



Journal of the Senate

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CALL TO ORDER

The Senate was called to order by President Gaetz at 9:00 a.m. A quorum present—39:

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

Excused: Senator Bullard

PRAYER

The following prayer was offered by Deacon Santiago Molina, Co-Cathedral of St. Thomas More, Tallahassee:

Creator and custodian of the Universe and God of all, we humbly ask that you will fill with your spirit all those gathered here; that your gifts of wisdom, understanding, knowledge, counsel, reverence, awe, and fortitude will be made present in the hearts of all gathered here.

Gracious Lord, let us be your instrument that all deliberations and decisions carried out throughout this day will be made with you in mind; so that your goodness, your beauty, your justice, your truth, and your love will be made manifest through the work of this assembly. And that this work may result in the outpouring of those same qualities of goodness, beauty, truth, justice, and love toward the people of this great State and to the benefit of all those that visit here.

In your most holy name, we pray. Amen.

PLEDGE

Senate Pages Caleb Rodrigues of Ft. Lauderdale; Jack Driggers of Tallahassee; Marc Geller of Cooper City, son of former Senator Steve Geller; and Molly Doyle of St. Petersburg led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Daniel Kantor of Ponte Vedra, sponsored by Senator Thrasher, as doctor of the day. Dr. Kantor specializes in Neurology.

ADOPTION OF RESOLUTIONS

On motion by Senator Benacquisto—

By Senators Benacquisto and Richter—

SR 1862—A resolution commending the Florida Gulf Coast University men's basketball team for winning its first Division I Atlantic Sun Conference tournament championship and receiving an automatic bid to the National Collegiate Athletic Association men's basketball tournament, advancing all the way to the "Sweet Sixteen."

WHEREAS, Florida Gulf Coast University (FGCU) has, in its short history, established a winning tradition in all sports, and

WHEREAS, the FGCU men's basketball team has successfully established this tradition of athletic excellence, achieved and maintained through its hard work, determination, unselfish play, and a team-first attitude, and

WHEREAS, inspired by Coach Andy Enfield and his coaching staff, Assistant Coaches Kevin Norris, Marty Richter, and Michael Fly, and Director of Operations Joey Cantens, as well as FGCU Eagles Brett Comer, Nate Hicks, Bernard Thompson, Christophe Varidel, Jamail Jones, Eric McKnight, Alexander Blessig, Filip Cvjeticanin, Chase Fiebler, Leonard Livingston, Jr., Eddie Murray, Marcus Blake, Sherwood Brown, and Dajuan Graf came together to form a championship-caliber team, and

WHEREAS, on March 9, 2013, the FGCU Eagles won their first Division I Atlantic Sun Conference men's basketball tournament championship in Macon, Georgia, and

WHEREAS, by winning the Atlantic Sun Conference tournament, the FGCU Eagles earned an automatic bid and advanced for the first time in the history of the basketball program to the NCAA men's basketball tournament, and

WHEREAS, on March 22, 2013, in a historic win, the number 15 seed FGCU Eagles defeated the South Region's number 2 seed team, the Georgetown University Hoyas, by a score of 78-68 in Philadelphia, Pennsylvania, which showcased the Eagles' combined talent for playing balanced and selfless basketball, and

WHEREAS, on March 24, 2013, the FGCU Eagles won the second round of the tournament, defeating the number 7 seed San Diego State University Aztecs by a score of 81-71, also in Philadelphia, the first 15 seed team in NCAA history to advance to the exceptional field of the final "Sweet Sixteen" teams, and

WHEREAS, the storied play of the FGCU Eagles firmly established the FGCU campus as “Dunk City” in the sports lexicon, NOW, THEREFORE,

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

That we commend the Florida Gulf Coast University men’s basketball team for winning the 2013 Atlantic Sun Conference tournament men’s basketball championship and for its historic wins in the Division I National Collegiate Athletic Association men’s basketball tournament.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to FGCU President Wilson G. Bradshaw, Head Coach Andy Enfield, Assistant Coaches Kevin Norris, Marty Richter, and Michael Fly, and to each member of the Florida Gulf Coast University Eagles men’s basketball team as a tangible token of the sentiments expressed in this resolution.

—was introduced out of order and read by title. On motion by Senator Benacquisto, **SR 1862** was read the second time by title and adopted.

On motion by Senator Simpson—

By Senator Simpson—

SR 1870—A resolution recognizing the life work of civil rights activist Margarita Romo and celebrating her induction into the Florida Civil Rights Hall of Fame.

WHEREAS, Margarita Romo was born in Texas of Mexican descent and is the founder and executive director of Farmworkers Self-Help, Inc., an organization that facilitates the self-development of farmworkers and other underprivileged persons through programs of education, advocacy, organizing, and help, and

WHEREAS, as the only woman directing a farmworker organization in this state, Margarita Romo also organized Agricultural Women Involved in New Goals (AWING), the first farmworker women’s organization in Florida, and

WHEREAS, Margarita Romo also developed the Norma Godinez Learning Center, designed to address the educational needs of farmworkers and other poor, and

WHEREAS, Margarita Romo has devoted the past 30 years of her life to improving the quality of life for residents of Tommytown, a depressed, crime-ridden area of Dade City, and

WHEREAS, Margarita Romo has devoted her life to community service, including service as a member of the Florida Education and Employment Council for Women and Girls, and 8 years’ service as a member of the District 5 Health and Human Services Board of the Department of Children and Families, and

WHEREAS, Margarita Romo is the recipient of numerous recognitions and awards, including the Robert Bannerman Award, given to distinguished activists of color; the Clairol Award, in recognition of the accomplishments of women over age 35; the Cramer-Fisher Award, given by MAZON: A Jewish Response to Hunger, in recognition of her accomplishments in working for the alleviation of hunger and poverty; the Cesar Chavez Award for farmworker advocacy; and the Florida Commission on the Status of Women Achievement Award; and, in 2010, she was named Hispanic Woman of the Year by Tampa Hispanic Heritage, and

WHEREAS, on February 27, 2013, Governor Rick Scott announced the selection of Margarita Romo as an inductee into the Florida Civil Rights Hall of Fame, and

WHEREAS, Margarita Romo is a role model and inspiration to all who know her, NOW, THEREFORE,

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

That we do hereby recognize and commend the life work of civil rights activist Margarita Romo and celebrate her induction into the Florida Civil Rights Hall of Fame.

—was introduced out of order and read by title. On motion by Senator Simpson, **SR 1870** was read the second time by title and adopted.

At the request of Senator Bullard—

By Senator Bullard—

SR 858—A resolution congratulating Miami-Dade County Public Schools on being named the winner of the 2012 Broad Prize for Urban Education and recognizing the school system and its administrators, teachers, staff, students, and parents for their commitment to the singular goal of improving student achievement in an environment characterized by openness, transparency, efficiency, and innovation.

WHEREAS, the Broad Prize for Urban Education is an annual award that honors urban school districts across the nation that are making the greatest progress in raising student achievement, and

WHEREAS, the Broad Prize honors urban school districts that demonstrate the greatest overall performance and improvement in student achievement while reducing achievement gaps among ethnic groups and between high- and low-income students, and

WHEREAS, students in the Miami-Dade County Public Schools outperformed students in a number of the most highly thought of public schools in major metropolitan areas in the National Assessment of Educational Progress Trial Urban District Assessment in science, mathematics, and reading, and

WHEREAS, Miami-Dade County Public Schools was a finalist for the Broad Prize in 2006, 2007, 2008, and 2011, and, in 2012 claimed this prestigious honor, and

WHEREAS, as the winner of the Broad Prize, Miami-Dade County Public Schools will receive \$550,000 in college scholarships for graduating seniors, and

WHEREAS, Miami-Dade County Public Schools’ recognition by the body that awards the Broad Prize is a testament to its concentrated approach in reading instruction, including summer reading camps; reading interventions in elementary, middle, and senior high school, as well as an emphasis on reading across disciplines; a focus on guiding middle school students to advanced-level classes, which increases the pipeline to Advanced Placement courses in high school; and extended learning opportunities through the Links to Learning program and the Superintendent’s Success Academy, NOW, THEREFORE,

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

That we recognize the outstanding achievement of the Miami-Dade County Public Schools and its administrators, teachers, staff, students, and parents for their exemplary achievement in winning the Broad Prize for Urban Education, which shines a national spotlight on the system’s sound advances in student achievement.

—**SR 858** was introduced, read and adopted by publication.

At the request of Senator Joyner—

By Senator Joyner—

SR 1798—A resolution recognizing the YWCA of Tampa Bay, Inc., for its pioneering efforts in race relations and the empowerment of women.

WHEREAS, the YWCA of Tampa Bay, Inc., has a long history of fighting against racial injustice and for the empowerment of women, and

WHEREAS, under the leadership of Chief Executive Officer Lenice C. Emanuel, the YWCA of Tampa Bay, Inc., has achieved an impressive record of service to the community and has been a consistent and effective advocate for the cause of equality in employment, education, health care, housing, and human services, and

WHEREAS, on April 26, 2013, the YWCA of Tampa Bay, Inc., will host the 5th Annual “Stand Against Racism,” joining more than 2,000 organizations nationwide in promoting activities designed to raise awareness of this ongoing issue, and

WHEREAS, the strength, security, and success of this great state depend in great measure on the work of organizations like the YWCA of Tampa Bay, Inc., which work tirelessly to improve the quality of life of all Floridians, NOW, THEREFORE,

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

That we recognize the YWCA of Tampa Bay, Inc., for its pioneering efforts in race relations and the empowerment of women.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to the YWCA of Tampa Bay, Inc., Chief Executive Officer Lenice C. Emanuel as a tangible token of the sentiments expressed in this resolution.

—**SR 1798** was introduced, read and adopted by publication.

At the request of Senator Braynon—

By Senator Braynon—

SR 1858—A resolution recognizing April 18, 2013, as “University of Miami Men’s Hurricanes Basketball Day” in Florida.

WHEREAS, the University of Miami was founded in 1925 as a private university in Coral Gables and now competes in Division I of the National Collegiate Athletic Association in the Atlantic Coast Conference (ACC), and

WHEREAS, in 2013, the University of Miami men’s Hurricanes basketball team for the second time in university history advanced to the “Sweet Sixteen” tournament, concluding the 2012-2013 season with a single-season school record of 29 wins, and

WHEREAS, the University of Miami men’s Hurricanes basketball team completed the season as ACC regular season champions and ACC tournament champions, and

WHEREAS, University of Miami men’s Hurricanes basketball Coach Jim Larrañaga was named the National Association of Basketball Coaches’ District 4 Coach of the Year, the Henry Iba Coach of the Year, and Colonial Athletic Association (CAA) Coach of the Year, and is a finalist for the Naismith Men’s College Coach of the Year, and

WHEREAS, Hurricane point guard Shane Larkin was voted ACC Player of the Year and Most Valuable Game Player, and guard Durand Scott was named ACC Defensive Player of the Year, and

WHEREAS, the men’s Hurricanes basketball team has brought pride and recognition to the more than 160,000 University of Miami alumni, and

WHEREAS, Miami-Dade County is proud to be the “epicenter” of basketball, NOW, THEREFORE,

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

That we recognize April 18, 2013 as “University of Miami Men’s Hurricanes Basketball Day” in Florida.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to University of Miami men’s Hurricanes basketball Coach Jim Larrañaga as a tangible token of the sentiments expressed in this resolution.

—**SR 1858** was introduced, read and adopted by publication.

At the request of Senator Latvala—

By Senator Latvala—

SR 1876—A resolution recognizing Clearwater Beach’s election by the readers of USA Today as “Florida’s best beach town.”

WHEREAS, Clearwater Beach stretches along 3 miles of blindingly white sugar-sand beaches on the Sunshine State’s west coast and is one

of the top tourist destinations along the Gulf Coast, attracting about four million visitors annually, and

WHEREAS, Clearwater Beach was dubbed “the Disney World of beaches” by the Tampa Bay Times, and USA Today noted that it is equal parts “Mad Men-esque” and flip-flop casual, attracting springbreakers, young families, baseball fans, and snowbirds, and

WHEREAS, Clearwater Beach was the beneficiary of a \$30 million makeover in 2008, which created the broad, palm-lined promenade known as Beach Walk, and

WHEREAS, Clearwater Beach is the birthplace of Hooters Restaurant and home to both retired professional wrestler and restaurateur Hulk Hogan and Hollywood star Winter, the bottlenose dolphin with the prosthetic tail who resides in the nonprofit Clearwater Marine Aquarium, and

WHEREAS, in February 2013, the readers of USA Today elected Clearwater Beach “Florida’s best beach town” from a slate of 10 nominees advanced by coastal expert Stephen “Dr. Beach” Leatherman, NOW, THEREFORE,

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

That we recognize Clearwater Beach’s election by the readers of USA Today as “Florida’s best beach town.”

—**SR 1876** was introduced, read and adopted by publication.

At the request of Senator Latvala—

By Senator Latvala—

SR 1878—A resolution recognizing April 24, 2013, as Armenian Martyrs Remembrance Day.

WHEREAS, 1.5 million men, women, and children of Armenian descent were victims of the genocide perpetrated by the Ottoman Empire in 1915 and thereafter, and

WHEREAS, the killing of the Armenian people was accomplished by the systematic destruction of Christian churches, schools, libraries, art treasures, and cultural monuments in an attempt to eliminate all traces of a noble Christian civilization with a history of more than 3,000 years, and

WHEREAS, United States Ambassador to the Ottoman Empire, Henry Morgenthau, Sr., stated, “Whatever crimes the most perverted instincts of the human mind can devise, and whatever refinements of persecutions and injustice the most debased imagination can conceive, became the daily misfortunes of these devoted people,” and

WHEREAS, contemporary newspapers, including the New York Times, ran headlines including “Tales of Armenian Horrors Confirmed” and “Million Armenians Killed or in Exile,” and

WHEREAS, each year, Armenian Americans and Armenians throughout the world honor those who perished from 1915 to 1923, and 43 other states have passed resolutions and commemorations honoring the memory of Armenians who were victims of the Ottoman Empire in 1915 and thereafter, and

WHEREAS, we must all do our best to raise awareness about the Armenian genocide, not only because it is an undeniable chapter of world history, but because learning more about this unconscionable tragedy will help us better understand the necessity of eliminating hatred from our own communities, and

WHEREAS, Floridians are strong in their belief that all people should condemn crimes committed against any culture or people in order to prevent similar atrocities in the future, and

WHEREAS, Armenian-Americans living in Florida have greatly enriched our state through leadership in business, agriculture, academia, government, and the arts, NOW, THEREFORE,

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

That we recognize April 24, 2013, as “Armenian Martyrs Remembrance Day” in Florida and commemorate the sacrifice of the Armenian martyrs from 1915 to 1923.

—**SR 1878** was introduced, read and adopted by publication.

At the request of Senator Dean—

By Senator Dean—

SR 1882—A resolution recognizing the 100th anniversary of Advent Christian Village.

WHEREAS, established in 1913 on 1,000 acres of land donated by Thomas Dowling and Richard W. Sears to the Advent Christian Church, the American Advent Christian Home and Orphanage was chartered and incorporated in the State of Florida in 1915, and was the state’s first retirement home, and

WHEREAS, in spite of natural disasters, the Great Depression, severe economic shortages, and other hardships, the Home and Orphanage thrived with the support of Advent Christian churches across the country, and despite taking slightly different forms, its mission has remained in keeping with the spirit of its founding: to express Christ’s love by providing compassionate care and quality comprehensive services for senior adults, families with special needs, and children in a secure, supportive residential setting, and

WHEREAS, now known as Advent Christian Village, the humble Home and Orphanage has evolved into a self-contained community that welcomes people of all faiths, is made up of over 800 residents and members, and serves an additional 300 people in the surrounding community of Dowling Park, and

WHEREAS, Advent Christian Village consists of 300 rental apartments ranging in style from mid-rise apartment buildings to garden apartments, clusters, duplexes, and single-dwelling homes, while the Village Square offers a grocery store, a bank, a branch of the United States Postal Service, a beauty salon and barber shop, gift shops, a unique resale store, an arts-and-crafts shop, and a cafe, and its caring staff provide home care, social services, housekeeping, and transportation services, and

WHEREAS, the W. B. Copeland Medical Center, Advent Christian Village’s state-of-the-art medical clinic, provides medical care in the areas of family practice, geriatrics, women’s health, dentistry, and urgent care; offers various laboratory, testing, and radiological services; and provides outpatient rehabilitative services such as physical therapy, speech and occupational therapy, osteoporosis and joint care, pain management, stroke rehabilitation, and cognitive and communication therapy, among others, and

WHEREAS, as part of its centennial celebration, Advent Christian Village held the dedication and inaugural walk of the Village Heritage Trail, a walking path through the village along which are marked the locations of significant buildings from the early days of the village, complete with photographs and a description of how each structure served the ministry, allowing residents and visitors to reflect on 100 years of care, compassion, and excellence, NOW, THEREFORE,

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

That Advent Christian Village is honored for a century of invaluable service to the citizens of this state and is heartily congratulated on the occasion of its 100th anniversary.

—**SR 1882** was introduced, read and adopted by publication.

At the request of Senator Flores—

By Senator Flores—

SR 1890—A resolution recognizing the relationship and shared interests between the people of Taiwan and the United States.

WHEREAS, Florida maintains and values its relationship with Taiwan, and

WHEREAS, April 10, 2013, marked the 34th anniversary of the enactment of the Taiwan Relations Act, which encourages continued commercial and cultural relations between the people of the United States and the people of Taiwan, and

WHEREAS, support for Taiwan’s continued economic growth and prosperity is important to the interests of the United States, particularly since Taiwan was the eleventh largest two-way trade partner of the United States and the seventh largest export market for United States food and agricultural products in 2012 and is currently the sixth largest source of international students traveling to the United States, and

WHEREAS, Taiwan is one of the allies of the United States in the Western Pacific region, and Governor Rick Scott has encouraged President Barack Obama to provide defensive weaponry, such as F-16 C/D aircraft, to Taiwan, which will create job opportunities in this state and help Taiwan maintain its defense capabilities in the region, and

WHEREAS, the campaign of the East China Sea Peace Initiative proposed by President Ma Ying-jeou of Taiwan, which recognizes the conflicting territorial viewpoints of the interested parties, calls on all parties concerned to resolve their regional disputes peacefully based on the United Nations Charter and relevant provisions of international law, which is consistent with the security and economic interests of the United States in East Asia, and

WHEREAS, the Legislature encourages and supports Taiwan’s meaningful participation in international organizations, noting that Taiwan participates in, observes, or cooperates with over 50 international organizations and is a member of both the Asia-Pacific Economic Cooperation forum and the World Trade Organization, NOW, THEREFORE,

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

That we recognize the relationship and shared interests between the people of Taiwan and the United States.

—**SR 1890** was introduced, read and adopted by publication.

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

SPECIAL ORDER CALENDAR

SB 832—A bill to be entitled An act relating to powers of attorney; amending s. 709.2102, F.S.; adding definitions; revising the definition of “sign”; amending s. 709.2103, F.S.; adding certain powers of attorney to which this part does not apply; amending s. 709.2105, F.S.; authorizing a notary public to sign the principal’s name to the power of attorney under certain circumstances; amending s. 709.2106, F.S.; clarifying and revising language; providing that an original power of attorney, rather than a photocopy or electronic copy, may be required under certain circumstances; providing that an original power of attorney may be presented for recording in the official records for a fee; amending s. 709.2114, F.S.; adding exceptions to a provision that prohibits an agent who has accepted appointment from delegating authority to a third person; amending s. 709.2116, F.S.; providing for attorney fees and costs as in chancery actions; amending s. 709.2119, F.S.; authorizing a third person to require an agent to execute an affidavit stating that the agent’s authority was not terminated because of certain circumstances; revising a sample form of an affidavit; revising a cross-reference; amending s. 709.2120, F.S.; revising language; providing a presumption of reasonable time to accept or reject a power of attorney for a broker-dealer; requiring a third person who rejects a power of attorney to state the reason in writing unless a certain circumstance applies; amending s. 709.2121, F.S.; providing for notice to a broker-dealer; amending s. 709.2202, F.S.; conforming a cross-reference; authorizing a notary public to sign the principal’s name to documents, other than the power of attorney, under certain circumstances; clarifying that certain gift amounts are based on the calendar year; specifying that a broker-dealer does not have a duty to inquire into certain actions by an agent and is not liable for relying in good faith on an agent’s actions; amending s. 709.2208, F.S.; providing that an agent acquires general authority regarding securities held by a broker-dealer under certain circumstances; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 832**, on motion by Senator Joyner, by two-thirds vote **CS for HB 841** was withdrawn from the Committees on Judiciary; Governmental Oversight and Accountability; and Rules.

On motion by Senator Joyner—

CS for HB 841—A bill to be entitled An act relating to powers of attorney; amending s. 709.2102, F.S.; revising and providing definitions; amending s. 709.2103, F.S.; providing additional exceptions to the applicability of specified power of attorney provisions; amending s. 709.2105, F.S.; authorizing a notary public to sign a principal's name on a power of attorney under certain circumstances; amending s. 709.2106, F.S.; clarifying and revising language; providing that an original power of attorney may be required under certain circumstances; providing that an original power of attorney may be recorded in the official records for a fee; amending s. 709.2114, F.S.; adding exceptions to a provision that prohibits an agent who has accepted appointment from delegating authority to a third person; amending s. 709.2116, F.S.; providing for the award of attorney fees and costs as in chancery actions; amending s. 709.2119, F.S.; authorizing a third person to require an agent to execute an affidavit stating that the agent's authority was not terminated because of certain circumstances; revising a form for affidavits; revising a cross-reference; revising terminology; amending s. 709.2120, F.S.; conforming provisions to changes made by the act; requiring a third person who rejects a power of attorney for certain reasons to state the reason for the rejection in writing; amending s. 709.2121, F.S.; providing for notice to a broker-dealer; amending s. 709.2202, F.S.; authorizing a notary to sign the principal's name to documents, other than the power of attorney, under certain circumstances; clarifying that certain gift amounts are based on the calendar year; specifying that a broker-dealer does not have a duty to inquire into certain actions by an agent and is not liable for actions taken in good faith reliance on an agent's actions; amending s. 709.2208, F.S.; providing that an agent acquires general authority regarding securities held by broker-dealers under certain circumstances; providing an effective date.

—a companion measure, was substituted for **SB 832** and read the second time by title.

On motions by Senator Joyner, by two-thirds vote **CS for HB 841** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Detert

On motion by Senator Negron, by unanimous consent—

SB 1832—A bill to be entitled An act relating to taxation; amending s. 320.04, F.S.; reducing the service charges that are collected with an application for the original issuance, duplicate issuance, or transfer of certain specified registration certificates; amending s. 320.06, F.S.; reducing a fee collected for a motor vehicle registration; amending ss. 320.0804 and 320.08046, F.S.; reducing a surcharge on a license tax; reenacting s. 320.0807(4), F.S., relating to special vehicle license plates for the Governor and federal and state legislators, to incorporate the

amendment made to s. 320.06, F.S., in a reference thereto; amending s. 624.509, F.S.; deleting a credit based on the amount paid in salaries to employees within this state; amending ss. 624.5091 and 624.51055, F.S.; revising provisions to conform to changes made by the act; providing effective dates.

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

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

Senator Gibson moved the following amendment which failed:

Amendment 1 (210080) (with title amendment)—Delete lines 208-436 and insert:

Section 6. *The Office of Economic and Demographic Research and the Office of Program Policy Analysis and Government Accountability (OPPAGA) shall develop and present to the Governor, the President of the Senate, and the Speaker of the House of Representatives, an evaluation of the salary credit provided in ss. 624.509 and 624.5091, Florida Statutes.*

(1) *The Office and OPPAGA shall coordinate the development of the evaluation and shall submit the evaluation no later than January 31, 2014.*

(2) *The Office shall evaluate and determine the economic effect and value of the salary credit on the state's economy over the previous 10 years.*

(a) *The analysis must include:*

1. *The total number of persons employed by insurance companies in this state;*

2. *The number of jobs created by insurance companies in this state;*

3. *The average annual income of persons holding such jobs;*

4. *The economic impact of insurance companies on local communities, including real estate taxes, local business taxes, charitable activities; and*

5. *The impact on state's economy from the direct, indirect, and induced effects of the insurance-industry jobs.*

(b) *For the purpose of evaluating the credit, the Office of Economic and Demographic Research shall include, but is not limited to, data and information from the Office of Insurance Regulation relating to insurers who received the credit during the evaluation period.*

(c) *The analysis must use the model developed by the Office as required in s. 216.138, Florida Statutes, to evaluate the salary credit. The Office shall provide a written explanation of the key assumptions of the model and how it is used. If the Office finds that another evaluation model is more appropriate to evaluate a program, it may use another model, but it must provide an explanation as to why the selected model was more appropriate.*

(3) *The analysis may include relevant economic development reports or analyses prepared by the Department of Economic Opportunity, Enterprise Florida, Inc., or local or regional economic development organizations; interviews with the parties involved; or any other relevant data.*

(4) *The Office of Economic and Demographic Research and OPPAGA must be given access to all data necessary to complete the salary credit Evaluation, including any confidential data. The offices may collaborate on data collection and analysis.*

Section 7. Sections 1 through 5 of this act shall take effect on September 1, 2014, and section 6 shall take effect upon becoming a law.

And the title is amended as follows:

Delete lines 14-18 and insert: directing the Office of Economic and Demographic Research and the Office of Program Policy Analysis and Government Accountability (OPPAGA) to evaluate the salary credit program to determine the program's economic effect and value on the state's economy over the previous 10 years; requiring the Office and OPPAGA to present the results of the evaluation to the Governor, the President of the Senate, and the Speaker of the House of Re-

presentatives by a specified date; mandating that OPPAGA and the Office have access to the data necessary to complete the evaluation; providing effective dates.

On motions by Senator Negron, by two-thirds vote **SB 1832** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

MOTIONS

On motion by Senator Negron, by two-thirds vote **SB 1832** was ordered immediately certified to the House.

On motion by Senator Latvala, by unanimous consent—

CS for CS for CS for CS for SB 1382—A bill to be entitled An act relating to campaign finance; repealing s. 106.04, F.S., relating to the certification and political activities of committees of continuous existence; prohibiting a committee of continuous existence from accepting a contribution after a certain date; providing for revocation of the certification of each committee of continuous existence on a certain date; requiring the Division of Elections to provide certain notifications to committees of continuous existence; providing procedures for disposition of funds and closing of the committee account; providing penalties; providing for the applicability of penalties incurred by the committee of continuous existence; authorizing a committee of continuous existence to make unlimited contributions to a political committee; amending and reordering s. 106.011, F.S., relating to definitions applicable to provisions governing campaign financing; deleting the definition of the term “committee of continuous existence” to conform to changes made by the act; revising the definition of the term “election” to include the selection of members of political party executive committees; conforming cross-references; amending s. 106.021, F.S.; providing that contributions received before a candidate changes his or her candidacy to a different office count towards the contribution limits for the newly designated office; prohibiting a political committee from making an expenditure for the purpose of jointly endorsing three or more candidates outside the scope of the requirements of ch. 106, F.S.; amending s. 106.022, F.S.; conforming a provision to changes made by the act; amending s. 106.025, F.S.; providing that tickets or advertising for a campaign fundraiser must comply with the requirements of political advertisements circulated before an election; amending s. 106.03, F.S.; conforming provisions and cross-references to changes made by the act; amending s. 106.05, F.S.; revising the information that is required to appear on a bank account for deposit of funds; reenacting and amending s. 106.07, F.S., relating to reports by campaign treasurers; revising reporting requirements for candidates and political committees; conforming a cross-reference; creating s. 106.0702, F.S.; requiring certain individuals seeking a publicly-elected position on a political party executive committee to file a report with the supervisor of elections before the primary election; providing filing and notice requirements; specifying the contents of the report; requiring the supervisor to make a specified form available to a reporting individual; requiring the reporting individual to certify to the correctness of the report; providing criminal penalties for a reporting individual who willfully files an incorrect, false, or incomplete report; providing for a fine under specified conditions; authorizing a reporting individual to appeal a fine to the Florida Elections Commis-

sion; requiring the supervisor to notify the commission of specified violations; amending s. 106.0703, F.S.; revising reporting requirements for electioneering communications organizations; reenacting and amending s. 106.0705, F.S., relating to the electronic filing of campaign treasurer's reports; conforming provisions and cross-references to changes made by the act; amending s. 106.08, F.S.; increasing the limitations on contributions made to political committees; removing a limitation on contributions made by specified minors; revising limitations on contributions to non-statewide candidates from specified political party committees; conforming provisions and cross-references to changes made by the act; reenacting and amending s. 106.11, F.S.; specifying restrictions on expenditures by political committees; providing a penalty; revising the information that is required to appear on bank account checks of candidates or political committees; revising information used to determine when debit cards are considered bank checks; amending s. 106.141, F.S.; prohibiting a candidate from giving more than a specified amount of surplus funds to an affiliated party committee or political party; increasing the amount of funds that certain candidates may transfer to an office account; specifying permissible expenses with office account funds; defining the term “same office”; modifying requirements and conditions for disposing of and transferring surplus funds; authorizing certain candidates to retain a specified amount of funds for reelection to the same office; establishing requirements and conditions for retained funds; providing procedures for disposition of retained funds in certain circumstances; making changes to conform to the act; reenacting and amending s. 106.29, F.S.; revising reporting requirements for political parties and affiliated party committees; requiring the Division of Elections to submit a proposal for a mandatory statewide electronic filing system for certain state and local candidates to the Legislature by a specified date; amending ss. 101.62, 102.031, 106.087, 106.12, 106.147, 106.17, 106.23, 106.265, 106.27, 106.32, 106.33, 111.075, 112.3148, 112.3149, 1004.28, 1004.70, and 1004.71, F.S.; conforming provisions and cross-references to changes made by the act; reenacting s. 106.19, F.S., relating to criminal and enhanced civil penalties for certain campaign finance violations, to incorporate the amendments made to ss. 106.08 and 106.11, F.S., in references thereto; providing appropriations; authorizing specified numbers of full-time equivalent positions with associated salary rates within the Florida Elections Commission and the Division of Elections; providing effective dates.

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

Pending further consideration of **CS for CS for CS for CS for SB 1382**, on motion by Senator Latvala, by two-thirds vote **CS for CS for CS for HB 569** was withdrawn from the Committees on Ethics and Elections; Community Affairs; and Rules.

On motion by Senator Latvala—

CS for CS for CS for HB 569—A bill to be entitled An act relating to the Florida Election Code; repealing s. 106.04, F.S., relating to the certification and political activities of committees of continuous existence; prohibiting a committee of continuous existence from accepting a contribution after a certain date; providing for revocation of the certification of each committee of continuous existence on a certain date; requiring the Division of Elections of the Department of State to provide certain notifications to committees of continuous existence; amending ss. 101.62, 102.031, and 111.075, F.S.; conforming provisions; amending and reordering s. 106.011, F.S., relating to definitions applicable to provisions governing campaign financing; revising the definition of the term “candidate” to include a candidate for a political party executive committee; deleting the definition of the term “committee of continuous existence,” to conform; conforming provisions and cross-references; amending s. 106.022, F.S.; conforming a provision; amending s. 106.025, F.S.; providing that tickets or advertising for a campaign fund raiser must comply with the requirements of political advertisements circulated before an election; amending s. 106.03, F.S.; conforming cross-references; amending s. 106.05, F.S.; revising the information that is required to appear on a campaign bank account for deposit of funds; amending s. 106.07, F.S.; revising reporting requirements for candidates and political committees; conforming provisions; amending s. 106.0703, F.S.; revising reporting requirements for electioneering communications organizations; amending s. 106.0705, F.S.; conforming provisions and cross-references; amending s. 106.08, F.S.; revising limitations on campaign contributions; conforming provisions and a cross-reference; amending s. 106.087, F.S.; conforming provisions; amending s. 106.11, F.S.; revising the information that is required to appear on bank account checks of candidates or political committees; revising information used to de-

termine when debit cards are considered bank checks; amending s. 106.12, F.S.; conforming a cross-reference; amending s. 106.141, F.S.; specifying the amount of surplus funds a candidate may give to an affiliated party committee or political party; specifying the maximum amount of funds that certain candidates may transfer from a campaign account to an office account; expanding the permissible uses of office account funds; providing for retention of surplus campaign funds by a candidate for specified purposes; providing reporting requirements for surplus campaign funds; providing for disposition of the funds; modifying requirements for disposing of or transferring surplus funds; amending ss. 106.147, 106.17, 106.23, 106.265, 106.27, 106.32, 106.33, 112.3148, 112.3149, 1004.28, 1004.70, and 1004.71, F.S.; conforming provisions and cross-references; directing the Division of Elections to submit a proposal to the Legislature for a mandatory statewide electronic filing system; authorizing positions and providing appropriations; providing effective dates.

—a companion measure, was substituted for CS for CS for CS for CS for SB 1382 and read the second time by title.

Senator Latvala moved the following amendment:

Amendment 1 (481688) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *Section 106.04, Florida Statutes, is repealed.*

Section 2. (1) *Effective August 1, 2013, a committee of continuous existence may not accept a contribution as defined in s. 106.011, Florida Statutes. By July 15, 2013, the Division of Elections of the Department of State shall notify each committee of continuous existence of the prohibition on accepting such a contribution as provided under this subsection.*

(2) *Effective September 30, 2013, the certification of each committee of continuous existence is revoked and all committee accounts must have a zero balance. By July 15, 2013, the Division of Elections of the Department of State shall notify each committee of continuous existence of the revocation of its certification pursuant to this subsection. Following the revocation of certification, each committee of continuous existence shall file any outstanding report as required by law.*

(3)(a) *A violation of this section or any other provision of chapter 106, Florida Statutes, constitutes a violation of chapter 106, Florida Statutes, regardless of whether the committee of continuous existence is legally dissolved.*

(b) *A political committee or electioneering communications organization that has received funds from a committee of continuous existence whose certification has been revoked and that is directly or indirectly established, maintained, or controlled by the same individual or group as the former committee of continuous existence, is responsible for any unpaid fine or penalty incurred by the former committee of continuous existence. If no such political committee or electioneering communications organization exists, the principal officers of the former committee of continuous existence shall be jointly and severally liable for any fine or penalty.*

(4) *Notwithstanding any other provision of law, a committee of continuous existence may make unlimited contributions to a political committee.*

(5) *This section shall be effective upon this act becoming a law.*

Section 3. Section 106.011, Florida Statutes, is reordered and amended to read:

106.011 Definitions.—As used in this chapter, the following terms have the following meanings unless the context clearly indicates otherwise:

(16)(4)(a) “Political committee” means:

1. A combination of two or more individuals, or a person other than an individual, that, in an aggregate amount in excess of \$500 during a single calendar year:

a. Accepts contributions for the purpose of making contributions to any candidate, political committee, ~~committee of continuous existence~~, affiliated party committee, or political party;

b. Accepts contributions for the purpose of expressly advocating the election or defeat of a candidate or the passage or defeat of an issue;

c. Makes expenditures that expressly advocate the election or defeat of a candidate or the passage or defeat of an issue; or

d. Makes contributions to a common fund, other than a joint checking account between spouses, from which contributions are made to any candidate, political committee, ~~committee of continuous existence~~, affiliated party committee, or political party;

2. The sponsor of a proposed constitutional amendment by initiative who intends to seek the signatures of registered electors.

(b) Notwithstanding paragraph (a), the following entities are not considered political committees for purposes of this chapter:

1. ~~Organizations which are certified by the Department of State as committees of continuous existence pursuant to s. 106.04~~, National political parties, the state and county executive committees of political parties, and affiliated party committees regulated by chapter 103.

2. Corporations regulated by chapter 607 or chapter 617 or other business entities formed for purposes other than to support or oppose issues or candidates, if their political activities are limited to contributions to candidates, political parties, affiliated party committees, or political committees or expenditures in support of or opposition to an issue from corporate or business funds and if no contributions are received by such corporations or business entities.

3. Electioneering communications organizations as defined in subsection (9) ~~(19)~~.

~~(2) “Committee of continuous existence” means any group, organization, association, or other such entity which is certified pursuant to the provisions of s. 106.04.~~

(5)(2) “Contribution” means:

(a) A gift, subscription, conveyance, deposit, loan, payment, or distribution of money or anything of value, including contributions in kind having an attributable monetary value in any form, made for the purpose of influencing the results of an election or making an electioneering communication.

(b) A transfer of funds between political committees, ~~between committees of continuous existence~~, between electioneering communications organizations, or between any combination of these groups.

(c) The payment, by a ~~any~~ person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to a candidate or political committee without charge to the candidate or committee for such services.

(d) The transfer of funds by a campaign treasurer or deputy campaign treasurer between a primary depository and a separate interest-bearing account or certificate of deposit, and the term includes ~~any~~ interest earned on such account or certificate.

Notwithstanding the foregoing meanings of “contribution,” the term may not be construed to include services, including, but not limited to, legal and accounting services, provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee or editorial endorsements.

(10)(4)(a) “Expenditure” means a purchase, payment, distribution, loan, advance, transfer of funds by a campaign treasurer or deputy campaign treasurer between a primary depository and a separate interest-bearing account or certificate of deposit, or gift of money or anything of value made for the purpose of influencing the results of an election or making an electioneering communication. However, “expenditure” does not include a purchase, payment, distribution, loan, advance, or gift of money or anything of value made for the purpose of influencing the results of an election when made by an organization, in existence ~~before~~ prior to the time during which a candidate qualifies or an issue is placed on the ballot for that election, for the purpose of printing or distributing such organization’s newsletter, containing a statement by such organization in support of or opposition to a candidate

or issue, which newsletter is distributed only to members of such organization.

(b) As used in this chapter, an “expenditure” for an electioneering communication is made when the earliest of the following occurs:

1. A person enters into a contract for applicable goods or services;
2. A person makes payment, in whole or in part, for the production or public dissemination of applicable goods or services; or
3. The electioneering communication is publicly disseminated.

(12)(5)(a) “Independent expenditure” means an expenditure by a person for the purpose of expressly advocating the election or defeat of a candidate or the approval or rejection of an issue, which expenditure is not controlled by, coordinated with, or made upon consultation with, any candidate, political committee, or agent of such candidate or committee. An expenditure for such purpose by a person having a contract with the candidate, political committee, or agent of such candidate or committee in a given election period ~~is shall not be deemed~~ an independent expenditure.

(b) An expenditure for the purpose of expressly advocating the election or defeat of a candidate which is made by the national, state, or county executive committee of a political party, including any subordinate committee of the political party, an affiliated party committee, a political committee, ~~a committee of continuous existence,~~ or any other person ~~is shall not be~~ considered an independent expenditure if the committee or person:

1. Communicates with the candidate, the candidate’s campaign, or an agent of the candidate acting on behalf of the candidate, including ~~a~~ ~~any~~ pollster, media consultant, advertising agency, vendor, advisor, or staff member, concerning the preparation of, use of, or payment for, the specific expenditure or advertising campaign at issue; ~~or~~
2. Makes a payment in cooperation, consultation, or concert with, at the request or suggestion of, or pursuant to ~~a~~ ~~any~~ general or particular understanding with the candidate, the candidate’s campaign, a political committee supporting the candidate, or an agent of the candidate relating to the specific expenditure or advertising campaign at issue; ~~or~~
3. Makes a payment for the dissemination, distribution, or republication, in whole or in part, of ~~a~~ ~~any~~ broadcast or ~~a~~ ~~any~~ written, graphic, or other form of campaign material prepared by the candidate, the candidate’s campaign, or an agent of the candidate, including ~~a~~ ~~any~~ pollster, media consultant, advertising agency, vendor, advisor, or staff member; ~~or~~
4. Makes a payment based on information about the candidate’s plans, projects, or needs communicated to a member of the committee or person by the candidate or an agent of the candidate, provided the committee or person uses the information in any way, in whole or in part, either directly or indirectly, to design, prepare, or pay for the specific expenditure or advertising campaign at issue; ~~or~~
5. After the last day of the qualifying period prescribed for the candidate, consults about the candidate’s plans, projects, or needs in connection with the candidate’s pursuit of election to office and the information is used in any way to plan, create, design, or prepare an independent expenditure or advertising campaign, with:
 - a. ~~An~~ ~~any~~ officer, director, employee, or agent of a national, state, or county executive committee of a political party or an affiliated party committee that has made or intends to make expenditures in connection with or contributions to the candidate; or
 - b. ~~A~~ ~~any~~ person whose professional services have been retained by a national, state, or county executive committee of a political party or an affiliated party committee that has made or intends to make expenditures in connection with or contributions to the candidate; ~~or~~
6. After the last day of the qualifying period prescribed for the candidate, retains the professional services of ~~a~~ ~~any~~ person also providing those services to the candidate in connection with the candidate’s pursuit of election to office; or

7. Arranges, coordinates, or directs the expenditure, in any way, with the candidate or an agent of the candidate.

(7)(6) “Election” means ~~a~~ ~~any~~ primary election, special primary election, general election, special election, or municipal election held in this state for the purpose of nominating or electing candidates to public office, choosing delegates to the national nominating conventions of political parties, *selecting a member of a political party executive committee,* or submitting an issue to the electors for their approval or rejection.

(13)(7) “Issue” means ~~a~~ ~~any~~ proposition ~~that which~~ is required by the State Constitution, by law or resolution of the Legislature, or by the charter, ordinance, or resolution of ~~a~~ ~~any~~ political subdivision of this state to be submitted to the electors for their approval or rejection at an election, or ~~a~~ ~~any~~ proposition for which a petition is circulated in order to have such proposition placed on the ballot at ~~an~~ ~~any~~ election.

(14)(8) “Person” means an individual or a corporation, association, firm, partnership, joint venture, joint stock company, club, organization, estate, trust, business trust, syndicate, or other combination of individuals having collective capacity. The term includes a political party, affiliated party committee, or political committee, ~~or committee of continuous existence.~~

(2)(9) “Campaign treasurer” means an individual appointed by a candidate or political committee as provided in this chapter.

(17)(10) “Public office” means ~~a~~ ~~any~~ state, county, municipal, or school or other district office or position ~~that which~~ is filled by vote of the electors.

(1)(11) “Campaign fund raiser” means ~~an~~ ~~any~~ affair held to raise funds to be used in a campaign for public office.

(6)(12) “Division” means the Division of Elections of the Department of State.

(4)(13) “Communications media” means broadcasting stations, newspapers, magazines, outdoor advertising facilities, printers, direct mail, advertising agencies, the Internet, and telephone companies; but with respect to telephones, an expenditure ~~is shall be~~ deemed to be an expenditure for the use of communications media only if made for the costs of telephones, paid telephonists, or automatic telephone equipment to be used by a candidate or a political committee to communicate with potential voters but excluding ~~the~~ ~~any~~ costs of telephones incurred by a volunteer for use of telephones by such volunteer; however, with respect to the Internet, an expenditure ~~is shall be~~ deemed an expenditure for use of communications media only if made for the cost of creating or disseminating a message on a computer information system accessible by more than one person but excluding internal communications of a campaign or of any group.

(11)(14) “Filing officer” means the person before whom a candidate qualifies ~~or;~~ the agency or officer with whom a political committee or an electioneering communications organization registers, ~~or the agency by whom a committee of continuous existence is certified.~~

(18)(15) “Unopposed candidate” means a candidate for nomination or election to an office who, after the last day on which ~~a~~ ~~any~~ person, including a write-in candidate, may qualify, is without opposition in the election at which the office is to be filled or who is without such opposition after such date as a result of ~~a~~ ~~any~~ primary election or of withdrawal by other candidates seeking the same office. A candidate is not an unopposed candidate if there is a vacancy to be filled under s. 100.111(3), if there is a legal proceeding pending regarding the right to a ballot position for the office sought by the candidate, or if the candidate is seeking retention as a justice or judge.

(3)(16) “Candidate” means ~~a~~ ~~any~~ person to whom any ~~one or more~~ of the following ~~applies apply~~:

- (a) ~~A~~ ~~any~~ person who seeks to qualify for nomination or election by means of the petitioning process.
- (b) ~~A~~ ~~any~~ person who seeks to qualify for election as a write-in candidate.
- (c) ~~A~~ ~~any~~ person who receives contributions or makes expenditures, or consents for any other person to receive contributions or make ex-

penditures, with a view to bring about his or her nomination or election to, or retention in, public office.

(d) A ~~any~~ person who appoints a treasurer and designates a primary depository.

(e) A ~~any~~ person who files qualification papers and subscribes to a candidate's oath as required by law.

However, this definition does not include any candidate for a political party executive committee. Expenditures related to potential candidate polls as provided in s. 106.17 are not contributions or expenditures for purposes of this subsection.

(15)(17) "Political advertisement" means a paid expression in a ~~any~~ communications media prescribed in subsection (4) ~~(13)~~, whether radio, television, newspaper, magazine, periodical, campaign literature, direct mail, or display or by means other than the spoken word in direct conversation, which expressly advocates the election or defeat of a candidate or the approval or rejection of an issue. However, political advertisement does not include:

(a) A statement by an organization, in existence ~~before~~ ~~prior to~~ the time during which a candidate qualifies or an issue is placed on the ballot for that election, in support of or opposition to a candidate or issue, in that organization's newsletter, which newsletter is distributed only to the members of that organization.

(b) Editorial endorsements by a ~~any~~ newspaper, a radio or television station, or ~~any~~ other recognized news medium.

(8)(18)(a) "Electioneering communication" means ~~any~~ communication that is publicly distributed by a television station, radio station, cable television system, satellite system, newspaper, magazine, direct mail, or telephone and that:

1. Refers to or depicts a clearly identified candidate for office without expressly advocating the election or defeat of a candidate but that is susceptible of no reasonable interpretation other than an appeal to vote for or against a specific candidate;

2. Is made within 30 days before a primary or special primary election or 60 days before any other election for the office sought by the candidate; and

3. Is targeted to the relevant electorate in the geographic area the candidate would represent if elected.

(b) The term "electioneering communication" does not include:

1. A communication disseminated through a means of communication other than a television station, radio station, cable television system, satellite system, newspaper, magazine, direct mail, telephone, or statement or depiction by an organization, in existence ~~before~~ ~~prior to~~ the time during which a candidate named or depicted qualifies for that election, made in that organization's newsletter, which newsletter is distributed only to members of that organization.

2. A communication in a news story, commentary, or editorial distributed through the facilities of a ~~any~~ radio station, television station, cable television system, or satellite system, unless the facilities are owned or controlled by a ~~any~~ political party, political committee, or candidate. A news story distributed through the facilities owned or controlled by a ~~any~~ political party, political committee, or candidate may nevertheless be exempt if it represents a bona fide news account communicated through a licensed broadcasting facility and the communication is part of a general pattern of campaign-related news accounts that give reasonably equal coverage to all opposing candidates in the area.

3. A communication that constitutes a public debate or forum that includes at least two opposing candidates for an office or one advocate and one opponent of an issue, or that solely promotes such a debate or forum and is made by or on behalf of the person sponsoring the debate or forum, provided that:

a. The staging organization is either:

(I) A charitable organization that does not make other electioneering communications and does not otherwise support or oppose any political candidate or political party; or

(II) A newspaper, radio station, television station, or other recognized news medium; and

b. The staging organization does not structure the debate to promote or advance one candidate or issue position over another.

(c) For purposes of this chapter, an expenditure made for, or in furtherance of, an electioneering communication ~~is shall not be~~ considered a contribution to or on behalf of any candidate.

(d) For purposes of this chapter, an electioneering communication ~~does shall~~ not constitute an independent expenditure ~~and is not nor be~~ subject to the limitations applicable to independent expenditures.

(9)(19) "Electioneering communications organization" means any group, other than a political party, affiliated party committee, or political committee, ~~or committee of continuous existence~~, whose election-related activities are limited to making expenditures for electioneering communications or accepting contributions for the purpose of making electioneering communications and whose activities would not otherwise require the group to register as a political party ~~or~~ political committee; ~~or committee of continuous existence~~ under this chapter.

Section 4. Paragraph (a) of subsection (1) and paragraph (d) of subsection (3) of section 106.021, Florida Statutes, are amended to read:

106.021 Campaign treasurers; deputies; primary and secondary depositories.—

(1)(a) Each candidate for nomination or election to office and each political committee shall appoint a campaign treasurer. Each person who seeks to qualify for nomination or election to, or retention in, office shall appoint a campaign treasurer and designate a primary campaign depository ~~before~~ ~~prior to~~ qualifying for office. Any person who seeks to qualify for election or nomination to any office by means of the petitioning process shall appoint a treasurer and designate a primary depository on or before the date he or she obtains the petitions. ~~Each candidate shall~~ At the same time a candidate ~~he or she~~ designates a campaign depository and appoints a treasurer, ~~the candidate shall~~ also designate the office for which he or she is a candidate. If the candidate is running for an office ~~that which~~ will be grouped on the ballot with two or more similar offices to be filled at the same election, the candidate must indicate for which group or district office he or she is running. ~~Nothing in~~ This subsection ~~does not shall~~ prohibit a candidate, at a later date, from changing the designation of the office for which he or she is a candidate. However, if a candidate changes the designated office for which he or she is a candidate, the candidate must notify all contributors in writing of the intent to seek a different office and offer to return pro rata, upon their request, those contributions given in support of the original office sought. This notification shall be given within 15 days after the filing of the change of designation and shall include a standard form developed by the Division of Elections for requesting the return of contributions. The notice requirement ~~does shall~~ not apply to any change in a numerical designation resulting solely from redistricting. If, within 30 days after being notified by the candidate of the intent to seek a different office, the contributor notifies the candidate in writing that the contributor wishes his or her contribution to be returned, the candidate shall return the contribution, on a pro rata basis, calculated as of the date the change of designation is filed. *Up to a maximum of the contribution limits specified in s. 106.08, a candidate who runs for an office other than the office originally designated may use any contribution that a donor does not request. Any contributions not requested to be returned within the 30-day period for the newly designated office, provided the candidate disposes of any amount exceeding the contribution limit pursuant to the options in s. 106.11(5)(b) and (c) or s. 106.141(4)(a)1., s. 106.141(4)(a)2., or s. 106.141(4)(a)4.; notwithstanding, the full amount of the contribution for the original office shall count toward the contribution limits specified in s. 106.08 for the newly designated office may be used by the candidate for the newly designated office.* A ~~No~~ person may not ~~shall~~ accept any contribution or make any expenditure with a view to bringing about his or her nomination, election, or retention in public office, or authorize another to accept such contributions or make such expenditure on the person's behalf, unless such person has appointed a campaign treasurer and designated a primary campaign depository. A candidate

for an office voted upon statewide may appoint not more than 15 deputy campaign treasurers, and any other candidate or political committee may appoint not more than 3 deputy campaign treasurers. The names and addresses of the campaign treasurer and deputy campaign treasurers so appointed shall be filed with the officer before whom such candidate is required to qualify or with whom such political committee is required to register pursuant to s. 106.03.

(3) No contribution or expenditure, including contributions or expenditures of a candidate or of the candidate's family, shall be directly or indirectly made or received in furtherance of the candidacy of any person for nomination or election to political office in the state or on behalf of any political committee except through the duly appointed campaign treasurer of the candidate or political committee, subject to the following exceptions:

(d) Expenditures made directly by any ~~political committee~~, affiliated party committee, or political party regulated by chapter 103 for obtaining time, space, or services in or by any communications medium for the purpose of jointly endorsing three or more candidates, and any such expenditure ~~may shall~~ not be considered a contribution or expenditure to or on behalf of any such candidates for the purposes of this chapter.

Section 5. Subsection (1) of section 106.022, Florida Statutes, is amended to read:

106.022 Appointment of a registered agent; duties.—

(1) Each political committee, ~~committee of continuous existence~~, or electioneering communications organization shall have and continuously maintain in this state a registered office and a registered agent and must file with the filing officer a statement of appointment for the registered office and registered agent. The statement of appointment must:

- (a) Provide the name of the registered agent and the street address and phone number for the registered office;
- (b) Identify the entity for whom the registered agent serves;
- (c) Designate the address the registered agent wishes to use to receive mail;
- (d) Include the entity's undertaking to inform the filing officer of any change in such designated address;
- (e) Provide for the registered agent's acceptance of the appointment, which must confirm that the registered agent is familiar with and accepts the obligations of the position as set forth in this section; and
- (f) Contain the signature of the registered agent and the entity engaging the registered agent.

Section 6. Paragraph (c) of subsection (1) of section 106.025, Florida Statutes, is amended to read:

106.025 Campaign fund raisers.—

- (1)
- (c) Any tickets or advertising for ~~such~~ a campaign fund raiser ~~must comply with is exempt from~~ the requirements of s. 106.143.

Section 7. Paragraph (b) of subsection (1) and subsection (2) of section 106.03, Florida Statutes, are amended to read:

106.03 Registration of political committees and electioneering communications organizations.—

- (1)
- (b)1. Each group shall file a statement of organization as an electioneering communications organization within 24 hours after the date on which it makes expenditures for an electioneering communication in excess of \$5,000, if such expenditures are made within the timeframes specified in s. 106.011(8)(a)2. ~~106.011(18)(a)2.~~ If the group makes expenditures for an electioneering communication in excess of \$5,000 before the timeframes specified in s. 106.011(8)(a)2. ~~106.011(18)(a)2.~~, it shall file the statement of organization within 24 hours after the 30th

day before a primary or special primary election, or within 24 hours after the 60th day before any other election, whichever is applicable.

2.a. In a statewide, legislative, or multicounty election, an electioneering communications organization shall file a statement of organization with the Division of Elections.

b. In a countywide election or any election held on less than a countywide basis, except as described in sub-subparagraph c., an electioneering communications organization shall file a statement of organization with the supervisor of elections of the county in which the election is being held.

c. In a municipal election, an electioneering communications organization shall file a statement of organization with the officer before whom municipal candidates qualify.

d. Any electioneering communications organization that would be required to file a statement of organization in two or more locations need only file a statement of organization with the Division of Elections.

(2) The statement of organization shall include:

- (a) The name, mailing address, and street address of the committee or electioneering communications organization;
- (b) The names, street addresses, and relationships of affiliated or connected organizations, *including any affiliated sponsors*;
- (c) The area, scope, or jurisdiction of the committee or electioneering communications organization;
- (d) The name, mailing address, street address, and position of the custodian of books and accounts;
- (e) The name, mailing address, street address, and position of other principal officers, including the treasurer and deputy treasurer, if any;
- (f) The name, address, office sought, and party affiliation of:
 - 1. Each candidate whom the committee is supporting;
 - 2. Any other individual, if any, whom the committee is supporting for nomination for election, or election, to any public office whatever;
- (g) Any issue or issues the committee is supporting or opposing;
- (h) If the committee is supporting the entire ticket of any party, a statement to that effect and the name of the party;
- (i) A statement of whether the committee is a continuing one;
- (j) Plans for the disposition of residual funds which will be made in the event of dissolution;

(k) A listing of all banks, safe-deposit boxes, or other depositories used for committee or electioneering communications organization funds;

(l) A statement of the reports required to be filed by the committee or the electioneering communications organization with federal officials, if any, and the names, addresses, and positions of such officials; and

(m) A statement of whether the electioneering communications organization was formed as a newly created organization during the current calendar quarter or was formed from an organization existing prior to the current calendar quarter. For purposes of this subsection, calendar quarters end the last day of March, June, September, and December.

Section 8. Section 106.05, Florida Statutes, is amended to read:

106.05 Deposit of contributions; statement of campaign treasurer.— All funds received by the campaign treasurer of any candidate or political committee shall, prior to the end of the 5th business day following the receipt thereof, Saturdays, Sundays, and legal holidays excluded, be deposited in a campaign depository designated pursuant to s. 106.021, in an account *that contains the designated* “~~_____~~ *(name of the candidate or committee.)* ~~_____~~ *Campaign Account.*” Except for contributions to political committees made by payroll deduction, all deposits shall be accompanied by

a bank deposit slip containing the name of each contributor and the amount contributed by each. If a contribution is deposited in a secondary campaign depository, the depository shall forward the full amount of the deposit, along with a copy of the deposit slip accompanying the deposit, to the primary campaign depository prior to the end of the 1st business day following the deposit.

Section 9. Section 106.07, Florida Statutes, is reenacted and amended to read:

106.07 Reports; certification and filing.—

(1) Each campaign treasurer designated by a candidate or political committee pursuant to s. 106.021 shall file regular reports of all contributions received, and all expenditures made, by or on behalf of such candidate or political committee. Except as provided in paragraphs (a) and (b) for the third calendar quarter immediately preceding a general election, reports shall be filed on the 10th day following the end of each calendar month quarter from the time the campaign treasurer is appointed, except that, if the 10th day following the end of a calendar month quarter occurs on a Saturday, Sunday, or legal holiday, the report shall be filed on the next following day that which is not a Saturday, Sunday, or legal holiday. *Monthly Quarterly* reports shall include all contributions received and expenditures made during the calendar month quarter which have not otherwise been reported pursuant to this section.

(a) A statewide candidate or a political committee required to file reports with the division must file reports:

1. On the 60th day immediately preceding the primary election, and each week thereafter, with the last weekly report being filed on the 4th day immediately preceding the general election.

2. On the 10th day immediately preceding the general election, and each day thereafter, with the last daily report being filed the 5th day immediately preceding the general election. ~~Except as provided in paragraph (b), the reports shall also be filed on the 32nd, 18th, and 4th days immediately preceding the primary and on the 46th, 32nd, 18th, and 4th days immediately preceding the election, for a candidate who is opposed in seeking nomination or election to any office, for a political committee, or for a committee of continuous existence.~~

(b) Any other candidate or a political committee required to file reports with a filing officer other than the division must file reports on the 60th day immediately preceding the primary election, and biweekly on each Friday thereafter through and including the 4th day immediately preceding the general election, with additional reports due on the 25th and 11th days before the primary election and the general election. ~~Any statewide candidate who has requested to receive contributions pursuant to the Florida Election Campaign Financing Act or any statewide candidate in a race with a candidate who has requested to receive contributions pursuant to the act shall also file reports on the 4th, 11th, 18th, 25th, and 32nd days prior to the primary election, and on the 4th, 11th, 18th, 25th, 32nd, 39th, 46th, and 53rd days prior to the general election.~~

(c) Following the last day of qualifying for office, any unopposed candidate need only file a report within 90 days after the date such candidate became unopposed. Such report shall contain all previously unreported contributions and expenditures as required by this section and shall reflect disposition of funds as required by s. 106.141.

(d)1. When a special election is called to fill a vacancy in office, all political committees making contributions or expenditures to influence the results of such special election or the preceding special primary election shall file campaign treasurers' reports with the filing officer on the dates set by the Department of State pursuant to s. 100.111.

2. When an election is called for an issue to appear on the ballot at a time when no candidates are scheduled to appear on the ballot, all political committees making contributions or expenditures in support of or in opposition to such issue shall file reports on the 18th and 4th days before ~~prior to~~ such election.

(e) The filing officer shall provide each candidate with a schedule designating the beginning and end of reporting periods as well as the corresponding designated due dates.

(2)(a)1. All reports required of a candidate by this section shall be filed with the officer before whom the candidate is required by law to qualify. All candidates who file with the Department of State shall file their reports pursuant to s. 106.0705. Except as provided in s. 106.0705, reports shall be filed not later than 5 p.m. of the day designated; however, any report postmarked by the United States Postal Service no later than midnight of the day designated ~~is shall be~~ deemed to have been filed in a timely manner. Any report received by the filing officer within 5 days after the designated due date that was delivered by the United States Postal Service ~~is shall be~~ deemed timely filed unless it has a postmark that indicates that the report was mailed after the designated due date. A certificate of mailing obtained from and dated by the United States Postal Service at the time of mailing, or a receipt from an established courier company, which bears a date on or before the date on which the report is due, ~~suffices as shall be~~ proof of mailing in a timely manner. Reports ~~other than daily reports must shall~~ contain information on ~~of~~ all previously unreported contributions received and expenditures made as of the preceding Friday, except that the report filed on the Friday immediately preceding the election ~~must shall~~ contain information on ~~of~~ all previously unreported contributions received and expenditures made as of the day preceding that designated due date; ~~daily reports must contain information on all previously unreported contributions received as of the preceding day.~~ All such reports are ~~shall be~~ open to public inspection.

2. This subsection does not prohibit the governing body of a political subdivision, by ordinance or resolution, from imposing upon its own officers and candidates electronic filing requirements not in conflict with s. 106.0705. Expenditure of public funds for such purpose is deemed to be for a valid public purpose.

(b)1. Any report that is deemed to be incomplete by the officer with whom the candidate qualifies ~~must shall~~ be accepted on a conditional basis. The campaign treasurer shall be notified by certified mail or by another method using a common carrier that provides a proof of delivery of the notice as to why the report is incomplete and within 7 days after receipt of such notice must file an addendum to the report providing all information necessary to complete the report in compliance with this section. Failure to file a complete report after such notice constitutes a violation of this chapter.

2. Notice is deemed complete upon proof of delivery of a written notice to the mailing or street address of the campaign treasurer or registered agent of record with the filing officer.

(3) Reports required of a political committee shall be filed with the agency or officer before whom such committee registers pursuant to s. 106.03(3) and shall be subject to the same filing conditions as established for candidates' reports. Incomplete reports by political committees shall be treated in the manner provided for incomplete reports by candidates in subsection (2).

(4)(a) *Except for daily reports, to which only the contributions provisions below apply, and except as provided in paragraph (b), each report required by this section must contain:*

1. The full name, address, and occupation, if any of each person who has made one or more contributions to or for such committee or candidate within the reporting period, together with the amount and date of such contributions. For corporations, the report must provide as clear a description as practicable of the principal type of business conducted by the corporation. However, if the contribution is \$100 or less or is from a relative, as defined in s. 112.312, provided that the relationship is reported, the occupation of the contributor or the principal type of business need not be listed.

2. The name and address of each political committee from which the reporting committee or the candidate received, or to which the reporting committee or candidate made, any transfer of funds, together with the amounts and dates of all transfers.

3. Each loan for campaign purposes to or from any person or political committee within the reporting period, together with the full names, addresses, and occupations, and principal places of business, if any, of the lender and endorers, if any, and the date and amount of such loans.

4. A statement of each contribution, rebate, refund, or other receipt not otherwise listed under subparagraphs 1. through 3.

5. The total sums of all loans, in-kind contributions, and other receipts by or for such committee or candidate during the reporting period. The reporting forms shall be designed to elicit separate totals for in-kind contributions, loans, and other receipts.

6. The full name and address of each person to whom expenditures have been made by or on behalf of the committee or candidate within the reporting period; the amount, date, and purpose of each such expenditure; and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made. However, expenditures made from the petty cash fund provided by s. 106.12 need not be reported individually.

7. The full name and address of each person to whom an expenditure for personal services, salary, or reimbursement for authorized expenses as provided in s. 106.021(3) has been made and which is not otherwise reported, including the amount, date, and purpose of such expenditure. However, expenditures made from the petty cash fund provided for in s. 106.12 need not be reported individually. Receipts for reimbursement for authorized expenditures shall be retained by the treasurer along with the records for the campaign account.

8. The total amount withdrawn and the total amount spent for petty cash purposes pursuant to this chapter during the reporting period.

9. The total sum of expenditures made by such committee or candidate during the reporting period.

10. The amount and nature of debts and obligations owed by or to the committee or candidate, which relate to the conduct of any political campaign.

11. Transaction information for each credit card purchase. Receipts for each credit card purchase shall be retained by the treasurer with the records for the campaign account.

12. The amount and nature of any separate interest-bearing accounts or certificates of deposit and identification of the financial institution in which such accounts or certificates of deposit are located.

13. The primary purposes of an expenditure made indirectly through a campaign treasurer pursuant to s. 106.021(3) for goods and services such as communications media placement or procurement services, campaign signs, insurance, and other expenditures that include multiple components as part of the expenditure. The primary purpose of an expenditure shall be that purpose, including integral and directly related components, that comprises 80 percent of such expenditure.

(b) Multiple uniform contributions from the same person, aggregating no more than \$250 per calendar year, collected by an organization that is the affiliated sponsor of a political committee, may be reported by the political committee in an aggregate amount listing the number of contributors together with the amount contributed by each and the total amount contributed during the reporting period. The identity of each person making such uniform contribution must be reported to the filing officer as provided in subparagraph (a)1. by July 1 of each calendar year, or, in a general election year, no later than the 60th day immediately preceding the primary election.

~~(c)(b)~~ The filing officer shall make available to any candidate or committee a reporting form which the candidate or committee may use to indicate contributions received by the candidate or committee but returned to the contributor before deposit.

(5) The candidate and his or her campaign treasurer, in the case of a candidate, or the political committee chair and campaign treasurer of the committee, in the case of a political committee, shall certify as to the correctness of each report; and each person so certifying shall bear the responsibility for the accuracy and veracity of each report. Any campaign treasurer, candidate, or political committee chair who willfully certifies the correctness of any report while knowing that such report is incorrect, false, or incomplete commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(6) The records maintained by the campaign depository with respect to any campaign account regulated by this chapter are subject to inspection by an agent of the Division of Elections or the Florida Elections Commission at any time during normal banking hours, and such de-

pository shall furnish certified copies of any of such records to the Division of Elections or Florida Elections Commission upon request.

(7) Notwithstanding any other provisions of this chapter, in any reporting period during which a candidate ~~or~~ political committee, ~~or committee of continuous existence~~ has not received funds, made any contributions, or expended any reportable funds, the filing of the required report for that period is waived. However, the next report filed must specify that the report covers the entire period between the last submitted report and the report being filed, and any candidate ~~or~~ political committee, ~~or committee of continuous existence~~ not reporting by virtue of this subsection on dates prescribed elsewhere in this chapter shall notify the filing officer in writing on the prescribed reporting date that no report is being filed on that date.

(8)(a) Any candidate or political committee failing to file a report on the designated due date is subject to a fine as provided in paragraph (b) for each late day, and, in the case of a candidate, such fine shall be paid only from personal funds of the candidate. The fine shall be assessed by the filing officer and the moneys collected shall be deposited:

1. In the General Revenue Fund, in the case of a candidate for state office or a political committee that registers with the Division of Elections; or

2. In the general revenue fund of the political subdivision, in the case of a candidate for an office of a political subdivision or a political committee that registers with an officer of a political subdivision.

No separate fine shall be assessed for failure to file a copy of any report required by this section.

(b) Upon determining that a report is late, the filing officer shall immediately notify the candidate or chair of the political committee as to the failure to file a report by the designated due date and that a fine is being assessed for each late day. The fine ~~is shall be~~ \$50 per day for the first 3 days late and, thereafter, \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. However, for the reports immediately preceding each special primary election, special election, primary election, and general election, the fine ~~is shall be~~ \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. For reports required under s. ~~106.141(8)~~ ~~106.141(7)~~, the fine is \$50 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. Upon receipt of the report, the filing officer shall determine the amount of the fine which is due and shall notify the candidate or chair or registered agent of the political committee. The filing officer shall determine the amount of the fine due based upon the earliest of the following:

1. When the report is actually received by such officer.
2. When the report is postmarked.
3. When the certificate of mailing is dated.
4. When the receipt from an established courier company is dated.
5. When the electronic receipt issued pursuant to s. 106.0705 or other electronic filing system authorized in this section is dated.

Such fine shall be paid to the filing officer within 20 days after receipt of the notice of payment due, unless appeal is made to the Florida Elections Commission pursuant to paragraph (c). Notice is deemed complete upon proof of delivery of written notice to the mailing or street address on record with the filing officer. In the case of a candidate, such fine ~~is shall~~ not be an allowable campaign expenditure and shall be paid only from personal funds of the candidate. An officer or member of a political committee ~~is shall~~ not be personally liable for such fine.

(c) Any candidate or chair of a political committee may appeal or dispute the fine, based upon, but not limited to, unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the Florida Elections Commission, which shall have the authority to waive the fine in whole or in part. The Florida Elections Commission must consider the mitigating and aggravating circumstances contained in s. 106.265(2) when de-

termining the amount of a fine, if any, to be waived. Any such request shall be made within 20 days after receipt of the notice of payment due. In such case, the candidate or chair of the political committee shall, within the 20-day period, notify the filing officer in writing of his or her intention to bring the matter before the commission.

(d) The appropriate filing officer shall notify the Florida Elections Commission of the repeated late filing by a candidate or political committee, the failure of a candidate or political committee to file a report after notice, or the failure to pay the fine imposed. The commission shall investigate only those alleged late filing violations specifically identified by the filing officer and as set forth in the notification. Any other alleged violations must be separately stated and reported by the division to the commission under s. 106.25(2).

(9) The Department of State may prescribe by rule the requirements for filing campaign treasurers' reports as set forth in this chapter.

Section 10. Section 106.0702, Florida Statutes, is created to read:

106.0702 Reporting; political party executive committee candidates.—

(1) *An individual seeking a publicly elected position on a political party executive committee who receives a contribution or makes an expenditure shall file a report of all contributions received and all expenditures made. The report shall be filed on the 4th day immediately preceding the primary election.*

(2)(a) *The report shall be filed with the supervisor of elections of the appropriate county. Reports shall be filed no later than 5 p.m. of the day designated; however, any report postmarked by the United States Postal Service by the day designated shall be deemed to have been filed in a timely manner. Any report received by the filing officer within 5 days after the designated due date shall be deemed timely filed unless it has a postmark that indicates that the report was mailed after the designated due date. A certificate of mailing obtained from and dated by the United States Postal Service at the time of mailing, or a receipt from an established courier company, which bears a date on or before the date on which the report is due is proof of mailing in a timely manner. The report filed must contain information of all contributions received and expenditures made as of the day preceding the designated due date. All such reports must be open to public inspection.*

(b) *A reporting individual may submit the report required under this section through an electronic filing system, if used by the supervisor for other candidates, in order to satisfy the filing requirement. Such reports shall be completed and filed through the electronic filing system not later than midnight on the 4th day immediately preceding the primary election.*

(3)(a) *A report that is deemed to be incomplete by the supervisor shall be accepted on a conditional basis. The supervisor shall send a notice to the reporting individual by certified mail or by another method using a common carrier that provides proof of delivery as to why the report is incomplete. Within 7 days after receipt of such notice, the reporting individual must file an addendum to the report providing all information necessary to complete the report in compliance with this section. Failure to file a complete report after such notice constitutes a violation of this chapter.*

(b) *Notice is deemed complete upon proof of delivery of a written notice to the mailing or street address that is on record with the supervisor.*

(4)(a) *Each report required by this section must contain:*

1. *The full name, address, and occupation of each person who has made one or more contributions to or for the reporting individual within the reporting period, together with the amount and date of such contributions. For corporations, the report must provide as clear a description as practicable of the principal type of business conducted by the corporations. However, if the contribution is \$100 or less or is from a relative, as defined in s. 112.312, provided that the relationship is reported, the occupation of the contributor or the principal type of business need not be listed.*

2. *The name and address of each political committee from which the reporting individual has received, or to which the reporting individual has made, any transfer of funds within the reporting period, together with the amounts and dates of all transfers.*

3. *Each loan for campaign purposes from any person or political committee within the reporting period, together with the full name, address, and occupation, and principal place of business, if any, of the lender and endorser, if any, and the date and amount of such loans.*

4. *A statement of each contribution, rebate, refund, or other receipt not otherwise listed under subparagraphs 1.-3.*

5. *The total sums of all loans, in-kind contributions, and other receipts by or for such reporting individual during the reporting period. The reporting forms shall be designed to elicit separate totals for in-kind contributions, loans, and other receipts.*

6. *The full name and address of each person to whom expenditures have been made by or on behalf of the reporting individual within the reporting period; the amount, date, and purpose of each such expenditure; and the name and address of, and office sought by, each reporting individual on whose behalf such expenditure was made.*

7. *The amount and nature of debts and obligations owed by or to the reporting individual which relate to the conduct of any political campaign.*

8. *Transaction information for each credit card purchase. Receipts for each credit card purchase shall be retained by the reporting individual.*

9. *The amount and nature of any separate interest-bearing accounts or certificates of deposit and identification of the financial institution in which such accounts or certificates of deposit are located.*

(b) *The supervisor shall make available to any reporting individual a reporting form that the reporting individual may use to indicate contributions received by the reporting individual but returned to the contributor before deposit.*

(5) *The reporting individual shall certify as to the correctness of the report and shall bear the responsibility for the accuracy and veracity of each report. Any reporting individual who willfully certifies the correctness of the report while knowing that such report is incorrect, false, or incomplete commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.*

(6) *Notwithstanding any other provisions of this chapter, the filing of the required report is waived if the reporting individual has not received contributions or expended any reportable funds.*

(7)(a) *A reporting individual who fails to file a report on the designated due date is subject to a fine, and such fine shall be paid only from personal funds of the reporting individual. The fine shall be \$50 per day for the first 3 days late and, thereafter, \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater. The fine shall be assessed by the supervisor, and the moneys collected shall be deposited into the general revenue fund of the political subdivision.*

(b) *The supervisor shall determine the amount of the fine due based upon the earliest of the following:*

1. *When the report is actually received by the supervisor;*
2. *When the report is postmarked;*
3. *When the certificate of mailing is dated;*
4. *When the receipt from an established courier company is dated; or*
5. *When the report is completed and filed through the electronic filing system, if applicable.*

Such fine shall be paid to the supervisor within 20 days after receipt of the notice of payment due unless appeal is made to the Florida Elections Commission pursuant to paragraph (c). Notice is deemed complete upon proof of delivery of written notice to the mailing or street address on record with the supervisor. Such fine may not be an allowable campaign expenditure and shall be paid only from personal funds of the reporting individual.

(c) *A reporting individual may appeal or dispute the fine, based upon, but not limited to, unusual circumstances surrounding the failure to file*

on the designated due date, and may request and is entitled to a hearing before the Florida Elections Commission, which has the authority to waive the fine in whole or in part. The Florida Elections Commission must consider the mitigating and aggravating circumstances contained in s. 106.265(2) when determining the amount of a fine, if any, to be waived. Any such request shall be made within 20 days after receipt of the notice of payment due. In such case, the reporting individual must, within 20 days after receipt of the notice, notify the supervisor in writing of his or her intention to bring the matter before the commission.

(d) The appropriate supervisor shall notify the Florida Elections Commission of the late filing by a reporting individual, the failure of a reporting individual to file a report after notice, or the failure to pay the fine imposed. The commission shall investigate only those alleged late filing violations specifically identified by the supervisor and as set forth in the notification. Any other alleged violations must be separately stated and reported by the division to the commission under s. 106.25(2).

Section 11. Section 106.0703, Florida Statutes, is reenacted and amended to read:

106.0703 Electioneering communications organizations; reporting requirements; certification and filing; penalties.—

(1)(a) Each electioneering communications organization shall file regular reports of all contributions received and all expenditures made by or on behalf of the organization. *Except as provided in paragraphs (b) and (c), reports must ~~shall~~ be filed on the 10th day following the end of each calendar month ~~quarter~~ from the time the organization is registered. However, if the 10th day following the end of a calendar month ~~quarter~~ occurs on a Saturday, Sunday, or legal holiday, the report must ~~shall~~ be filed on the next following day that is not a Saturday, Sunday, or legal holiday. Monthly ~~Quarterly~~ reports must ~~shall~~ include all contributions received and expenditures made during the calendar month ~~quarter~~ that have not otherwise been reported pursuant to this section.*

(b) *For an electioneering communications organization required to file reports with the division, reports must be filed:*

1. *On the 60th day immediately preceding the primary election, and each week thereafter, with the last weekly report being filed on the 4th day immediately preceding the general election.*

2. *On the 10th day immediately preceding the general election, and every day thereafter excluding the 4th day immediately preceding the general election, with the last daily report being filed the day before the general election. ~~Following the last day of candidates qualifying for office, the reports shall be filed on the 32nd, 18th, and 4th days immediately preceding the primary election and on the 46th, 32nd, 18th, and 4th days immediately preceding the general election.~~*

(c) *For an electioneering communications organization required to file reports with a filing officer other than the division, reports must be filed on the 60th day immediately preceding the primary election, and biweekly on each Friday thereafter through and including the 4th day immediately preceding the general election, with additional reports due on the 25th and 11th days before the primary election and the general election.*

(d)(e) When a special election is called to fill a vacancy in office, all electioneering communications organizations making contributions or expenditures to influence the results of the special election shall file reports with the filing officer on the dates set by the Department of State pursuant to s. 100.111.

(e)(d) In addition to the reports required by paragraph (a), an electioneering communications organization that is registered with the Department of State and that makes a contribution or expenditure to influence the results of a county or municipal election that is not being held at the same time as a state or federal election must file reports with the county or municipal filing officer on the same dates as county or municipal candidates or committees for that election. The electioneering communications organization must also include the expenditure in the next report filed with the Division of Elections pursuant to this section following the county or municipal election.

(f)(e) The filing officer shall make available to each electioneering communications organization a schedule designating the beginning and

end of reporting periods as well as the corresponding designated due dates.

(2)(a) Except as provided in s. 106.0705, the reports required of an electioneering communications organization shall be filed with the filing officer not later than 5 p.m. of the day designated. However, any report postmarked by the United States Postal Service no later than midnight of the day designated is ~~shall be~~ deemed to have been filed in a timely manner. Any report received by the filing officer within 5 days after the designated due date that was delivered by the United States Postal Service is ~~shall~~ be deemed timely filed unless it has a postmark that indicates that the report was mailed after the designated due date. A certificate of mailing obtained from and dated by the United States Postal Service at the time of mailing, or a receipt from an established courier company, which bears a date on or before the date on which the report is due, suffices as ~~shall be~~ proof of mailing in a timely manner. Reports other than daily reports must ~~shall~~ contain information on ~~of~~ all previously unreported contributions received and expenditures made as of the preceding Friday, except that the report filed on the Friday immediately preceding the election must ~~shall~~ contain information on ~~of~~ all previously unreported contributions received and expenditures made as of the day preceding the designated due date; *daily reports must contain information on all previously unreported contributions received as of the preceding day.* All such reports are ~~shall be~~ open to public inspection.

(b)1. Any report that is deemed to be incomplete by the officer with whom the electioneering communications organization files shall be accepted on a conditional basis. The treasurer of the electioneering communications organization shall be notified, by certified mail or other common carrier that can establish proof of delivery for the notice, as to why the report is incomplete. Within 7 days after receipt of such notice, the treasurer must file an addendum to the report providing all information necessary to complete the report in compliance with this section. Failure to file a complete report after such notice constitutes a violation of this chapter.

2. Notice is deemed sufficient upon proof of delivery of written notice to the mailing or street address of the treasurer or registered agent of the electioneering communication organization on record with the filing officer.

(3)(a) *Except for daily reports, to which only the contribution provisions below apply, each report required by this section must contain:*

1. The full name, address, and occupation, if any, of each person who has made one or more contributions to or for such electioneering communications organization within the reporting period, together with the amount and date of such contributions. For corporations, the report must provide as clear a description as practicable of the principal type of business conducted by the corporation. However, if the contribution is \$100 or less, the occupation of the contributor or the principal type of business need not be listed.

2. The name and address of each political committee from which or to which the reporting electioneering communications organization made any transfer of funds, together with the amounts and dates of all transfers.

3. Each loan for electioneering communication purposes to or from any person or political committee within the reporting period, together with the full names, addresses, and occupations and principal places of business, if any, of the lender and endorsers, if any, and the date and amount of such loans.

4. A statement of each contribution, rebate, refund, or other receipt not otherwise listed under subparagraphs 1.-3.

5. The total sums of all loans, in-kind contributions, and other receipts by or for such electioneering communications organization during the reporting period. The reporting forms shall be designed to elicit separate totals for in-kind contributions, loans, and other receipts.

6. The full name and address of each person to whom expenditures have been made by or on behalf of the electioneering communications organization within the reporting period and the amount, date, and purpose of each expenditure.

7. The full name and address of each person to whom an expenditure for personal services, salary, or reimbursement for expenses has been made and that is not otherwise reported, including the amount, date, and purpose of the expenditure.

8. The total sum of expenditures made by the electioneering communications organization during the reporting period.

9. The amount and nature of debts and obligations owed by or to the electioneering communications organization that relate to the conduct of any electioneering communication.

10. Transaction information for each credit card purchase. Receipts for each credit card purchase shall be retained by the electioneering communications organization.

11. The amount and nature of any separate interest-bearing accounts or certificates of deposit and identification of the financial institution in which such accounts or certificates of deposit are located.

12. The primary purposes of an expenditure made indirectly through an electioneering communications organization for goods and services, such as communications media placement or procurement services and other expenditures that include multiple components as part of the expenditure. The primary purpose of an expenditure shall be that purpose, including integral and directly related components, that comprises 80 percent of such expenditure.

(b) The filing officer shall make available to any electioneering communications organization a reporting form which the electioneering communications organization may use to indicate contributions received by the electioneering communications organization but returned to the contributor before deposit.

(4) The treasurer of the electioneering communications organization shall certify as to the correctness of each report, and each person so certifying shall bear the responsibility for the accuracy and veracity of each report. Any treasurer who willfully certifies the correctness of any report while knowing that such report is incorrect, false, or incomplete commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(5) The electioneering communications organization depository shall provide statements reflecting deposits and expenditures from the account to the treasurer, who shall retain the records pursuant to s. 106.06. The records maintained by the depository with respect to the account shall be subject to inspection by an agent of the Division of Elections or the Florida Elections Commission at any time during normal banking hours, and such depository shall furnish certified copies of any such records to the Division of Elections or the Florida Elections Commission upon request.

(6) Notwithstanding any other provisions of this chapter, in any reporting period during which an electioneering communications organization has not received funds, made any contributions, or expended any reportable funds, the treasurer shall file a written report with the filing officer by the prescribed reporting date that no reportable contributions or expenditures were made during the reporting period.

(7)(a) Any electioneering communications organization failing to file a report on the designated due date shall be subject to a fine as provided in paragraph (b) for each late day. The fine shall be assessed by the filing officer, and the moneys collected shall be deposited:

1. In the General Revenue Fund, in the case of an electioneering communications organization that registers with the Division of Elections; or

2. In the general revenue fund of the political subdivision, in the case of an electioneering communications organization that registers with an officer of a political subdivision.

No separate fine shall be assessed for failure to file a copy of any report required by this section.

(b) Upon determining that a report is late, the filing officer shall immediately notify the electioneering communications organization as to the failure to file a report by the designated due date and that a fine is being assessed for each late day. The fine shall be \$50 per day for the

first 3 days late and, thereafter, \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. However, for the reports immediately preceding each primary and general election, the fine shall be \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. Upon receipt of the report, the filing officer shall determine the amount of the fine which is due and shall notify the electioneering communications organization. The filing officer shall determine the amount of the fine due based upon the earliest of the following:

1. When the report is actually received by such officer.
2. When the report is postmarked.
3. When the certificate of mailing is dated.
4. When the receipt from an established courier company is dated.
5. When the electronic receipt issued pursuant to s. 106.0705 or other electronic filing system authorized in this section is dated.

Such fine shall be paid to the filing officer within 20 days after receipt of the notice of payment due, unless appeal is made to the Florida Elections Commission pursuant to paragraph (c). Notice is deemed sufficient upon proof of delivery of written notice to the mailing or street address on record with the filing officer. An officer or member of an electioneering communications organization shall not be personally liable for such fine.

(c) The treasurer of an electioneering communications organization may appeal or dispute the fine, based upon, but not limited to, unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the Florida Elections Commission, which shall have the authority to waive the fine in whole or in part. The Florida Elections Commission must consider the mitigating and aggravating circumstances contained in s. 106.265(2) when determining the amount of a fine, if any, to be waived. Any such request shall be made within 20 days after receipt of the notice of payment due. In such case, the treasurer of the electioneering communications organization shall, within the 20-day period, notify the filing officer in writing of his or her intention to bring the matter before the commission.

(d) The appropriate filing officer shall notify the Florida Elections Commission of the repeated late filing by an electioneering communications organization, the failure of an electioneering communications organization to file a report after notice, or the failure to pay the fine imposed. The commission shall investigate only those alleged late filing violations specifically identified by the filing officer and as set forth in the notification. Any other alleged violations must be stated separately and reported by the division to the commission under s. 106.25(2).

(8) Electioneering communications organizations shall not use credit cards.

Section 12. Section 106.0705, Florida Statutes, is reenacted and amended to read:

106.0705 Electronic filing of campaign treasurer's reports.—

(1) As used in this section, "electronic filing system" means an Internet system for recording and reporting campaign finance activity by reporting period.

(2)(a) Each individual who is required to file reports with the division pursuant to s. 106.07 or s. 106.141 must file such reports by means of the division's electronic filing system.

(b) Each political committee, ~~committee of continuous existence~~, electioneering communications organization, affiliated party committee, or state executive committee that is required to file reports with the division under ~~s. 106.04~~, s. 106.07, s. 106.0703, or s. 106.29, as applicable, must file such reports with the division by means of the division's electronic filing system.

(c) Each person or organization that is required to file reports with the division under s. 106.071 must file such reports by means of the division's electronic filing system.

(3) Reports filed pursuant to this section shall be completed and filed through the electronic filing system not later than midnight of the day designated. Reports not filed by midnight of the day designated are late filed and are subject to the penalties under ~~s. 106.04(9)~~, s. 106.07(8), s. 106.0703(7), or s. 106.29(3), as applicable.

(4) Each report filed pursuant to this section is considered to be under oath by the candidate and treasurer, the chair and treasurer, the treasurer under s. 106.0703, or the leader and treasurer under s. 103.092, whichever is applicable, and such persons are subject to the provisions of ~~s. 106.04(4)(a)~~, s. 106.07(5), s. 106.0703(4), or s. 106.29(2), as applicable. Persons given a secure sign-on to the electronic filing system are responsible for protecting such from disclosure and are responsible for all filings using such credentials, unless they have notified the division that their credentials have been compromised.

(5) The electronic filing system developed by the division must:

- (a) Be based on access by means of the Internet.
- (b) Be accessible by anyone with Internet access using standard web-browsing software.
- (c) Provide for direct entry of campaign finance information as well as upload of such information from campaign finance software certified by the division.
- (d) Provide a method that prevents unauthorized access to electronic filing system functions.

(6) The division shall adopt rules ~~pursuant to ss. 120.536(1) and 120.54~~ to administer this section and provide for the reports required to be filed pursuant to this section. Such rules shall, at a minimum, provide:

- (a) Alternate filing procedures in case the division's electronic filing system is not operable.
- (b) For the issuance of an electronic receipt to the person submitting the report indicating and verifying that the report has been filed.

Section 13. Section 106.08, Florida Statutes, is amended to read:

106.08 Contributions; limitations on.—

(1)(a) Except for political parties or affiliated party committees, no person ~~or; political committee, or committee of continuous existence~~ may, in any election, make contributions ~~in excess of the following amounts: in excess of \$500 to any candidate for election to or retention in office or to any political committee supporting or opposing one or more candidates.~~

1. To a candidate for statewide office or for retention as a justice of the Supreme Court, \$3,000. Candidates for the offices of Governor and Lieutenant Governor on the same ticket are considered a single candidate for the purpose of this section.

2. To a candidate for retention as a judge of a district court of appeal; a candidate for legislative office; a candidate for multicounty office; a candidate for countywide office or in any election conducted on less than a countywide basis; or a candidate for county court judge or circuit judge, \$1,000.

~~(b)1. The contribution limits provided in this subsection do not apply to contributions made by a state or county executive committee of a political party or affiliated party committee regulated by chapter 103 or to amounts contributed by a candidate to his or her own campaign.~~

~~2. Notwithstanding the limits provided in this subsection, an unemancipated child under the age of 18 years of age may not make a contribution in excess of \$100 to any candidate or to any political committee supporting one or more candidates.~~

(c) The contribution limits of this subsection apply to each election. For purposes of this subsection, the primary election and general election are separate elections so long as the candidate is not an unopposed candidate as defined in s. 106.011 ~~106.011(15)~~. However, for the purpose of contribution limits with respect to candidates for retention as a justice or judge, there is only one election, which is the general election.

(2)(a) A candidate may not accept contributions from ~~a county executive committee of a political party whose contributions in the aggregate exceed \$50,000, or from the national or; state, or county executive committees of a political party, including any subordinate committee of such political party or affiliated party committees, whose~~ ~~which~~ contributions in the aggregate exceed \$50,000.

(b) A candidate for statewide office may not accept contributions from national, state, or county executive committees of a political party, including any subordinate committee of the political party, or affiliated party committees, which contributions in the aggregate exceed \$250,000. Polling services, research services, costs for campaign staff, professional consulting services, and telephone calls are not contributions to be counted toward the contribution limits of paragraph (a) or this paragraph. Any item not expressly identified in this paragraph as nonallocable is a contribution in an amount equal to the fair market value of the item and must be counted as allocable toward the contribution limits of paragraph (a) or this paragraph. Nonallocable, in-kind contributions must be reported by the candidate under s. 106.07 and by the political party or affiliated party committee under s. 106.29.

(3)(a) Any contribution received by a candidate with opposition in an election or by the campaign treasurer or a deputy campaign treasurer of such a candidate on the day of that election or less than 5 days ~~before~~ ~~prior to~~ the day of that election must be returned by him or her to the person or committee contributing it and may not be used or expended by or on behalf of the candidate.

(b) Any contribution received by a candidate or by the campaign treasurer or a deputy campaign treasurer of a candidate after the date at which the candidate withdraws his or her candidacy, or after the date the candidate is defeated, becomes unopposed, or is elected to office must be returned to the person or committee contributing it and may not be used or expended by or on behalf of the candidate.

(4) Any contribution received by the chair, campaign treasurer, or deputy campaign treasurer of a political committee supporting or opposing a candidate with opposition in an election or supporting or opposing an issue on the ballot in an election on the day of that election or less than 5 days ~~before~~ ~~prior to~~ the day of that election may not be obligated or expended by the committee until after the date of the election.

(5)(a) A person may not make any contribution through or in the name of another, directly or indirectly, in any election.

(b) Candidates, political committees, affiliated party committees, and political parties may not solicit contributions from any religious, charitable, civic, or other causes or organizations established primarily for the public good.

(c) Candidates, political committees, affiliated party committees, and political parties may not make contributions, in exchange for political support, to any religious, charitable, civic, or other cause or organization established primarily for the public good. It is not a violation of this paragraph for:

1. A candidate, political committee, affiliated party committee, or political party executive committee to make gifts of money in lieu of flowers in memory of a deceased person;

2. A candidate to continue membership in, or make regular donations from personal or business funds to, religious, political party, affiliated party committee, civic, or charitable groups of which the candidate is a member or to which the candidate has been a regular donor for more than 6 months; or

3. A candidate to purchase, with campaign funds, tickets, admission to events, or advertisements from religious, civic, political party, affiliated party committee, or charitable groups.

(6)(a) A political party or affiliated party committee may not accept any contribution that has been specifically designated for the partial or exclusive use of a particular candidate. Any contribution so designated must be returned to the contributor and may not be used or expended by or on behalf of the candidate. Funds contributed to an affiliated party committee ~~may shall~~ not be ~~deemed as~~ designated for the partial or exclusive use of a leader as defined in s. 103.092.

(b)1. A political party or affiliated party committee may not accept any in-kind contribution that fails to provide a direct benefit to the political party or affiliated party committee. A “direct benefit” includes, but is not limited to, fundraising or furthering the objectives of the political party or affiliated party committee.

2.a. An in-kind contribution to a state political party may be accepted only by the chairperson of the state political party or by the chairperson’s designee or designees whose names are on file with the division in a form acceptable to the division ~~before~~ ~~prior to~~ the date of the written notice required in sub-subparagraph b. An in-kind contribution to a county political party may be accepted only by the chairperson of the county political party or by the county chairperson’s designee or designees whose names are on file with the supervisor of elections of the respective county ~~before~~ ~~prior to~~ the date of the written notice required in sub-subparagraph b. An in-kind contribution to an affiliated party committee may be accepted only by the leader of the affiliated party committee as defined in s. 103.092 or by the leader’s designee or designees whose names are on file with the division in a form acceptable to the division ~~before~~ ~~prior to~~ the date of the written notice required in sub-subparagraph b.

b. A person making an in-kind contribution to a state or county political party or affiliated party committee must provide prior written notice of the contribution to a person described in sub-subparagraph a. The prior written notice must be signed and dated and may be provided by an electronic or facsimile message. However, prior written notice is not required for an in-kind contribution that consists of food and beverage in an aggregate amount not exceeding \$1,500 which is consumed at a single sitting or event if such in-kind contribution is accepted in advance by a person specified in sub-subparagraph a.

c. A person described in sub-subparagraph a. may accept an in-kind contribution requiring prior written notice only in a writing that is dated before the in-kind contribution is made. Failure to obtain the required written acceptance of an in-kind contribution to a state or county political party or affiliated party committee constitutes a refusal of the contribution.

d. A copy of each prior written acceptance required under sub-subparagraph c. must be filed at the time the regular reports of contributions and expenditures required under s. 106.29 are filed by the state executive committee, county executive committee, and affiliated party committee. A state executive committee and an affiliated party committee must file with the division. A county executive committee must file with the county’s supervisor of elections.

e. An in-kind contribution may not be given to a state or county political party or affiliated party committee unless the in-kind contribution is made as provided in this subparagraph.

(7)(a) Any person who knowingly and willfully makes or accepts no more than one contribution in violation of subsection (1) or subsection (5), or any person who knowingly and willfully fails or refuses to return any contribution as required in subsection (3), commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. If any corporation, partnership, or other business entity or any political party, affiliated party committee, political committee, ~~committee of continuous existence~~, or electioneering communications organization is convicted of knowingly and willfully violating any provision punishable under this paragraph, it shall be fined not less than \$1,000 and not more than \$10,000. If it is a domestic entity, it may be ordered dissolved by a court of competent jurisdiction; if it is a foreign or nonresident business entity, its right to do business in this state may be forfeited. Any officer, partner, agent, attorney, or other representative of a corporation, partnership, or other business entity, or of a political party, affiliated party committee, political committee, ~~committee of continuous existence~~, electioneering communications organization, or organization exempt from taxation under s. 527 or s. 501(c)(4) of the Internal Revenue Code, who aids, abets, advises, or participates in a violation of any provision punishable under this paragraph commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Any person who knowingly and willfully makes or accepts two or more contributions in violation of subsection (1) or subsection (5) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If any corporation, partnership, or other business entity or any political party, affiliated party committee, political com-

mittee, ~~committee of continuous existence~~, or electioneering communications organization is convicted of knowingly and willfully violating any provision punishable under this paragraph, it shall be fined not less than \$10,000 and not more than \$50,000. If it is a domestic entity, it may be ordered dissolved by a court of competent jurisdiction; if it is a foreign or nonresident business entity, its right to do business in this state may be forfeited. Any officer, partner, agent, attorney, or other representative of a corporation, partnership, or other business entity, or of a political committee, ~~committee of continuous existence~~, political party, affiliated party committee, or electioneering communications organization, or organization exempt from taxation under s. 527 or s. 501(c)(4) of the Internal Revenue Code, who aids, abets, advises, or participates in a violation of any provision punishable under this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(8) Except when otherwise provided in subsection (7), any person who knowingly and willfully violates any provision of this section shall, in addition to any other penalty prescribed by this chapter, pay to the state a sum equal to twice the amount contributed in violation of this chapter. Each campaign treasurer shall pay all amounts contributed in violation of this section to the state for deposit in the General Revenue Fund.

(9) This section does not apply to the transfer of funds between a primary campaign depository and a savings account or certificate of deposit or to any interest earned on such account or certificate.

(10) Contributions to a political committee ~~or committee of continuous existence~~ may be received by an affiliated organization and transferred to the bank account of the political committee ~~or committee of continuous existence~~ via check written from the affiliated organization if such contributions are specifically identified as intended to be contributed to the political committee ~~or committee of continuous existence~~. All contributions received in this manner shall be reported pursuant to s. 106.07 by the political committee ~~or committee of continuous existence~~ as having been made by the original contributor.

Section 14. Section 106.11, Florida Statutes, is reenacted and amended to read:

106.11 Expenses of and expenditures by candidates and political committees.—Each candidate and each political committee which designates a primary campaign depository pursuant to s. 106.021(1) shall make expenditures from funds on deposit in such primary campaign depository only in the following manner, with the exception of expenditures made from petty cash funds provided by s. 106.12:

(1)(a) The campaign treasurer or deputy campaign treasurer of a candidate or political committee shall make expenditures from funds on deposit in the primary campaign depository only by means of a bank check drawn upon the campaign account of the candidate or political committee. The campaign account shall be separate from any personal or other account and shall be used only for the purpose of depositing contributions and making expenditures for the candidate or political committee.

(b) The checks for such account shall contain, as a minimum, the following information:

1. The statement “~~the statement of~~ (name of the campaign account of the candidate or political committee.) ~~Campaign Account.~~”
2. The account number and the name of the bank.
3. The exact amount of the expenditure.
4. The signature of the campaign treasurer or deputy treasurer.
5. The exact purpose for which the expenditure is authorized.
6. The name of the payee.

(2)(a) For purposes of this section, debit cards are considered bank checks, if:

1. Debit cards are obtained from the same bank that has been designated as the candidate’s or political committee’s primary campaign depository.

2. Debit cards are issued in the name of the treasurer, deputy treasurer, or authorized user and *contain the state “^(name of the campaign account of the candidate or political committee.) Campaign Account.”*

3. No more than three debit cards are requested and issued.
4. The person using the debit card does not receive cash as part of, or independent of, any transaction for goods or services.
5. All receipts for debit card transactions contain:
 - a. The last four digits of the debit card number.
 - b. The exact amount of the expenditure.
 - c. The name of the payee.
 - d. The signature of the campaign treasurer, deputy treasurer, or authorized user.
 - e. The exact purpose for which the expenditure is authorized.

Any information required by this subparagraph but not included on the debit card transaction receipt may be handwritten on, or attached to, the receipt by the authorized user before submission to the treasurer.

(b) Debit cards are not subject to the requirements of paragraph (1)(b).

(3) The campaign treasurer, deputy treasurer, or authorized user who signs the check shall be responsible for the completeness and accuracy of the information on such check and for insuring that such expenditure is an authorized expenditure.

(4) No candidate, campaign manager, treasurer, deputy treasurer, or political committee or any officer or agent thereof, or any person acting on behalf of any of the foregoing, shall authorize any expenses, nor shall any campaign treasurer or deputy treasurer sign a check drawn on the primary campaign account for any purpose, unless there are sufficient funds on deposit in the primary depository account of the candidate or political committee to pay the full amount of the authorized expense, to honor all other checks drawn on such account, which checks are outstanding, and to meet all expenses previously authorized but not yet paid. However, an expense may be incurred for the purchase of goods or services if there are sufficient funds on deposit in the primary depository account to pay the full amount of the incurred expense, to honor all checks drawn on such account, which checks are outstanding, and to meet all other expenses previously authorized but not yet paid, provided that payment for such goods or services is made upon final delivery and acceptance of the goods or services; and an expenditure from petty cash pursuant to the provisions of s. 106.12 may be authorized, if there is a sufficient amount of money in the petty cash fund to pay for such expenditure. Payment for credit card purchases shall be made pursuant to s. 106.125. Any expense incurred or authorized in excess of such funds on deposit shall, in addition to other penalties provided by law, constitute a violation of this chapter. As used in this subsection, the term “sufficient funds on deposit in the primary depository account of the candidate or political committee” means that the funds at issue have been delivered for deposit to the financial institution at which such account is maintained. The term shall not be construed to mean that such funds are available for withdrawal in accordance with the deposit rules or the funds availability policies of such financial institution.

(5) A candidate who withdraws his or her candidacy, becomes an unopposed candidate, or is eliminated as a candidate or elected to office may expend funds from the campaign account to:

- (a) Purchase “thank you” advertising for up to 75 days after he or she withdraws, becomes unopposed, or is eliminated or elected.
- (b) Pay for items which were obligated before he or she withdrew, became unopposed, or was eliminated or elected.
- (c) Pay for expenditures necessary to close down the campaign office and to prepare final campaign reports.
- (d) Dispose of surplus funds as provided in s. 106.141.

(6) A candidate who makes a loan to his or her campaign and reports the loan as required by s. 106.07 may be reimbursed for the loan at any time the campaign account has sufficient funds to repay the loan and satisfy its other obligations.

Section 15. Section 106.141, Florida Statutes, is amended to read:

106.141 Disposition of surplus funds by candidates.—

(1) *Except as provided in subsection (6)*, each candidate who withdraws his or her candidacy, becomes an unopposed candidate, or is eliminated as a candidate or elected to office shall, within 90 days, dispose of the funds on deposit in his or her campaign account and file a report reflecting the disposition of all remaining funds. Such candidate *may* ~~shall~~ not accept any contributions, nor *may* ~~shall~~ any person accept contributions on behalf of such candidate, after the candidate withdraws his or her candidacy, becomes unopposed, or is eliminated or elected. However, if a candidate receives a refund check after all surplus funds have been disposed of, the check may be endorsed by the candidate and the refund disposed of under this section. An amended report must be filed showing the refund and subsequent disposition.

(2) Any candidate required to dispose of funds pursuant to this section may, *before* ~~prior to~~ such disposition, be reimbursed by the campaign, in full or in part, for any reported contributions by the candidate to the campaign.

(3) The campaign treasurer of a candidate who withdraws his or her candidacy, becomes unopposed, or is eliminated as a candidate or elected to office and who has funds on deposit in a separate interest-bearing account or certificate of deposit shall, within 7 days after the date of becoming unopposed or the date of such withdrawal, elimination, or election, transfer such funds and the accumulated interest earned thereon to the campaign account of the candidate for disposal under this section. However, if the funds are in an account in which penalties will apply for withdrawal within the 7-day period, the campaign treasurer shall transfer such funds and the accumulated interest earned thereon as soon as the funds can be withdrawn without penalty, or within 90 days after the candidate becomes unopposed, withdraws his or her candidacy, or is eliminated or elected, whichever comes first.

(4)(a) Except as provided in paragraph (b), any candidate required to dispose of funds pursuant to this section shall, at the option of the candidate, dispose of such funds by any of the following means, or any combination thereof:

1. Return pro rata to each contributor the funds that have not been spent or obligated.
2. Donate the funds that have not been spent or obligated to a charitable organization or organizations that meet the qualifications of s. 501(c)(3) of the Internal Revenue Code.
3. Give *not more than \$25,000* of the funds that have not been spent or obligated to the affiliated party committee or political party of which such candidate is a member.
4. Give the funds that have not been spent or obligated:
 - a. In the case of a candidate for state office, to the state, to be deposited in either the Election Campaign Financing Trust Fund or the General Revenue Fund, as designated by the candidate; or
 - b. In the case of a candidate for an office of a political subdivision, to such political subdivision, to be deposited in the general fund thereof.

(b) Any candidate required to dispose of funds pursuant to this section who has received contributions pursuant to the Florida Election Campaign Financing Act shall, after all monetary commitments pursuant to s. 106.11(5)(b) and (c) have been met, return all surplus campaign funds to the General Revenue Fund.

(5) A candidate elected to office or a candidate who will be elected to office by virtue of his or her being unopposed may, in addition to the disposition methods provided in subsection (4), transfer from the campaign account to an office account any amount of the funds on deposit in such campaign account up to:

(a) ~~Fifty Twenty~~ thousand dollars, for a candidate for statewide office. The Governor and Lieutenant Governor shall be considered separate candidates for the purpose of this section.

(b) ~~Ten Five~~ thousand dollars, for a candidate for multicounty office.

(c) ~~Ten Five~~ thousand dollars multiplied by the number of years in the term of office for which elected, for a candidate for legislative office.

(d) ~~Five thousand Two thousand five hundred~~ dollars multiplied by the number of years in the term of office for which elected, for a candidate for county office or for a candidate in any election conducted on less than a countywide basis.

(e) Six thousand dollars, for a candidate for retention as a justice of the Supreme Court.

(f) Three thousand dollars, for a candidate for retention as a judge of a district court of appeal.

(g) ~~Three thousand One thousand five hundred~~ dollars, for a candidate for county court judge or circuit judge.

The office account established pursuant to this subsection shall be separate from any personal or other account. Any funds so transferred by a candidate shall be used only for legitimate expenses in connection with the candidate's public office. Such expenses may include travel expenses incurred by the officer or a staff member; personal taxes payable on office account funds by the candidate or elected public official; professional services provided by a certified public accountant or attorney for preparation of the elected public official's financial disclosure filing pursuant to s. 112.3144 or s. 112.3145; costs to prepare, print, produce, and mail holiday cards or newsletters about the elected public official's public business to constituents if such correspondence does not constitute a political advertisement, independent expenditure, or electioneering communication as provided in s. 106.011; fees or dues to religious, civic, or charitable organizations of which the elected public official is a member; items of modest value such as flowers, greeting cards, or personal notes given as a substitute for, or in association with, an elected public official's personal attendance at a constituent's special event or family occasion, such as the birth of a child, graduation, wedding, or funeral; personal expenses incurred by the elected public official in connection with attending a constituent meeting or event where public policy is discussed, if such meetings or events are limited to no more than once a week; or expenses incurred in the operation of the elected public official's ~~his or her~~ office, including the employment of additional staff. The funds may be deposited in a savings account; however, all deposits, withdrawals, and interest earned thereon shall be reported at the appropriate reporting period. If a candidate is reelected to office or elected to another office and has funds remaining in his or her office account, he or she may transfer surplus campaign funds to the office account. At no time may the funds in the office account exceed the limitation imposed by this subsection. Upon leaving public office, any person who has funds in an office account pursuant to this subsection remaining on deposit shall use such funds to pay for professional services provided by a certified public accountant or attorney for preparation of the elected public official's final financial disclosure filing pursuant to s. 112.3144 or s. 112.3145, or give such funds to a charitable organization that meets ~~or organizations which meet~~ the requirements of s. 501(c)(3) of the Internal Revenue Code or, in the case of a state officer, to the state to be deposited in the General Revenue Fund or, in the case of an officer of a political subdivision, to the political subdivision to be deposited in the general fund thereof.

(6)(a) For purposes of this subsection, the term "same office" with respect to legislative office means an office in the same legislative body, irrespective of district number or designation or geographic boundary.

(b) A candidate elected to state office or a candidate who will be elected to state office by virtue of his or her being unopposed after candidate qualifying ends, may retain up to \$20,000 in his or her campaign account, or in an interest-bearing account or certificate of deposit, for use in his or her next campaign for the same office, in addition to the disposition methods provided in subsections (4) and (5). All requirements applicable to candidate campaign accounts under this chapter, including disclosure requirements applicable to candidate campaign accounts, limitations on expenditures, and limitations on contributions, apply to any retained funds.

(c) If a candidate who has retained funds under this subsection does not qualify as a candidate for reelection to the same office, all retained funds shall be disposed of as otherwise required by this section or s. 106.11(5) within 90 days after the last day of candidate qualifying for that office. Requirements in this section applicable to the disposal of surplus funds, including reporting requirements, are applicable to the disposal of retained funds.

(7)(6) Before ~~Prior to~~ disposing of funds pursuant to subsection (4), or transferring funds into an office account pursuant to subsection (5), or retaining funds for reelection pursuant to subsection (6), any candidate who filed an oath stating that he or she was unable to pay the election assessment or fee for verification of petition signatures without imposing an undue burden on his or her personal resources or on resources otherwise available to him or her, or who filed both such oaths, or who qualified by the petition process and was not required to pay an election assessment, shall reimburse the state or local governmental entity, whichever is applicable, for such waived assessment or fee or both. Such reimbursement shall be made first for the cost of petition verification and then, if funds are remaining, for the amount of the election assessment. If there are insufficient funds in the account to pay the full amount of either the assessment or the fee or both, the remaining funds shall be disbursed in the above manner until no funds remain. All funds disbursed pursuant to this subsection shall be remitted to the qualifying officer. Any reimbursement for petition verification costs which are reimbursable by the state shall be forwarded by the qualifying officer to the state for deposit in the General Revenue Fund. All reimbursements for the amount of the election assessment shall be forwarded by the qualifying officer to the Department of State for deposit in the General Revenue Fund.

(8)(a)(7)(a) Any candidate required to dispose of campaign funds pursuant to this section shall do so within the time required by this section and shall, on or before the date by which such disposition is to have been made, shall file with the officer with whom reports are required to be filed pursuant to s. 106.07 a form prescribed by the Division of Elections listing:

1. The name and address of each person or unit of government to whom any of the funds were distributed and the amounts thereof;
2. The name and address of each person to whom an expenditure was made, together with the amount thereof and purpose therefor; and
3. The amount of such funds transferred to an office account by the candidate, together with the name and address of the bank, savings and loan association, or credit union in which the office account is located; and
4. The amount of such funds retained pursuant to subsection (6), together with the name and address of the bank, savings and loan association, or credit union in which the retained funds are located.

Such report shall be signed by the candidate and the campaign treasurer and certified as true and correct pursuant to s. 106.07.

(b) The filing officer shall notify each candidate at least 14 days before the date the report is due.

(c) Any candidate failing to file a report on the designated due date shall be subject to a fine as provided in s. 106.07 for submitting late termination reports.

(9)(8) Any candidate elected to office who transfers surplus campaign funds into an office account pursuant to subsection (5) shall file a report on the 10th day following the end of each calendar quarter until the account is closed. Such reports shall contain the name and address of each person to whom any disbursement of funds was made, together with the amount thereof and the purpose therefor, and the name and address of any person from whom the elected candidate received any refund or reimbursement and the amount thereof. Such reports shall be on forms prescribed by the Division of Elections, signed by the elected candidate, certified as true and correct, and filed with the officer with whom campaign reports were filed pursuant to s. 106.07(2).

(10)(9) Any candidate, or any person on behalf of a candidate, who accepts contributions after such candidate has withdrawn his or her candidacy, after the candidate has become an unopposed candidate, or

after the candidate has been eliminated as a candidate or elected to office commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(11)(10) Any candidate who is required by the provisions of this section to dispose of funds in his or her campaign account and who fails to dispose of the funds in the manner provided in this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 16. *By December 1, 2013, the Division of Elections shall submit a proposal to the President of the Senate and the Speaker of the House of Representatives for a mandatory statewide electronic filing system for all state and local campaign filings required by s. 106.07, s. 106.0703, or s. 106.29.*

Section 17. Subsection (3) of section 101.62, Florida Statutes, is amended to read:

101.62 Request for absentee ballots.—

(3) For each request for an absentee ballot received, the supervisor shall record the date the request was made, the date the absentee ballot was delivered to the voter or the voter's designee or the date the absentee ballot was delivered to the post office or other carrier, the date the ballot was received by the supervisor, and such other information he or she may deem necessary. This information shall be provided in electronic format as provided by rule adopted by the division. The information shall be updated and made available no later than 8 a.m. of each day, including weekends, beginning 60 days before the primary until 15 days after the general election and shall be contemporaneously provided to the division. This information shall be confidential and exempt from the provisions of s. 119.07(1) and shall be made available to or reproduced only for the voter requesting the ballot, a canvassing board, an election official, a political party or official thereof, a candidate who has filed qualification papers and is opposed in an upcoming election, and registered political committees ~~or registered committees of continuous existence~~, for political purposes only.

Section 18. Paragraph (a) of subsection (4) of section 102.031, Florida Statutes, is amended to read:

102.031 Maintenance of good order at polls; authorities; persons allowed in polling rooms and early voting areas; unlawful solicitation of voters.—

(4)(a) No person, political committee, ~~committee of continuous existence~~, or other group or organization may solicit voters inside the polling place or within 100 feet of the entrance to any polling place, or polling room where the polling place is also a polling room, or early voting site. Before the opening of the polling place or early voting site, the clerk or supervisor shall designate the no-solicitation zone and mark the boundaries.

Section 19. Subsection (2) of section 106.087, Florida Statutes, is amended to read:

106.087 Independent expenditures; contribution limits; restrictions on political parties ~~and~~; political committees; ~~and committees of continuous existence~~.—

(2)(a) Any political committee ~~or committee of continuous existence~~ that accepts the use of public funds, equipment, personnel, or other resources to collect dues from its members agrees not to make independent expenditures in support of or opposition to a candidate or elected public official. However, expenditures may be made for the sole purpose of jointly endorsing three or more candidates.

(b) Any political committee ~~or committee of continuous existence~~ that violates this subsection is liable for a civil fine of up to \$5,000 to be determined by the Florida Elections Commission or the entire amount of the expenditures, whichever is greater.

Section 20. Subsection (3) of section 106.12, Florida Statutes, is amended to read:

106.12 Petty cash funds allowed.—

(3) The petty cash fund so provided ~~may~~ ~~shall~~ be spent only in amounts less than \$100 and only for office supplies, transportation expenses, and other necessities. Petty cash ~~may~~ ~~shall~~ not be used for the purchase of time, space, or services from communications media as defined in s. 106.011 ~~106.011(13)~~.

Section 21. Paragraph (b) of subsection (3) of section 106.147, Florida Statutes, is amended to read:

106.147 Telephone solicitation; disclosure requirements; prohibitions; exemptions; penalties.—

(3)

(b) For purposes of paragraph (a), the term “person” includes any candidate; any officer of any political committee, ~~committee of continuous existence~~, affiliated party committee, or political party executive committee; any officer, partner, attorney, or other representative of a corporation, partnership, or other business entity; and any agent or other person acting on behalf of any candidate, political committee, ~~committee of continuous existence~~, affiliated party committee, political party executive committee, or corporation, partnership, or other business entity.

Section 22. Section 106.17, Florida Statutes, is amended to read:

106.17 Polls and surveys relating to candidacies.—Any candidate, political committee, ~~committee of continuous existence~~, electioneering communication organization, affiliated party committee, or state or county executive committee of a political party may authorize or conduct a political poll, survey, index, or measurement of any kind relating to candidacy for public office so long as the candidate, political committee, ~~committee of continuous existence~~, electioneering communication organization, affiliated party committee, or political party maintains complete jurisdiction over the poll in all its aspects. State and county executive committees of a political party or an affiliated party committee may authorize and conduct political polls for the purpose of determining the viability of potential candidates. Such poll results may be shared with potential candidates, and expenditures incurred by state and county executive committees or an affiliated party committee for potential candidate polls are not contributions to the potential candidates.

Section 23. Subsection (2) of section 106.23, Florida Statutes, is amended to read:

106.23 Powers of the Division of Elections.—

(2) The Division of Elections shall provide advisory opinions when requested by any supervisor of elections, candidate, local officer having election-related duties, political party, affiliated party committee, political committee, ~~committee of continuous existence~~, or other person or organization engaged in political activity, relating to any provisions or possible violations of Florida election laws with respect to actions such as supervisor, candidate, local officer having election-related duties, political party, affiliated party committee, committee, person, or organization has taken or proposes to take. Requests for advisory opinions must be submitted in accordance with rules adopted by the Department of State. A written record of all such opinions issued by the division, sequentially numbered, dated, and indexed by subject matter, shall be retained. A copy shall be sent to said person or organization upon request. Any such person or organization, acting in good faith upon such an advisory opinion, shall not be subject to any criminal penalty provided for in this chapter. The opinion, until amended or revoked, shall be binding on any person or organization who sought the opinion or with reference to whom the opinion was sought, unless material facts were omitted or misstated in the request for the advisory opinion.

Section 24. Subsections (2) and (3) of section 106.265, Florida Statutes, are amended to read:

106.265 Civil penalties.—

(2) In determining the amount of such civil penalties, the commission or administrative law judge shall consider, among other mitigating and aggravating circumstances:

(a) The gravity of the act or omission;

(b) Any previous history of similar acts or omissions;

(c) The appropriateness of such penalty to the financial resources of the person, political committee, ~~committee of continuous existence~~, affiliated party committee, electioneering communications organization, or political party; and

(d) Whether the person, political committee, ~~committee of continuous existence~~, affiliated party committee, electioneering communications organization, or political party has shown good faith in attempting to comply with the provisions of this chapter or chapter 104.

(3) If any person, political committee, ~~committee of continuous existence~~, affiliated party committee, electioneering communications organization, or political party fails or refuses to pay to the commission any civil penalties assessed pursuant to the provisions of this section, the commission shall be responsible for collecting the civil penalties resulting from such action.

Section 25. Subsection (2) of section 106.27, Florida Statutes, is amended to read:

106.27 Determinations by commission; legal disposition.—

(2) Civil actions may be brought by the commission for relief, including permanent or temporary injunctions, restraining orders, or any other appropriate order for the imposition of civil penalties provided by this chapter. Such civil actions shall be brought by the commission in the appropriate court of competent jurisdiction, and the venue shall be in the county in which the alleged violation occurred or in which the alleged violator or violators are found, reside, or transact business. Upon a proper showing that such person, political committee, ~~committee of continuous existence~~, affiliated party committee, or political party has engaged, or is about to engage, in prohibited acts or practices, a permanent or temporary injunction, restraining order, or other order shall be granted without bond by such court, and the civil fines provided by this chapter may be imposed.

Section 26. Subsection (3) of section 106.32, Florida Statutes, is amended to read:

106.32 Election Campaign Financing Trust Fund.—

(3) Proceeds from assessments pursuant to ss. ~~106.04~~, 106.07, and 106.29 shall be deposited into the Election Campaign Financing Trust Fund as designated in those sections.

Section 27. Section 106.33, Florida Statutes, is amended to read:

106.33 Election campaign financing; eligibility.—Each candidate for the office of Governor or member of the Cabinet who desires to receive contributions from the Election Campaign Financing Trust Fund ~~shall~~, upon qualifying for office, *shall* file a request for such contributions with the filing officer on forms provided by the Division of Elections. If a candidate requesting contributions from the fund desires to have such funds distributed by electronic fund transfers, the request shall include information necessary to implement that procedure. For the purposes of ss. 106.30-106.36, *the respective candidates running for Governor and Lieutenant Governor on the same ticket shall be considered as a single candidate. To be eligible to receive contributions from the fund, a candidate may not be an unopposed candidate as defined in s. 106.011* ~~106.011(15)~~ and must:

(1) Agree to abide by the expenditure limits provided in s. 106.34.

(2)(a) Raise contributions as follows:

1. One hundred fifty thousand dollars for a candidate for Governor.
2. One hundred thousand dollars for a candidate for Cabinet office.

(b) Contributions from individuals who at the time of contributing are not state residents may not be used to meet the threshold amounts in paragraph (a). For purposes of this paragraph, any person validly registered to vote in this state shall be considered a state resident.

(3) Limit loans or contributions from the candidate's personal funds to \$25,000 and contributions from national, state, and county executive committees of a political party to \$250,000 in the aggregate, which loans or contributions ~~do shall~~ not qualify for meeting the threshold amounts in subsection (2).

(4) Submit to a postelection audit of the campaign account by the division.

Section 28. Section 111.075, Florida Statutes, is amended to read:

111.075 Elected officials; prohibition concerning certain committees.—Elected officials are prohibited from being employed by, or acting as a consultant for compensation to, a political committee ~~or committee of continuous existence~~.

Section 29. Subsections (3) and (4) and paragraph (a) of subsection (5) of section 112.3148, Florida Statutes, are amended to read:

112.3148 Reporting and prohibited receipt of gifts by individuals filing full or limited public disclosure of financial interests and by procurement employees.—

(3) A reporting individual or procurement employee is prohibited from soliciting any gift from a political committee ~~or committee of continuous existence~~, as defined in s. 106.011, or from a lobbyist who lobbies the reporting individual's or procurement employee's agency, or the partner, firm, employer, or principal of such lobbyist, where such gift is for the personal benefit of the reporting individual or procurement employee, another reporting individual or procurement employee, or any member of the immediate family of a reporting individual or procurement employee.

(4) A reporting individual or procurement employee or any other person on his or her behalf is prohibited from knowingly accepting, directly or indirectly, a gift from a political committee ~~or committee of continuous existence~~, as defined in s. 106.011, or from a lobbyist who lobbies the reporting individual's or procurement employee's agency, or directly or indirectly on behalf of the partner, firm, employer, or principal of a lobbyist, if he or she knows or reasonably believes that the gift has a value in excess of \$100; however, such a gift may be accepted by such person on behalf of a governmental entity or a charitable organization. If the gift is accepted on behalf of a governmental entity or charitable organization, the person receiving the gift shall not maintain custody of the gift for any period of time beyond that reasonably necessary to arrange for the transfer of custody and ownership of the gift.

(5)(a) A political committee ~~or a committee of continuous existence~~, as defined in s. 106.011; a lobbyist who lobbies a reporting individual's or procurement employee's agency; the partner, firm, employer, or principal of a lobbyist; or another on behalf of the lobbyist or partner, firm, principal, or employer of the lobbyist is prohibited from giving, either directly or indirectly, a gift that has a value in excess of \$100 to the reporting individual or procurement employee or any other person on his or her behalf; however, such person may give a gift having a value in excess of \$100 to a reporting individual or procurement employee if the gift is intended to be transferred to a governmental entity or a charitable organization.

Section 30. Subsections (3) and (4) of section 112.3149, Florida Statutes, are amended to read:

112.3149 Solicitation and disclosure of honoraria.—

(3) A reporting individual or procurement employee is prohibited from knowingly accepting an honorarium from a political committee ~~or committee of continuous existence~~, as defined in s. 106.011, from a lobbyist who lobbies the reporting individual's or procurement employee's agency, or from the employer, principal, partner, or firm of such a lobbyist.

(4) A political committee ~~or committee of continuous existence~~, as defined in s. 106.011, a lobbyist who lobbies a reporting individual's or procurement employee's agency, or the employer, principal, partner, or firm of such a lobbyist is prohibited from giving an honorarium to a reporting individual or procurement employee.

Section 31. Subsection (4) of section 1004.28, Florida Statutes, is amended to read:

1004.28 Direct-support organizations; use of property; board of directors; activities; audit; facilities.—

(4) ACTIVITIES; RESTRICTION.—A university direct-support organization is prohibited from giving, either directly or indirectly, any gift

to a political committee ~~or committee of continuous existence~~ as defined in s. 106.011 for any purpose other than those certified by a majority roll call vote of the governing board of the direct-support organization at a regularly scheduled meeting as being directly related to the educational mission of the university.

Section 32. Paragraph (d) of subsection (4) of section 1004.70, Florida Statutes, is amended to read:

1004.70 Florida College System institution direct-support organizations.—

(4) ACTIVITIES; RESTRICTIONS.—

(d) A Florida College System institution direct-support organization is prohibited from giving, either directly or indirectly, any gift to a political committee ~~or committee of continuous existence~~ as defined in s. 106.011 for any purpose other than those certified by a majority roll call vote of the governing board of the direct-support organization at a regularly scheduled meeting as being directly related to the educational mission of the Florida College System institution.

Section 33. Paragraph (c) of subsection (4) of section 1004.71, Florida Statutes, is amended to read:

1004.71 Statewide Florida College System institution direct-support organizations.—

(4) RESTRICTIONS.—

(c) A statewide Florida College System institution direct-support organization is prohibited from giving, either directly or indirectly, any gift to a political committee ~~or committee of continuous existence~~ as defined in s. 106.011 for any purpose other than those certified by a majority roll call vote of the governing board of the direct-support organization at a regularly scheduled meeting as being directly related to the educational mission of the State Board of Education.

Section 34. For the purpose of incorporating the amendment made by this act into section 106.08, Florida Statutes, in a reference thereto, subsection (2) of section 106.075, Florida Statutes, is reenacted to read:

106.075 Elected officials; report of loans made in year preceding election; limitation on contributions to pay loans.—

(2) Any person who makes a contribution to an individual to pay all or part of a loan incurred, in the 12 months preceding the election, to be used for the individual's campaign, may not contribute more than the amount which is allowed in s. 106.08(1).

Section 35. For the purpose of incorporating the amendments made by this act to section 106.08, Florida Statutes, in references thereto, section 106.19, Florida Statutes, is reenacted to read:

106.19 Violations by candidates, persons connected with campaigns, and political committees.—

(1) Any candidate; campaign manager, campaign treasurer, or deputy treasurer of any candidate; committee chair, vice chair, campaign treasurer, deputy treasurer, or other officer of any political committee; agent or person acting on behalf of any candidate or political committee; or other person who knowingly and willfully:

(a) Accepts a contribution in excess of the limits prescribed by s. 106.08;

(b) Fails to report any contribution required to be reported by this chapter;

(c) Falsely reports or deliberately fails to include any information required by this chapter; or

(d) Makes or authorizes any expenditure in violation of s. 106.11(4) or any other expenditure prohibited by this chapter;

is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) Any candidate, campaign treasurer, or deputy treasurer; any chair, vice chair, or other officer of any political committee; any agent or person acting on behalf of any candidate or political committee; or any other person who violates paragraph (1)(a), paragraph (1)(b), or paragraph (1)(d) shall be subject to a civil penalty equal to three times the amount involved in the illegal act. Such penalty may be in addition to the penalties provided by subsection (1) and shall be paid into the General Revenue Fund of this state.

(3) A political committee sponsoring a constitutional amendment proposed by initiative which submits a petition form gathered by a paid petition circulator which does not provide the name and address of the paid petition circulator on the form is subject to the civil penalties prescribed in s. 106.265.

(4) Except as otherwise expressly stated, the failure by a candidate to comply with the requirements of this chapter has no effect upon whether the candidate has qualified for the office the candidate is seeking.

Section 36. (1) *For the 2013-2014 fiscal year, one full-time equivalent position, with associated salary rate of 33,000, is authorized, and \$42,900 in recurring funds from the Elections Commission Trust Fund within the Department of Legal Affairs is appropriated to the Florida Elections Commission to carry out the provisions of this act.*

(2) *For the 2013-2014 fiscal year, two full-time equivalent positions, with associated salary rate of 57,297, are authorized, and \$85,000 in recurring funds from the General Revenue Fund is appropriated to the Division of Elections of the Department of State to carry out the provisions of this act.*

(3) *This section shall take effect July 1, 2013.*

Section 37. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon becoming a law, this act shall take effect November 1, 2013.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to campaign finance; repealing s. 106.04, F.S., relating to the certification and political activities of committees of continuous existence; prohibiting a committee of continuous existence from accepting a contribution after a certain date; providing for revocation of the certification of each committee of continuous existence on a certain date; requiring the Division of Elections to provide certain notifications to committees of continuous existence; providing procedures for disposition of funds and closing of the committee account; providing penalties; providing for the applicability of penalties incurred by the committee of continuous existence; authorizing a committee of continuous existence to make unlimited contributions to a political committee; amending and reordering s. 106.011, F.S., relating to definitions applicable to provisions governing campaign financing; deleting the definition of the term "committee of continuous existence" to conform to changes made by the act; revising the definition of the term "election" to include the selection of members of political party executive committees; conforming cross-references; amending s. 106.021, F.S.; providing requirements and restrictions on the use of contributions received before a candidate changes his or her candidacy to a different office; prohibiting a political committee from making an expenditure for the purpose of jointly endorsing three or more candidates outside the scope of the requirements of ch. 106, F.S.; amending s. 106.022, F.S.; conforming a provision to changes made by the act; amending s. 106.025, F.S.; providing that tickets or advertising for a campaign fundraiser must comply with the requirements of political advertisements circulated before an election; amending s. 106.03, F.S.; conforming provisions and cross-references to changes made by the act; amending s. 106.05, F.S.; revising the information that is required to appear on a bank account for deposit of funds; reenacting and amending s. 106.07, F.S., relating to reports by campaign treasurers; revising reporting requirements for candidates and political committees; conforming a cross-reference; creating s. 106.0702, F.S.; requiring certain individuals seeking a publicly elected position on a political party executive committee to file a report with the supervisor of elections before the primary election; providing filing and notice requirements; specifying the contents of the report; requiring the supervisor to make a specified form available to a reporting individual; requiring the reporting individual to certify to the correctness of the report; providing criminal penalties for a

reporting individual who willfully files an incorrect, false, or incomplete report; providing for a fine under specified conditions; authorizing a reporting individual to appeal a fine to the Florida Elections Commission; requiring the supervisor to notify the commission of specified violations; amending s. 106.0703, F.S.; revising reporting requirements for electioneering communications organizations; reenacting and amending s. 106.0705, F.S., relating to the electronic filing of campaign treasurer's reports; conforming provisions and cross-references to changes made by the act; amending s. 106.08, F.S.; increasing the limitations on contributions made to certain candidates; removing limitations on contributions made to political committees; removing a limitation on contributions made by specified minors; revising limitations on contributions to nonstatewide candidates from specified political party committees; conforming provisions and cross-references to changes made by the act; reenacting and amending s. 106.11, F.S.; revising the information that is required to appear on bank account checks of candidates or political committees; revising information used to determine when debit cards are considered bank checks; amending s. 106.141, F.S.; prohibiting a candidate from giving more than a specified amount of surplus funds to an affiliated party committee or political party; increasing the amount of funds that certain candidates may transfer to an office account; specifying permissible expenses with office account funds; defining the term "same office"; modifying requirements and conditions for disposing of and transferring surplus funds; authorizing certain candidates to retain a specified amount of funds for reelection to the same office; establishing requirements and conditions for retained funds; providing procedures for disposition of retained funds in certain circumstances; making changes to conform to the act; requiring the Division of Elections to submit a proposal for a mandatory statewide electronic filing system for certain state and local candidates to the Legislature by a specified date; amending ss. 101.62, 102.031, 106.087, 106.12, 106.147, 106.17, 106.23, 106.265, 106.27, 106.32, 106.33, 111.075, 112.3148, 112.3149, 1004.28, 1004.70, and 1004.71, F.S.; conforming provisions and cross-references to changes made by the act; reenacting s. 106.075(2), F.S., relating to contributions made to pay back campaign loans incurred, to incorporate the amendment made to s. 106.08, F.S., in a reference thereto; reenacting s. 106.19, F.S., relating to criminal and enhanced civil penalties for certain campaign finance violations, to incorporate the amendments made to s. 106.08, F.S., in references thereto; providing appropriations; authorizing specified numbers of full-time equivalent positions with associated salary rates within the Florida Elections Commission and the Division of Elections; providing effective dates.

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

Amendment 1A (137710) (with title amendment)—Delete lines 1396-1412 and insert:

(b) *A person or political committee may not make contributions to a state or county executive committee of a political party or to a political committee or electioneering communications organization affiliated with or organized by a candidate aggregating more than \$25,000 per calendar year.*

(c)(b)1. The contribution limits provided in this subsection do not apply to contributions made by a state or county executive committee of a political party or affiliated party committee regulated by chapter 103 or to amounts contributed by a candidate to his or her own campaign.

2. ~~Notwithstanding the limits provided in this subsection, an unemancipated child under the age of 18 years of age may not make a contribution in excess of \$100 to any candidate or to any political committee supporting one or more candidates.~~

(d)(e) The contribution limits of this subsection apply to each election. For purposes of this subsection, the primary election and general election are separate elections so long as the candidate is not an unopposed candidate as defined in s. 106.011 ~~106.011(15)~~. However, for the purpose of contribution limits with respect to candidates for retention as a justice or judge, there is only one election, which is the general election.

And the title is amended as follows:

Delete line 2408 and insert: to political committees; providing limitations on contributions made to a state or county executive committee

of a political party and certain political committees and electioneering communications organizations; removing a limitation on

The question recurred on **Amendment 1 (481688)** which was adopted.

On motions by Senator Latvala, by two-thirds vote **CS for CS for CS for HB 569** 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	Garcia	Richter
Altman	Gardiner	Ring
Bean	Gibson	Sachs
Benacquisto	Grimsley	Simmons
Bradley	Hays	Simpson
Brandes	Hukill	Smith
Braynon	Joyner	Sobel
Dean	Latvala	Soto
Detert	Lee	Stargel
Diaz de la Portilla	Legg	Thompson
Evers	Margolis	Thrasher
Flores	Montford	
Galvano	Negron	

Nays—2

Abruzzo Clemens

MOTIONS

On motion by Senator Thrasher, by two-thirds vote **CS for CS for CS for HB 569** was ordered immediately certified to the House.

On motion by Senator Abruzzo—

CS for SB 964—A bill to be entitled An act relating to termination of parental rights; amending s. 39.806, F.S.; providing that a parent's rights may be terminated if the court determines, by clear and convincing evidence, that the child was conceived during an act of unlawful sexual battery; creating a presumption that termination of parental rights is in the best interest of the child if the child was conceived as a result of an unlawful sexual battery; providing that a petition to terminate parental rights may be filed at any time; amending s. 39.811, F.S.; providing for termination of parental rights of only one parent if conception was the result of an unlawful sexual battery; providing for retroactive application; providing an effective date.

—was read the second time by title.

Senator Abruzzo moved the following amendment which was adopted:

Amendment 1 (406886) (with title amendment)—Delete line 33 and insert: *under this paragraph may be filed at any time. The court must accept a guilty plea or conviction of unlawful sexual battery pursuant to s. 794.011 as conclusive proof that the child was conceived by a violation of criminal law as set forth in this subsection.*

And the title is amended as follows:

Delete line 10 and insert: battery; requiring the court to accept a guilty plea or conviction as conclusive proof that the child was conceived by a violation of criminal law; providing that a petition to terminate

Pursuant to Rule 4.19, **CS for SB 964** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Hukill—

CS for CS for SB 972—A bill to be entitled An act relating to transportation development; amending s. 163.3180, F.S.; providing that local governments that implement transportation concurrency must allow an applicant for a development agreement to satisfy transportation concurrency requirements if certain criteria are met, and must

provide the basis upon which landowners will be assessed a proportionate share of the cost of addressing certain transportation impacts; encouraging a local government that repeals transportation concurrency to adopt an alternative mobility funding system that is subject to certain requirements; amending s. 163.3182, F.S.; expanding the types of transportation projects that a transportation development authority may undertake or carry out; amending s. 190.006, F.S.; modifying the method for filling positions within the board of supervisors; providing an effective date.

—was read the second time by title.

Senator Hukill moved the following amendments which were adopted:

Amendment 1 (311388) (with title amendment)—Delete lines 159-242.

And the title is amended as follows:

Delete lines 13-18 and insert: requirements; providing an effective date.

Amendment 2 (672144)—Delete line 243 and insert:

Section 4. This act shall take effect upon becoming a law.

Pursuant to Rule 4.19, **CS for CS for SB 972** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Richter—

SB 1066—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for information contained in dental workforce surveys submitted by dentists or dental hygienists to the Department of Health; providing exceptions to the exemption; 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 read the second time by title.

Pursuant to Rule 4.19, **SB 1066** was placed on the calendar of Bills on Third Reading.

CS for SB 102—A bill to be entitled An act relating to charitable contributions; amending s. 726.102, F.S.; defining the terms “charitable contribution” and “qualified religious or charitable entity or organization”; amending s. 726.109, F.S.; providing that a transfer of a charitable contribution that is received in good faith by a qualified religious or charitable entity or organization is not a fraudulent transfer; providing exceptions; amending ss. 213.758, 718.704, and 721.05, F.S.; conforming cross-references; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 102**, on motion by Senator Detert, by two-thirds vote **CS for HB 95** was withdrawn from the Committees on Banking and Insurance; Commerce and Tourism; and Rules.

On motion by Senator Detert—

CS for HB 95—A bill to be entitled An act relating to charitable contributions; amending s. 726.102, F.S.; defining the terms “charitable contribution” and “qualified religious or charitable entity or organization”; amending s. 726.109, F.S.; providing that a transfer of a charitable contribution that is received in good faith by a qualified religious or charitable entity or organization is not a fraudulent transfer; providing exceptions; amending ss. 213.758, 718.704, and 721.05, F.S.; conforming cross-references; providing for applicability; providing an effective date.

—a companion measure, was substituted for **CS for SB 102** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 95** was placed on the calendar of Bills on Third Reading.

On motion by Senator Hukill—

CS for CS for SB 468—A bill to be entitled An act relating to property and casualty insurance rates and forms; amending s. 627.062, F.S.; exempting medical malpractice insurance that covers certain providers and practitioners from specified rate filing requirements; revising provisions relating to notification of rate changes to codify the amendments made to s. 627.062(3)(d)3., F.S., by s. 1, ch. 2011-160, Laws of Florida, in lieu of the amendments made by s. 12, ch. 2011-39, Laws of Florida, and making editorial changes; amending s. 627.410, F.S.; conforming provisions to changes made by the act; creating s. 627.4102, F.S.; providing for an informational filing of certain forms that are exempt from the Office of Insurance Regulation’s approval process; requiring an informational filing to include a notarized certification from the insurer and providing a statement that must be included in the certification; authorizing the office to require prior review and approval of a form that is not in compliance; requiring a Notice of Change In Policy Terms form to be filed with a changed renewal policy; providing for construction and applicability; providing an effective date.

—was read the second time by title.

Senator Sobel moved the following amendment:

Amendment 1 (202090) (with title amendment)—Before line 28 insert:

Section 1. Paragraph (b) of subsection (6) of section 215.555, Florida Statutes, is amended to read:

215.555 Florida Hurricane Catastrophe Fund.—

(6) REVENUE BONDS.—

(b) *Emergency assessments*—

1. If the board determines that the amount of revenue produced under subsection (5) is insufficient to fund the obligations, costs, and expenses of the fund and the corporation, including repayment of revenue bonds and that portion of the debt service coverage not met by reimbursement premiums, the board shall direct the Office of Insurance Regulation to levy, by order, an emergency assessment on direct premiums for all property and casualty lines of business in this state, including property and casualty business of surplus lines insurers regulated under part VIII of chapter 626, but not including any workers’ compensation premiums or medical malpractice premiums. As used in this subsection, the term “property and casualty business” includes all lines of business identified on Form 2, Exhibit of Premiums and Losses, in the annual statement required of authorized insurers by s. 624.424 and any rule adopted under this section, except for those lines identified as accident and health insurance and except for policies written under the National Flood Insurance Program. The assessment shall be specified as a percentage of direct written premium and is subject to annual adjustments by the board in order to meet debt obligations. The same percentage ~~applies shall apply~~ to all policies in lines of business subject to the assessment issued or renewed during the 12-month period beginning on the effective date of the assessment.

2. A premium is not subject to an annual assessment under this paragraph in excess of 6 percent of premium with respect to obligations arising out of losses attributable to any one contract year, and a premium is not subject to an aggregate annual assessment under this paragraph in excess of 10 percent of premium. An annual assessment under this paragraph ~~continues shall continue~~ as long as the revenue bonds issued with respect to which the assessment was imposed are outstanding, including any bonds the proceeds of which were used to refund the revenue bonds, unless adequate provision has been made for the payment of the bonds under the documents authorizing issuance of the bonds.

3. Emergency assessments shall be collected from policyholders. Emergency assessments shall be remitted by insurers as a percentage of direct written premium for the preceding calendar quarter as specified in the order from the Office of Insurance Regulation. The office shall verify the accurate and timely collection and remittance of emergency assessments and shall report the information to the board in a form and at a time specified by the board. Each insurer collecting assessments shall provide the information with respect to premiums and collections

as may be required by the office to enable the office to monitor and verify compliance with this paragraph.

4. With respect to assessments of surplus lines premiums, each surplus lines agent shall collect the assessment at the same time as the agent collects the surplus lines tax required by s. 626.932, and the surplus lines agent shall remit the assessment to the Florida Surplus Lines Service Office created by s. 626.921 at the same time as the agent remits the surplus lines tax to the Florida Surplus Lines Service Office. The emergency assessment on each insured procuring coverage and filing under s. 626.938 shall be remitted by the insured to the Florida Surplus Lines Service Office at the time the insured pays the surplus lines tax to the Florida Surplus Lines Service Office. The Florida Surplus Lines Service Office shall remit the collected assessments to the fund or corporation as provided in the order levied by the Office of Insurance Regulation. The Florida Surplus Lines Service Office shall verify the proper application of such emergency assessments and shall assist the board in ensuring the accurate and timely collection and remittance of assessments as required by the board. The Florida Surplus Lines Service Office shall annually calculate the aggregate written premium on property and casualty business, other than workers' compensation and medical malpractice, procured through surplus lines agents and insureds procuring coverage and filing under s. 626.938 and shall report the information to the board in a form and at a time specified by the board.

5. Any assessment authority not used for a particular contract year may be used for a subsequent contract year. If, for a subsequent contract year, the board determines that the amount of revenue produced under subsection (5) is insufficient to fund the obligations, costs, and expenses of the fund and the corporation, including repayment of revenue bonds and that portion of the debt service coverage not met by reimbursement premiums, the board shall direct the Office of Insurance Regulation to levy an emergency assessment up to an amount not exceeding the amount of unused assessment authority from a previous contract year or years, plus an additional 4 percent provided that the assessments in the aggregate do not exceed the limits specified in subparagraph 2.

6. The assessments otherwise payable to the corporation under this paragraph shall be paid to the fund unless ~~and until~~ the Office of Insurance Regulation and the Florida Surplus Lines Service Office ~~have~~ received a notice from the corporation and the fund a notice, which shall be conclusive and upon which they may rely without further inquiry, that the corporation has issued bonds and the fund has no agreements in effect with local governments under paragraph (c). On or after the date of the notice and until the date the corporation has no bonds outstanding, the fund shall have no right, title, or interest in or to the assessments, except as provided in the fund's agreement with the corporation.

7. Emergency assessments are not premium and are not subject to the premium tax, to the surplus lines tax, to any fees, or to any commissions. An insurer is liable for all assessments that it collects and must treat the failure of an insured to pay an assessment as a failure to pay the premium. An insurer is not liable for uncollectible assessments.

8. ~~If When~~ an insurer is required to return an unearned premium, it shall also return any collected assessment attributable to the unearned premium. A credit adjustment to the collected assessment may be made by the insurer with regard to future remittances that are payable to the fund or corporation, but the insurer is not entitled to a refund.

9. ~~If When~~ a surplus lines insured or an insured who has procured coverage and filed under s. 626.938 is entitled to the return of an unearned premium, the Florida Surplus Lines Service Office shall provide a credit or refund to the agent or such insured for the collected assessment attributable to the unearned premium ~~before~~ prior to remitting the emergency assessment collected to the fund or corporation.

10. The exemption of medical malpractice insurance premiums from emergency assessments under this paragraph is repealed May 31, 2016 ~~2013~~, and medical malpractice insurance premiums shall be subject to emergency assessments attributable to loss events occurring in the contract years commencing on June 1, 2016 ~~2013~~.

And the title is amended as follows:

Delete line 3 and insert: rates and forms; amending s. 215.555, F.S.; postponing the date that repeals the Florida Hurricane Catastrophe

Fund emergency assessment exemption for medical malpractice insurance premiums; amending s. 627.062, F.S.; exempting

Senator Sobel moved the following substitute amendment which was adopted:

Amendment 2 (909100) (with title amendment)—Before line 28 insert:

Section 1. Paragraph (b) of subsection (6) of section 215.555, Florida Statutes, is amended to read:

215.555 Florida Hurricane Catastrophe Fund.—

(6) REVENUE BONDS.—

(b) *Emergency assessments*—

1. If the board determines that the amount of revenue produced under subsection (5) is insufficient to fund the obligations, costs, and expenses of the fund and the corporation, including repayment of revenue bonds and that portion of the debt service coverage not met by reimbursement premiums, the board shall direct the Office of Insurance Regulation to levy, by order, an emergency assessment on direct premiums for all property and casualty lines of business in this state, including property and casualty business of surplus lines insurers regulated under part VIII of chapter 626, but not including any workers' compensation premiums or medical malpractice premiums. As used in this subsection, the term "property and casualty business" includes all lines of business identified on Form 2, Exhibit of Premiums and Losses, in the annual statement required of authorized insurers by s. 624.424 and any rule adopted under this section, except for those lines identified as accident and health insurance and except for policies written under the National Flood Insurance Program. The assessment shall be specified as a percentage of direct written premium and is subject to annual adjustments by the board in order to meet debt obligations. The same percentage ~~applies~~ ~~shall apply~~ to all policies in lines of business subject to the assessment issued or renewed during the 12-month period beginning on the effective date of the assessment.

2. A premium is not subject to an annual assessment under this paragraph in excess of 6 percent of premium with respect to obligations arising out of losses attributable to any one contract year, and a premium is not subject to an aggregate annual assessment under this paragraph in excess of 10 percent of premium. An annual assessment under this paragraph ~~continues~~ ~~shall continue~~ as long as the revenue bonds issued with respect to which the assessment was imposed are outstanding, including any bonds the proceeds of which were used to refund the revenue bonds, unless adequate provision has been made for the payment of the bonds under the documents authorizing issuance of the bonds.

3. Emergency assessments shall be collected from policyholders. Emergency assessments shall be remitted by insurers as a percentage of direct written premium for the preceding calendar quarter as specified in the order from the Office of Insurance Regulation. The office shall verify the accurate and timely collection and remittance of emergency assessments and shall report the information to the board in a form and at a time specified by the board. Each insurer collecting assessments shall provide the information with respect to premiums and collections as may be required by the office to enable the office to monitor and verify compliance with this paragraph.

4. With respect to assessments of surplus lines premiums, each surplus lines agent shall collect the assessment at the same time as the agent collects the surplus lines tax required by s. 626.932, and the surplus lines agent shall remit the assessment to the Florida Surplus Lines Service Office created by s. 626.921 at the same time as the agent remits the surplus lines tax to the Florida Surplus Lines Service Office. The emergency assessment on each insured procuring coverage and filing under s. 626.938 shall be remitted by the insured to the Florida Surplus Lines Service Office at the time the insured pays the surplus lines tax to the Florida Surplus Lines Service Office. The Florida Surplus Lines Service Office shall remit the collected assessments to the fund or corporation as provided in the order levied by the Office of Insurance Regulation. The Florida Surplus Lines Service Office shall verify the proper application of such emergency assessments and shall assist the board in ensuring the accurate and timely collection and remittance of

assessments as required by the board. The Florida Surplus Lines Service Office shall annually calculate the aggregate written premium on property and casualty business, other than workers' compensation and medical malpractice, procured through surplus lines agents and insureds procuring coverage and filing under s. 626.938 and shall report the information to the board in a form and at a time specified by the board.

5. Any assessment authority not used for a particular contract year may be used for a subsequent contract year. If, for a subsequent contract year, the board determines that the amount of revenue produced under subsection (5) is insufficient to fund the obligations, costs, and expenses of the fund and the corporation, including repayment of revenue bonds and that portion of the debt service coverage not met by reimbursement premiums, the board shall direct the Office of Insurance Regulation to levy an emergency assessment up to an amount not exceeding the amount of unused assessment authority from a previous contract year or years, plus an additional 4 percent provided that the assessments in the aggregate do not exceed the limits specified in subparagraph 2.

6. The assessments otherwise payable to the corporation under this paragraph shall be paid to the fund unless ~~and until~~ the Office of Insurance Regulation and the Florida Surplus Lines Service Office ~~have~~ received a notice from the corporation and the fund a notice, which shall be conclusive and upon which they may rely without further inquiry, that the corporation has issued bonds and the fund has no agreements in effect with local governments under paragraph (c). On or after the date of the notice and until the date the corporation has no bonds outstanding, the fund shall have no right, title, or interest in or to the assessments, except as provided in the fund's agreement with the corporation.

7. Emergency assessments are not premium and are not subject to the premium tax, to the surplus lines tax, to any fees, or to any commissions. An insurer is liable for all assessments that it collects and must treat the failure of an insured to pay an assessment as a failure to pay the premium. An insurer is not liable for uncollectible assessments.

8. ~~If When~~ an insurer is required to return an unearned premium, it shall also return any collected assessment attributable to the unearned premium. A credit adjustment to the collected assessment may be made by the insurer with regard to future remittances that are payable to the fund or corporation, but the insurer is not entitled to a refund.

9. ~~If When~~ a surplus lines insured or an insured who has procured coverage and filed under s. 626.938 is entitled to the return of an unearned premium, the Florida Surplus Lines Service Office shall provide a credit or refund to the agent or such insured for the collected assessment attributable to the unearned premium ~~before~~ ~~prior to~~ remitting the emergency assessment collected to the fund or corporation.

10. The exemption of medical malpractice insurance premiums from emergency assessments under this paragraph is repealed May 31, 2016 ~~2013~~, and medical malpractice insurance premiums shall be subject to emergency assessments attributable to loss events occurring in the contract years commencing on June 1, 2016 ~~2013~~.

And the title is amended as follows:

Delete line 3 and insert: rates, fees, and forms; amending s. 215.555, F.S.; postponing the date that repeals the Florida Hurricane Catastrophe Fund emergency assessment exemption for medical malpractice insurance premiums; amending s. 627.062, F.S.; exempting

Senator Latvala moved the following amendment which was adopted:

Amendment 3 (335264)—Delete lines 61-62 and insert: *chapter 460, a podiatric physician licensed under chapter 461, a pharmacist licensed under chapter 465, or a pharmacy technician registered under chapter 465.*

Senator Joyner moved the following amendment which failed:

Amendment 4 (725028) (with title amendment)—Delete lines 132-190 and insert: form and has been approved by the office. This provision does not apply to surety bonds or to policies, riders, endorsements, or forms of unique character ~~that which~~ are designed for and used with ~~relation to~~ insurance ~~on~~ upon a particular subject, (other than as to health insurance), or ~~that which~~ relate to the manner of ~~distributing~~ distribution of benefits or to the reservation of rights and benefits under

life or health insurance policies and are used at the request of the individual policyholder, contract holder, or certificateholder. ~~For As to~~ group insurance policies effectuated and delivered outside this state but covering persons resident in this state, the group certificates to be delivered or issued for delivery in this state shall be filed with the office for information purposes only.

And the title is amended as follows:

Delete lines 13-23.

Pursuant to Rule 4.19, **CS for CS for SB 468** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for SB 768—A bill to be entitled An act relating to Everglades improvement and management; amending s. 373.4592, F.S.; revising legislative findings for achieving water quality goals; revising the definition of the term "Long-Term Plan"; revising provisions for use of certain ad valorem tax proceeds; directing the South Florida Water Management District to complete a specified analysis; revising provisions for collection of the agricultural privilege tax; providing for the use of such tax proceeds; providing that payment of the tax and certain costs fulfills certain constitutional obligations; providing appropriations; providing effective dates.

—was read the second time by title.

Pending further consideration of **CS for SB 768**, on motion by Senator Simpson, by two-thirds vote **CS for HB 7065** was withdrawn from the Committees on Environmental Preservation and Conservation; Community Affairs; and Appropriations.

On motion by Senator Simpson—

CS for HB 7065—A bill to be entitled An act relating to Everglades improvement and management; amending s. 373.4592, F.S.; revising legislative findings for achieving water quality goals; revising the definition of the term "Long-Term Plan"; revising provisions for use of certain ad valorem tax proceeds; directing the South Florida Water Management District to complete a specified analysis; revising provisions for collection of the agricultural privilege tax; providing for the use of such tax proceeds; providing that payment of the tax and certain costs fulfills certain constitutional obligations; providing appropriations; providing effective dates.

—a companion measure, was substituted for **CS for SB 768** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 7065** was placed on the calendar of Bills on Third Reading.

On motion by Senator Hukill—

SB 1830—A bill to be entitled An act relating to ad valorem taxation; amending s. 192.047, F.S.; providing that the postmark date of commercial mail delivery service is considered the date of filing for certain ad valorem applications or returns; creating s. 192.048, F.S.; allowing certain ad valorem communications to be sent electronically in lieu of first-class mail; providing requirements; amending s. 193.122, F.S.; requiring a property appraiser to publish notices of date of tax roll certifications and extensions on the property appraiser's website; amending s. 193.155, F.S.; providing that a change of ownership for purposes of assessing property at just value does not apply to lessees entitled to the homestead; extending the time for appealing a value adjustment board's denial of a taxpayer's application to transfer prior homestead assessment limitations to a new homestead; amending s. 193.703, F.S.; authorizing a county to waive the annual application requirement for a reduction in the assessed value of homestead property used to provide living quarters for the parents or grandparents of the owner or spouse of the owner; requiring the property owner to notify the property appraiser if the reduction no longer applies; providing for tax, penalty, and interest assessments if the property owner improperly received reductions; providing for liens; amending s. 196.031, F.S.; deleting the express requirement that titleholders of homesteads live on the homestead in order to qualify for homestead tax exemption; amending s. 196.075, F.S., as amended by s. 1 of chapter 2012-57, Laws of Florida; clarifying that

local governments that provide additional homestead exemptions to persons 65 and older may provide exemptions up to a certain amount; amending s. 196.1978, F.S.; removing the ability of a general partner classified as a 501(c)(3) organization to qualify as a limited partnership for the affordable housing property tax exemption; providing for retroactive application; amending s. 196.198, F.S.; clarifying the ownership of property used for education purposes and exempt from ad valorem taxation; amending s. 4 of chapter 2012-45, Laws of Florida; providing that taxes imposed by school districts in certain areas are not included in determining the taxes that must be transmitted to St. Lucie County pursuant to the transfer of property from St. Lucie County to Martin County; providing an effective date.

—was read the second time by title.

Senator Hukill moved the following amendments which were adopted:

Amendment 1 (854862)—Delete lines 77-91 and insert:

(2) *Electronic transmission pursuant to this section is authorized only under the following conditions, as applicable:*

(a) *The recipient consents in writing to receive the document electronically.*

(b) *On the form used to obtain the recipient's written consent, the sender includes a statement in substantially the following form and in a font equal to or greater than the font used for the text requesting the recipient's consent:*

NOTICE: Under Florida law, e-mail addresses are public records. By consenting to communicate with this office electronically, your e-mail address will be released in response to any applicable public records request.

(c) *Before sending a document electronically, the sender verifies the recipient's address by sending an electronic transmission to the recipient and receiving an affirmative response from the recipient verifying that the recipient's address is correct.*

(d) *If a document is returned as undeliverable, the sender sends the document by regular mail, as required by law.*

(e) *Documents sent pursuant to this section comply with the same timing and form requirements as if the documents were sent by regular mail.*

(f) *The sender renews the consent and verification requirements every 5 years.*

Amendment 2 (262058) (with title amendment)—Between lines 313 and 314 insert:

Section 8. Paragraph (b) of subsection (1) and paragraph (a) of subsection (3) of section 196.082, Florida Statutes, are repealed.

And the title is amended as follows:

Delete line 35 and insert: exemptions up to a certain amount; repealing s. 196.082(1)(b) and (3)(a), F.S., relating to the requirement that a veteran applying for a discount on the ad valorem tax owed on homestead property be a state resident at the time of entering military service; amending s.

Amendment 3 (656556)—Delete line 366 and insert: educational institution is owned by the identical

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

Senator Hukill moved the following amendment which was adopted:

Amendment 4 (578602) (with title amendment)—Between lines 207 and 208 insert:

Section 5. Subsection (1) of section 193.451, Florida Statutes, is amended to read:

193.451 Annual growing of agricultural crops, nonbearing fruit trees, nursery stock; taxability.—

(1) Growing annual agricultural crops, nonbearing fruit trees, ~~and~~ nursery stock, ~~and aquacultural crops~~, regardless of the growing methods, shall be considered as having no ascertainable value and shall not be taxable until they have reached maturity or a stage of marketability and have passed from the hands of the producer ~~or and/or~~ offered for sale. This section shall be construed liberally in favor of the taxpayer.

Section 6. Subsection (5) of section 193.461, Florida Statutes, is amended to read:

193.461 Agricultural lands; classification and assessment; mandated eradication or quarantine program.—

(5) For the purpose of this section, *the term* "agricultural purposes" includes, but is not limited to, horticulture; floriculture; viticulture; forestry; dairy; livestock; poultry; bee; pisciculture, *if when* the land is used principally for the production of tropical fish; aquaculture, *including algaculture*; sod farming; and all forms of farm products as defined in s. 823.14(3) and farm production.

And the title is amended as follows:

Between lines 18 and 19 insert: 193.451, F.S.; providing that aquacultural crops are exempt from taxation until marketable; amending s. 193.461, F.S., relating to the classification of agricultural land for tax assessment to revise the definition of "agricultural purposes" to include algaculture; amending s.

Pursuant to Rule 4.19, **SB 1830** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

SB 318—A bill to be entitled An act relating to background screening for noninstructional contractors on school grounds; amending s. 1012.467, F.S.; requiring the Department of Education to create a uniform, statewide identification badge to be worn by noninstructional contractors signifying that a contractor has met specified requirements; requiring school districts to issue the identification badge to a qualified contractor; providing that the identification badge shall be recognized by all school districts; providing that the identification badge is valid for 5 years; establishing conditions for return of an identification badge; requiring the department to determine a uniform cost a school district may charge a contractor for receipt of the identification badge, which shall be borne by the contractor; providing an exception for certain contractors; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 318**, on motion by Senator Grimsley, by two-thirds vote **HB 21** was withdrawn from the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

On motion by Senator Grimsley—

HB 21—A bill to be entitled An act relating to background screening for noninstructional contractors on school grounds; amending s. 1012.467, F.S.; requiring the Department of Education to create a uniform, statewide identification badge to be worn by noninstructional contractors signifying that a contractor has met specified requirements; requiring school district issuance and recognition of the identification badge; providing for validity period of the identification badge; providing for a uniform cost for receipt of the identification badge to be borne by the contractor; providing an exception for certain contractors; providing an effective date.

—a companion measure, was substituted for **SB 318** and read the second time by title.

Pursuant to Rule 4.19, **HB 21** was placed on the calendar of Bills on Third Reading.

On motion by Senator Garcia—

CS for SB 1302—A bill to be entitled An act relating to temporary certificates for visiting physicians; amending s. 458.3137, F.S.; providing that a physician who has been invited by certain medical or surgical training programs or educational symposiums may be issued a tem-

porary certificate for limited privileges solely to provide educational training; modifying criteria; revising the requirements for proof of medical malpractice insurance; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1302** was placed on the calendar of Bills on Third Reading.

On motion by Senator Hukill—

CS for SB 1398—A bill to be entitled An act relating to real estate appraisers; amending s. 475.617, F.S.; revising terminology applicable to education requirements for registered trainee appraisers, certified residential appraisers, and certified general appraisers; authorizing qualifying education courses completed by applicants for registration as a trainee or certification as a residential appraiser or general appraiser to be completed through distance learning; revising the education and experience requirements for certified residential appraisers and certified general appraisers according to certain real property appraiser qualification criteria adopted by the Appraiser Qualifications Board of the Appraisal Foundation on a specified date; authorizing the use of a distance learning course; providing requirements for a distance learning course and a final examination; providing an effective date.

—was read the second time by title.

Senator Hukill moved the following amendment which was adopted:

Amendment 1 (174896)—Delete lines 103-105 and insert: *education must include a written, closed-book final examination. As used in*

Pursuant to Rule 4.19, **CS for SB 1398** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Smith, by unanimous consent—

CS for CS for CS for SB 1160—A bill to be entitled An act relating to onsite sewage treatment and disposal systems; amending s. 381.0065, F.S.; deleting provisions relating to the development of performance criteria applicable to engineer-designed systems; revising requirements for maintenance entity service agreements for certain engineer-designed systems; authorizing certain property owners to be approved and permitted as maintenance entities for performance-based treatment systems under certain conditions; requiring owners of performance-based treatment unit systems to obtain certain permits; requiring onsite sewage treatment and disposal systems to comply with rules of the Department of Environmental Protection and provide a certain level of treatment; providing that certain onsite sewage treatment and disposal systems in Monroe County installed after a specified date are not required to connect to a sewer until a specified date; providing for non-applicability; deleting a provision that requires a maintenance entity to obtain a system operating permit; authorizing the department to approve and permit a property owner of an owner-occupied, single-family residence as a maintenance entity for the property owner's own aerobic treatment unit system under certain circumstances; requiring the maintenance entity service agreement to conspicuously disclose that the property owner has the right to maintain his or her own system and is exempt from certain contractor registration requirements; prohibiting a septic tank contractor from being denied access by the manufacturer to aerobic treatment unit system training or spare parts for maintenance entities; providing that component parts for an aerobic treatment unit system may be replaced with parts that meet manufacturer's specifications; requiring the maintenance entity to maintain documentation for a specified period of time and to provide the documentation to the department upon request; requiring owners of performance-based treatment unit systems to obtain certain permits; providing an effective date.

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

Pending further consideration of **CS for CS for CS for SB 1160**, on motion by Senator Smith, by two-thirds vote **CS for CS for CS for HB 375** was withdrawn from the Committees on Health Policy; Community Affairs; Environmental Preservation and Conservation; and Rules.

On motion by Senator Smith—

CS for CS for CS for HB 375—A bill to be entitled An act relating to onsite sewage treatment and disposal systems; amending s. 381.0065, F.S.; deleting provisions relating to the development of performance criteria applicable to engineer-designed systems; revising requirements for maintenance entity service agreements for certain engineer-designed systems; authorizing certain property owners to be approved and permitted as maintenance entities for performance-based treatment systems under certain conditions; requiring owners of performance-based treatment unit systems to obtain certain permits; providing that certain systems constitute compliance with nitrogen standards; requiring systems in certain areas of Monroe County to comply with specified rules and standards; deleting a requirement for new, modified, and repaired systems to meet specified standards; authorizing property owners in certain areas of Monroe County to install certain tanks and systems; providing that certain systems in Monroe County are not required to connect to the central sewer system until a specified date; deleting a requirement for maintenance entities to obtain certain permits; authorizing electronic submission of certain reports; authorizing certain property owners to be approved and permitted as maintenance entities for aerobic treatment unit systems under certain conditions; providing requirements for such maintenance entity service agreements; prohibiting manufacturers from denying certain septic tank contractors access to aerobic treatment unit system training and spare parts; authorizing certain replacement parts for aerobic treatment unit systems; requiring maintenance entities to maintain documentation for such replacement parts; requiring owners of aerobic treatment unit systems to obtain certain permits; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 1160** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for HB 375** was placed on the calendar of Bills on Third Reading.

SM 1478—A memorial to the United States Secretary of Homeland Security, urging the United States Department of Homeland Security to create the Haitian Family Reunification Parole Program.

WHEREAS, on January 12, 2010, Haiti experienced a 7.0 magnitude earthquake, which killed 250,000 people and left more than 1 million homeless, injured, and with limited access to potable water and food, and

WHEREAS, Haitians residing in the United States, particularly in Florida, were devastated by the news and were concerned for the well-being of family members still residing in Haiti, and

WHEREAS, the President of the United States issued an executive order to grant temporary protected status to eligible citizens of Haiti, and, on May 17, 2011, the United States Secretary of Homeland Security announced the extension of the temporary protected status for eligible Haitians for another 18 months, and

WHEREAS, human rights advocates have called upon the United States Department of Homeland Security to use the Immigration and Nationality Act's humanitarian parole authority to allow Haitians who have approved visas to immigrate to the United States without waiting for extended periods of time, and

WHEREAS, the policy of the United States Citizenship and Immigration Services has been that family-based immigration petitioners residing in Haiti must remain in Haiti rather than in the United States while awaiting their visa priority dates to become current, and

WHEREAS, there are currently other family reunification parole programs that authorize applicants for immigration to join their families in this country, and the purpose of this memorial is to call for the establishment of a similar program in support of Haitian immigration applicants to join their families in this country due to the circumstances in Haiti, and

WHEREAS, the purpose of the Haitian Family Reunification Parole Program would be to hasten the reunification of families and discourage Haitian citizens from resorting to illegal and dangerous means of migration into the United States, and

WHEREAS, the Haitian Family Reunification Parole Program is supported by the City of Philadelphia, Pennsylvania, the United States

Conference of Mayors, the Committee on Foreign Affairs of the United States House of Representatives, and six United States Senators, NOW, THEREFORE,

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

That the United States Secretary of Homeland Security and the United States Department of Homeland Security are urged to create the Haitian Family Reunification Parole Program for the reasons and purposes provided in this memorial.

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

—was read the second time by title. On motion by Senator Thompson, **SM 1478** was adopted and certified to the House.

On motion by Senator Brandes—

CS for SB 1768—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 119.071, F.S., relating to an exemption from public records requirements for personal identifying information of an applicant or recipient of paratransit services; making clarifying changes; saving the exemption from repeal under the Open Government Sunset Review Act; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1768** was placed on the calendar of Bills on Third Reading.

On motion by Senator Simmons—

CS for SB 1842—A bill to be entitled An act relating to health insurance; creating s. 624.25, F.S.; providing that a provision of the Florida Insurance Code applies unless it conflicts with a provision of the Patient Protection and Affordable Care Act (PPACA); creating s. 624.26, F.S.; authorizing the Office of Insurance Regulation to review forms and perform market conduct examinations for compliance with PPACA and to report potential violations to the federal Department of Health and Human Services; authorizing the Division of Consumer Services of the Department of Financial Services to respond to complaints related to PPACA and to report violations to the office and the Department of Health and Human Services; providing that certain determinations by the office or the Department of Financial Services are not subject to certain challenges under ch. 120, F.S.; amending s. 624.34, F.S.; conforming provisions to changes made by this act with respect to the registration of navigators under the Florida Insurance Code; providing a directive to the Division of Law Revision and Information; creating s. 626.995, F.S.; providing the scope of part XII, ch. 626, F.S.; creating s. 626.9951, F.S.; providing definitions; creating s. 626.9952, F.S.; requiring the registration of navigators with the Department of Financial Services; providing the purpose for such registration; creating s. 626.9953, F.S.; providing qualifications for registration; providing for submission of a written application; specifying fees; requiring an applicant to submit fingerprints and pay a processing fee; creating s. 626.9954, F.S.; specifying criteria for disqualification from registration; authorizing the department to adopt rules establishing disqualifying time periods; creating s. 626.9955, F.S.; requiring the department to have a publicly available list of navigators and to report certain information to the exchange; creating s. 626.9956, F.S.; requiring a navigator to notify the department of a change of specified identifying information; creating s. 626.9957, F.S.; prohibiting specified conduct; providing grounds for denial, suspension, or revocation of registration; providing for administrative fines and other disciplinary actions; creating s. 626.9958, F.S.; authorizing the department to adopt rules; amending s. 627.402, F.S.; providing definitions for “grandfathered health plan,” “nongrandfathered health plan,” and “PPACA”; amending s. 627.410, F.S.; providing an exception to the prohibition against an insurer issuing a new policy form after discontinuing the availability of a similar policy form when the form does not comply with PPACA; re-

quiring the experience of grandfathered health plans and nongrandfathered health plans to be separated; providing that nongrandfathered health plans are not subject to rate review or approval by the office; specifying that such rates for such health plans must be filed with the office and are exempt from other specified rate requirements; requiring insurers and health maintenance organizations issuing such health plans to include a notice of the estimated impact of PPACA on monthly premiums with the first issuance or renewal of the policy; requiring the Financial Services Commission to adopt the notice format by rule; requiring the notice to be filed with the office for informational purposes; providing for the calculation of the estimated premium impact, which must be included in the notice; requiring the office, in consultation with the department, to develop a summary of the impact to be made available on their respective websites; providing for future repeal; amending s. 627.411, F.S.; providing that grounds for disapproval of rates do not apply to nongrandfathered health plans; providing for future repeal of this provision; amending s. 627.6425, F.S.; allowing an insurer to nonrenew coverage only for all nongrandfathered health plans under certain conditions; amending s. 627.6484, F.S.; providing that coverage for policyholders of the Florida Comprehensive Health Association terminates on a specified date; requiring the association to provide specified assistance to policyholders in obtaining other health insurance coverage; requiring the association to notify policyholders of termination of coverage and information on how to obtain other coverage; requiring the association to determine the amount of a final assessment or to refund any surplus funds to member insurers, and to otherwise complete program responsibilities; repealing s. 627.64872, related to the Florida Health Insurance Plan; providing for the future repeal of ss. 627.648, 627.6482, 627.6484, 627.6486, 627.6488, 627.6489, 627.649, 627.6492, 627.6494, 627.6496, 627.6498, and 627.6499, F.S., relating to the Florida Comprehensive Health Association; amending s. 627.6571, F.S.; allowing an insurer to nonrenew coverage only for all nongrandfathered health plans under certain conditions; amending s. 627.6675, F.S.; specifying conditions for nonrenewal of a conversion policy; amending s. 627.6699, F.S.; adding and revising definitions used in the Employee Health Care Access Act; providing that a small employer carrier is not required to use gender as a rating factor for a nongrandfathered health plan; requiring carriers to separate the experience of grandfathered health plans and nongrandfathered health plans for determining rates; amending s. 641.31, F.S.; providing that nongrandfathered health plans are not subject to rate review or approval by the office; providing for future repeal of this provision; amending s. 641.3922, F.S.; specifying conditions for nonrenewal of a health maintenance organization conversion contract; providing an appropriation; providing effective dates.

—was read the second time by title.

Senator Simmons moved the following amendment which was adopted:

Amendment 1 (343188)—Delete line 802 and insert: *the House of Representatives.*

(f) *Transfer any remaining funds of the association to the Chief Financial Officer for deposit in the General Revenue Fund. Upon receipt of an application for*

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

Senator Soto moved the following amendment which failed:

Amendment 2 (527092)—Delete lines 650-705 and insert:

(a) *For each individual and small group nongrandfathered health plan, an insurer or health maintenance organization shall include a notice of the estimated impact of PPACA on monthly premiums with the delivery of the policy or contract or, upon renewal, the premium renewal notice, unless the insurer or health maintenance organization indicates that such impacts are indeterminate. The notice must be in a format established by rule of the commission. All notices shall be submitted to the office for informational purposes by September 1, 2013. The notice is required only for the first issuance or renewal of the policy or contract on or after January 1, 2014.*

(b) *The information provided in the notice must be prepared by an actuary and use only the information contained in the rate filing required*

under paragraph (6)(a) or as otherwise required under PPACA, and must be based on the statewide average premium for the policy or contract for the bronze, silver, gold, or platinum level plan, whichever is applicable to the policy or contract, and provide an estimate of the following effects of PPACA requirements:

1. The dollar amount of the premium which is solely attributable to the impact of guaranteed issuance of coverage. This estimate must include itemized subestimates of the impact of the requirement that rates be based on factors unrelated to health status, how the individual coverage mandate and subsidies provided in the health insurance exchange established in this state pursuant to PPACA affect the impact of guaranteed issuance of coverage, and estimated reinsurance credits.

2. The dollar amount of the premium which is solely attributable to fees, taxes, and assessments.

3. For individual policies or contracts, the dollar amount of the premium increase or decrease from the premium that would otherwise have been due which is attributable to the combined impact of the requirement that rates for age be limited to a 3-to-1 ratio and the prohibition against using gender as a rating factor. This estimate must be displayed for the average rates for male and female insureds, respectively, for the following three age categories: age 21 years to 29 years, age 30 years to 54 years, and age 55 years to 64 years.

4. The dollar amount that is solely attributable to the requirement that essential health benefits be provided and to meet the required actuarial value for the product, as compared to the statewide average premium for, and actuarial value of, the policy or contract for the plan issued by that insurer or organization that has the highest enrollment in the individual or small group market on July 1, 2013, whichever is applicable. The statewide average premiums and actuarial value of the plan that has the highest enrollment must include all policyholders, including those that have health conditions that increase the standard premium. The notice must also itemize the primary differences between the plans being compared with respect to covered benefits, including limitations and exclusions, and cost-sharing requirements.

5. For policyholder groups of various household sizes and income levels as specified in rule, the dollar amount of the portion of the statewide average premium that would be paid on behalf of a policyholder who qualifies for premium tax credits under PPACA and who purchases a comparable bronze, silver, gold, or platinum level plan.

6. For policyholder groups of various household sizes and income levels as specified in rule, the maximum dollar amount of out-of-pocket costs paid on behalf of a policyholder who qualifies for cost-sharing reductions under PPACA and who purchases a comparable bronze, silver, gold, or platinum level plan.

7. For each of the 3 most recent plan years for which information is available, the ratio of the weighted sum of the dollar amounts provided pursuant to subparagraphs 1.-4. to the weighted average of the annualized dollar amounts of all approved rate increases, taken across all of the insurer's or health maintenance organization's applicable policy forms in the applicable markets.

(c) The office, in consultation with the department, shall develop a summary of the estimated impact of PPACA on monthly premiums as contained in the notices submitted by insurers and health maintenance organizations, which must be available on the respective websites of the office and department by October 1, 2013.

(d) By January 1, 2015, each insurer or health maintenance organization providing the notice described in paragraph (a) for one or more nongrandfathered plans shall provide the office with a report, certified by an actuary, which compares the estimates previously provided for each plan under paragraph (b) with the actual amounts corresponding to such estimates.

(e) This subsection is repealed on March 1, 2015.

On motions by Senator Simmons, by two-thirds vote **CS for SB 1842** 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—25

Mr. President	Diaz de la Portilla	Negron
Altman	Flores	Richter
Bean	Gardiner	Simmons
Benacquisto	Gibson	Simpson
Bradley	Hays	Sobel
Brandes	Hukill	Soto
Braynon	Latvala	Thrasher
Dean	Lee	
Detert	Legg	

Nays—6

Abruzzo	Evers	Smith
Clemens	Joyner	Thompson

Vote after roll call:

Yea—Galvano, Garcia, Grimsley, Stargel

Nay—Sachs

Yea to Nay—Sobel

Consideration of **SB 1852**, **CS for CS for SB 1392**, and **CS for CS for SB 904** was deferred.

On motion by Senator Altman—

SB 1784—A bill to be entitled An act relating to military installations; amending s. 253.025, F.S.; authorizing the Board of Trustees of the Internal Improvement Trust Fund to acquire certain nonconservation lands to buffer a military installation against encroachment; amending s. 288.980, F.S.; providing legislative findings; providing functions of the Military Base Protection Program; authorizing the Department of Economic Opportunity to annually recommend nonconservation lands for acquisition through fee simple purchase or less-than-fee interest purchase to the Board of Trustees of the Internal Improvement Trust Fund for the purpose of preventing the encroachment of military installations; requiring the board of trustees to also consider land acquisition recommendations of the Florida Defense Support Task Force; authorizing funds appropriated to the Military Base Protection Program to be used for land acquisition to prevent or reduce encroachment of military installations; providing an effective date.

—was read the second time by title.

Senator Altman moved the following amendment which was adopted:

Amendment 1 (824856) (with title amendment)—Delete line 93 and insert:

(c) As used in this subsection, the term “nonconservation lands” means lands not subject to acquisition by the Florida Forever Program.

(d) Funds appropriated to this program may be used to

And the title is amended as follows:

Delete line 20 and insert: encroachment of military installations; providing a definition for the term “nonconservation lands”; providing an

Pursuant to Rule 4.19, **SB 1784** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for CS for SB 658—A bill to be entitled An act relating to wine; amending s. 564.05, F.S.; providing an exception to the maximum allowable capacity for individual containers of wine sold in this state; providing that, except as provided in s. 564.09, F.S., all wine containers sold or offered for sale at retail for consumption off the premises shall be in the original container; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 658**, on motion by Senator Simpson, by two-thirds vote **CS for HB 623** was withdrawn from the Committees on Regulated Industries; Commerce and Tourism; and Rules.

On motion by Senator Simpson—

CS for HB 623—A bill to be entitled An act relating to wine; amending s. 564.05, F.S.; providing an exception to the maximum allowable capacity for an individual container of wine sold in this state; providing that certain wine sold or offered for sale by specified vendors shall be in the unopened original container; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 658** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 623** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 528—A bill to be entitled An act relating to growth management; amending s. 163.3167, F.S.; clarifying the prohibition on an initiative or referendum process in regard to development orders; clarifying the prohibition on an initiative or referendum process in regard to comprehensive plan amendments and map amendments; clarifying that the exception to the prohibition on an initiative or referendum process in regard to any local comprehensive plan amendment or map amendment is limited to a local government charter provision in effect on June 1, 2011, that specifically authorized an initiative or referendum process for local comprehensive plan or map amendments that affect more than five parcels of land; providing legislative intent; providing for retroactive application; providing for the retroactive repeal of s. 4 of chapter 2012-75, Laws of Florida, relating to a presumption regarding agricultural enclaves; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 528**, on motion by Senator Simpson, by two-thirds vote **CS for CS for HB 537** was withdrawn from the Committees on Community Affairs; Judiciary; Commerce and Tourism; and Rules.

On motion by Senator Simpson—

CS for CS for HB 537—A bill to be entitled An act relating to growth management; amending s. 163.3167, F.S.; providing that an initiative or referendum process for any development order is prohibited; providing that an initiative or referendum process for any local comprehensive plan amendments and map amendments is prohibited; providing an exception for an initiative or referendum process specifically authorized by local government charter provision in effect as of June 1, 2011, for certain local comprehensive plan amendments and map amendments; providing that certain charter provisions for an initiative or referendum process are not sufficient; providing legislative intent; providing that certain prohibitions apply retroactively; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 528** and read the second time by title.

Senator Simpson moved the following amendment which was adopted:

Amendment 1 (544058) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (8) of section 163.3167, Florida Statutes, is amended to read:

163.3167 Scope of act.—

(8)(a) An initiative or referendum process in regard to any development order ~~or in regard to any local comprehensive plan amendment or map amendment~~ is prohibited. ~~However, any local government charter provision that was in effect as of June 1, 2011, for an initiative or referendum process in regard to development orders or in regard to local comprehensive plan amendments or map amendments may be retained and implemented.~~

(b) An initiative or referendum process in regard to any local comprehensive plan amendment or map amendment is prohibited. However,

an initiative or referendum process in regard to any local comprehensive plan amendment or map amendment that affects more than five parcels of land is allowed if it is expressly authorized by specific language in a local government charter that was lawful and in effect on June 1, 2011; a general local government charter provision for an initiative or referendum process is not sufficient.

(c) *It is the intent of the Legislature that initiative and referendum be prohibited in regard to any development order. It is the intent of the Legislature that initiative and referendum be prohibited in regard to any local comprehensive plan or map amendment, except as specifically and narrowly permitted in paragraph (b) with regard to local comprehensive plan or map amendments that affect more than five parcels of land. Therefore, the prohibition on initiative and referendum stated in paragraphs (a) and (b) is remedial in nature and applies retroactively to any initiative or referendum process commenced after June 1, 2011, and any such initiative or referendum process that has been commenced or completed thereafter is hereby deemed null and void and of no legal force and effect.*

Section 2. *Section 4 of chapter 2012-75, Laws of Florida, is repealed, retroactive to June 30, 2012.*

Section 3. 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 growth management; amending s. 163.3167, F.S.; clarifying the prohibition on an initiative or referendum process in regard to development orders; clarifying the prohibition on an initiative or referendum process in regard to comprehensive plan amendments and map amendments; clarifying that the exception to the prohibition on an initiative or referendum process in regard to any local comprehensive plan amendment or map amendment is limited to a local government charter provision in effect on June 1, 2011, that specifically authorized an initiative or referendum process for local comprehensive plan or map amendments that affect more than five parcels of land; providing legislative intent; providing for retroactive application; providing for the retroactive repeal of s. 4 of chapter 2012-75, Laws of Florida, relating to a presumption regarding agricultural enclaves; providing an effective date.

Pursuant to Rule 4.19, **CS for CS for HB 537** as amended was placed on the calendar of Bills on Third Reading.

CS for CS for SB 1494—A bill to be entitled An act relating to the Florida False Claims Act; amending s. 68.081, F.S.; revising a cross-reference; deleting a statement of purpose; amending s. 68.082, F.S.; deleting, revising, and providing definitions; revising conditions under which a person is liable for a specified civil penalty; amending s. 68.083, F.S.; revising terminology; revising language concerning who may intervene or bring a related action after a person files an action under the act; creating s. 68.0831, F.S.; defining the term “department”; authorizing the Department of Legal Affairs to issue subpoenas for specified purposes before the institution of civil proceedings; providing requirements for the content and service of subpoenas; providing that such subpoenas may not require specified protected documents or testimony; specifying that the department’s power to require the appearance of witnesses or production of documents or other tangible evidence located outside the state is unaffected; providing for petitions to modify or set aside subpoenas; providing for orders to comply with subpoenas; providing for the examination of witnesses; providing for review of transcripts of testimony; authorizing the department to stipulate to protective orders of submitted documents and information; providing for natural persons who decline to testify or produce documents after asserting a privilege against self-incrimination to be ordered to testify or produce documents; providing for contempt to comply with such orders; providing for examination of testimony, answers, or materials by the person who produced such materials or answers; providing applicability; prohibiting a person knowing or having reason to believe that a subpoena is pending from tampering with evidence; providing civil penalties; amending s. 68.084, F.S.; clarifying that the department may dismiss actions at any point; revising language concerning the costs to the department for continuing to receive pleadings and transcripts of an action after it has elected to withdraw; providing that the state may elect to pursue available alternative remedies, including administrative pro-

ceedings; specifying what constitutes a final finding or conclusion in an alternative proceeding that is binding on all parties to an action under the act; amending s. 68.085, F.S.; providing for successful plaintiffs to receive, in addition to a portion of the amount recovered, awards of expenses and attorney fees and costs; amending s. 68.086, F.S.; deleting references to awards of attorney fees to successful plaintiffs; revising provisions relating to awards of attorney fees to the department; amending s. 68.087, F.S.; revising provisions relating to dismissal of an action if substantially the same allegations or transactions as alleged in the action were publicly disclosed; amending s. 68.089, F.S.; providing for the treatment for statutes of limitations purposes of pleadings filed in interventions by the department; amending s. 68.09, F.S.; providing for estoppel as to certain matters following a final judgment or decree rendered in favor of the state or the Federal Government in certain criminal proceedings; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1494**, on motion by Senator Thrasher, by two-thirds vote **CS for CS for HB 935** was withdrawn from the Committees on Judiciary; and Rules.

On motion by Senator Thrasher—

CS for CS for HB 935—A bill to be entitled An act relating to the Florida False Claims Act; amending s. 68.081, F.S.; revising a cross-reference; deleting a statement of purpose; amending s. 68.082, F.S.; deleting, revising, and providing definitions; revising conditions under which a person is liable for a specified civil penalty; amending s. 68.083, F.S.; revising terminology; revising language concerning who may intervene or bring a related action after a person files an action under the act; creating s. 68.0831, F.S.; providing for contingent effect; providing a definition; authorizing the Department of Legal Affairs to issue subpoenas for specified purposes before the institution of civil proceedings; providing requirements for the content and service of subpoenas; providing that such subpoenas may not require specified protected documents or testimony; specifying that the department's power to require the appearance of witnesses or production of documents or other tangible evidence located outside the state is unaffected; providing for petitions to modify or set aside subpoenas; providing for orders to comply with subpoenas; providing for the examination of witnesses; providing for review of transcripts of testimony; authorizing the department to stipulate to protective orders of submitted documents and information; providing for natural persons who decline to testify or produce documents after asserting a privilege against self-incrimination to be ordered to testify or produce documents; providing for contempt to comply with such orders; providing for examination of testimony, answers, or materials by the person who produced such materials or answers; providing for construction; prohibiting specified actions by a person knowing or having reason to believe that a subpoena is pending; providing civil penalties; amending s. 68.084, F.S.; clarifying that the department may dismiss actions at any point; revising language concerning the costs to the department for continuing to receive pleadings and transcripts of an action after it has elected to withdraw; providing that the state may elect to pursue available alternative remedies, including administrative proceedings; specifying what constitutes a final finding or conclusion in an alternative proceeding that is binding on all parties to an action under the act; amending s. 68.085, F.S.; providing for successful plaintiffs to receive, in addition to a portion of the amount recovered, awards of expenses and attorney fees and costs; amending s. 68.086, F.S.; deleting references to awards of attorney fees to successful plaintiffs; revising provisions relating to awards of attorney fees to the department; amending s. 68.087, F.S.; revising terminology; revising provisions relating to dismissal of an action if substantially the same allegations or transactions as alleged in the action were publicly disclosed; amending s. 68.089, F.S.; providing for the treatment for statutes of limitations purposes of pleadings filed in interventions by the department; amending s. 68.09, F.S.; providing for estoppel as to certain matters following a final judgment or decree rendered in favor of the state or the Federal Government in certain criminal proceedings; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 1494** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 935** was placed on the calendar of Bills on Third Reading.

CS for SB 1496—A bill to be entitled An act relating to public records; amending s. 68.083, F.S.; providing an exemption from public records requirements for a complaint and other information held by the Department of Legal Affairs pursuant to an investigation of a violation of s. 68.082, F.S., relating to false claims against the state; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing for specified disclosure; specifying duration of the exemption; specifying conditions under which an investigation is considered completed; providing a statement of public necessity; providing a contingent effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 1496**, on motion by Senator Thrasher, by two-thirds vote **HB 1297** was withdrawn from the Committees on Judiciary; Governmental Oversight and Accountability; and Rules.

On motion by Senator Thrasher—

HB 1297—A bill to be entitled An act relating to public records; amending s. 68.083, F.S.; providing an exemption from public records requirements for the complaint and information held by the Department of Legal Affairs pursuant to an investigation of a violation of s. 68.082, F.S., relating to false claims against the state; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing for specified disclosure; specifying duration of the exemption; specifying conditions under which an investigation is considered complete; providing a statement of public necessity; providing a contingent effective date.

—a companion measure, was substituted for **CS for SB 1496** and read the second time by title.

Pursuant to Rule 4.19, **HB 1297** was placed on the calendar of Bills on Third Reading.

CS for SB 962—A bill to be entitled An act relating to warrants; amending s. 901.02, F.S.; specifying when an arrest warrant may be issued; authorizing a judge to electronically sign an arrest warrant if certain conditions are met; providing that an arrest warrant is signed by a judge at the time the judge affixes his or her signature or electronic signature to the warrant; defining the term “electronic signature”; amending s. 933.07, F.S.; authorizing a judge to electronically sign a search warrant if certain conditions are met; providing that a search warrant is signed by a judge at the time the judge affixes his or her signature or electronic signature to the warrant; defining the term “electronic signature”; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 962**, on motion by Senator Gardiner, by two-thirds vote **CS for HB 953** was withdrawn from the Committees on Judiciary; and Criminal Justice.

On motion by Senator Gardiner—

CS for HB 953—A bill to be entitled An act relating to warrants; amending s. 901.02, F.S.; specifying when an arrest warrant may be issued; authorizing a judge to electronically sign an arrest warrant if certain conditions are met; providing that an arrest warrant is signed by a judge at the time the judge affixes his or her signature or electronic signature to the warrant; defining the term “electronic signature”; amending s. 933.07, F.S.; authorizing a judge to electronically sign a search warrant if certain conditions are met; providing that a search warrant is signed by a judge at the time the judge affixes his or her signature or electronic signature to the warrant; defining the term “electronic signature”; providing an effective date.

—a companion measure, was substituted for **CS for SB 962** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 953** was placed on the calendar of Bills on Third Reading.

On motion by Senator Lee—

CS for CS for SB 1442—A bill to be entitled An act relating to alarm systems; amending s. 489.503, F.S.; revising an exemption from licensure related to low-voltage electrical work performed by certain persons and entities; exempting from licensure certain employees and sales representatives of alarm system contractors; providing for construction; creating s. 553.793, F.S.; providing definitions; providing applicability; requiring a local enforcement agency to offer for sale uniform basic permit labels to contractors; specifying a maximum price and providing exceptions; prohibiting a local enforcement agency from applying a certain condition to the purchase of a label; providing that permits expire after a specific time period; requiring contractors to post an unused label in a specified place before commencing work on a low-voltage alarm system project; requiring contractors to submit a Uniform Notice of a Low-Voltage Alarm System Project within a specified period; providing that failure to submit such notice may result in disciplinary action; prescribing a form for a Uniform Notice of a Low-Voltage Alarm System Project; authorizing a local enforcement agency to inspect; prohibiting municipalities, counties, districts, or other entities of local government from adopting or maintaining an ordinance or rule inconsistent with this section; providing that a label is not required for the subsequent maintenance, inspection, or service of a permitted alarm system; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1442** was placed on the calendar of Bills on Third Reading.

SB 706—A bill to be entitled An act relating to uninsured motorist insurance coverage; amending s. 627.727, F.S.; providing that, under certain circumstances, specified persons who elect non-stacking limitations on their uninsured motorist insurance coverage are conclusively presumed to have made an informed, knowing acceptance of the limitations on behalf of all insureds; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 706**, on motion by Senator Montford, by two-thirds vote **CS for HB 341** was withdrawn from the Committees on Banking and Insurance; Judiciary; and Rules.

On motion by Senator Montford—

CS for HB 341—A bill to be entitled An act relating to uninsured motorist insurance coverage; amending s. 627.727, F.S.; providing that, under certain circumstances, specified persons who elect non-stacking limitations on their uninsured motorist insurance coverage are conclusively presumed to have made an informed, knowing acceptance of the limitations on behalf of all insureds; providing an effective date.

—a companion measure, was substituted for **SB 706** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 341** was placed on the calendar of Bills on Third Reading.

On motion by Senator Richter—

SB 736—A bill to be entitled An act relating to limitations relating to deeds and wills; amending s. 95.231, F.S.; providing for limitations of actions when a deed or will is on record; providing that a person claiming an interest in real property affected by amendments made in the act has until a specified date to file a claim or defense in court to determine the validity of the instrument; providing that if a claim or defense is filed within the specified period, the validity of the instrument is determined without regard to these amendments; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 736** was placed on the calendar of Bills on Third Reading.

On motion by Senator Galvano—

CS for CS for SB 874—A bill to be entitled An act relating to open parties; amending s. 856.015, F.S.; revising definitions; prohibiting a person from allowing a party to take place if a minor is in possession of or consuming alcohol or drugs; revising an exemption; providing criminal penalties; conforming provisions; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 874** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dean—

CS for CS for CS for SB 390—A bill to be entitled An act relating to veterans' organizations; defining terms; prohibiting a business entity from advertising or holding itself out to the public as a veterans' organization or similar entity under certain circumstances; providing that an entity that violates the restrictions on advertizing violates the Florida Deceptive and Unfair Trade Practices Act; authorizing certain veterans' organizations to enforce the prohibition against false advertising; providing for criminal penalties; amending s. 817.312, F.S.; prohibiting misrepresentation as a service member or veteran and wearing military or veterans' uniform, medal, or insignia; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for SB 390** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for CS for SB 580** was deferred.

On motion by Senator Simmons—

CS for CS for SB 1410—A bill to be entitled An act relating to fire safety and prevention; providing a directive to the Division of Law Revision and Information to create part I of ch. 633, F.S., entitled "General Provisions"; transferring, renumbering, and amending s. 633.021, F.S.; revising and providing definitions; transferring, renumbering, and amending s. 633.01, F.S.; revising provisions relating to the authority of the State Fire Marshal; removing references to the Life Safety Code; revising the renewal period for firesafety inspector requirements for certification; conforming cross-references; authorizing the State Fire Marshal to administer oaths and take testimony; authorizing the State Fire Marshal to enter into contracts with private entities for the administration of examinations; transferring, renumbering, and amending s. 633.163, F.S.; revising provisions relating to the disciplinary authority of the State Fire Marshal; authorizing the State Fire Marshal to deny, suspend, or revoke the licenses of certain persons; providing terms and conditions of probation; transferring and renumbering s. 633.15, F.S., relating to the force and effect of ch. 633, F.S., and rules adopted by the State Fire Marshal on municipalities, counties, and special districts having fire safety responsibilities; transferring, renumbering, and amending s. 633.101, F.S.; revising provisions relating to hearings, investigations, and recordkeeping duties and the authority of the State Fire Marshal; authorizing the State Fire Marshal to designate an agent for various purposes related to hearings; providing for the issuance of subpoenas; requiring the State Fire Marshal to investigate certain fires and explosions under certain circumstances; transferring, renumbering, and amending s. 633.111, F.S.; requiring the State Fire Marshal to keep records of all fires and explosions; transferring, renumbering, and amending s. 633.02, F.S.; revising provisions relating to the authority of agents of the State Fire Marshal; transferring and renumbering s. 633.14, F.S., relating to the powers of agents of the State Fire Marshal to make arrests, conduct searches and seizures, serve summonses, and carry firearms; transferring, renumbering, and amending s. 633.121, F.S., relating to persons authorized to enforce laws and rules of the State Fire Marshal; revising terminology; transferring, renumbering, and amending s. 633.151, F.S.; clarifying provisions relating to impersonating the State Fire Marshal, a firefighter, a firesafety inspector, or a volunteer firefighter, for which a criminal penalty is provided; transferring, renumbering, and amending s. 633.171, F.S.; providing penalties for rendering a fire protection system required by statute or by rule inoperative; providing penalties for using the certificate of another

person, holding a license or certificate and allowing another person to use the license or certificate, and using or allowing the use of any certificate or permit by any individual or organization other than the individual to whom the certificate or permit is issued; conforming a cross-reference; transferring, renumbering, and amending s. 633.175, F.S., relating to investigation of fraudulent insurance claims and crimes and immunity of insurance companies supplying information relative thereto; defining the term "consultant"; revising provisions to include investigation of explosions in fraudulent insurance claim investigations; authorizing the State Fire Marshal to adopt rules to implement provisions relating to an insurance company's investigation of a suspected fire or explosion by intentional means; revising terminology; conforming a cross-reference; transferring, renumbering, and amending s. 633.45, F.S.; clarifying and revising the powers and duties of the Division of State Fire Marshal; requiring the division to establish by rule uniform minimum standards for the employment and training of firefighters and volunteer firefighters; requiring the division to establish by rule minimum curriculum requirements and criteria for the approval of education or training providers; requiring the division to specify by rule standards for the approval, denial of approval, probation, suspension, and revocation of approval of education or training providers and facilities for training firefighters and volunteer firefighters; requiring the division to specify by rule standards for the certification, denial of certification, probation, and revocation of certification for instructors; requiring the division to establish by rule minimum training qualifications for persons serving as specified fire safety coordinators; requiring the division to issue specified licenses, certificates, and permits; conforming cross-references; creating s. 633.132, F.S.; establishing fees to be collected by the division; authorizing the division to establish by rule fees necessary to cover administrative costs and to collect such fees in advance; providing for the appropriation and deposit of all funds collected by the State Fire Marshal pursuant to ch. 633, F.S.; transferring and renumbering s. 633.39, F.S., relating to acceptance by the division of donations of property and grants of money; transferring, renumbering, and amending s. 633.115, F.S., relating to the Fire and Emergency Incident Information Reporting Program; making technical changes; conforming a cross-reference; creating s. 633.138, F.S.; providing requirements with respect to notice of change of address of record for, and notice of felony actions against, a licensee, permittee, or certificateholder; transferring, renumbering and amending s. 633.042, F.S.; revising the "Reduced Cigarette Ignition Propensity Standard and Firefighter Protection Act" to include preemption by the act of local laws and rules; providing a directive to the Division of Law Revision and Information to create part II of ch. 633, F.S., entitled "Fire Safety and Prevention"; transferring, renumbering, and amending s. 633.0215, F.S., relating to the Florida Fire Prevention Code; conforming cross-references; deleting an obsolete provision; transferring, renumbering, and amending s. 633.72, F.S., relating to the Florida Fire Code Advisory Council; revising membership of the council; providing for semiannual meetings of the council; authorizing the council to review proposed changes to the Florida Fire Prevention Code and specified uniform firesafety standards; conforming cross-references; transferring, renumbering, and amending s. 633.022, F.S., relating to uniform firesafety standards; revising applicability of uniform firesafety standards; removing obsolete provisions; transferring, renumbering, and amending s. 633.025, F.S., relating to minimum firesafety standards; deleting references to the Life Safety Code; conforming provisions to changes made by the act; conforming a cross-reference; transferring, renumbering, and amending s. 633.026, F.S., relating to informal interpretations of the Florida Fire Prevention Code and legislative intent with respect thereto; conforming provisions to changes made by the act; conforming cross-references; revising terminology to provide for declaratory statements rather than formal interpretations in nonbinding interpretations of Florida Fire Prevention Code provisions; transferring, renumbering, and amending s. 633.052, F.S., relating to ordinances relating to fire safety and penalties for violation; conforming terminology; providing that a special district may enact any ordinance relating to fire safety codes that is identical to ch. 633, F.S., or any state law, except as to penalty; transferring, renumbering, and amending s. 633.081, F.S., relating to inspection of buildings and equipment; clarifying persons authorized to inspect buildings and structures; conforming cross-references; revising requirements of persons conducting fire safety inspections; revising the period of validity of, and continuing education requirements for, fire safety inspector certificates; requiring repeat training for certified firesafety inspectors whose certification has lapsed for a specified period; revising grounds for denial, refusal to renew, suspension, or revocation of a fire safety inspector certificate; requiring the department to provide by rule for the certification of Fire

Code Administrators; transferring, renumbering, and amending s. 633.085, F.S., relating to inspection of state buildings and premises; defining the terms "high-hazard occupancy" and "state-owned building"; providing for identification of state-owned buildings or state-leased buildings or space; authorizing, rather than requiring, the State Fire Marshal or agents thereof to conduct performance tests on any electronic fire warning and smoke detection system, and any pressurized air-handling unit, in any state-owned building or state-leased building or space on a recurring basis; requiring the State Fire Marshal or agents thereof to ensure that fire drills are conducted in all high-hazard state-owned buildings or high-hazard state-leased occupancies at least annually; requiring that all new construction or renovation, alteration, or change of occupancy of any existing, state-owned building or state-leased building or space comply with uniform firesafety standards; authorizing the division to inspect state-owned buildings and spaces and state-leased buildings and spaces as necessary before occupancy or during construction, renovation, or alteration to ascertain compliance with uniform firesafety standards; requiring the division to issue orders to cease construction, renovation, or alteration, or to preclude occupancy, of a state-owned or state-leased building or space for noncompliance; transferring, renumbering, and amending s. 633.027, F.S., relating to buildings with light-frame truss-type construction; conforming cross-references; transferring, renumbering, and amending s. 633.60, F.S., relating to automatic fire sprinkler systems for one-family dwellings, two-family dwellings, and mobile homes; conforming a cross-reference; transferring and renumbering s. 633.557, F.S., relating to the nonapplicability of the act to owners of property who are building or improving farm out-buildings and standpipe systems installed by plumbing contractors; transferring, renumbering, and amending s. 633.161, F.S., relating to violations and enforcement of ch. 633, F.S., orders resulting from violations, and penalties for violation; conforming cross-references; providing a directive to the Division of Law Revision and Information to create part III of ch. 633, F.S., entitled "Fire Protection and Suppression"; transferring, renumbering, and amending s. 633.511, F.S., relating to the Florida Fire Safety Board; conforming provisions to changes made by the act; conforming cross-references; requiring the board to act in an advisory capacity; authorizing the board to review complaints and make recommendations; providing for election of officers, quorum, and compensation of the board; requiring the board to adopt a seal; transferring, renumbering, and amending s. 633.061, F.S., relating to licensure to install or maintain fire suppression equipment; removing the fee schedule from such provisions; revising provisions relating to fire equipment dealers who wish to withdraw a previously filed halon equipment exemption affidavit; providing conditions that an applicant for a license of any class who has facilities located outside the state must meet in order to obtain a required equipment inspection; providing for the adoption of rules with respect to the establishment and calculation of inspection costs; revising and clarifying provisions that exclude from licensure for a specified period applicants having a previous criminal conviction; defining the term "convicted"; providing conditions under which a licensed fire equipment dealer may apply to convert the license currently held to a higher or lower licensing category; providing a procedure for an applicant who passes an examination for licensure or permit but fails to meet remaining qualifications within 1 year after the application date; transferring, renumbering, and amending s. 633.065, F.S., relating to requirements for installation, inspection, and maintenance of fire suppression equipment; conforming a cross-reference; transferring, renumbering, and amending s. 633.071, F.S., relating to standard service tags required on all fire extinguishers and preengineered systems; conforming a cross-reference; transferring, renumbering, and amending s. 633.082, F.S., relating to inspection of fire control systems, fire hydrants, and fire protection systems; conforming a cross-reference; making technical changes; transferring, renumbering, and amending s. 633.083, F.S., relating to the prohibited sale or use of certain types of fire extinguishers and penalty therefor; making a technical change; transferring, renumbering, and amending s. 633.162, F.S., relating to fire suppression system contractors and disciplinary actions with respect thereto; conforming cross-references; clarifying provisions; transferring, renumbering, and amending s. 633.521, F.S., relating to certification as fire protection system contractor; clarifying provisions and making technical changes; conforming cross-references; transferring, renumbering, and amending s. 633.551, F.S., relating to county and municipal powers and the effect of ch. 75-240, Laws of Florida; making technical changes; transferring and renumbering s. 633.527, F.S., relating to records concerning an applicant and the extent of confidentiality; transferring and renumbering s. 633.531, F.S., relating to statewide effectiveness and nontransferability of certificates; transferring, renumbering, and

amending s. 633.534, F.S., relating to the issuance of certificates to individuals and business organizations; making a technical change; transferring, renumbering, and amending s. 633.537, F.S., relating to renewal and expiration of certificates; deleting an obsolete provision; deleting a provision which prescribes the biennial renewal fee for an inactive status certificate; making technical changes; transferring, renumbering, and amending s. 633.539, F.S., relating to requirements for installation, inspection, and maintenance of fire protection systems; conforming a cross-reference; transferring, renumbering, and amending s. 633.541, F.S., relating to the prohibition against contracting as a fire protection contractor without a certificate and penalty for violation thereof; conforming cross-references; making a technical change; transferring, renumbering, and amending s. 633.547, F.S., relating to disciplinary action concerning fire protection system contractors; revising provisions that authorize the State Fire Marshal to suspend a fire protection system contractor's or permittee's certificate; deleting provisions authorizing revocation of a certificate for a specified period; conforming a cross-reference; transferring, renumbering, and amending s. 633.549, F.S., relating to violations that are subject to injunction; making a technical change; transferring and renumbering s. 633.554, F.S., relating to application of ch. 633, F.S., regulating contracting and contractors; transferring, renumbering, and amending s. 633.70, F.S., relating to jurisdiction of the State Fire Marshal over alarm system contractors and certified unlimited electrical contractors; conforming a cross-reference; transferring and renumbering s. 633.701, F.S., relating to requirements for fire alarm system equipment; transferring, renumbering, and amending s. 633.702, F.S., relating to prohibited acts regarding alarm system contractors or certified unlimited electrical contractors and penalties for violations; making technical changes; providing a directive to the Division of Law Revision and Information to create part IV of ch. 633, F.S., entitled "Fire Standards and Training"; transferring, renumbering, and amending s. 633.31, F.S.; revising provisions relating to the Firefighters Employment, Standards, and Training Council; providing for an additional member of the council; providing for organization of the council, meetings, quorum, compensation, and adoption of a seal; providing for special powers of the council in connection with the employment and training of firefighters; transferring, renumbering, and amending s. 633.42, F.S., relating to the authority of fire service providers to establish qualifications and standards for hiring, training, or promoting firefighters which exceed the minimum set by the department; conforming terminology; creating s. 633.406, F.S.; specifying classes of certification awarded by the division; authorizing the division to establish specified additional certificates by rule; transferring, renumbering, and amending s. 633.35, F.S.; revising provisions relating to firefighter and volunteer firefighter training and certification; requiring the division to establish by rule specified courses and course examinations; providing that courses may only be administered by specified education or training providers and taught by certified instructors; revising provisions with respect to payment of training costs and payment of tuition for attendance at approved courses; providing requirements for issuance by the division of a firefighter certificate of compliance; providing requirements for issuance by the division of a Volunteer Firefighter Certificate of Completion; authorizing the division to issue a Special Certificate of Compliance; providing requirements and limitations with respect thereto; providing procedures and requirements for reexamination after failure of an examination; increasing the required number of hours of the structural fire training program; providing for a Forestry Certificate of Compliance and prescribing the rights, privileges, and benefits thereof; transferring, renumbering, and amending s. 633.34, F.S., relating to qualifications for certification as a firefighter; revising provisions relating to disqualifying offenses; providing requirements of the division with respect to suspension or revocation of a certificate; making technical changes; conforming cross-references; transferring, renumbering, and amending s. 633.352, F.S., relating to firefighter employment and volunteer firefighter service; revising provisions relating to retention of certification as a firefighter; defining the term "active"; transferring, renumbering, and amending s. 633.41, F.S.; prohibiting a fire service provider from employing an individual as a firefighter or supervisor of firefighters and from retaining the services of an individual volunteering as a firefighter or a supervisor of firefighters without required certification; requiring a fire service provider to make a diligent effort to determine possession of required certification prior to employing or retaining an individual for specified services; defining the term "diligent effort"; requiring a fire service provider to notify the division of specified hirings, retentions, terminations, decisions not to retain a firefighter, and determinations of failure to meet certain requirements; authorizing the division to conduct site visits to fire

departments to monitor compliance; defining the term "employ"; conforming cross-references; transferring, renumbering, and amending s. 633.38, F.S., relating to curricula and standards for advanced and specialized training prescribed by the division; revising terminology to conform; conforming cross-references; transferring, renumbering, and amending s. 633.382, F.S., relating to supplemental compensation for firefighters who pursue specified higher educational opportunities; removing definitions; requiring the State Fire Marshal to determine, and adopt by rule, course work or degrees that represent the best practices toward supplemental compensation goals; specifying that supplemental compensation shall be paid to qualifying full-time employees of a fire service provider; conforming terminology; clarifying provisions; specifying that policy guidelines be adopted by rule; classifying the division as a fire service provider responsible for the payment of supplemental compensation to full-time firefighters employed by the division; transferring, renumbering, and amending s. 633.353, F.S., relating to falsification of qualifications; clarifying provisions that provide a penalty for falsification of qualifications provided to the Bureau of Fire Standards and Training of the division; transferring, renumbering, and amending s. 633.351, F.S., relating to disciplinary action and standards for revocation of certification; providing definitions; providing conditions for ineligibility to apply for certification under ch. 633, F.S.; providing conditions for permanent revocation of certification, prospective application of such provisions, and retroactive application with respect to specified convictions; revising provisions relating to revocation of certification; providing requirements with respect to application for certification; requiring specified submission of fingerprints; providing a fee; providing requirements of the Department of Law Enforcement with respect to submitted fingerprints; transferring, renumbering, and amending s. 633.43, F.S., relating to the establishment of the Florida State Fire College; conforming a provision to changes made by the act; transferring, renumbering, and amending s. 633.44, F.S., relating to the purposes of the Florida State Fire College and part IV of ch. 633, F.S.; expanding such purpose; conforming a cross-reference; transferring, renumbering, and amending s. 633.48, F.S., relating to the superintendent of the Florida State Fire College; conforming a cross-reference; transferring, renumbering, and amending s. 633.461, F.S., relating to uses of funds from the Insurance Regulatory Trust Fund; clarifying provisions; transferring and renumbering s. 633.47, F.S., relating to the procedure for making expenditures on behalf of the Florida State Fire College; transferring, renumbering, and amending s. 633.49, F.S., relating to the use of buildings, equipment, and other facilities of the fire college; conforming a cross-reference; transferring, renumbering, and amending s. 633.50, F.S., relating to additional duties of the Division of State Fire Marshal related to the Florida State Fire College; conforming cross-references; transferring and renumbering s. 633.46, F.S., relating to fees to be charged for training; providing a directive to the Division of Law Revision and Information to create part V of ch. 633, F.S., entitled "Florida Firefighters Occupational Safety and Health Act"; transferring, renumbering, and amending s. 633.801, F.S., relating to a short title; conforming a cross-reference; transferring, renumbering, and amending s. 633.802, F.S., relating to definitions; revising definitions of "firefighter employee," "firefighter employer," and "firefighter place of employment"; transferring, renumbering, and amending s. 633.803, F.S., relating to legislative intent to enhance firefighter occupational safety and health in the state; clarifying provisions; conforming cross-references; transferring, renumbering, and amending s. 633.821, F.S., relating to assistance by the division in facilitating firefighter employee workplace safety; revising references to publications; removing obsolete provisions; revising requirements and responsibilities of the division; transferring, renumbering, and amending s. 633.817, F.S., relating to remedies available to the division for noncompliance with part V of ch. 633, F.S.; conforming cross-references; transferring and renumbering s. 633.805, F.S., relating to a required study by the division of firefighter employee occupational diseases; transferring, renumbering, and amending s. 633.806, F.S., relating to certain duties of the division; revising provisions that require the division to make studies, investigations, inspections, and inquiries with respect to compliance with part V of ch. 633, F.S., or rules authorized thereunder, and the causes of firefighter employee injuries, illnesses, safety-based complaints, or line-of-duty deaths in firefighter employee places of employment; authorizing the division to adopt by rule procedures for conducting inspections and inquiries of firefighter employers under part V of ch. 633, F.S.; authorizing the division to enter premises to investigate compliance; providing a criminal penalty; conforming references; transferring, renumbering, and amending s. 633.807, F.S., relating to safety responsibilities of firefighter employers; revising definitions of the terms "safe" and "safety"; transfer-

ring, renumbering, and amending s. 633.809, F.S.; relating to firefighter employers with a high frequency of firefighter employee work-related injuries; revising provisions relating to required safety inspections; clarifying that the division may not assess penalties as a result of such inspections; requiring firefighter employers to submit a plan for the correction of noncompliance issues to the division for approval in accordance with division rule; providing procedures if a plan is not submitted, does not provide corrective actions, is incomplete, or is not implemented; providing for workplace safety committees and coordinators, including mandatory negotiations during collective bargaining; requiring the division to adopt rules; providing for compensation of the workplace safety committee; authorizing cancellation of an insurance plan due to noncompliance; transferring, renumbering, and amending s. 633.811, F.S., relating to firefighter employer penalties; prescribing additional administrative penalties for firefighter employers for violation of, or refusal to comply with, part V of ch. 633, F.S.; providing for location of hearings; transferring, renumbering, and amending s. 633.812, F.S., relating to specified cooperation by the division with the Federal Government; clarifying requirements from which private firefighter employers are exempt; eliminating a prerequisite to exemption for specified firefighter employers; requiring reinspection after specified noncompliance; transferring, renumbering, and amending s. 633.816, F.S., relating to firefighter employee rights and responsibilities; conforming cross-references; transferring, renumbering, and amending s. 633.818, F.S., relating to false statements; conforming a cross-reference; prohibiting a person from committing certain fraudulent acts in any matter within the jurisdiction of the division; providing criminal penalties; providing a statute of limitation; transferring, renumbering, and amending s. 633.814, F.S., relating to disbursement of expenses to administer part V of ch. 633, F.S.; conforming a cross-reference; amending s. 112.011, F.S.; removing provisions that exclude from employment for a specified period an applicant for employment with a fire department who has a prior felony conviction; amending s. 112.191, F.S.; revising provisions relating to adjustments in payments of accidental death benefits for firefighters; amending s. 120.541, F.S.; revising a cross-reference to conform with changes made in the act; amending s. 196.081, F.S.; revising a cross-reference to conform with changes made in the act; repealing s. 633.024, F.S., relating to legislative findings and intent with respect to ensuring effective fire protection of vulnerable nursing home residents, the expedited retrofit of existing nursing homes through a limited state loan guarantee, and funding thereof; repealing s. 633.0245, F.S., relating to the State Fire Marshal Nursing Home Fire Protection Loan Guarantee Program; repealing s. 633.03, F.S., relating to investigations of fire and reports; repealing s. 633.0421, F.S., relating to preemption of the reduced cigarette ignition propensity standard by the state; repealing s. 633.13, F.S., relating to the authority of State Fire Marshal agents; repealing s. 633.167, F.S., relating to the authority of the State Fire Marshal to place certain persons on probation; repealing s. 633.18, F.S., relating to hearings and investigations by the State Fire Marshal; repealing s. 633.30, F.S., relating to definitions with respect to standards for firefighting; repealing s. 633.32, F.S., relating to organization, meetings, quorum, compensation, and seal of the Firefighters Employment, Standards, and Training Council; repealing s. 633.33, F.S., relating to special powers of the Firefighters Employment, Standards, and Training Council in connection with the employment and training of firefighters; repealing s. 633.37, F.S., relating to payment of tuition at approved training programs by the employing agency; repealing s. 633.445, F.S., relating to the State Fire Marshal Scholarship Grant Program; repealing s. 633.46, F.S., relating to authority of the Division of State Fire Marshal to fix and collect admission fees and other fees it deems necessary to be charged for training; repealing s. 633.514, F.S., relating to Florida Fire Safety Board duties, meetings, officers, quorum, and compensation; repealing s. 633.517, F.S.; relating to the authority of the State Fire Marshal to adopt rules, administer oaths, and take testimony; repealing s. 633.524, F.S., relating to certificate and permit fees assessed under ch. 633, F.S., and the use and deposit thereof; repealing s. 633.804, F.S., relating to the adoption of rules governing firefighter employer and firefighter employee safety inspections and consultations; repealing s. 633.808, F.S., relating to division authority; repealing s. 633.810, F.S., relating to workplace safety committees and safety coordinators; repealing s. 633.813, F.S., relating to cancellation of an insurance policy for failure to implement a safety and health program; repealing s. 633.815, F.S., relating to penalties for refusing entry to a firefighter place of employment for the purposes of investigations or inspections by the division; repealing s. 633.819, F.S., relating to matters within the jurisdiction of the division and fraudulent acts, penalties, and statute of limitations; repealing s. 633.820, F.S., relating to the applic-

ability of specified sections of ch. 633, F.S., to volunteer firefighters and volunteer fire departments; amending ss. 112.1815, 112.191, 112.81, 119.071, 120.80, 121.0515, 125.01, 125.01045, 125.56, 166.0446, 175.032, 175.121, 218.23, 252.515, 255.45, 258.0145, 281.02, 384.287, 395.0163, 400.232, 400.915, 429.41, 429.44, 429.73, 447.203, 468.602, 468.609, 489.103, 489.105, 496.404, 509.032, 513.05, 553.73, 553.77, 553.79, 590.02, 627.4107, 893.13, 934.03, 943.61, 1002.33, 1002.34, 1013.12, and 1013.38, F.S.; conforming cross-references; updating terminology; providing an effective date.

—was read the second time by title.

Senator Simmons moved the following amendment which was adopted:

Amendment 1 (644332)—Delete lines 740-777 and insert:

(10)(9) A “Fire hydrant” means ~~is~~ a connection to a water main, elevated water tank, or other source of water for the purpose of supplying water to a fire hose or other fire protection apparatus for fire suppression operations. *The term does not include a fire protection system.*

(11)(10) A “Fire protection system” means ~~is~~ a system individually designed to protect the interior or exterior of a specific building or buildings, structure, or other special hazard from fire. Such systems include, but are not limited to, water sprinkler systems, water spray systems, foam-water sprinkler systems, foam-water spray systems, carbon dioxide CO₂ systems, foam extinguishing systems, dry chemical systems, and Halon and other chemical systems used for fire protection use. Such systems also include any overhead and underground fire mains, fire hydrants and hydrant mains, standpipes and hoses connected to sprinkler systems, sprinkler tank heaters, air lines, thermal systems used in connection with fire sprinkler systems, and tanks and pumps connected to fire sprinkler systems.

(12)(11) A “Firesafety inspector” means ~~is~~ an individual who holds a current and valid Fire Safety Inspector Certificate of Compliance issued ~~certified~~ by the division State Fire Marshal under s. 633.216 ~~s. 633.081~~ who is officially assigned the duties of conducting firesafety inspections of buildings and facilities on a recurring or regular basis on behalf of the state or any county, municipality, or special district with fire safety responsibilities.

(13) “Fire service provider” means a municipality or county, the state, or any political subdivision of the state, including authorities and special districts, employing firefighters or utilizing volunteer firefighters to provide fire extinguishment or fire prevention services for the protection of life and property. *The term includes any organization under contract or other agreement with such entity to provide such services.*

(14) “Fire service support personnel” means an individual who does not hold a current and valid certificate issued by the division and who may only perform support services.

Senator Simmons moved the following amendment:

Amendment 2 (458420)—Delete lines 2186-2347 and insert:

Section 27. Section 633.081, Florida Statutes, is transferred, renumbered as section 633.216, Florida Statutes, and amended to read:

633.216 ~~633.081~~ Inspection of buildings and equipment; orders; firesafety inspection training requirements; certification; disciplinary action.—The State Fire Marshal and her or his agents or persons authorized to enforce laws and rules of the State Fire Marshal shall, at any reasonable hour, when the State Fire Marshal has reasonable cause to believe that a violation of this chapter or s. 509.215, or a rule ~~adopted promulgated~~ thereunder, or a minimum firesafety code adopted by the State Fire Marshal or a local authority, may exist, inspect any and all buildings and structures which are subject to the requirements of this chapter or s. 509.215 and rules ~~adopted promulgated~~ thereunder. The authority to inspect shall extend to all equipment, vehicles, and chemicals which are located on or within the premises of any such building or structure.

(1) Each county, municipality, and special district that has firesafety enforcement responsibilities shall employ or contract with a firesafety inspector. Except as provided in s. 633.312(2) and (3) ~~633.082(2)~~, the

firesafety inspector must conduct all firesafety inspections that are required by law. The governing body of a county, municipality, or special district that has firesafety enforcement responsibilities may provide a schedule of fees to pay only the costs of inspections conducted pursuant to this subsection and related administrative expenses. Two or more counties, municipalities, or special districts that have firesafety enforcement responsibilities may jointly employ or contract with a firesafety inspector.

(2) Except as provided in s. 633.312(2) ~~633.082(2)~~, every firesafety inspection conducted pursuant to state or local firesafety requirements shall be by a person certified as having met the inspection training requirements set by the State Fire Marshal. Such person shall *meet the requirements of s. 633.412(1)(a)-(d), and:*

(a) ~~Be a high school graduate or the equivalent as determined by the department;~~

(b) ~~Not have been found guilty of, or having pleaded guilty or nolo contendere to, a felony or a crime punishable by imprisonment of 1 year or more under the law of the United States, or of any state thereof, which involves moral turpitude, without regard to whether a judgment of conviction has been entered by the court having jurisdiction of such cases;~~

(c) ~~Have her or his fingerprints on file with the department or with an agency designated by the department;~~

(d) ~~Have good moral character as determined by the department;~~

(e) ~~Be at least 18 years of age;~~

(f) ~~Have satisfactorily completed the firesafety inspector certification examination as prescribed by division rule the department; and~~

(b)(g)1. Have satisfactorily completed, as determined by *division rule the department*, a firesafety inspector training program of at least ~~not less than~~ 200 hours established by the department and administered by education or training providers ~~agencies and institutions~~ approved by the department for the purpose of providing basic certification training for firesafety inspectors; or

2. Have received ~~in another state~~ training in *another state* which is determined by the ~~division department~~ to be at least equivalent to that required by the department for approved firesafety inspector education and training programs in this state.

(3)(a)1. Effective July 1, 2013, the classification of special state firesafety inspector is abolished, and all special state firesafety inspector certifications ~~shall~~ expire at midnight June 30, 2013.

2. Any person who is a special state firesafety inspector on June 30, 2013, and who has failed to comply with paragraph (b) or paragraph (c) may not perform any firesafety inspection required by law.

3. A special state firesafety inspector certificate may not be issued after June 30, 2011.

(b)1. Any person who is a special state firesafety inspector on July 1, 2011, and who has at least 5 years of experience as a special state firesafety inspector as of July 1, 2011, may take the firesafety inspection examination as provided in paragraph (2)(f) for firesafety inspectors before July 1, 2013, to be certified as a firesafety inspector under this section.

2. Upon passing the examination, the person shall be certified as a firesafety inspector as provided in this section.

3. A person who fails to become certified must comply with paragraph (c) to be certified as a firesafety inspector under this section.

(c)1. To be certified as a firesafety inspector under this section, ~~a any~~ person who:

a. Is a special state firesafety inspector on July 1, 2011, and who does not have 5 years of experience as a special state firesafety inspector as of July 1, 2011; or

b. Has 5 years of experience as a special state firesafety inspector but has failed the examination taken as provided in paragraph (2)(a) ~~(2)(f)~~, must take an additional 80 hours of the courses described in paragraph (2)(b) ~~(2)(g)~~.

2. After successfully completing the courses described in this paragraph, such person may take the firesafety inspection examination as provided in paragraph (2)(a) ~~(2)(f)~~, if such examination is taken before July 1, 2013.

3. Upon passing the examination, the person shall be certified as a firesafety inspector as provided in this section.

4. A person who fails the course of study or the examination described in this paragraph may not perform any firesafety inspection required by law on or after July 1, 2013.

(4) A firefighter certified pursuant to s. 633.408 ~~633.35~~ may conduct firesafety inspections, under the supervision of a certified firesafety inspector, while on duty as a member of a fire department company conducting inservice firesafety inspections without being certified as a firesafety inspector, if such firefighter has satisfactorily completed an inservice fire department company inspector training program of at least 24 hours' duration as provided by rule of the department.

(5) Every firesafety inspector certificate is valid for a period of ~~4~~ 3 years from the date of issuance. Renewal of certification is subject to the affected person's completing proper application for renewal and meeting all of the requirements for renewal as established under this chapter or by rule adopted under this chapter, which ~~must shall~~ include completion of at least ~~54~~ 40 hours during the preceding ~~4-year~~ 3-year period of continuing education as required by the rule of the department or, in lieu thereof, successful passage of an examination as established by the department.

(6) ~~A previously certified firesafety inspector whose certification has lapsed for 8 years or more must repeat the fire safety inspector training as specified by the division.~~

(7)(6) The State Fire Marshal may deny, refuse to renew, suspend, or revoke the certificate of a firesafety inspector if the State Fire Marshal finds that any of the following grounds exist:

(a) Any cause for which issuance of a certificate could have been refused had it then existed and been known to the ~~division State Fire Marshal~~.

(b) Violation of this chapter or any rule or order of the State Fire Marshal.

(c) Falsification of records relating to the certificate.

(d) ~~Having been found guilty of or having pleaded guilty or nolo contendere to a felony, whether or not a judgment of conviction has been entered.~~

(d)(e) Failure to meet any of the renewal requirements.

(f) ~~Having been convicted of a crime in any jurisdiction which directly relates to the practice of fire code inspection, plan review, or administration.~~

(e)(g) Making or filing a report or record that the certificateholder knows to be false, or knowingly inducing another to file a false report or record, or knowingly failing to file a report or record required by state or local law, or knowingly impeding or obstructing such filing, or knowingly inducing another person to impede or obstruct such filing.

(f)(h) Failing to properly enforce applicable fire codes or permit requirements within this state which the certificateholder knows are applicable by committing willful misconduct, gross negligence, gross misconduct, repeated negligence, or negligence resulting in a significant danger to life or property.

(g)(i) Accepting labor, services, or materials at no charge or at a noncompetitive rate from ~~a any~~ person who performs work that is under the enforcement authority of the certificateholder and who is not an immediate family member of the certificateholder. For the purpose of

this paragraph, the term “immediate family member” means a spouse, child, parent, sibling, grandparent, aunt, uncle, or first cousin of the person or the person’s spouse or ~~a~~ ~~any~~ person who resides in the primary residence of the certificateholder.

(8)(7) ~~The division of State Fire Marshal and the Florida Building Code Administrators and Inspectors Board, established pursuant to s. 468.605, shall enter into a reciprocity agreement to facilitate joint recognition of continuing education recertification hours for certificateholders licensed under s. 468.609 and firesafety inspectors certified under subsection (2).~~

(9)(8) ~~The State Fire Marshal shall develop by rule an advanced training and certification program for firesafety inspectors having fire code management responsibilities. The program must be consistent with the appropriate provisions of NFPA 1037, or similar standards adopted by the division, and establish minimum training, education, and experience levels for firesafety inspectors having fire code management responsibilities.~~

(10)(9) ~~The department shall provide by rule for the certification of firesafety inspectors and Fire Code Administrators.~~

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

Senator Simmons moved the following amendment to **Amendment 2** which was adopted:

Amendment 2A (696538)—Delete line 82 and insert: in paragraph (2)(a) ~~(2)(f)~~ for firesafety inspectors before July 1,

Amendment 2 as amended was adopted.

Senator Simmons moved the following amendments which were adopted:

Amendment 3 (279956)—Delete lines 3587-3726 and insert:

(4)(2) The division shall issue a firefighter certificate of compliance to an ~~any~~ individual who does all of the following:

(a) ~~person~~ Satisfactorily completes ~~completing with the Minimum Standards Course or who has satisfactorily completed training for firefighters in another state which has been determined by the division to be at least the equivalent of the training required for the Minimum Standards Course.~~

(b) ~~Passes the Minimum Standards Course examination. training program established in subsection (1), who has successfully passed an examination as prescribed by the division, and~~

(c) ~~who~~ Possesses the qualifications ~~for employment in s. 633.412 633.34, except s. 633.34(5).~~

(5) ~~The division shall issue a Volunteer Firefighter Certificate of Completion to any individual who satisfactorily completes the course established under paragraph (1)(b) No person may be employed as a regular or permanent firefighter by an employing agency, or by a private entity under contract with the state or any political subdivision of the state, including authorities and special districts, for a period of time in excess of 1 year from the date of initial employment until he or she has obtained such certificate of compliance. A person who does not hold a certificate of compliance and is employed under this section may not directly engage in hazardous operations, such as interior structural firefighting and hazardous materials incident mitigation, requiring the knowledge and skills taught in a training program established in subsection (1). However, a person who has served as a volunteer firefighter with the state or any political subdivision of the state, including authorities and special districts, who is then employed as a regular or permanent firefighter may function, during this period, in the same capacity in which he or she acted as a volunteer firefighter, provided that he or she has completed all training required by the volunteer organization.~~

(3) ~~The division may issue a certificate to any person who has received basic employment training for firefighters in another state when the division has determined that such training was at least equivalent to that required by the division for approved firefighter education and~~

~~training programs in this state and when such person has satisfactorily complied with all other requirements of this section.~~

(6)(a) The division may ~~also~~ issue a Special Certificate of Compliance to an individual ~~a person~~ who does all of the following:

1. Satisfactorily completes the course established in paragraph (1)(b) to obtain a Special Certificate of Compliance.

2. Passes the examination established in paragraph (1)(b) to obtain a Special Certificate of Compliance.

3. Possesses the qualifications in s. 633.412 ~~is otherwise qualified under this section and who is employed as the administrative and command head of a fire/rescue/emergency services organization, based on the acknowledgment that such person is less likely to need physical dexterity and more likely to need advanced knowledge of firefighting and supervisory skills.~~

(b) ~~A Special~~ The Certificate of Compliance ~~is valid only authorizes an individual to serve while the person is serving in a position as an administrative and command head of a fire service provider fire/rescue/emergency services organization.~~

(7)(4) An individual ~~A person~~ who fails an examination given under this section may retake the examination once within 6 months after the original examination date. ~~If the individual An applicant who does not retake the examination or fails the reexamination within such time, the individual must take the Minimum Standards Course for a Firefighter Certificate of Compliance or the course established under paragraph (1)(b) for a Special Certificate of Compliance, pursuant to subsection (1), before being reexamined. The division may grant an extension of the 6-month period based upon documented medical necessity and may establish reasonable preregistration deadlines for such reexaminations.~~

(8)(5) Pursuant to s. 590.02(1)(e), the division shall establish a structural fire training program of not less than ~~206~~ 40 hours. The division shall issue to a ~~any~~ person satisfactorily complying with this training program and who has successfully passed an examination as prescribed by the division and who has met the requirements of s. 590.02(1)(e), a Forestry Certificate of Compliance ~~Certificate of Forestry Firefighter.~~

(6) An individual who holds a current and valid Forestry Certificate of Compliance ~~A certified forestry firefighter~~ is entitled to the same rights, privileges, and benefits provided for by law as a ~~certified~~ firefighter.

Section 60. Section 633.34, Florida Statutes, is transferred, renumbered as section 633.412, Florida Statutes, and amended to read:

633.412 ~~633.34~~ Firefighters; qualifications for certification ~~employment~~ ~~ment.~~—

(1) A ~~Any~~ person applying for certification ~~employment~~ as a firefighter must:

(a)(1) Be a high school graduate or the equivalent, as the term may be determined by the division, and at least 18 years of age.

(b)(2) ~~Not~~ ~~Neither~~ have been convicted of a misdemeanor relating to the certification or to perjury or false statements, or a felony or a crime punishable by imprisonment of 1 year or more under the law of the United States or of any state thereof or under the law of any other country, or dishonorably discharged from any of the Armed Forces of the United States. “Convicted” means a finding of guilt or the acceptance of a plea of guilty or nolo contendere, in any federal or state court or a court in any other country, without regard to whether a judgment of conviction has been entered by the court having jurisdiction of the case ~~felony or of a misdemeanor directly related to the position of employment sought, nor have pled nolo contendere to any charge of a felony. If an applicant has been convicted of a felony, such applicant must be in compliance with s. 112.011(2)(b). If an applicant has been convicted of a misdemeanor directly related to the position of employment sought, such applicant shall be excluded from employment for a period of 4 years after expiration of sentence. If the sentence is suspended or adjudication is withheld in a felony charge or in a misdemeanor directly related to the position or employment sought and a period of probation is imposed, the applicant must have been released from probation.~~

(c)(3) Submit fingerprints ~~a fingerprint card~~ to the division with a current processing fee. The fingerprints ~~fingerprint card~~ will be forwarded to the Department of Law Enforcement for state processing and forwarded by the Department of Law Enforcement to ~~and for~~ the Federal Bureau of Investigation for national processing.

(d)(4) Have a good moral character as determined by investigation under procedure established by the division.

(e)(5) Be in good physical condition as determined by a medical examination given by a physician, surgeon, or physician assistant licensed to practice in the state pursuant to chapter 458; an osteopathic physician, surgeon, or physician assistant licensed to practice in the state pursuant to chapter 459; or an advanced registered nurse practitioner licensed to practice in the state pursuant to chapter 464. Such examination may include, but need not be limited to, ~~provisions of~~ the National Fire Protection Association Standard 1582. A medical examination evidencing good physical condition shall be submitted to the division, on a form as provided by rule, before an individual is eligible for admission into a course under ~~firefighter training program as defined in s. 633.408 633.35~~.

(f)(6) Be a nonuser of tobacco or tobacco products for at least 1 year immediately preceding application, as evidenced by the sworn affidavit of the applicant.

(2) If the division suspends or revokes an individual's certificate, the division must suspend or revoke all other certificates issued to the individual by the division pursuant to this part.

Amendment 4 (929232) (with title amendment)—Delete line 4827.

And the title is amended as follows:

Delete lines 570-573 and insert: 633.514, F.S., relating to

Pursuant to Rule 4.19, **CS for CS for SB 1410** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Evers—

SB 1424—A bill to be entitled An act relating to public records; amending s. 338.155, F.S.; clarifying provisions; providing that personal identifying information about individuals related to the payment of tolls, which is held by the Department of Transportation and certain other entities, is exempt from public records requirements; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing legislative findings and a statement of public necessity; providing an effective date.

—was read the second time by title.

Senator Evers moved the following amendment which was adopted:

Amendment 1 (361528)—Delete lines 19 and 20 and insert:

(6)(a) Personal identifying information ~~held by~~ ~~provided to~~;

Pursuant to Rule 4.19, **SB 1424** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 1472** and **CS for SB 1014** was deferred.

SM 1600—A memorial to the Congress of the United States, urging Congress to repeal the health insurance tax contained in sections 9010 and 10905 of the Patient Protection and Affordable Care Act and section 1406 of the Health Care and Education Reconciliation Act.

WHEREAS, sections 9010 and 10905 of the Patient Protection and Affordable Care Act (Pub. L. No. 111-148) and section 1406 of the Health Care and Education Reconciliation Act (Pub. L. No. 111-152) impose an unprecedented new tax on health insurance which numerous policy experts agree will be passed on to individuals, working families, small

employers, and seniors, contradicting a primary goal of health reform by making health care more expensive, and

WHEREAS, the health insurance tax could cause health care premiums for working families in Florida to rise by as much as \$4,881 to \$7,767 on average over a ten-year period, and

WHEREAS, the health insurance tax will impact small employers nationwide over the next decade, reducing future private-sector jobs by 125,000, with 59 percent of those jobs being eliminated from small businesses, and reducing potential sales by at least \$18 billion, with 50 percent of that loss being borne by small businesses, and

WHEREAS, Florida is estimated to be in the top five states with the highest average aggregate impact on Medicare Advantage beneficiaries between 2014 and 2023, with the ten-year impact per person estimated at \$4,181, and

WHEREAS, according to the recommended budget released by Governor Rick Scott, the cost of the health insurance tax on Medicaid is estimated at \$31.6 million, \$13.1 million of which will come from state funds due to an annual tax that will be placed on health insurance providers under the new law, based on preliminary estimates for the 2013-2014 year for Medicaid premiums, and

WHEREAS, higher premiums are a disincentive for everyone to obtain insurance coverage, particularly younger, healthier people, who are likely to drop their policies due to increased expense, further eroding the risk pool and making coverage even less affordable, NOW, THEREFORE,

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

That the Congress of the United States is urged to enact legislation to repeal the health insurance tax contained in sections 9010 and 10905 of the Patient Protection and Affordable Care Act and section 1406 of the Health Care and Education Reconciliation Act to make health care more affordable for working families, individuals, and businesses.

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

—was read the second time by title. On motion by Senator Bean, **SM 1600** was adopted and certified to the House.

On motion by Senator Flores—

CS for CS for CS for SB 1734—A bill to be entitled An act relating to public records; amending s. 943.0583, F.S.; providing an exemption from public records requirements for criminal history records of victims of human trafficking expunged under s. 943.0583, F.S.; providing an exception, 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 read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for SB 1734** was placed on the calendar of Bills on Third Reading.

On motion by Senator Simmons—

SB 1848—A bill to be entitled An act relating to public records; providing a public records exemption for the identity of individuals who make certain allegations or provide certain information to the inspector general of Citizens Property Insurance Corporation and for information relating to a resulting investigation; providing for future review and repeal; providing a statement of public necessity; providing a contingent effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1848** was placed on the calendar of Bills on Third Reading.

On motion by Senator Simmons—

SB 1850—A bill to be entitled An act relating to public records; amending s. 627.3518, F.S.; providing an exemption from public records requirements for all underwriting guidelines, manuals, rating information, and other underwriting criteria or instructions submitted by an insurer to the corporation's policyholder eligibility clearinghouse program which are used to identify and select risks from the program; providing for future review and repeal; providing a statement of public necessity; providing a contingent effective date.

—was read the second time by title.

Senator Simmons moved the following amendment which was adopted:

Amendment 1 (565296) (with directory and title amendments)—Delete lines 20-51 and insert:

(10) *Proprietary business information provided to the corporation's clearinghouse by insurers with respect to identifying and selecting risks for an offer of coverage is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.*

(a) *As used in this subsection, the term "proprietary business information" means information, regardless of form or characteristics, which is owned or controlled by an insurer and:*

1. *Is identified by the insurer as proprietary business information and is intended to be and is treated by the insurer as private in that the disclosure of the information would cause harm to the insurer, an individual, or the company's business operations and has not been disclosed unless disclosed pursuant to a statutory requirement, an order of a court or administrative body, or a private agreement that provides that the information will not be released to the public;*

2. *Is not otherwise readily ascertainable or publicly available by proper means by other persons from another source in the same configuration as provided to the clearinghouse; and*

3. *Includes, but is not limited to:*

a. *Trade secrets.*

b. *Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.*

Proprietary business information may be found in underwriting criteria or instructions which are used to identify and select risks through the program for an offer of coverage and are shared with the clearinghouse to facilitate the shopping of risks with the insurer.

(b) *The clearinghouse may disclose confidential and exempt proprietary business information:*

1. *If the insurer to which it pertains gives prior written consent;*

2. *Pursuant to a court order; or*

3. *To another state agency in this or another state or to a federal agency if the recipient agrees in writing to maintain the confidential and exempt status of the document, material, or other information and has verified in writing its legal authority to maintain such confidentiality.*

(c) *This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2018, unless reviewed and saved from repeal through reenactment by the Legislature.*

Section 2. *The Legislature finds that it is a public necessity that all proprietary business information provided by an insurer to Citizens Property Insurance Corporation's clearinghouse which is used to identify and select risks from the clearinghouse be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State*

Constitution. The diversion program will facilitate obtaining offers of coverage from authorized insurers for new applicants for insurance coverage with the corporation and for policyholders seeking to renew existing insurance coverage with the corporation. Obtaining offers of coverage from authorized insurers through the clearinghouse will provide more choices for consumers and reduce the corporation's exposure and potential for imposing assessments on its policyholders and policyholders in the private market. In order for the program to efficiently determine whether there are authorized insurers interested in making an offer of coverage for a particular risk, a substantial amount of detailed data from participating insurers must be provided to the program. Public disclosure of the detailed data could result in a substantial chilling effect on insurer participation in the program and thereby undermine the program's success. Therefore, the Legislature declares that it is a public necessity that all proprietary business information provided by an insurer to Citizens Property Insurance Corporation's clearinghouse which is used to identify and select risks from the clearinghouse be made confidential and exempt from public record requirements.

And the directory clause is amended as follows:

Delete line 15 and insert:

Section 1. Subsection (10) is added to section 627.3518,

And the title is amended as follows:

Delete lines 4-9 and insert: records requirements for all proprietary business information submitted by an insurer to the Citizens Property Insurance Corporation's clearinghouse; providing a definition; providing exemption; providing for future

Pursuant to Rule 4.19, **SB 1850** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Garcia—

CS for SB 1014—A bill to be entitled An act relating to public records; amending s. 397.334, F.S.; exempting from public records requirements information from the initial screenings for participation in a treatment-based drug court program, substance abuse screenings, behavioral health evaluations, and subsequent treatment status reports regarding a participant or a person considered for participation in a treatment-based drug court program; providing for future repeal and legislative review of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1014** was placed on the calendar of Bills on Third Reading.

CS for SB 418—A bill to be entitled An act relating to the delivery of insurance policies; amending s. 627.421, F.S.; authorizing the posting of specified types of insurance policies and endorsements on an insurer's Internet website in lieu of mailing or delivery to the insured if the insurer complies with certain conditions; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 418**, on motion by Senator Detert, by two-thirds vote **CS for HB 223** was withdrawn from the Committees on Banking and Insurance; and Commerce and Tourism.

On motion by Senator Detert—

CS for HB 223—A bill to be entitled An act relating to insurance; amending s. 627.421, F.S.; authorizing the posting of specified types of insurance policies and endorsements on an insurer's Internet website in lieu of mailing or delivery to the insured if the insurer complies with certain conditions; providing an effective date.

—a companion measure, was substituted for **CS for SB 418** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 223** was placed on the calendar of Bills on Third Reading.

On motion by Senator Hays—

CS for CS for CS for SB 580—A bill to be entitled An act relating to homeowners' associations; amending s. 468.436, F.S.; providing grounds for disciplinary actions against community association managers; amending s. 720.303, F.S.; requiring official records to be maintained within a specified distance of the association for a specified time; authorizing associations to maintain such records online; requiring associations to allow a member to use a portable device to make an electronic copy of the official records and prohibiting associations from charging a fee for such an electronic copy; removing provisions allowing the association to charge fees for personnel costs related to records access; requiring budgets to designate permissible uses of reserve accounts; requiring a community association manager, or the association in the absence of a community association manager, to report certain information to the Division of Florida Condominiums, Timeshares, and Mobile Homes; providing an expiration date for the reporting requirements; creating s. 720.3033, F.S.; requiring association directors to file with the association secretary written certification that they have read certain association documents, will uphold the documents, and will uphold their fiduciary responsibility to the members; providing for an educational certificate in lieu of written certification; providing that such certification is valid while the director is on the board; providing penalties for failure to file such certification; requiring the association secretary to retain such certification for 5 years; requiring the board to follow specified procedures relating to contracts or transactions between the association and certain entities; providing for disclosure of the contract or transaction to members; providing for the cancellation of such contract or transaction under certain circumstances; prohibiting any association officer, director, or manager from soliciting or receiving certain personal benefits from any person providing or offering to provide goods or services to the association and providing for removal for knowingly taking such action; providing an exception; providing for the removal of any director or officer charged with a felony theft or embezzlement offense involving association funds or property; providing for the reinstatement of such person under certain circumstances; prohibiting a member with pending criminal charges from certain positions; requiring the association to maintain insurance or a bond to cover funds that will be in the custody of the association or its management agent; providing a definition; amending s. 720.306, F.S.; revising procedures for the election of directors; amending s. 720.307, F.S.; providing additional circumstances for authorizing members to elect a majority of association board members; providing circumstances under which members other than the developer are authorized to elect a specified number of members to the board of directors; amending s. 720.3075, F.S.; providing public policy regarding prohibited clauses in association documents; providing prohibited clauses in association documents; amending s. 720.3085, F.S.; defining the term "previous owner" to exclude certain associations from provisions relating to the liability of previous owners of parcels for unpaid assessments; limiting a present owner's liability for certain assessments; providing an effective date.

—was read the second time by title.

Senator Hays moved the following amendment which was adopted:

Amendment 1 (825454)—Delete lines 273 and 274 and insert:

(f) *The division shall adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this subsection.*

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

Senator Gibson moved the following amendment which was adopted:

Amendment 2 (660056) (with title amendment)—Delete lines 362-379 and insert:

Section 4. Paragraph (b) of subsection (1) and paragraph (a) of subsection (9) of section 720.306, Florida Statutes, are amended to read:

720.306 Meetings of members; voting and election procedures; amendments.—

(1) QUORUM; AMENDMENTS.—

(b) Unless otherwise provided in the governing documents or required by law, and other than those matters set forth in paragraph (c), any governing document of an association may be amended by the affirmative vote of two-thirds of the voting interests of the association. *Within 30 days after recording an amendment to the governing documents, the association shall provide copies of the amendment to the members.*

(9)(a) ELECTIONS AND BOARD VACANCIES.—Elections of directors must be conducted in accordance with the procedures set forth in the governing documents of the association. All members of the association are eligible to serve on the board of directors, and a member may nominate himself or herself as a candidate for the board at a meeting where the election is to be held; *provided, however, that or, if the election process allows candidates to be nominated in advance of the meeting, the association is not required to allow nominations at the meeting. An election is not required unless more candidates are nominated than vacancies exist voting by absentee ballot, in advance of the balloting.* Except as otherwise provided in the governing documents, boards of directors must be elected by a plurality of the votes cast by eligible voters.

And the title is amended as follows:

Delete line 53 and insert: amending s. 720.306, F.S.; requiring that a copy of an amendment to the governing documents be provided to the members within 30 days after it is recorded; revising procedures for the

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

Senator Hays moved the following amendments which were adopted:

Amendment 3 (269104) (with title amendment)—Delete line 361 and insert: *association shall bear the cost of any insurance or bond. If annually approved by a majority of the voting interests present at a properly called meeting of the association, an association may waive the requirement of obtaining an insurance policy or fidelity bond for all persons who control or disburse funds of the association.*

And the title is amended as follows:

Between lines 52 and 53 insert: authorizing an association to waive the requirement of obtaining an insurance policy or fidelity bond under certain conditions;

Amendment 4 (788988)—Delete lines 430-448 and insert:

(5) *It is declared that the public policy of this state is that prior to the transition of homeowners' association control in a community from the developer to the nondeveloper members, as set forth in s. 720.307, the right of developers to amend governing documents is subject to a test of reasonableness, which prohibits the developer from unilaterally amending the governing documents in a manner that is arbitrary, capricious, or in bad faith, that destroys the general plan of development, that prejudices the rights of existing nondeveloper members to use and enjoy the benefits of common property, or that materially shifts economic burdens from the developer to the existing nondeveloper members.*

Pursuant to Rule 4.19, **CS for CS for CS for SB 580** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for CS for SB 1128—A bill to be entitled An act relating to health flex plans; amending s. 408.909, F.S.; revising the definition of the terms "health care coverage" or "health flex plan coverage" to include certain specified benefits; deleting the section's expiration date; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1128**, on motion by Senator Bean, by two-thirds vote **HB 1157** was withdrawn from the Committees on Banking and Insurance; and Community Affairs.

On motion by Senator Bean—

HB 1157—A bill to be entitled An act relating to health flex plans; amending s. 408.909, F.S.; revising the definition of the terms “health care coverage” or “health flex plan coverage” to include certain specified benefits; deleting the section’s expiration date; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1128** and read the second time by title.

Pursuant to Rule 4.19, **HB 1157** was placed on the calendar of Bills on Third Reading.

On motion by Senator Soto—

CS for CS for SB 1210—A bill to be entitled An act relating to family law; amending s. 61.30, F.S.; providing for consideration of time-sharing schedules or time-sharing arrangements as a factor in the adjustment of awards of child support; amending s. 90.204, F.S.; authorizing judges in family cases to take judicial notice of certain court records without prior notice to the parties when imminent danger to persons or property has been alleged and it is impractical to give prior notice; providing for a deferred opportunity to present evidence; requiring a notice of such judicial notice having been taken to be filed within a specified period; providing that the term “family cases” has the same meaning as provided in the Rules of Judicial Administration; amending ss. 741.30, 784.046, and 784.0485, F.S.; creating an exception to a prohibition against using evidence other than the verified pleading or affidavit in an ex parte hearing for a temporary injunction for protection against domestic violence, repeat violence, sexual violence, dating violence, or stalking; providing an effective date.

—was read the second time by title.

Senator Soto moved the following amendment which was adopted:

Amendment 1 (405224) (with title amendment)—Between lines 123 and 124 insert:

Section 2. *If another bill passes in the 2013 legislative session which includes provisions amending s. 61.30, Florida Statutes, similar to those in this bill, it is the intent of the Legislature that the provisions of this bill shall prevail.*

And the title is amended as follows:

Delete line 5 and insert: the adjustment of awards of child support; providing legislative intent; amending s.

Pursuant to Rule 4.19, **CS for CS for SB 1210** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Ring—

SB 1800—A bill to be entitled An act relating to public records; amending s. 119.071, F.S., relating to a public records exemption for agency records concerning complaints of employment discrimination; saving the exemption from repeal under the Open Government Sunset Review Act; removing the scheduled repeal of the exemption; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1800** was placed on the calendar of Bills on Third Reading.

On motion by Senator Montford—

CS for SB 1756—A bill to be entitled An act relating to public records; creating s. 595.409, F.S.; providing an exemption from public records requirements for personal identifying information of an applicant for or participant in a school food and nutrition service program held by the Department of Agriculture and Consumer Services, the Department of Children and Families, or the Department of Education; providing for specified disclosure; providing for applicability; providing for legislative

review and repeal of the exemption under the Open Government Sunset Review Act; providing a contingent effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1756** was placed on the calendar of Bills on Third Reading.

RECESS

On motion by Senator Thrasher, the Senate recessed at 11:54 a.m. to reconvene at 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order by President Gaetz at 1:30 p.m. A quorum present—39:

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

INTRODUCTION OF FORMER SENATORS

The President recognized former Senator Arnett E. Girardeau of Jacksonville who was present in the chamber.

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

BILLS ON THIRD READING

Consideration of **CS for SB 1770** was deferred.

CS for SB 142—A bill to be entitled An act relating to intellectual disabilities; amending s. 39.502, F.S.; substituting the Arc of Florida for the Association for Retarded Citizens for purposes of certain proceedings relating to children; amending ss. 40.013, 86.041, 92.53, 92.54, and 92.55, F.S.; substituting the term “intellectual disability” for the term “mental retardation”; amending s. 320.10, F.S.; substituting the Arc of Florida for the Association for Retarded Citizens; amending ss. 383.14, 393.063, 393.11, and 394.455, F.S.; substituting the term “intellectual disability” for the term “mental retardation”; clarifying in s. 393.063, that the meaning of the terms “intellectual disability” or “intellectually disabled” is the same as the meaning of the terms “mental retardation,” “retarded,” and “mentally retarded” for purposes of matters relating to the criminal laws and court rules; amending s. 400.960, F.S.; revising definitions relating to intermediate care facilities for the developmentally disabled to delete unused terms; amending s. 408.032, F.S.; conforming a cross-reference; amending s. 409.908, F.S.; substituting the term “intellectually disabled” for the term “mentally retarded”; amending ss. 413.20, 440.49, and 499.0054, F.S.; substituting the term “intellectual disability” for the term “mental retardation”; amending s. 514.072, F.S.; conforming a cross-reference and deleting obsolete provisions; amending ss. 627.6041, 627.6615, 641.31, 650.05, 765.204, 849.04, 914.16, 914.17, 916.105, and 916.106, F.S.; substituting the term “intellectual disability” for the term “mental retardation”; amending s. 916.107, F.S.; substituting the term “intellectual disability” for the term “retardation”; providing a directive to the Division of Law Revision and Information; amending ss. 916.301, 916.3012, 916.302, 916.3025, 916.303, 916.304, 918.16, 921.137, 941.38, 944.602, 945.025, 945.12,

945.42, 947.185, 984.19, 985.14, 985.145, 985.18, 985.19, 985.195, and 985.61, F.S.; clarifying in s. 921.137, F.S., that the terms “intellectual disability” or “intellectually disabled” are interchangeable with and have the same meaning as the terms “mental retardation,” or “retardation” and “mentally retarded,” as defined before the effective date of the act; substituting the term “intellectual disability” for the term “mental retardation”; expressing legislative intent; providing an effective date.

—was read the third time by title.

On motion by Senator Altman, **CS for SB 142** was passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Diaz de la Portilla, Garcia, Margolis, Sobel

SB 282—A bill to be entitled An act relating to consumer finance charges; amending s. 516.031, F.S.; increasing the proportionate loan amounts that are subject to descending maximum rates of interest; increasing the maximum delinquency charge that may be imposed for each loan payment in default for not less than a specified time; reenacting and amending s. 516.19, F.S., relating to penalties, for the purpose of incorporating the amendment made to s. 516.031, F.S., in a reference thereto; providing penalties; making technical and grammatical changes; providing applicability; providing an effective date.

—was read the third time by title.

On motion by Senator Richter, **SB 282** was passed and certified to the House. The vote on passage was:

Yeas—31

Mr. President	Flores	Montford
Abruzzo	Galvano	Richter
Altman	Gardiner	Sachs
Bean	Gibson	Simmons
Benacquisto	Grimsley	Simpson
Bradley	Hays	Smith
Brandes	Hukill	Sobel
Braynon	Latvala	Stargel
Dean	Lee	Thrasher
Detert	Legg	
Evers	Margolis	

Nays—3

Joyner	Soto	Thompson
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Vote after roll call:

Yea—Garcia

CS for SB 320—A bill to be entitled An act relating to the Florida Renewable Fuel Standard Act; repealing ss. 526.201-526.207, F.S., the Florida Renewable Fuel Standard Act, to remove the requirement that all gasoline offered for sale in this state include a percentage of ethanol,

subject to specified exemptions, waivers, suspensions, extensions, enforcement, and reporting; amending s. 206.43, F.S.; conforming a cross-reference; providing an effective date.

—as amended April 16 was read the third time by title.

Pending further consideration of **CS for SB 320** as amended, on motion by Senator Evers, by two-thirds vote **HB 4001** was withdrawn from the Committees on Communications, Energy, and Public Utilities; and Environmental Preservation and Conservation.

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

HB 4001—A bill to be entitled An act relating to the Florida Renewable Fuel Standard Act; repealing ss. 526.201-526.207, F.S., the Florida Renewable Fuel Standard Act, to remove the requirement that all gasoline offered for sale in this state include a percentage of ethanol, subject to specified exemptions, waivers, suspensions, extensions, enforcement, and reporting; amending s. 206.43, F.S.; conforming a cross-reference; providing an effective date.

—a companion measure, was substituted for **CS for SB 320** as amended and read the second time by title.

On motion by Senator Evers, by two-thirds vote **HB 4001** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Flores	Montford
Altman	Galvano	Richter
Bean	Gardiner	Ring
Benacquisto	Gibson	Sachs
Bradley	Grimsley	Simmons
Brandes	Hays	Simpson
Braynon	Hukill	Smith
Dean	Joyner	Sobel
Detert	Latvala	Stargel
Diaz de la Portilla	Lee	Thompson
Evers	Margolis	Thrasher

Nays—1

Soto

Vote after roll call:

Yea—Garcia, Legg

Nay—Clemens

Yea to Nay—Benacquisto, Richter

CS for CS for SB 398—A bill to be entitled An act relating to physician assistants; amending ss. 458.347 and 459.022, F.S.; authorizing a supervisory physician to delegate to a licensed physician assistant the authority to order medications for the supervisory physician’s patient in a facility licensed under ch. 395, F.S.; deleting provisions to conform to changes made by the act; providing that an order is not a prescription; authorizing a licensed physician assistant to order medication under the direction of the supervisory physician; providing an effective date.

—was read the third time by title.

On motion by Senator Bean, **CS for CS for SB 398** was passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Brandes	Flores
Abruzzo	Braynon	Galvano
Altman	Dean	Gardiner
Bean	Detert	Gibson
Benacquisto	Diaz de la Portilla	Grimsley
Bradley	Evers	Hays

Hukill	Richter	Sobel
Joyner	Ring	Soto
Latvala	Sachs	Stargel
Legg	Simmons	Thompson
Margolis	Simpson	Thrasher
Montford	Smith	

Nays—None

Vote after roll call:

Yea—Garcia

Consideration of **CS for HB 7013** was deferred.

CS for SB 648—A bill to be entitled An act relating to health insurance marketing materials; amending ss. 627.6699 and 627.9407, F.S.; authorizing a health insurer to immediately begin using long-term care insurance advertising material under certain circumstances; providing an effective date.

—was read the third time by title.

On motion by Senator Hukill, **CS for SB 648** was passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Flores	Ring
Abruzzo	Galvano	Sachs
Altman	Gardiner	Simmons
Bean	Gibson	Simpson
Benacquisto	Grimsley	Smith
Bradley	Hays	Sobel
Brandes	Hukill	Soto
Braynon	Latvala	Stargel
Dean	Lee	Thompson
Detert	Legg	Thrasher
Diaz de la Portilla	Margolis	
Evers	Montford	

Nays—1

Joyner

Vote after roll call:

Yea—Garcia, Richter

CS for CS for SB 682—A bill to be entitled An act relating to fossil fuel combustion products; creating s. 403.7047, F.S.; providing definitions; providing standards for storage of certain fossil fuel combustion products; providing an exemption for beneficial use of fossil fuel combustion products from certain rules; providing that the act does not prohibit the Department of Environmental Protection from taking appropriate action to regulate a beneficial use in certain circumstances; providing that the act does not limit other requirements applicable to the beneficial use of fossil fuel combustion products; providing that the act does not limit the recovery of beneficial use products or the authority of the department to approve the beneficial use of materials other than fossil fuel combustion products; clarifying that the act does not limit or modify any fossil fuel combustion product beneficial use previously approved by the department; amending s. 403.7222, F.S.; excluding certain types of facilities from provisions on hazardous waste landfills; providing an effective date.

—as amended April 16 was read the third time by title.

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

Amendment 1 (359642)—Delete lines 69-74 and insert: *or might be used for human or livestock water consumption;*

b. The placement of the fossil fuel combustion product does not extend beyond the outside edge of the structure or pavement. Placement of the structure or pavement must be completed as soon as practicable after placement of the fossil fuel combustion product;

c. The fossil fuel combustion product is not placed so that such product, or any constituent thereof, may enter other lands or be emitted into the air or discharged into any waters, including groundwaters, or otherwise enter the environment in a manner that causes a significant threat to public health or contamination in excess of applicable department standards and criteria; and

d. The owner or duly authorized agent of the owner of the property where the product is placed has given the department written notice, which may be submitted electronically, of the dates, placement locations, and types of fossil fuel combustion products used for structural fill or pavement aggregate.

On motion by Senator Simpson, **CS for CS for SB 682** as amended was passed, ordered engrossed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Garcia

CS for SB 778—A bill to be entitled An act relating to transactions in fresh produce markets; providing definitions; authorizing certain owners and operators of farmers' markets, community farmers' markets, flea markets, and other open-air markets selling fresh produce to allow authorized Food and Nutrition Service groups, associations, and third-party organizations to operate electronic benefits transfer systems in such markets; providing for applicability; providing an effective date.

—was read the third time by title.

On motion by Senator Thompson, **CS for SB 778** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Garcia

DISCLOSURE

Pursuant to Senate Rule 1.39, I am disclosing that certain provisions in **CS for SB 778** provide a special private gain or loss to a principal by whom I or my spouse, parent, or child is retained or employed. The nature of the interest and the persons or entities involved are specified below:

- Baker Farm Center
- Akers of Strawberries

As permitted by Senate Rule, I may vote on this matter.

Senator Greg Evers, 2nd District

Consideration of **SB 1042** was deferred.

CS for CS for SB 1300—A bill to be entitled An act relating to limited liability companies; providing a directive to the Division of Law Revision and Information; creating ch. 605, F.S.; providing a short title; providing definitions and general provisions relating to operating agreements, powers, property, rules of construction, names, and registered agents of limited liability companies; providing penalties for noncompliance with certain provisions; providing for the formation and filing of documents of a limited liability company with the Department of State; providing fees; establishing the authority and liability of members and managers; providing for the relationship of members and management, voting, standards of conduct, records, and the right to obtain information; providing for transferable interests and the rights of transferees and creditors; providing for the dissociation of a member and its effects; providing for the dissolution and winding up of a limited liability company; providing for payment of attorney fees and costs in certain circumstances; establishing provisions for merger, conversion, domestication, interest exchange, and appraisal rights; providing miscellaneous provisions for application and construction, electronic signatures, tax exemption on income, interrogatories and other powers of the department, and reservation of power to amend or appeal; providing for severability; providing for the application to a limited liability company formed under the Florida Limited Liability Company Act; creating s. 48.062, F.S.; providing for service of process on a limited liability company; providing for the applicability of the Florida Limited Liability Company Act; providing for the future and contingent amendment of fees of the Department of State; providing for the future repeal of ch. 608, F.S., relating to the Florida Limited Liability Company Act; amending ss. 607.1109, 607.1113, 607.193, 617.1108, 620.2104, 620.2108, 620.8914, 620.8918, 621.051, and 621.07; providing cross-references to conform to changes made by the act; amending s. 621.12, F.S.; revising provisions relating to the identification of certain professional corporations to conform to changes made by the act; amending s. 621.13, F.S.; revising provisions relating to the applicability of certain chapters to the Professional Service Corporation and Limited Liability Company Act to conform to changes made by the act; providing effective dates.

—as amended April 16 was read the third time by title.

Senator Simmons moved the following amendments which were adopted by two-thirds vote:

Amendment 1 (615404)—Delete line 2350 and insert:

1. *The records described in subsection (1); and*

Amendment 2 (306882)—Delete line 5018 and insert:

(3) *In addition to the requirements of subsection (2),*

On motion by Senator Latvala, **CS for CS for SB 1300** as amended was passed, ordered engrossed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

SB 1480—A bill to be entitled An act relating to interlocal agreements; amending s. 163.01, F.S.; modifying the definition of “public agency” to include a public transit provider; providing that a public agency of this state may have membership in a separate legal entity created under the Florida Interlocal Cooperation Act of 1969; providing an effective date.

—as amended April 16 was read the third time by title.

On motion by Senator Latvala, **SB 1480** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

CS for CS for CS for SB 1632—A bill to be entitled An act relating to transportation; amending s. 163.01, F.S.; modifying the definition of the term “public agency” to include a public transit provider; providing that a public agency of this state may have membership in a separate legal entity created under the Florida Interlocal Cooperation Act of 1969; amending s. 337.25, F.S.; authorizing the Department of Transportation to use auction services in the conveyance of certain property or leasehold interests; revising certain inventory requirements; revising provisions and providing criteria for the department to dispose of certain excess property; providing such criteria for the disposition of donated property, property used for a public purpose, or property acquired to provide replacement housing for certain displaced persons; providing value offsets for property that requires significant maintenance costs or exposes the department to significant liability; providing procedures for the sale of property to abutting property owners; deleting provisions to conform to changes made by the act; providing monetary restrictions and criteria for the conveyance of certain leasehold interests; providing exceptions to restrictions for leases entered into for a public purpose; providing criteria for the preparation of estimates of value prepared by the department; providing that the requirements of s. 73.013, F.S., relating to eminent domain, are not modified; providing that certain programs approved by the Federal Government relating to the maintenance of highway roadside rights-of-way must be submitted to the Legislature for approval; amending s. 373.618, F.S.; providing that certain public information systems operated by water management districts must be

approved by the Department of Transportation and the Federal Highway Administration if such approval is required by certain laws and regulations; amending provisions of ch. 479, F.S., relating to outdoor advertising signs; amending s. 479.01, F.S.; revising and deleting definitions; amending s. 479.02, F.S.; revising powers of the department relating to nonconforming signs; deleting a requirement that the department adopt certain rules; creating s. 479.024, F.S.; limiting the placement of signs in commercial or industrial zones; defining the terms “parcel” and “utilities”; providing mandatory criteria for local governments to use in determining zoning for commercial or industrial parcels; providing that certain parcels are considered unzoned commercial or industrial areas; providing that specified uses may not be independently recognized as commercial or industrial areas; providing an appeal process for an applicant whose permit is denied; requiring an applicant whose application is denied to remove an existing sign pertaining to the application; requiring the department to reduce certain transportation funding in certain circumstances; amending s. 479.03, F.S.; providing for notice to owners of intervening privately owned lands before entering upon such lands to remove an illegal sign; amending s. 479.04, F.S.; providing that an outdoor advertising license is not required solely to erect outdoor signs or structures; amending s. 479.05, F.S.; authorizing the department to suspend a license for certain offenses and specifying activities that the licensee may engage in during the suspension; amending s. 479.07, F.S.; revising requirements for obtaining sign permits; conforming and clarifying provisions; requiring an application fee; revising sign placement requirements for signs on certain highways; deleting provisions that establish a pilot program relating to placement and removing a permit reinstatement fee; amending s. 479.08, F.S.; clarifying provisions relating to the denial or revocation of a permit because of false or misleading information in the permit application; amending s. 479.10, F.S.; providing for cancellation of a permit; amending s. 479.105, F.S.; revising notice requirements to owners and advertisers relating to signs erected or maintained without a permit; revising procedures providing for the department to issue a permit as a conforming or nonconforming sign to the owner of an unpermitted sign; amending s. 479.106, F.S.; increasing an administrative penalty for illegally removing certain vegetation; amending s. 479.107, F.S.; deleting fines for certain signs on highway rights-of-way; amending s. 479.111, F.S.; clarifying provisions relating to signs allowed on certain highways; amending s. 479.15, F.S.; deleting a definition; clarifying and conforming provisions related to permitted signs on property that is the subject of public acquisition; amending s. 479.156, F.S.; clarifying provisions related to the regulation of wall murals; amending s. 479.16, F.S.; providing that certain provisions relating to the regulation of signs may not be implemented or continued if such actions will adversely affect the allocation of federal funds to the department; exempting from permit requirements certain signs placed by tourist-oriented businesses, certain farm signs during harvest season, acknowledgement signs on publicly funded school premises, and certain displays on specific sports facilities; providing for the removal of signs if certain exemptions do not apply because the allocation of federal funds to the department will be adversely impacted; amending s. 479.24, F.S.; clarifying provisions relating to compensation paid for the department’s acquisition of lawful signs; amending s. 479.25, F.S.; requiring a local government to grant a variance or waiver to a local ordinance or regulation to allow the owner of a lawfully permitted sign to increase the height of the sign if a noise-attenuation barrier is permitted by or erected by a governmental entity in a way that interferes with the visibility of the sign; deleting provisions to conform; amending s. 479.261, F.S.; conforming provisions related to a logo sign program on limited access highways; amending s. 479.313, F.S.; requiring a permittee to pay the cost of removing certain signs following the cancellation of the permit for the sign; repealing s. 76 of chapter 2012-174, Laws of Florida, relating to authorizing the department to seek Federal Highway Administration approval of a tourist-oriented commerce sign pilot program and directing the department to submit the approved pilot program for legislative approval; providing an effective date.

—as amended April 16 was read the third time by title.

Senator Latvala moved the following amendments which were adopted by two-thirds vote:

Amendment 1 (110108)—Delete lines 476-486 and insert:

(e) If, in the discretion of the department, a sale to anyone other than an abutting property owner would be inequitable, the property may be sold to the abutting owner for the department’s current estimate of value

~~the department begins the process for disposing of the property on its own initiative, either by negotiation under the provisions of paragraph (a), paragraph (c), paragraph (d), or paragraph (i), or by receipt of sealed competitive bids or public auction under the provisions of paragraph (b) or paragraph (i), a department staff appraiser may determine the fair market value of the property by an appraisal.~~

Amendment 2 (434570) (with title amendment)—Delete lines 634-639 and insert: essential information needed by the public. ~~Local government review or approval is not required for a public information system owned or hereafter acquired, developed, or constructed by the water management district on its own property. A public information system is subject to exempt from the requirements of chapter 479. However, a public information system that is subject to the~~

And the title is amended as follows:

Delete lines 33 and 34 and insert: the Legislature for approval; amending s. 373.618, F.S.; deleting a provision that exempts public information systems operated by water management districts from review and approval by local governments; providing that such systems are subject to the requirements of ch. 479, F.S.; providing that certain public information

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

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

Amendment 3 (213772) (with title amendment)—Between lines 1954 and 1955 insert:

Section 24. Subsection (1) of section 479.262, Florida Statutes, is amended to read:

479.262 Tourist-oriented directional sign program.—

(1) A tourist-oriented directional sign program to provide directions to rural tourist-oriented businesses, services, and activities may be established at intersections on rural and conventional state, county, or municipal roads only ~~in rural counties identified by criteria and population in s. 288.0656~~ when approved and permitted by county or local government entities within their respective jurisdictional areas ~~at intersections on rural and conventional state, county, or municipal roads~~. A county or local government ~~that~~ which issues permits for a tourist-oriented directional sign program ~~is~~ shall be responsible for sign construction, maintenance, and program operation in compliance with subsection (3) for roads on the state highway system and may establish permit fees sufficient to offset associated costs. *A tourist-oriented directional sign may not be used on roads in urban areas or at interchanges on freeways or expressways.*

And the title is amended as follows:

Delete line 117 and insert: sign program on limited access highways; amending s. 479.262, F.S.; clarifying provisions relating to a tourist-oriented directional sign program; limiting the placement of such signs to intersections on certain rural roads; prohibiting such signs in urban areas; amending s.

On motion by Senator Latvala, **CS for CS for CS for SB 1632** as amended was passed, ordered engrossed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Detert	Hukill
Abruzzo	Diaz de la Portilla	Joyner
Altman	Evers	Latvala
Bean	Flores	Lee
Benacquisto	Galvano	Legg
Bradley	Garcia	Margolis
Brandes	Gardiner	Montford
Braynon	Gibson	Richter
Clemens	Grimsley	Ring
Dean	Hays	Sachs

Simmons	Sobel	Thompson
Simpson	Soto	Thrasher
Smith	Stargel	

Nays—None

SB 1806—A bill to be entitled An act relating to total maximum daily loads; amending s. 403.067, F.S.; exempting total maximum daily load rules from legislative ratification; providing an effective date.

—was read the third time by title.

On motion by Senator Dean, **SB 1806** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

SENATOR RICHTER PRESIDING

CS for SB 1808—A bill to be entitled An act relating to numeric nutrient criteria; amending s. 403.061, F.S.; authorizing the Department of Environmental Protection to implement specified provisions to control nutrient load in state waters; authorizing the department to implement specified nutrient standards; providing for deletion of a specified rule from the Florida Administrative Code; providing that specified nutrient criteria rules are subject to specified provisions of the Florida Administrative Code; exempting such nutrient criteria rules from ratification by Legislature under s. 120.541(3), F.S.; directing the department to establish numeric interpretations of the narrative nutrient criterion for certain estuaries and waters, subject to specified provisions and standards; directing the department to submit a specified report to the Governor and Legislature; providing an effective date.

—was read the third time by title.

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

Amendment 1 (596312) (with title amendment)—Between lines 114 and 115 insert:

Section 6. (1) *For purposes of this section, the term “algae bloom” includes, but is not limited to, periphyton, phytoplankton, and macroalgae occupying an area of at least 10,000 square feet in a water of the state.*

(2) *The Department of Environmental Protection shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives before January 1, 2014, disclosing the following information regarding exposure to freshwater or saltwater containing an algae bloom:*

(a) *The number of children and adults diagnosed with skin rashes, acute respiratory illness, or gastrointestinal symptoms occurring within 10 minutes of exposure.*

(b) *The number of domestic dogs and livestock that died within 3 hours of exposure.*

(c) *The number of manatees and seabirds that died within 30 days of exposure.*

(d) *For each water body containing an algae bloom associated with any of the reported incidents described in paragraphs (a) through (c), whether the department’s numeric nutrient rules were violated between January 1, 2013, and January 1, 2014.*

And the title is amended as follows:

Delete lines 17 and 18 and insert: directing the department to submit specified reports to the Governor and Legislature; providing an

On motion by Senator Dean, **CS for SB 1808** was passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Galvano	Richter
Altman	Garcia	Ring
Bean	Gardiner	Sachs
Benacquisto	Gibson	Simmons
Bradley	Grimsley	Simpson
Brandes	Hays	Smith
Braynon	Hukill	Sobel
Dean	Joyner	Stargel
Detert	Lee	Thompson
Diaz de la Portilla	Legg	Thrasher
Evers	Margolis	
Flores	Montford	

Nays—4

Abruzzo	Clemens	Negron
Soto		

Vote after roll call:

Yea to Nay—Sobel

Consideration of **CS for CS for HB 55** was deferred.

CS for SB 376—A bill to be entitled An act relating to public records; amending s. 119.071, F.S.; creating an exemption from public records requirements for the names of the spouses and children of active or former sworn or civilian law enforcement personnel, including children and spouses of correctional and correctional probation officers, personnel of the Department of Children and Families whose duties include the investigation of abuse, neglect, exploitation, fraud, theft, or other criminal activities, personnel of the Department of Health whose duties are to support the investigation of child abuse or neglect, and personnel of the Department of Revenue or local governments whose responsibilities include revenue collection and enforcement or child support enforcement; providing for future review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; creating an exemption from public records requirements for the names of the spouses and children of current or former state attorneys, assistant state attorneys, statewide prosecutors, and assistant statewide prosecutors; providing for future review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of necessity; providing an effective date.

—as amended April 16 was read the third time by title.

Pending further consideration of **CS for SB 376** as amended, on motion by Senator Hays, by two-thirds vote **CS for HB 731** was withdrawn from the Committees on Criminal Justice; Governmental Oversight and Accountability; and Rules.

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

CS for HB 731—A bill to be entitled An act relating to public records; amending s. 119.071, F.S.; creating an exemption from public records requirements for the names of the spouses and children of active or former sworn or civilian law enforcement personnel, including children

and spouses of correctional and correctional probation officers, personnel of the Department of Children and Families whose duties include the investigation of abuse, neglect, exploitation, fraud, theft, or other criminal activities, personnel of the Department of Health whose duties are to support the investigation of child abuse or neglect, and personnel of the Department of Revenue or local governments whose responsibilities include revenue collection and enforcement or child support enforcement; providing for future review and repeal of the exemption under the Open Government Sunset Review Act; creating an exemption from public records requirements for the names of the spouses and children of current or former state attorneys, assistant state attorneys, statewide prosecutors, and assistant statewide prosecutors; providing for future review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of necessity; providing an effective date.

—a companion measure, was substituted for **CS for SB 376** as amended and read the second time by title.

On motion by Senator Hays, by two-thirds vote **CS for HB 731** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Garcia

CS for SB 496—A bill to be entitled An act relating to the marshal of the Supreme Court; amending s. 25.251, F.S.; revising terminology; requiring the marshal and his or her deputies to comply with specified requirements for law enforcement officers; specifying that the marshal and his or her deputies are law enforcement officers with full powers to bear arms and make arrests under certain conditions; limiting the use of those powers to performance of official duties for the Supreme Court; amending s. 25.271, F.S.; deleting provisions relating to the marshal and his or her deputies being conservators of the peace; providing an effective date.

—was read the third time by title.

Pending further consideration of **CS for SB 496**, on motion by Senator Dean, by two-thirds vote **CS for HB 571** was withdrawn from the Committees on Judiciary; Criminal Justice; and Rules.

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

CS for HB 571—A bill to be entitled An act relating to the marshal of the Supreme Court; amending s. 25.251, F.S.; revising terminology; requiring the marshal and his or her deputies to comply with specified requirements for law enforcement officers; specifying that the marshal and his or her deputies are law enforcement officers with full powers to bear arms and make arrests under certain conditions; limiting the use of those powers to the performance of official duties for the Supreme Court; amending s. 25.271, F.S.; deleting provisions relating to the marshal and his or her deputies being conservators of the peace; providing an effective date.

—a companion measure, was substituted for **CS for SB 496** and read the second time by title.

On motion by Senator Dean, by two-thirds vote **CS for HB 571** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Flores	Negron
Abruzzo	Galvano	Richter
Altman	Garcia	Ring
Bean	Gardiner	Sachs
Bradley	Gibson	Simmons
Brandes	Grimsley	Smith
Braynon	Hays	Sobel
Clemens	Hukill	Soto
Dean	Joyner	Thompson
Detert	Lee	Thrasher
Diaz de la Portilla	Margolis	
Evers	Montford	

Nays—None

Vote after roll call:

Yea—Benacquisto, Legg, Simpson, Stargel

SB 604—A bill to be entitled An act relating to practitioners; amending s. 401.34, F.S.; reorganizing provisions relating to license fees for certain practitioners; amending s. 456.076, F.S.; providing that the Department of Financial Services shall defend certain claims, suits, actions, or proceedings for injunctive, affirmative, or declaratory relief involving emergency interventions on behalf of the impaired practitioners; providing an effective date.

—as amended April 16 was read the third time by title.

On motion by Senator Bean, **SB 604** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Benacquisto, Garcia

CS for CS for SB 650—A bill to be entitled An act relating to the artificial coloring and sale of certain animals and fowl; creating s. 828.1615, F.S.; providing that it is unlawful to sell, barter, or give away animals or fowl that have been dyed or colored; providing that it is unlawful to sell, offer to sell, or give away certain animals of a certain age to be used as pets, toys, or retail premiums; providing exceptions; providing criminal penalties; providing an effective date.

—was read the third time by title.

THE PRESIDENT PRESIDING

On motion by Senator Sachs, **CS for CS for SB 650** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

On motion by Senator Richter—

CS for CS for HB 55—A bill to be entitled An act relating to deceptive and unfair trade practices; amending s. 501.975, F.S.; conforming provisions; creating s. 501.98, F.S.; requiring a claimant to provide a demand letter to the motor vehicle dealer as a condition precedent to initiating civil litigation, including arbitration, against such dealer under the Florida Deceptive and Unfair Trade Practices Act; providing for expiration of the demand letter after a specified period; providing for the tolling of applicable time limitations for initiating actions; requiring a stay of civil litigation, including arbitration, brought without compliance with the demand letter requirements; providing an additional opportunity for claimants to comply with specified provisions; providing a condition that constitutes waiver of notice; providing for applicability; requiring that a specified notice be provided to consumers and acknowledged before provisions may apply; providing an effective date.

—was read the third time by title.

On motion by Senator Richter, **CS for CS for HB 55** was passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Flores	Montford
Altman	Galvano	Richter
Bean	Garcia	Ring
Benacquisto	Gardiner	Sachs
Bradley	Gibson	Simmons
Brandes	Grimsley	Simpson
Braynon	Hays	Smith
Clemens	Hukill	Sobel
Dean	Lee	Soto
Diaz de la Portilla	Legg	Stargel
Evers	Margolis	Thrasher

Nays—4

Abruzzo	Detert	Joyner
Thompson		

Vote after roll call:

Nay to Yea—Detert

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Don Gaetz, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 2, with 1 amendment, and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

CS for SB 2—A bill to be entitled An act relating to ethics; amending s. 112.312, F.S.; revising definitions; creating s. 112.3125, F.S.; defining the term "public officer"; prohibiting public officers from accepting additional employment with the state or any of its political subdivisions under specified conditions; amending s. 112.313, F.S.; providing that a member of the Legislature may not personally represent another person or entity for compensation before any state agency for a period of 2 years following vacation of office; providing exceptions; providing that no member of the Legislature may associate as a partner, principal, or employee of a firm whose primary purpose is lobbying the Legislature within the first 2 years after vacation of office under specified conditions; establishing filing requirements for a sworn statement; creating s. 112.3142, F.S.; defining the term "constitutional officers"; requiring constitutional officers to complete annual ethics training; specifying requirements for ethics training; requiring the commission to adopt rules to establish minimum course content; requiring each house of the Legislature to provide for ethics training pursuant to its rules; creating s. 112.31425, F.S.; providing legislative findings; providing that holding an economic interest in a qualified blind trust is not a prohibited conflict of interest; providing that a public officer may not attempt to influence, exercise control of, or obtain information regarding the holdings of the qualified blind trust; prohibiting communication regarding the qualified blind trust between a public officer or a person having a beneficial interest in the trust and the trustee; providing exceptions; requiring a public officer to report the qualified blind trust and its value on his or her financial disclosure form under specified circumstances; establishing requirements for creation of a qualified blind trust; requiring a public officer who holds a qualified blind trust to file a notice with the Commission on Ethics; requiring a covered public official to file an amendment to his or her most recent financial disclosure statement under specified conditions; amending s. 112.3143, F.S.; providing definitions for "principal" and "special private gain or loss"; requiring state public officers to abstain from voting on any matter that the officer knows would inure to his or her special private gain or loss; requiring that a memorandum filed after a vote be filed no later than 15 days after the vote; providing that a member of the Legislature satisfies the disclosure requirement by filing a form created pursuant to the rules of his or her respective house; providing that confidential or privileged information need not be disclosed; amending s. 112.3144, F.S.; requiring the qualifying officer to electronically transmit a full and public disclosure of financial interests of a qualified candidate to the commission; providing timeframes for the filing of certain complaints; authorizing filing individuals to file an amended statement during a specified timeframe under specified conditions; authorizing the commission to immediately follow complaint procedures under specified conditions; prohibiting the commission from taking action on complaints alleging immaterial, inconsequential, or de minimis errors or omissions; providing what constitutes an immaterial, inconsequential, or de minimis error or omission; authorizing an individual required to file a disclosure to have the statement prepared by an attorney or a certified public accountant; requiring an attorney or certified public accountant to sign the completed disclosure form to indicate compliance with applicable requirements and that the disclosure is true and correct based on reasonable knowledge and belief; requiring the commission to determine if an attorney or a certified public accountant failed to disclose information provided by the filing individual on the filed statement; providing that the failure of the attorney or certified public accountant to accurately transcribe information provided by the filing individual does not constitute a violation; authorizing an elected officer or candidate to use funds in an office account or campaign depository to pay an attorney or certified public accountant for preparing a disclosure; creating s. 112.31445, F.S.; providing a definition for "electronic filing system"; requiring all disclosures of financial interests filed with the commission to be scanned and made publicly available on a searchable Internet database beginning with the 2012 filing year; requiring the commission to submit a proposal to the President of the Senate and the Speaker of the House of Representatives

for a mandatory electronic filing system by a specified date; establishing minimum requirements for the commission's proposal; amending s. 112.3145, F.S.; revising the definitions of "local officer" and "specified state employee"; revising procedures for the filing of a statement of financial interests with a candidate's qualifying papers; requiring a person filing a statement of financial interest to indicate the method of reporting income; providing timeframes for the filing of certain complaints; authorizing filing individuals to file an amended statement during a specified timeframe under specified conditions; authorizing the commission to immediately follow complaint procedures under specified conditions; prohibiting the commission from taking action on complaints alleging immaterial, inconsequential, or de minimis errors or omissions; providing what constitutes an immaterial, inconsequential, or de minimis error or omission; authorizing an individual required to file a disclosure to have the statement prepared by an attorney or a certified public accountant; requiring an attorney or certified public accountant to sign the completed disclosure form to indicate compliance with applicable requirements and that the disclosure is true and correct based on reasonable knowledge and belief; requiring the commission to determine if an attorney or a certified public accountant failed to disclose information provided by the filing individual on the filed statement; providing that the failure of the attorney or certified public accountant to accurately transcribe information provided by the filing individual does not constitute a violation; authorizing an elected officer or candidate to use funds in an office account or campaign depository to pay an attorney or certified public accountant for preparing a disclosure; creating s. 112.31455, F.S.; requiring the commission to attempt to determine whether an individual owing certain fines is a current public officer or public employee; authorizing the commission to notify the Chief Financial Officer or the governing body of a county, municipality, or special district of the total amount of any fine owed to the commission by such individuals; requiring that the Chief Financial Officer or the governing body of a county, municipality, or special district begin withholding portions of any salary payment that would otherwise be paid to the current public officer or public employee; requiring that the withheld payments be remitted to the commission until the fine is satisfied; authorizing the Chief Financial Officer or the governing body to retain a portion of payment for administrative costs; authorizing collection methods for the commission or the Department of Financial Services for individuals who are no longer public officers or public employees; authorizing the commission to contract with a collection agency; authorizing a collection agency to utilize collection methods authorized by law; authorizing the commission to collect an unpaid fine within a specified period of issuance of the final order; amending s. 112.3147, F.S.; providing an exception to the requirement that all forms be prescribed by the commission; amending s. 112.3148, F.S.; revising the definition of "procurement employee"; creating a definition for "vendor"; prohibiting a reporting individual or procurement employee from soliciting or knowingly accepting a gift from a vendor; deleting references to political committees and committees of continuous existence; creating s. 112.31485, F.S.; providing definitions for "gift" and "immediate family"; prohibiting a reporting individual or procurement employee or a member of his or her immediate family from soliciting or knowingly accepting any gift from a political committee or committee of continuous existence; prohibiting a political committee or committee of continuous existence from giving any gift to a reporting individual or procurement employee or a member of his or her immediate family; providing penalties for a violation; requiring that individuals who violate this section be held personally liable; amending s. 112.3149, F.S.; revising the definition of "procurement employee"; creating a definition for "vendor"; prohibiting a reporting individual or procurement employee from knowingly accepting an honorarium from a vendor; prohibiting a vendor from giving an honorarium to a reporting individual or procurement employee; amending s. 112.317, F.S.; making technical changes; amending s. 112.3215, F.S.; authorizing the commission to investigate sworn complaints alleging a prohibited expenditure; authorizing the commission to investigate a lobbyist or principal upon a sworn complaint or random audit; authorizing the Governor and Cabinet to assess a fine on a lobbyist or principal under specified conditions; providing a civil penalty; amending s. 112.324, F.S.; authorizing specified parties to submit written referrals of a possible violation of the Code of Ethics for Public Officers and Employees or other possible breaches of the public trust to the Commission on Ethics; establishing procedures for the receipt of written referrals by the commission; extending the period in which the disclosure of the intent to file or the filing of a complaint against a candidate is prohibited; providing exceptions; requiring the commission to dismiss a complaint of a de minimis violation; providing exceptions;

defining a de minimis violation; reenacting s. 120.665, F.S., relating to disqualification of agency personnel, to incorporate the amendments to s. 112.3143, F.S., in a reference thereto; reenacting s. 286.012, F.S., relating to voting requirements at meetings of governmental bodies, to incorporate the amendments made to s. 112.3143, F.S., in a reference thereto; reenacting s. 287.175, F.S., relating to penalties, to incorporate the amendments made to s. 112.324, F.S., in a reference thereto; amending s. 288.901, F.S.; correcting a cross-reference; amending s. 445.007, F.S., and reenacting subsection (1) of that section, relating to regional workforce boards, to incorporate the amendments made to s. 112.3143, F.S., in a reference thereto; correcting cross-references; reenacting s. 627.311(5)(m), F.S., relating to joint underwriters and joint reinsurers, to incorporate the amendments made to s. 112.3143, F.S., in a reference thereto; reenacting s. 627.351(6)(d), F.S., relating to Citizens Property Insurance Corporation, to incorporate the amendments made to s. 112.3143, F.S.; providing an effective date.

House Amendment 1 (005347) (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Subsection (5) of section 112.312, Florida Statutes, is amended to read:

112.312 Definitions.—As used in this part and for purposes of the provisions of s. 8, Art. II of the State Constitution, unless the context otherwise requires:

(5) "Business entity" means any corporation, partnership, limited partnership, *company*, *limited liability company*, proprietorship, firm, enterprise, franchise, association, self-employed individual, or trust, whether fictitiously named or not, doing business in this state.

(12)

(b) "Gift" does not include:

1. Salary, benefits, services, fees, commissions, gifts, or expenses associated primarily with the donee's employment, business, or service as an officer or director of a corporation or organization.

2. *Except as provided in s. 112.31485*, contributions or expenditures reported pursuant to chapter 106, contributions or expenditures reported pursuant to federal election law, campaign-related personal services provided without compensation by individuals volunteering their time, or any other contribution or expenditure by a political party or affiliated party committee.

3. An honorarium or an expense related to an honorarium event paid to a person or the person's spouse.

4. An award, plaque, certificate, or similar personalized item given in recognition of the donee's public, civic, charitable, or professional service.

5. An honorary membership in a service or fraternal organization presented merely as a courtesy by such organization.

6. The use of a public facility or public property, made available by a governmental agency, for a public purpose.

7. Transportation provided to a public officer or employee by an agency in relation to officially approved governmental business.

8. Gifts provided directly or indirectly by a state, regional, or national organization which promotes the exchange of ideas between, or the professional development of, governmental officials or employees, and whose membership is primarily composed of elected or appointed public officials or staff, to members of that organization or officials or staff of a governmental agency that is a member of that organization.

Section 2. Section 112.3125, Florida Statutes, is created to read:

112.3125 *Dual public employment.*—

(1) *As used in this section, the term "public officer" includes any person who is elected to state or local office or, for the period of his or her candidacy, any person who has qualified as a candidate for state or local office.*

(2) *A public officer may not accept public employment with the state or any of its political subdivisions if the public officer knows, or with the exercise of reasonable care should know, that the position is being offered by the employer for the purpose of gaining influence or other advantage based on the public officer's office or candidacy.*

(3) *Any public employment accepted by a public officer must meet all of the following conditions:*

(a)1. *The position was already in existence or was created by the employer without the knowledge or anticipation of the public officer's interest in such position;*

2. *The position was publicly advertised;*

3. *The public officer was subject to the same application and hiring process as other candidates for the position; and*

4. *The public officer meets or exceeds the required qualifications for the position.*

(4) *A person who was employed by the state or any of its political subdivisions before qualifying as a public officer for his or her current term of office or the next available term of office may continue his or her employment. However, he or she may not accept promotion, advancement, additional compensation, or anything of value that he or she knows, or with the exercise of reasonable care should know, is provided or given as a result of his or her election or position, or that is otherwise inconsistent with the promotion, advancement, additional compensation, or anything of value provided or given an employee who is similarly situated.*

(5) *This section may not be interpreted as authorizing employment that is otherwise prohibited by law.*

Section 3. Paragraph (a) of subsection (9) of section 112.313, Florida Statutes, is amended to read:

112.313 Standards of conduct for public officers, employees of agencies, and local government attorneys.—

(9) POSTEMPLOYMENT RESTRICTIONS; STANDARDS OF CONDUCT FOR LEGISLATORS AND LEGISLATIVE EMPLOYEES.—

(a)1. It is the intent of the Legislature to implement by statute the provisions of s. 8(e), Art. II of the State Constitution relating to legislators, statewide elected officers, appointed state officers, and designated public employees.

2. As used in this paragraph:

a. "Employee" means:

(I) Any person employed in the executive or legislative branch of government holding a position in the Senior Management Service as defined in s. 110.402 or any person holding a position in the Selected Exempt Service as defined in s. 110.602 or any person having authority over policy or procurement employed by the Department of the Lottery.

(II) The Auditor General, the director of the Office of Program Policy Analysis and Government Accountability, the Sergeant at Arms and Secretary of the Senate, and the Sergeant at Arms and Clerk of the House of Representatives.

(III) The executive director and deputy executive director of the Commission on Ethics.

(IV) An executive director, staff director, or deputy staff director of each joint committee, standing committee, or select committee of the Legislature; an executive director, staff director, executive assistant, analyst, or attorney of the Office of the President of the Senate, the Office of the Speaker of the House of Representatives, the Senate Majority Party Office, Senate Minority Party Office, House Majority Party Office, or House Minority Party Office; or any person, hired on a contractual basis, having the power normally conferred upon such persons, by whatever title.

(V) The Chancellor and Vice Chancellors of the State University System; the general counsel to the Board of Governors of the State

University System; and the president, provost, vice presidents, and deans of each state university.

(VI) Any person, including an other-personal-services employee, having the power normally conferred upon the positions referenced in this sub-subparagraph.

b. "Appointed state officer" means any member of an appointive board, commission, committee, council, or authority of the executive or legislative branch of state government whose powers, jurisdiction, and authority are not solely advisory and include the final determination or adjudication of any personal or property rights, duties, or obligations, other than those relative to its internal operations.

c. "State agency" means an entity of the legislative, executive, or judicial branch of state government over which the Legislature exercises plenary budgetary and statutory control.

3.a. No member of the Legislature, appointed state officer, or statewide elected officer shall personally represent another person or entity for compensation before the government body or agency of which the individual was an officer or member for a period of 2 years following vacation of office. No member of the Legislature shall personally represent another person or entity for compensation during his or her term of office before any state agency other than judicial tribunals or in settlement negotiations after the filing of a lawsuit.

b. For a period of 2 years following vacation of office, a former member of the Legislature may not act as a lobbyist for compensation before an executive branch agency, agency official, or employee. The terms used in this sub-subparagraph have the same meanings as provided in s. 112.3215.

4. An agency employee, including an agency employee who was employed on July 1, 2001, in a Career Service System position that was transferred to the Selected Exempt Service System under chapter 2001-43, Laws of Florida, may not personally represent another person or entity for compensation before the agency with which he or she was employed for a period of 2 years following vacation of position, unless employed by another agency of state government.

5. Any person violating this paragraph shall be subject to the penalties provided in s. 112.317 and a civil penalty of an amount equal to the compensation which the person receives for the prohibited conduct.

6. This paragraph is not applicable to:

a. A person employed by the Legislature or other agency prior to July 1, 1989;

b. A person who was employed by the Legislature or other agency on July 1, 1989, whether or not the person was a defined employee on July 1, 1989;

c. A person who was a defined employee of the State University System or the Public Service Commission who held such employment on December 31, 1994;

d. A person who has reached normal retirement age as defined in s. 121.021(29), and who has retired under the provisions of chapter 121 by July 1, 1991; or

e. Any appointed state officer whose term of office began before January 1, 1995, unless reappointed to that office on or after January 1, 1995.

Section 4. Section 112.3142, Florida Statutes, is created to read:

112.3142 *Ethics training for specified constitutional officers.—*

(1) *As used in this section, the term "constitutional officers" includes the Governor, the Lieutenant Governor, the Attorney General, the Chief Financial Officer, the Commissioner of Agriculture, state attorneys, public defenders, sheriffs, tax collectors, property appraisers, supervisors of elections, clerks of the circuit court, county commissioners, district school board members, and superintendents of schools.*

(2)(a) *All constitutional officers must complete 4 hours of ethics training annually that addresses, at a minimum, s. 8, Art. II of the State*

Constitution, the Code of Ethics for Public Officers and Employees, and the public records and public meetings laws of this state. This requirement may be satisfied by completion of a continuing legal education class or other continuing professional education class, seminar, or presentation if the required subjects are covered.

(b) *The commission shall adopt rules establishing minimum course content for the portion of an ethics training class that addresses s. 8, Art. II of the State Constitution and the Code of Ethics for Public Officers and Employees.*

(3) *Each house of the Legislature shall provide for ethics training pursuant to its rules.*

Section 5. Section 112.31425, Florida Statutes, is created to read:

112.31425 *Qualified blind trusts.—*

(1) *The Legislature finds that if a public officer creates a trust and does not control the interests held by the trust, his or her official actions will not be influenced or appear to be influenced by private considerations.*

(2) *If a public officer holds a beneficial interest in a qualified blind trust as described in this section, he or she does not have a conflict of interest prohibited under s. 112.313(3) or (7) or a voting conflict of interest under s. 112.3143 with regard to matters pertaining to that interest.*

(3) *The public officer may not attempt to influence or exercise any control over decisions regarding the management of assets in a qualified blind trust. The public officer or any person having a beneficial interest in the qualified blind trust may not make any effort to obtain information with respect to the holdings of the trust, including obtaining a copy of any trust tax return filed or any information relating thereto, except as otherwise provided in this section.*

(4) *Except for communications that consist solely of requests for distributions of cash or other unspecified assets of the trust, the public officer or the person who has a beneficial interest may not have any direct or indirect communication with the trustee with respect to the trust, unless such communication is in writing and relates only to:*

(a) *A distribution from the trust which does not specify the source or assets within the trust from which the distribution is to be made in cash or in kind;*

(b) *The general financial interests and needs of the public officer or the person who has a beneficial interest, including, but not limited to, an interest in maximizing income or long-term capital gain;*

(c) *A notification of the trustee of a law or regulation subsequently applicable to the public officer which prohibits the officer from holding an asset and directs that the asset not be held by the trust; or*

(d) *A direction to the trustee to sell all of an asset initially placed in the trust by the public officer which, in the determination of the public officer, creates a conflict of interest or the appearance thereof due to the subsequent assumption of duties by the public officer.*

(5) *The public officer shall report the beneficial interest in the qualified blind trust and its value as an asset on his or her financial disclosure form, if the value is required to be disclosed. The public officer shall report the blind trust as a primary source of income on his or her financial disclosure forms and its amount, if the amount of income is required to be disclosed. The public officer is not required to report as a secondary source of income any source of income to the blind trust.*

(6) *In order to constitute a qualified blind trust, the trust established by the public officer must meet the following requirements:*

(a) *The appointed trustee must be a bank, trust company, or other institutional fiduciary or an individual who is an attorney, certified public accountant, broker, or investment advisor. If the trustee is an individual or if the trustee is a bank, trust company, or other institutional fiduciary, the individual responsible for managing the trust may not be:*

1. *The public officer's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, aunt, uncle, or first cousin, or the spouse of any such person;*

2. *A person who is an elected or appointed public officer or a public employee;*

3. *A person who has been appointed to serve in an agency by the public officer or by a public officer or public employee supervised by the public officer; or*

4. *A business associate or principal of the public officer.*

(b) *All assets in the trust must be free of any restrictions with respect to their transfer or sale. The trust may not contain investments or assets the transfer of which by the trustee is improbable or impractical without the public officer's knowledge.*

(c) *The trust agreement must:*

1. *Contain a statement that its purpose is to remove from the grantor control and knowledge of investment of trust assets so that conflicts between the grantor's responsibilities as a public officer and his or her private interests are eliminated.*

2. *Give the trustee complete discretion to manage the trust, including, but not limited to, the power to dispose of and acquire trust assets without consulting or notifying the covered public officer or the person having a beneficial interest in the trust.*

3. *Prohibit communication between the trustee and the public officer, or the person who has a beneficial interest in the trust, concerning the holdings or sources of income of the trust, except amounts of cash value or net income or loss, if such report does not identify any asset or holding, or except as provided in this section.*

4. *Provide that the trust tax return is prepared by the trustee or his or her designee and that any information relating thereto is not disclosed to the public officer or to the person who has a beneficial interest, except as provided in this section.*

5. *Permit the trustee to notify the public officer of the date of disposition and value at disposition of any original investment or interest in real property to the extent required by federal tax law so that the information can be reported on the public officer's applicable tax returns.*

6. *Prohibit the trustee from disclosing to the public officer or the person who has a beneficial interest any information concerning replacement assets to the trust, except for the minimum tax information necessary to enable the public official to complete an individual tax return required by law.*

(d) *Within 5 business days after the agreement is executed, the public officer shall file with the commission a notice setting forth:*

1. *The date that the agreement is executed.*

2. *The name and address of the trustee.*

3. *The acknowledgement by the trustee that he or she has agreed to serve as trustee.*

4. *A certification by the trustee on a form prescribed by the commission that the trust meets all of the requirements of this section. In lieu of said certification, the public officer may file a copy of the trust agreement.*

5. *A complete list of assets placed in the trust that the public officer would be required to disclose pursuant to ss. 112.3144 or 112.3145.*

(7) *If the trust is revoked while the covered public official is a public officer, or if the covered public official learns of any replacement assets that have been added to the trust, the covered public official shall file an amendment to his or her most recent financial disclosure statement. The amendment shall be filed no later than 60 days after the date of revocation or the addition of the replacement assets. The covered public official shall disclose the previously unreported pro rata share of the trust's interests in investments or income deriving from any such investments. For purposes of this section, any replacement asset that becomes known to the covered public official shall thereafter be treated as though it were an original asset of the trust.*

Section 6. Subsections (1) and (2) of section 112.3143, Florida Statutes, are amended, current subsection (5) of that section is renumbered

as subsection (6), and a new subsection (5) is added to that section, to read:

112.3143 Voting conflicts.—

(1) As used in this section:

(a) “Principal by whom retained” means an individual or entity, other than an agency as defined in s. 112.312(2), that for compensation, salary, pay, consideration, or similar thing of value, has permitted or directed another to act for the individual or entity, and includes, but is not limited to, one’s client, employer, or the parent, subsidiary, or sibling organization of one’s client or employer.

(b) ~~(a)~~ “Public officer” includes any person elected or appointed to hold office in any agency, including any person serving on an advisory body.

(c) ~~(b)~~ “Relative” means any father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law.

(d) “Special private gain or loss” means an economic benefit or harm that would inure to the officer, his or her relative, business associate, or principal, unless the measure affects a class that includes the officer, his or her relative, business associate, or principal, in which case, at least the following factors must be considered when determining whether a special private gain or loss exists:

1. The size of the class affected by the vote.
2. The nature of the interests involved.
3. The degree to which the interests of all members of the class are affected by the vote.
4. The degree to which the officer, his or her relative, business associate, or principal receives a greater benefit or harm when compared to other members of the class.

The degree to which there is uncertainty at the time of the vote as to whether there would be any economic benefit or harm to the public officer, his or her relative, business associate, or principal and, if so, the nature or degree of the economic benefit or harm must also be considered.

(2)(a) A ~~No~~ state public officer may not vote on any matter that the officer knows would inure to his or her special private gain or loss ~~is prohibited from voting in an official capacity on any matter. However,~~ Any state public officer who abstains from voting in an official capacity upon any measure that ~~which~~ the officer knows would inure to the officer’s special private gain or loss, or who votes in an official capacity on a measure that, ~~which~~ he or she knows would inure to the special private gain or loss of any principal by whom the officer is retained or to the parent organization or subsidiary of a corporate principal by which the officer is retained other than an agency as defined in s. 112.312(2); or which the officer knows would inure to the special private gain or loss of a relative or business associate of the public officer, shall make every reasonable effort to, ~~within 15 days after the vote occurs,~~ disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes. If it is not possible for the state public officer to file a memorandum before the vote, the memorandum must be filed with the person responsible for recording the minutes of the meeting no later than 15 days after the vote.

(b) A member of the Legislature may satisfy the disclosure requirements of this section by filing a disclosure form created pursuant to the rules of the member’s respective house if the member discloses the information required by this subsection.

(5) If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

Section 7. Subsection (2) of section 112.3144, Florida Statutes, is amended, present subsection (7) is renumbered as subsection (9), and new subsections (7) and (8) are added to that section, to read:

112.3144 Full and public disclosure of financial interests.—

(2) A person who is required, pursuant to s. 8, Art. II of the State Constitution, to file a full and public disclosure of financial interests and who has filed a full and public disclosure of financial interests for any calendar or fiscal year shall not be required to file a statement of financial interests pursuant to s. 112.3145(2) and (3) for the same year or for any part thereof notwithstanding any requirement of this part. When a candidate has qualified for office, the qualifying officer shall forward an electronic copy of the full and public disclosure of financial interests to the commission no later than July 1. The electronic copy of the full and public disclosure of financial interests satisfies the annual disclosure requirement of this section. A candidate who does not qualify until after the annual full and public disclosure has been filed pursuant to this section, ~~except that a candidate for office shall file a copy of his or her disclosure with the officer before whom he or she qualifies.~~

(7)(a) The commission shall treat an amended full and public disclosure of financial interests that is filed prior to September 1 of the current year as the original filing, regardless of whether a complaint has been filed. If a complaint pertaining to the current year alleges a failure to properly and accurately disclose any information required by this section or if a complaint filed pertaining to a previous reporting period within the preceding 5 years alleges a failure to properly and accurately disclose any information required to be disclosed by this section, the commission may immediately follow complaint procedures in s. 112.324. However, if a complaint filed after August 25 alleges an immaterial, inconsequential, or de minimis error or omission, the commission may not take any action on the complaint, other than notifying the filer of the complaint. The filer must be given 30 days to file an amended full and public disclosure of financial interests correcting any errors. If the filer does not file an amended full and public disclosure of financial interests within 30 days after the commission sends notice of the complaint, the commission may continue with proceedings pursuant to s. 112.324.

(b) For purposes of the final full and public disclosure of financial interests, the commission shall treat a new final full and public disclosure of financial interests as the original filing if filed within 60 days after the original filing, regardless of whether a complaint has been filed. If, more than 60 days after a final full and public disclosure of financial interests is filed, a complaint is filed alleging a complete omission of any information required to be disclosed by this section, the commission may immediately follow the complaint procedures in s. 112.324. However, if the complaint alleges an immaterial, inconsequential, or de minimis error or omission, the commission may not take any action on the complaint, other than notifying the filer of the complaint. The filer must be given 30 days to file a new final full and public disclosure of financial interests correcting any errors. If the filer does not file a new final full and public disclosure of financial interests within 30 days after the commission sends notice of the complaint, the commission may continue with proceedings pursuant to s. 112.324.

(c) For purposes of this section, an error or omission is immaterial, inconsequential, or de minimis if the original filing provided sufficient information for the public to identify potential conflicts of interest.

(8)(a) An individual required to file a disclosure pursuant to this section may have the disclosure prepared by an attorney in good standing with The Florida Bar or by a certified public accountant licensed under chapter 473. After preparing a disclosure form, the attorney or certified public accountant must sign the form indicating that he or she prepared the form in accordance with this section and the instructions for completing and filing the disclosure forms and that, upon his or her reasonable knowledge and belief, the disclosure is true and correct. If a complaint is filed alleging a failure to disclose information required by this section, the commission shall determine whether the information was disclosed to the attorney or certified public accountant. The failure of the attorney or certified public accountant to accurately transcribe information provided by the individual required to file is not a violation of this section.

(b) An elected officer or candidate who chooses to use an attorney or a certified public accountant to prepare his or her disclosure may pay for the services of the attorney or certified public accountant from funds in an office account created pursuant to s. 106.141 or, during a year that the individual qualifies for election to public office, the candidate’s campaign depository pursuant to s. 106.021.

Section 8. Section 112.31445, Florida Statutes, is created to read:

112.31445 Electronic filing system; full and public disclosure of financial interests.—

(1) *As used in this section, the term “electronic filing system” means an Internet system for recording and reporting full and public disclosure of financial interests or any other form that is required pursuant to s. 112.3144.*

(2) *Beginning with the 2012 filing year, all full and public disclosures of financial interests filed with the commission pursuant to s. 8, Art. II of the State Constitution or s. 112.3144 must be scanned and made publicly available by the commission through a searchable Internet database.*

(3) *By December 1, 2015, the commission shall submit a proposal to the President of the Senate and the Speaker of the House of Representatives for a mandatory electronic filing system. The proposal must, at a minimum:*

- (a) *Provide for access through the Internet.*
- (b) *Establish a procedure to make filings available in a searchable format that is accessible by an individual using standard web-browsing software.*
- (c) *Provide for direct completion of the full and public disclosure of financial interests forms as well as upload such information using software approved by the commission.*
- (d) *Provide a secure method that prevents unauthorized access to electronic filing system functions.*
- (e) *Provide a method for an attorney or certified public accountant licensed in this state to sign the disclosure form to indicate that he or she prepared the form in accordance with s. 112.3144 and the instructions for completing and filing the disclosure form and that, upon his or her reasonable knowledge and belief, the form is true and correct.*
- (f) *Address whether additional statutory or rulemaking authority is necessary for implementation of the system, and must include, at a minimum, the following elements: alternate filing procedures to be used in the event that the commission’s electronic filing system is inoperable, issuance of an electronic receipt via electronic mail indicating and verifying to the individual who submitted the full and public disclosure of financial interests form that the form has been filed, and a determination of the feasibility and necessity of including statements of financial interests filed pursuant to s. 112.3145 in the proposed system.*

Section 9. Paragraphs (a) and (b) of subsection (1), paragraph (a) of subsection (2), and subsection (3) of section 112.3145, Florida Statutes, are amended, present subsection (9) of that section is renumbered as subsection (11), and new subsections (9) and (10) are added to that section, to read:

112.3145 Disclosure of financial interests and clients represented before agencies.—

(1) For purposes of this section, unless the context otherwise requires, the term:

- (a) “Local officer” means:
 - 1. Every person who is elected to office in any political subdivision of the state, and every person who is appointed to fill a vacancy for an unexpired term in such an elective office.
 - 2. Any appointed member of any of the following boards, councils, commissions, authorities, or other bodies of any county, municipality, school district, independent special district, or other political subdivision of the state:
 - a. The governing body of the political subdivision, if appointed;
 - ~~b. An expressway authority or transportation authority established by general law;~~
 - b.e. A community college or junior college district board of trustees;

~~c.d.~~ A board having the power to enforce local code provisions;

d.e. A planning or zoning board, board of adjustment, board of appeals, *community redevelopment agency board*, or other board having the power to recommend, create, or modify land planning or zoning within the political subdivision, except for citizen advisory committees, technical coordinating committees, and such other groups who only have the power to make recommendations to planning or zoning boards;

e.f. A pension board or retirement board having the power to invest pension or retirement funds or the power to make a binding determination of one’s entitlement to or amount of a pension or other retirement benefit; or

f.g. Any other appointed member of a local government board who is required to file a statement of financial interests by the appointing authority or the enabling legislation, ordinance, or resolution creating the board.

3. Any person holding one or more of the following positions: mayor; county or city manager; chief administrative employee of a county, municipality, or other political subdivision; county or municipal attorney; *finance director of a county, municipality, or other political subdivision*; chief county or municipal building code inspector; county or municipal water resources coordinator; county or municipal pollution control director; or county or municipal environmental control director; county or municipal administrator, with power to grant or deny a land development permit; chief of police; fire chief; municipal clerk; district school superintendent; community college president; district medical examiner; or purchasing agent having the authority to make any purchase exceeding the threshold amount provided for in s. 287.017 for CATEGORY ONE, on behalf of any political subdivision of the state or any entity thereof.

(b) “Specified state employee” means:

1. Public counsel created by chapter 350, an assistant state attorney, an assistant public defender, *a criminal conflict and civil regional counsel, an assistant criminal conflict and civil regional counsel*, a full-time state employee who serves as counsel or assistant counsel to any state agency, the Deputy Chief Judge of Compensation Claims, a judge of compensation claims, an administrative law judge, or a hearing officer.

2. Any person employed in the office of the Governor or in the office of any member of the Cabinet if that person is exempt from the Career Service System, except persons employed in clerical, secretarial, or similar positions.

3. The State Surgeon General or each appointed secretary, assistant secretary, deputy secretary, executive director, assistant executive director, or deputy executive director of each state department, commission, board, or council; unless otherwise provided, the division director, assistant division director, deputy director, bureau chief, and assistant bureau chief of any state department or division; or any person having the power normally conferred upon such persons, by whatever title.

4. The superintendent or institute director of a state mental health institute established for training and research in the mental health field or the warden or director of any major state institution or facility established for corrections, training, treatment, or rehabilitation.

5. Business managers, purchasing agents having the power to make any purchase exceeding the threshold amount provided for in s. 287.017 for CATEGORY ONE, finance and accounting directors, personnel officers, or grants coordinators for any state agency.

6. Any person, other than a legislative assistant exempted by the presiding officer of the house by which the legislative assistant is employed, who is employed in the legislative branch of government, except persons employed in maintenance, clerical, secretarial, or similar positions.

7. Each employee of the Commission on Ethics.

(2)(a) A person seeking nomination or election to a state or local elective office shall file a statement of financial interests together with, and at the same time he or she files, qualifying papers. *When a candidate has qualified for office prior to the deadline to file an annual statement of*

financial interests, the statement of financial interests that is filed with the candidate's qualifying papers shall be deemed to satisfy the annual disclosure requirement of this section. The qualifying officer must record that the statement of financial interests was timely filed. However, if a candidate does not qualify until after the annual statement of financial interests has been filed, the candidate may file a copy of his or her statement with the qualifying officer.

(3) The statement of financial interests for state officers, specified state employees, local officers, and persons seeking to qualify as candidates for state or local office shall be filed even if the reporting person holds no financial interests requiring disclosure, in which case the statement shall be marked "not applicable." Otherwise, the statement of financial interests shall include, at the filer's option, either:

(a)1. All sources of income in excess of 5 percent of the gross income received during the disclosure period by the person in his or her own name or by any other person for his or her use or benefit, excluding public salary. However, this shall not be construed to require disclosure of a business partner's sources of income. The person reporting shall list such sources in descending order of value with the largest source first;

2. All sources of income to a business entity in excess of 10 percent of the gross income of a business entity in which the reporting person held a material interest and from which he or she received an amount which was in excess of 10 percent of his or her gross income during the disclosure period and which exceeds \$1,500. The period for computing the gross income of the business entity is the fiscal year of the business entity which ended on, or immediately prior to, the end of the disclosure period of the person reporting;

3. The location or description of real property in this state, except for residences and vacation homes, owned directly or indirectly by the person reporting, when such person owns in excess of 5 percent of the value of such real property, and a general description of any intangible personal property worth in excess of 10 percent of such person's total assets. For the purposes of this paragraph, indirect ownership does not include ownership by a spouse or minor child; and

4. Every individual liability that equals more than the reporting person's net worth; or

(b)1. All sources of gross income in excess of \$2,500 received during the disclosure period by the person in his or her own name or by any other person for his or her use or benefit, excluding public salary. However, this shall not be construed to require disclosure of a business partner's sources of income. The person reporting shall list such sources in descending order of value with the largest source first;

2. All sources of income to a business entity in excess of 10 percent of the gross income of a business entity in which the reporting person held a material interest and from which he or she received gross income exceeding \$5,000 during the disclosure period. The period for computing the gross income of the business entity is the fiscal year of the business entity which ended on, or immediately prior to, the end of the disclosure period of the person reporting;

3. The location or description of real property in this state, except for residence and vacation homes, owned directly or indirectly by the person reporting, when such person owns in excess of 5 percent of the value of such real property, and a general description of any intangible personal property worth in excess of \$10,000. For the purpose of this paragraph, indirect ownership does not include ownership by a spouse or minor child; and

4. Every liability in excess of \$10,000.

A person filing a statement of financial interests shall indicate on the statement whether he or she is using the method specified in paragraph (a) or paragraph (b) of this subsection.

(9)(a) *The commission shall treat an amended statement of financial interests that is filed prior to September 1 of the current year as the original filing, regardless of whether a complaint has been filed. If a complaint pertaining to the current year alleges a failure to properly and accurately disclose any information required by this section or if a complaint filed pertaining to a previous reporting period within the preceding 5 years alleges a failure to properly and accurately disclose any in-*

formation required to be disclosed by this section, the commission may immediately follow complaint procedures in s. 112.324. However, if a complaint filed after August 25 alleges an immaterial, inconsequential, or de minimis error or omission, the commission may not take any action on the complaint, other than notifying the filer of the complaint. The filer must be given 30 days to file an amended statement of financial interests correcting any errors. If the filer does not file an amended statement of financial interests within 30 days after the commission sends notice of the complaint, the commission may continue with proceedings pursuant to s. 112.324.

(b) *For purposes of the final statement of financial interests, the commission shall treat a new final statement of financial interests, as the original filing, if filed within 60 days of the original filing regardless of whether a complaint has been filed. If, more than 60 days after a final statement of financial interests is filed, a complaint is filed alleging a complete omission of any information required to be disclosed by this section, the commission may immediately follow the complaint procedures in s. 112.324. However, if the complaint alleges an immaterial, inconsequential, or de minimis error or omission, the commission may not take any action on the complaint other than notifying the filer of the complaint. The filer must be given 30 days to file a new final statement of financial interests correcting any errors. If the filer does not file a new final statement of financial interests within 30 days after the commission sends notice of the complaint, the commission may continue with proceedings pursuant to s. 112.324.*

(c) *For purposes of this section, an error or omission is immaterial, inconsequential, or de minimis if the original filing provided sufficient information for the public to identify potential conflicts of interest.*

(10)(a) *An individual required to file a disclosure pursuant to this section may have the disclosure prepared by an attorney in good standing with The Florida Bar or by a certified public accountant licensed under chapter 473. After preparing a disclosure form, the attorney or certified public accountant must sign the form indicating that he or she prepared the form in accordance with this section and the instructions for completing and filing the disclosure forms and that, upon his or her reasonable knowledge and belief, the disclosure is true and correct. If a complaint is filed alleging a failure to disclose information required by this section, the commission shall determine whether the information was disclosed to the attorney or certified public accountant. The failure of the attorney or certified public accountant to accurately transcribe information provided by the individual who is required to file the disclosure does not constitute a violation of this section.*

(b) *An elected officer or candidate who chooses to use an attorney or a certified public accountant to prepare his or her disclosure may pay for the services of the attorney or certified public accountant from funds in an office account created pursuant to s. 106.141 or, during a year that the individual qualifies for election to public office, the candidate's campaign depository pursuant to s. 106.021.*

Section 10. Section 112.31455, Florida Statutes, is created to read:

112.31455 Collection methods for unpaid automatic fines for failure to timely file disclosure of financial interests.—

(1) *Before referring any unpaid fine accrued pursuant to s. 112.3144(5) or s. 112.3145(6) to the Department of Financial Services, the commission shall attempt to determine whether the individual owing such a fine is a current public officer or current public employee. If so, the commission may notify the Chief Financial Officer or the governing body of the appropriate county, municipality, or special district of the total amount of any fine owed to the commission by such individual.*

(a) *After receipt and verification of the notice from the commission, the Chief Financial Officer or the governing body of the county, municipality, or special district shall begin withholding the lesser of 10 percent or the maximum amount allowed under federal law from any salary-related payment. The withheld payments shall be remitted to the commission until the fine is satisfied.*

(b) *The Chief Financial Officer or the governing body of the county, municipality, or special district may retain an amount of each withheld payment, as provided in s. 77.0305, to cover the administrative costs incurred under this section.*

(2) *If the commission determines that the individual who is the subject of an unpaid fine accrued pursuant to s. 112.3144(5) or s. 112.3145(6) is no longer a public officer or public employee or if the commission is unable to determine whether the individual is a current public officer or public employee, the commission may, 6 months after the order becomes final, seek garnishment of any wages to satisfy the amount of the fine, or any unpaid portion thereof, pursuant to chapter 77. Upon recording the order imposing the fine with the clerk of the circuit court, the order shall be deemed a judgment for purposes of garnishment pursuant to chapter 77.*

(3) *The commission may refer unpaid fines to the appropriate collection agency, as directed by the Chief Financial Officer, to utilize any collection methods provided by law. Except as expressly limited by this section, any other collection methods authorized by law are allowed.*

(4) *Action may be taken to collect any unpaid fine imposed by ss. 112.3144 and 112.3145 within 20 years after the date the final order is rendered.*

Section 11. Section 112.3147, Florida Statutes, is amended to read:

112.3147 Forms.—*Except as otherwise provided, all information required to be furnished by ss. 112.313, 112.3143, 112.3144, 112.3145, 112.3148, and 112.3149 and by s. 8, Art. II of the State Constitution shall be on forms prescribed by the Commission on Ethics.*

Section 12. Paragraph (e) of subsection (2) of section 112.3148, Florida Statutes, is amended and paragraph (f) is added to that subsection, and subsections (3) through (5) of that section are amended, to read:

112.3148 Reporting and prohibited receipt of gifts by individuals filing full or limited public disclosure of financial interests and by procurement employees.—

(2) As used in this section:

(e) “Procurement employee” means any employee of an officer, department, board, commission, ~~or~~ council, or agency of the executive branch or judicial branch of state government who *has participated in the preceding 12 months* ~~participates~~ through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, or auditing or in any other advisory capacity in the procurement of contractual services or commodities as defined in s. 287.012, if the cost of such services or commodities exceeds or is expected to exceed \$10,000 ~~\$1,000~~ in any fiscal year.

(f) “Vendor” means a business entity doing business directly with an agency, such as renting, leasing, or selling any realty, goods, or services.

(3) A reporting individual or procurement employee is prohibited from soliciting any gift from a vendor doing business with the reporting individual’s or procurement employee’s agency, a political committee ~~or~~ ~~committee of continuous existence~~, as defined in s. 106.011, or from a lobbyist who lobbies the reporting individual’s or procurement employee’s agency, or the partner, firm, employer, or principal of such lobbyist, where such gift is for the personal benefit of the reporting individual or procurement employee, another reporting individual or procurement employee, or any member of the immediate family of a reporting individual or procurement employee.

(4) A reporting individual or procurement employee or any other person on his or her behalf is prohibited from knowingly accepting, directly or indirectly, a gift from a vendor doing business with the reporting individual’s or procurement employee’s agency, a political committee ~~or~~ ~~committee of continuous existence~~, as defined in s. 106.011, or from a lobbyist who lobbies the reporting individual’s or procurement employee’s agency, or directly or indirectly on behalf of the partner, firm, employer, or principal of a lobbyist, if he or she knows or reasonably believes that the gift has a value in excess of \$100; however, such a gift may be accepted by such person on behalf of a governmental entity or a charitable organization. If the gift is accepted on behalf of a governmental entity or charitable organization, the person receiving the gift shall not maintain custody of the gift for any period of time beyond that reasonably necessary to arrange for the transfer of custody and ownership of the gift.

(5)(a) A vendor doing business with the reporting individual’s or procurement employee’s agency; a political committee ~~or a committee of continuous existence~~, as defined in s. 106.011; a lobbyist who lobbies a reporting individual’s or procurement employee’s agency; the partner, firm, employer, or principal of a lobbyist; or another on behalf of the lobbyist or partner, firm, principal, or employer of the lobbyist is prohibited from giving, either directly or indirectly, a gift that has a value in excess of \$100 to the reporting individual or procurement employee or any other person on his or her behalf; however, such person may give a gift having a value in excess of \$100 to a reporting individual or procurement employee if the gift is intended to be transferred to a governmental entity or a charitable organization.

(b) However, a person who is regulated by this subsection, who is not regulated by subsection (6), and who makes, or directs another to make, an individual gift having a value in excess of \$25, but not in excess of \$100, other than a gift that the donor knows will be accepted on behalf of a governmental entity or charitable organization, must file a report on the last day of each calendar quarter for the previous calendar quarter in which a reportable gift is made. The report shall be filed with the Commission on Ethics, except with respect to gifts to reporting individuals of the legislative branch, in which case the report shall be filed with the Office of Legislative Services. The report must contain a description of each gift, the monetary value thereof, the name and address of the person making such gift, the name and address of the recipient of the gift, and the date such gift is given. In addition, if a gift is made which requires the filing of a report under this subsection, the donor must notify the intended recipient at the time the gift is made that the donor, or another on his or her behalf, will report the gift under this subsection. Under this paragraph, a gift need not be reported by more than one person or entity.

Section 13. Section 112.31485, Florida Statutes, is created to read:

112.31485 Prohibition on gifts involving political committees.—

(1)(a) For purposes of this section, the term “gift” means any purchase, payment, distribution, loan, advance, transfer of funds, or disbursement of money or anything of value that is not primarily related to contributions, expenditures, or other political activities authorized pursuant to chapter 106.

(b) For purposes of this section, the term “immediate family” means any parent, spouse, child, or sibling.

(2)(a) A reporting individual or procurement employee or a member of his or her immediate family is prohibited from soliciting or knowingly accepting, directly or indirectly, any gift from a political committee.

(b) A political committee is prohibited from giving, directly or indirectly, any gift to a reporting individual or procurement employee or a member of his or her immediate family.

(3) Any person who violates this section is subject to a civil penalty equal to three times the amount of the gift. Such penalty is in addition to the penalties provided in s. 112.317 and shall be paid to the General Revenue Fund of the state. A reporting individual or procurement employee or a member of his or her immediate family who violates this section is personally liable for payment of the treble penalty. Any agent or person acting on behalf of a political committee who gives a prohibited gift is personally liable for payment of the treble penalty.

Section 14. Paragraph (e) of subsection (1) of section 112.3149, Florida Statutes, is amended, and paragraph (f) is added to that subsection, and subsections (3) and (4) of that section are amended, to read:

112.3149 Solicitation and disclosure of honoraria.—

(1) As used in this section:

(e) “Procurement employee” means any employee of an officer, department, board, commission, ~~or~~ council, or agency of the executive branch or judicial branch of state government who *has participated in the preceding 12 months* ~~participates~~ through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, or auditing or in any other advisory capacity in the procurement of contractual services or com-

modities as defined in s. 287.012, if the cost of such services or commodities exceeds \$10,000 ~~\$1,000~~ in any fiscal year.

(f) “Vendor” means a business entity doing business directly with an agency, such as renting, leasing, or selling any realty, goods, or services.

(3) A reporting individual or procurement employee is prohibited from knowingly accepting an honorarium from a political committee ~~or committee of continuous existence~~, as defined in s. 106.011, from a vendor doing business with the reporting individual’s or procurement employee’s agency, from a lobbyist who lobbies the reporting individual’s or procurement employee’s agency, or from the employer, principal, partner, or firm of such a lobbyist.

(4) A political committee ~~or committee of continuous existence~~, as defined in s. 106.011, a vendor doing business with the reporting individual’s or procurement employee’s agency, a lobbyist who lobbies a reporting individual’s or procurement employee’s agency, or the employer, principal, partner, or firm of such a lobbyist is prohibited from giving an honorarium to a reporting individual or procurement employee.

Section 15. Section 112.317, Florida Statutes, is amended to read:

112.317 Penalties.—

(1) Any violation of ~~any provision of~~ this part, including, but not limited to, ~~any~~ failure to file ~~any~~ disclosures required by this part or violation of any standard of conduct imposed by this part, or ~~any violation of any provision of~~ s. 8, Art. II of the State Constitution, in addition to any criminal penalty or other civil penalty involved, ~~shall, under applicable constitutional and statutory procedures, constitutes constitute~~ grounds for, and may be punished by, one or more of the following:

(a) In the case of a public officer:

1. Impeachment.
2. Removal from office.
3. Suspension from office.
4. Public censure and reprimand.
5. Forfeiture of no more than one-third of his or her salary per month for no more than 12 months.
6. A civil penalty not to exceed \$10,000.
7. Restitution of any pecuniary benefits received because of the violation committed. The commission may recommend that the restitution penalty be paid to the agency of which the public officer was a member or to the General Revenue Fund.

(b) In the case of an employee or a person designated as a public officer by this part who otherwise would be deemed to be an employee:

1. Dismissal from employment.
2. Suspension from employment for not more than 90 days without pay.
3. Demotion.
4. Reduction in his or her salary level.
5. Forfeiture of no more than one-third salary per month for no more than 12 months.
6. A civil penalty not to exceed \$10,000.
7. Restitution of any pecuniary benefits received because of the violation committed. The commission may recommend that the restitution penalty be paid to the agency by which the public employee was employed, or of which the officer was deemed to be an employee, or to the General Revenue Fund.
8. Public censure and reprimand.

(c) In the case of a candidate who violates ~~the provisions of~~ this part or s. 8(a) and (i), Art. II of the State Constitution:

1. Disqualification from being on the ballot.
2. Public censure.
3. Reprimand.
4. A civil penalty not to exceed \$10,000.

(d) In the case of a former public officer or employee who has violated a provision applicable to former officers or employees or whose violation occurred before the officer’s or employee’s leaving public office or employment:

1. Public censure and reprimand.
2. A civil penalty not to exceed \$10,000.
3. Restitution of any pecuniary benefits received because of the violation committed. The commission may recommend that the restitution penalty be paid to the agency of the public officer or employee or to the General Revenue Fund.

(e) In the case of a person who is subject to the standards of this part, other than a lobbyist or lobbying firm under s. 112.3215 for a violation of s. 112.3215, but who is not a public officer or employee:

1. Public censure and reprimand.
 2. A civil penalty not to exceed \$10,000.
 3. Restitution of any pecuniary benefits received because of the violation committed. The commission may recommend that the restitution penalty be paid to the agency of the person or to the General Revenue Fund.
- (2) In any case in which the commission finds a violation of this part or of s. 8, Art. II of the State Constitution and the proper disciplinary official or body under s. 112.324 imposes a civil penalty or restitution penalty, the Attorney General shall bring a civil action to recover such penalty. No defense may be raised in the civil action to enforce the civil penalty or order of restitution that could have been raised by judicial review of the administrative findings and recommendations of the commission by certiorari to the district court of appeal. The Attorney General shall collect any costs, attorney’s fees, expert witness fees, or other costs of collection incurred in bringing the action.

(3) The penalties prescribed in this part shall not be construed to limit or to conflict with:

(a) The power of either house of the Legislature to discipline its own members or impeach a public officer.

(b) The power of agencies to discipline officers or employees.

(4) Any violation of this part or of s. 8, Art. II of the State Constitution by a public officer ~~constitutes shall constitute~~ malfeasance, misfeasance, or neglect of duty in office within the meaning of s. 7, Art. IV of the State Constitution.

(5) By order of the Governor, upon recommendation of the commission, any elected municipal officer who violates ~~any provision of~~ this part or of s. 8, Art. II of the State Constitution may be suspended from office and the office filled by appointment for the period of suspension. The suspended officer may at any time before removal be reinstated by the Governor. The Senate may, in proceedings prescribed by law, remove from office, or reinstate, the suspended official, and for such purpose the Senate may be convened in special session by its President or by a majority of its membership.

(6) In any case in which the commission finds probable cause to believe that a complainant has committed perjury in regard to any document filed with, or any testimony given before, the commission, it shall refer such evidence to the appropriate law enforcement agency for prosecution and taxation of costs.

(7) In any case in which the commission determines that a person has filed a complaint against a public officer or employee with a malicious intent to injure the reputation of such officer or employee by filing the complaint with knowledge that the complaint contains one or more false allegations or with reckless disregard for whether the complaint contains false allegations of fact material to a violation of this part, the complainant shall be liable for costs plus reasonable ~~attorney attorney's~~ fees incurred in the defense of the person complained against, including the costs and reasonable ~~attorney attorney's~~ fees incurred in proving entitlement to and the amount of costs and fees. If the complainant fails to pay such costs and fees voluntarily within 30 days following such finding by the commission, the commission shall forward such information to the Department of Legal Affairs, which shall bring a civil action in a court of competent jurisdiction to recover the amount of such costs and fees awarded by the commission.

Section 16. Paragraphs (a) and (c) of subsection (8) and subsection (10) of section 112.3215, Florida Statutes, are amended, present subsections (11) through (14) are renumbered as (12) through (15), respectively, and a new subsection (11) is added to that section to read:

112.3215 Lobbying before the executive branch or the Constitution Revision Commission; registration and reporting; investigation by commission.—

(8)(a) The commission shall investigate every sworn complaint that is filed with it alleging that a person covered by this section has failed to register, has failed to submit a compensation report, *has made a prohibited expenditure*, or has knowingly submitted false information in any report or registration required in this section.

(c) The commission shall investigate any lobbying firm, *lobbyist*, *principal*, agency, officer, or employee upon receipt of information from a sworn complaint or from a random audit of lobbying reports indicating a possible violation other than a late-filed report.

(10) If the Governor and Cabinet finds that a violation occurred, it may reprimand the violator, censure the violator, or prohibit the violator from lobbying all agencies for a period not to exceed 2 years. If the violator is a lobbying firm, *lobbyist*, or *principal*, the Governor and Cabinet may also assess a fine of not more than \$5,000 to be deposited in the Executive Branch Lobby Registration Trust Fund.

(11) *Any person who is required to be registered or to provide information under this section or under rules adopted pursuant to this section and who knowingly fails to disclose any material fact that is required by this section or by rules adopted pursuant to this section, or who knowingly provides false information on any report required by this section or by rules adopted pursuant to this section, commits a non-criminal infraction, punishable by a fine not to exceed \$5,000. Such penalty is in addition to any other penalty assessed by the Governor and Cabinet pursuant to subsection (10).*

Section 17. Section 112.324, Florida Statutes, is amended to read:

112.324 Procedures on complaints of violations *and referrals*; public records and meeting exemptions.—

(1) ~~Upon a written complaint executed on a form prescribed by the commission and signed under oath or affirmation by any person, the commission shall investigate an any alleged violation of this part or any other alleged breach of the public trust within the jurisdiction of the commission as provided in s. 8(f), Art. II of the State Constitution: in accordance with procedures set forth herein.~~

(a) *Upon a written complaint executed on a form prescribed by the commission and signed under oath of affirmation by any person; or*

(b) *Upon receipt of a written referral of a possible violation of this part or other possible breach of the public trust from the Governor, the Department of Law Enforcement, a state attorney, or a United States Attorney which at least six members of the commission determine is sufficient to indicate a violation of this part or any other breach of the public trust.*

Within 5 days after receipt of a complaint by the commission *or a determination by at least six members of the commission that the referral received is deemed sufficient*, a copy shall be transmitted to the alleged violator.

(2)(a) The complaint and records relating to the complaint or to any preliminary investigation held by the commission or its agents, by a Commission on Ethics and Public Trust established by any county defined in s. 125.011(1) or by any municipality defined in s. 165.031, or by any county or municipality that has established a local investigatory process to enforce more stringent standards of conduct and disclosure requirements as provided in s. 112.326 are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(b) Any proceeding conducted by the commission, a Commission on Ethics and Public Trust, or a county or municipality that has established such local investigatory process, pursuant to a complaint or preliminary investigation, is exempt from the provisions of s. 286.011, s. 24(b), Art. I of the State Constitution, and s. 120.525.

(c) The exemptions in paragraphs (a) and (b) apply until the complaint is dismissed as legally insufficient, until the alleged violator requests in writing that such records and proceedings be made public, or until the commission, a Commission on Ethics and Public Trust, or a county or municipality that has established such local investigatory process determines, based on such investigation, whether probable cause exists to believe that a violation has occurred. ~~In no event shall~~ A complaint *or referral* under this part against a candidate in any general, special, or primary election *may not be filed nor may* ~~or~~ any intention of filing such a complaint *or referral* be disclosed on the day of any such election or within the 30 ~~5~~ days immediately preceding the date of the election, *unless the complaint or referral is based upon personal information or information other than hearsay.*

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

(3) A preliminary investigation shall be undertaken by the commission of each legally sufficient complaint *or referral* over which the commission has jurisdiction to determine whether there is probable cause to believe that a violation has occurred. If, upon completion of the preliminary investigation, the commission finds no probable cause to believe that this part has been violated or that any other breach of the public trust has been committed, the commission shall dismiss the complaint *or referral* with the issuance of a public report to the complainant and the alleged violator, stating with particularity its reasons for dismissal ~~of the complaint~~. At that time, the complaint *or referral* and all materials relating to the complaint *or referral* shall become a matter of public record. If the commission finds from the preliminary investigation probable cause to believe that this part has been violated or that any other breach of the public trust has been committed, it shall so notify the complainant and the alleged violator in writing. Such notification and all documents made or received in the disposition of the complaint *or referral* shall then become public records. Upon request submitted to the commission in writing, any person who the commission finds probable cause to believe has violated any provision of this part or has committed any other breach of the public trust shall be entitled to a public hearing. Such person shall be deemed to have waived the right to a public hearing if the request is not received within 14 days following the mailing of the probable cause notification required by this subsection. However, the commission may on its own motion, require a public hearing, may conduct such further investigation as it deems necessary, and may enter into such stipulations and settlements as it finds to be just and in the best interest of the state. The commission is without jurisdiction to, and no respondent may voluntarily or involuntarily, enter into a stipulation or settlement which imposes any penalty, including, but not limited to, a sanction or admonition or any other penalty contained in s. 112.317. Penalties shall be imposed only by the appropriate disciplinary authority as designated in this section.

(4) If, in cases pertaining to members of the Legislature, upon completion of a full and final investigation by the commission, the commission finds that there has been a violation of this part or of any provision of s. 8, Art. II of the State Constitution, the commission shall forward a copy of the complaint *or referral* and its findings by certified mail to the President of the Senate or the Speaker of the House of Representatives, whichever is applicable, who shall refer the complaint *or referral* to the appropriate committee for investigation and action which shall be governed by the rules of its respective house. It ~~is shall be~~ the duty of the committee to report its final action upon the ~~matter~~ *complaint* to the commission within 90 days of the date of transmittal to the respective

house. Upon request of the committee, the commission shall submit a recommendation as to what penalty, if any, should be imposed. In the case of a member of the Legislature, the house in which the member serves ~~has shall have~~ the power to invoke the penalty provisions of this part.

(5) If, in cases ~~pertaining to complaints~~ against impeachable officers, upon completion of a full and final investigation by the commission, the commission finds that there has been a violation of this part or of any provision of s. 8, Art. II of the State Constitution, and the commission finds that the violation may constitute grounds for impeachment, the commission shall forward a copy of the complaint ~~or referral~~ and its findings by certified mail to the Speaker of the House of Representatives, who shall refer the complaint ~~or referral~~ to the appropriate committee for investigation and action which shall be governed by the rules of the House of Representatives. It ~~is shall be~~ the duty of the committee to report its final action upon the ~~matter~~ ~~complaint~~ to the commission within 90 days of the date of transmittal.

(6) If the commission finds that there has been a violation of this part or of any provision of s. 8, Art. II of the State Constitution by an impeachable officer other than the Governor, and the commission recommends public censure and reprimand, forfeiture of a portion of the officer's salary, a civil penalty, or restitution, the commission shall report its findings and recommendation of disciplinary action to the Governor, who ~~has shall have~~ the power to invoke the penalty provisions of this part.

(7) If the commission finds that there has been a violation of this part or of any provision of s. 8, Art. II of the State Constitution by the Governor, and the commission recommends public censure and reprimand, forfeiture of a portion of the Governor's salary, a civil penalty, or restitution, the commission shall report its findings and recommendation of disciplinary action to the Attorney General, who shall have the power to invoke the penalty provisions of this part.

(8) If, in cases ~~pertaining to complaints~~ other than complaints or referrals against impeachable officers or members of the Legislature, upon completion of a full and final investigation by the commission, the commission finds that there has been a violation of this part or of s. 8, Art. II of the State Constitution, it ~~is shall be~~ the duty of the commission to report its findings and recommend appropriate action to the proper disciplinary official or body as follows, and such official or body ~~has shall have~~ the power to invoke the penalty provisions of this part, including the power to order the appropriate elections official to remove a candidate from the ballot for a violation of s. 112.3145 or s. 8(a) and (i), Art. II of the State Constitution:

(a) The President of the Senate and the Speaker of the House of Representatives, jointly, in any case concerning the Public Counsel, members of the Public Service Commission, members of the Public Service Commission Nominating Council, the Auditor General, or the director of the Office of Program Policy Analysis and Government Accountability.

(b) The Supreme Court, in any case concerning an employee of the judicial branch.

(c) The President of the Senate, in any case concerning an employee of the Senate; the Speaker of the House of Representatives, in any case concerning an employee of the House of Representatives; or the President and the Speaker, jointly, in any case concerning an employee of a committee of the Legislature whose members are appointed solely by the President and the Speaker or in any case concerning an employee of the Public Counsel, Public Service Commission, Auditor General, or Office of Program Policy Analysis and Government Accountability.

(d) Except as otherwise provided by this part, the Governor, in the case of any other public officer, public employee, former public officer or public employee, candidate or former candidate, or person who is not a public officer or employee, other than lobbyists and lobbying firms under s. 112.3215 for violations of s. 112.3215.

(e) The President of the Senate or the Speaker of the House of Representatives, whichever is applicable, in any case concerning a former member of the Legislature who has violated a provision applicable to former members or whose violation occurred while a member of the Legislature.

(9) In addition to reporting its findings to the proper disciplinary body or official, the commission shall report these findings to the state attorney or any other appropriate official or agency having authority to initiate prosecution when violation of criminal law is indicated.

(10) Notwithstanding the foregoing procedures of this section, a sworn complaint against any member or employee of the Commission on Ethics for violation of this part or of s. 8, Art. II of the State Constitution shall be filed with the President of the Senate and the Speaker of the House of Representatives. Each presiding officer shall, after determining that there are sufficient grounds for review, appoint three members of their respective bodies to a special joint committee who shall investigate the complaint. The members shall elect a chair from among their number. If the special joint committee finds insufficient evidence to establish probable cause to believe a violation of this part or of s. 8, Art. II of the State Constitution has occurred, it shall dismiss the complaint. If, upon completion of its preliminary investigation, the committee finds sufficient evidence to establish probable cause to believe a violation has occurred, the chair thereof shall transmit such findings to the Governor who shall convene a meeting of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court to take such final action on the complaint as they shall deem appropriate, consistent with the penalty provisions of this part. Upon request of a majority of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court, the special joint committee shall submit a recommendation as to what penalty, if any, should be imposed.

(11)(a) *Notwithstanding subsections (1)-(8), the commission may dismiss any complaint or referral at any stage of disposition if it determines that the violation that is alleged or has occurred is a de minimis violation attributable to inadvertent or unintentional error. In determining whether a violation was de minimis, the commission shall consider whether the interests of the public were protected despite the violation. This subsection does not apply to complaints or referrals pursuant to ss. 112.3144 and 112.3145.*

(b) *For the purposes of this subsection, a de minimis violation is any violation that is unintentional and not material in nature.*

(12)(11) Notwithstanding the provisions of subsections (1)-(8), the commission may, at its discretion, dismiss any complaint or referral at any stage of disposition should it determine that the public interest would not be served by proceeding further, in which case the commission shall issue a public report stating with particularity its reasons for the dismissal.

Section 18. For the purpose of incorporating the amendment made by this act to section 112.3143, Florida Statutes, in a reference thereto, subsection (1) of section 120.665, Florida Statutes, is reenacted to read:

120.665 Disqualification of agency personnel.—

(1) Notwithstanding the provisions of s. 112.3143, any individual serving alone or with others as an agency head may be disqualified from serving in an agency proceeding for bias, prejudice, or interest when any party to the agency proceeding shows just cause by a suggestion filed within a reasonable period of time prior to the agency proceeding. If the disqualified individual was appointed, the appointing power may appoint a substitute to serve in the matter from which the individual is disqualified. If the individual is an elected official, the Governor may appoint a substitute to serve in the matter from which the individual is disqualified. However, if a quorum remains after the individual is disqualified, it shall not be necessary to appoint a substitute.

Section 19. For the purpose of incorporating the amendment made by this act to section 112.3143, Florida Statutes, in a reference thereto, section 286.012, Florida Statutes, is reenacted to read:

286.012 Voting requirement at meetings of governmental bodies.— No member of any state, county, or municipal governmental board, commission, or agency who is present at any meeting of any such body at which an official decision, ruling, or other official act is to be taken or adopted may abstain from voting in regard to any such decision, ruling, or act; and a vote shall be recorded or counted for each such member present, except when, with respect to any such member, there is, or appears to be, a possible conflict of interest under the provisions of s.

112.311, s. 112.313, or s. 112.3143. In such cases, said member shall comply with the disclosure requirements of s. 112.3143.

Section 20. For the purpose of incorporating the amendment made by this act to section 112.324, Florida Statutes, in a reference thereto, section 287.175, Florida Statutes, is reenacted to read:

287.175 Penalties.—A violation of this part or a rule adopted hereunder, pursuant to applicable constitutional and statutory procedures, constitutes misuse of public position as defined in s. 112.313(6), and is punishable as provided in s. 112.317. The Chief Financial Officer shall report incidents of suspected misuse to the Commission on Ethics, and the commission shall investigate possible violations of this part or rules adopted hereunder when reported by the Chief Financial Officer, notwithstanding the provisions of s. 112.324. Any violation of this part or a rule adopted hereunder shall be presumed to have been committed with wrongful intent, but such presumption is rebuttable. Nothing in this section is intended to deny rights provided to career service employees by s. 110.227.

Section 21. Paragraph (c) of subsection (1) of section 288.901, Florida Statutes, is amended to read:

288.901 Enterprise Florida, Inc.—

(1) CREATION.—

(c) The Legislature determines that it is in the public interest for the members of Enterprise Florida, Inc., board of directors to be subject to the requirements of ss. 112.3135, *112.3143(2)* ~~112.3143~~, and 112.313, excluding s. 112.313(2), notwithstanding the fact that the board members are not public officers or employees. For purposes of those sections, the board members shall be considered to be public officers or employees. The exemption set forth in s. 112.313(12) for advisory boards applies to the members of Enterprise Florida, Inc., board of directors. Further, each member of the board of directors who is not otherwise required to file financial disclosures pursuant to s. 8, Art. II of the State Constitution or s. 112.3144, shall file disclosure of financial interests pursuant to s. 112.3145.

Section 22. Subsection (1) of section 445.007, Florida Statutes, is reenacted for the purpose of incorporating the amendment made by this act to section 112.3143, Florida Statutes, in a reference thereto, and subsection (11) of that section is amended, to read:

445.007 Regional workforce boards.—

(1) One regional workforce board shall be appointed in each designated service delivery area and shall serve as the local workforce investment board pursuant to Pub. L. No. 105-220. The membership of the board shall be consistent with Pub. L. No. 105-220, Title I, s. 117(b) but may not exceed the minimum membership required in Pub. L. No. 105-220, Title I, s. 117(b)(2)(A) and in this subsection. Upon approval by the Governor, the chief elected official may appoint additional members above the limit set by this subsection. If a public education or training provider is represented on the board, a representative of a private nonprofit provider and a representative of a private for-profit provider must also be appointed to the board. The board shall include one non-voting representative from a military installation if a military installation is located within the region and the appropriate military command or organization authorizes such representation. It is the intent of the Legislature that membership of a regional workforce board include persons who are current or former recipients of welfare transition assistance as defined in s. 445.002(2) or workforce services as provided in s. 445.009(1) or that such persons be included as ex officio members of the board or of committees organized by the board. The importance of minority and gender representation shall be considered when making appointments to the board. The board, its committees, subcommittees, and subdivisions, and other units of the workforce system, including units that may consist in whole or in part of local governmental units, may use any method of telecommunications to conduct meetings, including establishing a quorum through telecommunications, provided that the public is given proper notice of the telecommunications meeting and reasonable access to observe and, when appropriate, participate. Regional workforce boards are subject to chapters 119 and 286 and s. 24, Art. I of the State Constitution. If the regional workforce board enters into a contract with an organization or individual represented on the board of directors, the contract must be approved by a two-thirds vote of

the board, a quorum having been established, and the board member who could benefit financially from the transaction must abstain from voting on the contract. A board member must disclose any such conflict in a manner that is consistent with the procedures outlined in s. 112.3143. Each member of a regional workforce board who is not otherwise required to file a full and public disclosure of financial interests pursuant to s. 8, Art. II of the State Constitution or s. 112.3144 shall file a statement of financial interests pursuant to s. 112.3145. The executive director or designated person responsible for the operational and administrative functions of the regional workforce board who is not otherwise required to file a full and public disclosure of financial interests pursuant to s. 8, Art. II of the State Constitution or s. 112.3144 shall file a statement of financial interests pursuant to s. 112.3145.

(11) To increase transparency and accountability, a regional workforce board must comply with the requirements of this section before contracting with a member of the board or a relative, as defined in s. *112.3143(1)(c)* ~~112.3143(1)(b)~~, of a board member or of an employee of the board. Such contracts may not be executed before or without the approval of Workforce Florida, Inc. Such contracts, as well as documentation demonstrating adherence to this section as specified by Workforce Florida, Inc., must be submitted to the Department of Economic Opportunity for review and recommendation according to criteria to be determined by Workforce Florida, Inc. Such a contract must be approved by a two-thirds vote of the board, a quorum having been established; all conflicts of interest must be disclosed before the vote; and any member who may benefit from the contract, or whose relative may benefit from the contract, must abstain from the vote. A contract under \$25,000 between a regional workforce board and a member of that board or between a relative, as defined in s. *112.3143(1)(c)* ~~112.3143(1)(b)~~, of a board member or of an employee of the board is not required to have the prior approval of Workforce Florida, Inc., but must be approved by a two-thirds vote of the board, a quorum having been established, and must be reported to the Department of Economic Opportunity and Workforce Florida, Inc., within 30 days after approval. If a contract cannot be approved by Workforce Florida, Inc., a review of the decision to disapprove the contract may be requested by the regional workforce board or other parties to the disapproved contract.

Section 23. For the purpose of incorporating the amendment made by this act to section 112.3143, Florida Statutes, in a reference thereto, paragraph (m) of subsection (5) of section 627.311, Florida Statutes, is reenacted to read:

627.311 Joint underwriters and joint reinsurers; public records and public meetings exemptions.—

(5)

(m) Senior managers and officers, as defined in the plan of operation, and members of the board of governors are subject to the provisions of ss. 112.313, 112.3135, 112.3143, 112.3145, 112.316, and 112.317. Senior managers, officers, and board members are also required to file such disclosures with the Commission on Ethics and the Office of Insurance Regulation. The executive director of the plan or his or her designee shall notify each newly appointed and existing appointed member of the board of governors, senior manager, and officer of his or her duty to comply with the reporting requirements of s. 112.3145. At least quarterly, the executive director of the plan or his or her designee shall submit to the Commission on Ethics a list of names of the senior managers, officers, and members of the board of governors who are subject to the public disclosure requirements under s. 112.3145. Notwithstanding s. 112.313, an employee, officer, owner, or director of an insurance agency, insurance company, or other insurance entity may be a member of the board of governors unless such employee, officer, owner, or director of an insurance agency, insurance company, other insurance entity, or an affiliate provides policy issuance, policy administration, underwriting, claims handling, or payroll audit services. Notwithstanding s. 112.3143, such board member may not participate in or vote on a matter if the insurance agency, insurance company, or other insurance entity would obtain a special or unique benefit that would not apply to other similarly situated insurance entities.

Section 24. For the purpose of incorporating the amendment made to this act to section 112.3143, Florida Statutes, in a reference thereto, paragraph (d) of subsection (6) of section 627.351, Florida Statutes, is reenacted to read:

627.351 Insurance risk apportionment plans.—

(6) CITIZENS PROPERTY INSURANCE CORPORATION.—

(d)1. All prospective employees for senior management positions, as defined by the plan of operation, are subject to background checks as a prerequisite for employment. The office shall conduct the background checks pursuant to ss. 624.34, 624.404(3), and 628.261.

2. On or before July 1 of each year, employees of the corporation must sign and submit a statement attesting that they do not have a conflict of interest, as defined in part III of chapter 112. As a condition of employment, all prospective employees must sign and submit to the corporation a conflict-of-interest statement.

3. Senior managers and members of the board of governors are subject to part III of chapter 112, including, but not limited to, the code of ethics and public disclosure and reporting of financial interests, pursuant to s. 112.3145. Notwithstanding s. 112.3143(2), a board member may not vote on any measure that would inure to his or her special private gain or loss; that he or she knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained, other than an agency as defined in s. 112.312; or that he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer. Before the vote is taken, such member shall publicly state to the assembly the nature of his or her interest in the matter from which he or she is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes. Senior managers and board members are also required to file such disclosures with the Commission on Ethics and the Office of Insurance Regulation. The executive director of the corporation or his or her designee shall notify each existing and newly appointed member of the board of governors and senior managers of their duty to comply with the reporting requirements of part III of chapter 112. At least quarterly, the executive director or his or her designee shall submit to the Commission on Ethics a list of names of the senior managers and members of the board of governors who are subject to the public disclosure requirements under s. 112.3145.

4. Notwithstanding s. 112.3148 or s. 112.3149, or any other provision of law, an employee or board member may not knowingly accept, directly or indirectly, any gift or expenditure from a person or entity, or an employee or representative of such person or entity, which has a contractual relationship with the corporation or who is under consideration for a contract. An employee or board member who fails to comply with subparagraph 3. or this subparagraph is subject to penalties provided under ss. 112.317 and 112.3173.

5. Any senior manager of the corporation who is employed on or after January 1, 2007, regardless of the date of hire, who subsequently retires or terminates employment is prohibited from representing another person or entity before the corporation for 2 years after retirement or termination of employment from the corporation.

6. Any senior manager of the corporation who is employed on or after January 1, 2007, regardless of the date of hire, who subsequently retires or terminates employment is prohibited from having any employment or contractual relationship for 2 years with an insurer that has entered into a take-out bonus agreement with the corporation.

Section 25. This act shall take effect upon becoming a law.

And the title is amended as follows:

Remove everything before the enacting clause and insert: A bill to be entitled An act relating to ethics; amending s. 112.312, F.S.; revising the definitions of “business entity” and “gift”; creating s. 112.3125, F.S.; defining the term “public officer”; prohibiting public officers from accepting additional employment with the state or any of its political subdivisions under specified conditions; amending s. 112.313, F.S.; prohibiting a former legislator from acting as a lobbyist before an executive branch agency, agency official, or employee for a specified period following vacation of office; providing definitions; creating s. 112.3142, F.S.; defining the term “constitutional officers”; requiring constitutional officers to complete annual ethics training; specifying requirements for

ethics training; requiring the commission to adopt rules to establish minimum course content; requiring each house of the Legislature to provide for ethics training pursuant to its rules; creating s. 112.31425, F.S.; providing legislative findings; providing that holding an economic interest in a qualified blind trust is not a prohibited conflict of interest; providing that a public officer may not attempt to influence, exercise control of, or obtain information regarding the holdings of the qualified blind trust; prohibiting communication regarding the qualified blind trust between a public officer or a person having a beneficial interest in the trust and the trustee; providing exceptions; requiring a public officer to report the qualified blind trust and its value on his or her financial disclosure form under specified circumstances; establishing requirements for creation of a qualified blind trust; requiring a public officer who holds a qualified blind trust to file a notice with the Commission on Ethics; requiring a covered public official to file an amendment to his or her most recent financial disclosure statement under specified conditions; amending s. 112.3143, F.S.; providing definitions; requiring state public officers to abstain from voting on any matter that the officer knows would inure to his or her special private gain or loss; requiring that a memorandum filed after a vote be filed no later than 15 days after the vote; providing that a member of the Legislature satisfies the disclosure requirement by filing a form created pursuant to the rules of his or her respective house; providing that confidential or privileged information need not be disclosed; amending s. 112.3144, F.S.; requiring the qualifying officer to electronically transmit a full and public disclosure of financial interests of a qualified candidate to the commission; providing timeframes for the filing of certain complaints; authorizing filing individuals to file an amended statement during a specified timeframe under specified conditions; authorizing the commission to immediately follow complaint procedures under specified conditions; prohibiting the commission from taking action on complaints alleging immaterial, inconsequential, or de minimis errors or omissions; providing what constitutes an immaterial, inconsequential, or de minimis error or omission; authorizing an individual required to file a disclosure to have the statement prepared by an attorney or a certified public accountant; requiring an attorney or certified public accountant to sign the completed disclosure form to indicate compliance with applicable requirements and that the disclosure is true and correct based on reasonable knowledge and belief; providing circumstances under which the commission must determine if an attorney or a certified public accountant failed to disclose information provided by the filing individual on the filed statement; providing that the failure of the attorney or certified public accountant to accurately transcribe information provided by the filing individual does not constitute a violation; authorizing an elected officer or candidate to use funds in an office account or campaign depository to pay an attorney or certified public accountant for preparing a disclosure; creating s. 112.31445, F.S.; providing a definition for “electronic filing system”; requiring all disclosures of financial interests filed with the commission to be scanned and made publicly available on a searchable Internet database beginning with the 2012 filing year; requiring the commission to submit a proposal to the President of the Senate and the Speaker of the House of Representatives for a mandatory electronic filing system by a specified date; establishing minimum requirements for the commission’s proposal; amending s. 112.3145, F.S.; revising the definitions of “local officer” and “specified state employee”; revising procedures for the filing of a statement of financial interests with a candidate’s qualifying papers; requiring a person filing a statement of financial interest to indicate the method of reporting income; providing timeframes for the filing of certain complaints; authorizing filing individuals to file an amended statement during a specified timeframe under specified conditions; authorizing the commission to immediately follow complaint procedures under specified conditions; prohibiting the commission from taking action on complaints alleging immaterial, inconsequential, or de minimis errors or omissions; providing what constitutes an immaterial, inconsequential, or de minimis error or omission; authorizing an individual required to file a disclosure to have the statement prepared by an attorney or a certified public accountant; requiring an attorney or certified public accountant to sign the completed disclosure form to indicate compliance with applicable requirements and that the disclosure is true and correct based on reasonable knowledge and belief; providing circumstances under which the commission must determine if an attorney or a certified public accountant failed to disclose information provided by the filing individual on the filed statement; providing that the failure of the attorney or certified public accountant to accurately transcribe information provided by the filing individual does not constitute a violation; authorizing an elected officer or candidate to use funds in an office account or campaign de-

pository to pay an attorney or certified public accountant for preparing a disclosure; creating s. 112.31455, F.S.; requiring the commission to attempt to determine whether an individual owing certain fines is a current public officer or public employee; authorizing the commission to notify the Chief Financial Officer or the governing body of a county, municipality, or special district of the total amount of any fine owed to the commission by such individuals; requiring that the Chief Financial Officer or the governing body of a county, municipality, or special district begin withholding portions of any salary payment that would otherwise be paid to the current public officer or public employee; requiring that the withheld payments be remitted to the commission until the fine is satisfied; authorizing the Chief Financial Officer or the governing body to retain a portion of payment for administrative costs; authorizing collection methods for the commission or the Department of Financial Services for individuals who are no longer public officers or public employees; authorizing the commission to contract with a collection agency; authorizing a collection agency to utilize collection methods authorized by law; authorizing the commission to collect an unpaid fine within a specified period of issuance of the final order; amending s. 112.3147, F.S.; providing an exception to the requirement that all forms be prescribed by the commission; amending s. 112.3148, F.S.; revising the definition of "procurement employee"; creating a definition for "vendor"; prohibiting a reporting individual or procurement employee from soliciting or knowingly accepting a gift from a vendor; deleting references to committees of continuous existence; creating s. 112.31485, F.S.; providing definitions for "gift" and "immediate family"; prohibiting a reporting individual or procurement employee or a member of his or her immediate family from soliciting or knowingly accepting any gift from a political committee; prohibiting a political committee from giving any gift to a reporting individual or procurement employee or a member of his or her immediate family; providing penalties for a violation; requiring that individuals who violate this section be held personally liable; amending s. 112.3149, F.S.; revising the definition of "procurement employee"; defining the term "vendor"; prohibiting a reporting individual or procurement employee from knowingly accepting an honorarium from a vendor; prohibiting a vendor from giving an honorarium to a reporting individual or procurement employee; amending s. 112.317, F.S.; making technical changes; amending s. 112.3215, F.S.; authorizing the commission to investigate sworn complaints alleging a prohibited expenditure; authorizing the commission to investigate a lobbyist or principal upon a sworn complaint or random audit; authorizing the Governor and Cabinet to assess a fine on a lobbyist or principal under specified conditions; providing a civil penalty; amending s. 112.324, F.S.; authorizing specified parties to submit written referrals of a possible violation of the Code of Ethics for Public Officers and Employees or other possible breaches of the public trust to the Commission on Ethics; establishing procedures for the receipt of written referrals by the commission; extending the period in which the disclosure of the intent to file or the filing of a complaint against a candidate is prohibited; providing exceptions; authorizing the commission to dismiss a complaint of a de minimis violation; providing exceptions; defining a de minimis violation; reenacting s. 120.665, F.S., relating to disqualification of agency personnel, to incorporate the amendments to s. 112.3143, F.S., in a reference thereto; reenacting s. 286.012, F.S., relating to voting requirements at meetings of governmental bodies, to incorporate the amendments made to s. 112.3143, F.S., in a reference thereto; reenacting s. 287.175, F.S., relating to penalties, to incorporate the amendments made to s. 112.324, F.S., in a reference thereto; amending s. 288.901, F.S.; conforming a cross-reference; amending s. 445.007, F.S., and reenacting subsection (1) of that section, relating to regional workforce boards, to incorporate the amendments made to s. 112.3143, F.S., in a reference thereto; conforming cross-references; reenacting s. 627.311(5)(m), F.S., relating to joint underwriters and joint reinsurers, to incorporate the amendments made to s. 112.3143, F.S., in a reference thereto; reenacting s. 627.351(6)(d), F.S., relating to Citizens Property Insurance Corporation, to incorporate the amendments made to s. 112.3143, F.S.; providing an effective date.

House Amendment 1A (138921)—Remove lines 5-6 and insert:

Section 1. Subsection (5) and paragraph (b) of subsection (12) of section 112.312, Florida Statutes, are amended to read:

On motion by Senator Latvala, further consideration of **CS for SB 2**, with pending **House Amendments 1 (005347)** and **1A (138921)**, was deferred.

RECESS

By direction of the President, the Senate recessed at 2:22 p.m. to reconvene at 3:00 p.m.

CALL TO ORDER

The Senate was called to order by President Gaetz at 2:39 p.m. A quorum present—39:

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Senate resumed consideration of—

CS for SB 2—A bill to be entitled An act relating to ethics; amending s. 112.312, F.S.; revising definitions; creating s. 112.3125, F.S.; defining the term "public officer"; prohibiting public officers from accepting additional employment with the state or any of its political subdivisions under specified conditions; amending s. 112.313, F.S.; providing that a member of the Legislature may not personally represent another person or entity for compensation before any state agency for a period of 2 years following vacation of office; providing exceptions; providing that no member of the Legislature may associate as a partner, principal, or employee of a firm whose primary purpose is lobbying the Legislature within the first 2 years after vacation of office under specified conditions; establishing filing requirements for a sworn statement; creating s. 112.3142, F.S.; defining the term "constitutional officers"; requiring constitutional officers to complete annual ethics training; specifying requirements for ethics training; requiring the commission to adopt rules to establish minimum course content; requiring each house of the Legislature to provide for ethics training pursuant to its rules; creating s. 112.31425, F.S.; providing legislative findings; providing that holding an economic interest in a qualified blind trust is not a prohibited conflict of interest; providing that a public officer may not attempt to influence, exercise control of, or obtain information regarding the holdings of the qualified blind trust; prohibiting communication regarding the qualified blind trust between a public officer or a person having a beneficial interest in the trust and the trustee; providing exceptions; requiring a public officer to report the qualified blind trust and its value on his or her financial disclosure form under specified circumstances; establishing requirements for creation of a qualified blind trust; requiring a public officer who holds a qualified blind trust to file a notice with the Commission on Ethics; requiring a covered public official to file an amendment to his or her most recent financial disclosure statement under specified conditions; amending s. 112.3143, F.S.; providing definitions for "principal" and "special private gain or loss"; requiring state public officers to abstain from voting on any matter that the officer knows would inure to his or her special private gain or loss; requiring that a memorandum filed after a vote be filed no later than 15 days after the vote; providing that a member of the Legislature satisfies the disclosure requirement by filing a form created pursuant to the rules of his or her respective house; providing that confidential or privileged information need not be disclosed; amending s. 112.3144, F.S.; requiring the qualifying officer to electronically transmit a full and public disclosure of financial interests of a qualified candidate to the commission; providing timeframes for the filing of certain complaints; authorizing filing individuals to file an amended statement during a specified timeframe under specified conditions; authorizing the commission to immediately follow complaint procedures under specified conditions; prohibiting the commission from taking action on complaints alleging immaterial, in-

consequential, or de minimis errors or omissions; providing what constitutes an immaterial, inconsequential, or de minimis error or omission; authorizing an individual required to file a disclosure to have the statement prepared by an attorney or a certified public accountant; requiring an attorney or certified public accountant to sign the completed disclosure form to indicate compliance with applicable requirements and that the disclosure is true and correct based on reasonable knowledge and belief; requiring the commission to determine if an attorney or a certified public accountant failed to disclose information provided by the filing individual on the filed statement; providing that the failure of the attorney or certified public accountant to accurately transcribe information provided by the filing individual does not constitute a violation; authorizing an elected officer or candidate to use funds in an office account or campaign depository to pay an attorney or certified public accountant for preparing a disclosure; creating s. 112.31445, F.S.; providing a definition for “electronic filing system”; requiring all disclosures of financial interests filed with the commission to be scanned and made publicly available on a searchable Internet database beginning with the 2012 filing year; requiring the commission to submit a proposal to the President of the Senate and the Speaker of the House of Representatives for a mandatory electronic filing system by a specified date; establishing minimum requirements for the commission’s proposal; amending s. 112.3145, F.S.; revising the definitions of “local officer” and “specified state employee”; revising procedures for the filing of a statement of financial interests with a candidate’s qualifying papers; requiring a person filing a statement of financial interest to indicate the method of reporting income; providing timeframes for the filing of certain complaints; authorizing filing individuals to file an amended statement during a specified timeframe under specified conditions; authorizing the commission to immediately follow complaint procedures under specified conditions; prohibiting the commission from taking action on complaints alleging immaterial, inconsequential, or de minimis errors or omissions; providing what constitutes an immaterial, inconsequential, or de minimis error or omission; authorizing an individual required to file a disclosure to have the statement prepared by an attorney or a certified public accountant; requiring an attorney or certified public accountant to sign the completed disclosure form to indicate compliance with applicable requirements and that the disclosure is true and correct based on reasonable knowledge and belief; requiring the commission to determine if an attorney or a certified public accountant failed to disclose information provided by the filing individual on the filed statement; providing that the failure of the attorney or certified public accountant to accurately transcribe information provided by the filing individual does not constitute a violation; authorizing an elected officer or candidate to use funds in an office account or campaign depository to pay an attorney or certified public accountant for preparing a disclosure; creating s. 112.31455, F.S.; requiring the commission to attempt to determine whether an individual owing certain fines is a current public officer or public employee; authorizing the commission to notify the Chief Financial Officer or the governing body of a county, municipality, or special district of the total amount of any fine owed to the commission by such individuals; requiring that the Chief Financial Officer or the governing body of a county, municipality, or special district begin withholding portions of any salary payment that would otherwise be paid to the current public officer or public employee; requiring that the withheld payments be remitted to the commission until the fine is satisfied; authorizing the Chief Financial Officer or the governing body to retain a portion of payment for administrative costs; authorizing collection methods for the commission or the Department of Financial Services for individuals who are no longer public officers or public employees; authorizing the commission to contract with a collection agency; authorizing a collection agency to utilize collection methods authorized by law; authorizing the commission to collect an unpaid fine within a specified period of issuance of the final order; amending s. 112.3147, F.S.; providing an exception to the requirement that all forms be prescribed by the commission; amending s. 112.3148, F.S.; revising the definition of “procurement employee”; creating a definition for “vendor”; prohibiting a reporting individual or procurement employee from soliciting or knowingly accepting a gift from a vendor; deleting references to political committees and committees of continuous existence; creating s. 112.31485, F.S.; providing definitions for “gift” and “immediate family”; prohibiting a reporting individual or procurement employee or a member of his or her immediate family from soliciting or knowingly accepting any gift from a political committee or committee of continuous existence; prohibiting a political committee or committee of continuous existence from giving any gift to a reporting individual or procurement employee or a member of his or her immediate family; providing penalties for a

violation; requiring that individuals who violate this section be held personally liable; amending s. 112.3149, F.S.; revising the definition of “procurement employee”; creating a definition for “vendor”; prohibiting a reporting individual or procurement employee from knowingly accepting an honorarium from a vendor; prohibiting a vendor from giving an honorarium to a reporting individual or procurement employee; amending s. 112.317, F.S.; making technical changes; amending s. 112.3215, F.S.; authorizing the commission to investigate sworn complaints alleging a prohibited expenditure; authorizing the commission to investigate a lobbyist or principal upon a sworn complaint or random audit; authorizing the Governor and Cabinet to assess a fine on a lobbyist or principal under specified conditions; providing a civil penalty; amending s. 112.324, F.S.; authorizing specified parties to submit written referrals of a possible violation of the Code of Ethics for Public Officers and Employees or other possible breaches of the public trust to the Commission on Ethics; establishing procedures for the receipt of written referrals by the commission; extending the period in which the disclosure of the intent to file or the filing of a complaint against a candidate is prohibited; providing exceptions; requiring the commission to dismiss a complaint of a de minimis violation; providing exceptions; defining a de minimis violation; reenacting s. 120.665, F.S., relating to disqualification of agency personnel, to incorporate the amendments to s. 112.3143, F.S., in a reference thereto; reenacting s. 286.012, F.S., relating to voting requirements at meetings of governmental bodies, to incorporate the amendments made to s. 112.3143, F.S., in a reference thereto; reenacting s. 287.175, F.S., relating to penalties, to incorporate the amendments made to s. 112.324, F.S., in a reference thereto; amending s. 288.901, F.S.; correcting a cross-reference; amending s. 445.007, F.S., and reenacting subsection (1) of that section, relating to regional workforce boards, to incorporate the amendments made to s. 112.3143, F.S., in a reference thereto; correcting cross-references; reenacting s. 627.311(5)(m), F.S., relating to joint underwriters and joint reinsurers, to incorporate the amendments made to s. 112.3143, F.S., in a reference thereto; reenacting s. 627.351(6)(d), F.S., relating to Citizens Property Insurance Corporation, to incorporate the amendments made to s. 112.3143, F.S.; providing an effective date.

—which was previously considered this day.

On motion by Senator Latvala, the Senate concurred in pending **House Amendment 1 (005347)** and **House Amendment 1A (138921)**.

CS for SB 2 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Detert, Legg

BILLS ON THIRD READING

CS for HB 7013—A bill to be entitled An act relating to the Florida Election Code; amending s. 97.0555, F.S.; revising the persons authorized to register late to vote; amending s. 101.161, F.S.; providing a limitation on the number of words for certain ballot summaries in joint resolutions proposed by the Legislature; specifying that the limitation on the number of words does not apply to a ballot summary revised by the

Attorney General; amending s. 101.657, F.S.; revising the list of permissible sites available for early voting; revising the number of days and hours for early voting; amending s. 101.68, F.S.; requiring the supervisor of elections to notify an elector whose absentee ballot is returned without a signature or with another defect that an absentee ballot may be re-issued upon completion of an affidavit; revising what a canvassing board may consider an illegal absentee ballot; providing a form for the affidavit; providing procedures for the reissuance of an absentee ballot; amending s. 102.141, F.S.; revising methods of selecting canvassing board members; requiring a supervisor of elections to upload certain canvassed election results into a county's election management system by the end of the early voting period; prohibiting disclosure of those results providing an effective date.

—as amended April 16 was read the third time by title.

RECONSIDERATION OF AMENDMENT

On motion by Senator Latvala, the Senate reconsidered the vote by which engrossed **Amendment 1 (166182)** was adopted April 16.

Senator Latvala moved the following amendments to **Amendment 1** which were adopted by two-thirds vote:

Amendment 1A (439432) (with title amendment)—Delete lines 26-174 and insert:

Section 3. Section 98.025, Florida Statutes, is created to read:

98.025 *Supervisors of elections; noncompliant status.*—

(1) *The Secretary of State may place a supervisor of elections in noncompliant status whenever that supervisor does not perform one or more of the following:*

- (a) *Timely file any report required by the Florida Election Code.*
- (b) *Ensure that ballots are distributed, collected, counted, and reported in accordance with applicable law.*
- (c) *Safeguard and account for voted ballots.*
- (d) *Follow any statute that imposes a duty or responsibility on a supervisor of elections.*
- (e) *Follow rules adopted by the Department of State concerning the implementation of any provision of the Florida Election Code.*

(2) *The Secretary of State shall submit the written decision to place or remove a supervisor of elections in noncompliant status to the affected supervisor and provide a copy of the decision to the Governor and the chair of the board of county commissioners in the supervisor's county.*

(3) *While a supervisor of elections is in noncompliant status, the supervisor is not entitled to receive the special qualification salary available pursuant to s. 145.09. When removed from noncompliant status, if otherwise eligible to receive the special qualification salary, the supervisor is entitled to a pro rata share of the special qualification salary based on the remaining period of the year.*

(4) *The Secretary of State may remove a supervisor from noncompliant status after 1 year of being placed in such status, provided that:*

- (a) *The supervisor has complied with any of the duties identified in subsection (1) while in a noncompliant status;*
 - (b) *The supervisor has completed during each year while in noncompliant status a course of continuing education pursuant to s. 145.09 as prescribed by the Division of Elections; and*
 - (c) *The supervisor has taken and received while in noncompliant status a grade of 90 percent or greater on a uniform statewide open-book examination testing the supervisor's knowledge of the Florida Election Code. The Florida State Association of Supervisors of Elections shall annually develop the examination, but the examination shall be approved and administered by the Division of Elections.*
- (5) *If a supervisor has been in noncompliant status for 3 consecutive years, the Secretary of State shall provide written notice of such event to*

the Governor for consideration of exercising the Governor's authority to suspend the supervisor pursuant to s. 7, Art. IV of the State Constitution.

(6) *The decision of the Secretary of State to place a supervisor of elections in noncompliant status or remove a supervisor of elections from noncompliant status is exempt from the provisions of chapter 120.*

(7) *This section is in addition to, and not exclusive of, the authority of the Governor to suspend and remove a supervisor of elections pursuant to s. 7, Art. IV of the State Constitution.*

Section 4. Section 100.061, Florida Statutes, is amended to read:

100.061 *Primary election.*—In each year in which a general election is held, a primary election for nomination of candidates of political parties shall be held on the Tuesday ~~10~~ **12** weeks prior to the general election. The candidate receiving the highest number of votes cast in each contest in the primary election shall be declared nominated for such office. If two or more candidates receive an equal and highest number of votes for the same office, such candidates shall draw lots to determine which candidate is nominated.

Section 5. Paragraphs (a) and (b) of subsection (2) of section 101.045, Florida Statutes, are amended to read:

101.045 Electors must be registered in precinct; provisions for change of residence or name.—

(2)(a) An elector who moves from the precinct in which the elector is registered ~~may be permitted to~~ vote in the precinct to which he or she has moved his or her legal residence, if the change of residence is within the same county ~~or the precinct to which the elector has moved his or her legal residence is within a county that uses an electronic database as a precinct register at the polling place~~, and the elector completes an affirmation in substantially the following form:

Change of Legal Residence of Registered Voter

Under penalties for false swearing, I, (Name of voter), swear (or affirm) that the former address of my legal residence was (Address of legal residence) in the municipality of, in County, Florida, and I was registered to vote in the precinct of County, Florida; that I have not voted in the precinct of my former registration in this election; that I now reside at (Address of legal residence) in the Municipality of, in County, Florida, and am therefore eligible to vote in the precinct of County, Florida; and I further swear (or affirm) that I am otherwise legally registered and entitled to vote.

(Signature of voter whose address of legal residence has changed)

(b) Except for an active uniformed services voter or a member of his or her family and except for an elector who has moved his or her legal residence to a precinct within a county that uses an electronic database as a precinct register at the polling place, an elector whose change of address is from outside the county may not change his or her legal residence at the polling place and must vote a provisional ~~regular~~ ballot; ~~however, such elector is entitled to vote a provisional ballot.~~

And the title is amended as follows:

Delete lines 1118-1143 and insert: creating s. 98.025, F.S.; authorizing the Secretary of State to place a supervisor of elections in noncompliant status under specified conditions; requiring the secretary to submit a written decision of placing or removing a supervisor in noncompliant status with specified persons; providing that a supervisor in noncompliant status is not entitled to receive the special qualification salary; providing requirements to remove a supervisor from noncompliant status; requiring the secretary to provide written notice to the Governor if a supervisor has been in noncompliant status for 3 consecutive years; amending s. 100.061, F.S.; decreasing the time period between a primary election and a general election; amending s. 101.045, F.S.; authorizing an elector to vote at the polling place in the precinct to which he or she has moved if such county uses an electronic database as a precinct register; amending s. 101.161, F.S.; providing a

Amendment 1B (195116) (with title amendment)—Between lines 100 and 101 insert:

Section 5. Section 100.032, Florida Statutes, is created to read:

100.032 Election preparation report; general election.—*Each supervisor of elections must submit a report to the board of county commissioners of the county in which he or she serves at least 3 months before a general election which outlines preparations for the upcoming general election. The report must include, at a minimum, the following elements: the anticipated staffing levels during the early voting period, on election day and after election day; and the anticipated amount of automatic tabulating equipment at each early voting site and polling place. Each supervisor of elections shall also post such report on the supervisor of elections' official website.*

And the title is amended as follows:

Delete line 1133 and insert: consecutive years; creating s. 100.032, F.S.; requiring each supervisor of elections to submit a report to his or her board of county commissioners at least 3 months before a general election; specifying the content of the report; requiring that such report be posted on the supervisor's website; amending s. 100.061, F.S.;

Senator Margolis moved the following amendment to **Amendment 1** which was adopted by two-thirds vote:

Amendment 1C (352480) (with title amendment)—Between lines 174 and 175 insert:

Section 8. Present subsection (8) of section 101.151, Florida Statutes, is renumbered as subsection (9), and a new subsection (8) is added to that section, to read:

101.151 Specifications for ballots.—

(8) *In counties subject to multi-language ballot requirements, the supervisor may petition the United States Department of Justice for authorization for the supervisor to print and deliver single-language ballots for each minority language required.*

And the title is amended as follows:

Delete line 1143 and insert: any election; amending s. 101.151, F.S.; authorizing the supervisor to petition the United States Department of Justice for authorization for the supervisor to print and deliver single-language ballots; amending s. 101.161, F.S.; providing a

Senator Latvala moved the following amendments to **Amendment 1** which were adopted by two-thirds vote:

Amendment 1D (814256)—Delete line 603 and insert: *must be postmarked or dated no later than the date of*

Amendment 1E (493370)—Delete line 883 and insert: *election, your absentee ballot must be postmarked or*

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

Senator Latvala moved the following amendment to **Amendment 1** which was adopted by two-thirds vote:

Amendment 1F (222506)—Delete line 963 and insert: *postmarked or dated no later than the date of the*

Amendment 1 (166182) as further amended was adopted by two-thirds vote.

On motion by Senator Latvala, **CS for HB 7013** as amended was passed and certified to the House. The vote on passage was:

Yeas—26

Mr. President	Evers	Lee
Altman	Flores	Legg
Bean	Galvano	Negron
Benacquisto	Garcia	Richter
Bradley	Gardiner	Simmons
Brandes	Grimsley	Simpson
Dean	Hays	Stargel
Detert	Hukill	Thrasher
Diaz de la Portilla	Latvala	

Nays—13

Abruzzo	Margolis	Sobel
Braynon	Montford	Soto
Clemens	Ring	Thompson
Gibson	Sachs	
Joyner	Smith	

INTRODUCTION OF FORMER SENATORS

The President recognized former Senator Paula Dockery who was present in the chamber.

MOTIONS

On motion by Senator Thrasher, by two-thirds vote **CS for HB 841** and **CS for SB 1842** were ordered immediately certified to the House.

On motion by Senator Thrasher, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Thursday, April 25.

REPORTS OF COMMITTEES

Pursuant to Rule 4.17(1), the Rules Chair, Majority Leader, and Minority Leader submit the following bills to be placed on the Special Order Calendar for Wednesday, April 24, 2013: CS for SB 768, CS for CS for SB 1382, SB 1830, SB 1832, SB 1842, SB 1852, CS for CS for SB 528, CS for SB 1494, CS for SB 1496, CS for SB 962, CS for CS for SB 1442, SB 706, SB 736, CS for CS for SB 874, CS for CS for SB 390, CS for CS for SB 580, CS for CS for SB 1410, SB 1424, CS for CS for SB 1472, CS for CS for SB 1160, CS for SB 1014, SM 1600, CS for CS for CS for SB 1734, SB 1848, SB 1850, CS for SB 418, CS for CS for SB 1128, CS for CS for SB 1210, CS for CS for SB 1392, SB 1800, CS for SB 1756.

Respectfully submitted,
John Thrasher, Rules Chair
Lizbeth Benacquisto, Majority Leader
Christopher L. Smith, Minority Leader

The Committee on Education recommends a committee substitute for the following: SB 1052

The bill with committee substitute attached was referred to Appropriations Subcommittee on Finance and Tax under the original reference.

The Committee on Education recommends a committee substitute for the following: SB 1164

The bill with committee substitute attached was referred to the Committee on Rules under the original reference.

The Committee on Rules recommends committee substitutes for the following: CS for SB 594; CS for SB 836; SB 1412

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

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

Senate Resolutions 1890-1892—Not Referenced

By Senator Bean—

SR 1894—A resolution recognizing the ballad “I Am Florida” as one of the official state songs of this state and as a companion piece to “The Swanee River (Old Folks at Home).”

—was referred to the Committees on Governmental Oversight and Accountability; and Rules.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Rules; and Banking and Insurance; and Senator Bean—

CS for CS for SB 594—A bill to be entitled An act relating to health care accreditation; amending ss. 154.11, 394.741, 397.403, 400.925, 400.9935, 402.7306, 408.05, 430.80, 440.13, 627.645, 627.668, 627.669, 627.736, 641.495, and 766.1015, F.S.; conforming provisions to the revised definition of the term “accrediting organizations” in s. 395.002, F.S., as amended by s. 4, ch. 2012-66, Laws of Florida, for purposes of hospital licensing and regulation by the Agency for Health Care Administration; amending s. 395.3038, F.S.; deleting an obsolete provision relating to a requirement that the agency provide certain notice relating to stroke centers to hospitals; conforming provisions to changes made by the act; providing an effective date.

By the Committees on Rules; and Banking and Insurance; and Senator Simmons—

CS for CS for SB 836—A bill to be entitled An act relating to insurer solvency; creating s. 624.085, F.S.; providing definitions applicable to the Florida Insurance Code; amending s. 624.4085, F.S.; revising a definition; providing additional calculations for determining whether an insurer has a company action level event; revising provisions relating to mandatory control level events; amending s. 624.424, F.S.; requiring an insurer's annual statement to include an actuarial opinion summary; providing criteria for such summary; providing an exception for life and health insurers; updating provisions; amending s. 625.121, F.S.; protecting material supporting an insurer's annual actuarial opinion from subpoena, discovery, or admissibility in a civil action; amending s. 628.461, F.S.; revising the amount of outstanding voting securities of a domestic stock insurer or a controlling company that a person is prohibited from acquiring unless certain requirements have been met; deleting a provision authorizing an insurer to file a disclaimer of affiliation and control in lieu of a letter notifying the Office of Insurance Regulation of the Financial Services Commission of the acquisition of the voting securities of a domestic stock company under certain circumstances; requiring the statement notifying the office to include additional information; conforming a provision to changes made by the act; providing that control is presumed to exist under certain conditions; specifying how control may be rebutted and how a controlling interest may be divested; deleting definitions; amending s. 628.801, F.S.; requiring an insurer to file annually by a specified date a registration statement; revising the requirements and standards for the rules establishing the information and statement form for the registration; requiring an insurer to file an annual enterprise risk report; authorizing the office to conduct examinations to determine the financial condition of registrants; providing that failure to file a registration or report is a violation of the section; providing additional grounds, requirements, and conditions with respect to a waiver from the registration requirements; amending s. 628.803, F.S.; providing for sanctions for persons who violate s. 628.461, F.S., relating to the acquisition of controlling stock; creating s. 628.805, F.S.; authorizing the office to participate in supervisory colleges; authorizing the office to assess fees on insurers for participation; amending ss. 636.045 and 641.225, F.S.; applying certain statutes related to solvency to prepaid limited health service organizations and health maintenance organizations; amending s. 641.255, F.S.; providing for applicability of specified provisions to a health maintenance organization that is a member of a holding company; providing contingent effective dates.

By the Committee on Education; and Senator Montford—

CS for SB 1052—A bill to be entitled An act relating to discretionary sales surtaxes; amending s. 212.055, F.S.; authorizing a county school board to use the school surtax to purchase school buses and other needs; providing an effective date.

By the Committee on Education; and Senators Stargel and Bullard—

CS for SB 1164—A bill to be entitled An act relating to high school athletics; reenacting and amending s. 1002.20(17), F.S.; making technical changes; amending s. 1006.15, F.S.; revising criteria for student eligibility for participation in extracurricular activities; defining the term “public school”; authorizing certain students to participate in an extracurricular activity at another school subject to certain requirements; amending s. 1006.19, F.S.; providing requirements for an annual financial and compliance audit of an association that supervises interscholastic activities of public high schools; requiring that an association or corporation that supervises interscholastic activities of public high schools complete a report; specifying report requirements; requiring the report to be submitted to the Commissioner of Education and the Legislature annually; amending s. 1006.20, F.S.; providing that the designation of the Florida High School Athletic Association (FHSAA) as the governing nonprofit organization of athletics expires on a specified date; specifying that the FHSAA is subject to the provisions of chs. 119 and 286, F.S.; revising the criteria for bylaws, policies, or guidelines adopted by the FHSAA; requiring the FHSAA to complete a review by a specified date; requiring that the FHSAA submit a report to the Commissioner of Education, the Governor, and the Legislature; providing requirements for investigations and investigators; authorizing the assessment of fees to cover costs for certain proceedings; establishing notice requirements; providing procedures for student residence and transfer approvals; providing for hearings before the Division of Administrative Hearings (DOAH); authorizing DOAH to assess fees payable by the nonprevailing party to administer the hearings; providing that the burden is on the FHSAA to demonstrate by clear and convincing evidence that a student is ineligible to participate in a high school athletic competition; requiring that the FHSAA pay costs and attorney fees in certain circumstances; revising the composition of the board of directors of the FHSAA and terms of office; revising what constitutes a quorum of the board of directors; providing that the appointment of the executive director is subject to Senate confirmation; providing restrictions on the salary, per diem, and travel expenses of the FHSAA's executive director; providing restrictions on the levy of dues and fees and the collection of contest receipts; providing authority to levy fines, penalties, and sanctions against schools and coaches; revising provisions relating to the FHSAA's representative assembly; providing that members of the FHSAA's public liaison advisory committee are entitled to reimbursement for per diem and travel expenses at the same rate as state employees; providing an effective date.

By the Committee on Rules; and Senator Richter—

CS for SB 1412—A bill to be entitled An act relating to expert testimony; amending s. 90.702, F.S.; providing that a witness qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion or otherwise as to the facts at issue in a case under certain circumstances; providing that the elements necessary to allow a witness to testify as an expert witness are satisfied if the principles and methods on which such knowledge is based are generally accepted by the relevant expert community; providing for applicability; amending s. 90.704, F.S.; providing that facts or data that are otherwise inadmissible in evidence may not be disclosed to the jury by the proponent of the opinion or inference unless the court determines that the probative value of the facts or data in assisting the jury to evaluate the expert's opinion substantially outweighs the prejudicial effect of the facts or data; providing an effective date.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State **CS for SB 286, CS for SB 294, SB 338, CS for SB 444, and CS for CS for SB 674**, which he approved on April 24, 2013.

REPORTS OF COMMITTEE RELATING TO EXECUTIVE BUSINESS

EXECUTIVE ORDER NUMBER 08-228

(Executive Order of Suspension)

WHEREAS, Robert Anthony Parker a/k/a Tony Parker, is presently serving as a County Commissioner for Levy County, Florida, and

WHEREAS, on October 20, 2008, the Grand Jury for the United States District Court, Northern District of Florida, issued an Indictment charging Robert Anthony Parker with one count of conspiracy to commit bribery in violation of Title 18, United States Code, Section 666(a)(1)(B) and Title 18, United States Code, Section 371; and with one count of bribery in violation of Title 18, United States Code, Section 666(a)(1)(B) and 2; and

WHEREAS, violations of Title 18, United States Code, Section 666(a)(1)(B) and Title 18, United States Code, Section 371; Title 18, United States Code, Section 666(a)(1)(B) and 2 constitute felonies; and

WHEREAS, it is in the best interest of the residents of the County of Levy, and the citizens of the State of Florida that Robert Anthony Parker be immediately suspended from the public office which he now holds, upon the grounds set forth in this executive order;

NOW, THEREFORE, I, Charlie Crist, Governor of Florida, pursuant to Article IV, Section 7, Florida Constitution, find as follows:

A. Robert Anthony Parker is, and at all times material was, County Commissioner for the County of Levy, Florida.

B. The office of County Commissioner for the County of Levy, Florida, is within the purview of the suspension powers of the Governor, pursuant to Article IV, Section 7, Florida Constitution.

C. The attached Indictment alleges that Robert Anthony Parker committed acts in violation of the Laws of the United States. This suspension is predicated upon the attached Indictment which is incorporated as if fully set forth in this executive order.

BEING FULLY ADVISED in the premises, and in accordance with the Constitution and the laws of the State of Florida, this Executive Order is issued, effective today:

Section 1. Robert Anthony Parker is hereby suspended from the public office which he now holds, to wit: County Commissioner for the County of Levy, Florida.

Section 2. Robert Anthony Parker is hereby prohibited from performing any official act, duty, or function of public office; from receiving any pay or allowance; and from being entitled to any of the emoluments or privileges of public office during the period of this suspension, which period shall be from today hereof, until a further Executive Order is issued, or as otherwise provided by law.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, the Capitol, this 5th day of November, 2008.

Charlie Crist
GOVERNOR

ATTEST:

Kurt S. Browning
SECRETARY OF STATE

Previously referred to the Committee on Ethics and Elections
January 5, 2009.

The Honorable Don Gaetz
President of the Senate

April 24, 2013

RE: Suspension of PARKER, Robert
Member, Board of County Commissioners
Levy County, Florida

The Committee on Ethics and Elections submits this final report on the matter of the suspension of Robert Parker.

By Executive Order Number 08-228 filed with the Secretary of State on November 5, 2008, and pursuant to Article IV, section 7(a) of the Florida Constitution, the Honorable Charlie Crist, Governor, suspended Robert Parker as a member of the Board of County Commissioners, Levy County, Florida, alleging the commission of a federal felony. Mr. Parker was charged with Conspiracy to Commit Bribery (18 U.S.C. 666) and Bribery (18 U.S.C. 666). On November 6, 2012, a successor was elected to a new term of office in his former seat.

Based on the foregoing, I advise and recommend that the Senate take no action on the above-named suspension during the 2013 Regular Session of the Florida Legislature, and consider the matter closed.

Sincerely,
Jack Latvala, Chair

EXECUTIVE ORDER NUMBER 08-229

(Executive Order of Suspension)

WHEREAS, William Samuel Yearty a/k/a Sammy Yearty is presently serving as a County Commissioner for Levy County, Florida, and

WHEREAS, on October 20, 2008, the Grand Jury for the United States District Court, Northern District of Florida, issued an Indictment charging William Samuel Yearty with one count of conspiracy to commit bribery in violation of Title 18, United States Code, Section 666(a)(1)(B) and Title 18, United States Code, Section 371; with one count of bribery in violation of Title 18, United States Code, Section 666(a)(1)(B) and 2; and with one count of knowingly making a false or fraudulent statement in violation of Title 18, United States Code, Section 1001(a); and

WHEREAS, violations of Title 18, United States Code, Section 666(a)(1)(B) and Title 18, United States Code, Section 371; Title 18, United States Code, Section 666(a)(1)(B) and 2; and Title 18, United States Code, Section 1001(a) constitute felonies; and

WHEREAS, it is in the best interest of the residents of the County of Levy, and the citizens of the State of Florida that William Samuel Yearty be immediately suspended from the public office which he now holds, upon the grounds set forth in this executive order;

NOW, THEREFORE, I, Charlie Crist, Governor of Florida, pursuant to Article IV, Section 7, Florida Constitution, find as follows:

A. William Samuel Yearty is, and at all times material hereto was, County Commissioner for the County of Levy, Florida.

B. The office of County Commissioner for the County of Levy, Florida, is within the purview of the suspension powers of the Governor, pursuant to Article IV, Section 7, Florida Constitution.

C. The attached Indictment alleges that William Samuel Yearty committed acts in violation of the laws of the United States. This suspension is predicated upon the attached Indictment which is incorporated as if fully set forth in this executive order.

BEING FULLY ADVISED in the premises, and in accordance with the Constitution and the laws of the State of Florida, this Executive Order is issued, effective today:

Section 1. William Samuel Yearty is hereby suspended from the public office which he now holds, to wit: County Commissioner for the County of Levy, Florida.

Section 2. William Samuel Yearty is prohibited from performing any official act, duty, or function of public office; from receiving any pay or allowance; and from being entitled to any of the emoluments or privileges of public office during the period of this suspension, which period shall be from today, until a further Executive Order, or as otherwise provided by law.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, the Capitol, this 5th day of November, 2008.

Charlie Crist
GOVERNOR

ATTEST:
Kurt S. Browning
SECRETARY OF STATE

**Previously referred to the Committee on Ethics and Elections
January 5, 2009.**

The Honorable Don Gaetz
President of the Senate

April 24, 2013

RE: Suspension of YEARTY, William
Member, Board of County Commissioners
Levy County, Florida

The Committee on Ethics and Elections submits this final report on the matter of the suspension of William Yearty.

By Executive Order Number 08-229 filed with the Secretary of State on November 5, 2008, and pursuant to Article IV, section 7(a) of the Florida Constitution, the Honorable Charlie Crist, Governor, suspended William Yearty as a member of the Board of County Commissioners, Levy County, Florida, alleging the commission of a federal felony. Mr. Yearty was charged with Conspiracy to Commit Bribery (18 U.S.C. 666); Bribery (18 U.S.C. 666); and Knowingly Making a False Statement (18 U.S.C. 1001). On November 6, 2012, a successor was elected to a new term of office in his former seat.

Based on the foregoing, I advise and recommend that the Senate take no action on the above-named suspension during the 2013 Regular Session of the Florida Legislature, and consider the matter closed.

Sincerely,
Jack Latvala, Chair

EXECUTIVE ORDER NUMBER 09-264
(Executive Order of Suspension)

WHEREAS, Scott Rothstein, on August 25, 2008 was appointed to serve as a Commissioner for the fourth Appellate District Judicial Nominating Commission; and

WHEREAS, my administration has been monitoring the federal investigation by the United States Attorney's offices concerning Mr. Rothstein's business and financial affairs. Mr. Rothstein has agreed to permanent disbarment from the Florida Bar due to allegations of disciplinary violations of the Rules Regulating the Florida Bar, including the misappropriation of funds from trust accounts; and

WHEREAS, Florida Statute 43.291(5) provides that the Governor may suspend, for cause, member of the judicial nominating commission, consistent with Article IV, Section 7, Florida Constitution which provides that the Governor may suspend from office any state officer for "malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, permanent inability to perform official duties, or commission of a felony [;]" and

WHEREAS, Mr. Rothstein's agreement to permanent disbarment from the Florida Bar due to allegations of Rules Regulating the Florida Bar, including the misappropriation of funds from trust accounts, constitutes malfeasance or misfeasance in relation to his duties as a Commissioner by reflecting discredit upon the judicial selection process; and

WHEREAS, it is in the best interest of the residents of Fourth Judicial District, and the citizens of the State of Florida, that Scott Rothstein be immediately suspended from the public office, to which he has been appointed, upon the grounds set forth in this executive order

NOW, THEREFORE, I, CHARLIE CRIST, Governor of Florida, pursuant to the Article IV, Section 7, Florida Constitution, find as follows:

A. Scott Rothstein was appointed to serve as Commissioner for the Fourth Appellate District Judicial Nominating Commission.

B. The Commissioner for the Fourth Appellate District Judicial Nominating Commission is within the purview of the suspension powers of the Governor, pursuant to Article IV, Section 7, Florida Constitution.

C. This suspension is predicated upon Mr. Rothstein's agreement to permanent disbarment from the Florida Bar due to allegations of disciplinary violations of the Rules Regulating the Florida Bar, including the misappropriation of funds from trust accounts, and which constitutes malfeasance or misfeasance in relation to his duties as a Commissioner by reflecting discredit upon the judicial selection process.

BEING FULLY ADVISED in the premises, and in accordance with the Constitution and the laws of the State of Florida, this Executive Order is issued, effective today:

Section 1. Scott Rothstein is suspended from the public office, to which he has been elected, to wit: Commissioner for the Fourth Appellate District Judicial Nominating Commission.

Section 2. Scott Rothstein is hereby prohibited from performing any official act, duty, or function of public office; from receiving any pay or allowance; and from being entitled to any of the emoluments or privileges of public office during the period of this suspension, which period shall be from today, until a further Executive Order is issued, or as otherwise provided by law.

Section 3. Pursuant to Article IV, Section 7, Florida Constitution, I hereby appoint William Berger, Esq. to fill this public office for the period of the suspension.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 24th day of November, 2009.

Charlie Crist
GOVERNOR

ATTEST:
Kurt S. Browning
SECRETARY OF STATE

**Previously referred to the Committee on Ethics and Elections
December 3, 2009.**

The Honorable Don Gaetz
President of the Senate

April 24, 2013

RE: Suspension of ROTHSTEIN, Scott
Member, Judicial Nominating Commission
Fourth District Court of Appeal

The Committee on Ethics and Elections submits this final report on the matter of the suspension of Scott Rothstein, member, Judicial Nominating Commission, Fourth District Court of Appeal.

By Executive Order Number 09-264 filed with the Secretary of State on November 29, 2009, and pursuant to Article IV, section 7(a) of the Florida Constitution, the Honorable Charlie Crist, Governor, suspended Scott Rothstein as a member of the Judicial Nominating Commission for the Fourth District Court of Appeal, alleging malfeasance or misfeasance which is predicated upon his admission to violations of the Rules Regulating the Florida Bar. The term of office which Mr. Rothstein was serving expired on July 1, 2012. The successor was appointed to a new term of office beginning October 11, 2012 and ending on July 1, 2016.

Based on the foregoing, I advise and recommend that the Senate take no action on the above-named suspension during the 2013 Regular Session of the Florida Legislature, and consider the matter closed.

Sincerely,
Jack Latvala, Chair

EXECUTIVE ORDER NUMBER 10-95
(Executive Order of Suspension)

WHEREAS, Mildred Fernandez is presently serving as a member of the Orange County Commission, District 3; and

WHEREAS, on April 27, 2010, The Florida Department of Law Enforcement arrested Mildred Fernandez, based on probable cause that she committed bribery, grand theft, and accepting cash campaign contributions in excess of \$50, in violation of Sections 838.015, 812.014(2)(c), and 106.09(2)(b), Florida Statutes; and

WHEREAS, a violation of Section 838.015, Florida Statutes, constitutes a felony of the second degree; a violation of 812.014(2)(c), Florida Statutes, constitutes a felony of the third degree; and a violation of Section 106.09(2)(b), Florida Statutes, constitutes a felony of the third degree; and

WHEREAS, Article IV, Section 7, of the Florida Constitution provides that the Governor may suspend from office any county officer for "malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, permanent inability to perform official duties, or commission of a felony;" and

WHEREAS, it is in the best interests of the residents of Orange County, and the citizens of the State of Florida, that Mildred Fernandez be immediately suspended from the public office which she now holds, upon the grounds set forth in this executive order;

NOW, THEREFORE, I, CHARLIE CRIST, Governor of Florida, pursuant to Article IV, Section 7, Florida Constitution, find as follows:

A. Mildred Fernandez is, and at all times material was, a member of the Orange County Commission, District 3.

B. The office of Orange County Commission is within the purview of the suspension powers of the Governor, pursuant to Article IV, Section 7, Florida Constitution.

C. The attached probable cause affidavit alleges that Mildred Fernandez committed felonies in violation of the laws of Florida, which acts also constitute malfeasance. This suspension is predicated upon the attached probable cause affidavit which alleges the commission of felonies and is incorporated as if fully set forth in this executive order.

BEING FULLY ADVISED in the premises, and in accordance with the Constitution and the laws of the State of Florida, this Executive Order is issued, effective today:

Section 1. Mildred Fernandez is suspended from the public office, which she now holds, to wit: member of the Orange County Commission, District 3.

Section 2. Mildred Fernandez is prohibited from performing any official act, duty, or function of public office; from receiving any pay or allowance; and from being entitled to any of the emoluments or privileges of public office during the period of this suspension, which period shall be from today, until a further Executive Order is issued, or as otherwise provided by law.



IN TESTIMONY WHEREOF, I have hereunto set my hand and have caused the Great Seal of the State of Florida to be affixed at Tallahassee, this 27th day of April, 2010.

Charlie Crist
GOVERNOR

ATTEST:
Kurt S. Browning
SECRETARY OF STATE

**Previously referred to the Committee on Ethics and Elections
April 30, 2010.**

The Honorable Don Gaetz
President of the Senate

April 24, 2013

RE: Suspension of FERNANDEZ, Mildred
Member, Orange County Commission
Orange County, Florida

The Committee on Ethics and Elections submits this final report on the matter of the suspension of Mildred Fernandez.

By Executive Order Number 10-95 filed with the Secretary of State on April 27, 2010, and pursuant to Article IV, section 7(a) of the Florida Constitution, the Honorable Charlie Crist, Governor, suspended Mildred Fernandez as a member of the Board of County Commissioners of Orange County, Florida, alleging commission of a felony and malfeasance. Ms. Fernandez was charged with Unlawful Compensation for Official Behavior (s. 838.016, F.S.); Accepting Cash Campaign Contributions (s. 106.09(2)(b), F.S.); and numerous other offenses. On February 9, 2012, Ms. Fernandez was convicted of Unlawful Compensation for Official Behavior and several other felonies. Because Ms. Fernandez was convicted of several felonies, she is disqualified from holding office. Additionally, on November 6, 2012, a successor was elected to a new term of office in her former seat.

Based on the foregoing, I advise and recommend that the Senate take no action on the above-named suspension during the 2013 Regular Session of the Florida Legislature, and consider the matter closed.

Sincerely,
Jack Latvala, Chair

**MESSAGES FROM THE HOUSE OF
REPRESENTATIVES**

FIRST READING

The Honorable Don Gaetz, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 157, CS for HB 163, CS for CS for HB 217, CS for CS for HB 437, HB 683, CS for CS for CS for HB 701, CS for CS for HB 713, HB 759, CS for HB 783, CS for HB 795, CS for CS for HB 833, CS for HB 837, CS for HB 845, CS for CS for CS for HB 973, CS for HB 975, CS for HB 1067, CS for CS for CS for HB 1083, CS for CS for HB 1093, CS for CS for HB 1109, CS for CS for CS for HB 1145, CS for CS for HB 1147, HB 1221, CS for CS for HB 1393, HB 7015, HB 7079, CS for HB 7129, HB 7143, HB 7145; has passed as amended CS for CS for HB 49, CS for CS for HB 203, CS for CS for HB 229, CS for CS for HB 347, CS for HB 351, CS for CS for HB 411, CS for CS for HB 743, CS for CS for HB 939, CS for HB 1071, CS for HB 7019, CS for HB 7087, CS for HB 7165; has passed by the required constitutional two-thirds vote of the members voting CS for CS for HB 359, CS for HB 361, CS for CS for HB 1085, HB 7089, CS for HB 7135; has adopted HM 1253 and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

By Insurance & Banking Subcommittee and Representative(s) Holder—

CS for HB 157—A bill to be entitled An act relating to delivery of insurance policies; amending s. 627.421, F.S.; authorizing an insurer to electronically transmit an insurance policy to the insured or other person entitled to receive the policy; providing an exception to electronic transmission for specified policies; providing requirements for electronic transmission of a policy; requiring that a paper copy of the policy be provided upon request of the insured or other person entitled to receive the policy; providing an effective date.

—was referred to the Committees on Banking and Insurance; Commerce and Tourism; and Rules.

By Regulatory Affairs Committee and Representative(s) Smith—

CS for HB 163—A bill to be entitled An act relating to ticket sales; amending s. 817.355, F.S.; providing enhanced criminal penalties for second and subsequent violations concerning fraudulent creation or possession of an admission ticket; providing criminal penalties for persons who commit such violations involving more than a specified number of tickets; amending s. 817.361, F.S.; providing definitions; prohibiting the fraudulent repurchase of a multiuse ticket; providing enhanced criminal penalties for second or subsequent violations of provisions relating to the resale or repurchase of multiuse tickets; providing an effective date.

—was referred to the Committees on Commerce and Tourism; Judiciary; Criminal Justice; Appropriations; and Rules.

By Government Operations Appropriations Subcommittee, Insurance & Banking Subcommittee and Representative(s) Cummings, Oliva, Artiles, Rodrigues, R.—

CS for CS for HB 217—A bill to be entitled An act relating to money services businesses; amending s. 560.310, F.S.; requiring licensees engaged in check cashing to submit certain transaction information to the Office of Financial Regulation related to the payment instruments cashed; requiring the office to maintain the transaction information in a centralized check cashing database; requiring the office to issue a competitive solicitation for a database to maintain certain transaction information relating to check cashing; authorizing the office to request funds and to submit draft legislation after certain requirements are met; authorizing the Financial Services Commission to adopt rules; providing an effective date.

—was referred to the Committees on Banking and Insurance; Appropriations Subcommittee on General Government; and Appropriations.

By Economic Affairs Committee, Finance & Tax Subcommittee and Representative(s) Davis, Renuart, Eagle, Fullwood, Hutson, Pritchett, Raschein—

CS for CS for HB 437—A bill to be entitled An act relating to community development; amending s. 159.603, F.S.; revising the definition of "qualifying housing development"; amending s. 159.608, F.S.; revising the power of a housing finance authority to make loans directly to eligible persons; amending s. 196.1978, F.S.; deleting an ad valorem tax exemption for property owned by certain Florida-based limited partnerships and used for affordable housing for certain income-qualified persons; providing for retroactive application; amending s. 420.507, F.S.; revising the powers of the Florida Housing Finance Corporation; specifying how the corporation will allocate certain funds; amending s. 420.5087, F.S.; revising provisions relating to state apartment incentive loans to provide for a competitive evaluation and selection process with respect to loan applications; amending s. 420.511, F.S.; providing that the corporation's strategic business plan must be consistent with a long-range program plan relating to affordable housing; deleting a requirement that the corporation compile certain data; revising provisions relating to the corporation's development of its long-range plan; revising the required contents and information to be included in the corporation's annual report; requiring the corporation to submit separate audited financial statements that include specified information and incorporate certain reports; requiring the Auditor General to conduct an operational audit of the corporation and provide a written report to the Legislature; amending ss. 420.0003, 420.0006, 420.504, and 420.506, F.S.; conforming provisions to changes made by this act; repealing s. 420.5091, F.S., relating to the federal Homeownership and Opportunity for People Everywhere (HOPE) program; providing effective dates.

—was referred to the Committees on Community Affairs; Appropriations Subcommittee on Finance and Tax; and Appropriations.

By Representative(s) Pilon—

HB 683—A bill to be entitled An act relating to motor vehicles; amending ss. 320.02 and 322.08, F.S.; requiring the application forms for motor vehicle registration and renewal of registration and for an original, renewal, or replacement driver license or identification card to include language permitting the applicant to make a voluntary contribution to Auto Club Group Traffic Safety Foundation, Inc.; providing that such contributions are not income for specified purposes; providing for use of funds; providing that the foundation must comply with specified provisions; providing an effective date.

—was referred to the Committees on Transportation; Rules; and Appropriations.

By Health & Human Services Committee, Health Care Appropriations Subcommittee, Healthy Families Subcommittee and Representative(s) Smith, Adkins, Coley, Cummings, Eagle, Gaetz, Hager, O'Toole, Patronis, Rodrigues, R., Tobia, Wood—

CS for CS for CS for HB 701—A bill to be entitled An act relating to electronic benefits transfer cards; amending s. 402.82, F.S.; conforming terminology; proving enforcement authority to the department; restricting the use of electronic benefits transfer cards; providing that an electronic benefits transfer card may not be used or accepted at certain establishments licensed under the Beverage Law, an adult entertainment establishment, a pari-mutuel facility, a slot machine facility, an unauthorized commercial bingo facility, a casino, a gaming facility or gambling facility, or any gaming activities authorized under part II of ch. 285, F.S.; providing an effective date.

—was referred to the Committees on Regulated Industries; Children, Families, and Elder Affairs; and Appropriations.

By State Affairs Committee, Agriculture & Natural Resources Subcommittee and Representative(s) Pigman, Albritton, Mayfield—

CS for CS for HB 713—A bill to be entitled An act relating to water quality credit trading; reenacting s. 373.4595(1)(n), F.S., relating to water quality credit trading, to incorporate the amendments made to s. 403.067, F.S., in a reference thereto; amending s. 403.067, F.S.; authorizing the department to implement water quality credit trading in adopted basin management action plans on an ongoing basis; deleting a requirement that voluntary trading of water credits be limited to the Lower St. Johns River Basin; authorizing additional water quality protection programs to participate in water quality credit trading; revising provisions relating to rulemaking for water quality credit trading programs; eliminating a requirement that water quality credit trading be limited to the Lower St. Johns River Basin as a pilot project; deleting a required report; making technical changes; reenacting s. 403.088(2)(e), F.S., relating to water pollution operation permits, to incorporate the amendments made to s. 403.067, F.S., in a reference thereto; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; Community Affairs; and Appropriations.

By Representative(s) Ahern, Grant, Baxley, Eagle, Fasano, Renuart, Rodrigues, R., Van Zant—

HB 759—A bill to be entitled An act relating to offenses against unborn children; providing a short title; amending s. 775.021, F.S.; providing a rule of construction that a person who engages in conduct that violates any provision of the Florida Criminal Code or of a criminal offense defined by another statute and causes the death of, or bodily injury to, an unborn child commits a separate offense if such an offense is not otherwise specifically provided for; providing for criminal penalties for such an offense; specifying that certain types of knowledge or intent

are not necessary for such an offense; providing exceptions; providing a definition; amending s. 316.193, 435.04, 782.071, 782.09, and 921.0022, F.S.; defining and substituting the term "unborn child" for similar terms used in provisions relating to driving under the influence, employment background screening standards, vehicular homicide, the killing of an unborn quick child by injury to the child's mother; and the offense severity ranking chart of the Criminal Punishment Code, respectively; conforming terminology; providing an effective date.

—was referred to the Committees on Health Policy; Criminal Justice; Judiciary; and Appropriations.

By Insurance & Banking Subcommittee and Representative(s) Eagle—

CS for HB 783—A bill to be entitled An act relating to branch offices conducting securities transactions; amending s. 517.12, F.S.; providing for a branch office notice filing with the Office of Financial Regulation in lieu of registration; creating s. 517.1202, F.S.; prohibiting a securities dealer or investment advisor from conducting business from a branch office unless a specified notice has been filed with the office; providing requirements and procedures with respect to notice filing for branch offices; authorizing the Financial Services Commission to adopt rules relating to such notice filings; providing a fee for a branch office notice filing; providing for expiration, renewal, suspension, revocation, and termination of branch office notice filings under specified circumstances; providing applicability and construction with respect to fees collected for branch office notice filings; amending ss. 517.1205, 517.121, 517.161, 517.1611, and 517.211, F.S.; conforming provisions to changes made by the act with respect to requiring branch office notice filings with the Office of Financial Regulation in lieu of registration; providing an effective date.

—was referred to the Committees on Banking and Insurance; Commerce and Tourism; and Judiciary.

By Business & Professional Regulation Subcommittee and Representative(s) La Rosa, Hutson—

CS for HB 795—A bill to be entitled An act relating to premises inspections; amending s. 509.032, F.S.; requiring the Division of Hotels and Restaurants of the Department of Business and Professional Regulation to adopt rules for a risk-based inspection frequency for licensed public food service establishments; providing criteria; conforming terminology; providing an effective date.

—was referred to the Committees on Regulated Industries; Appropriations Subcommittee on General Government; and Appropriations.

By Judiciary Committee, Civil Justice Subcommittee and Representative(s) Passidomo—

CS for CS for HB 833—A bill to be entitled An act relating to general assignments; amending s. 727.103, F.S.; defining the term "negative notice"; amending s. 727.104, F.S.; requiring an assignee's bond to be in at least a specific amount or double the liquidation value of the unencumbered and liquid assets of the estate, whichever is higher; amending s. 727.108, F.S.; authorizing an assignee to conduct certain discovery to determine whether to prosecute certain claims or causes of action; extending the time period an assignee may conduct the business of the assignor; authorizing the assignee to continue conducting the business of the assignor under certain circumstances by serving negative notice; amending s. 727.109, F.S.; extending the time period for which a court may authorize an assignee to conduct the business of the assignor; amending s. 727.110, F.S.; providing procedures for an assignee's rejection of an unexpired lease of nonresidential real property or of personal property; requiring the assignee to serve a notice of rejection on certain persons and file it with the court; requiring that a notice of rejection for personal property include certain information about the affected property; specifying the effective date of the rejection; requiring the estate's rights and obligations to and liability for the affected property to ter-

minate under certain circumstances; amending s. 727.111, F.S.; extending the minimum time period for giving notice to the assignor and creditors; conforming language; providing a procedure for serving notice on certain persons; requiring an objection to be filed and served within a specific time period; requiring the notice to be in a specified form; providing that the assignee may take certain actions if an objection is not filed; requiring the court to hear a filed objection; authorizing the court to shorten negative notice under certain circumstances; providing that a party may raise the shortened notice period in certain objections; requiring a certificate of service for negative notice to be filed with the court under certain circumstances; requiring negative notice to be given to certain persons under certain circumstances; amending s. 727.113, F.S.; providing procedures for serving an objection to a claim; providing that the Florida Rules of Civil Procedure apply to objections to claims in all pending cases beginning on a specific date; creating s. 727.117, F.S.; requiring an assignee's deed to be in a specific form; providing an effective date.

—was referred to the Committees on Judiciary; Banking and Insurance; and Rules.

By Local & Federal Affairs Committee and Representative(s) Mayfield—

CS for HB 837—A bill to be entitled An act relating to tax deeds; amending s. 197.502, F.S.; authorizing the tax collector to charge for reimbursement of the costs for providing online tax deed application services; providing that an applicant's use of such online application services is optional under certain circumstances; providing an effective date.

—was referred to the Committees on Community Affairs; Appropriations Subcommittee on Finance and Tax; and Appropriations.

By Criminal Justice Subcommittee and Representative(s) Van Zant, Ahern, Campbell, Eagle, Fasano, Gaetz, Grant, Patronis, Rodrigues, R.—

CS for HB 845—A bill to be entitled An act relating to termination of pregnancy based on sex or race of the unborn child; providing a short title; providing findings and intent; amending s. 390.0111, F.S.; requiring a person performing a termination of pregnancy to first sign an affidavit stating that he or she is not performing the termination of pregnancy because of the child's sex or race and has no knowledge that the pregnancy is being terminated because of the child's sex or race; providing criminal penalties; prohibiting performing, inducing, or actively participating in a termination of pregnancy knowing that it is sought based on the sex or race of the child or the race of a parent of that child, using force or the threat of force to intentionally injure or intimidate any person for the purpose of coercing a sex-selection or race-selection termination of pregnancy, and soliciting or accepting moneys to finance a sex-selection or race-selection termination of pregnancy; providing criminal penalties; providing for injunctions against specified violations; providing for civil actions by certain persons with respect to certain violations; specifying appropriate relief in such actions; authorizing civil fines of up to a specified amount against physicians and other medical or mental health professionals who knowingly fail to report known violations; providing that a mother who has not attained a specified age on whom a sex-selection or race-selection termination of pregnancy is performed is not subject to criminal prosecution or civil liability for any violation or for a conspiracy to commit a violation; conforming a cross-reference; providing an effective date.

—was referred to the Committees on Health Policy; Criminal Justice; Judiciary; and Rules.

By Regulatory Affairs Committee, Local & Federal Affairs Committee, Business & Professional Regulation Subcommittee and Representative(s) Brodeur, Nuñez, Santiago—

CS for CS for CS for HB 973—A bill to be entitled An act relating to low-voltage systems; amending s. 489.503, F.S.; revising an exemption from licensure related to low-voltage electrical work performed by certain persons and entities; exempting from licensure certain employees and sales representatives of alarm system contractors; providing for construction; creating s. 553.793, F.S.; providing definitions; providing for applicability; requiring local enforcement agencies to offer for sale uniform basic permit labels to contractors for a specified cost; requiring contractors to post an unused label in a specified place before commencing work on a low-voltage alarm system project; requiring contractors to submit a Uniform Notice of a Low-Voltage Alarm System Project within a specified period; prescribing a form for such notice; providing inspection procedures and requirements for low-voltage alarm system projects; prohibiting specified local governments from adopting or maintaining certain ordinances and rules; providing that an additional uniform basic permit label shall not be required to perform work on certain alarm systems; providing for applicability; providing an effective date.

—was referred to the Committees on Regulated Industries; and Criminal Justice.

By Transportation & Economic Development Appropriations Subcommittee and Representative(s) Metz—

CS for HB 975—A bill to be entitled An act relating to archeological sites and specimens; amending s. 267.12, F.S.; providing a definition for "water authority"; authorizing the Division of Historical Resources of the Department of State to issue permits for excavation, surface reconnaissance, and archaeological activities on land owned by a water authority; amending s. 267.13, F.S.; providing that specified activities relating to archaeological sites and specimens located upon land owned by a water authority are prohibited and subject to penalties; authorizing the division to impose an administrative fine on and seek injunctive relief against certain entities; amending s. 1004.56, F.S.; conforming a cross-reference; providing an effective date.

—was referred to the Committees on Governmental Oversight and Accountability; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; and Appropriations.

By Regulatory Affairs Committee and Representative(s) Hutson, Combee—

CS for HB 1067—A bill to be entitled An act relating to pugilistic exhibitions; amending s. 548.002, F.S.; revising definitions; amending s. 548.004, F.S.; revising the duties and responsibilities of the executive director of the Florida State Boxing Commission; deleting a provision requiring the electronic recording of all scheduled Florida State Boxing Commission proceedings; amending s. 548.006, F.S.; providing the commission exclusive jurisdiction over approval of amateur mixed martial arts matches; amending s. 548.007, F.S.; revising nonapplicability of ch. 548, F.S.; repealing s. 548.015, F.S., which requires licensed concessionaires to obtain a security, to conform; amending s. 548.017, F.S.; deleting a requirement for the licensure of concessionaires; amending s. 548.046, F.S.; providing for immediate license suspension and other disciplinary action if a participant fails or refuses to provide a urine sample or tests positive for specified prohibited substances; amending s. 548.054, F.S.; revising procedure and requirements for requesting a hearing following the withholding of a purse; amending s. 548.06, F.S.; revising the calculation of gross receipts; requiring promoters to retain specified documents and records; authorizing the commission and the Department of Business and Professional Regulation to audit specified records retained by a promoter; requiring the commission to adopt rules; amending s. 548.07, F.S.; revising the procedure for suspension of licensure by specified persons; amending s. 548.073, F.S.; revising rules of procedure governing commission hearings; providing an appropriation; providing an effective date.

—was referred to the Committees on Regulated Industries; Appropriations Subcommittee on General Government; and Appropriations.

By State Affairs Committee, Agriculture & Natural Resources Appropriations Subcommittee, Agriculture & Natural Resources Subcommittee and Representative(s) Eagle, Harrell, Hudson—

CS for CS for CS for HB 1083—A bill to be entitled An act relating to underground natural gas storage; providing a short title; amending s. 211.02, F.S.; narrowing the use of the term "oil"; amending s. 211.025, F.S.; narrowing the scope of the gas production tax to apply only to native gas; amending s. 376.301, F.S.; conforming a cross-reference; amending s. 377.06, F.S.; declaring underground natural gas storage to be in the public interest; amending s. 377.18, F.S.; clarifying common sources of oil and gas; amending s. 377.19, F.S.; modifying and providing definitions; amending s. 377.21, F.S.; extending the jurisdiction of the Division of Resource Management of the Department of Environmental Protection; amending s. 377.22, F.S.; expanding the scope of the department's rules and orders; amending s. 377.24, F.S.; providing for the notice and permitting of storage in and recovery from natural gas storage reservoirs; creating s. 377.2407, F.S.; establishing a natural gas storage facility permit application process; specifying requirements for an application, including fees; amending s. 377.241, F.S.; providing criteria that the division must consider in issuing permits; amending s. 377.242, F.S.; granting authority to the department to issue permits to establish natural gas storage facilities; creating s. 377.2431, F.S.; establishing conditions and procedures for granting natural gas storage facility permits; prohibiting the issuance of permits for facilities located in specified areas; creating s. 377.2432, F.S.; providing for the protection of water supplies at natural gas storage facilities; providing that an operator is presumed responsible for pollution of an underground water supply under certain circumstances; creating s. 377.2433, F.S.; providing for the protection of natural gas storage facilities through requirement of notice, compliance with certain standards, and a right of entry to monitor activities; creating s. 377.2434, F.S.; providing that property rights to injected natural gas are with the injector or the injector's heirs, successors, or assigns; providing for compensation to the owner of the stratum and the owner of the surface for use of or damage to the surface or substratum; amending s. 377.25, F.S.; limiting the scope of certain drilling unit requirements; amending s. 377.28, F.S.; modifying situations in which the department is required to issue an order requiring unit operation; amending s. 377.30, F.S.; providing that limitations on the amount of oil or gas taken do not apply to nonnative gas recovered from a permitted natural gas storage facility; amending s. 377.34, F.S.; providing for legal action against a person who appears to be violating a rule that relates to the storage or recovery of natural gas; amending s. 377.37, F.S.; expanding penalties to reach persons who violate the terms of a permit relating to storage of gas in a natural gas storage facility; amending s. 377.371, F.S.; providing that a person storing gas in a natural gas storage facility may not pollute or otherwise damage certain areas and that a person who pollutes water by storing natural gas is liable for cleanup or other costs incurred by the state; amending s. 403.973, F.S.; allowing expedited permitting for natural gas storage facilities permitted under ch. 377, F.S., and certain projects to construct interstate natural gas pipelines; providing that natural gas storage facilities are subject to certain requirements; directing the department to adopt certain rules before issuing permits for natural gas storage facilities; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; Communications, Energy, and Public Utilities; and Appropriations.

By Health & Human Services Committee, Health Quality Subcommittee and Representative(s) Hudson, Smith, Wood—

CS for CS for HB 1093—A bill to be entitled An act relating to volunteer health services; amending ss. 458.317 and 459.0075, F.S.; revising criteria required for limited licensure for physicians; amending s. 766.1115, F.S.; revising requirements for patient referral under the "Access to Health Care Act"; eliminating a requirement that the governmental contractor approve all followup or hospital care; requiring the Department of Health to post specified information online concerning volunteer providers; permitting volunteer providers to earn continuing education credit for participation in the program up to a specified amount; providing that rules adopted by the department give providers

the greatest flexibility possible in order to serve eligible patients; providing an effective date.

—was referred to the Committees on Health Policy; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Health & Human Services Committee, Health Innovation Subcommittee and Representative(s) Magar—

CS for CS for HB 1109—A bill to be entitled An act relating to transitional living facilities; creating part XI of ch. 400, F.S., relating to transitional living facilities; creating s. 400.9970, F.S.; providing legislative intent; creating s. 400.9971, F.S.; providing definitions; creating s. 400.9972, F.S.; requiring the licensure of transitional living facilities; providing fees; providing license application requirements; creating s. 400.9973, F.S.; providing requirements for transitional living facilities relating to client admission, transfer, discharge, and length of residency; creating s. 400.9974, F.S.; requiring a comprehensive treatment plan to be developed for each client; providing plan requirements; creating s. 400.9975, F.S.; providing licensee responsibilities; providing notice requirements; prohibiting a licensee or employee of a facility from serving notice upon a client to leave the premises or take other retaliatory action; requiring the client and client's representative to be provided with certain information; requiring the licensee to develop and implement certain policies and procedures; creating s. 400.9976, F.S.; providing licensee requirements relating to medication practices; creating s. 400.9977, F.S.; providing requirements for the screening of potential employees and monitoring of employees for the protection of clients; requiring licensees to implement certain procedures; creating s. 400.9978, F.S.; providing requirements for the use of physical restraints, seclusion, and chemical restraint medication on clients; creating s. 400.9979, F.S.; providing background screening requirements; requiring the licensee to maintain certain personnel records; providing administrative responsibilities for licensees; providing recordkeeping requirements; creating s. 400.9980, F.S.; providing requirements relating to property and personal affairs of clients; providing requirements for a licensee with respect to obtaining surety bonds; providing recordkeeping requirements relating to the safekeeping of personal effects; providing requirements for trust funds received by licensee and credited to the client; providing a penalty for certain misuse of a resident's personal needs allowance; providing criminal penalties for violations; providing for the disposition of property in the event of the death of a client; authorizing the Agency for Health Care Administration to adopt rules; creating s. 400.9981, F.S.; requiring the agency, in consultation with the Department of Health, to adopt and enforce certain rules; creating s. 400.9982, F.S.; providing procedures relating to violations and penalties; providing administrative fines for specified classes of violations; creating s. 400.9983, F.S.; authorizing the agency to apply certain provisions with regard to receivership proceedings; creating s. 400.9984, F.S.; requiring the Agency for Health Care Administration, the Department of Health, the Agency for Persons with Disabilities, and the Department of Children and Families to develop electronic systems for certain purposes; amending s. 381.745, F.S.; revising the definition of the term "transitional living facility"; amending s. 381.75, F.S.; revising responsibilities of the Department of Health with respect to residents of transitional living facilities; amending s. 381.78, F.S.; revising the duties of the advisory council on brain and spinal cord injuries; amending ss. 408.802 and 408.820, F.S.; conforming provisions to changes made by the act; amending s. 400.93, F.S.; providing an exemption from home medical equipment licensure for transitional living facilities under certain conditions; repealing s. 400.805, F.S., relating to transitional living facilities; providing for continuation of licensure of certain transitional living facilities under the act; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Health Policy; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By State Affairs Committee, Government Operations Appropriations Subcommittee, Government Operations Subcommittee and Representative(s) La Rosa—

CS for CS for CS for HB 1145—A bill to be entitled An act relating to state-owned or state-leased space; amending s. 216.0152, F.S.; revising provisions relating to the update of an inventory of certain facilities needing repairs or innovation maintained by the Department of Management Services; revising provisions relating to a report detailing an inventory of state-owned facilities; amending s. 253.031, F.S.; clarifying that deeds may be signed by agents of the Board of Trustees of the Internal Improvement Trust Fund; amending s. 253.034, F.S.; revising provisions relating to decisions by the board to surplus lands; revising the valuation of lands that are subject to certain requirements; requiring a state agency to submit a plan if a building or parcel is offered for use to the agency; requiring the board of trustees to adopt rules; amending s. 255.248, F.S.; defining the terms "managing agency" and "tenant broker"; amending s. 255.249, F.S.; revising the responsibilities of the Department of Management Services with respect to state-owned buildings; prohibiting a state agency from leasing space in a private building under certain circumstances; requiring an agency to notify the department of an early termination of a lease within a certain timeframe; authorizing the department to direct state agencies to occupy space in a state-owned building; revising the contents of the master leasing report; authorizing state agencies to use the services of a tenant broker to provide certain information to the department; requiring the title entity or managing agency to report any vacant or underutilized space to the department; amending s. 255.25, F.S.; revising requirements for the construction or lease of certain building space; revising an exemption that allows certain agencies to negotiate a replacement lease under certain circumstances; amending s. 255.252, F.S.; specifying that a vendor for certain energy efficiency contracts must be selected in accordance with state procurement requirements; amending s. 255.254, F.S.; revising provisions relating to requirements for energy performance analysis for certain buildings; amending 255.257, F.S.; requiring all state-owned facilities to report energy consumption and cost data; amending ss. 110.171 and 985.682, F.S.; conforming cross-references; providing effective dates.

—was referred to the Committees on Governmental Oversight and Accountability; Environmental Preservation and Conservation; and Appropriations.

By Judiciary Committee, Justice Appropriations Subcommittee and Representative(s) Fitzenhagen—

CS for CS for HB 1147—A bill to be entitled An act relating to the Office of the Attorney General; amending s. 16.53, F.S.; revising the Legal Affairs Revolving Trust Fund with regard to which funds are required to be transferred to the General Revenue Fund unallocated; amending s. 409.9203, F.S.; providing that rewards for reporting Medicaid fraud shall be paid from the Operating Trust Fund; amending ss. 501.203 and 501.204, F.S.; revising obsolete dates; amending s. 681.102, F.S.; revising a definition; amending s. 681.108, F.S.; revising duties of the Department of Legal Affairs relating to manufacturer certification of dispute-settlement procedures; providing notice requirements for certain manufacturers seeking renewal of certification or ceasing operation of a certified procedure; amending s. 681.109, F.S.; revising notice requirements relating to the rejection of a dispute by the department; amending s. 760.34, F.S.; authorizing, rather than requiring, the office to bring an action for complaints involving discriminatory housing practices; providing an effective date.

—was referred to the Committees on Judiciary; Appropriations Subcommittee on Criminal and Civil Justice; and Appropriations.

By Representative(s) Artilles—

HB 1221—A bill to be entitled An act relating to murder of a child 17 years of age or younger; creating s. 782.066, F.S.; providing for reclassification of specified murder offenses if committed upon a child 17 years of age or younger; prohibiting a court from suspending, deferring, or withholding adjudication of guilt or imposition of sentence; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Appropriations.

By State Affairs Committee, Agriculture & Natural Resources Subcommittee and Representative(s) Beshears—

CS for CS for HB 1393—A bill to be entitled An act relating to agricultural storage and shipping containers; amending s. 506.19, F.S.; authorizing the use of certain brands and marks on containers used for the storage and transport of agricultural and other commercial products to designate and distinguish ownership of the containers; creating s. 506.265, F.S.; providing definitions; providing requirements for the sale and purchase of a specified number of plastic bulk merchandise containers; providing that prosecuting attorneys may inspect records of purchase at any time upon reasonable notice; providing criminal and civil penalties; providing an exception for the operator of a waste management facility and certain tax-exempt entities; providing an effective date.

—was referred to the Committees on Agriculture; Criminal Justice; and Appropriations.

By Civil Justice Subcommittee and Representative(s) Metz, Gaetz—

HB 7015—A bill to be entitled An act relating to expert testimony; amending s. 90.702, F.S.; providing that a witness qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion as to the facts at issue in a case under certain circumstances; requiring the courts of this state to interpret and apply the principles of expert testimony in conformity with specified United States Supreme Court decisions; subjecting pure opinion testimony to such requirements; amending s. 90.704, F.S.; providing that facts or data that are otherwise inadmissible in evidence may not be disclosed to the jury by the proponent of the opinion or inference unless the court determines that the probative value of the facts or data in assisting the jury to evaluate the expert's opinion substantially outweighs the prejudicial effect of the facts or data; providing an effective date.

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

By Government Operations Subcommittee and Representative(s) Ahern—

HB 7079—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 741.313, F.S., relating to an exemption from public records requirements for certain information contained in records documenting an act of domestic violence or sexual violence which are submitted to an agency by an agency employee; removing the scheduled repeal of the exemption; providing an effective date.

—was referred to the Committees on Governmental Oversight and Accountability; and Rules.

By Health & Human Services Committee, Healthy Families Subcommittee and Representative(s) Perry—

CS for HB 7129—A bill to be entitled An act relating to residential services for children; amending s. 409.175, F.S.; revising the definition of the term "boarding school"; providing accreditation requirements for boarding schools; establishing reporting requirements for boarding schools during the accreditation process; authorizing the Department of Children and Families to impose administrative sanctions or civil remedies when residential group care is provided without a license; requiring background screening for boarding school personnel; requiring boarding schools to follow standard school schedules, holiday breaks, and summer recesses; revising residency requirements; amending s. 409.176, F.S.; requiring notification of qualified associations for specified violations; providing for fines; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Judiciary; and Appropriations.

By Government Operations Subcommittee and Representative(s) Cummings—

HB 7143—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 292.055, F.S., which provides an exemption from public record and public meeting requirements for information identifying certain donors to the direct-support organization for the Department of Veterans' Affairs; removing superfluous language; specifying that the public meeting exemption applies to those portions of meetings wherein the identity of a donor or prospective donor whose identity is confidential and exempt is discussed; removing the scheduled repeal of the exemption; providing an effective date.

—was referred to the Committees on Governmental Oversight and Accountability; and Rules.

By Government Operations Subcommittee and Representative(s) Combee—

HB 7145—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 119.071, F.S., which provides an exemption from public record requirements for employment discrimination complaints and other records; removing the scheduled repeal of the exemption; providing an effective date.

—was referred to the Committee on Rules.

By Judiciary Committee, Criminal Justice Subcommittee and Representative(s) Rouson, Harrell, Pilon, Stewart, Van Zant—

CS for CS for HB 49—A bill to be entitled An act relating to drug paraphernalia; amending s. 893.147, F.S.; prohibiting the retail sale of certain drug paraphernalia; providing criminal penalties; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Criminal and Civil Justice; and Appropriations.

By Local & Federal Affairs Committee, Agriculture & Natural Resources Subcommittee and Representative(s) Beshears, Adkins, Albritton, Caldwell, Coley, Combee, Edwards, Gaetz, Raburn, Raschein, Van Zant, Wood—

CS for CS for HB 203—A bill to be entitled An act relating to agricultural lands; amending s. 163.3162, F.S.; revising a definition; prohibiting a governmental entity from adopting or enforcing any prohibition, restriction, regulation, or other limitation or from charging a fee on a specific activity of a bona fide farm operation on land classified as agricultural land under certain circumstances; amending s. 604.50, F.S.; revising an exemption from the Florida Building Code and certain county and municipal code provisions and fees for nonresidential farm buildings, fences, and signs; limiting applicability of the exemption to such farm buildings, fences, and signs located on certain lands; defining the term "bona fide agricultural purposes"; providing an effective date.

—was referred to the Committees on Agriculture; Environmental Preservation and Conservation; Appropriations Subcommittee on Finance and Tax; and Appropriations.

By Judiciary Committee, Civil Justice Subcommittee and Representative(s) Rodriguez, J.—

CS for CS for HB 229—A bill to be entitled An act relating to land trusts; creating s. 689.073, F.S., and transferring, renumbering, and amending s. 689.071(4) and (5), F.S.; providing requirements relating to vesting of ownership in a trustee; providing exclusion and applicability; amending s. 689.071, F.S.; revising and providing definitions; revising

provisions relating to land trust transfers of real property and vesting of ownership in a trustee; prohibiting the operation of the statute of uses to execute a land trust or to vest the trust property under certain conditions; prohibiting the operation of the doctrine of merger to execute a land trust or to vest the trust property under certain conditions; providing conditions under which a beneficial interest is deemed real property; revising and providing rights, liabilities, and duties of land trust beneficiaries; authorizing certain beneficial ownership methods; providing for the perfection of security documents; providing that a trustee's legal and equitable title to the trust property is separate and distinct from the beneficiary's beneficial interest in the land trust and the trust property; prohibiting a lien, judgment, mortgage, security interest, or other encumbrance against one interest from automatically attaching to another interest; providing that the appointment of a guardian ad litem is not necessary in certain foreclosure litigation affecting the title to trust property of a land trust; conforming provisions to changes made by the act; deleting provisions relating to the applicability of certain successor trustee provisions; providing notice requirements; providing for the determination of applicable law for certain trusts; providing for applicability relating to Uniform Commercial Code financing statements; providing requirements for recording effectiveness; amending s. 736.0102, F.S.; revising and providing scope of the Florida Trust Code; providing a directive to the Division of Law Revision and Information; providing an effective date.

—was referred to the Committees on Judiciary; Banking and Insurance; and Rules.

By Regulatory Affairs Committee, Business & Professional Regulation Subcommittee and Representative(s) Renuart, Campbell, Danish, Eagle, Fitzenhagen, Hood, Raschein, Steube—

CS for CS for HB 347—A bill to be entitled An act relating to alcoholic beverages; amending s. 565.03, F.S.; providing definitions; revising provisions with respect to the licensure and operation of distilleries; providing requirements for craft distilleries; providing for the sale of distilled spirits by licensed distilleries under certain conditions; providing reporting requirements; prohibiting the shipment of certain distilled spirits; prohibiting the transfer of a distillery license under certain conditions; prohibiting a craft distillery from having its ownership affiliated with another distillery under certain conditions; providing requirements relating to the payment of taxes; providing for applicability; providing rulemaking authority; amending s. 567.01, F.S.; providing that a county commission may order an election on the sale of alcoholic beverages for consumption on premise under certain conditions; amending ss. 561.14, 567.06, and 567.07, F.S.; conforming cross-references; providing legislative intent with respect to the severability or nonseverability of specified amendments made by the act; providing an effective date.

—was referred to the Committees on Regulated Industries; and Appropriations.

By Judiciary Committee and Representative(s) Metz, Adkins, Ahern, Albritton, Brodeur, Broxson, Caldwell, Davis, Eagle, Gaetz, Hager, Raburn, Spano, Steube, Van Zant—

CS for HB 351—A bill to be entitled An act relating to application of foreign law in certain cases; creating s. 45.022, F.S.; providing intent; defining the term "foreign law, legal code, or system"; clarifying that the public policies expressed in the act apply to violations of a natural person's fundamental liberties, rights, and privileges guaranteed by the State Constitution or the United States Constitution in certain proceedings or actions brought after the act becomes a law; providing that the act does not apply to a corporation, partnership, or other form of business association, except when necessary to provide effective relief in actions or proceedings under or relating to chapters 61 and 88, F.S.; specifying the public policy of this state in applying the choice of a foreign law, legal code, or system under certain circumstances in proceedings brought under or relating to chapters 61 and 88, F.S., which relate to dissolution of marriage, support, time-sharing, the Uniform Child Custody Jurisdiction and Enforcement Act, and the Uniform Interstate

Family Support Act; declaring that certain decisions rendered under such laws, codes, or systems are void; declaring that certain choice of venue or forum provisions in a contract are void; providing for the construction of a waiver by a natural person of the person's fundamental liberties, rights, and privileges guaranteed by the State Constitution or the United States Constitution; declaring that claims of forum non conveniens or related claims must be denied under certain circumstances; providing that the act may not be construed to require or authorize any court to adjudicate, or prohibit any religious organization from adjudicating, ecclesiastical matters in violation of specified constitutional provisions or to conflict with any federal treaty or other international agreement to which the United States is a party to a specified extent; providing for severability; providing a directive to the Division of Law Revision and Information; providing an effective date.

—was referred to the Committees on Judiciary; Governmental Oversight and Accountability; Children, Families, and Elder Affairs; and Rules.

By Health & Human Services Committee, Healthy Families Subcommittee and Representative(s) Fullwood, Antone, Berman, Campbell, Castor Dentel, Danish, Gibbons, Jones, S., McGhee, Moskowitz, Pafford, Pritchett, Richardson, Rodríguez, J., Rouson, Stafford, Watson, B., Watson, C.—

CS for CS for HB 411—A bill to be entitled An act relating to children's initiatives; amending s. 409.147, F.S.; establishing the New Town Success Zone in Duval County and the Parramore Kidz Zone in Orange County; providing for the projects to be managed by corporations not for profit that are not subject to control, supervision, or direction by any department of the state; requiring the corporations to be subject to state public records and meeting requirements and procurement of commodities and contractual services requirements; requiring designated children's initiatives to assist in the creation of community-based service networks and programming that provides certain services for children and families residing in disadvantaged areas of the state; providing for evaluation, fiscal management, and oversight of the projects; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Community Affairs; and Appropriations.

By State Affairs Committee, Agriculture & Natural Resources Appropriations Subcommittee and Representative(s) Rodrigues, R., Broxson—

CS for CS for HB 743—A bill to be entitled An act relating to the Fracturing Chemical Usage Disclosure Act; creating such act and providing a short title; creating s. 377.45, F.S.; directing the Department of Environmental Protection to establish an online hydraulic fracturing chemical registry; requiring owners and operators of wells on which a hydraulic fracturing treatment is performed to disclose certain information; requiring certain service providers and vendors to disclose certain information; providing for applicability; authorizing the department to adopt rules; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; Community Affairs; and Rules.

By Health & Human Services Committee, Health Innovation Subcommittee and Representative(s) Pigman—

CS for CS for HB 939—A bill to be entitled An act relating to Medicaid recoveries; amending s. 409.907, F.S.; adding an additional provision relating to a change in principal that must be included in a Medicaid provider agreement with the Agency for Health Care Administration; defining the terms "administrative fines" and "outstanding overpayment"; revising provisions relating to the agency's onsite inspection responsibilities; revising provisions relating to who is subject to background screening; authorizing the agency to enroll a provider who is licensed in this state and provides diagnostic services through tele-

communications technology; amending s. 409.910, F.S.; revising provisions relating to settlements of Medicaid claims against third parties; providing procedures for a Medicaid recipient to contest the amount of recovered medical expense damages; providing for certain reports to be admissible as evidence to substantiate the agency's claim; providing for venue; providing conditions regarding attorney fees and costs; amending s. 409.913, F.S.; revising provisions specifying grounds for terminating a provider from the program, for seeking certain remedies for violations, and for imposing certain sanctions; providing a limitation on the information the agency may consider when making a determination of overpayment; specifying the type of records a provider must present to contest an overpayment; clarifying a provision regarding accrued interest on certain payments withheld from a provider; deleting the requirement that the agency place payments withheld from a provider in a suspended account and revising when a provider must reimburse overpayments; revising venue requirements; adding provisions relating to the payment of fines; amending s. 409.920, F.S.; clarifying provisions relating to immunity from liability for persons who provide information about Medicaid fraud; amending s. 624.351, F.S.; revising membership requirements for the Medicaid and Public Assistance Fraud Strike Force within the Department of Financial Services; providing for future review and repeal; amending s. 624.352, F.S., relating to interagency agreements to detect and deter Medicaid and public assistance fraud; providing for future review and repeal; providing an effective date.

—was referred to the Committees on Health Policy; Banking and Insurance; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Health Innovation Subcommittee and Representative(s) Antone—

CS for HB 1071—A bill to be entitled An act relating to health care accrediting organizations; amending ss. 154.11, 394.741, 397.403, 400.925, 400.9935, 402.7306, 408.05, 430.80, 440.13, 627.645, 627.668, 627.669, 627.736, 641.495, and 766.1015, F.S.; conforming provisions to the revised definition of the term "accrediting organizations" in s. 395.002, F.S., as amended by s. 4, ch. 2012-66, Laws of Florida, for purposes of hospital licensing and regulation by the Agency for Health Care Administration; amending s. 395.3038, F.S.; deleting an obsolete provision relating to a requirement that the agency provide certain notice relating to stroke centers to hospitals; conforming provisions to changes made by the act; amending s. 486.102, F.S.; specifying accrediting agencies for physical therapist assistant programs; providing an effective date.

—was referred to the Committees on Health Policy; Banking and Insurance; and Rules.

By Economic Affairs Committee, Economic Development & Tourism Subcommittee and Representative(s) Trujillo, Perry—

CS for HB 7019—A bill to be entitled An act relating to development permits; amending ss. 125.022 and 166.033, F.S.; requiring counties and municipalities to attach certain disclaimers and include certain permit conditions when issuing development permits; amending s. 163.3167, F.S.; providing that an initiative or referendum process for any development order is prohibited; providing that an initiative or referendum process for any local comprehensive plan amendments and map amendments is prohibited; providing an exception for an initiative or referendum process specifically authorized by local government charter provision in effect as of June 1, 2011, for certain local comprehensive plan amendments and map amendments; providing that certain charter provisions for an initiative or referendum process are not sufficient; providing legislative intent; providing that certain prohibitions apply retroactively; amending s. 341.8203, F.S.; defining "communication facilities" and "railroad company" as used in the Florida Rail Enterprise Act; amending s. 341.822, F.S.; requiring the rail enterprise to establish a process to issue permits for railroad companies to construct communication facilities within a high speed rail system; providing rulemaking authority; providing for fees for issuing a permit; creating s. 341.825, F.S.; providing for a permit authorizing the permittee to locate, construct, operate, and maintain communication facilities within a new or

existing high speed rail system; providing for application procedures and fees; providing for the effects of a permit; providing an exemption from local land use and zoning regulations; authorizing the enterprise to permit variances and exemptions from rules of the enterprise or other agencies; providing that a permit is in lieu of licenses, permits, certificates, or similar documents required under specified laws; providing for a modification of a permit; amends s. 341.840, F.S.; conforming a cross-reference; amending s. 125.35, F.S.; providing that a county may include a commercial development that is ancillary to a professional sports facility in the lease of a sports facility; amending s. 32, ch. 2012-205, Laws of Florida, relating to the extension of certain permits and authorizations issued by the Department of Environmental Protection, water management districts, and local governments; revising the date by which holders of such permits and authorizations are required to notify the authorizing agency of specified information; amending s. 381.0065, F.S.; providing that certain systems constitute compliance with nitrogen standards; requiring systems in certain areas of Monroe County to comply with specified rules and standards; deleting a requirement for new, modified, and repaired systems to meet specified standards; authorizing property owners in certain areas of Monroe County to install certain tanks and systems; providing that certain systems in Monroe County are not required to connect to the central sewer system until a specified date; providing an extension and renewal of certain permits issued by the Department of Environmental Protection, a water management district, or a local government for areas to be served by central sewer systems within the Florida Keys Area of Critical State Concern; providing that certain extensions may not exceed a specified number of years; prohibiting certain extensions; providing for applicability; providing an effective date.

—was referred to the Committees on Community Affairs; and Rules.

By State Affairs Committee, Agriculture & Natural Resources Subcommittee and Representative(s) Beshears—

CS for HB 7087—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 253.034, F.S.; requiring public hearings relating to the development of land management plans to be held in any one, rather than each, county affected by such plans; amending s. 259.1052, F.S.; providing for Lee County to retain ownership and assume responsibility for management of a specified portion of the Babcock Crescent B Ranch Florida Forever acquisition; requiring certain activities on the property to be compatible with working ranch and agricultural activities; amending s. 259.10521, F.S.; revising provisions relating to the citizen support organization for the Babcock Ranch Preserve and use of the ranch property; amending s. 259.1053, F.S.; revising provisions of the Babcock Preserve Ranch Act to conform to the termination or expiration of the management agreement and the dissolution of Babcock Ranch, Inc.; creating the Babcock Ranch Advisory Group; providing for the department to manage and operate the preserve; requiring certain fees to be deposited into the Incidental Trust Fund of the Florida Forest Service, subject to appropriation; directing the Fish and Wildlife Commission, in cooperation with the Florida Forest Service, to establish, implement, and administer certain activities and fees; requiring such fees to be deposited into the State Game Trust Fund of the Fish and Wildlife Conservation Commission and used for specified purposes; authorizing the Board of Trustees of the Internal Improvement Trust Fund to negotiate and enter into certain agreements and grant certain privileges, leases, concessions, and permits; providing for transfer of the Babcock Ranch, Inc., to the department upon dissolution of the corporation; providing for certain funds to revert to the Incidental Trust Fund of the Florida Forest Service upon such dissolution; amending s. 388.261, F.S.; revising provisions for the distribution and use of state funds for local mosquito control programs; amending s. 388.271, F.S.; revising the date by which mosquito control districts must submit their certified budgets for approval by the department; amending s. 487.160, F.S.; deleting provisions requiring the department to conduct a survey and compile a report on restricted-use pesticides; amending s. 534.083, F.S.; deleting permitting requirements for livestock haulers; creating s. 570.087, F.S.; providing for the department and the Fish and Wildlife Conservation Commission to enter into a memorandum of agreement to develop best management practices for the agriculture industry; authorizing the department to adopt certain

rules; providing that implementation of such best management practices is voluntary; prohibiting governmental agencies from adopting or enforcing specified ordinances, resolutions, regulations, rules, or policies; amending s. 570.07, F.S.; clarifying the authority of the department to regulate certain open burning; creating s. 570.64, F.S.; establishing the duties of the Division of Food, Nutrition, and Wellness within the department; providing for a director of the division; amending s. 570.902, F.S.; clarifying the applicability of definitions relating to certain designated programs and direct-support organizations; amending s. 570.903, F.S.; authorizing the department to establish direct-support organizations for museums and other programs of the department; deleting provisions that limit the establishment of direct-support organizations to particular museums and programs; deleting provisions authorizing direct-support organizations to enter into certain contracts or agreements; clarifying provisions prohibiting specified entities from receiving commissions, fees, or financial benefits in connection with the sale or exchange of real property and historical objects; providing for the termination of agreements between the department and direct-support organizations; providing for the distribution of certain assets; deleting provisions requiring the department to establish certain procedures relating to museum artifacts and records; amending s. 576.051, F.S.; authorizing the department to establish certain criteria for fertilizer sampling and analysis; amending s. 576.061, F.S.; requiring the department to adopt rules establishing certain investigational allowances for fertilizer deficiencies; providing a date by which such allowances are effective and other allowances are repealed; amending s. 576.181, F.S.; revising the department's authority to adopt rules establishing certain criteria for fertilizer analysis; amending s. 585.61, F.S.; deleting provisions for the establishment of an animal disease diagnostic laboratory in Suwannee County; amending s. 586.10, F.S.; authorizing apiary inspectors to be certified beekeepers under certain conditions; amending s. 586.15, F.S.; providing for the collection and deposit of costs related to enforcement of prohibitions against the adulteration or misbranding of honey; amending s. 589.02, F.S.; deleting annual and special meeting requirements for the Florida Forestry Council; amending s. 589.19, F.S.; establishing the Operation Outdoor Freedom Program within the Florida Forest Service to replace provisions for the designation of specified hunt areas in state forests for wounded veterans and servicemembers; providing purpose and intent of the program; providing eligibility requirements for program participation; providing exceptions from eligibility requirements for certain activities; providing for deposit and use of funds donated to the program; limiting the liability of private landowners who provide land for designation as hunting sites for purposes of the program; amending s. 589.30, F.S.; revising references to certain Florida Forest Service personnel titles; amending s. 590.02, F.S.; authorizing the Florida Forest Service to allow certain types of burning; specifying that sovereign immunity applies to certain planning level activities; deleting provisions relating to the composition and duties of the Florida Forest Training Center advisory council; prohibiting government entities from banning certain types of burning; authorizing the service to delegate authority to special districts to manage certain types of burning; revising such authority delegated to counties and municipalities; amending s. 590.11, F.S.; revising the prohibition on leaving certain recreational fires unattended, to which penalties apply; amending s. 590.125, F.S.; revising and providing definitions relating to open burning authorized by the Florida Forest Service; revising requirements for noncertified and certified burning; limiting the liability of the service and certain persons related to certain burns; amending s. 590.25, F.S.; revising provisions relating to criminal penalties for obstructing the prevention, detection, or suppression of wildfires; creating chapter 595, F.S., to establish the Florida School Food and Nutrition Act; creating s. 595.401, F.S.; providing a short title; creating s. 595.402, F.S.; providing definitions; creating s. 595.403, F.S.; declaring state policy relating to school food and nutrition services; transferring, renumbering, and amending ss. 570.98 and 570.981, F.S., relating to school food and nutrition services and the Florida Farm Fresh Schools Program; revising the department's duties and responsibilities for administering such services and program; revising requirements for school districts and sponsors; transferring, renumbering, and amending s. 570.982, F.S., relating to the children's summer nutrition program; clarifying provisions; transferring, renumbering, and amending s. 570.072, F.S., relating to the authority of the department to conduct, supervise, and administer commodity distribution services for school food and nutrition

services; creating s. 595.501, F.S.; providing certain penalties; transferring, renumbering, and amending s. 570.983, relating to the Food and Nutrition Services Trust Fund; conforming a cross-reference; transferring and renumbering s. 570.984, F.S., relating to the Healthy Schools for Healthy Lives Council; amending s. 1001.42, F.S.; requiring district school boards to perform duties relating to school lunch programs as required by the department's rules; amending s. 1003.453, F.S.; deleting an obsolete provision; requiring school districts to submit certain policies to the Department of Agriculture and Consumer Services and the Department of Education; repealing ss. 487.0615, 570.382, 570.97, and 590.50, F.S., relating to the Pesticide Review Council, Arabian horse racing and the Arabian Horse Council, the Gertrude Maxwell Save a Pet Direct-Support Organization, and permits for the sale of cypress products, respectively; amending ss. 487.041, 550.2625, and 550.2633, F.S.; conforming provisions; providing for the disbursement of specified funds; providing an effective date.

—was referred to the Committees on Agriculture; Appropriations Subcommittee on General Government; and Appropriations.

By Appropriations Committee, Education Committee and Representative(s) O'Toole, Porter, Saunders—

CS for HB 7165—A bill to be entitled An act relating to early learning; creating s. 1001.213, F.S.; creating the Office of Early Learning within the Department of Education; providing duties relating to the establishment and operation of the school readiness program and the Voluntary Prekindergarten Education Program; amending s. 1002.51, F.S.; conforming a cross-reference; amending s. 1002.53, F.S.; clarifying Voluntary Prekindergarten Education Program student enrollment provisions; amending s. 1002.55, F.S.; providing additional requirements for private prekindergarten providers and instructors; providing duties of the office; amending s. 1002.57, F.S.; requiring the office to adopt standards for a prekindergarten director credential; amending s. 1002.59, F.S.; requiring the office to adopt standards for training courses; amending s. 1002.61, F.S.; providing a requirement for a public school delivering the summer prekindergarten program; amending s. 1002.63, F.S.; providing a requirement for a public school delivering the school-year prekindergarten program; amending s. 1002.66, F.S.; deleting obsolete provisions; amending s. 1002.67, F.S.; requiring the office to adopt performance standards for students in the Voluntary Prekindergarten Education Program and approve curricula; revising provisions relating to removal of provider eligibility, submission of an improvement plan, and required corrective actions; amending s. 1002.69, F.S.; providing duties of the office relating to statewide kindergarten screening, kindergarten readiness rates, and good cause exemptions for providers; amending s. 1002.71, F.S.; revising provisions relating to payment of funds to providers; amending s. 1002.72, F.S.; providing for the release of Voluntary Prekindergarten Education Program student records for the purpose of investigations; amending s. 1002.75, F.S.; revising duties of the office for administering the Voluntary Prekindergarten Education Program; amending s. 1002.77, F.S.; revising provisions relating to the Florida Early Learning Advisory Council; amending s. 1002.79, F.S.; deleting certain State Board of Education rulemaking authority for the Voluntary Prekindergarten Education Program; creating part VI of ch. 1002, F.S., consisting of ss. 1002.81-1002.96, relating to the school readiness program; providing definitions; providing powers and duties of the Office of Early Learning; providing for early learning coalitions; providing early learning coalition powers and duties for the school readiness program; providing requirements for early learning coalition plans; providing a school readiness program education component; providing school readiness program eligibility and enrollment requirements; providing school readiness program provider standards and eligibility to deliver the school readiness program; providing school readiness program funding; providing a market rate schedule; providing for investigation of fraud or overpayment and penalties therefor; providing for child care and early childhood resource and referral; providing for school readiness program transportation services; providing for the Child Care Executive Partnership Program; providing for the Teacher Education and Compensation Helps scholarship program; providing for Early Head Start collaboration grants; transferring, renumbering, and amending s. 411.011, F.S., relating to the confidentiality of records of children in the school readiness program;

revising provisions with respect to the release of records; amending s. 11.45, F.S.; conforming a cross-reference; amending s. 20.15, F.S.; conforming provisions; amending s. 216.136, F.S.; conforming a cross-reference; amending s. 402.281, F.S.; revising requirements relating to receipt of a Gold Seal Quality Care designation; amending s. 402.302, F.S.; conforming a cross-reference; amending s. 402.305, F.S.; providing that certain child care after-school programs may provide meals through a federal program; amending ss. 445.023, 490.014, and 491.014, F.S.; conforming cross-references; amending s. 1001.11, F.S.; providing a duty of the Commissioner of Education relating to early learning programs; repealing s. 411.01, F.S., relating to the school readiness program and early learning coalitions; repealing s. 411.0101, F.S., relating to child care and early childhood resource and referral; repealing s. 411.01013, F.S., relating to the prevailing market rate schedule; repealing s. 411.01014, F.S., relating to school readiness transportation services; repealing s. 411.01015, F.S., relating to consultation to child care centers and family day care homes; repealing s. 411.0102, F.S., relating to the Child Care Executive Partnership Act; repealing s. 411.0103, F.S., relating to the Teacher Education and Compensation Helps scholarship program; repealing s. 411.0104, relating to Early Head Start collaboration grants; repealing s. 411.0105, F.S., relating to the Early Learning Opportunities Act and Even Start Family Literacy Programs; repealing s. 411.0106, F.S., relating to infants and toddlers in state-funded education and care programs; authorizing specified positions for the Office of Early Learning; requiring the office to develop a reorganization plan for the office and submit the plan to the Governor and the Legislature; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Government Operations Subcommittee, Higher Education & Workforce Subcommittee and Representative(s) Pigman, Mayfield—

CS for CS for HB 359—A bill to be entitled An act relating to public meetings; amending s. 1004.28, F.S.; providing an exemption from public meeting requirements for any portion of a meeting of the board of directors of a university direct-support organization, or of the executive committee or other committees of such board, at which the identity of a donor or prospective donor, any proposal seeking research funding from the organization, or a plan or program for either initiating or supporting research is discussed; providing for review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

—was referred to the Committees on Education; Governmental Oversight and Accountability; Ethics and Elections; and Rules.

By Criminal Justice Subcommittee and Representative(s) Kerner, Campbell, Rooney—

CS for HB 361—A bill to be entitled An act relating to public meetings; providing definitions; providing an exemption from public meeting requirements for that portion of a meeting of a duly constituted criminal justice commission at which members of the commission discuss active criminal intelligence information or active criminal investigative information currently being considered by, or which may foreseeably come before, the commission; providing for future 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 Committees on Criminal Justice; Governmental Oversight and Accountability; and Rules.

By State Affairs Committee, Agriculture & Natural Resources Subcommittee and Representative(s) Eagle, Broxson—

CS for CS for HB 1085—A bill to be entitled An act relating to public records; creating s. 377.24075, F.S.; creating an exemption from public records requirements for proprietary business information provided in an application for a natural gas storage facility permit to inject and recover gas into and from a natural gas storage reservoir; defining the

term "proprietary business information"; authorizing disclosure of such information under specified conditions; providing for future review and repeal of the public records exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing a contingent effective date.

—was referred to the Committees on Environmental Preservation and Conservation; Governmental Oversight and Accountability; and Rules.

By Agriculture & Natural Resources Subcommittee and Representative(s) Beshears—

HB 7089—A bill to be entitled An act relating to public records; creating s. 595.409, Florida Statutes; providing an exemption from public records requirements for personal identifying information of an applicant for or participant in a school food and nutrition service program, as defined in s. 595.402, F.S., held by the Department of Agriculture and Consumer Services, the Department of Children and Families, or the Department of Education; providing for specified disclosure; providing for applicability; providing for legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a contingent effective date.

—was referred to the Committees on Agriculture; Governmental Oversight and Accountability; and Rules.

By State Affairs Committee, Insurance & Banking Subcommittee and Representative(s) Nelson—

CS for HB 7135—A bill to be entitled An act relating to public records; creating s. 560.312, F.S.; providing an exemption from public records requirements for payment instrument transaction information held by the Office of Financial Regulation; providing for specified access to such information; authorizing the office to enter into information-sharing agreements and provide access to information contained in the database to certain governmental agencies; requiring a department or agency that receives confidential information to maintain the confidentiality of the information, except as otherwise required by court order; providing for future review and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

—was referred to the Committees on Governmental Oversight and Accountability; and Rules.

By Representative(s) Diaz, J., Raschein, Articles—

HM 1253—A memorial to the Congress of the United States, urging Congress to direct the National Marine Fisheries Service to withdraw its consideration of listing the queen conch as a threatened or endangered species.

—was referred to the Committee on Environmental Preservation and Conservation.

RETURNING MESSAGES — FINAL ACTION

The Honorable Don Gaetz, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 718; adopted SM 1266; passed CS for SB 4 by the required constitutional two-thirds vote of the members voting in the House.

Robert L. "Bob" Ward, Clerk

The bills contained in the foregoing messages were ordered enrolled.

The Honorable Don Gaetz, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment 1 and passed CS for CS for CS for HB 569 as amended.

Robert L. “Bob” Ward, Clerk

ENROLLING REPORTS

CS for SB 2 and CS for CS for SB 718 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 24, 2013.

Debbie Brown, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journals of April 16 and April 23 were corrected and approved.

CO-INTRODUCERS

Senators Bean—CS for CS for SB 92; Benacquisto—CS for CS for SB 92

ADJOURNMENT

On motion by Senator Thrasher, the Senate adjourned at 4:27 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Thursday, April 25 or upon call of the President.