirements in the written specifications for the solicitation of information technology and information technology resources and services, which are consistent with the rules and guidelines established by the Agency for ~~State Enterprise Information Technology~~.

(h) Provide security awareness training to employees and users of the *state* agency's communication and information resources concerning information security risks and the responsibility of employees and users to comply with policies, standards, guidelines, and operating procedures adopted by the *state* agency to reduce those risks.

(i) Develop a process for detecting, reporting, and responding to suspected or confirmed security incidents, including suspected or confirmed breaches consistent with the security rules and guidelines established by the Agency for ~~State Enterprise Information Technology~~.

1. Suspected or confirmed information security incidents and breaches must be immediately reported to the Agency for ~~State Enterprise Information Technology~~.

2. For incidents involving breaches, agencies shall provide notice in accordance with s. 817.5681 and to the Agency for ~~State Enterprise Information Technology~~ in accordance with this subsection.

(5) Each *state* agency shall include appropriate security requirements in the specifications for the solicitation of contracts for procuring information technology or information technology resources or services which are consistent with the rules and guidelines established by the Agency for ~~State Enterprise Information Technology~~.

(6) The Agency for ~~State Enterprise Information Technology~~ may adopt rules relating to information security and to administer the provisions of this section.

Section 18. Subsection (14) of section 287.012, Florida Statutes, is amended to read:

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

(14) "Information technology" means, but is not limited to, equipment, hardware, software, mainframe maintenance, firmware, programs, systems, networks, infrastructure, media, and related material used to automatically, electronically, and wirelessly collect, receive, access, transmit, display, store, record, retrieve, analyze, evaluate, process, classify, manipulate, manage, assimilate, control, communicate, exchange, convert, converge, interface, switch, or disseminate information of any kind or form ~~has the meaning ascribed in s. 282.0041~~.

Section 19. Subsection (22) of section 287.057, Florida Statutes, is amended to read:

287.057 Procurement of commodities or contractual services.—

(22) The department, in consultation with the Agency for ~~State Enterprise Information Technology~~ and the Chief Financial Officer ~~Controller~~, shall develop a program for online procurement of commodities and contractual services. To enable the state to promote open competition and to leverage its buying power, agencies shall participate in the online procurement program, and eligible users may participate in the program. Only vendors prequalified as meeting mandatory requirements and qualifications criteria may participate in online procurement.

(a) The department, in consultation with the agency, may contract for equipment and services necessary to develop and implement online procurement.

(b) The department, in consultation with the agency, shall adopt rules, pursuant to ss. 120.536(1) and 120.54, to administer the program for online procurement. The rules shall include, but not be limited to:

1. Determining the requirements and qualification criteria for pre-qualifying vendors.
2. Establishing the procedures for conducting online procurement.
3. Establishing the criteria for eligible commodities and contractual services.
4. Establishing the procedures for providing access to online procurement.
5. Determining the criteria warranting any exceptions to participation in the online procurement program.

(c) The department may impose and shall collect all fees for the use of the online procurement systems.

1. The fees may be imposed on an individual transaction basis or as a fixed percentage of the cost savings generated. At a minimum, the fees must be set in an amount sufficient to cover the projected costs of the services, including administrative and project service costs in accordance with the policies of the department.

2. If the department contracts with a provider for online procurement, the department, pursuant to appropriation, shall compensate the provider from the fees after the department has satisfied all ongoing costs. The provider shall report transaction data to the department each month so that the department may determine the amount due and payable to the department from each vendor.

3. All fees that are due and payable to the state on a transactional basis or as a fixed percentage of the cost savings generated are subject to s. 215.31 and must be remitted within 40 days after receipt of payment for which the fees are due. For fees that are not remitted within 40 days, the vendor shall pay interest at the rate established under s. 55.03(1) on the unpaid balance from the expiration of the 40-day period until the fees are remitted.

4. All fees and surcharges collected under this paragraph shall be deposited in the Operating Trust Fund as provided by law.

Section 20. Subsection (4) of section 445.011, Florida Statutes, is amended to read:

445.011 Workforce information systems.—

(4) Workforce Florida, Inc., shall coordinate development and implementation of workforce information systems with the executive director of the Agency for ~~State Enterprise Information~~ Technology to ensure compatibility with the state's information system strategy and enterprise architecture.

Section 21. Subsection (2) and paragraphs (a) and (b) of subsection (4) of section 445.045, Florida Statutes, are amended to read:

445.045 Development of an Internet-based system for information technology industry promotion and workforce recruitment.—

(2) Workforce Florida, Inc., shall coordinate with the Agency for ~~State Enterprise Information~~ Technology and the Department of Economic Opportunity to ensure links, where feasible and appropriate, to existing job information websites maintained by the state and state agencies and to ensure that information technology positions offered by the state and state agencies are posted on the information technology website.

(4)(a) Workforce Florida, Inc., shall coordinate development and maintenance of the website under this section with the executive director of the Agency for ~~State Enterprise Information~~ Technology to ensure compatibility with the state's information system strategy and enterprise architecture.

(b) Workforce Florida, Inc., may enter into an agreement with the Agency for ~~State Enterprise Information~~ Technology, the Department of Economic Opportunity, or any other public agency with the requisite information technology expertise for the provision of design, operating, or other technological services necessary to develop and maintain the website.

Section 22. Paragraph (b) of subsection (18) of section 668.50, Florida Statutes, is amended to read:

668.50 Uniform Electronic Transaction Act.—

(18) ACCEPTANCE AND DISTRIBUTION OF ELECTRONIC RECORDS BY GOVERNMENTAL AGENCIES.—

(b) To the extent that a governmental agency uses electronic records and electronic signatures under paragraph (a), the Agency for ~~State Enterprise Information~~ Technology, in consultation with the governmental agency, giving due consideration to security, may specify:

1. The manner and format in which the electronic records must be created, generated, sent, communicated, received, and stored and the systems established for those purposes.

2. If electronic records must be signed by electronic means, the type of electronic signature required, the manner and format in which the electronic signature must be affixed to the electronic record, and the identity of, or criteria that must be met by, any third party used by a person filing a document to facilitate the process.

3. Control processes and procedures as appropriate to ensure adequate preservation, disposition, integrity, security, confidentiality, and auditability of electronic records.

4. Any other required attributes for electronic records which are specified for corresponding nonelectronic records or reasonably necessary under the circumstances.

Section 23. This act shall take effect July 1, 2012.

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 technology; abolishing the Agency for Enterprise Information Technology; transferring the personnel, functions, and funds of the Agency for Enterprise Information Technology to the Agency for State Technology; transferring specified personnel, functions, and funds relating to technology programs from the Department of Management Services to the Agency for State Technology; transferring the Northwood Shared Resource Center and the Southwood Shared Resource Center to the agency; repealing s. 14.204, F.S., relating

to the Agency for Enterprise Information Technology; creating s. 20.70, F.S.; creating the Agency for State Technology; providing for an executive director who shall be the state's Chief Information Officer; providing for organization of the agency; providing duties and responsibilities of the agency and of the executive director; requiring certain status reports to the Governor, the Cabinet, and the Legislature; authorizing the agency to adopt rules; reordering and amending s. 282.0041, F.S.; revising and providing definitions of terms as used in the Enterprise Information Technology Services Management Act; amending s. 282.0055, F.S.; revising provisions for assignment of information technology services; directing the agency to create a road map for enterprise information technology service consolidation and a comprehensive transition plan; requiring the transition plan to be submitted to the Governor and Cabinet and the Legislature by a certain date; providing duties for state agencies relating to the transition plan; prohibiting state agencies from certain technology-related activities; providing for exceptions; amending s. 282.0056, F.S.; providing for development by the agency executive director of a biennial State Information Technology Strategic Resources Plan for approval by the Governor and the Cabinet; directing state agencies to submit their own information technology plans and any requested information to the agency; revising provisions for development of work plans and implementation plans; revising provisions for reporting on achievements; amending s. 282.201, F.S.; revising provisions for a state data center system; providing legislative intent; directing the agency to provide recommendations to the Governor and Legislature relating to changes to the schedule for the consolidations of state agency data centers; providing duties of a state agency consolidating a data center into a primary data center; revising the scheduled consolidation dates for state agency data centers; amending s. 282.203, F.S.; revising duties of primary data centers; removing provisions for boards of trustees to head primary data centers; requiring a memorandum of understanding between the primary data center and the participating state agency; limiting the term of the memorandum; providing for failure to enter into a memorandum; repealing s. 282.204, F.S., relating to Northwood Shared Resource Center; repealing s. 282.205, F.S., relating to Southwood Shared Resource Center; creating s. 282.206, F.S.; establishing the Fletcher Shared Resource Center within the Department of Financial Services to provide enterprise information technology services; directing the center to collaborate with the agency; directing the center to provide collocation services to the Department of Legal Affairs, the Department of Agriculture and Consumer Services, and the Department of Financial Services; directing the Department of Financial Services to continue to use the center and provide service to the Office of Financial Regulation and the Office of Insurance Regulation and host the Legislative Appropriations System/Planning and Budgeting Subsystem; providing for governance of the center; providing for a steering committee to ensure adequacy and appropriateness of services; directing the Department of Legal Affairs and the Department of Agriculture and Consumer Services to move data center equipment to the center by certain dates; repealing s. 282.33, F.S., relating to objective standards for data center energy efficiency; amending s. 282.34, F.S.; revising provisions for a statewide e-mail service to meet the needs of executive branch agencies; requiring state agencies to receive e-mail services through the agency; authorizing the Department of Agriculture and Consumer Services, the Department of Financial Services, the Office of Financial Regulation, and the Office of Insurance Regulation to receive e-mail services from the Fletcher Shared Resource Center or the agency; amending s. 282.702, F.S.; directing the agency to develop a plan for statewide voice-over-Internet protocol services; requiring certain content in the plan; requiring the plan to be submitted to the Governor, the Cabinet, and the Legislature by a certain date; amending s. 364.0135, F.S.; providing for the agency's role in the promotion of broadband Internet service; providing an additional duty; amending ss. 20.22, 110.205, 215.22, 215.322, 216.292, 282.318, 282.604, 282.703, 282.704, 282.705, 282.706, 282.707, 282.709, 282.7101, 282.711, 287.012, 287.057, 318.18, 320.0802, 328.72, 365.171, 365.172, 365.173, 365.174, 401.013, 401.015, 401.018, 401.021, 401.024, 401.027, 401.465, 445.011, 445.045, and 668.50, F.S., relating to a financial and cash management system task force, career service exemptions, trust funds, payment cards and electronic funds transfers, the Communications Working Capital Trust Fund, the Enterprise Information Technology Services Management Act, adoption of rules, the Communication Information Technology Services Act, procurement of commodities and contractual services, the Florida Uniform Disposition of Traffic Infractions Act, surcharge on vehicle license tax, vessel registration, broadband Internet service, the emergency communications number E911, regional emergency medical telecommunications, the Workforce Innovation Act of 2000, and the Uniform Electronic Trans-

action Act; conforming provisions and cross-references to changes made by the act; revising and deleting obsolete provisions; providing an effective date.

On motion by Senator Hays, **SB 1984** as amended was ordered engrossed.

Pending further consideration of **SB 1984** as amended, on motion by Senator Hays, by two-thirds vote **CS for HB 5509** was withdrawn from the Committee on Budget.

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

CS for HB 5509—A bill to be entitled An act relating to the state data center system; amending s. 282.201, F.S.; revising duties of the Agency for Enterprise Information Technology and state agencies relating to consolidation of agency data centers into a primary data center; removing a requirement for publishing notice of rule development; removing a requirement that agencies submit certain information to the Agency for Enterprise Information Technology; revising the schedule of consolidations; providing a timeframe for specified agency facilities to be consolidated; providing exemptions for specified agencies and facilities; requiring an agency and primary data center to submit a report to the Executive Office of the Governor and the chairs of the legislative appropriations committees if they are unable to execute a service-level agreement within a certain time period; requiring agencies to submit a transition plan to the appropriate primary data center by a certain date; providing for content of the plan; requiring the primary data centers to develop and submit transition plans to the Agency for Enterprise Information Technology, the Executive Office of the Governor, and the chairs of the legislative appropriations committees by a certain date; providing for content of the plans; requiring an agency that is consolidating facilities into a primary data center to submit certain information concerning adjustments of resources with its legislative budget request; removing a requirement that the Agency for Enterprise Information Technology develop comprehensive transition plans; revising restrictions on agencies relating to technology facilities and services; amending s. 282.203, F.S.; revising duties of primary data centers and boards of trustees of such centers; requiring the centers to provide agencies with projected costs for inclusion in the agencies' budget requests; requiring boards to provide a plan for consideration by the Legislative Budget Commission under certain conditions; providing that certain administrative overhead costs require a specific appropriation in the General Appropriation Act; amending s. 1004.649, F.S.; revising responsibilities of the Northwest Regional Data Center; revising the date by which the center must provide agencies with projected costs; requiring the center to submit a plan to the Legislative Budget Commission when a billing rate schedule is revised after the beginning of the fiscal year and increases an agency's costs; providing an effective date.

—a companion measure, was substituted for **SB 1984** as amended and read the second time by title.

MOTION

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

Senator Ring moved the following amendment which was adopted:

Amendment 1 (888418) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. (1) *The Agency for Enterprise Information Technology is abolished.*

(2) *All of the powers, duties, functions, records, personnel, and property; funds, trust funds, and unexpended balances of appropriations, allocations, and other funds; administrative authority; administrative rules; pending issues; and existing contracts of the Agency for Enterprise Information Technology are transferred by a type two transfer, pursuant to s. 20.06(2), Florida Statutes, to the Agency for State Technology.*

Section 2. (1) *The portions of the Technology Program established under section 20.22(2), Florida Statutes, and identified in the approved plan defined in s. 282.0055(2), Florida Statutes, shall transfer by a type one transfer, as defined in s. 20.06(1), Florida Statutes, from the De-*

partment of Management Services to the Agency for State Technology no later than June 30, 2014.

(2) *The Northwood Shared Resource Center is transferred by a type one transfer, as defined in s. 20.06(1), Florida Statutes, from the Department of Management Services to the Agency for State Technology.*

(a) *Any binding contract or interagency agreement entered into between the Northwood Shared Resource Center, or an entity or agent of the center, and any other agency, entity, or person is binding on the Agency for State Technology for the remainder of the term of such contract or agreement.*

(b) *The rules of the Northwood Shared Resource Center which were in effect at 11:59 p.m. on June 30, 2012, become rules of the Agency for State Technology and remain in effect until amended or repealed in the manner provided by law.*

(3) *The Southwood Shared Resource Center is transferred by a type one transfer, as defined in s. 20.06(1), Florida Statutes, from the Department of Management Services to the Agency for State Technology.*

(a) *Any binding contract or interagency agreement entered into between the Southwood Shared Resource Center or an entity or agent of the center and any other agency, entity, or person is binding on the Agency for State Technology for the remainder of the term of such contract or agreement.*

(b) *The rules of the Southwood Shared Resource Center which were in effect at 11:59 p.m. on June 30, 2012, become rules of the Agency for State Technology and remain in effect until amended or repealed in the manner provided by law.*

Section 3. *Section 14.204, Florida Statutes, is repealed.*

Section 4. *Section 20.70, Florida Statutes, is created to read:*

20.70 Agency for State Technology.—The Agency for State Technology is created.

(1) *The head of the agency shall be the Governor and Cabinet.*

(2) *The agency shall have an executive director who is the state's Chief Information Officer and who must:*

(a) *Have at least a bachelor's degree in computer science, information systems, business or public administration, or a related field, or equivalent work experience;*

(b) *Have 10 or more years of experience working in the field of information technology;*

(c) *Have 5 or more years of experience in related industry managing multiple, large, cross-functional teams or projects, and influencing senior-level management and key stakeholders;*

(d) *Have at least 5 years of executive-level leadership responsibilities;*

(e) *Have performed an integral role in enterprise-wide information technology consolidations;*

(f) *Be appointed by the Governor, subject to confirmation by the Cabinet and the Senate, and shall serve at the pleasure of the Governor and Cabinet.*

(3) *The executive director:*

(a) *Shall be responsible for developing and administering a comprehensive long-range plan for the state's information technology resources, ensuring the proper management of such resources, and delivering services.*

(b) *Shall appoint a Chief Technology Officer to lead the divisions of the agency dedicated to the operation and delivery of enterprise information technology services.*

(c) *Shall appoint a Chief Operations Officer to lead the divisions of the agency dedicated to enterprise information technology policy, planning, standards, and procurement.*

- (d) Shall designate a state Chief Information Security Officer.
- (e) May appoint all employees necessary to carry out the duties and responsibilities of the agency.

(4) The Agency for State Technology is prohibited from using, and executives of the agency are prohibited from directing spending from, operational information technology trust funds, as defined in 282.0041, F.S., for any purpose for which the Strategic Information Technology Trust Fund was established.

- (5) The following officers and divisions of the agency are established:

- (a) Under the Chief Technology Officer:

1. Upon transfer any portion of the Technology Program from the Department of Management Services to the agency, there shall be a Division of Telecommunications.

2. The Division of Data Center Operations which includes, but is not limited to, any shared resource center established or operated by the agency.

- (b) Under the Chief Operations Officer:

1. Strategic Planning.
2. Enterprise Information Technology Standards.
 - a. Enterprise Information Technology Procurement.
 - b. Information Technology Security and Compliance.
3. Enterprise Services Planning and Consolidation.
4. Enterprise Project Management.

- (c) Under the Director of Administration:

1. Accounting and Budgeting.
2. Personnel.
3. Procurement and Contracts.

- (d) Under the Office of the Executive Director:

1. Inspector General.
2. Legal.
3. Governmental Affairs.

(6) The agency shall operate in a manner that ensures the participation and representation of state agencies.

(7) The agency shall have the following duties and responsibilities. The agency shall:

(a) Develop and publish a long-term State Information Technology Resources Strategic Plan.

(b) Initiate, plan, design, implement, and manage enterprise information technology services.

(c) Beginning October 1, 2012, and every 3 months thereafter, provide a status report on its initiatives. The report shall be presented at a meeting of the Governor and Cabinet.

(d) Beginning September 1, 2013, and every 3 months thereafter until enterprise information technology service consolidations are complete, provide a status report on the implementation of the consolidations that must be completed during the fiscal year. The report shall be submitted to the Executive Office of the Governor, the Cabinet, the President of the Senate, and the Speaker of the House of Representatives. At a minimum, the report must describe:

1. Whether the consolidation is on schedule, including progress on achieving the milestones necessary for successful and timely consolidation of scheduled agency data centers and computing facilities; and

2. The risks that may affect the progress or outcome of the consolidation and how such risks are being mitigated or managed.

(e) Set technical standards for information technology, including, but not limited to, desktop computers, printers, and mobile devices; review major information technology projects and procurements; establish information technology security standards; provide for the procurement of information technology resources, excluding human resources; and deliver enterprise information technology services as defined in s. 282.0041.

- (f) Designate primary data centers and shared resource centers.

(g) Operate shared resource centers in a manner that promotes energy efficiency.

(h) Establish and deliver enterprise information technology services to serve state agencies on a cost-sharing basis, charging each state agency its proportionate share of the cost of maintaining and delivering a service based on a state agency's use of the service.

(i) Use the following criteria to develop a means of chargeback for primary data center services:

1. The customers of the primary data center shall provide payments to the primary data center which are sufficient to maintain the solvency of the primary data center operation for the costs not directly funded through the General Appropriations Act.

2. Per unit cost of usage shall be the primary basis for pricing, and usage must be accurately measurable and attributable to the appropriate customer.

3. The primary data center shall combine the aggregate purchasing power of large and small customers to achieve collective savings opportunities to all customers.

4. Chargeback methodologies shall be devised to consider restrictions on grants to customers.

5. Chargeback methodologies should establish incentives that lead to customer usage practices that result in lower costs to the state.

6. Chargeback methodologies must consider technological change when:

a. New services require short-term investments before achieving long-term, full cost recovery for the service.

b. Customers of antiquated services may not be able to bear the costs for the antiquated services during periods when customers are migrating to replacement services.

7. Prices may be established which allow for accrual of cash balances for the purpose of maintaining contingent operating funds and funding planned capital investments. Accrual of the cash balances shall be considered costs for the purposes of this section.

8. Flat rate charges may be used only if there are provisions for reconciling charges to comport with actual costs and use.

(i) Exercise technical and fiscal prudence in determining the best way to deliver enterprise information technology services.

(j) Collect and maintain an inventory of the information technology resources in the state agencies.

(k) Assume ownership or custody and control of information processing equipment, supplies, and positions required in order to thoroughly carry out the agency's duties and responsibilities.

(l) Adopt rules and policies for the efficient, secure, and economical management and operation of the shared resource centers and state telecommunications services.

(m) Provide other public sector organizations as defined in s. 282.0041 with access to the services provided by the agency. Access shall be provided on the same cost basis that applies to state agencies.

(n) Ensure that data that is confidential under state or federal law is not entered into or processed through any shared resource center or net-

work established under the agency until the agency head and the executive director of the agency are satisfied that safeguards for the data's security have been properly designed, installed, and tested and are fully operational. This paragraph does not prescribe what actions necessary to satisfy a state agency's objectives are to be undertaken or remove from the control and administration of the state agency the responsibility for working with the agency to implement safeguards, whether such control and administration are specifically required by general law or administered under the general program authority and responsibility of the state agency. If the agency head and executive director of the agency cannot reach agreement on satisfactory safeguards, the issue shall be decided by the Governor and Cabinet.

(o) Conduct periodic assessments of state agencies for compliance with statewide information technology policies and recommend to the Governor and Cabinet statewide policies for information technology.

(8) The agency may not use or direct the spending of operational information technology trust funds to study and develop enterprise information technology strategies, plans, rules, reports, policies, proposals, budgets, or enterprise information technology initiatives that are not directly related to developing information technology services for which usage fees reimburse the costs of the initiative. As used in this subsection, the term "operational information technology trust funds" means funds into which deposits are made on a fee-for-service basis or a trust fund dedicated to a specific information technology project or system.

(9) The portions of the agency's activities described in subsection (8) for which usage fees do not reimburse costs of the activity shall be funded at a rate of 0.55% of the total identified information technology spend through MyFloridaMarketPlace.

(10) The agency may adopt rules to carry out its duties and responsibilities.

Section 5. Section 282.0041, Florida Statutes, amended to read:

282.0041 Definitions.—As used in this chapter, the term:

~~(1) "Agency" has the same meaning as in s. 216.011(1)(qq), except that for purposes of this chapter, "agency" does not include university boards of trustees or state universities.~~

(1)(2) "Agency for State Enterprise Information Technology" or "agency" means the agency created in s. 20.70 ~~14.204~~.

(2)(3) "Agency information technology service" means a service that directly helps a state ~~an~~ agency fulfill its statutory or constitutional responsibilities and policy objectives and is usually associated with the state agency's primary or core business functions.

~~(4) "Annual budget meeting" means a meeting of the board of trustees of a primary data center to review data center usage to determine the apportionment of board members for the following fiscal year, review rates for each service provided, and determine any other required changes.~~

(3)(5) "Breach" has the same meaning as in s. 817.5681(4).

(4)(6) "Business continuity plan" means a plan for disaster recovery which provides for the continued functioning of a primary data center during and after a disaster.

(5) "Collocation" means the method by which a state agency's data center occupies physical space within a shared resource center where physical floor space, bandwidth, power, cooling, and physical security are available for an equitable usage rate and minimal complexity, and allow for the sustained management and oversight of the collocating agency's information technology resources as well as physical and logical database administration by the collocating agency's staff.

(6)(7) "Computing facility" means a state agency site ~~space~~ containing fewer than a total of 10 physical or logical servers, any of which supports a strategic or nonstrategic information technology service, as described in budget instructions developed pursuant to s. 216.023, but excluding telecommunications and voice gateways and a clustered pair of servers operating as a single logical server to provide file, print, security, and endpoint management services ~~single, logical server installations that exclusively perform a utility function such as file and print servers.~~

(7) "Computing service" means an information technology service that is used in all state agencies or a subset of agencies and is, therefore, a candidate for being established as an enterprise information technology service. Examples include e-mail, service hosting, telecommunications, and disaster recovery.

~~(8) "Customer entity" means an entity that obtains services from a primary data center.~~

(8)(9) "Data center" means a state agency site ~~space~~ containing 10 or more physical or logical servers any of which supports a strategic or nonstrategic information technology service, as described in budget instructions developed pursuant to s. 216.023.

~~(10) "Department" means the Department of Management Services.~~

(9)(11) "Enterprise information technology service" means an information technology service that is used in all state agencies or a subset of state agencies and is designated by the agency or established in law to be designed, delivered, and managed at the enterprise level. Current enterprise information technology services include data center services, e-mail, and security.

~~(10)(12) "E-mail, messaging, and calendaring service" means the enterprise information technology service that enables users to send, receive, file, store, manage, and retrieve electronic messages, attachments, appointments, and addresses. The e-mail, messaging, and calendaring service must include e-mail account management; help desk; technical support and user provisioning services; disaster recovery and backup and restore capabilities; antispy and antivirus capabilities; archiving and e-discovery; and remote access and mobile messaging capabilities.~~

~~(11)(13) "Information-system utility" means an information processing a full-service information processing facility offering hardware, software, operations, integration, networking, floor space, and consulting services.~~

(12)(14) "Information technology resources" means equipment, hardware, software, firmware, programs, systems, networks, infrastructure, media, and related material used to automatically, electronically, and wirelessly collect, receive, access, transmit, display, store, record, retrieve, analyze, evaluate, process, classify, manipulate, manage, assimilate, control, communicate, exchange, convert, converge, interface, switch, or disseminate information of any kind or form, and includes the human resources to perform such duties, but excludes application developers and logical database administrators.

(13) "Local area network" means any telecommunications network through which messages and data are exchanged strictly within a single building or contiguous campus.

(14)(15) "Information technology policy" means statements that describe clear choices for how information technology will deliver effective and efficient government services to residents and improve state agency operations. A policy may relate to investments, business applications, architecture, or infrastructure. A policy describes its rationale, implications of compliance or noncompliance, the timeline for implementation, metrics for determining compliance, and the accountable structure responsible for its implementation.

(15) "Logical database administration" means the resources required to build and maintain database structure, implement and maintain role-based data access controls, and perform performance optimization of data queries and includes the manipulation, transformation, modification, and maintenance of data within a logical database. Typical tasks include schema design and modifications, user provisioning, query tuning, index and statistics maintenance, and data import, export, and manipulation.

(16) "Memorandum of understanding" means a written agreement between a shared resource center or the Division of Telecommunications in the agency and a state agency which specifies the scope of services provided, service level, duration of the agreement, responsible parties, and service costs. A memorandum of understanding is not a rule pursuant to chapter 120.

(17) "Other public sector organizations" means entities of the legislative and judicial branches, the State University System, the Florida Community College System, counties, and municipalities. Such organi-

zations may elect to participate in the information technology programs, services, or contracts offered by the Agency for State Technology, including information technology procurement, in accordance with general law, policies, and administrative rules.

(18)(16) “Performance metrics” means the measures of an organization’s activities and performance.

(19) “Physical database administration” means the resources responsible for installing, maintaining, and operating an environment within which a database is hosted. Typical tasks include database engine installation, configuration, and security patching, as well as performing backup and restoration of hosted databases, setup and maintenance of instance-based data replication, and monitoring the health and performance of the database environment.

(20)(17) “Primary data center” means a data center that is a recipient entity for consolidation of state agency information technology resources ~~nonprimary data centers and computing facilities and that is established by law.~~

(21)(18) “Project” means an endeavor that has a defined start and end point; is undertaken to create or modify a unique product, service, or result; and has specific objectives that, when attained, signify completion.

(22)(19) “Risk analysis” means the process of identifying security risks, determining their magnitude, and identifying areas needing safeguards.

(23)(20) “Service level” means the key performance indicators (KPI) of an organization or service which must be regularly performed, monitored, and achieved.

~~(21) “Service level agreement” means a written contract between a data center and a customer entity which specifies the scope of services provided, service level, the duration of the agreement, the responsible parties, and service costs. A service level agreement is not a rule pursuant to chapter 120.~~

(24) “Shared resource center” means a primary data center that has been designated and assigned specific duties under this chapter or by the Agency for State Technology under s. 20.70.

(25)(22) “Standards” means required practices, controls, components, or configurations established by an authority.

(26) “State agency” means any official, officer, commission, board, authority, council, committee, or department of the executive branch of state government. The term does not include university boards of trustees or state universities.

(27) “State agency site” means a single, contiguous local area network segment that does not traverse a metropolitan area network or wide area network.

(28)(23) “SUNCOM Network” means the state enterprise telecommunications system that provides all methods of electronic or optical telecommunications beyond a single building or contiguous building complex and used by entities authorized as network users under this part.

(29)(24) “Telecommunications” means the science and technology of communication at a distance, including electronic systems used in the transmission or reception of information.

(30)(25) “Threat” means any circumstance or event that may cause harm to the integrity, availability, or confidentiality of information technology resources.

(31)(26) “Total cost” means all costs associated with information technology projects or initiatives, including, but not limited to, value of hardware, software, service, maintenance, incremental personnel, and facilities. Total cost of a loan or gift of information technology resources to a state ~~an~~ agency includes the fair market value of the resources.

(32)(27) “Usage” means the billing amount charged by the primary data center, less any pass-through charges, to the state agency ~~customer~~ entity.

(33)(28) “Usage rate” means a state agency’s ~~customer entity’s~~ usage or billing amount as a percentage of total usage.

(34) “Wide area network” means any telecommunications network or components thereof through which messages and data are exchanged outside of a local area network.

Section 6. Section 282.0055, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 282.0055, Florida Statutes, for current text.)

282.0055 Assignment of enterprise information technology.—

(1) The establishment of a systematic process for the planning, design, implementation, procurement, delivery, and maintenance of enterprise information technology services shall be the responsibility of the Agency for State Technology for executive branch agencies that are created or authorized in statute to perform legislatively delegated functions. The agency’s duties shall be performed in collaboration with the state agencies. The supervision, design, development, delivery, and maintenance of state-agency specific or unique software applications shall remain within the responsibility and control of the individual state agency or other public sector organization.

(2) During the 2012-2013 fiscal year, the Agency for State Technology shall, in collaboration with the state agencies and other stakeholders, create a road map for enterprise information technology service consolidation. The road map shall be presented for approval by the Governor and Cabinet by August 30, 2013. At a minimum, the road map must include:

(a) An enterprise architecture that provides innovative, yet pragmatic and cost-effective offering, and which contemplates the consolidated delivery of services based on similar business processes and functions that span across all executive and cabinet agencies.

(b) A schedule for the consolidation of state agency data centers.

(c) Cost-saving targets and timeframes for when the savings will be realized.

(d) Recommendations, including cost estimates, for improvements to the shared resource centers, which will improve the agency’s ability to deliver enterprise information technology services.

(e) A transition plan for the transfer of portions of the Technology Program established under s. 20.22(2), Florida Statutes, that provide an enterprise information technology service.

(3) By October 15th of each year beginning in 2013, the Agency for State Technology shall develop a comprehensive transition plan for scheduled consolidations occurring in the next fiscal year. This plan shall be submitted to the Governor, the Cabinet, the President of the Senate, and the Speaker of the House of Representatives. The transition plan shall be developed in consultation with other state agencies submitting state agency transition plans. The comprehensive transition plan must include:

(a) Recommendations for accomplishing the proposed transitions as efficiently and effectively as possible with minimal disruption to state agency business processes.

(b) Strategies to minimize risks associated with any of the proposed consolidations.

(c) A compilation of the state agency transition plans submitted by state agencies scheduled for consolidation for the following fiscal year.

(d) An estimate of the cost to provide enterprise information technology services for each state agency scheduled for consolidation.

(e) An analysis of the cost effects resulting from the planned consolidations on existing state agencies.

(f) The fiscal year adjustments to budget categories in order to absorb the transfer of state agency information technology resources pursuant to the legislative budget request instructions provided in s. 216.023.

(g) A description of any issues that must be resolved in order to accomplish as efficiently and effectively as possible all consolidations required during the fiscal year.

(4) State agencies have the following duties:

(a) For the purpose of completing its work activities, each state agency shall provide to the Agency for State Technology all requested information and any other information relevant to the state agency's ability to effectively transition its information technology resources into the agency.

(b) For the purpose of completing its work activities, each state agency shall temporarily assign staff to assist the agency with designated tasks as negotiated between the agency and the state agency.

(c) Each state agency identified for consolidation into an enterprise information technology service offering must submit a transition plan to the Agency for State Technology by September 1 of the fiscal year before the fiscal year in which the scheduled consolidation will occur. Transition plans shall be developed in consultation with the agency and must include:

1. An inventory of the state agency data center's resources being consolidated, including all hardware, software, staff, and contracted services, and the facility resources performing data center management and operations, security, backup and recovery, disaster recovery, system administration, database administration, system programming, mainframe maintenance, job control, production control, print, storage, technical support, help desk, and managed services, but excluding application development.

2. A description of the level of services needed to meet the technical and operational requirements of the platforms being consolidated and an estimate of the primary data center's cost for the provision of such services.

3. A description of expected changes to its information technology needs and the timeframe when such changes will occur.

4. A description of the information technology resources proposed to remain in the state agency.

5. A baseline project schedule for the completion of the consolidation.

6. The specific recurring and nonrecurring budget adjustments of budget resources by appropriation category into the appropriate data processing category pursuant to the legislative budget instructions in s. 216.023 necessary to support state agency costs for the transfer.

(5)(a) Unless authorized by the Legislature or the agency as provided in paragraphs (b) and (c), a state agency may not:

1. Create a new computing service or expand an existing computing service if that service has been designated as an enterprise information technology service.

2. Spend funds before the state agency's scheduled consolidation to an enterprise information technology service to purchase or modify hardware or operations software that does not comply with hardware and software standards established by the Agency for State Technology.

3. Unless for the purpose of offsite disaster recovery services, transfer existing computing services to any service provider other than the Agency for State Technology.

4. Terminate services with the Agency for State Technology without giving written notice of intent to terminate or transfer services 180 days before such termination or transfer.

5. Initiate a new computing service with any service provider other than the Agency for State Technology if that service has been designated as an enterprise information technology service.

(b) Exceptions to the limitations in subparagraphs (a)1., 2., 3., and 5. may be granted by the Agency for State Technology if there is insufficient capacity in the primary data centers to absorb the workload associated with agency computing services, expenditures are compatible with the scheduled consolidation and established standards, or the equipment or resources are needed to meet a critical state agency business need that

cannot be satisfied from surplus equipment or resources of the primary data center until the state agency data center is consolidated.

1. A request for an exception must be submitted in writing to the Agency for State Technology. The agency must accept, accept with conditions, or deny the request within 60 days after receipt of the written request. The agency's decision is not subject to chapter 120.

2. The Agency for State Technology may not approve a request unless it includes, at a minimum:

a. A detailed description of the capacity requirements of the state agency requesting the exception.

b. Documentation from the state agency head demonstrating why it is critical to the state agency's mission that the expansion or transfer must be completed within the fiscal year rather than when capacity is established at a primary data center.

3. Exceptions to subparagraph (a)4. may be granted by the Agency for State Technology if the termination or transfer of services can be absorbed within the current cost-allocation plan.

Section 7. Section 282.0056, Florida Statutes, is amended to read:

282.0056 Strategic plan, development of work plan, and, ~~development of implementation plans; and~~ policy recommendations.—

(1) In order to provide a systematic process for meeting the state's technology needs, the executive director of the Agency for State Technology shall develop a biennial state Information Technology Resources Strategic Plan. The Governor and Cabinet shall approve the plan before transmitting it to the Legislature, biennially, starting October 1, 2013. The plan must include the following elements:

(a) The vision, goals, initiatives, and targets for state information technology for the short term of 2 years, midterm of 3 to 5 years, and long term of more than 5 years.

(b) An inventory of the information technology resources in state agencies and major projects currently in progress and planned. This does not imply that the agency has approval authority over major projects. As used in this section, the term "major project" means projects that cost more than \$1 million to implement.

(c) An analysis of opportunities for statewide initiatives that would yield efficiencies, cost savings, or avoidance or improve effectiveness in state programs. The analysis must include:

1. Information technology services that should be designed, delivered, and managed as enterprise information technology services.

2. Techniques for consolidating the purchase of information technology commodities and services that may result in savings for the state and for establishing a process to achieve savings through consolidated purchases.

3. A cost-benefit analysis of options, such as privatization, outsourcing, or insourcing, to reduce costs or improve services to agencies and taxpayers.

(d) Recommended initiatives based on the analysis in paragraph (c).

(e) Implementation plans for enterprise information technology services designated by the agency. The implementation plans must describe the scope of service, requirements analyses, costs and savings projects, and a project schedule for statewide implementation.

(2) Each state agency shall, biennially, provide to the agency the inventory required under paragraph (1)(b). The agency shall consult with and assist state agencies in the preparation of these inventories. Each state agency shall submit its inventory to the agency biennially, starting January 1, 2013.

(3) For the purpose of completing its work activities, each state agency shall provide to the agency all requested information, including, but not limited to, the state agency's costs, service requirements, staffing, and equipment inventories.

~~(4)(1) For the purpose of ensuring accountability for the duties and responsibilities of the executive director and the agency under ss. 20.70 and 282.0055, the executive director For the purposes of carrying out its responsibilities under s. 282.0055, the Agency for Enterprise Information Technology shall develop an annual work plan within 60 days after the beginning of the fiscal year describing the activities that the agency intends to undertake for that year and identify the critical success factors, risks, and issues associated with the work planned. The work plan must also include planned including proposed outcomes and completion timeframes for the planning and implementation of all enterprise information technology services. The work plan must align with the state Information Technology Resources Strategic Plan, be presented at a public hearing, and be approved by the Governor and Cabinet; and, thereafter, be submitted to the President of the Senate and the Speaker of the House of Representatives. The work plan may be amended as needed, subject to approval by the Governor and Cabinet.~~

~~(2) The agency may develop and submit to the President of the Senate, the Speaker of the House of Representatives, and the Governor by October 1 of each year implementation plans for proposed enterprise information technology services to be established in law.~~

~~(3) In developing policy recommendations and implementation plans for established and proposed enterprise information technology services, the agency shall describe the scope of operation, conduct costs and requirements analyses, conduct an inventory of all existing information technology resources that are associated with each service, and develop strategies and timeframes for statewide migration.~~

~~(4) For the purpose of completing its work activities, each state agency shall provide to the agency all requested information, including, but not limited to, the state agency's costs, service requirements, and equipment inventories.~~

~~(5) For the purpose of ensuring accountability for the duties and responsibilities of the executive director and the agency under ss. 20.70 and 282.0055, within 60 days after the end of each fiscal year, the executive director agency shall report to the Governor and Cabinet, the President of the Senate, and the Speaker of the House of Representatives on what was achieved or not achieved in the prior year's work plan.~~

Section 8. Section 282.201, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 282.201, Florida Statutes, for current text.)

282.201 State data center system; agency duties and limitations.—A state data center system that includes all primary data centers, other nonprimary data centers, and computing facilities, and that provides an enterprise information technology service, is established.

(1) INTENT.—The Legislature finds that the most efficient and effective means of providing quality utility data processing services to state agencies requires that computing resources be concentrated in quality facilities that provide the proper security, infrastructure, and staff resources to ensure that the state's data is maintained reliably and safely and is recoverable in the event of a disaster. Efficiencies resulting from such consolidation include the increased ability to leverage technological expertise and hardware and software capabilities; increased savings through consolidated purchasing decisions; and the enhanced ability to deploy technology improvements and implement new policies consistently throughout the consolidated organization.

(2) AGENCY FOR STATE TECHNOLOGY DUTIES.—

(a) The agency shall by October 1, 2013, provide to the Governor and Cabinet, recommendations for approving, confirming and removing primary data center designation. The recommendations shall consider the recommendations from the Law Enforcement Consolidations Task Force. Upon approval of the Governor and Cabinet of primary data center designations, existing primary data center designations are repealed by operation of law, and therefore, obsolete.

(b) Establish a schedule for the consolidation of state agency data centers or a transition plan for outsourcing data center services, subject to review by the Governor and Cabinet. The schedule or transition plan must be provided by October 1, 2013, and be updated annually until the

completion of consolidation. The schedule must be based on the goals of maximizing the efficiency and quality of service delivery and cost savings.

(3) STATE AGENCY DUTIES.—

(a) Any state agency that is consolidating agency data centers into a primary data center must execute a new or update an existing memorandum of understanding or service level agreement within 60 days after the specified consolidation date, as required by s. 282.203, in order to specify the services and levels of service it is to receive from the primary data center as a result of the consolidation. If a state agency is unable to execute a memorandum of understanding by that date, the state agency shall submit a report to the Executive Office of the Governor, the Cabinet, the President of the Senate, and the Speaker of the House of Representatives within 5 working days after that date which explains the specific issues preventing execution and describes its plan and schedule for resolving those issues.

(b) On the date of each consolidation specified in general law or the General Appropriations Act, each state agency shall retain the least-privileged administrative access rights necessary to perform the duties not assigned to the primary data centers.

(4) SCHEDULE FOR CONSOLIDATIONS OF STATE AGENCY DATA CENTERS.—Consolidations of state agency data centers are suspended for the 2012-2013 fiscal year. Consolidations shall resume during the 2013-2014 fiscal year based upon a revised schedule developed by the agency. The revised schedule shall consider the recommendations from the Law Enforcement Consolidation Task Force. State agency data centers and computing facilities shall be consolidated into the agency by June 30, 2018.

Section 9. Section 282.203, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 282.203, Florida Statutes, for current text.)

282.203 Primary data centers; duties.—

(1) Each primary data center shall:

(a) Serve participating state agencies as an information-system utility.

(b) Cooperate with participating state agencies to offer, develop, and support the services and applications.

(c) Provide transparent financial statements to participating state agencies.

(d) Assume the least-privileged administrative access rights necessary to perform the services provided by the data center for the software and equipment that is consolidated into a primary data center.

(2) Each primary data center shall enter into a memorandum of understanding with each participating state agency to provide services. A memorandum of understanding may not have a term exceeding 3 years but may include an option to renew for up to 3 years. Failure to execute a memorandum within 60 days after service commencement shall, in the case of a participating state agency, result in the continuation of the terms of the memorandum of understanding from the previous fiscal year, including any amendments that were formally proposed to the state agency by the primary data center within the 3 months before service commencement, and a revised cost-of-service estimate. If a participating state agency fails to execute a memorandum of understanding within 60 days after service commencement, the data center may cease providing services.

Section 10. Section 282.204, Florida Statutes, is repealed.

Section 11. Section 282.205, Florida Statutes, is repealed.

Section 12. Section 282.33, Florida Statutes, is repealed.

Section 13. Section 282.34, Florida Statutes, is amended to read:

282.34 Statewide e-mail service.—A statewide e-mail service that includes the delivery and support of e-mail, messaging, and calendaring capabilities is established as an enterprise information technology service as defined in s. 282.0041. The service shall be provisioned ~~designed~~

to meet the needs of all executive branch agencies and may also be used by other public sector ~~nonstate agency~~ entities. The primary goals of the service are to provide a reliable collaborative communication service to state agencies; minimize the state investment required to establish, operate, and support the statewide service; reduce the cost of current e-mail operations and the number of duplicative e-mail systems; and eliminate the need for each state agency to maintain its own e-mail staff.

(1) *Except as specified in subsection (2), all state agencies shall receive their primary email services exclusively through the Agency for State Technology. The Southwood Shared Resource Center, a primary data center, shall be the provider of the statewide e-mail service for all state agencies. The center shall centrally host, manage, operate, and support the service, or outsource the hosting, management, operational, or support components of the service in order to achieve the primary goals identified in this section.*

(2) *The Department of Legal Affairs shall work with the agency to develop a plan to migrate to the enterprise email service. The plan shall identify the time frame for migration, the associated costs, and the risks. The plan shall be presented to the Governor and Cabinet by December 1, 2014. The Agency for Enterprise Information Technology, in cooperation and consultation with all state agencies, shall prepare and submit for approval by the Legislative Budget Commission at a meeting scheduled before June 30, 2011, a proposed plan for the migration of all state agencies to the statewide e-mail service. The plan for migration must include:*

(a) *A cost-benefit analysis that compares the total recurring and nonrecurring operating costs of the current agency e-mail systems, including monthly mailbox costs, staffing, licensing and maintenance costs, hardware, and other related e-mail product and service costs to the costs associated with the proposed statewide e-mail service. The analysis must also include:*

1. *A comparison of the estimated total 7-year life cycle cost of the current agency e-mail systems versus the feasibility of funding the migration and operation of the statewide e-mail service.*

2. *An estimate of recurring costs associated with the energy consumption of current agency e-mail equipment, and the basis for the estimate.*

3. *An identification of the overall cost savings resulting from state agencies migrating to the statewide e-mail service and decommissioning their agency e-mail systems.*

(b) *A proposed migration date for all state agencies to be migrated to the statewide e-mail service. The Agency for Enterprise Information Technology shall work with the Executive Office of the Governor to develop the schedule for migrating all state agencies to the statewide e-mail service except for the Department of Legal Affairs. The Department of Legal Affairs shall provide to the Agency for Enterprise Information Technology by June 1, 2011, a proposed migration date based upon its decision to participate in the statewide e-mail service and the identification of any issues that require resolution in order to migrate to the statewide e-mail service.*

(c) *A budget amendment, submitted pursuant to chapter 216, for adjustments to each agency's approved operating budget necessary to transfer sufficient budget resources into the appropriate data processing category to support its statewide e-mail service costs.*

(d) *A budget amendment, submitted pursuant to chapter 216, for adjustments to the Southwood Shared Resource Center approved operating budget to include adjustments in the number of authorized positions, salary budget and associated rate, necessary to implement the statewide e-mail service.*

(3) *Contingent upon approval by the Legislative Budget Commission, the Southwood Shared Resource Center may contract for the provision of a statewide e-mail service. Executive branch agencies must be completely migrated to the statewide e-mail service based upon the migration date included in the proposed plan approved by the Legislative Budget Commission.*

~~(4) Notwithstanding chapter 216, general revenue funds may be increased or decreased for each agency provided the net change to general revenue in total for all agencies is zero or less.~~

~~(5) Subsequent to the approval of the consolidated budget amendment to reflect budget adjustments necessary to migrate to the statewide e-mail service, an agency may make adjustments subject to s. 216.177, notwithstanding provisions in chapter 216 which may require such adjustments to be approved by the Legislative Budget Commission.~~

~~(6) No agency may initiate a new e-mail service or execute a new e-mail contract or amend a current e-mail contract, other than with the Southwood Shared Resource Center, for nonessential products or services unless the Legislative Budget Commission denies approval for the Southwood Shared Resource Center to enter into a contract for the statewide e-mail service.~~

~~(7) The Agency for Enterprise Information Technology shall work with the Southwood Shared Resource Center to develop an implementation plan that identifies and describes the detailed processes and timelines for an agency's migration to the statewide e-mail service based on the migration date approved by the Legislative Budget Commission. The agency may establish and coordinate workgroups consisting of agency e-mail management, information technology, budget, and administrative staff to assist the agency in the development of the plan.~~

~~(8) Each executive branch agency shall provide all information necessary to develop the implementation plan, including, but not limited to, required mailbox features and the number of mailboxes that will require migration services. Each agency must also identify any known business, operational, or technical plans, limitations, or constraints that should be considered when developing the plan.~~

Section 14. Section 282.702, Florida Statutes, is amended to read:

282.702 Powers and duties.—The Department of Management Services shall have the following powers, duties, and functions:

(1) To publish electronically the portfolio of services available from the department, including pricing information; the policies and procedures governing usage of available services; and a forecast of the department's priorities for each telecommunications service.

(2) To adopt technical standards by rule for the state telecommunications network which ensure the interconnection and operational security of computer networks, telecommunications, and information systems of agencies.

(3) To enter into agreements related to information technology and telecommunications services with state agencies and political subdivisions of the state.

(4) To purchase from or contract with information technology providers for information technology, including private line services.

(5) To apply for, receive, and hold authorizations, patents, copyrights, trademarks, service marks, licenses, and allocations or channels and frequencies to carry out the purposes of this part.

(6) To purchase, lease, or otherwise acquire and to hold, sell, transfer, license, or otherwise dispose of real, personal, and intellectual property, including, but not limited to, patents, trademarks, copyrights, and service marks.

(7) To cooperate with any federal, state, or local emergency management agency in providing for emergency telecommunications services.

(8) To control and approve the purchase, lease, or acquisition and the use of telecommunications services, software, circuits, and equipment provided as part of any other total telecommunications system to be used by the state or its agencies.

(9) To adopt rules pursuant to ss. 120.536(1) and 120.54 relating to telecommunications and to administer the provisions of this part.

(10) To apply for and accept federal funds for the purposes of this part as well as gifts and donations from individuals, foundations, and private organizations.

(11) To monitor issues relating to telecommunications facilities and services before the Florida Public Service Commission and the Federal Communications Commission and, if necessary, prepare position papers, prepare testimony, appear as a witness, and retain witnesses on behalf of state agencies in proceedings before the commissions.

(12) Unless delegated to the *state* agencies by the department, to manage and control, but not intercept or interpret, telecommunications within the SUNCOM Network by:

(a) Establishing technical standards to physically interface with the SUNCOM Network.

(b) Specifying how telecommunications are transmitted within the SUNCOM Network.

(c) Controlling the routing of telecommunications within the SUNCOM Network.

(d) Establishing standards, policies, and procedures for access to and the security of the SUNCOM Network.

(e) Ensuring orderly and reliable telecommunications services in accordance with the service level agreements executed with state agencies.

(13) To plan, design, and conduct experiments for telecommunications services, equipment, and technologies, and to implement enhancements in the state telecommunications network if in the public interest and cost-effective. Funding for such experiments must be derived from SUNCOM Network service revenues and may not exceed 2 percent of the annual budget for the SUNCOM Network for any fiscal year or as provided in the General Appropriations Act. New services offered as a result of this subsection may not affect existing rates for facilities or services.

(14) To enter into contracts or agreements, with or without competitive bidding or procurement, to make available, on a fair, reasonable, and nondiscriminatory basis, property and other structures under departmental control for the placement of new facilities by any wireless provider of mobile service as defined in 47 U.S.C. s. 153(27) or s. 332(d) and any telecommunications company as defined in s. 364.02 if it is practical and feasible to make such property or other structures available. The department may, without adopting a rule, charge a just, reasonable, and nondiscriminatory fee for the placement of the facilities, payable annually, based on the fair market value of space used by comparable telecommunications facilities in the state. The department and a wireless provider or telecommunications company may negotiate the reduction or elimination of a fee in consideration of services provided to the department by the wireless provider or telecommunications company. All such fees collected by the department shall be deposited directly into the Law Enforcement Radio Operating Trust Fund, and may be used by the department to construct, maintain, or support the system.

(15) Establish policies that ensure that the department's cost-recovery methodologies, billings, receivables, expenditures, budgeting, and accounting data are captured and reported timely, consistently, accurately, and transparently and are in compliance with all applicable federal and state laws and rules. The department shall annually submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report that describes each service and its cost, the billing methodology for recovering the cost of the service, and, if applicable, the identity of those services that are subsidized.

(16) *Develop a plan for statewide voice-over-Internet protocol services. The plan shall include cost estimates and the estimated return on investment. The plan shall be submitted to the Governor, the Cabinet, the President of the Senate, and the Speaker of the House of Representatives by June 30, 2013.*

(17) *The department shall produce a feasibility analysis by January 1, 2013, of the options for procuring end-to-end network services, including services provided by the statewide area network, metropolitan area networks, and local area networks, which may be provided by each state agency. The scope of this service does not include wiring or file and print server infrastructure. The feasibility analysis must determine the technical and economic feasibility of using existing resources and infra-*

structure that are owned or used by state entities in the provision or receipt of network services in order to reduce the cost of network services for the state. At a minimum, the feasibility analysis must include:

(a) *A definition and assessment of the current portfolio of services, the network services that are provided by each state agency, and a forecast of anticipated changes in network service needs which considers specific state agency business needs and the implementation of enterprise services established under this chapter.*

(b) *A description of any limitations or enhancements in the network, including any technical or logistical challenges relating to the central provisioning of local area network services currently provided and supported by each state agency. The analysis must also address changes in usage patterns which can reasonably be expected due to the consolidation of state agency data centers or the specific business needs of state agencies and other service customers.*

(c) *An analysis and comparison of the risks associated with the current service delivery models and at least two other options that leverage the existing resources and infrastructure identified in this subsection. Options may include multi-vendor and segmented contracting options. All sourcing options must produce a service that can be used by schools and other qualified entities that seek federal grants provided through the Universal Service Fund Program.*

(d) *A cost-benefit analysis that estimates all major cost elements associated with each sourcing option, focusing on the nonrecurring and recurring life-cycle costs of the proposal in order to determine the financial feasibility of each sourcing option. The cost-benefit analysis must include:*

1. *The total recurring operating costs of the proposed state network service including estimates of monthly charges, staffing, billing, licenses and maintenance, hardware, and other related costs.*

2. *An estimate of nonrecurring costs associated with construction, transmission lines, premises and switching hardware purchase and installation, and required software based on the proposed solution.*

3. *An estimate of other critical costs associated with the current and proposed sourcing options for the state network.*

(e) *Recommendations for reducing current costs associated with statewide network services. The department shall consider the following in developing the recommendations:*

1. *Leveraging existing resources and expertise.*

2. *Standardizing service-level agreements to customer entities in order to maximize capacity and availability.*

(f) *A detailed timeline for the complete procurement and transition to a more efficient and cost-effective solution.*

Section 15. Paragraph (e) of subsection (2) of section 110.205, Florida Statutes, is amended to read:

110.205 Career service; exemptions.—

(2) EXEMPT POSITIONS.—The exempt positions that are not covered by this part include the following:

(e) ~~The executive director of Chief Information Officer in the Agency for State Enterprise Information Technology. Unless otherwise fixed by law, the Governor and Cabinet Agency for Enterprise Information Technology shall set the salary and benefits of this position in accordance with the rules of the Senior Management Service.~~

Section 16. Subsections (2) and (9) of section 215.322, Florida Statutes, are amended to read:

215.322 Acceptance of credit cards, charge cards, debit cards, or electronic funds transfers by state agencies, units of local government, and the judicial branch.—

(2) A state agency as defined in s. 216.011, or the judicial branch, may accept credit cards, charge cards, debit cards, or electronic funds transfers in payment for goods and services with the prior approval of the Chief Financial Officer. If the Internet or other related electronic

methods are to be used as the collection medium, the Agency for ~~State Enterprise Information~~ Technology shall review and recommend to the Chief Financial Officer whether to approve the request with regard to the process or procedure to be used.

(9) For payment programs in which credit cards, charge cards, or debit cards are accepted by state agencies, the judicial branch, or units of local government, the Chief Financial Officer, in consultation with the Agency for ~~State Enterprise Information~~ Technology, may adopt rules to establish uniform security safeguards for cardholder data and to ensure compliance with the Payment Card Industry Data Security Standards.

Section 17. Subsections (3), (4), (5), and (6) of section 282.318, Florida Statutes, are amended to read:

282.318 Enterprise security of data and information technology.—

(3) The Agency for ~~State Enterprise Information~~ Technology is responsible for establishing rules and publishing guidelines for ensuring an appropriate level of security for all data and information technology resources for executive branch agencies. The agency shall also perform the following duties and responsibilities:

(a) Develop, and annually update by February 1, an enterprise information security strategic plan that includes security goals and objectives for the strategic issues of information security policy, risk management, training, incident management, and survivability planning.

(b) Develop enterprise security rules and published guidelines for:

1. Comprehensive risk analyses and information security audits conducted by state agencies.

2. Responding to suspected or confirmed information security incidents, including suspected or confirmed breaches of personal information or exempt data.

3. Agency security plans, including strategic security plans and security program plans.

4. The recovery of information technology and data following a disaster.

5. The managerial, operational, and technical safeguards for protecting state government data and information technology resources.

(c) Assist agencies in complying with the provisions of this section.

(d) Pursue appropriate funding for the purpose of enhancing domestic security.

(e) Provide training for agency information security managers.

(f) Annually review the strategic and operational information security plans of executive branch agencies.

(4) To assist the Agency for ~~State Enterprise Information~~ Technology in carrying out its responsibilities, each *state* agency head shall, at a minimum:

(a) Designate an information security manager to administer the security program of the *state* agency for its data and information technology resources. This designation must be provided annually in writing to the Agency for ~~State Enterprise Information~~ Technology by January 1.

(b) ~~Annually~~ submit to the Agency for ~~State Enterprise Information~~ Technology ~~annually~~ by July 31, the *state* agency's ~~comprehensive strategic~~ and operational information security plans developed pursuant to the rules and guidelines established by the Agency for ~~State Enterprise Information~~ Technology.

1. The *state* agency ~~comprehensive strategic~~ information security plan must cover a 3-year period and define security goals, intermediate objectives, and projected agency costs for the strategic issues of agency information security policy, risk management, security training, security incident response, and survivability. The plan must be based on the enterprise strategic information security plan created by the Agency for

~~State Enterprise Information~~ Technology. Additional issues may be included.

2. The *state* agency operational information security plan must include a progress report for the prior operational information security plan and a project plan that includes activities, timelines, and deliverables for security objectives that, subject to current resources, the *state* agency will implement during the current fiscal year. The cost of implementing the portions of the plan which cannot be funded from current resources must be identified in the plan.

(c) Conduct, and update every 3 years, a comprehensive risk analysis to determine the security threats to the data, information, and information technology resources of the *state* agency. The risk analysis information is confidential and exempt from the provisions of s. 119.07(1), except that such information shall be available to the Auditor General and the Agency for ~~State Enterprise Information~~ Technology for performing postauditing duties.

(d) Develop, and periodically update, written internal policies and procedures ~~that, which~~ include procedures for notifying the Agency for ~~State Enterprise Information~~ Technology when a suspected or confirmed breach, or an information security incident, occurs. Such policies and procedures must be consistent with the rules and guidelines established by the Agency for ~~State Enterprise Information~~ Technology to ensure the security of the data, information, and information technology resources of the *state* agency. The internal policies and procedures that, if disclosed, could facilitate the unauthorized modification, disclosure, or destruction of data or information technology resources are confidential information and exempt from s. 119.07(1), except that such information shall be available to the Auditor General and the Agency for ~~State Enterprise Information~~ Technology for performing postauditing duties.

(e) Implement appropriate cost-effective safeguards to address identified risks to the data, information, and information technology resources of the *state* agency.

(f) Ensure that periodic internal audits and evaluations of the *state* agency's security program for the data, information, and information technology resources of the *state* agency are conducted. The results of such audits and evaluations are confidential information and exempt from s. 119.07(1), except that such information shall be available to the Auditor General and the Agency for ~~State Enterprise Information~~ Technology for performing postauditing duties.

(g) Include appropriate security requirements in the written specifications for the solicitation of information technology and information technology resources and services, which are consistent with the rules and guidelines established by the Agency for ~~State Enterprise Information~~ Technology.

(h) Provide security awareness training to employees and users of the *state* agency's communication and information resources concerning information security risks and the responsibility of employees and users to comply with policies, standards, guidelines, and operating procedures adopted by the *state* agency to reduce those risks.

(i) Develop a process for detecting, reporting, and responding to suspected or confirmed security incidents, including suspected or confirmed breaches consistent with the security rules and guidelines established by the Agency for ~~State Enterprise Information~~ Technology.

1. Suspected or confirmed information security incidents and breaches must be immediately reported to the Agency for ~~State Enterprise Information~~ Technology.

2. For incidents involving breaches, agencies shall provide notice in accordance with s. 817.5681 and to the Agency for ~~State Enterprise Information~~ Technology in accordance with this subsection.

(5) Each *state* agency shall include appropriate security requirements in the specifications for the solicitation of contracts for procuring information technology or information technology resources or services which are consistent with the rules and guidelines established by the Agency for ~~State Enterprise Information~~ Technology.

(6) The Agency for ~~State Enterprise Information~~ Technology may adopt rules relating to information security and to administer the provisions of this section.

Section 18. Subsection (14) of section 287.012, Florida Statutes, is amended to read:

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

(14) “Information technology” means, but is not limited to, equipment, hardware, software, mainframe maintenance, firmware, programs, systems, networks, infrastructure, media, and related material used to automatically, electronically, and wirelessly collect, receive, access, transmit, display, store, record, retrieve, analyze, evaluate, process, classify, manipulate, manage, assimilate, control, communicate, exchange, convert, converge, interface, switch, or disseminate information of any kind or form ~~has the meaning ascribed in s. 282.0041.~~

Section 19. Subsection (22) of section 287.057, Florida Statutes, is amended to read:

287.057 Procurement of commodities or contractual services.—

(22) The department, in consultation with the Agency for ~~State Enterprise Information~~ Technology and the ~~Chief Financial Officer Controller~~, shall develop a program for online procurement of commodities and contractual services. To enable the state to promote open competition and to leverage its buying power, agencies shall participate in the online procurement program, and eligible users may participate in the program. Only vendors prequalified as meeting mandatory requirements and qualifications criteria may participate in online procurement.

(a) The department, in consultation with the agency, may contract for equipment and services necessary to develop and implement online procurement.

(b) The department, in consultation with the agency, shall adopt rules, pursuant to ss. 120.536(1) and 120.54, to administer the program for online procurement. The rules shall include, but not be limited to:

1. Determining the requirements and qualification criteria for pre-qualifying vendors.
2. Establishing the procedures for conducting online procurement.
3. Establishing the criteria for eligible commodities and contractual services.
4. Establishing the procedures for providing access to online procurement.
5. Determining the criteria warranting any exceptions to participation in the online procurement program.

(c) The department may impose and shall collect all fees for the use of the online procurement systems.

1. The fees may be imposed on an individual transaction basis or as a fixed percentage of the cost savings generated. At a minimum, the fees must be set in an amount sufficient to cover the projected costs of the services, including administrative and project service costs in accordance with the policies of the department.

2. If the department contracts with a provider for online procurement, the department, pursuant to appropriation, shall compensate the provider from the fees after the department has satisfied all ongoing costs. The provider shall report transaction data to the department each month so that the department may determine the amount due and payable to the department from each vendor.

3. All fees that are due and payable to the state on a transactional basis or as a fixed percentage of the cost savings generated are subject to s. 215.31 and must be remitted within 40 days after receipt of payment for which the fees are due. For fees that are not remitted within 40 days, the vendor shall pay interest at the rate established under s. 55.03(1) on the unpaid balance from the expiration of the 40-day period until the fees are remitted.

4. All fees and surcharges collected under this paragraph shall be deposited in the Operating Trust Fund as provided by law.

Section 20. Subsection (4) of section 445.011, Florida Statutes, is amended to read:

445.011 Workforce information systems.—

(4) Workforce Florida, Inc., shall coordinate development and implementation of workforce information systems with the executive director of the Agency for ~~State Enterprise Information~~ Technology to ensure compatibility with the state’s information system strategy and enterprise architecture.

Section 21. Subsection (2) and paragraphs (a) and (b) of subsection (4) of section 445.045, Florida Statutes, are amended to read:

445.045 Development of an Internet-based system for information technology industry promotion and workforce recruitment.—

(2) Workforce Florida, Inc., shall coordinate with the Agency for ~~State Enterprise Information~~ Technology and the Department of Economic Opportunity to ensure links, where feasible and appropriate, to existing job information websites maintained by the state and state agencies and to ensure that information technology positions offered by the state and state agencies are posted on the information technology website.

(4)(a) Workforce Florida, Inc., shall coordinate development and maintenance of the website under this section with the executive director of the Agency for ~~State Enterprise Information~~ Technology to ensure compatibility with the state’s information system strategy and enterprise architecture.

(b) Workforce Florida, Inc., may enter into an agreement with the Agency for ~~State Enterprise Information~~ Technology, the Department of Economic Opportunity, or any other public agency with the requisite information technology expertise for the provision of design, operating, or other technological services necessary to develop and maintain the website.

Section 22. Paragraph (b) of subsection (18) of section 668.50, Florida Statutes, is amended to read:

668.50 Uniform Electronic Transaction Act.—

(18) ACCEPTANCE AND DISTRIBUTION OF ELECTRONIC RECORDS BY GOVERNMENTAL AGENCIES.—

(b) To the extent that a governmental agency uses electronic records and electronic signatures under paragraph (a), the Agency for ~~State Enterprise Information~~ Technology, in consultation with the governmental agency, giving due consideration to security, may specify:

1. The manner and format in which the electronic records must be created, generated, sent, communicated, received, and stored and the systems established for those purposes.

2. If electronic records must be signed by electronic means, the type of electronic signature required, the manner and format in which the electronic signature must be affixed to the electronic record, and the identity of, or criteria that must be met by, any third party used by a person filing a document to facilitate the process.

3. Control processes and procedures as appropriate to ensure adequate preservation, disposition, integrity, security, confidentiality, and auditability of electronic records.

4. Any other required attributes for electronic records which are specified for corresponding nonelectronic records or reasonably necessary under the circumstances.

Section 23. This act shall take effect July 1, 2012.

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 technology; abolishing the Agency for Enterprise Information Technology; transferring the personnel, functions, and funds of the Agency for Enterprise Information Technology to the Agency for State Technology; transferring specified personnel, functions, and funds relating to technology programs from the Department of Management Services to the Agency for State Technology; transferring the Northwood Shared Resource Center and the Southwood Shared Resource Center to the agency; repealing s. 14.204, F.S., relating

to the Agency for Enterprise Information Technology; creating s. 20.70, F.S.; creating the Agency for State Technology; providing for an executive director who shall be the state's Chief Information Officer; providing for organization of the agency; providing duties and responsibilities of the agency and of the executive director; requiring certain status reports to the Governor, the Cabinet, and the Legislature; authorizing the agency to adopt rules; reordering and amending s. 282.0041, F.S.; revising and providing definitions of terms as used in the Enterprise Information Technology Services Management Act; amending s. 282.0055, F.S.; revising provisions for assignment of information technology services; directing the agency to create a road map for enterprise information technology service consolidation and a comprehensive transition plan; requiring the transition plan to be submitted to the Governor and Cabinet and the Legislature by a certain date; providing duties for state agencies relating to the transition plan; prohibiting state agencies from certain technology-related activities; providing for exceptions; amending s. 282.0056, F.S.; providing for development by the agency executive director of a biennial State Information Technology Strategic Resources Plan for approval by the Governor and the Cabinet; directing state agencies to submit their own information technology plans and any requested information to the agency; revising provisions for development of work plans and implementation plans; revising provisions for reporting on achievements; amending s. 282.201, F.S.; revising provisions for a state data center system; providing legislative intent; directing the agency to provide recommendations to the Governor and Legislature relating to changes to the schedule for the consolidations of state agency data centers; providing duties of a state agency consolidating a data center into a primary data center; revising the scheduled consolidation dates for state agency data centers; amending s. 282.203, F.S.; revising duties of primary data centers; removing provisions for boards of trustees to head primary data centers; requiring a memorandum of understanding between the primary data center and the participating state agency; limiting the term of the memorandum; providing for failure to enter into a memorandum; repealing s. 282.204, F.S., relating to Northwood Shared Resource Center; repealing s. 282.205, F.S., relating to Southwood Shared Resource Center; creating s. 282.206, F.S.; establishing the Fletcher Shared Resource Center within the Department of Financial Services to provide enterprise information technology services; directing the center to collaborate with the agency; directing the center to provide collocation services to the Department of Legal Affairs, the Department of Agriculture and Consumer Services, and the Department of Financial Services; directing the Department of Financial Services to continue to use the center and provide service to the Office of Financial Regulation and the Office of Insurance Regulation and host the Legislative Appropriations System/Planning and Budgeting Subsystem; providing for governance of the center; providing for a steering committee to ensure adequacy and appropriateness of services; directing the Department of Legal Affairs and the Department of Agriculture and Consumer Services to move data center equipment to the center by certain dates; repealing s. 282.33, F.S., relating to objective standards for data center energy efficiency; amending s. 282.34, F.S.; revising provisions for a statewide e-mail service to meet the needs of executive branch agencies; requiring state agencies to receive e-mail services through the agency; authorizing the Department of Agriculture and Consumer Services, the Department of Financial Services, the Office of Financial Regulation, and the Office of Insurance Regulation to receive e-mail services from the Fletcher Shared Resource Center or the agency; amending s. 282.702, F.S.; directing the agency to develop a plan for statewide voice-over-Internet protocol services; requiring certain content in the plan; requiring the plan to be submitted to the Governor, the Cabinet, and the Legislature by a certain date; amending s. 364.0135, F.S.; providing for the agency's role in the promotion of broadband Internet service; providing an additional duty; amending ss. 20.22, 110.205, 215.22, 215.322, 216.292, 282.318, 282.604, 282.703, 282.704, 282.705, 282.706, 282.707, 282.709, 282.7101, 282.711, 287.012, 287.057, 318.18, 320.0802, 328.72, 365.171, 365.172, 365.173, 365.174, 401.013, 401.015, 401.018, 401.021, 401.024, 401.027, 401.465, 445.011, 445.045, and 668.50, F.S., relating to a financial and cash management system task force, career service exemptions, trust funds, payment cards and electronic funds transfers, the Communications Working Capital Trust Fund, the Enterprise Information Technology Services Management Act, adoption of rules, the Communication Information Technology Services Act, procurement of commodities and contractual services, the Florida Uniform Disposition of Traffic Infractions Act, surcharge on vehicle license tax, vessel registration, broadband Internet service, the emergency communications number E911, regional emergency medical telecommunications, the Workforce Innovation Act of 2000, and the Uniform Electronic Trans-

action Act; conforming provisions and cross-references to changes made by the act; revising and deleting obsolete provisions; providing an effective date.

On motions by Senator Hays, by two-thirds vote **CS for HB 5509** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Altman

Vote Preference:

February 24, 2012: Yea—Montford

MOTIONS

On motion by Senator Hays, the Senate having refused to pass **CS for HB 843, HB 5501, HB 5503, HB 5511, HB 5507, and CS for HB 5509** as passed by the House, acceded to the request for a conference committee.

SB 1986—A bill to be entitled An act relating to water management districts; amending s. 373.503, F.S.; revising the maximum millage rates that may be levied by each water management district for district and basin purposes; specifying the district and basin purposes; specifying the maximum millage rate levied for district and basin purposes used to fund the core areas of water supply and water resource development projects, water quality, flood protection and floodplain management, and natural systems; directing the Legislature to annually review each water management district's preliminary budget and set a maximum millage rate for certain purposes; specifying the use of the revenues; revising the review process for budgets of the water management districts; prohibiting a district from including in its budget or expending funds from any source for certain programs and activities during the next fiscal year under certain circumstances; removing a provision requiring that the maximum property tax revenue for water management districts revert to the amount authorized for the prior year if the Legislature does not set the amount; removing the maximum revenues for the 2011-2012 fiscal year; creating s. 373.535, F.S.; providing for the process, manner, and timing by which water management districts must submit a preliminary budget request to the Legislature and the Governor; requiring the Executive Office of the Governor and the appropriations committees of the Legislature to jointly develop preliminary budget instructions from which each water management district shall prepare the budget requests; providing criteria for the budget instructions; prescribing information that the preliminary budget must contain; requiring the Executive Office of the Governor to analyze each preliminary budget as to the adequacy of fiscal resources and certain expenditures; requiring the Executive Office of the Governor to provide to the Legislature by a certain time each water management district's preliminary budget, together with the adequacy analysis; requiring that the Legislature annually review and approve, limit, or disapprove specified portions of the preliminary budget for each water management district; requiring that the Legislature, in appropriating funds for water management districts, authorize a level of expenditure for each approved program and activity;

prohibiting a water management district from expending any funds on a program or activity not authorized by the Legislature; authorizing the Legislature to review and take action on other provisions of the preliminary budget of each water management district; providing that if the Legislature does not take action under certain circumstances, provisions of the preliminary budget are deemed approved; providing criteria; requiring that the first funding obligation of a water management district is payment of debt service for bonds and certificates of participation, if applicable; requiring a water management district to receive prior approval from the Legislature before incurring additional bonded indebtedness; providing that the preliminary budget reviewed by the Legislature is the basis for developing the tentative budget of each water management district; limiting the authority of a district to fund proposed expenditures reviewed by the Legislature to the amount authorized by the Legislature, the Governor, or the Legislative Budget Commission; amending s. 373.536, F.S.; requiring that budget amendments greater than a certain amount be reviewed and approved by the Executive Office of the Governor and that the Executive Office of the Governor notify the Legislative Budget Commission of the approval; requiring that a water management district provide a description of the budget control mechanisms to the Executive Office of the Governor for approval; providing that, upon providing notice to the Legislative Budget Commission and subject to prior review and approval by the Executive Office of the Governor, a water management district may amend unanticipated funds into its final budget; requiring the Executive Office of the Governor and the Legislative Budget Commission to be notified if the governing board of a water management district expends available funds for a disaster or emergency; requiring that a water management district provide a monthly financial statement to its governing board and make such monthly financial statement available for public access on its website; removing obsolete provisions relating to review and approval by the Executive Office of the Governor and the Legislative Budget Commission of the tentative budget of a water management district; providing for the approval or disapproval of the tentative budget by the Executive Office of the Governor; providing criteria for the Legislative Budget Commission to use in disapproving the tentative budget of a water management district; prohibiting a water management district from acting on a rejected provision without the approval of the Executive Office of the Governor or the Legislative Budget Commission; providing for the Chief Financial Officer to withhold state funds from a district that fails to obtain prior approval; requiring that the tentative budget be based on certain criteria; requiring the Executive Office of the Governor to consult with the Legislature to develop a standard format for the tentative budget; revising the information required for the tentative budget; revising the information required for the 5-year water resource development work program; amending s. 373.605, F.S.; authorizing the governing board of a water management district to provide group insurance for its employees and the employees of another water management district in the same manner and with the same provisions and limitations as authorized for other public employees by certain laws; providing an effective date.

—was read the second time by title.

Senator Hays moved the following amendment which was adopted:

Amendment 1 (203308) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (4) of section 373.503, Florida Statutes, is amended to read:

373.503 Manner of taxation.—

(4)(a) To ensure that taxes authorized by this chapter continue to be in proportion to the benefits derived by the parcels of real estate within the districts, the Legislature shall annually review the preliminary budget for each district for the next fiscal year as provided in s. 373.535 and the authorized millage rate for each district. Based upon the this review, the Legislature may shall set the authorized maximum millage rate or the maximum amount of property tax revenue to be raised by each district in the next fiscal year from the taxes levied. Except as provided in paragraph (b), if the annual maximum amount of property tax revenue is not set by the Legislature on or before July 1 of each year, the maximum property tax revenue that may be raised reverts to the amount authorized in the prior year.

(b) For the 2011-2012 fiscal year, the total ad valorem taxes levied may not exceed \$3,946,969 for the Northwest Florida Water Management District, \$5,412,674 for the Suwannee River Water Management District, \$85,335,619 for the St. Johns Water Management District, \$107,766,957 for the Southwest Florida Water Management District, and \$284,901,967 for the South Florida Water Management District.

Section 2. Section 373.535, Florida Statutes, is created to read:

373.535 Preliminary district budgets.—

(1) BUDGET DEVELOPMENT.—

(a) By January 15 of each year, the Executive Office of the Governor shall submit a preliminary budget for each water management district for the next fiscal year for legislative review to the President of the Senate, the Speaker of the House of Representatives, and the chairs of all legislative committees and subcommittees having substantive or fiscal jurisdiction over water management districts, as determined by the President of the Senate or the Speaker of the House of Representatives, as applicable, in the form and manner prescribed in s. 373.536(5)(d). Each preliminary budget must also include:

1. A section that clearly identifies and provides justification for each proposed expenditure listed in s. 373.536(5)(d)4.e.-f. and identifies the source of funds for each proposed expenditure.

2. A section identifying the justification for proposed expenditures by core mission area of responsibility and the source of funds needed for activities related to water supply, including alternative water supply and water resource development projects identified in the district's regional water supply plans, water quality, flood protection and floodplain management, and natural systems.

3. A section reviewing the adopted and proposed budget allocations by program area and the performance metrics for the prior year.

4. An analysis of each preliminary budget to determine the adequacy of fiscal resources available to the district and the adequacy of proposed district expenditures related to the core mission areas of responsibility for water supply, including alternative water supply and water resource development projects identified in the district's regional water supply plans, water quality, flood protection and floodplain management, and natural systems. The analysis must be based on the particular needs within each district for core mission areas of responsibility. The water supply analysis must specifically include a determination of the adequacy of each district's fiscal resources provided in the district's preliminary budget to achieve appropriate progress toward meeting the districtwide 20-year projected water supply demands, including funding for alternative water supply development and conservation projects.

(b) By February 15 of each year, the President of the Senate and the Speaker of the House of Representatives may submit any comments regarding the preliminary budget to the districts, and provide a copy of the comments to the Executive Office of the Governor. Each district shall respond to such comments in writing by the following March 1 to the President of the Senate, the Speaker of the House of Representatives, and the Executive Office of the Governor.

(2) LEGISLATIVE REVIEW AND APPROVAL.—

(a) The Legislature shall annually review each portion of the preliminary budget for each district for those items listed in s. 373.536(5)(d) 4.e.-f. specific to outreach, management, and administration program areas. After such review, the Legislature may set a maximum amount of property tax revenue that may be raised or the maximum millage rate that may be levied to fund these program areas. The revenue limit or millage rate authorized for these program areas may not exceed 20 percent of a district's total preliminary budget. If the Legislature does not take any action to set a maximum amount of property tax revenue that may be raised or set a maximum millage rate that may be levied, the preliminary budget is deemed approved.

(b) If applicable, the preliminary budget for each district must specify that the district's first obligation for payment is the debt service on bonds and certificates of participation.

(c) The Legislature may also review any other portion of each district's preliminary budget. If the Legislature does not take any action pursuant

to this review, those other portions of the preliminary budget are deemed approved.

(3) **FUNDING AUTHORITY GRANTED.—**

(a) Each district shall use the preliminary budget as reviewed, and as may be amended, by the Legislature pursuant to this section and s. 373.503 as the basis for developing the tentative budget for the next fiscal year as provided in s. 373.536(5).

(b) The Legislature's action or approval pursuant to subsection (2) or the action by the Governor or Legislative Budget Commission pursuant to s. 373.536(4) and (5) constitutes the only authority for a district to fund proposed expenditures for the next fiscal year. A district may not include in its tentative budget or expend any funds from any source for its programs and activities during the next fiscal year without such authorization.

Section 3. Subsections (4), (5), and (6) of section 373.536, Florida Statutes, are amended to read:

373.536 District budget and hearing thereon.—

(4) **BUDGET CONTROLS; FINANCIAL INFORMATION.—**

(a) The final adopted budget for the district ~~is will thereupon be~~ the operating and fiscal guide for the district for the ensuing year; however, transfers of funds may be made within the budget by action of the governing board at a public meeting of the governing board. ~~Budget amendments greater than \$1 million must be reviewed and approved by the Executive Office of the Governor. The office shall provide notice of approval to the Legislative Budget Commission.~~

(b) The district shall control its budget, at a minimum, by funds and shall ~~submit~~ ~~provide~~ to the Executive Office of the Governor a description of its budget control mechanisms ~~for approval~~.

(c) ~~If Should~~ the district receives ~~receive~~ unanticipated funds after the adoption of the final budget, the final budget may be amended, following review and approval by the Executive Office of the Governor, by including such funds, ~~if so long as~~ notice of intention to amend is provided to the Legislative Budget Commission and is published in the Notice of the governing board meeting at which the amendment will be considered, pursuant to s. 120.525. The notice ~~must shall~~ set forth a summary of the proposed amendment.

(d) ~~However,~~ In the event of a disaster or of an emergency arising to prevent or avert the same, the governing board ~~is shall not be~~ limited by the budget but ~~may expend shall have authority to apply such funds as~~ ~~may be~~ available for the disaster or emergency ~~therefor~~ or as may be procured for such purpose. In such an event, the governing board shall notify the Executive Office of the Governor and the Legislative Budget Commission as soon as practical, but within 30 days after the governing board's action.

~~(e)(d)~~ By September 1, 2012 ~~2011~~, each ~~water management~~ district shall provide a monthly financial statement in the form and manner prescribed by the Department of Financial Services to the district's ~~its~~ governing board and make such monthly financial statement available for public access on its website.

(5) **TENTATIVE BUDGET CONTENTS AND SUBMISSION; REVIEW AND APPROVAL.—**

(a) The Executive Office of the Governor ~~may approve or and the Legislative Budget Commission are authorized to~~ disapprove, in whole or in part, the budget of each ~~water management~~ district. ~~The Executive Office of the Governor shall analyze each budget as to the adequacy of fiscal resources available to the district and the adequacy of district expenditures related to water supply, including water resource development projects identified in the district's regional water supply plans; water quality; flood protection and floodplain management; and natural systems. This analysis shall be based on the particular needs within each water management district in those four areas of responsibility and shall be provided to the Legislative Budget Commission.~~

(b) The Executive Office of the Governor, the Legislative Budget Commission, and the ~~water management~~ districts shall develop a process to facilitate review and communication regarding the tentative

budgets of districts ~~water management district budgets~~, as necessary. If the commission determines that a district's tentative budget has been significantly modified from a preliminary budget reviewed by the Legislature pursuant to s. 373.535, the commission may review, and may disapprove, any part of the tentative budget. Unless otherwise authorized by the Legislature in the preliminary budget review conducted pursuant to s. 373.535, a district budget proposal that includes any of the following requires prior approval by the commission:

1. Except for land exchanges, any single purchase of land in excess of \$10 million.
2. Any cumulative purchase of land during a single fiscal year in excess of \$50 million.
3. Any issuance of debt on or after July 1, 2012.
4. Program expenditures as described in sub-subparagraphs (d)4.e.-f. in excess of 20 percent of a district's total annual budget.

Written disapproval of any provision in the tentative budget must be received by the district at least 5 business days before ~~prior to~~ the final district budget adoption hearing conducted under s. 200.065(2)(d). If written disapproval of any portion of the budget is not received at least 5 business days before ~~prior to~~ the final budget adoption hearing, the governing board may proceed with final adoption. Any provision rejected by the Executive Office of the Governor or the Legislative Budget Commission ~~may shall~~ not be included in a district's final budget and may not be acted upon through any other means without the prior approval of the entity rejecting the provision. Upon the written request of the Governor or the commission, the Chief Financial Officer shall withhold state funds from a district that fails to comply with these requirements.

(c) Each ~~water management~~ district shall, by August 1 of each year, submit for review a tentative budget to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Legislative Budget Commission, the secretary of the department, and the governing body of each county in which the district has jurisdiction or derives any funds for the operations of the district. The tentative budget must be posted on the ~~water management~~ district's official website at least 2 days before budget hearings held pursuant to s. 200.065 or other law.

(d) The tentative budget ~~must be based on the preliminary budget as reviewed, and as may be amended, by the Legislature pursuant to ss. 373.503 and 373.535, and must set forth the proposed expenditures of the district, to which may be added an amount to be held as reserve. The tentative budget must include, but is not limited to, the following information for the preceding fiscal year and the current fiscal year, and the proposed amounts for the upcoming fiscal year, in a standard format prescribed by the Executive Office of the Governor, in consultation with the Legislature:~~

1. The estimated amount of funds remaining at the beginning of the fiscal year which have been obligated for the payment of outstanding commitments not yet completed.
2. The estimated amount of unobligated funds or net cash balance on hand at the beginning of the fiscal year, an accounting of the source, balance, and projected future use of the unobligated funds, and the estimated amount of funds to be raised by district taxes or received from other sources to meet the requirements of the district.
3. The millage rates and the percentage increase above the rolled-back rate, together with a summary of the reasons the increase is required, and the percentage increase in taxable value resulting from new construction within the district.
4. The salaries and benefits, expenses, operating capital outlay, number of authorized positions, and other personal services for the following program areas of the district:
 - a. Water resource planning and monitoring;
 - b. Land acquisition, restoration, and public works;
 - c. Operation and maintenance of works and lands;
 - d. Regulation;

e. Outreach for which the information provided must contain a full description and accounting of expenditures for water resources education; public information and public relations, including public service announcements and advertising in any media; and lobbying activities related to local, regional, state and federal governmental affairs, whether incurred by district staff or through contractual services; and

f. Management and administration.

In addition to the program areas reported by all water management districts, the South Florida Water Management District shall include in its budget document separate sections on all costs associated with the Everglades Construction Project and the Comprehensive Everglades Restoration Plan.

5. The total estimated amount in the district budget for each area of responsibility listed in subparagraph 4. and for water resource, *water supply, and alternative water supply* development projects identified in the district's regional water supply plans.

6. A description of each new, expanded, reduced, or eliminated program.

7. The funding sources, including, but not limited to, ad valorem taxes, Surface Water Improvement and Management Program funds, other state funds, federal funds, and user fees and permit fees for each program area.

~~(c) The Executive Office of the Governor shall annually, on or before December 15, file with the Legislature a report that summarizes its review of the water management districts' tentative budgets and displays the adopted budget allocations by program area. The report must identify the districts that are not in compliance with the reporting requirements of this section. State funds shall be withheld from a water management district that fails to comply with these reporting requirements.~~

(6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN; WATER RESOURCE DEVELOPMENT WORK PROGRAM.—

(a) Each district must, by the date specified for each item, furnish copies of the following documents to the Governor, the President of the Senate, the Speaker of the House of Representatives, the chairs of all legislative committees and subcommittees having substantive or fiscal jurisdiction over the districts, as determined by the President of the Senate or the Speaker of the House of Representatives as applicable, the secretary of the department, and the governing board of each county in which the district has jurisdiction or derives any funds for the operations of the district:

1. The adopted budget, to be furnished within 10 days after its adoption.

2. A financial audit of its accounts and records, to be furnished within 10 days after its acceptance by the governing board. The audit must be conducted in accordance with ~~the provisions of~~ s. 11.45 and the rules adopted thereunder. In addition to the entities named above, the district must provide a copy of the audit to the Auditor General within 10 days after its acceptance by the governing board.

3. A 5-year capital improvements plan, to be included in the consolidated annual report required by s. 373.036(7). The plan must include expected sources of revenue for planned improvements and must be prepared in a manner comparable to the fixed capital outlay format set forth in s. 216.043.

4. A 5-year water resource development work program to be furnished within 30 days after the adoption of the final budget. The program must describe the district's implementation strategy *and funding plan* for the water resource, *water supply, and alternative water supply* development ~~components~~ *component* of each approved regional water supply plan developed or revised under s. 373.709. The work program must address all the elements of the water resource, *water supply, and alternative water supply* development ~~components~~ *component* in the district's approved regional water supply plans and must identify ~~which~~ projects in the work program *which* will provide water; explain how each water resource, *water supply, and alternative water supply* development project will produce additional water available for consumptive

uses; estimate the quantity of water to be produced by each project; and provide an assessment of the contribution of the district's regional water supply plans in providing sufficient water *needed to timely* meet the water supply needs of existing and future reasonable-beneficial uses for a 1-in-10-year drought event.

(b) Within 30 days after its submittal, the department shall review the proposed work program and submit its findings, questions, and comments to the district. The review must include a written evaluation of the program's consistency with the furtherance of the district's approved regional water supply plans, and the adequacy of proposed expenditures. As part of the review, the department shall give interested parties the opportunity to provide written comments on each district's proposed work program. Within 45 days after receipt of the department's evaluation, the governing board shall state in writing to the department *which of the* changes recommended in the evaluation it will incorporate into its work program submitted as part of the March 1 consolidated annual report required by s. 373.036(7) or specify the reasons for not incorporating the changes. The department shall include the district's responses in a final evaluation report and ~~shall~~ submit a copy of the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

~~(c)(b)~~ If any entity listed in paragraph (a) provides written comments to the district regarding any document furnished under this subsection, the district must respond to the comments in writing and furnish copies of the comments and written responses to the other entities.

~~(d)(e)~~ The final adopted budget must be posted on the water management district's official website within 30 days after adoption.

Section 4. Section 373.605, Florida Statutes, is amended to read:

373.605 Group insurance for water management districts.—

~~(1) The governing board of a any water management district may is hereby authorized and empowered to provide group insurance for its employees, or its employees and the employees of another water management district, in the same manner and with the same provisions and limitations authorized for other public employees under by ss. 112.08, 112.09, 112.10, 112.11, and 112.14.~~

~~(2) Any and all insurance agreements in effect as of October 1, 1974, which conform to the provisions of this section are hereby ratified.~~

Section 5. This act shall take effect July 1, 2012.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to water management districts; amending s. 373.503, F.S.; authorizing the Legislature to set the maximum millage rate for each district; removing a provision requiring that the maximum property tax revenue for water management districts revert to the amount authorized for the prior year if the Legislature does not set the amount; removing the maximum revenues for the 2011-2012 fiscal year; creating s. 373.535, F.S.; requiring the Executive Office of the Governor to annually submit a preliminary budget for each water management district to the Legislature for review; providing criteria for legislative review; authorizing the Legislature to set the maximum amount of property tax revenue that may be raised or the maximum millage rate that may be levied to fund specified program areas; providing that the preliminary budget reviewed by the Legislature is the basis for developing each district's tentative budget for the next fiscal year; providing limitations on the authority of a district to fund proposed expenditures for the next fiscal year; amending s. 373.536, F.S.; requiring that budget amendments greater than a certain amount be reviewed and approved by the Executive Office of the Governor, which must notify the Legislative Budget Commission of such approval; requiring a district to provide a description of the budget control mechanisms to the Executive Office of the Governor for approval; providing that, upon providing notice to the Legislative Budget Commission, a water management district may amend unanticipated funds into its final budget; requiring the Executive Office of the Governor and the Legislative Budget Commission to be notified if a district governing board expends funds for a disaster or emergency; delaying the date that a district must begin providing a monthly financial statement to its governing board; removing obsolete provisions relating to review and approval of the tentative budget of a

water management district; providing criteria for the Legislative Budget Commission to use in approving the tentative budget of a district; directing the Chief Financial Officer to withhold state funds from a district that includes disapproved provisions in its tentative budget; revising components to be included in a district's tentative budget; deleting the requirement that the Executive Office of the Governor annually file a report that summarizes its review of the water management districts' tentative budgets and submit the report with the Legislature; amending s. 373.605, F.S.; authorizing the governing board of a water management district to provide group insurance for its employees and the employees of another water management district; providing an effective date.

On motions by Senator Hays, by two-thirds vote **SB 1986** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—32

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

Nays—7

Braynon	Joyner	Sobel
Dockery	Rich	
Flores	Smith	

Vote Preference:

February 24, 2012: Nay—Montford

MOTIONS

On motion by Senator Hays, the House was requested to pass **SB 1986** as passed by the Senate; or agree to include this bill in the budget conference.

SB 1996—A bill to be entitled An act relating to the Department of Economic Opportunity; repealing s. 49 of ch. 2011-47, Laws of Florida; abrogating the future expiration of an amendment to s. 163.3247(3)(d), F.S., to nullify the reversion of the text of that paragraph to that in existence on June 30, 2010; repealing s. 51 of ch. 2011-47, Laws of Florida; abrogating the future expiration of an amendment to s. 201.15(1)(c)2., F.S., to nullify the reversion of the text of that subparagraph to that in existence on June 30, 2010; amending s. 420.0005, F.S.; providing for the deposit of loan repayments, penalties, and other fees and charges into the State Housing Trust Fund in the State Treasury; providing that expenditures from the State Housing Fund for administrative and personnel costs are subject to appropriation by the Legislature; requiring that the interest received on investments of moneys in the State Housing Fund in excess of the amounts appropriated for the current fiscal year be credited to the State Housing Trust Fund; prohibiting funds received by the Florida Housing Finance Corporation from the United States Treasury or any other source for the Hardest-Hit Fund program from being deposited into the State Treasury; providing that such funds are not subject to appropriation by the Legislature; amending s. 420.504, F.S.; creating the Florida Housing Finance Agency within the Department of Economic Opportunity as a state agency and instrumentality; revising provisions to conform to changes made by the act; amending s. 420.507, F.S.; revising the powers of the Florida Housing Finance Corporation; providing for certain moneys to be deposited into the State Housing Trust Fund or the Federal Grants Trust Fund, as appropriate; requiring that the corporation expend funds from the Federal Grants Trust Fund as appropriated by the Legislature; deleting provisions that exempt the corporation from certain state budgetary requirements; deleting a provision that authorizes

the corporation to retain unused operational expenditures; amending s. 420.508, F.S.; providing for the deposit of certain moneys into the State Housing Trust Fund or the Federal Grants Trust Fund, as appropriate; requiring that expenditures from the Florida Housing Finance Corporation Fund be included in the corporation's budget request and be subject to appropriation by the Legislature; amending s. 420.5087, F.S.; revising provisions relating to the State Apartment Incentive Loan Program; conforming a cross-reference; deleting an obsolete provision; requiring that loan repayments and certain proceeds be accounted for by the corporation and be deposited into the State Housing Trust Fund; deleting a provision that prohibits loan repayments and certain proceeds from reverting to the General Revenue Fund; requiring that expenditures from the State Apartment Incentive Loan Fund be included in the corporation's budget request and be subject to appropriation by the Legislature; authorizing the use of certain funds for construction in fiscal years subsequent to the fiscal years for which the funds were appropriated, upon approval by the Legislative Budget Commission; requiring that the corporation account for certain funds and deposit them into the State Housing Trust Fund; prohibiting the corporation from transferring funds for its loan loss insurance reserve except upon approval of a budget amendment by the Legislative Budget Commission; amending s. 420.5088, F.S.; revising provisions relating to the Florida Homeownership Assistance Program; deleting an obsolete provision; requiring that the corporation account for certain moneys deposited into the State Housing Trust Fund; requiring that expenditures from the Florida Homeownership Assistance Fund be included in the corporation's budget request and be subject to appropriation by the Legislature; amending s. 420.5089, F.S.; revising provisions relating to the HOME Investment Partnership Program; deleting an obsolete provision; requiring that the corporation account for certain moneys deposited into the State Housing Trust Fund; authorizing the corporation to use certain funds for construction in fiscal years subsequent to the fiscal years for which the funds were appropriated, upon the approval of a budget amendment by the Legislative Budget Commission; providing for certain funds to be deposited into the State Housing Trust Fund; amending s. 420.5091, F.S.; revising provisions relating to the HOPE Program; providing for the deposit of certain funds into the State Housing Trust Fund; amending s. 420.5092, F.S.; revising provisions relating to the Florida Affordable Housing Guarantee Program; authorizing the use of certain funds to support the Florida Affordable Housing Guarantee Program; prohibiting the corporation from issuing new guarantees for the payment of any affordable housing project, beginning July 1, 2012; requiring that all guarantee fund earnings, recoveries, and other funds received in conjunction with the guarantee fund be deposited into the guarantee fund; providing that such funds are not subject to appropriation by the Legislature; amending s. 420.525, F.S.; revising provisions relating to the Housing Predevelopment Fund; deleting an obsolete provision; requiring that expenditures from the Housing Predevelopment Fund be included in the corporation's budget request and be subject to appropriation by the Legislature; authorizing the use certain funds for predevelopment activities in fiscal years subsequent to the fiscal years for which the funds were appropriated, upon approval of a budget amendment by the Legislative Budget Commission; requiring that the corporation account for certain moneys to be deposited into the State Housing Trust Fund; deleting a provision that prohibits certain funds, loan repayments, proceeds from reverting to the General Revenue Fund; amending ss. 420.526 and 420.529, F.S.; requiring that the corporation account for certain moneys to be repaid to or deposited into the State Housing Trust Fund; amending s. 420.9079, F.S.; providing for the deposit of certain moneys into the Local Government Housing Trust Fund; requiring that the interest on invested funds be credited to the Local Government Housing Trust Fund; amending s. 443.036, F.S.; revising the definition of the term "initial skills review" to correct a reference to the agency that approves online education or training programs as the Department of Economic Opportunity rather than the Agency for Workforce Innovation; amending s. 445.009, F.S.; deleting the future expiration of provisions authorizing worker's compensation coverage for a participant in an adult or youth work experience activity; repealing s. 445.06, F.S., relating to the Florida Ready to Work Certification Program; amending s. 1003.4285, F.S.; deleting a provision that requires a standard high school diploma to include a designation reflecting a Florida Ready to Work Credential, to conform to changes made by the act; directing the Department of Economic Opportunity to prepare draft legislation to conform the Florida Statutes to the provisions of the act; requiring that the department submit the draft legislation to the Governor and the Legislature by a specified date; amending s. 212.20, F.S.; requiring that the Department of Revenue distribute monthly to

the Florida Institute of Technology a specified amount for the purpose of operating a space exploration research institute; requiring that the Florida Institute of Technology develop a plan for the space exploration research institute in conjunction with Space Florida; authorizing a local governmental entity that is an independent special district providing certain utility services to reduce its rates by resolution for a specified time for a user that will provide a community benefit; providing that the governmental entity may purchase fuel under the same conditions enjoyed by municipalities and counties; providing effective dates.

—was read the second time by title.

SENATOR SIMMONS PRESIDING

Senator Gibson moved the following amendment:

Amendment 1 (714432) (with title amendment)—Delete lines 165-697.

And the title is amended as follows:

Delete lines 12-123 and insert: amending s.

Senators Benacquisto and Gibson offered the following substitute amendment which was moved by Senator Benacquisto and adopted:

Amendment 2 (474518) (with title amendment)—Delete lines 165-697 and insert:

Section 3. The Auditor General and the Office of Program Policy Analysis and Governmental Accountability shall conduct a joint audit and review of the programs and operations of the Florida Housing Finance Corporation, and shall jointly develop a work plan for such audit and review to be submitted to the President of the Senate and the Speaker of the House of Representatives no later than July 1, 2012. The audit and review shall encompass, at a minimum, a review of the corporation's assets, liabilities, income, and operating expenses, the internal management, financial and operational controls employed, the programmatic decision-making processes used, the governance, direction and oversight provided by the Florida Housing Finance Corporation Board of Directors, and the performance outcomes of the programs administered by the Florida Housing Finance Corporation. The audit and review shall also include formulation of recommendations to the Legislature for changes to the structure, governance and operational processes of the Florida Housing Finance Corporation. Unless otherwise directed in writing jointly by the President of the Senate and the Speaker of the House of Representatives, a written report on the audit and review shall be submitted to the President of the Senate and the Speaker of the House of Representatives no later than December 1, 2012. This section shall be effective upon this act becoming law.

(and renumber subsequent sections)

And the title is amended as follows:

Delete lines 12-123 and insert: requiring the Auditor General and the Office of Program Policy Analysis and Governmental Accountability to conduct a joint audit and review of the Florida Housing Finance Corporation; amending s.

Senator Gaetz moved the following amendment which was adopted:

Amendment 3 (488314) (with title amendment)—Delete lines 865-869 and insert: *the period of time that the reduction remains in place.*

And the title is amended as follows:

Delete lines 154-156 and insert: provide a community benefit;

On motions by Senator Benacquisto, by two-thirds vote **SB 1996** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—39

Mr. President
Alexander

Altman
Benacquisto

Bennett
Bogdanoff

Braynon
Bullard
Dean
Detert
Diaz de la Portilla
Dockery
Evers
Fasano
Flores
Gaetz
Garcia

Gardiner
Gibson
Hays
Jones
Joyner
Latvala
Lynn
Margolis
Negron
Norman
Oelrich

Rich
Richter
Ring
Sachs
Simmons
Siplin
Smith
Sobel
Storms
Thrasher
Wise

Nays—None

Vote Preference:

February 24, 2012: Yea—Montford

SB 1998—A bill to be entitled An act relating to transportation; transferring control of the Mid-Bay Bridge Authority system to the Florida Turnpike Enterprise; transferring all assets, rights, powers, duties, and bond liabilities of the authority to the turnpike enterprise; transferring all provisions that protect the rights of certain bondholders from the authority to the turnpike enterprise; providing for the turnpike enterprise to annually transfer funds from the activities of the transferred authority to the State Transportation Trust Fund to repay certain long-term debt; requiring that specific toll revenue be used for the construction, maintenance, or improvement of certain toll facilities of the turnpike enterprise; repealing s. 288.063, F.S., relating to contract requirements for transportation projects; amending s. 288.0656, F.S.; conforming a cross-reference; amending ss. 316.3025 and 316.545, F.S.; providing for the proceeds of certain penalties to be deposited into the Highway Safety Operating Trust Fund rather than the State Transportation Trust Fund and for such funds to be used for the general operations of the Department of Highway Safety and Motor Vehicles rather than for repairing and maintaining roads in the state; amending s. 319.32, F.S.; increasing the amount of the fees deposited into the State Transportation Trust Fund from original and duplicate certificates of title issued for motor vehicles; amending s. 320.072, F.S.; requiring that all fees collected from certain motor vehicle registrations, rather than a portion of such fees, be deposited into the General Revenue Fund; amending s. 320.08, F.S.; deleting provisions requiring that certain amounts collected from annual license taxes for the operation of motor vehicles, mopeds, motorized bicycles, tri-vehicles, and mobile homes, which are paid to and collected by the Department of Highway Safety and Motor Vehicles, be deposited into the General Revenue Fund; amending ss. 320.0801 and 320.0804, F.S.; requiring that all revenues collected from the surcharge on certain commercial motor vehicles and the surcharge on certain license taxes be deposited into the State Transportation Trust Fund and eliminating the requirement that a portion of such revenues be deposited into the General Revenue Fund; specifying the allocation and purposes of funds that result from increased moneys deposited into the State Transportation Trust Fund; repealing s. 320.204, F.S., relating to the transfer of funds from the Highway Safety Operating Trust Fund to the Transportation Disadvantaged Trust Fund; amending s. 334.30, F.S., relating to public-private transportation facilities; deleting obsolete provisions relating to the Toll Facilities Revolving Trust Fund; amending s. 338.165, F.S.; authorizing the Department of Transportation to transfer the Beachline-East Expressway to the turnpike system; providing for the deposit of any funds expended by the Florida Turnpike Enterprise for the acquisition of the Beachline-East Expressway into the State Transportation Trust Fund for allocation to construct the Wekiva Parkway; defining the term "Wekiva Parkway"; amending s. 338.2275, F.S.; prohibiting the Department of Transportation from issuing bonds to fund its obligation to construct Wekiva Parkway; defining the term "Wekiva Parkway"; amending s. 338.250, F.S.; exempting the Wekiva Parkway and related transportation facilities from the mitigation requirements for the Central Florida Beltway; defining the term "Wekiva Parkway"; repealing s. 338.251, F.S., relating to the Toll Facilities Revolving Trust Fund; amending s. 339.08, F.S.; conforming a cross-reference; creating s. 339.139, F.S.; declaring that management of transportation infrastructure financing to ensure the fiscal integrity of the State Transportation Trust Fund is state policy; requiring that the department provide a debt and debtlike contractual obligations load report to the Executive

Office of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the legislative appropriations committees; requiring that the lead report provide certain data; requiring that the department manage levels of debt to ensure that no more than a certain percentage of revenues is committed; providing exceptions that allow the limitation to be exceeded; requiring that the department prepare a report on debt obligations that are secured by and payable from pledged revenues; requiring that the department provide the report to the Executive Office of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the legislative appropriations committees; creating s. 339.2821, F.S.; authorizing the Department of Transportation, in consultation with the Department of Economic Opportunity, to make and approve expenditures and enter into contracts with an appropriate governmental body for the direct costs of transportation projects; providing definitions; authorizing the Department of Economic Opportunity and the Department of Environmental Protection to review and comment on recommended transportation projects; providing criteria that the Department of Transportation must follow when reviewing a contract for approval; providing criteria for the transportation contract with a governmental body; providing that Space Florida may serve as a governmental body or as a contracting agency for transportation projects within spaceport territory; requiring each governmental body to submit a financial audit by an independent certified public accountant to the department; requiring that the department monitor each construction site receiving funding; creating s. 339.2825, F.S.; requiring the Department of Transportation to submit a summary of proposed public-private transportation projects to the Executive Office of the Governor, each legislative appropriations committee, the President of the Senate, and the Speaker of the House of Representatives; providing criteria for the summary; providing for the department to proceed with a project upon approved by the Governor; prohibiting the Governor from approving a transportation project if a legislative appropriations committee, the President of the Senate, or the Speaker of the House of Representatives objects within a certain period after receipt of the summary; providing for receipt by the department of an unsolicited proposal for certain transportation projects; exempting a public-private partnership agreement involving the lease of a toll facility from the requirements of the approval process; amending s. 348.0004, F.S.; removing provisions qualifying funding received by an authority from a portion of the county gasoline tax funds; amending s. 348.0005, F.S.; providing criteria under which bonds may be issued; providing an exception to the application of certain bond requirements; creating s. 348.0013, F.S., relating to expressway authorities created on or after a specified date; providing that the department is the agent for the purpose of performing all phases of constructing improvements to and extensions of an expressway system; requiring that the Division of Bond Finance and the authority provide certain construction documents to the department; providing for payment and the use of funds for the construction; authorizing the authority to appoint an agent under certain conditions to perform all phases of the project; requiring that an authority identify an expressway project in the authority's work plan and submit the work plan along with its budget; requiring that the work plan include certain information; requiring legislative approval of the authority's budget and work plan; requiring that the department operate and maintain the expressway system; requiring that the costs incurred be reimbursed from revenues of the expressway system; providing that an expressway system is part of the State Highway System; authorizing the authority to fix, alter, charge, and establish tolls, rates, fees, rentals, and other charges; amending s. 348.52, F.S.; authorizing the Tampa-Hillsborough County Expressway Authority to employ certain personnel; assigning the authority to the Office of the Secretary of the Department of Transportation for purposes of administrative and fiscal accountability; providing that the authority is independent of the control, supervision, and direction of the department; providing guidelines relating to the budget of the authority; providing that the budget is not subject to change by the department staff under certain circumstances; requiring that the budget be transmitted to the Governor; providing that certain revenues received by the authority and certain unexpended balances in the authority's accounts are deemed deposited into the State Transportation Trust Fund and appropriated to certain accounts; providing for the expenditure of the funds; providing that certain moneys be deposited into the State Treasury if a court finds certain expenditure restrictions invalid; limiting the application of certain restrictions to the term of the lease-purchase agreement between the Tampa-Hillsborough County Expressway Authority and the department or the duration the department is not reimbursed by the authority for certain expenditures; providing a limitation on expressway employee compensation; amending s.

348.54, F.S.; providing for the powers of the authority with respect to certain lease-purchase agreements; amending s. 348.545, F.S.; conforming cross-references; amending s. 348.56, F.S.; providing criteria for bonds issued on or after a certain date; amending s. 348.565, F.S.; conforming provisions; removing from the list of approved projects for the Tampa-Hillsborough County Expressway System the connector highway linking Lee Roy Selmon Crosstown Expressway to Interstate 4; amending s. 348.57, F.S., relating to refunding bonds; conforming references and provisions; amending s. 348.60, F.S.; providing that the Tampa-Hillsborough County Expressway Authority is a party to lease-purchase agreements between the department and the authority which are dated on specified dates; prohibiting the authority from entering into other lease-purchase agreements or amending the lease-purchase agreement unless the department determines an agreement or amendment is necessary to permit refunding of certain bonds; providing that the expressway system remains the property of the authority if the lease-purchase agreement terminates; providing that the authority remains obligated to reimburse the department if the agreement terminates; requiring that the department operate and maintain the system as the agent of the authority; creating s. 348.615, F.S.; providing that the department is the agent for purposes of collecting tolls for the use of the authority's expressway system; authorizing the authority to fix, alter, charge, and establish tolls, rates, fees, rentals, and other charges; amending s. 348.753, F.S.; authorizing the Orlando-Orange County Expressway Authority to contract with the Division of Bond Finance for certain financial services; assigning the authority to the Office of the Secretary of the Department of Transportation for purposes of administrative and fiscal accountability; providing that the authority is independent of the control, supervision, and direction of the department; providing guidelines relating to the budget of the authority; providing for the use of revenues and unexpended balances received by the authority; authorizing the authority to expend certain revenues appropriated from the State Transportation Trust Fund; limiting the application of certain provisions to the term of the lease-purchase agreement between the Orlando-Orange County Expressway Authority and the department or the duration that the department is not reimbursed by the authority for certain expenditures; providing a limitation on compensation of expressway employees; amending s. 348.754, F.S.; providing that the transportation authority is a party to specified lease-purchase agreements between the department and the authority; prohibiting the authority from entering into other lease-purchase agreements or amending a specified lease-purchase agreement; amending s. 348.7543, F.S.; conforming a cross-reference and revising provisions governing the issuance of bonds; amending s. 348.7545, F.S.; conforming a cross-reference; amending s. 348.7546, F.S.; authorizing the Orlando-Orange County Expressway Authority to exercise certain powers with respect to certain portions of the Wekiva Parkway; clarifying that the condemnation powers or the acquisition of certain property before a certain date is not invalidated; requiring that the authority repay certain expenditures made by the department for the operation and maintenance of the Orlando-Orange County Expressway System; requiring that the authority pay the department certain payments by specified dates; requiring that all funds paid to the department be used for construction of the Wekiva Parkway; prohibiting the authority from requesting the issuance of certain bonds without approval from the department; providing restrictions on refunding bonds; conditioning the department's obligation of constructing portions of the Wekiva Parkway upon certain timely payments by the authority; amending s. 348.7547, F.S.; conforming a cross-reference; providing that a specified project may be financed with revenue bonds issued on behalf of the authority; amending s. 348.755, F.S.; prohibiting the authority from requesting the issuance of any bonds, except bonds issued to refund specified bonds; prohibiting refunding bonds from being issued if the bonds have a final maturity later than the final maturity of the bonds refunded or if the refunding bonds provide for a certain higher debt service; prohibiting the authority from requesting, without the department's consent, the issuance of any bonds secured by a pledge of any revenues of the authority which is senior to the authority's obligation to reimburse the department; restricting the authority's ability to request the issuance of bonds unless the resolution authorizing the bonds pledges the revenues for certain purposes; providing for the termination of the department's obligations under lease-purchase agreements to pay certain costs of the Orlando-Orange County Expressway System; prohibiting the authority from requesting the issuance of refunding bonds under certain circumstances; amending s. 348.757, F.S.; limiting certain authorized lease-purchase agreements; prohibiting the authority from entering into or amending certain lease-purchase agreements; providing for the termination of the department's

obligations under certain lease-purchase agreements; creating s. 348.7585, F.S.; providing that the department is the agent for purposes of collecting tolls for the Orlando-Orange County Expressway System; authorizing the authority to fix, alter, charge, and establish tolls, rates, fees, rentals, and other charges; amending s. 348.9952, F.S.; removing provisions authorizing the Osceola County Expressway Authority to employ a fiscal agent; repealing s. 348.9956, F.S., relating to the appointment of the department as the agent of the authority for construction; creating s. 348.99565, F.S.; providing that the department is the agent for purposes of performing all phases of constructing improvements and extensions to the Orlando-Orange County Expressway System; requiring that the Division of Bond Finance and the expressway authority provide construction documents to the department; providing for payment and use of funds for the construction; authorizing the authority to appoint an agent under certain conditions to perform all phases of a project; providing guidelines that the authority must follow if it proposes construction of an expressway; requiring legislative approval for the issuance of bonds; requiring the department to operate and maintain the expressway system and authorizing that the department be reimbursed from revenues of the expressway system for costs incurred; authorizing the authority to collect tolls, fees, and other charges; amending s. 369.317, F.S.; providing for the Department of Environmental Protection to have exclusive permitting authority for certain activities associated with the Wekiva Parkway and related transportation facilities; requiring the department to locate the precise corridor and interchanges for the Wekiva Parkway to be located in Seminole County; amending s. 377.809, F.S.; conforming a cross-reference; transferring funds and all future payments of obligated funds in the Toll Facilities Revolving Trust Fund to the State Transportation Trust Fund; requiring that the Florida Transportation Commission conduct a study of the potential for cost savings through certain activities by or on behalf of expressway authorities; authorizing the commission to retain experts as necessary to complete the study; requiring that the department pay the expenses of the experts; requiring that the commission provide a report to the Governor and Legislature; providing an effective date.

—was read the second time by title.

Senator Gardiner moved the following amendments which were adopted:

Amendment 1 (244314) (with title amendment)—Delete lines 954-976.

And the title is amended as follows:

Delete lines 63-70 and insert: “Wekiva Parkway”; repealing

Amendment 2 (465204) (with title amendment)—Delete lines 1330-1388.

And the title is amended as follows:

Delete lines 158-184 and insert: rentals, and other charges;

Amendment 3 (366724) (with title amendment)—Delete lines 1583-1651.

And the title is amended as follows:

Delete lines 216-235 and insert: other charges; amending s. 348.754, F.S.;

On motions by Senator Benacquisto, by two-thirds vote **SB 1998** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—39

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

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

Nays—None

DISCLOSURE

The law firm with which I am “of counsel” serves as co-bond counsel for the Hillsborough County Expressway Authority and serves as counsel to the Hillsborough Area Regional Transit (HART). I will be voting on **SB 1998** because I believe that the interest of my constituents will not be served if I do not vote.

Senator Arthenia Joyner, 18th District

Vote Preference:

February 24, 2012: Yea—Montford

MOTIONS

On motion by Senator Benacquisto, the House was requested to pass **SB 1996** and **SB 1998** as passed by the Senate; or agree to include these bills in the budget conference.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Alexander, by two-thirds vote **CS for CS for HB 87, CS for HB 737, HB 5009, HB 5011, CS for HB 5203, HB 5303, HB 5403, HB 5405, HB 5505, and HB 5601** were withdrawn from the Committee on Budget, and by two-thirds vote were placed on the Special Order Calendar.

SPECIAL ORDER CALENDAR

CS for CS for HB 87—A bill to be entitled An act relating to the tax on severance and production of oil; amending s. 211.02, F.S.; defining the term “mature field recovery oil” and applying to such oil the tiered severance tax rates applicable to tertiary oil; amending s. 211.06, F.S.; revising the distribution of certain proceeds from the Oil and Gas Tax Trust Fund; providing an effective date.

—was 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 which was adopted:

Amendment 1 (803338) (with title amendment)—Delete everything after the enacting clause.

And the title is amended as follows:

Delete everything before the enacting clause.

On motions by Senator Norman, by two-thirds vote **CS for CS for HB 87** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—29

Mr. President	Dean	Gardiner
Alexander	Detert	Hays
Altman	Diaz de la Portilla	Jones
Benacquisto	Evers	Latvala
Bennett	Fasano	Lynn
Bogdanoff	Gaetz	Margolis
Bullard	Garcia	Negron

Norman	Simmons	Thrasher
Richter	Siplin	Wise
Ring	Storms	

Vote Preference:

February 24, 2012: Yea—Montford

Nays—6

Braynon	Rich	Smith
Joyner	Sachs	Sobel

Vote after roll call:

Yea—Gibson

DISCLOSURE

I am President and CEO of Alico, Inc., which owns property that may qualify for special treatment under **CS for CS for HB 87**. In an abundance of caution I'm disclosing this fact, pursuant to Senate Rule 1.39.

Senator JD Alexander, 17th District

Vote Preference:

February 24, 2012: Nay—Montford

CS for HB 737—A bill to be entitled An act relating to the tax on sales, use, and other transactions; specifying a period during 2012 when sales of clothing, wallets, bags, and school supplies are exempt from the sales tax; providing definitions; providing exceptions; authorizing the Department of Revenue to adopt emergency rules; providing an appropriation; providing an effective date.

—was 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 which was adopted:

Amendment 1 (280658) (with title amendment)—Delete everything after the enacting clause.

And the title is amended as follows:

Delete everything before the enacting clause.

On motions by Senator Bogdanoff, by two-thirds vote **CS for HB 737** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—36

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

Nays—2

Joyner	Rich
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HB 5009—A bill to be entitled An act relating to health insurance benefits for state employees; amending s. 110.123, F.S.; providing for the state's monthly contribution for employees under the state group insurance program; amending s. 110.12315, F.S.; revising the conditions under which pharmacies are provided reimbursement for prescription medicines that are dispensed to members of the state group health insurance plan under the state employees' prescription drug program; authorizing the Department of Management Services to implement a supply limit program for certain maintenance drugs; reenacting provisions specifying copayment amounts for the state employees' prescription drug program; providing an effective date.

—was 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 which was adopted:

Amendment 1 (367126) (with title amendment)—Delete everything after the enacting clause.

And the title is amended as follows:

Delete everything before the enacting clause.

On motions by Senator Alexander, by two-thirds vote **HB 5009** as amended was read the third time by title, passed and immediately 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	Gibson	Sachs
Bogdanoff	Hays	Simmons
Braynon	Jones	Siplin
Bullard	Joyner	Smith
Dean	Latvala	Sobel
Detert	Lynn	Storms
Diaz de la Portilla	Margolis	Thrasher
Evers	Negron	Wise
Fasano	Norman	

Nays—None

DISCLOSURE

I have an ownership interest in Caregivers, Inc., a company based in Pensacola, Florida. The company provides services to the elderly and the disabled and a minority of its revenues are derived from reimbursements from the Escambia County Council on Aging and the Florida Medicaid program. Because Caregivers, Inc., is among a class of health care providers receiving funds from such state sources, it appears to me that the company may be affected by **HB 5009** which came before the Senate Floor for a vote on February 23, 2012.

Therefore, I believe that, because Caregivers, Inc., is a member of such class, I am required by Senate Rule 1.39 to disclose the above facts.

Senator Don Gaetz, 4th District

Vote Preference:

February 24, 2012: Yea—Montford

HB 5011—A bill to be entitled An act relating to state information technology; transferring records, property, funds, trust funds, administrative authority and rules, pending issues, and existing contracts of the Agency for Enterprise Information Technology to the Agency for State Technology; nullifying certain notices and proceedings of the Agency for Enterprise Information Technology; repealing s. 14.204, F.S., relating to the Agency for Enterprise Information Technology, to abolish the agency; creating s. 14.206, F.S.; creating the Agency for State Technology; providing for the head of the agency; providing that the agency is a separate budget entity; providing for the appointment of an executive director who shall be the state's Chief Information Officer; providing for the appointment of a state Chief Information Security Officer; providing responsibilities of the agency; providing for an Information Technology Strategic Plan; authorizing the agency to adopt rules; amending s. 282.0041, F.S.; revising definitions for purposes of provisions relating to information technology services and accessibility of information and technology; repealing ss. 282.0055 and 282.0056, F.S.; removing provisions that assign certain responsibilities and duties to the Agency for Enterprise Information Technology; amending s. 282.201, F.S., relating to the state data center system; providing duties of the Agency for State Technology; directing the agency to develop rules for certain purposes; revising certain duties of state agencies; revising provisions for consolidation of computing facilities into primary data centers; revising provisions for transition plans; requiring resources required to remain in an agency center or computing facility be justified in writing and approved by the Legislature; removing a provision for rulemaking; repealing s. 282.33, F.S., relating to standards for data center energy efficiency; repealing s. 282.34, F.S., relating to a statewide e-mail service; amending ss. 17.0315, 110.205, 215.322, 282.203, 282.204, 282.205, 282.318, 287.057, 445.011, 445.045, and 668.50, F.S., relating to a task force established to develop a strategic business plan, career service exemptions, acceptance of electronic payments, primary data centers, the Northwood Shared Resource Center, the Southwood Shared Resource Center, enterprise security of data and information technology, procurement of commodities or contractual services, workforce information systems, information technology industry promotion and workforce recruitment, and acceptance and distribution of electronic records by governmental agencies; conforming provisions to changes made by the act; providing an appropriation; providing effective dates.

—was 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 which was adopted:

Amendment 1 (508272) (with title amendment)—Delete everything after the enacting clause.

And the title is amended as follows:

Delete everything before the enacting clause.

On motions by Senator Alexander, by two-thirds vote **HB 5011** as amended was read the third time by title, passed and immediately 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	Gibson	Sachs
Bogdanoff	Hays	Simmons
Braynon	Jones	Siplin
Bullard	Joyner	Smith
Dean	Latvala	Sobel
Detert	Lynn	Storms
Diaz de la Portilla	Margolis	Thrasher
Evers	Negron	Wise
Fasano	Norman	

Nays—None

Vote Preference:

February 24, 2012: Yea—Montford

CS for HB 5203—A bill to be entitled An act relating to reemployment services; repealing s. 440.491, F.S., relating to reemployment of injured workers; repealing s. 1010.87, F.S., relating to the Workers' Compensation Administration Trust Fund within the Department of Education; terminating the trust fund and transferring the balance remaining in, and all revenues of, the terminated fund; requiring the Division of Vocational Rehabilitation within the Department of Education to pay any outstanding debts or obligations of the terminated fund; requiring the Chief Financial Officer to close out and remove the terminated fund from the various state accounting systems; amending s. 440.15, F.S.; providing when a judge of compensation claims may adjudicate an injured employee as permanently and totally disabled; requiring employers and carriers to pay additional training and education temporary total compensation benefits to certain employees; conforming cross-references; amending ss. 287.057, 402.7305, 427.0135, 440.33, and 440.50, F.S.; conforming cross-references; providing effective dates.

—was read the second time by title.

SENATOR BENNETT PRESIDING

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 which was adopted:

Amendment 1 (155924) (with title amendment)—Delete everything after the enacting clause.

And the title is amended as follows:

Delete everything before the enacting clause.

On motions by Senator Lynn, by two-thirds vote **CS for HB 5203** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote Preference:

February 24, 2012: Yea—Montford

HB 5303—A bill to be entitled An act relating to the Department of Children and Family Services; amending s. 409.1451, F.S.; revising the age limit requirements for young adults eligible for independent living services; providing an effective date.

—was 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 which was adopted:

Amendment 1 (959632) (with title amendment)—Delete everything after the enacting clause.

And the title is amended as follows:

Delete everything before the enacting clause.

On motions by Senator Negron, by two-thirds vote **HB 5303** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—33

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

Nays—5

Braynon	Rich	Smith
Joyner	Sachs	

DISCLOSURE

I have an ownership interest in Caregivers, Inc., a company based in Pensacola, Florida. The company provides services to the elderly and the disabled and a minority of its revenues are derived from reimbursements from the Escambia County Council on Aging and the Florida Medicaid program. Because Caregivers, Inc., is among a class of health care providers receiving funds from such state sources, it appears to me that the company may be affected by **HB 5303** which came before the Senate Floor for a vote on February 23, 2012.

Therefore, I believe that, because Caregivers, Inc., is a member of such class, I am required by Senate Rule 1.39 to disclose the above facts.

Senator Don Gaetz, 4th District

Vote Preference:

February 24, 2012: Nay—Montford

THE PRESIDENT PRESIDING

HB 5403—A bill to be entitled An act relating to state court revenues; amending s. 28.241, F.S.; redirecting revenue from filing fees for civil actions in circuit court relating to real property or mortgage foreclosure from the State Courts Revenue Trust Fund to the General Revenue Fund; conforms provisions; providing an effective date.

—was 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 which was adopted:

Amendment 1 (196422) (with title amendment)—Delete everything after the enacting clause.

And the title is amended as follows:

Delete everything before the enacting clause.

On motions by Senator Bogdanoff, by two-thirds vote **HB 5403** as amended was read the third time by title, passed and immediately 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	Gibson	Sachs
Bogdanoff	Hays	Simmons
Braynon	Jones	Siplin
Bullard	Joyner	Smith
Dean	Latvala	Sobel
Detert	Lynn	Storms
Diaz de la Portilla	Margolis	Thrasher
Evers	Negron	Wise
Fasano	Norman	

Nays—None

Vote Preference:

February 24, 2012: Yea—Montford

HB 5405—A bill to be entitled An act relating to clerks of the court; transferring the Clerks of the Court Trust Fund within the Justice Administrative Commission together with all balances in the fund to the Department of Revenue; amending s. 11.90, F.S.; providing additional powers and duties for the Legislative Budget Commission; amending s. 28.241, F.S.; revising the distribution of filing fees; amending ss. 28.2455 and 28.246, F.S.; conforming provisions to changes made by the act; amending s. 28.35, F.S.; revising provisions relating to the Florida Clerks of Court Operations Corporation; deleting provisions relating to administrative housing and budgeting of the corporation under the Justice Administrative Commission; deleting provisions relating to the corporation's employees as state employees; deleting provisions relating to ex officio members of the executive council; deleting an exemption from the Administrative Procedures Act; specifying that the corporation is subject to specified procurement provisions; revising duties of the corporation; requiring establishment of a process for the review of proposed court-related budgets submitted by clerks of the court for completeness and compliance with specified provisions; providing for review and certification of proposed budgets submitted by clerks of the court; requiring annual submission of its proposed budget and specified information to the Legislative Budget Commission; specifying functions that clerks may and may not fund from filing fees, service charges, court costs, and fines; deleting provisions relating to preparation of a legislative budget request; providing for funding pursuant to a contract with the Chief Financial Officer; revising provisions relating to audits; amending s. 28.36, F.S.; conforming provisions to changes made by the act; providing for proposed budgets from clerks; requiring reporting of anticipated deficits; requiring increasing all fees and service charges and any other court-related clerk fees and charges in certain circumstances; authorizing the retention of the additional revenues from such increases in certain circumstances; providing for corrective measures if the Chief Financial Officer finds the court-related budget proposed by a clerk includes functions not included in the standard list of court-related functions; authorizing the Legislative Budget Commission to approve increases to the maximum annual budgets approved for individual clerks of the court for court-related functions in certain circumstances; providing a limit on the total amount of such increases for each county fiscal year; authorizing the corporation to submit proposed legislation for approval of clerk budget request amounts exceeding specified restrictions; deleting provisions relating to legislative budget requests and release of funds; creating s. 28.365, F.S.; providing that clerks of the court are subject to specified procurement requirements and limitations; amend-

ing s. 28.37, F.S.; providing, beginning July 1, 2012, for periodic remission of a specified amount of all fines, fees, service charges, and court costs collected by the clerks of the court to the Department of Revenue for deposit into the Clerks of the Court Trust Fund; providing an exception; providing, beginning January 1, 2013, for remission of all fines, fees, service charges, and court costs and certain other funds collected by the clerks of the court to the Department of Revenue for deposit into the General Revenue Fund in excess of the amount needed to meet the approved budget amounts; requiring the Department of Revenue to collect any funds that the Florida Clerks of Court Operations Corporation determines upon investigation were due but not remitted; amending ss. 28.43, 34.041, 43.16, 110.205, and 142.01, F.S.; conforming provisions to changes made by the act; amending s. 213.131, F.S.; conforming provisions to changes made by the act; providing that funds received by the Department of Revenue from the clerks of the court shall be credited to the Clerks of the Court Trust Fund as provided in a specified act; amending s. 216.011, F.S.; providing that the Florida Clerks of Court Operations Corporation is not included in the definition of the term “state agency” for specified purposes; specifying the approved budget for the clerks of the circuit court for a specified period; providing for determination of budget amounts for individual clerks; providing an effective date.

—was 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 which was adopted:

Amendment 1 (342290) (with title amendment)—Delete everything after the enacting clause.

And the title is amended as follows:

Delete everything before the enacting clause.

On motions by Senator Bogdanoff, by two-thirds vote **HB 5405** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote Preference:

February 24, 2012: Yea—Montford

HB 5505—A bill to be entitled An act relating to the Department of Financial Services; amending s. 440.02, F.S.; redefining the term “employee” for purposes of workers’ compensation; amending s. 440.05, F.S.; revising requirements for submitting a notice of election of exemption; revising duties of the Department of Financial Services relating to the expiration of certificates of exemption; expanding applicability of requirements relating to certificates of exemption; repealing s. 440.59, F.S., relating to the duty of the Department of Financial Services to make an annual report on the administration of ch. 440, F.S., the Workers’ Compensation Law, to specified officials; providing effective dates.

—was 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 which was adopted:

Amendment 1 (737066) (with title amendment)—Delete everything after the enacting clause.

And the title is amended as follows:

Delete everything before the enacting clause.

On motions by Senator Hays, by two-thirds vote **HB 5505** as amended was read the third time by title, passed and immediately 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	Gibson	Sachs
Bogdanoff	Hays	Simmons
Braynon	Jones	Siplin
Bullard	Joyner	Smith
Dean	Latvala	Sobel
Detert	Lynn	Storms
Diaz de la Portilla	Margolis	Thrasher
Evers	Negron	Wise
Fasano	Norman	

Nays—None

Vote Preference:

February 24, 2012: Yea—Montford

HB 5601—A bill to be entitled An act relating to a license to carry a concealed weapon or firearm; amending s. 790.06, F.S.; reducing specified nonrefundable license fees; providing an effective date.

—was 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 which was adopted:

Amendment 1 (264756) (with title amendment)—Delete everything after the enacting clause.

And the title is amended as follows:

Delete everything before the enacting clause.

On motions by Senator Hays, by two-thirds vote **HB 5601** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—31

Mr. President	Bogdanoff	Evers
Alexander	Bullard	Fasano
Altman	Dean	Flores
Benacquisto	Detert	Gaetz
Bennett	Diaz de la Portilla	Garcia

Gardiner	Negron	Sobel
Hays	Norman	Storms
Jones	Oelrich	Thrasher
Latvala	Richter	Wise
Lynn	Simmons	
Margolis	Siplin	

Nays—6

Braynon	Joyner	Sachs
Gibson	Rich	Smith

Vote Preference:

February 24, 2012: Yea—Montford

MOTIONS

On motion by Senator Alexander, the Senate having refused to pass **CS for CS for HB 87, CS for HB 737, HB 5009, HB 5011, CS for HB 5203, HB 5303, HB 5403, HB 5405, HB 5505, and HB 5601** as passed by the House, acceded to the request for a conference committee.

The Senate resumed consideration of—

HB 5701—A bill to be entitled An act relating to corporate income tax; amending s. 220.33, F.S.; changing the filing date for estimated tax under certain circumstances; providing for future repeal; providing for emergency rules; providing an effective date.

—which was previously considered and amended this day.

RECONSIDERATION OF AMENDMENT

On motion by Senator Norman, the Senate reconsidered the votes by which **Amendment 1 (716500)** as amended and **Amendment 1A (178758)** were adopted. **Amendment 1A** was withdrawn. **Amendment 1** was adopted.

On motions by Senator Gaetz, by two-thirds vote **HB 5701** as amended was read the third time by title, passed and immediately 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	Gibson	Sachs
Bogdanoff	Hays	Simmons
Braynon	Jones	Siplin
Bullard	Joyner	Smith
Dean	Latvala	Sobel
Detert	Lynn	Storms
Diaz de la Portilla	Margolis	Thrasher
Evers	Negron	Wise
Fasano	Norman	

Nays—None

Vote Preference:

February 24, 2012: Yea—Montford

MOTION

On motion by Senator Norman, the Senate having refused to pass **HB 5701** as passed by the House, acceded to the request for a conference committee.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Thrasher, by two-thirds vote **CS for SB 620** and **SM 1742** were withdrawn from the Committee on Governmental Oversight and Accountability.

REPORTS OF COMMITTEES

Pursuant to Rule 4.17(1), the Special Order Calendar Group submits the following bills to be placed on the Special and Continuing Order Calendar for Thursday, February 23, 2012 and Friday, February 24, 2012: SB 2000, SB 2002, SB 2004, SB 2006, CS for SB 2068, SB 1972, SB 1974, SB 1992, SB 1994, SB 1966, SB 1958, SB 1960, SB 1964, SB 1968, SB 1988, SB 1990, CS for SB 902, SB 1976, SB 1978, SB 1980, SB 1982, SB 1984, SB 1986, SB 1996, SB 1998, CS for CS for HB 87, CS for HB 737, HB 5009, HB 5011, CS for HB 5203, HB 5303, HB 5403, HB 5405, HB 5505, HB 5601, HB 5703, HB 7087, HB 7089.

Respectfully submitted,
John Thrasher, Chair

The Committee on Children, Families, and Elder Affairs recommends the following pass: CS for SB 212 with 1 amendment; CS for SB 282

The Committee on Criminal Justice recommends the following pass: CS for SB 460

The Committee on Governmental Oversight and Accountability recommends the following pass: SB 722; CS for SB 1096

The Committee on Health Regulation recommends the following pass: SB 624; SB 626; SB 668 with 1 amendment

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

The Committee on Children, Families, and Elder Affairs recommends the following pass: SB 1744

The Committee on Health Regulation recommends the following pass: SB 290

The bills contained in the foregoing reports were referred to the Committee on Criminal Justice under the original reference.

The Special Master on Claim Bills recommends the following pass: SB 6; SB 16; SB 22 with 1 amendment; SB 38 with 1 amendment; SB 40; SB 42; SB 48 with 1 amendment; SB 52; SB 54; SB 58; SB 70

The bills were referred to the Committee on Rules under the original reference.

The Committee on Budget recommends the following pass: SB 80; CS for CS for SB 182; SB 188; CS for SB 192; CS for CS for SB 244; CS for SB 316; SB 366; CS for SB 376; SJR 408; CS for SB 414; CS for SB 416; CS for CS for SB 432; CS for SB 488; CS for CS for CS for SB 502; SB 538; CS for SB 544; SB 562; CS for CS for SB 582; CS for SB 616; SB 678; CS for CS for SB 704; CS for SB 730; CS for SB 752; CS for SB 758; SB 798; CS for SB 938; SB 952; SB 998; SB 1040; SB 1084; SB 1090; SB 1112; CS for SB 1132; CS for CS for SB 1150; SB 1152; CS for SB 1204; SB 1220; CS for SB 1258; CS for SB 1392

The Committee on Criminal Justice recommends the following pass: SB 632

The Committee on Governmental Oversight and Accountability recommends the following pass: SB 266; SB 2076

The Committee on Health Regulation recommends the following pass: SM 1836 with 1 amendment; SM 1840; SM 1854

The bills were placed on the Calendar.

The Committee on Judiciary recommends a committee substitute for the following: SB 1890

The bill with committee substitute attached was referred to the Committee on Banking and Insurance under the original reference.

The Committee on Community Affairs recommends committee substitutes for the following: SB 1110; SB 1580

The Committee on Criminal Justice recommends committee substitutes for the following: SB 940; CS for SB 996; SB 1128

The Committee on Environmental Preservation and Conservation recommends a committee substitute for the following: CS for SB 1244

The Committee on Governmental Oversight and Accountability recommends committee substitutes for the following: CS for SB 860; SB 1144

The Committee on Judiciary recommends committee substitutes for the following: CS for SB 680; CS for SB 1874

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

The Committee on Judiciary recommends a committee substitute for the following: SB 1686

The bill with committee substitute attached was referred to the Committee on Criminal Justice under the original reference.

The Committee on Health Regulation recommends a committee substitute for the following: SB 1116

The bill with committee substitute attached was referred to the Committee on Education Pre-K - 12 under the original reference.

The Committee on Criminal Justice recommends a committee substitute for the following: SB 916

The bill with committee substitute attached was referred to the Committee on Governmental Oversight and Accountability under the original reference.

The Committee on Education Pre-K - 12 recommends a committee substitute for the following: SB 1698

The bill with committee substitute attached was referred to the Committee on Judiciary under the original reference.

The Committee on Judiciary recommends a committee substitute for the following: SJR 1508

The bill with committee substitute attached was referred to the Committee on Rules Subcommittee on Ethics and Elections under the original reference.

The Committee on Children, Families, and Elder Affairs recommends a committee substitute for the following: SB 914

The bill with committee substitute attached was referred to the Committee on Transportation under the original reference.

The Committee on Criminal Justice recommends a committee substitute for the following: SB 536

The Committee on Governmental Oversight and Accountability recommends a committee substitute for the following: SB 1208

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

The Special Master on Claim Bills recommends the following not pass: SB 10; SB 44; SB 50; SB 1076

The bills were referred to the Committee on Rules under the original reference.

REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

The Committee on Governmental Oversight and Accountability recommends that the Senate confirm the following appointments made by the Board of Administration:

Office and Appointment

*For Term
Ending*

Investment Advisory Council

Appointee: Price, Michael F.

12/12/2014

The Committee on Governmental Oversight and Accountability recommends that the Senate confirm the following appointments made by the Governor:

Office and Appointment

*For Term
Ending*

Secretary of State

Appointee: Detzner, Kenneth W.

Pleasure of
Governor

The Committee on Transportation recommends that the Senate confirm the following appointments made by the Governor:

Office and Appointment

*For Term
Ending*

Florida Transportation Commission

Appointees: Frazier, Esquire, Susan Katherine
Kigel, Beth R.

09/30/2015
09/30/2015

The appointments were referred to the Rules Subcommittee on Ethics and Elections under the original reference.

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By the Committee on Commerce and Tourism—

SB 2130—A bill to be entitled An act relating to ratification of rules; ratifying a specified rule for the sole and exclusive purpose of satisfying any condition on effectiveness pursuant to s. 120.541(3), F.S., which requires ratification of any rule meeting any of specified thresholds for likely adverse impact or increase in regulatory costs; providing an effective date.

—was referred to the Committee on Rules.

ADDITIONAL REFERENCES

By Senator Negron—

SB 6—A bill to be entitled An act for the relief of Denise Gordon Brown and David Brown by the North Broward Hospital District; pro-

viding for an appropriation to compensate Denise Gordon Brown and David Brown, parents of Darian Brown, for injuries and damages sustained by Darian Brown as result of the negligence of Broward General Medical Center; providing a limitation on the payment of fees and costs; providing an effective date.

—was also referred to the Committee on Rules.

By Senator Flores—

SB 10—A bill to be entitled An act for the relief of Aaron Edwards, a minor, and his parents, Mitzi Roden and Mark Edwards, by Lee Memorial Health System of Lee County; providing for an appropriation to compensate Aaron Edwards and his parents for damages sustained as a result of the medical negligence by employees of Lee Memorial Health System of Lee County; providing a limitation on the payment of fees and costs; providing an effective date.

—was also referred to the Committee on Rules.

By Senator Braynon—

SB 16—A bill to be entitled An act for the relief of Ronnie Lopez and Robert Guzman, individually and as co-personal representatives of the Estate of Ana-Yency Velasquez, deceased, and for Ronnie Lopez, Jr., Ashley Lorena Lopez-Velasquez, and Steven Robert Guzman, minor children of Ana-Yency Velasquez, by Miami-Dade County; providing for an appropriation to compensate the estate and the minor children for the death of Ana-Yency Velasquez as a result of the negligence of an employee of Miami-Dade County; providing a limitation on the payment of fees and costs; providing an effective date.

—was also referred to the Committee on Rules.

By Senator Smith—

SB 22—A bill to be entitled An act for the relief of Jennifer Wohlge-muth by the Pasco County Sheriff's Office; providing for an appropriation to compensate Jennifer Wohlge-muth, whose injuries were due to the negligence of an employee of the Pasco County Sheriff's Office; providing a limitation on the payment of fees and costs; providing an effective date.

—was also referred to the Committee on Rules.

By Senator Garcia—

SB 38—A bill to be entitled An act for the relief of Donald Brown by the District School Board of Sumter County; providing for an appropriation to compensate Donald Brown for injuries sustained as a result of the negligence of an employee of the District School Board of Sumter County; providing a limitation on the payment of fees and costs; providing an effective date.

—was also referred to the Committee on Rules.

By Senator Norman—

SB 40—A bill to be entitled An act for the relief of Yvonne Morton; providing an appropriation to compensate her for injuries and damages sustained as a result of the negligence of an employee of the Department of Health; providing a limitation on the payment of fees and costs; providing an effective date.

—was also referred to the Committee on Rules.

By Senator Flores—

SB 42—A bill to be entitled An act for the relief of James D. Feurtado, III, by Miami-Dade County; providing for an appropriation to compensate him for injuries he sustained as a result of the negligence of an employee of Miami-Dade County; providing a limitation on the payment of fees and costs; providing an effective date.

—was also referred to the Committee on Rules.

By Senator Fasano—

SB 44—A bill to be entitled An act for the relief of Irving Hoffman and Marjorie Weiss, parents of Rachel Hoffman, deceased, individually and as co-personal representatives of the Estate of Rachel Hoffman, by the City of Tallahassee; providing an appropriation to compensate them for the wrongful death of their daughter, Rachel Hoffman, as a result of negligence by employees of the Tallahassee Police Department; providing a limitation on the payment of fees and costs; providing an effective date.

—was also referred to the Committee on Rules.

By Senator Montford—

SB 48—A bill to be entitled An act for the relief of Odette Acanda and Alexis Rodriguez by the Public Health Trust of Miami-Dade County, d/b/a Jackson Memorial Hospital; providing for an appropriation to compensate Odette Acanda and Alexis Rodriguez for the death of their son, Ryan Rodriguez, as a result of the negligence of employees of the Public Health Trust of Miami-Dade County; providing a limitation on the payment of fees and costs; providing an effective date.

—was also referred to the Committee on Rules.

By Senator Bogdanoff—

SB 50—A bill to be entitled An act for the relief of Monica Cantillo Acosta and Luis Alberto Cantillo Acosta, surviving children of Nhora Acosta, by Miami-Dade County; providing for an appropriation to compensate them for the wrongful death of their mother, Nhora Acosta, due to injuries sustained as a result of the negligence of a Miami-Dade County bus driver; providing a limitation on the payment of fees and costs; providing an effective date.

—was also referred to the Committee on Rules.

By Senator Negron—

SB 52—A bill to be entitled An act for the relief of Criss Matute, Christian Manuel Torres, Eddna Torres De Mayne, Lansky Torres, and Nasdry Yamileth Torres Barahona by the Palm Beach County Sheriff's Office; providing for an appropriation to compensate them for injuries sustained as a result of the negligence of the Palm Beach County Sheriff's Office for the wrongful death of their father, Manuel Antonio Matute; providing a limitation on the payment of fees and costs; providing an effective date.

—was also referred to the Committee on Rules.

By Senator Negron—

SB 54—A bill to be entitled An act for the relief of Carl Abbott by the Palm Beach County School Board; providing for an appropriation to compensate Carl Abbott for injuries sustained as a result of the negligence of the Palm Beach County School District; providing a limitation on the payment of fees and costs; providing an effective date.

—was also referred to the Committee on Rules.

By Senator Flores—

SB 58—A bill to be entitled An act for the relief of Maricelly Lopez by the City of North Miami; providing for an appropriation to compensate Maricelly Lopez, individually and as personal representative of the Estate of Omar Miele, for the wrongful death of her son, Omar Miele, which was due to the negligence of a police officer of the City of North Miami; providing a limitation on the payment of fees and costs; providing an effective date.

—was also referred to the Committee on Rules.

By Senator Storms—

SB 70—A bill to be entitled An act for the relief of Kristi Mellen as personal representative of the Estate of Michael Munson, deceased, by the North Broward Hospital District; providing for an appropriation to compensate the estate and the statutory survivors, Kristi Mellen, surviving spouse, and Michael Conner Munson and Corinne Keller Munson, surviving minor son and surviving minor daughter, for the wrongful death of Michael Munson as a result of the negligence of the North Broward Hospital District; providing a limitation on the payment of fees and costs; providing an effective date.

—was also referred to the Committee on Rules.

By Senator Gibson—

SB 1076—A bill to be entitled An act for the relief of Anais Cruz Peinado by the School Board of Miami-Dade County; providing for an appropriation to compensate Anais Cruz Peinado, mother of Juan Carlos Rivera, deceased, for the death of Juan Carlos Rivera as a result of the negligence of the School Board of Miami-Dade County; providing a limitation on the payment of fees and costs; providing an effective date.

—was also referred to the Committee on Rules.

BILLS REFERRED TO SUBCOMMITTEE

February 22, 2012

Pursuant to Senate Rule 4.6(4), the following have been referred to the Budget Subcommittee on Criminal and Civil Justice Appropriations which will report to this standing committee within 180 days: CS for SB 1830, CS for CS for SB 1166, and CS for CS for SB 1172.

Senator JD Alexander, Chair
Committee on Budget

February 22, 2012

Pursuant to Senate Rule 4.6(4), the following have been referred to the Budget Subcommittee on Education Pre-K - 12 Appropriations which will report to this standing committee within 60 days: CS for CS for SB 494, CS for SB 808, SB 1010, CS for SB 1368, SB 1422, CS for SB 1522, CS for SB 1610, and SB 1728.

Senator JD Alexander, Chair
Committee on Budget

February 22, 2012

Pursuant to Senate Rule 4.6(4), the following has been referred to the Budget Subcommittee on Finance and Tax which will report to this standing committee within 60 days: CS for SB 1738, HB 5703, HB 7087, and HB 7089.

Senator JD Alexander, Chair
Committee on Budget

February 22, 2012

Pursuant to Senate Rule 4.6(4), the following has been referred to the Budget Subcommittee on General Government Appropriations which will report to this standing committee within 60 days: CS for CS for SB 956.

Senator JD Alexander, Chair
Committee on Budget

February 22, 2012

Pursuant to Senate Rule 4.6(4), the following have been referred to the Budget Subcommittee on Health and Human Services Appropriations which will report to this standing committee within 60 days: CS for SB 362, CS for CS for SB 370, CS for SB 654, CS for SB 1286, CS for SB 1294, CS for SB 1316, CS for CS for SB 1516, SB 1602, SB 1646, SB 1750, CS for SB 2044, and CS for SB 1884.

Senator JD Alexander, Chair
Committee on Budget

February 22, 2012

Pursuant to Senate Rule 4.6(4), the following has been referred to the Budget Subcommittee on Higher Education Appropriations which will report to this standing committee within 60 days: CS for SB 1366 and CS for SB 1752.

Senator JD Alexander, Chair
Committee on Budget

February 22, 2012

Pursuant to Senate Rule 4.6(4), the following have been referred to the Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations which will report to this standing committee within 60 days: CS for CS for SB 292 and CS for CS for SB 1168.

Senator JD Alexander, Chair
Committee on Budget

February 23, 2012

Pursuant to Senate Rule 4.6(4), the following have been referred to the Budget Subcommittee on Criminal and Civil Justice Appropriations which will report to this standing committee within 180 days: CS for SB 1096 and CS for SB 1580.

Senator JD Alexander, Chair
Committee on Budget

February 23, 2012

Pursuant to Senate Rule 4.6(4), the following has been referred to the Budget Subcommittee on Education Pre-K - 12 Appropriations which will report to this standing committee within 60 days: CS for SB 1348.

Senator JD Alexander, Chair
Committee on Budget

February 23, 2012

Pursuant to Senate Rule 4.6(4), the following have been referred to the Budget Subcommittee on Finance and Tax which will report to this standing committee within 60 days: SB 770 and CS for SB 1110.

Senator JD Alexander, Chair
Committee on Budget

February 23, 2012

Pursuant to Senate Rule 4.6(4), the following have been referred to the Budget Subcommittee on General Government Appropriations which will report to this standing committee within 60 days: SB 624, SB 626, and CS for CS for SB 1244.

Senator JD Alexander, Chair
Committee on Budget

February 23, 2012

Pursuant to Senate Rule 4.6(4), the following have been referred to the Budget Subcommittee on Health and Human Services Appropriations

which will report to this standing committee within 60 days: CS for SB 282, CS for SB 460, and SB 722.

Senator JD Alexander, Chair
Committee on Budget

BILLS RECALLED FROM SUBCOMMITTEE

February 22, 2012

Pursuant to Senate Rule 4.6(4), the following which was referred to the Budget Subcommittee on Education Pre-K - 12 Appropriations has been recalled to this standing committee: CS for SB 1366.

Senator JD Alexander, Chair
Committee on Budget

February 23, 2012

Pursuant to Senate Rule 4.6(4), the following which was referred to the Budget Subcommittee on Finance and Tax has been recalled to this standing committee: CS for CS for SB 2094.

Senator JD Alexander, Chair
Committee on Budget

February 23, 2012

Pursuant to Senate Rule 4.6(4), the following which was referred to the Budget Subcommittee on General Government Appropriations has been recalled to this standing committee: CS for CS for SB 1404.

Senator JD Alexander, Chair
Committee on Budget

February 23, 2012

Pursuant to Senate Rule 4.6(4), the following which were referred to the Budget Subcommittee on Health and Human Services Appropriations have been recalled to this standing committee: CS for SB 1382, SB 1474, and CS for SB 2044.

Senator JD Alexander, Chair
Committee on Budget

February 23, 2012

Pursuant to Senate Rule 4.6(4), the following which was referred to the Budget Subcommittee on Higher Education Appropriations has been recalled to this standing committee: SB 1606.

Senator JD Alexander, Chair
Committee on Budget

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Criminal Justice; and Senators Flores and Storms—

CS for SB 536—A bill to be entitled An act relating to the distribution of materials harmful to minors; amending s. 847.012, F.S.; prohibiting an adult from knowingly distributing to a minor or posting on school property certain specified materials harmful to minors; providing that it is a third-degree felony for any person to knowingly distribute to a minor or post on school property certain materials harmful to minors; defining the term “school property”; providing an effective date.

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

CS for CS for SB 680—A bill to be entitled An act relating to residential properties; amending s. 399.02, F.S.; exempting certain elevators from specific code update requirements; amending s. 718.112, F.S.; revising the terms of membership for board members of a condominium unit owner association; revising condominium unit owner meeting notice requirements; providing that certain election requirements do not apply to an association governing a timeshare condominium; revising recordkeeping requirements of a condominium association board; requiring challenges to an election to commence within a certain time period; providing requirements for challenging the failure of a board to duly notice and hold the required board meeting or to file the required petition for a recall; providing requirements for recalled board members to challenge the recall; providing duties of the Division of Florida Condominiums, Timeshares, and Mobile Homes regarding recall petitions; amending s. 718.113, F.S.; providing requirements for a condominium association board relating to the installation of hurricane shutters, impact glass, code-compliant windows or doors, and other types of code-compliant hurricane protection under certain circumstances; amending s. 718.115, F.S.; conforming provisions to changes made by the act; amending s. 718.116, F.S.; revising liability of certain condominium unit owners acquiring title; amending s. 718.303, F.S.; revising provisions relating to imposing remedies against a noncompliant or delinquent condominium unit owner or member; revising voting requirements under certain conditions; amending s. 718.403, F.S.; providing requirements for the completion of phase condominiums; creating s. 718.406, F.S.; providing definitions; providing requirements for condominiums created within condominium parcels; providing for the establishment of primary condominium and secondary condominium units; providing requirements for association declarations; providing requirements for creating a secondary condominium on a primary condominium parcel; providing that an owner of a secondary unit is subject to both the primary condominium declaration and the secondary condominium declaration; authorizing a primary condominium association to provide insurance and adopt hurricane shutter or hurricane protection specifications under certain conditions; authorizing a unit owner or holder of a first mortgage on a secondary unit to register the unit owner's or mortgagee's interest in the secondary unit with the primary condominium association by delivery of written notice; providing other requirements for the written notice; providing requirements relating to assessments; providing for resolution of conflicts between primary condominium declarations and secondary condominium declarations; providing requirements relating to common expenses due the primary condominium association; amending s. 718.5011, F.S.; revising the restriction on officers and full-time employees of the ombudsman from engaging in other businesses or professions; amending s. 718.707, F.S.; revising the time limitation for classification as a bulk assignee or bulk buyer; amending s. 719.104, F.S.; specifying additional records that are not accessible to unit owners; amending s. 719.1055, F.S.; revising provisions relating to the amendment of cooperative documents; providing legislative findings and a finding of compelling state interest; providing criteria for consent or joinder to an amendment; requiring notice regarding proposed amendments to mortgagees; providing criteria for notification; providing for voiding certain amendments; amending s. 719.106, F.S.; requiring challenges to an election to commence within a certain time period; specifying certification or educational requirements for a newly elected or appointed cooperative board director; providing requirements for challenging the failure of a board to duly notice and hold the required board meeting or to file the required petition for a recall; providing requirements for recalled board members to challenge the recall; providing duties of the division regarding recall petitions; amending s. 719.108, F.S.; revising provisions governing assessments and liens; revising liability of unit owners; providing requirements for persons acquiring title; amending s. 719.303, F.S.; revising provisions relating to imposing remedies against a noncompliant or delinquent cooperative unit owner or member; revising voting requirements under certain conditions; amending s. 720.303, F.S.; revising the types of records that are not accessible to homeowners' association members and parcel owners; providing requirements for challenging the failure of a board to duly notice and hold the required board meeting or to file the required petition for a recall; providing requirements for recalled board members to challenge the recall; providing duties of the division regarding recall petitions; amending s. 720.305, F.S.; revising provisions relating to imposing remedies against a noncompliant or delinquent homeowners' association member and parcel owner; revising voting re-

quirements under certain conditions; amending s. 720.306, F.S.; revising provisions relating to the amendment of homeowners' association declarations; providing legislative findings and a finding of compelling state interest; providing criteria for consent or joinder to an amendment; requiring notice to mortgagees regarding proposed amendments; providing criteria for notification; providing for voiding certain amendments; requiring challenges to an election to commence within a certain time period; specifying certification or educational requirements for a newly elected or appointed homeowners' association board director; amending s. 720.3085, F.S.; revising liability of certain parcel owners acquiring title; providing an effective date.

By the Committees on Governmental Oversight and Accountability; and Judiciary; and Senator Wise—

CS for CS for SB 860—A bill to be entitled An act relating to clerks of court; amending s. 28.13, F.S.; providing requirements for storage of electronic filings; requiring papers and electronic filings to be electronically time stamped; amending s. 28.222, F.S.; authorizing the clerk to remove sealed or expunged court records from the Official Records; amending s. 28.24, F.S.; revising provisions concerning an exemption from charges for services provided to specified officials and their staffs; amending s. 28.244, F.S.; increasing the threshold amount for automatic repayment of overpayments; amending s. 28.345, F.S.; providing for access to clerks' files by state agencies and an exemption from copying fees and charges; limiting to official use only the application of an exemption from payment of fees and charges assessed by clerks of circuit courts; amending s. 28.37, F.S.; providing an exception for certain specified penalties or fines that would otherwise be deposited into the clerk's Public Records Modernization Trust Fund; amending s. 50.041, F.S.; authorizing the use of electronic proof of publication affidavits; amending s. 119.0714, F.S.; requiring certain persons to provide specific information to the clerk to maintain the public records exemption status of certain information under specified provisions; amending s. 197.542, F.S.; authorizing the clerk to issue a refund to the depositor for redeemed property subject to a tax sale; providing an effective date.

By the Committee on Children, Families, and Elder Affairs; and Senator Oelrich—

CS for SB 914—A bill to be entitled An act relating to suspension of driver licenses and motor vehicle registrations; amending s. 61.13016, F.S.; revising provisions providing for an obligor who is delinquent in support payments to petition the circuit court to direct the Department of Highway Safety and Motor Vehicles to issue to the obligor a driver license restricted to business purposes only; requiring that the court, before approving a schedule for an obligor's delinquent support payments, find that the obligor has the present ability to pay the child support arrearage and support obligation; requiring that the court direct the Department of Highway Safety and Motor Vehicles to suspend the obligor's driver license if the obligor fails to comply with the schedule of payments and if the obligor has the ability to pay; specifying that an obligor whose license and registration have been suspended may apply to the court for a license for business purposes only if the obligor agrees to make payments against the arrearage; amending s. 322.058, F.S.; requiring that the Department of Highway Safety and Motor Vehicles reinstate the driving privilege and allow the registration of a motor vehicle of a person who has a delinquent support obligation or who has failed to comply with a subpoena, order to appear, order to show cause, or similar order, if the Title IV-D agency in IV-D cases, or the depository or the clerk of the court in non-IV-D cases, provides electronic notification to the department stating that the court has directed that the person be issued a driver license restricted to business purposes only; providing an effective date.

By the Committee on Criminal Justice; and Senators Oelrich and Garcia—

CS for SB 916—A bill to be entitled An act relating to public records; amending s. 119.071, F.S.; including dates of birth within the types of personal identifying information of specified agency personnel and the spouses and children of such personnel which are exempt from public records requirements under s. 119.071(4)(d), F.S.; clarifying an exemption for personal identifying information of active or former law enforcement personnel and the spouses and children thereof; revising the

exemption for personal identifying and location information of justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges, and the spouses and children of such justices and judges, to include former justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges, and the spouses and children thereof; providing for retroactive application of the exemptions; providing for future legislative review and repeal of the exemptions; defining the term "telephone numbers"; providing a statement of public necessity; providing an effective date.

By the Committee on Criminal Justice; and Senator Wise—

CS for SB 940—A bill to be entitled An act relating to juvenile expunction; amending s. 943.0582, F.S.; allowing minors who have certain felony arrests to have the Department of Law Enforcement expunge their nonjudicial arrest record upon successful completion of a prearrest or postarrest diversion program; extending the application submission period for minors who have successfully completed a prearrest or postarrest diversion program; extending the application submission date for minors who completed the program before a certain date; providing an effective date.

By the Committees on Criminal Justice; and Judiciary; and Senator Dean—

CS for CS for SB 996—A bill to be entitled An act relating to property fraud; creating s. 817.535, F.S.; prohibiting a person, with intent to defraud another, from filing or causing to be filed a document relating to the ownership, transfer, or encumbrance of or claim against real or personal property, or any interest in real or personal property, which the person knows contains a material misstatement, misrepresentation, or omission of fact; providing criminal penalties; providing that a person who fraudulently records a construction lien is subject to specified fraud provisions; providing an effective date.

By the Committee on Community Affairs; and Senator Altman—

CS for SB 1110—A bill to be entitled An act relating to tax refund programs; amending s. 288.1045, F.S.; deleting the limitation on the maximum amount of tax refunds a business may receive under the qualified defense contractor and space flight business tax refund program; amending s. 288.106, F.S.; deleting the limitation on the maximum amount of tax refunds a business may receive under the tax refund program for qualified target industry businesses; authorizing the reduction of local financial support requirements for qualified target industry businesses in specified counties; revising the list of specified counties; requiring that any reduction be provided from funds in the Economic Development Incentives Account within the Economic Development Trust Fund; providing a cap on the amount of funds provided; deleting an obsolete provision; conforming a cross-reference; providing an effective date.

By the Committee on Health Regulation; and Senator Altman—

CS for SB 1116—A bill to be entitled An act relating to the human papillomavirus; requiring information regarding the human papillomavirus, its effects, and available vaccines to be provided to parents or guardians of all children entering grade 6; providing an effective date.

By the Committee on Criminal Justice; and Senator Oelrich—

CS for SB 1128—A bill to be entitled An act relating to eligibility for temporary cash assistance and food assistance; amending s. 414.095, F.S.; prohibiting an individual convicted of a felony offense from receiving temporary cash assistance or food assistance under certain conditions; providing conditions under which a person with a felony conviction may resume receiving such assistance; providing for designation of an alternative payee under certain circumstances; amending ss. 409.2564, 409.902, 414.045, 414.0652, and 414.0655, F.S.; conforming cross-references; providing an effective date.

By the Committee on Governmental Oversight and Accountability; and Senator Garcia—

CS for SB 1144—A bill to be entitled An act relating to state and local government relations with Cuba or Syria; amending s. 215.471, F.S.; prohibiting the State Board of Administration from being a fiduciary with respect to voting on any proxy resolution advocating expanded United States trade with Cuba or Syria; prohibiting the State Board of Administration from being a fiduciary with respect to having the right to vote in favor of any proxy resolution advocating expanded United States trade with Cuba or Syria; creating reporting requirements; amending s. 287.135, F.S.; prohibiting a state agency or local governmental entity from contracting for goods and services of more than a certain amount with a company that has business operations in Cuba or Syria; requiring a contract provision that allows for termination of the contract if the company is found to have business operations in Cuba or Syria; providing exceptions; requiring certification upon submission of a bid or proposal for a contract, or before a company enters into or renews a contract, with an agency or governmental entity that the company is not engaged in business operations in Cuba or Syria; providing procedures upon a determination that a company has submitted a false certification; providing for civil action; providing penalties; providing for attorney fees and costs; providing a statute of repose; prohibiting a private right of action; requiring the Department of Management Services to notify the Attorney General after the act becomes law; providing an effective date.

By the Committees on Governmental Oversight and Accountability; and Banking and Insurance—

CS for SB 1208—A bill to be entitled An act relating to public records; amending s. 717.117, F.S.; revising the public records exemption for information held by the Department of Financial Services relating to unclaimed property to permanently exempt social security numbers from the public records law; allowing the release of the first five digits of the number for certain purposes; 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.

By the Committees on Environmental Preservation and Conservation; and Communications, Energy, and Public Utilities; and Senators Hays, Storms, and Fasano—

CS for CS for SB 1244—A bill to be entitled An act relating to water and wastewater utilities; creating the Study Committee on Investor-Owned Water and Wastewater Utility Systems; providing for membership and terms of service; prohibiting compensation of the members; providing for reimbursement of the members for certain expenses; providing for removal or suspension of members by the appointing authority; requiring the Public Service Commission to provide staff, information, assistance, and facilities that are deemed necessary for the committee to perform its duties; providing for funding from the Florida Public Service Regulatory Trust Fund; providing duties of the committee; providing for public meetings; requiring the committee to report its findings to the Governor, the Legislature, and appropriate agencies and make certain recommendations; providing for future termination of the committee; providing an effective date.

By the Committee on Community Affairs; and Senator Latvala—

CS for SB 1580—A bill to be entitled An act relating to local administrative action to abate public nuisances and criminal gang activity; amending s. 893.138, F.S.; authorizing a local administrative board to declare a place to be a public nuisance if the place is used on more than two occasions within a 6-month period as the site of the storage of a controlled substance with intent to sell or deliver the controlled substance; prohibiting a county or municipality from declaring a place or premises a public nuisance unless the county or municipality gives prior notice to the owner of the place or premises of its intent to declare the place or premises a public nuisance and affords the owner an opportunity to abate the nuisance; providing that an order entered against a person for a public nuisance expires after 1 year or at an earlier time if so stated in the order unless the person has violated the order during the term of the order; requiring that the board conduct a hearing to determine whether the person violated the administrative order; author-

izing the board to extend the term of the order by up to 1 additional year and to impose a penalty if the board finds that the person violated the order; authorizing a county or municipal ordinance to include fines for days of public nuisance activities outside the 6-month period in which the minimum number of activities are shown to have occurred; authorizing a local ordinance to provide for continuing jurisdiction over a place or premises that are subject to an extension of the administrative order; providing an effective date.

By the Committee on Judiciary; and Senator Fasano—

CS for SB 1686—A bill to be entitled An act relating to effects of crimes; amending s. 61.075, F.S.; providing that a court may not make an equitable distribution of property in a dissolution of marriage to a party convicted of certain offenses concerning the other party; amending s. 61.08, F.S.; prohibiting persons convicted of specified crimes after a marriage from receiving alimony; defining the term “family member”; creating s. 732.8025, F.S.; providing that a parent who is convicted of specified offenses against a minor child loses all right to the intestate succession in the child’s estate and all right to administer the estate; providing an exception if a court determines that the parent-child relationship was subsequently restored; providing for distribution of that share of the estate; providing an effective date.

By the Committee on Education Pre-K - 12; and Senator Wise—

CS for SB 1698—A bill to be entitled An act relating to teachers; amending s. 447.203, F.S.; excluding certain professional teacher associations from the definition of “employee organization” for purposes of provisions relating to public employee organizations unless such associations apply for registration under specified provisions; providing an effective date.

By the Committees on Judiciary; and Children, Families, and Elder Affairs; and Senator Wise—

CS for CS for SB 1874—A bill to be entitled An act relating to child visitation and adoption; amending s. 39.802, F.S.; requiring the Department of Children and Family Services to inform the parents of a child of the availability of private placement of the child with an adoption entity in certain circumstances; amending s. 63.022, F.S.; revising legislative intent to delete reference to reporting requirements for placements of minors and exceptions; amending s. 63.032, F.S.; revising definitions; amending s. 63.037, F.S.; exempting adoption proceedings initiated under ch. 39, F.S., from a requirement for a search of the Florida Putative Father Registry; amending s. 63.039, F.S.; providing that all adoptions of minor children require the use of an adoption entity that will assume the responsibilities provided in specified provisions; providing an exception; amending s. 63.0423, F.S.; revising terminology relating to surrendered infants; providing for an infant who tests positive for illegal drugs, narcotic prescription drugs, alcohol, or other substances, but who shows no other signs of child abuse or neglect, to be placed in the custody of an adoption entity; providing that a specified reporting requirement is not superseded; requiring that if the Department of Children and Family Services is contacted regarding a surrendered infant who does not appear to have been the victim of actual or suspected child abuse or neglect, the department shall provide instruction to contact an adoption entity and may not take custody of the infant; providing an exception; revising provisions relating to scientific testing to determine the paternity or maternity of a minor; amending s. 63.0425, F.S.; requiring that a child’s residence be continuous for a specified period in order to entitle the grandparent to notice of certain proceedings; amending s. 63.0427, F.S.; prohibiting a court from increasing contact between an adopted child and siblings, birth parents, or other relatives without the consent of the adoptive parent or parents; amending s. 63.052, F.S.; deleting a requirement that a minor be permanently committed to an adoption entity in order for the entity to be guardian of the person of the minor; limiting the circumstances in which an intermediary may remove a child; providing that an intermediary does not become responsible for a minor child’s medical bills that were incurred before taking physical custody of the child; providing additional placement options for a minor surrendered to an adoption entity for subsequent adoption when a suitable prospective adoptive home is not available; amending s. 63.053, F.S.; requiring that an unmarried biological father strictly comply with specified provisions in order to protect

his interests; amending s. 63.054, F.S.; authorizing submission of an alternative document to the Office of Vital Statistics by the petitioner in each proceeding for termination of parental rights; providing that by filing a claim of paternity form, the registrant expressly consents to paying for DNA testing; requiring that an alternative address designated by a registrant be a physical address; providing that the filing of a claim of paternity with the Florida Putative Father Registry does not relieve a person from compliance with specified requirements; amending s. 63.062, F.S.; revising requirements for when a minor's father must be served prior to termination of parental rights; providing that consent of an unmarried biological father is not required if he fails to comply with specified requirements; revising such requirements; providing that the mere fact that a father expresses a desire to fulfill his responsibilities toward his child which is unsupported by acts evidencing this intent does not meet the requirements; providing for the sufficiency of an affidavit of nonpaternity; providing an exception to a condition to a petition to adopt an adult; amending s. 63.063, F.S.; conforming terminology; amending s. 63.082, F.S.; revising provisions concerning applicability of notice and consent requirements in cases in which the child is conceived as a result of a violation of criminal law; providing that a criminal conviction is not required in order for the court to find that the child was conceived as a result of a violation of criminal law; requiring an affidavit of diligent search to be filed whenever a person who is required to consent is unavailable because the person cannot be located; providing that in an adoption of a stepchild or a relative, a certified copy of the death certificate of the person whose consent is required may be attached to the petition for adoption if a separate petition for termination of parental rights is not being filed; authorizing the execution of an affidavit of nonpaternity before the birth of a minor in preplanned adoptions; revising the language of the consent to adoption; providing that a home study provided by the adoption entity is deemed to be sufficient except in certain circumstances; providing for a hearing if an adoption entity moves to intervene in a dependency case; revising provisions concerning seeking to revoke consent to an adoption of a child older than 6 months of age; providing that if the consent of one parent is set aside or revoked, any other consents executed by the other parent or a third party whose consent is required for the adoption of the child may not be used by the parent whose consent was revoked or set aside to terminate or diminish the rights of the other parent or third party; amending s. 63.085, F.S.; revising the language of the adoption disclosure statement; requiring that a copy of a waiver by prospective adoptive parents of receipt of certain records must be filed with the court; amending s. 63.087, F.S.; specifying that a failure to personally appear at a proceeding to terminate parental rights constitutes grounds for termination; amending s. 63.088, F.S.; providing that, in a termination of parental rights proceeding, if a required inquiry identifies a father who has been adjudicated by a court as the father of the minor child before the date a petition for termination of parental rights is filed, the inquiry must terminate at that point; amending s. 63.089, F.S.; specifying that failure to personally appear provides grounds for termination of parental rights in certain circumstances; revising provisions relating to dismissal of petitions to terminate parental rights; providing that contact between a parent seeking relief from a judgment terminating parental rights and a child may be awarded only in certain circumstances; providing for placement of a child in the event that a court grants relief from a judgment terminating parental rights and no new pleading is filed to terminate parental rights; amending s. 63.092, F.S.; requiring that a signed copy of the home study be provided to the intended adoptive parents who were the subject of the study; amending s. 63.097, F.S.; providing guidelines for a court considering a reasonable attorney fee associated with adoption services; amending s. 63.152, F.S.; authorizing an adoption entity to transmit a certified statement of the entry of a judgment of adoption to the state registrar of vital statistics; amending s. 63.162, F.S.; authorizing a birth parent to petition the court to appoint an intermediary or an adoption entity to contact an adult adoptee and advise both of the availability of the adoption registry and that the birth parent wishes to establish contact; amending s. 63.167, F.S.; requiring that the state adoption center provide contact information for all adoption entities in a caller's county or, if no adoption entities are located in the caller's county, the number of the nearest adoption entity when contacted for a referral to make an adoption plan; amending s. 63.212, F.S.; restricting who may place a paid advertisement or paid listing of the person's telephone number offering certain adoption services; requiring publishers of telephone directories to include certain statements at the beginning of any classified heading for adoption and adoption services; providing requirements for such advertisements; providing criminal penalties for violations; prohibiting the offense of adoption deception by a person who

is a birth mother or a woman who holds herself out to be a birth mother; providing criminal penalties; providing liability for certain damages; amending s. 63.213, F.S.; providing that a preplanned adoption arrangement does not constitute consent of a mother to place her biological child for adoption until 48 hours following birth; providing that a volunteer mother's right to rescind her consent in a preplanned adoption applies only when the child is genetically related to her; revising the definitions of the terms "child," "preplanned adoption arrangement," and "volunteer mother"; amending s. 63.222, F.S.; providing that provisions designated as remedial may apply to any proceedings pending on the effective date of the provisions; amending s. 63.2325, F.S.; revising terminology relating to revocation of consent to adoption; creating s. 753.06, F.S.; adopting state standards for supervised visitation programs; requiring each program to annually affirm compliance with the standards to the court; providing that after a specified date, only those programs that adhere to the state standards may receive state funding; creating s. 753.07, F.S.; providing factors for the court or child-placing agency to consider when referring cases for supervised visitation or exchange monitoring; specifying training requirements for persons providing such services; authorizing supervised visitation programs to alert the court to problems with referred cases; creating s. 753.08, F.S.; requiring supervised visitation programs to conduct security background checks of employees and volunteers; providing requirements for such checks; requiring that an employer furnish a copy of the personnel record for the employee or former employee upon request; providing immunity to employers who provide information for purposes of a background check; requiring that all applicants hired or certified by a program after a specified date undergo a level 2 background screening; delegating responsibility for screening criminal history information and for costs; authorizing a supervised visitation program to participate in the Volunteer and Employee Criminal History System in order to obtain criminal history information; providing that certain persons providing services at a supervised visitation program are presumed to act in good faith; providing that such persons acting in good faith are immune from civil and criminal liability; providing an effective date.

By the Committee on Judiciary; and Senator Latvala—

CS for SB 1890—A bill to be entitled An act relating to mortgage foreclosure proceedings; amending s. 95.11, F.S.; specifying the limitation period for initiating an action to collect a deficiency following the foreclosure of certain dwellings; providing for application to existing causes of action; amending s. 701.04, F.S.; specifying requirements for a holder of a mortgage to provide an estoppel statement to certain persons requesting the payoff amount for the mortgage; specifying the required contents of the estoppel statement; requiring a person who provides a mortgage satisfaction to provide supplemental information if the person was not the owner of the mortgage; requiring certain persons who are not a mortgagor to provide information showing the requestor's ownership interest in the property to the mortgageholder when making a request for the payoff amount of the mortgage; specifying documents that the person who provides the mortgage satisfaction must provide to the payor of a mortgage note; specifying a fee for failing to timely provide the required documents to the payor; authorizing the use of a summary procedure to compel compliance with requirements to provide an estoppel statement or the documents that must be provided by the person who provides a mortgage satisfaction; creating s. 701.045, F.S.; requiring a party who is owed and who is fully paid money due on a lien or judgment to execute in writing an instrument acknowledging satisfaction of the lien or judgment, to have the instrument recorded in the official records of the appropriate county requiring the party, and to send within a specified time the recorded instrument to the person who made full payment; providing for attorney fees and costs; requiring the party receiving full payment for a judgment for which a writ of execution has been issued, docketed, and indexed with a sheriff to request, in writing and addressed to the sheriff, the return of the satisfied writ of execution; requiring compliance with certain procedures; creating s. 702.015, F.S.; specifying required contents of a complaint seeking to foreclose on certain types of residential properties with respect to the authority of the plaintiff to foreclose on the note and the location of the note; creating s. 702.036, F.S.; requiring a court to treat a challenge to a final judgment of foreclosure as a claim for monetary damages under certain circumstances; amending s. 702.06, F.S.; providing that a person who forecloses on a mortgage may not initiate an action to recover a deficiency if the court in the foreclosure action has granted or denied a claim for a deficiency judgment; limiting the amount of the deficiency judgment; re-

quiring a separate action to recover a deficiency be initiated within a certain time period; amending s. 702.10, F.S.; expanding the class of persons authorized to move for expedited foreclosure; defining the term “lienholder”; providing requirements and procedures with respect to an order directed to defendants to show cause why a final judgment of foreclosure should not be entered; providing that certain failures by a defendant to make certain filings or to make certain appearances may have specified legal consequences; requiring the court to enter a final judgment of foreclosure and order a foreclosure sale under certain circumstances; revising a restriction on a mortgagee to request a court to order a mortgagor defendant to make payments or to vacate the premises during an action to foreclose on residential real estate to provide that the restriction applies to all but owner-occupied residential property; providing a presumption regarding owner-occupied residential property; requesting the Supreme Court to adopt rules and forms for use in expedited foreclosure proceedings; creating s. 702.11, F.S.; specifying security that may be determined by the court as adequate protection against a loss by another person seeking to enforce the mortgage; authorizing the holder of a note to initiate an action against a person who wrongfully claimed to be entitled to enforce the note for damages and attorney fees and costs; authorizing the holder of the note to pursue the recovery against any adequate protections given by the person who wrongfully claimed to be entitled to enforce the note; creating s. 702.13, F.S.; establishing expedited foreclosure proceedings for abandoned residential real property and procedures and requirements with respect thereto; providing for application of the act; providing an effective date.

REFERENCE CHANGES PURSUANT TO RULE 4.7(2)

By the Committees on Governmental Oversight and Accountability; and Banking and Insurance—

CS for SB 1208—A bill to be entitled An act relating to public records; amending s. 717.117, F.S.; revising the public records exemption for information held by the Department of Financial Services relating to unclaimed property to permanently exempt social security numbers from the public records law; allowing the release of the first five digits of the number for certain purposes; 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.

—was referred to the Committee on Rules.

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 CS for CS for HB 107, CS for HB 285, CS for HB 1351, HB 4087, HB 7013; has passed as amended CS for CS for HB 245 and requests the concurrence of the Senate.

Robert L. “Bob” Ward, Clerk

By Economic Affairs Committee, Finance & Tax Committee, Community & Military Affairs Subcommittee and Representative(s) Caldwell, Campbell, Costello, Pafford, Williams, T.—

CS for CS for CS for HB 107—A bill to be entitled An act relating to special districts; amending s. 189.4042, F.S.; revising provisions relating to merger and dissolution procedures for special districts; providing definitions; requiring the merger or dissolution of dependent special districts created by a special act to be effectuated by the Legislature; providing for the merger or dissolution of inactive special districts by special act without referendum; providing dissolution procedures for active independent special districts by special acts and referendum; providing for the dissolution of inactive independent special districts by special act; providing for local governments to assume indebtedness of, and receive title to property owned by, special districts under certain circumstances; providing for the merger of certain independent special districts by the

Legislature; providing procedures and requirements for the voluntary merger of contiguous independent special districts; limiting the authority of the merged district to levy and collect revenue until a unified charter is approved by the Legislature; providing for the effect of the merger on employees, legal liabilities, obligations, proceedings, annexation, and millage calculations; providing for the determination of certain rights by the governing body of the merged district; providing that such provisions preempt certain special acts; providing procedures and requirements for the involuntary merger of independent special districts; providing exemptions from merger and dissolution procedures; amending s. 191.014, F.S.; deleting a provision relating to the conditions under which the merger of independent special districts or dependent fire control districts with other special districts is effective and the conditions under which a merged district is authorized to increase ad valorem taxes; amending s. 189.4044, F.S.; revising criteria by which special districts are declared inactive by a governing body; authorizing such districts to be dissolved without a referendum; providing an effective date.

—was referred to the Committees on Community Affairs; Budget Subcommittee on Finance and Tax; and Budget.

By K-20 Competitiveness Subcommittee and Representative(s) Harrell, Campbell—

CS for HB 285—A bill to be entitled An act relating to sick leave for school district employees; amending s. 1012.61, F.S.; authorizing each district school system to provide a policy allowing the donation of accrued sick leave to any district employee; providing standards for a sick leave transfer policy; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; and Governmental Oversight and Accountability.

By Civil Justice Subcommittee and Representative(s) Glorioso, Bernard, Pafford, Porth—

CS for HB 1351—A bill to be entitled An act relating to homeless youth; amending s. 382.002, F.S.; defining the term “certified homeless youth”; conforming a cross-reference; amending s. 382.0085, F.S.; conforming cross-references; amending s. 382.025, F.S.; providing that a minor who is a certified homeless youth or who has had the disabilities on nonage removed under specified provisions may obtain a certified copy of his or her birth certificate; creating s. 743.067, F.S.; providing that unaccompanied youths who are certified homeless youths 16 years of age or older who apply to a court to have the disabilities of nonage removed shall have court costs waived; requiring a court to advance such cases on the calendar; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; and Judiciary.

By Representative(s) Albritton—

HB 4087—A bill to be entitled An act relating to repeal of a workers’ compensation independent actuarial peer review requirement; repealing s. 627.285, F.S., relating to the duty of the Financial Services Commission to contract for a periodic report regarding an actuarial peer review and analysis of the ratemaking process of any licensed rating organization that makes rate filings for workers’ compensation insurance; providing an effective date.

—was referred to the Committees on Banking and Insurance; Budget Subcommittee on General Government Appropriations; and Budget.

By Government Operations Subcommittee and Representative(s) Stafford—

HB 7013—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; repealing s. 119.071(1)(g), F.S., which provides an exemption from public records requirements for United States Census Bureau address information; providing an effective date.

—was referred to the Committee on Governmental Oversight and Accountability.

By Economic Affairs Committee, Insurance & Banking Subcommittee and Representative(s) Boyd, Broxson, Costello—

CS for CS for HB 245—A bill to be entitled An act relating to the depopulation programs of Citizens Property Insurance Corporation; amending s. 627.351, F.S.; providing that eligible surplus lines insurers may participate, in the same manner and on the same terms as an authorized insurer, in depopulation, take-out, or keep-out programs relating to policies removed from Citizens Property Insurance Corporation; providing certain exceptions, conditions, and requirements relating to such participation by a surplus lines insurer in the corporation's depopulation, take-out, or keep-out programs; authorizing information from underwriting files and confidential files to be released by the corporation to specified entities that are considering writing or underwriting risks insured by the corporation under certain circumstances; specifying that only the corporation's transfer of a policy file to an insurer, as opposed to the transfer of any file, changes the file's public record status; providing an effective date.

—was referred to the Committees on Banking and Insurance; Budget Subcommittee on General Government Appropriations; and Budget.

CORRECTION AND APPROVAL OF JOURNAL

The Journals of February 14 and February 21 were corrected and approved.

CO-INTRODUCERS

Senators Gaetz—SJR 408; Gibson—SB 1592; Lynn—CS for CS for CS for SB 206, CS for SB 346, SB 436, CS for SB 780, SB 990, SM 1080, SM 1822; Margolis—SB 166; Rich—CS for SB 1440; Ring—SB 166, SB 1768; Sobel—SB 366, CS for CS for CS for SB 694, SB 858, SB 1728

RECESS

On motion by Senator Thrasher, the Senate recessed at 7:50 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Monday, February 27 or upon call of the President.