Journal of the Senate

Number 22—Regular Session **Thursday, May 2, 2013**

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CALL TO ORDER

The Senate was called to order by President Gaetz at 10:00 a.m. A quorum present—40:

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

PRAYER

The following prayer was offered by Reverend Dr. Marcius O. King, WGCL (1360 AM), Jacksonville:

Dear Heavenly Father, maker and creator of all mankind and in whom our very being is. It is with the greatest sense of gratitude that we acknowledge your many blessings upon each of us. We realize that you have allowed us to see the dawning, not only of another session, but the blessings also of a new day.

We ask that you will guide our hearts and minds as we go about to do the work for the people for this, our great State of Florida. We ask if you would be in every vote that is cast and in every decision that is made. Guide our hearts and minds that we might make the right decisions for all of the people of this great state.

We realize, Heavenly Father, that you have already blessed us, but for the good that each of us will endeavor to do for every citizen of this state, we ask if you would bless us even the more. By faith, we believe that you have accepted our humble request, and we ask that you grant us your continued love and care. Amen.

PLEDGE

Senate Pages Zack Kanter of Sarasota and Abbey Fagan of Fleming Island led the Senate in the pledge of allegiance to the flag of the United States of America.

SPECIAL RECOGNITION

At the request of the President, staff members of the Senate Committees and the offices of Bill Drafting, the Sergeant at Arms, the Secretary, and Information Technology were present in the chamber and gallery. The President, President Pro Tempore, and Committee Chairs recognized and thanked the staff members on behalf of the Senators.

ADOPTION OF RESOLUTIONS

At the request of Senator Joyner—

By Senator Joyner—

SR 576—A resolution recognizing the love of country and lifetime public service of Bill McBride, Esquire.

WHEREAS, Bill McBride was born on May 10, 1945, in Belleville, Illinois, but soon moved with his family to Leesburg, where he graduated from Leesburg High School, and

WHEREAS, after graduating from the University of Florida with a bachelor of arts in English in 1967, Bill McBride went on to serve from 1968 through 1971 as an infantry officer in the United States Marine Corps, including a tour in Vietnam as an infantry platoon commander, company commander, and combined unit leader, and

WHEREAS, as a young soldier, Bill McBride demonstrated outstanding bravery and leadership, earning recognition as the 1968 Leadership Honor Graduate from the United States Marine Corps Basic School and as a 1969 Honor Graduate from the Army Ranger School, and receiving numerous citations and awards, including the Bronze Star with Combat V for valorous action, and

WHEREAS, in 1975, Bill McBride graduated with honors from the University of Florida College of Law, where he served as a member of the Florida Law Review, went on to serve as a managing partner with the Holland and Knight law firm and, later, was a partner with the Barnett Bolt Kirkwood Long McBride law firm, and

WHEREAS, Bill McBride was widely recognized for his benevolence, pro bono legal work, and public service in his life mission to serve this state, receiving the Tree of Life Award from the Jewish National Fund, the Silver Medallion Award from the National Conference of Christians and Jews, the Person of Vision Award from Prevent Blindness of Florida, the Dr. Martin Luther King, Jr. Individual Human Rights and Community Service Award, the Humanitarian Award and Citizen of the Year Award from the Judeo Christian Clinic of Hillsborough County, the Outstanding Citizen Award from the Hillsborough Association of Retarded Citizens, the Robert Saunders Leadership Award from the National Association for the Advancement of Colored People, the Human and Civil Rights Award from the Florida Education Association, the National Pro Bono Award from the Supreme Court of the United States, and numerous other recognitions, and

WHEREAS, renowned as a promoter for equality, Bill McBride was a champion for the survivors of the Rosewood Massacre and offered untold

pro bono legal services to those he believed were in need of, but unable to afford, legal assistance, and

WHEREAS, long considered one of Tampa's favorite political sons, Bill McBride will long be remembered for his exuberance, vitality, and cheerfulness, but his most lasting legacies will undoubtedly be his countless good deeds and his unfailing commitment to help those who are unable to advocate for themselves and his promotion of equal treatment under the law for all people, and

WHEREAS, Bill McBride was a devoted husband of 25 years to his wife, Alex Sink, and a loving and proud father to his children, William Albert and Lexi McBride Crawford and her husband, Douglas, a treasured son to Patricia Sweat, a caring brother to Cheryle McBride and Paul McBride and his wife, Pat, and a beloved uncle to Chris McBride, NOW, THEREFORE,

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

That Bill McBride, Esquire, is remembered for his leadership and devotion to ensuring equality, freedom, and justice for all Floridians through his lifelong activism and steadfast campaign against social injustice, for his never-waning encouragement to others to strive for freedom from discrimination and oppression, and, foremost, for his outstanding public service.

—**SR 576** was introduced, read and adopted by publication.

At the request of Senator Latvala—

By Senator Latvala—

SR 1912—A resolution recognizing "Flight 2014, The Centennial Celebration of The World's First Airline."

WHEREAS, on January 1, 1914, Tony Jannus made aviation history by flying the Benoist #14 on the inaugural 22-minute flight of the St. Petersburg to Tampa Airboat Line, the world's first scheduled commercial airline, and

WHEREAS, the events of that day fostered an industry that has made worldwide travel not only possible, but practical, and

WHEREAS, that pioneering flight exemplifies the entrepreneurial spirit that has evolved into an industry that has an economic impact in this state of nearly $100 billion and in the nation of more than $1.3 trillion, and

WHEREAS, today, Florida has more than 100 airports, with 14 enjoying international status and 60 commercial air carriers serving the nation and employing more than 500,000 persons, and

WHEREAS, as the 100th anniversary of this historic event grows near, plans are underway to commemorate the flight with a reenactment using a full-scale replica airboat, and

WHEREAS, this prediction by Percival Fansler, founder of the St. Petersburg-Tampa Airboat Line, has proved prophetic: "The Airboat Line to Tampa will be only a forerunner of great activity along these lines in the near future. . . What was impossible yesterday is an accomplishment of today—while tomorrow heralds the unbelievable," NOW, THEREFORE,

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

That we recognize "Flight 2014, The Centennial Celebration of The World's First Airline," and express appreciation to the three founding organizations of the commemoration, the Florida Aviation Historical Society, the St. Petersburg Museum of History, and the Tony Jannus Distinguished Aviation Society.

—**SR 1912** was introduced, read and adopted by publication.

At the request of Senator Bean—

By Senator Bean—

SR 1914—A resolution recognizing the ballad "I Am Florida."

WHEREAS, the ballad "I Am Florida" was produced and recorded by Walter "Clyde" Orange, a Grammy Award-winning songwriter, vocalist, and founding member of The Commodores, and

WHEREAS, Clyde Orange, Adrian Rezza, and Lucas Rezza wrote the ballad, which was inspired by the lyrics of the poem "I Am Florida," written by South Florida author Allen Autry, Sr., in 2010, and

WHEREAS, Autry's poem "I Am Florida" reflects Clyde Orange's deep love and affection for his birthplace and home, and so he composed the ballad "I Am Florida" to lovingly reflect the beauty and history of this great state, and

WHEREAS, the ballad "I Am Florida" illustrates the reasons that millions of men and women, families, and retired persons have made the state their home and references historical milestones that have contributed to the growth of this state, and

WHEREAS, widely appealing throughout the country, the ballad "I Am Florida" is an outstanding example of what brings so many people to this culturally rich state, and

WHEREAS, "I Am Florida" is deserving of recognition as a great song honoring this state, NOW, THEREFORE,

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

That we recognize the ballad "I Am Florida," written by Walter "Clyde" Orange.

—**SR 1914** was introduced, read and adopted by publication.

At the request of Senator Bean—

By Senator Bean—

SR 1916—A resolution recognizing the 50th anniversary of the Isle of Eight Flags Shrimp Boat Races and Festival.

WHEREAS, Fernandina Beach is the birthplace of the modern shrimping industry and, for more than a century, has produced the finest wild-caught shrimp brought in by skilled, hardworking fishermen plying the inland and offshore state and federal waters of the Atlantic Ocean and the Gulf of Mexico, and

WHEREAS, the Shrimp Boat Races and Festival began in 1963, under the guidance of Dee Dee Bartels, president of the Historical Society, with assistance from Melvin Daugherty, Billy Burbank, Jr., Joe Tringali, and Ray Caldwell, and

WHEREAS, the Cook, Tringali, and Lang families were the first to participate in racing, with the late Dave Cook's daughter, Arnez Cook Jones, playing an active role in shrimping history, and

WHEREAS, Caterpillar and other businesses supported the race and donated prizes, and family members prepared, served, and sold seafood gumbo, and

WHEREAS, shrimp boats racing during the 1960s and 1970s included the Captain D. A. Cook, Sr., the Lady Annie, the Charlie B., the Annie, the Haze, the Atlantic Sun, the Dixie Queen, the Jerry and Linda, the Miss Melody, the Miss Louise, the Miss Nina Jo, the Beach King, the Florida Boys, the Wanda Peggy, the Eight Flags, the Lady Belle, the Mr. Fox, the Little David, the Murdock, the Pryor, the Ebb Tide, the Chickadee, the Miss Hazel, the Jitterbug, the Golden Isles, the Gray Ghost, the Miss Carol J., the Delores D., the Capt. Flossy, the Golden Knight, the Golden Nugget, and others, and

WHEREAS, Fernandina Beach native Wendell Herbert McCollough, born in 1914, held the distinction of being the only African-American shrimper to enter and win the Fernandina Beach shrimp boat races, winning in 1969 on Joe Tringali's boat, the Ebb Tide, and

WHEREAS, the shrimp boat races signaled the start of the shrimping season, and, in the 1970s, the Eight Flags Shrimp Boat Races was renamed the Isle of Eight Flags Shrimp Boat Races and Festival, and

WHEREAS, shrimp boat races continued until 1974, when the cost of fuel became prohibitive, and

WHEREAS, shrimpers continue to contribute to the well-being and quality of life of their families and all Floridians, playing a vital role in competing with imported farm-raised shrimp, providing jobs, and contributing valuable natural resources to the local economy and community, and

WHEREAS, in 2005, as part of the celebration of Super Bowl XXXIX, the Shrimp Producers Association and the Amelia Island-Fernandina Beach-Yulee Chamber of Commerce organized an event, and Janie Thomas secured a permit that allowed two shrimp boats, representing the Philadelphia Eagles and the New England Patriots, respectively, to race and 36 shrimp boats representing different NFL and AFL teams to participate in the "Super Shrimp Boat Race and Parade," the "Super Hermit Crab Races," and the "Super Shellfish Feast," and

WHEREAS, shrimpers have earned the respect of the general public for their dedication and contribution to people's lives, working positively with the state and federal governments to protect sea turtles and other marine life using efficient and effective devices, NOW, THEREFORE,

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

That we recognize the 50th anniversary of the Isle of Eight Flags Shrimp Boat Races and Festival.

—**SR 1916** was introduced, read and adopted by publication.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Don Gaetz, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 1472, with 1 amendment, and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

CS for CS for SB 1472—A bill to be entitled An act relating to nuclear and integrated gasification combined cycle power plants; amending s. 366.93, F.S.; modifying an alternative cost recovery mechanism for the recovery of costs for the siting, design, licensing, and construction of nuclear and integrated gasification combined cycle power plants; establishing a procedure and requirements for cost recovery based on preconstruction and construction phases; providing that the commission may not determine that a utility intends to complete construction of a power plant unless the utility proves its efforts by a preponderance of the evidence; providing that a utility that elects not to complete construction of a nuclear power plant may not recover any future rate of return for related costs; requiring a utility to provide notice of its election to the commission; providing for a penalty; exempting certain actions taken before this act takes effect; providing an effective date.

House Amendment 4 (302261) (with title amendment)—Remove lines 159-190

Remove line 24 and insert: Section 1. Subsections (1), (2), and (3) of section

And the title is amended as follows:

Remove lines 13-19 and insert: preponderance of the evidence; providing an

On motion by Senator Legg, the Senate concurred in **House Amendment 4 (302261)**.

CS for CS for SB 1472 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—40

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

Nays—None

DISCLOSURE

Pursuant to Senate Rule 1.39, I am disclosing that certain provisions in **CS for CS for SB 1472** provide 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.

The passage or defeat of this bill will result in a special private gain or loss to a principal by whom I am retained. However, this will not affect my compensation as counsel for that principal, and I will not receive a special private gain or loss from the passage or defeat of this bill.

As established by Senate Rule, I must vote on this matter.

Senator Diaz de la Portilla, 40th District

The Honorable Don Gaetz, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 648, with 1 amendment, and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

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.

House Amendment 1 (536753) (with title amendment)—Between lines 97 and 98, insert:

Section 3. *The rules adopted by the Financial Services Commission to establish the format for the notice of the estimated premium impact of the federal Patient Protection and Affordable Care Act pursuant to s. 627.410, Florida Statutes, as amended by Senate Bill 1842, House Bill 7155, or similar legislation adopted in the same legislative session or an extension thereof, are not subject to s. 120.541(3), Florida Statutes.*

And the title is amended as follows:

Remove line 6 and insert: under certain circumstances; providing that rules adopted by the Financial Services Commission to establish the format for the notice of the estimated premium impact of the federal Patient Protection and Affordable Care Act pursuant to specified legislation are not subject to s. 120.541(3), F.S., relating to the adverse impact or regulatory costs of a rule; providing an effective

On motion by Senator Hukill, the Senate concurred in **House Amendment 1 (536753)**.

CS for SB 648 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—40

Mr. President	Altman	Benacquisto
Abruzzo	Bean	Bradley

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

Nays—None

The Honorable Don Gaetz, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1770, with 1 amendment, and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

CS for SB 1770—A bill to be entitled An act relating to property insurance; amending s. 215.555, F.S.; changing the name of the Florida Hurricane Catastrophe Fund Finance Corporation to the State Board of Administration Finance Corporation; amending s. 624.155, F.S.; providing that Citizens Property Insurance Corporation is an insurer subject to civil actions as an agent of the state covered by sovereign immunity; amending s. 626.752, F.S., relating to the exchange of business between an agent and insurer; providing an exemption from the requirements of that section to the corporation or certain private entities under certain circumstances; amending s. 627.062, F.S.; requiring the Office of Insurance Regulation to calculate and publish insurance inflation factors for use in residential property insurance filings; prohibiting the office from disapproving a rate as excessive due to the insurer's purchase of reinsurance for certain purposes; deleting obsolete provisions; conforming cross-references; amending s. 627.0628, F.S.; adding a member to the Florida Commission on Hurricane Loss Projection Methodology; amending s. 627.0629, F.S.; requiring insurers to provide notice of mitigation discounts in a residential property insurance rate filing; amending s. 627.351, F.S.; revising legislative intent with respect to the corporation; reducing the value of residential structures that can be covered by the corporation; revising the corporation's eligibility criteria for structures located seaward of the coastal construction control line; requiring the corporation's board of governors to concur with certain decisions by the executive director; providing for risk-sharing agreements between the corporation and other insurers and specifying the requirements and limitations of such agreements; revising provisions relating to the appointment of the board of governors and the executive director; providing that renewal policies are not eligible for continued coverage by the corporation unless the premium for comparable coverage from an authorized insurer exceeds a certain amount; deleting provisions allowing a policyholder removed from the corporation to remain eligible for coverage regardless of an offer of coverage from an authorized insurer; revising corporation criteria for appointing agents; requiring the corporation to provide coverage for mobile homes or manufactured homes and related structures; requiring disclosure of potential corporation surcharges and policyholder obligations to try and obtain private market coverage; revising provisions relating to the Auditor General's review of the corporation; requiring the board to contract with an independent auditing firm to conduct performance audits; authorizing the corporation to adopt programs that encourage insurers to remove policies from the corporation through a loan secured by a surplus note; deleting a provision exempting the corporation from state procurement requirements; requiring the corporation to have an inspector general; providing for appointment; providing duties; requiring an annual report to the Legislature; revising provisions relating to purchases by the corporation; providing that the corporation is subject to state agency purchasing requirements; requiring the corporation to provide notice of purchasing decisions; providing procedures for protesting such decisions; providing applicability; revising the corporation's rate standards; requiring that corporation rates be competitive with approved rates charged in the admitted market, actuarially sound, and include a catastrophe risk factor; requiring the corporation to annually certify its rates; requiring the board of directors to provide recommendations to the Legislature on ways of providing rate relief to those who demonstrate a financial need; deleting obsolete provisions; creating s. 627.3518, F.S.; establishing a clearinghouse within the corporation for identifying and diverting insurance coverage to private insurers; providing definitions; providing requirements and duties of the corporation, insurers, and agents; amending s. 627.3519, F.S.; revising requirements relating to the preparation of the annual reports relating to the Florida Hurricane Catastrophe Fund and Citizens Property Insurance Corporation; establishing a temporary keepout program that allows authorized insurers to provide coverage to applicants for coverage through the corporation through the market assistance program until the clearinghouse is operational; providing program components; providing for expiration; creating s. 627.352, F.S.; creating the Catastrophe Risk Capital Access Facility to facilitate insurer access to global risk capital markets and risk-transfer mechanisms; providing legislative findings and intent; providing that the facility may not operate as an insurer, reinsurer, or other risk-bearing entity, and is not a state agency, board, or commission; providing for membership; providing for an initial governing board which must submit a proposed plan of operation to the Office of Insurance Regulation and recommendations relating to public records and open meetings to the Legislature by a certain date; providing for termination of the initial board; providing for a permanent board; specifying provisions that must be addressed by the plan of operation; providing immunity from liability for the board; amending s. 627.410, F.S.; conforming provisions to changes made by the act; amending s. 627.706, F.S.; authorizing an insurer to offer a reduced amount of sinkhole coverage with an appropriate reduction in premium; providing effective dates.

House Amendment 1 (082659) (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Effective June 1, 2013, paragraph (n) of subsection (2), paragraph (b) of subsection (4), paragraphs (b) and (d) of subsection (6), and present subsection (16) of section 215.555, Florida Statutes, are amended, and subsections (17) and (18) of that section are renumbered as subsections (16) and (17), respectively, to read:

215.555 Florida Hurricane Catastrophe Fund.—

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

(n) "Corporation" means the *State Board of Administration* ~~Florida Hurricane Catastrophe Fund~~ Finance Corporation created in paragraph (6)(d).

(4) REIMBURSEMENT CONTRACTS.—

(b)1. The contract shall contain a promise by the board to reimburse the insurer for 45 percent, 75 percent, or 90 percent of its losses from each covered event in excess of the insurer's retention, plus 5 percent of the reimbursed losses to cover loss adjustment expenses.

2. The insurer must elect one of the percentage coverage levels specified in this paragraph and may, upon renewal of a reimbursement contract, elect a lower percentage coverage level if no revenue bonds issued under subsection (6) after a covered event are outstanding, or elect a higher percentage coverage level, regardless of whether or not revenue bonds are outstanding. All members of an insurer group must elect the same percentage coverage level. Any joint underwriting association, risk apportionment plan, or other entity created under s. 627.351 must elect the 90-percent coverage level.

3. The contract shall provide that reimbursement amounts shall not be reduced by reinsurance paid or payable to the insurer from other sources.

~~4. Notwithstanding any other provision contained in this section, the board shall make available to insurers that purchased coverage provided by this subparagraph in 2008, insurers qualifying as limited apportionment companies under s. 627.351(6)(c), and insurers that have been approved to participate in the Insurance Capital Build Up Incentive Program pursuant to s. 215.5595 a contract or contract addendum that provides an additional amount of reimbursement coverage of up to $10 million. The premium to be charged for this additional reimbursement coverage shall be 50 percent of the additional reimbursement coverage provided, which shall include one prepaid reinstatement. The minimum~~

~~retention level that an eligible participating insurer must retain associated with this additional coverage layer is 30 percent of the insurer's surplus as of December 31, 2008, for the 2009-2010 contract year; as of December 31, 2009, for the 2010-2011 contract year; and as of December 31, 2010, for the 2011-2012 contract year. This coverage shall be in addition to all other coverage that may be provided under this section. The coverage provided by the fund under this subparagraph shall be in addition to the claims-paying capacity as defined in subparagraph (e)1., but only with respect to those insurers that select the additional coverage option and meet the requirements of this subparagraph. The claims-paying capacity with respect to all other participating insurers and limited apportionment companies that do not select the additional coverage option shall be limited to their reimbursement premium's proportionate share of the actual claims paying capacity otherwise defined in subparagraph (e)1. and as provided for under the terms of the reimbursement contract. The optional coverage retention as specified shall be accessed before the mandatory coverage under the reimbursement contract, but once the limit of coverage selected under this option is exhausted, the insurer's retention under the mandatory coverage will apply. This coverage will apply and be paid concurrently with mandatory coverage. This subparagraph expires on May 31, 2012.~~

(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 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 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 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. 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. 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 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~~.

(d) *State Board of Administration* ~~Florida Hurricane Catastrophe Fund~~ Finance Corporation.—

1. In addition to the findings and declarations in subsection (1), the Legislature also finds and declares that:

a. The public benefits corporation created under this paragraph will provide a mechanism necessary for the cost-effective and efficient issuance of bonds. This mechanism will eliminate unnecessary costs in the bond issuance process, thereby increasing the amounts available to pay reimbursement for losses to property sustained as a result of hurricane damage.

b. The purpose of such bonds is to fund reimbursements through the Florida Hurricane Catastrophe Fund to pay for the costs of construction, reconstruction, repair, restoration, and other costs associated with damage to properties of policyholders of covered policies due to the occurrence of a hurricane.

c. The efficacy of the financing mechanism will be enhanced by the corporation's ownership of the assessments, by the insulation of the assessments from possible bankruptcy proceedings, and by covenants of the state with the corporation's bondholders.

2.a. There is created a public benefits corporation, which is an instrumentality of the state, to be known as the *State Board of Administration* ~~Florida Hurricane Catastrophe Fund~~ Finance Corporation.

b. The corporation shall operate under a five-member board of directors consisting of the Governor or a designee, the Chief Financial Officer or a designee, the Attorney General or a designee, the director of the Division of Bond Finance of the State Board of Administration, and the *Chief Operating Officer* ~~senior employee of the State Board of Administration responsible for operations~~ of the Florida Hurricane Catastrophe Fund.

c. The corporation has all of the powers of corporations under chapter 607 and under chapter 617, subject only to the provisions of this subsection.

d. The corporation may issue bonds and engage in such other financial transactions as are necessary to provide sufficient funds to achieve the purposes of this section.

e. The corporation may invest in any of the investments authorized under s. 215.47.

f. There shall be no liability on the part of, and no cause of action shall arise against, any board members or employees of the corporation for any actions taken by them in the performance of their duties under this paragraph.

3.a. In actions under chapter 75 to validate any bonds issued by the corporation, the notice required by s. 75.06 shall be published in two newspapers of general circulation in the state, and the complaint and order of the court shall be served only on the State Attorney of the Second Judicial Circuit.

b. The state hereby covenants with holders of bonds of the corporation that the state will not repeal or abrogate the power of the board to direct the Office of Insurance Regulation to levy the assessments and to collect the proceeds of the revenues pledged to the payment of such bonds as long as any such bonds remain outstanding unless adequate provision has been made for the payment of such bonds pursuant to the documents authorizing the issuance of such bonds.

4. The bonds of the corporation are not a debt of the state or of any political subdivision, and neither the state nor any political subdivision is liable on such bonds. The corporation does not have the power to pledge the credit, the revenues, or the taxing power of the state or of any political subdivision. The credit, revenues, or taxing power of the state or of any political subdivision shall not be deemed to be pledged to the payment of any bonds of the corporation.

5.a. The property, revenues, and other assets of the corporation; the transactions and operations of the corporation and the income from such transactions and operations; and all bonds issued under this paragraph and interest on such bonds are exempt from taxation by the state and any political subdivision, including the intangibles tax under chapter 199 and the income tax under chapter 220. This exemption does not apply to any tax imposed by chapter 220 on interest, income, or profits on debt obligations owned by corporations other than the *State Board of Administration* ~~Florida Hurricane Catastrophe Fund~~ Finance Corporation.

b. All bonds of the corporation shall be and constitute legal investments without limitation for all public bodies of this state; for all banks, trust companies, savings banks, savings associations, savings and loan associations, and investment companies; for all administrators, executors, trustees, and other fiduciaries; for all insurance companies and associations and other persons carrying on an insurance business; and for all other persons who are now or may hereafter be authorized to invest in bonds or other obligations of the state and shall be and constitute eligible securities to be deposited as collateral for the security of any state, county, municipal, or other public funds. This sub-subparagraph shall be considered as additional and supplemental authority and shall not be limited without specific reference to this sub-subparagraph.

6. The corporation and its corporate existence shall continue until terminated by law; however, no such law shall take effect as long as the corporation has bonds outstanding unless adequate provision has been made for the payment of such bonds pursuant to the documents authorizing the issuance of such bonds. Upon termination of the existence of the corporation, all of its rights and properties in excess of its obligations shall pass to and be vested in the state.

7. The State Board of Administration Finance Corporation is for all purposes the successor to the Florida Hurricane Catastrophe Fund Finance Corporation.

~~(16) TEMPORARY EMERGENCY OPTIONS FOR ADDITIONAL COVERAGE.~~

~~(a) Findings and intent.~~

~~1. The Legislature finds that:~~

~~a. Because of temporary disruptions in the market for catastrophic reinsurance, many property insurers were unable to procure reinsurance for the 2006 hurricane season with an attachment point below the insurers' respective Florida Hurricane Catastrophe Fund attachment points, were unable to procure sufficient amounts of such reinsurance, or were able to procure such reinsurance only by incurring substantially higher costs than in prior years.~~

~~b. The reinsurance market problems were responsible, at least in part, for substantial premium increases to many consumers and increases in the number of policies issued by the Citizens Property Insurance Corporation.~~

~~c. It is likely that the reinsurance market disruptions will not significantly abate prior to the 2007 hurricane season.~~

~~2. It is the intent of the Legislature to create a temporary emergency program, applicable to the 2007, 2008, and 2009 hurricane seasons, to address these market disruptions and enable insurers, at their option, to procure additional coverage from the Florida Hurricane Catastrophe Fund.~~

~~(b) Applicability of other provisions of this section.—All provisions of this section and the rules adopted under this section apply to the program created by this subsection unless specifically superseded by this subsection.~~

~~(c) Optional coverage.—For the contract year commencing June 1, 2007, and ending May 31, 2008, the contract year commencing June 1, 2008, and ending May 31, 2009, and the contract year commencing June 1, 2009, and ending May 31, 2010, the board shall offer for each of such years the optional coverage as provided in this subsection.~~

~~(d) Additional definitions.—As used in this subsection, the term:~~

~~1. "TEACO options" means the temporary emergency additional coverage options created under this subsection.~~

~~2. "TEACO insurer" means an insurer that has opted to obtain coverage under the TEACO options in addition to the coverage provided to the insurer under its reimbursement contract.~~

~~3. "TEACO reimbursement premium" means the premium charged by the fund for coverage provided under the TEACO options.~~

~~4. "TEACO retention" means the amount of losses below which a TEACO insurer is not entitled to reimbursement from the fund under the TEACO option selected. A TEACO insurer's retention options shall be calculated as follows:~~

~~a. The board shall calculate and report to each TEACO insurer the TEACO retention multiples. There shall be three TEACO retention multiples for defining coverage. Each multiple shall be calculated by~~

~~dividing $3 billion, $4 billion, or $5 billion by the total estimated mandatory FHCF reimbursement premium assuming all insurers selected the 90 percent coverage level.~~

~~b. The TEACO retention multiples as determined under sub-subparagraph a. shall be adjusted to reflect the coverage level elected by the insurer. For insurers electing the 90 percent coverage level, the adjusted retention multiple is 100 percent of the amount determined under sub-subparagraph a. For insurers electing the 75 percent coverage level, the retention multiple is 120 percent of the amount determined under sub-subparagraph a. For insurers electing the 45 percent coverage level, the adjusted retention multiple is 200 percent of the amount determined under sub-subparagraph a.~~

~~c. An insurer shall determine its provisional TEACO retention by multiplying its estimated mandatory FHCF reimbursement premium by the applicable adjusted TEACO retention multiple and shall determine its actual TEACO retention by multiplying its actual mandatory FHCF reimbursement premium by the applicable adjusted TEACO retention multiple.~~

~~d. For TEACO insurers who experience multiple covered events causing loss during the contract year, the insurer's full TEACO retention shall be applied to each of the covered events causing the two largest losses for that insurer. For other covered events resulting in losses, the TEACO option does not apply and the insurer's retention shall be one-third of the full retention as calculated under paragraph (2)(c).~~

~~5. "TEACO addendum" means an addendum to the reimbursement contract reflecting the obligations of the fund and TEACO insurers under the program created by this subsection.~~

~~6. "FHCF" means the Florida Hurricane Catastrophe Fund.~~

~~(e) TEACO addendum.—~~

~~1. The TEACO addendum shall provide for reimbursement of TEACO insurers for covered events occurring during the contract year, in exchange for the TEACO reimbursement premium paid into the fund under paragraph (f). Any insurer writing covered policies has the option of choosing to accept the TEACO addendum for any of the 3 contract years that the coverage is offered.~~

~~2. The TEACO addendum shall contain a promise by the board to reimburse the TEACO insurer for 45 percent, 75 percent, or 90 percent of its losses from each covered event in excess of the insurer's TEACO retention, plus 5 percent of the reimbursed losses to cover loss adjustment expenses. The percentage shall be the same as the coverage level selected by the insurer under paragraph (4)(b).~~

~~3. The TEACO addendum shall provide that reimbursement amounts shall not be reduced by reinsurance paid or payable to the insurer from other sources.~~

~~4. The TEACO addendum shall also provide that the obligation of the board with respect to all TEACO addenda shall not exceed an amount equal to two times the difference between the industry retention level calculated under paragraph (2)(c) and the $3 billion, $4 billion, or $5 billion industry TEACO retention level options actually selected, but in no event may the board's obligation exceed the actual claims-paying capacity of the fund plus the additional capacity created in paragraph (g). If the actual claims-paying capacity and the additional capacity created under paragraph (g) fall short of the board's obligations under the reimbursement contract, each insurer's share of the fund's capacity shall be prorated based on the premium an insurer pays for its mandatory reimbursement coverage and the premium paid for its optional TEACO coverage as each such premium bears to the total premiums paid to the fund times the available capacity.~~

~~5. The priorities, schedule, and method of reimbursements under the TEACO addendum shall be the same as provided under subsection (4).~~

~~6. A TEACO insurer's maximum reimbursement for a single event shall be equal to the product of multiplying its mandatory FHCF premium by the difference between its FHCF retention multiple and its TEACO retention multiple under the TEACO option selected and by the coverage selected under paragraph (4)(b), plus an additional 5 percent for loss adjustment expenses. A TEACO insurer's maximum reimbursement under the TEACO option selected for a TEACO insurer's two largest events shall be twice its maximum reimbursement for a single event.~~

~~(f) TEACO reimbursement premiums.—~~

~~1. Each TEACO insurer shall pay to the fund, in the manner and at the time provided in the reimbursement contract for payment of reimbursement premiums, a TEACO reimbursement premium calculated as specified in this paragraph.~~

~~2. The insurer's TEACO reimbursement premium associated with the $3 billion retention option shall be equal to 85 percent of a TEACO insurer's maximum reimbursement for a single event as calculated under subparagraph (e)6. The TEACO reimbursement premium associated with the $4 billion retention option shall be equal to 80 percent of a TEACO insurer's maximum reimbursement for a single event as calculated under subparagraph (e)6. The TEACO premium associated with the $5 billion retention option shall be equal to 75 percent of a TEACO insurer's maximum reimbursement for a single event as calculated under subparagraph (e)6.~~

~~(g) Effect on claims-paying capacity of the fund. For the contract term commencing June 1, 2007, the contract year commencing June 1, 2008, and the contract term beginning June 1, 2009, the program created by this subsection shall increase the claims-paying capacity of the fund as provided in subparagraph (4)(e)1. by an amount equal to two times the difference between the industry retention level calculated under paragraph (2)(c) and the $3 billion industry TEACO retention level specified in sub-subparagraph (d)4.a. The additional capacity shall apply only to the additional coverage provided by the TEACO option and shall not otherwise affect any insurer's reimbursement from the fund.~~

Section 2. Subsection (4) of section 626.752, Florida Statutes, is amended to read:

626.752 Exchange of business.—

(4) The foregoing limitations and restrictions shall not be construed and shall not apply to the placing of surplus lines business under the provisions of part VIII *or to the activities of Citizens Property Insurance Corporation in placing new and renewal business with authorized insurers in accordance with s. 627.3518*.

Section 3. Present subsections (11), (15), and (17) of section 626.854, Florida Statutes, are amended, and a new subsection (17) is added to that section to read:

626.854 "Public adjuster" defined; prohibitions.—The Legislature finds that it is necessary for the protection of the public to regulate public insurance adjusters and to prevent the unauthorized practice of law.

(11)(a) If a public adjuster enters into a contract with an insured or claimant to reopen a claim or file a supplemental claim that seeks additional payments for a claim that has been previously paid in part or in full or settled by the insurer, the public adjuster may not charge, agree to, or accept *from any source* ~~any~~ compensation, payment, commission, fee, or *any* other thing of value based on a previous settlement or previous claim payments by the insurer for the same cause of loss. The charge, compensation, payment, commission, fee, or *any* other thing of value must be based only on the claim payments or settlement obtained through the work of the public adjuster after entering into the contract with the insured or claimant. Compensation for the reopened or supplemental claim may not exceed 20 percent of the reopened or supplemental claim payment. *In no event shall* the contracts described in this paragraph *exceed* ~~are not subject to~~ the limitations in paragraph (b).

(b) A public adjuster may not charge, agree to, or accept *from any source* ~~any~~ compensation, payment, commission, fee, or *any* other thing of value in excess of:

1. Ten percent of the amount of insurance claim payments made by the insurer for claims based on events that are the subject of a declaration of a state of emergency by the Governor. This provision applies to claims made during the year after the declaration of emergency. After that year, the limitations in subparagraph 2. apply.

2. Twenty percent of the amount of insurance claim payments made by the insurer for claims that are not based on events that are the subject of a declaration of a state of emergency by the Governor.

(c) Any maneuver, shift, or device through which the limits on compensation set forth in this subsection are exceeded is a violation of this chapter punishable as provided under s. 626.8698.

(15) ~~A public adjuster must ensure prompt notice of property loss claims submitted to an insurer by or through a public adjuster or on which a public adjuster represents the insured at the time the claim or notice of loss is submitted to the insurer.~~ The public adjuster must ensure that *prompt* notice is given *of the claim* to the insurer, the public adjuster's contract is provided to the insurer, the property is available for inspection of the loss or damage by the insurer, and the insurer is given an opportunity to interview the insured directly about the loss and claim. The insurer must be allowed to obtain necessary information to investigate and respond to the claim.

(a) The insurer may not exclude the public adjuster from its in-person meetings with the insured. The insurer shall meet or communicate with the public adjuster in an effort to reach agreement as to the scope of the covered loss under the insurance policy. *The public adjuster shall meet or communicate with the insurer in an effort to reach agreement as to the scope of the covered loss under the insurance policy.* This section does not impair the terms and conditions of the insurance policy in effect at the time the claim is filed.

(b) A public adjuster may not restrict or prevent an insurer, company employee adjuster, independent adjuster, attorney, investigator, or other person acting on behalf of the insurer from having reasonable access at reasonable times to *any* ~~an~~ insured or claimant or to the insured property that is the subject of a claim.

(c) A public adjuster may not act or fail to reasonably act in any manner that obstructs or prevents an insurer or insurer's adjuster from timely conducting an inspection of any part of the insured property for which there is a claim for loss or damage. The public adjuster representing the *insureds* ~~insured~~ may be present for the insurer's inspection, but if the unavailability of the public adjuster otherwise delays the insurer's timely inspection of the property, the public adjuster or the *insureds* ~~insured~~ must allow the insurer to have access to the property without the participation or presence of the public adjuster or *insureds* ~~insured~~ in order to facilitate the insurer's prompt inspection of the loss or damage.

(17) A public adjuster shall not acquire any interest in salvaged property, except with the written consent and permission of the insured through a signed affidavit.

(18)~~(17)~~ The provisions of subsections *(5)-(17)* ~~(5)-(16)~~ apply only to residential property insurance policies and condominium unit owner policies as defined in s. 718.111(11).

Section 4. *The Legislature intends to enhance the expertise immediately available to the commission by increasing the membership of the Florida Commission on Hurricane Loss Projection Methodology to provide for the appointment of an additional member with special qualifications or attributes.*

Section 5. Subsection (2) of section 627.0628, Florida Statutes, is amended to read:

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

(2) COMMISSION CREATED.—

(a) There is created the Florida Commission on Hurricane Loss Projection Methodology, which is assigned to the State Board of Administration. For the purposes of this section, the term "commission" means the Florida Commission on Hurricane Loss Projection Methodology. The commission shall be administratively housed within the State Board of Administration, but it shall independently exercise the powers and duties specified in this section.

(b) The commission shall consist of the following *12* ~~11~~ members:

1. The insurance consumer advocate.

2. The senior employee of the State Board of Administration responsible for operations of the Florida Hurricane Catastrophe Fund.

3. The Executive Director of the Citizens Property Insurance Corporation.

4. The Director of the Division of Emergency Management.

5. The actuary member of the Florida Hurricane Catastrophe Fund Advisory Council.

6. An employee of the office who is an actuary responsible for property insurance rate filings and who is appointed by the director of the office.

7. Five members appointed by the Chief Financial Officer, as follows:

a. An actuary who is employed full time by a property and casualty insurer that was responsible for at least 1 percent of the aggregate statewide direct written premium for homeowner's insurance in the calendar year preceding the member's appointment to the commission.

b. An expert in insurance finance who is a full-time member of the faculty of the State University System and who has a background in actuarial science.

c. An expert in statistics who is a full-time member of the faculty of the State University System and who has a background in insurance.

d. An expert in computer system design who is a full-time member of the faculty of the State University System.

e. An expert in meteorology who is a full-time member of the faculty of the State University System and who specializes in hurricanes.

8. A licensed professional structural engineer who is a full-time faculty member in the State University System and who has expertise in wind mitigation techniques. This appointment shall be made by the Governor.

(c) Members designated under subparagraphs (b)1.-5. shall serve on the commission as long as they maintain the respective offices designated in subparagraphs (b)1.-5. The member appointed by the director of the office under subparagraph (b)6. shall serve on the commission until the end of the term of office of the director who appointed him or her, unless removed earlier by the director for cause. Members appointed by the Chief Financial Officer under subparagraph (b)7. shall serve on the commission until the end of the term of office of the Chief Financial Officer who appointed them, unless earlier removed by the Chief Financial Officer for cause. Vacancies on the commission shall be filled in the same manner as the original appointment.

(d) The State Board of Administration shall annually appoint one of the members of the commission to serve as chair.

(e) Members of the commission shall serve without compensation, but shall be reimbursed for per diem and travel expenses pursuant to s. 112.061.

(f) The State Board of Administration shall, as a cost of administration of the Florida Hurricane Catastrophe Fund, provide for travel, expenses, and staff support for the commission.

(g) There shall be no liability on the part of, and no cause of action of any nature shall arise against, any member of the commission, any member of the State Board of Administration, or any employee of the State Board of Administration for any action taken in the performance of their duties under this section. In addition, the commission may, in writing, waive any potential cause of action for negligence of a consultant, contractor, or contract employee engaged to assist the commission.

Section 6. Subsection (5) of section 627.0629, Florida Statutes, is amended to read:

627.0629 Residential property insurance; rate filings.—

(5) In order to provide an appropriate transition period, an insurer may implement an approved rate filing for residential property insurance over a period of years. Such insurer must provide an informational notice to the office setting out its schedule for implementation of

the phased-in rate filing. The insurer may include in its rate the actual cost of private market reinsurance that corresponds to available coverage of the Temporary Increase in Coverage Limits, TICL, from the Florida Hurricane Catastrophe Fund. The insurer may also include the cost of reinsurance to replace the TICL reduction implemented pursuant to s. *215.555(16)(d)9.* ~~215.555(17)(d)9.~~ However, this cost for reinsurance may not include any expense or profit load or result in a total annual base rate increase in excess of 10 percent.

Section 7. Paragraphs (a), (c), (i), (k), and (q) of subsection (6) of section 627.351, Florida Statutes, are amended, and paragraphs (gg) and (hh) are added to that subsection, to read:

627.351 Insurance risk apportionment plans.—

(6) CITIZENS PROPERTY INSURANCE CORPORATION.—

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

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

2. The Residential Property and Casualty Joint Underwriting Association originally created by this statute shall be known as the Citizens Property Insurance Corporation. The corporation shall provide insurance for residential and commercial property, for applicants who are entitled, but, in good faith, are unable to procure insurance through the voluntary market. The corporation shall operate pursuant to a plan of operation approved by order of the Financial Services Commission. The plan is subject to continuous review by the commission. The commission may, by order, withdraw approval of all or part of a plan if the commission determines that conditions have changed since approval was granted and that the purposes of the plan require changes in the plan. For the purposes of this subsection, residential coverage includes both personal lines residential coverage, which consists of the type of coverage provided by homeowner's, mobile home owner's, dwelling, tenant's, condominium unit owner's, and similar policies; and commercial lines residential coverage, which consists of the type of coverage provided by condominium association, apartment building, and similar policies.

3. *With respect to coverage for personal lines residential structures:*

a. Effective January 1, *2014* ~~2009~~, a ~~personal lines residential~~ structure that has a dwelling replacement cost of *$1* ~~$2~~ million or more, or a single condominium unit that has a combined dwelling and contents replacement cost of *$1* ~~$2~~ million or more is not eligible for coverage by the corporation. Such dwellings insured by the corporation on December 31, *2013* ~~2008~~, may continue to be covered by the corporation until the end of the policy term. ~~However, such dwellings may reapply and obtain coverage if the property owner provides the corporation with a sworn affidavit from one or more insurance agents, on a form provided by the corporation, stating that the agents have made their best efforts to obtain coverage and that the property has been rejected for coverage by at least one authorized insurer and at least three surplus lines insurers. If such conditions are met, the dwelling may be insured by the corporation for up to 3 years, after which time the dwelling is ineligible for coverage.~~ The office shall approve the method used by the corporation for valuing the dwelling replacement cost for the purposes of this subparagraph. If a policyholder is insured by the corporation *before* ~~prior to~~ being determined to be ineligible pursuant to this subparagraph and such policyholder files a lawsuit challenging the determination, the policyholder may remain insured by the corporation until the conclusion of the litigation.

b. Effective January 1, 2015, a structure that has a dwelling replacement cost of $900,000 or more, or a single condominium unit that has a combined dwelling and contents replacement cost of $900,000 or more, is not eligible for coverage by the corporation. Such dwellings insured by the corporation on December 31, 2014, may continue to be covered by the corporation only until the end of the policy term.

c. Effective January 1, 2016, a structure that has a dwelling replacement cost of $800,000 or more, or a single condominium unit that has a combined dwelling and contents replacement cost of $800,000 or more, is not eligible for coverage by the corporation. Such dwellings insured by the corporation on December 31, 2015, may continue to be covered by the corporation until the end of the policy term.

d. Effective January 1, 2017, a structure that has a dwelling replacement cost of $700,000 or more, or a single condominium unit that has a combined dwelling and contents replacement cost of $700,000 or more, is not eligible for coverage by the corporation. Such dwellings insured by the corporation on December 31, 2016, may continue to be covered by the corporation until the end of the policy term.

The requirements of sub-subparagraphs b.-d. do not apply in counties where the office determines there is not a reasonable degree of competition. In such counties a personal lines residential structure that has a dwelling replacement cost of less than $1 million, or a single condominium unit that has a combined dwelling and contents replacement cost of less than $1 million, is eligible for coverage by the corporation.

4. It is the intent of the Legislature that policyholders, applicants, and agents of the corporation receive service and treatment of the highest possible level but never less than that generally provided in the voluntary market. It is also intended that the corporation be held to service standards no less than those applied to insurers in the voluntary market by the office with respect to responsiveness, timeliness, customer courtesy, and overall dealings with policyholders, applicants, or agents of the corporation.

5.*a.* Effective January 1, 2009, a personal lines residential structure that is located in the "wind-borne debris region," as defined in s. 1609.2, International Building Code (2006), and that has an insured value on the structure of $750,000 or more is not eligible for coverage by the corporation unless the structure has opening protections as required under the Florida Building Code for a newly constructed residential structure in that area. A residential structure *is* ~~shall be~~ deemed to comply with this subparagraph if it has shutters or opening protections on all openings and if such opening protections complied with the Florida Building Code at the time they were installed.

b. Any major structure as defined in s. 161.54(6)(a) for which a permit is applied on or after July 1, 2014, for new construction or substantial improvement as defined in s. 161.54(12) is not eligible for coverage by the corporation if the structure is seaward of the coastal construction control line established pursuant to s. 161.053 or is within the Coastal Barrier Resources System as designated by 16 U.S.C. ss. 3501-3510.

~~6. For any claim filed under any policy of the corporation, a public adjuster may not charge, agree to, or accept any compensation, payment, commission, fee, or other thing of value greater than 10 percent of the additional amount actually paid over the amount that was originally offered by the corporation for any one claim.~~

(c) The corporation's plan of operation:

1. Must provide for adoption of residential property and casualty insurance policy forms and commercial residential and nonresidential property insurance forms, which must be approved by the office before use. The corporation shall adopt the following policy forms:

a. Standard personal lines policy forms that are comprehensive multiperil policies providing full coverage of a residential property equivalent to the coverage provided in the private insurance market under an HO-3, HO-4, or HO-6 policy.

b. Basic personal lines policy forms that are policies similar to an HO-8 policy or a dwelling fire policy that provide coverage meeting the requirements of the secondary mortgage market, but which is more limited than the coverage under a standard policy.

c. Commercial lines residential and nonresidential policy forms that are generally similar to the basic perils of full coverage obtainable for commercial residential structures and commercial nonresidential structures in the admitted voluntary market.

d. Personal lines and commercial lines residential property insurance forms that cover the peril of wind only. The forms are applicable only to residential properties located in areas eligible for coverage under the coastal account referred to in sub-subparagraph (b)2.a.

e. Commercial lines nonresidential property insurance forms that cover the peril of wind only. The forms are applicable only to nonresidential properties located in areas eligible for coverage under the coastal account referred to in sub-subparagraph (b)2.a.

f. The corporation may adopt variations of the policy forms listed in sub-subparagraphs a.-e. which contain more restrictive coverage.

g. Effective January 1, 2013, the corporation shall offer a basic personal lines policy similar to an HO-8 policy with dwelling repair based on common construction materials and methods.

2. Must provide that the corporation adopt a program in which the corporation and authorized insurers enter into quota share primary insurance agreements for hurricane coverage, as defined in s. 627.4025(2)(a), for eligible risks, and adopt property insurance forms for eligible risks which cover the peril of wind only.

a. As used in this subsection, the term:

(I) "Quota share primary insurance" means an arrangement in which the primary hurricane coverage of an eligible risk is provided in specified percentages by the corporation and an authorized insurer. The corporation and authorized insurer are each solely responsible for a specified percentage of hurricane coverage of an eligible risk as set forth in a quota share primary insurance agreement between the corporation and an authorized insurer and the insurance contract. The responsibility of the corporation or authorized insurer to pay its specified percentage of hurricane losses of an eligible risk, as set forth in the agreement, may not be altered by the inability of the other party to pay its specified percentage of losses. Eligible risks that are provided hurricane coverage through a quota share primary insurance arrangement must be provided policy forms that set forth the obligations of the corporation and authorized insurer under the arrangement, clearly specify the percentages of quota share primary insurance provided by the corporation and authorized insurer, and conspicuously and clearly state that the authorized insurer and the corporation may not be held responsible beyond their specified percentage of coverage of hurricane losses.

(II) "Eligible risks" means personal lines residential and commercial lines residential risks that meet the underwriting criteria of the corporation and are located in areas that were eligible for coverage by the Florida Windstorm Underwriting Association on January 1, 2002.

b. The corporation may enter into quota share primary insurance agreements with authorized insurers at corporation coverage levels of 90 percent and 50 percent.

c. If the corporation determines that additional coverage levels are necessary to maximize participation in quota share primary insurance agreements by authorized insurers, the corporation may establish additional coverage levels. However, the corporation's quota share primary insurance coverage level may not exceed 90 percent.

d. Any quota share primary insurance agreement entered into between an authorized insurer and the corporation must provide for a uniform specified percentage of coverage of hurricane losses, by county or territory as set forth by the corporation board, for all eligible risks of the authorized insurer covered under the agreement.

e. Any quota share primary insurance agreement entered into between an authorized insurer and the corporation is subject to review and approval by the office. However, such agreement shall be authorized only as to insurance contracts entered into between an authorized insurer and an insured who is already insured by the corporation for wind coverage.

f. For all eligible risks covered under quota share primary insurance agreements, the exposure and coverage levels for both the corporation and authorized insurers shall be reported by the corporation to the Florida Hurricane Catastrophe Fund. For all policies of eligible risks covered under such agreements, the corporation and the authorized insurer must maintain complete and accurate records for the purpose of exposure and loss reimbursement audits as required by fund rules. The corporation and the authorized insurer shall each maintain duplicate copies of policy declaration pages and supporting claims documents.

g. The corporation board shall establish in its plan of operation standards for quota share agreements which ensure that there is no discriminatory application among insurers as to the terms of the agreements, pricing of the agreements, incentive provisions if any, and consideration paid for servicing policies or adjusting claims.

h. The quota share primary insurance agreement between the corporation and an authorized insurer must set forth the specific terms under which coverage is provided, including, but not limited to, the sale and servicing of policies issued under the agreement by the insurance agent of the authorized insurer producing the business, the reporting of information concerning eligible risks, the payment of premium to the corporation, and arrangements for the adjustment and payment of hurricane claims incurred on eligible risks by the claims adjuster and personnel of the authorized insurer. Entering into a quota sharing insurance agreement between the corporation and an authorized insurer is voluntary and at the discretion of the authorized insurer.

3.a. May provide that the corporation may employ or otherwise contract with individuals or other entities to provide administrative or professional services that may be appropriate to effectuate the plan. The corporation may borrow funds by issuing bonds or by incurring other indebtedness, and shall have other powers reasonably necessary to effectuate the requirements of this subsection, including, without limitation, the power to issue bonds and incur other indebtedness in order to refinance outstanding bonds or other indebtedness. The corporation may seek judicial validation of its bonds or other indebtedness under chapter 75. The corporation may issue bonds or incur other indebtedness, or have bonds issued on its behalf by a unit of local government pursuant to subparagraph (q)2. in the absence of a hurricane or other weather-related event, upon a determination by the corporation, subject to approval by the office, that such action would enable it to efficiently meet the financial obligations of the corporation and that such financings are reasonably necessary to effectuate the requirements of this subsection. The corporation may take all actions needed to facilitate tax-free status for such bonds or indebtedness, including formation of trusts or other affiliated entities. The corporation may pledge assessments, projected recoveries from the Florida Hurricane Catastrophe Fund, other reinsurance recoverables, policyholder surcharges and other surcharges, and other funds available to the corporation as security for bonds or other indebtedness. In recognition of s. 10, Art. I of the State Constitution, prohibiting the impairment of obligations of contracts, it is the intent of the Legislature that no action be taken whose purpose is to impair any bond indenture or financing agreement or any revenue source committed by contract to such bond or other indebtedness.

b. To ensure that the corporation is operating in an efficient and economic manner while providing quality service to policyholders, applicants, and agents, the board shall commission an independent third-party consultant having expertise in insurance company management or insurance company management consulting to prepare a report and make recommendations on the relative costs and benefits of outsourcing various policy issuance and service functions to private servicing carriers or entities performing similar functions in the private market for a fee, rather than performing such functions in-house. In making such re-

commendations, the consultant shall consider how other residual markets, both in this state and around the country, outsource appropriate functions or use servicing carriers to better match expenses with revenues that fluctuate based on a widely varying policy count. The report must be completed by July 1, 2012. Upon receiving the report, the board shall develop a plan to implement the report and submit the plan for review, modification, and approval to the Financial Services Commission. Upon the commission's approval of the plan, the board shall begin implementing the plan by January 1, 2013.

4. Must require that the corporation operate subject to the supervision and approval of a board of governors consisting of *nine* ~~eight~~ individuals who are residents of this state *and who are*~~,~~ from different geographical areas of *the* ~~this~~ state*, one of whom is appointed by the Governor and serves solely to advocate on behalf of the consumer. The appointment of a consumer representative by the Governor is in addition to the appointments authorized under sub-subparagraph a*.

a. The Governor, the Chief Financial Officer, the President of the Senate, and the Speaker of the House of Representatives shall each appoint two members of the board. At least one of the two members appointed by each appointing officer must have demonstrated expertise in insurance and is deemed to be within the scope of the exemption provided in s. 112.313(7)(b). The Chief Financial Officer shall designate one of the appointees as chair. All board members serve at the pleasure of the appointing officer. All members of the board are subject to removal at will by the officers who appointed them. All board members, including the chair, must be appointed to serve for 3-year terms beginning annually on a date designated by the plan. However, for the first term beginning on or after July 1, 2009, each appointing officer shall appoint one member of the board for a 2-year term and one member for a 3-year term. A board vacancy shall be filled for the unexpired term by the appointing officer. The Chief Financial Officer shall appoint a technical advisory group to provide information and advice to the board in connection with the board's duties under this subsection. The executive director and senior managers of the corporation shall be engaged by the board and serve at the pleasure of the board. Any executive director appointed on or after July 1, 2006, is subject to confirmation by the Senate. The executive director is responsible for employing other staff as the corporation may require, subject to review and concurrence by the board.

b. The board shall create a Market Accountability Advisory Committee to assist the corporation in developing awareness of its rates and its customer and agent service levels in relationship to the voluntary market insurers writing similar coverage.

(I) The members of the advisory committee consist of the following 11 persons, one of whom must be elected chair by the members of the committee: four representatives, one appointed by the Florida Association of Insurance Agents, one by the Florida Association of Insurance and Financial Advisors, one by the Professional Insurance Agents of Florida, and one by the Latin American Association of Insurance Agencies; three representatives appointed by the insurers with the three highest voluntary market share of residential property insurance business in the state; one representative from the Office of Insurance Regulation; one consumer appointed by the board who is insured by the corporation at the time of appointment to the committee; one representative appointed by the Florida Association of Realtors; and one representative appointed by the Florida Bankers Association. All members shall be appointed to 3-year terms and may serve for consecutive terms.

(II) The committee shall report to the corporation at each board meeting on insurance market issues which may include rates and rate competition with the voluntary market; service, including policy issuance, claims processing, and general responsiveness to policyholders, applicants, and agents; and matters relating to depopulation.

5. Must provide a procedure for determining the eligibility of a risk for coverage, as follows:

a. Subject to s. 627.3517, with respect to personal lines residential risks, if the risk is offered coverage from an authorized insurer at the insurer's approved rate under a standard policy including wind coverage or, if consistent with the insurer's underwriting rules as filed with the office, a basic policy including wind coverage, for a new application to the corporation for coverage, the risk is not eligible for any policy issued by the corporation unless the premium for coverage from the authorized insurer is more than 15 percent greater than the premium for comparable coverage from the corporation. *Whenever an offer of coverage for a personal lines residential risk is received for a policyholder of the corporation at renewal from an authorized insurer, if the offer is equal to or less than the corporation's renewal premium for comparable coverage, the risk is not eligible for coverage with the corporation.* If the risk is not able to obtain such offer, the risk is eligible for a standard policy including wind coverage or a basic policy including wind coverage issued by the corporation; however, if the risk could not be insured under a standard policy including wind coverage regardless of market conditions, the risk is eligible for a basic policy including wind coverage unless rejected under subparagraph 8. However, ~~a policyholder of the corporation or~~ a policyholder removed from the corporation through an assumption agreement *remains eligible for coverage from the corporation* until the end of the assumption period ~~remains eligible for coverage from the corporation regardless of any offer of coverage from an authorized insurer or surplus lines insurer~~. The corporation shall determine the type of policy to be provided on the basis of objective standards specified in the underwriting manual and based on generally accepted underwriting practices.

(I) If the risk accepts an offer of coverage through the market assistance plan or through a mechanism established by the corporation *other than a plan established by s. 627.3518,* before a policy is issued to the risk by the corporation or during the first 30 days of coverage by the corporation, and the producing agent who submitted the application to the plan or to the corporation is not currently appointed by the insurer, the insurer shall:

(A) Pay to the producing agent of record of the policy for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record of the policy to continue servicing the policy for at least 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-subparagraph (A).

(II) If the corporation enters into a contractual agreement for a takeout plan, the producing agent of record of the corporation policy is entitled to retain any unearned commission on the policy, and the insurer shall:

(A) Pay to the producing agent of record, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record to continue servicing the policy for at least 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-subparagraph (A).

b. With respect to commercial lines residential risks, for a new application to the corporation for coverage, if the risk is offered coverage under a policy including wind coverage from an authorized insurer at its approved rate, the risk is not eligible for a policy issued by the corporation unless the premium for coverage from the authorized insurer is more than 15 percent greater than the premium for comparable coverage from the corporation. *Whenever an offer of coverage for a commercial lines residential risk is received for a policyholder of the corporation at renewal from an authorized insurer, if the offer is equal to or less than the corporation's renewal premium for comparable coverage, the risk is not eligible for coverage with the corporation.* If the risk is not able to obtain any such offer, the risk is eligible for a policy including wind coverage issued by the corporation. However, ~~a policyholder of the corporation or~~ a policyholder removed from the corporation through an assumption agreement *remains eligible for coverage from the corporation* until the

end of the assumption period ~~remains eligible for coverage from the corporation regardless of an offer of coverage from an authorized insurer or surplus lines insurer~~.

(I) If the risk accepts an offer of coverage through the market assistance plan or through a mechanism established by the corporation *other than a plan established by s. 627.3518,* before a policy is issued to the risk by the corporation or during the first 30 days of coverage by the corporation, and the producing agent who submitted the application to the plan or the corporation is not currently appointed by the insurer, the insurer shall:

(A) Pay to the producing agent of record of the policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record of the policy to continue servicing the policy for at least 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-subparagraph (A).

(II) If the corporation enters into a contractual agreement for a take-out plan, the producing agent of record of the corporation policy is entitled to retain any unearned commission on the policy, and the insurer shall:

(A) Pay to the producing agent of record, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record to continue servicing the policy for at least 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-subparagraph (A).

c. For purposes of determining comparable coverage under sub-subparagraphs a. and b., the comparison must be based on those forms and coverages that are reasonably comparable. The corporation may rely on a determination of comparable coverage and premium made by the producing agent who submits the application to the corporation, made in the agent's capacity as the corporation's agent. A comparison may be made solely of the premium with respect to the main building or structure only on the following basis: the same coverage A or other building limits; the same percentage hurricane deductible that applies on an annual basis or that applies to each hurricane for commercial residential property; the same percentage of ordinance and law coverage, if the same limit is offered by both the corporation and the authorized insurer; the same mitigation credits, to the extent the same types of credits are offered both by the corporation and the authorized insurer; the same method for loss payment, such as replacement cost or actual cash value, if the same method is offered both by the corporation and the authorized insurer in accordance with underwriting rules; and any other form or coverage that is reasonably comparable as determined by the board. If an application is submitted to the corporation for wind-only coverage in the coastal account, the premium for the corporation's wind-only policy plus the premium for the ex-wind policy that is offered by an authorized insurer to the applicant must be compared to the premium for multiperil coverage offered by an authorized insurer, subject to the standards for comparison specified in this subparagraph. If the corporation or the applicant requests from the authorized insurer a breakdown of the premium of the offer by types of coverage so that a comparison may be made by the corporation or its agent and the authorized insurer refuses or is unable to provide such information, the corporation may treat the offer as not being an offer of coverage from an authorized insurer at the insurer's approved rate.

6. Must include rules for classifications of risks and rates.

7. Must provide that if premium and investment income for an account attributable to a particular calendar year are in excess of projected losses and expenses for the account attributable to that year, such excess shall be held in surplus in the account. Such surplus must be available to defray deficits in that account as to future years and used for that purpose before assessing assessable insurers and assessable insureds as to any calendar year.

8. Must provide objective criteria and procedures to be uniformly applied to all applicants in determining whether an individual risk is so hazardous as to be uninsurable. In making this determination and in establishing the criteria and procedures, the following must be considered:

a. Whether the likelihood of a loss for the individual risk is substantially higher than for other risks of the same class; and

b. Whether the uncertainty associated with the individual risk is such that an appropriate premium cannot be determined.

The acceptance or rejection of a risk by the corporation shall be construed as the private placement of insurance, and the provisions of chapter 120 do not apply.

9. Must provide that the corporation make its best efforts to procure catastrophe reinsurance at reasonable rates, to cover its projected 100-year probable maximum loss as determined by the board of governors.

10. The policies issued by the corporation must provide that if the corporation or the market assistance plan obtains an offer from an authorized insurer to cover the risk at its approved rates, the risk is no longer eligible for renewal through the corporation, except as otherwise provided in this subsection.

11. Corporation policies and applications must include a notice that the corporation policy could, under this section, be replaced with a policy issued by an authorized insurer which does not provide coverage identical to the coverage provided by the corporation. The notice must also specify that acceptance of corporation coverage creates a conclusive presumption that the applicant or policyholder is aware of this potential.

12. May establish, subject to approval by the office, different eligibility requirements and operational procedures for any line or type of coverage for any specified county or area if the board determines that such changes are justified due to the voluntary market being sufficiently stable and competitive in such area or for such line or type of coverage and that consumers who, in good faith, are unable to obtain insurance through the voluntary market through ordinary methods continue to have access to coverage from the corporation. If coverage is sought in connection with a real property transfer, the requirements and procedures may not provide an effective date of coverage later than the date of the closing of the transfer as established by the transferor, the transferee, and, if applicable, the lender.

13. Must provide that, with respect to the coastal account, any assessable insurer with a surplus as to policyholders of $25 million or less writing 25 percent or more of its total countrywide property insurance premiums in this state may petition the office, within the first 90 days of each calendar year, to qualify as a limited apportionment company. A regular assessment levied by the corporation on a limited apportionment company for a deficit incurred by the corporation for the coastal account may be paid to the corporation on a monthly basis as the assessments are collected by the limited apportionment company from its insureds, but a limited apportionment company must begin collecting the regular assessments not later than 90 days after the regular assessments are levied by the corporation, and the regular assessments must be paid in full within 15 months after being levied by the corporation. A limited apportionment company shall collect from its policyholders any emergency assessment imposed under sub-subparagraph (b)3.d. The plan must provide that, if the office determines that any regular assessment will result in an impairment of the surplus of a limited apportionment company, the office may direct that all or part of such assessment be deferred as provided in subparagraph (q)4. However, an emergency assessment to be collected from policyholders under sub-subparagraph (b) 3.d. may not be limited or deferred.

14. Must provide that the corporation appoint as its licensed agents only those agents who also hold an appointment as defined in s.

626.015(3) with an insurer who at the time of the agent's initial appointment by the corporation is authorized to write and is actually writing personal lines residential property coverage, commercial residential property coverage, or commercial nonresidential property coverage within the state.

15. Must provide a premium payment plan option to its policyholders which, at a minimum, allows for quarterly and semiannual payment of premiums. A monthly payment plan may, but is not required to, be offered.

16. Must limit coverage on mobile homes or manufactured homes built before 1994 to actual cash value of the dwelling rather than replacement costs of the dwelling.

17. May provide such limits of coverage as the board determines, consistent with the requirements of this subsection.

18. May require commercial property to meet specified hurricane mitigation construction features as a condition of eligibility for coverage.

19. Must provide that new or renewal policies issued by the corporation on or after January 1, 2012, which cover sinkhole loss do not include coverage for any loss to appurtenant structures, driveways, sidewalks, decks, or patios that are directly or indirectly caused by sinkhole activity. The corporation shall exclude such coverage using a notice of coverage change, which may be included with the policy renewal, and not by issuance of a notice of nonrenewal of the excluded coverage upon renewal of the current policy.

20. As of January 1, 2012, must require that the agent obtain from an applicant for coverage from the corporation an acknowledgment signed by the applicant, which includes, at a minimum, the following statement:

ACKNOWLEDGMENT OF POTENTIAL SURCHARGEAND ASSESSMENT LIABILITY:

1. AS A POLICYHOLDER OF CITIZENS PROPERTY INSURANCE CORPORATION, I UNDERSTAND THAT IF THE CORPORATION SUSTAINS A DEFICIT AS A RESULT OF HURRICANE LOSSES OR FOR ANY OTHER REASON, MY POLICY COULD BE SUBJECT TO SURCHARGES, WHICH WILL BE DUE AND PAYABLE UPON RENEWAL, CANCELLATION, OR TERMINATION OF THE POLICY, AND THAT THE SURCHARGES COULD BE AS HIGH AS 45 PERCENT OF MY PREMIUM, OR A DIFFERENT AMOUNT AS IMPOSED BY THE FLORIDA LEGISLATURE.

2. I UNDERSTAND THAT I CAN AVOID THE CITIZENS POLICYHOLDER SURCHARGE, WHICH COULD BE AS HIGH AS 45 PERCENT OF MY PREMIUM, BY OBTAINING COVERAGE FROM A PRIVATE MARKET INSURER AND THAT TO BE ELIGIBLE FOR COVERAGE BY CITIZENS, I MUST FIRST TRY TO OBTAIN PRIVATE MARKET COVERAGE BEFORE APPLYING FOR OR RENEWING COVERAGE WITH CITIZENS. I UNDERSTAND THAT PRIVATE MARKET INSURANCE RATES ARE REGULATED AND APPROVED BY THE STATE.

3.~~2.~~ I ~~ALSO~~ UNDERSTAND THAT I MAY BE SUBJECT TO EMERGENCY ASSESSMENTS TO THE SAME EXTENT AS POLICYHOLDERS OF OTHER INSURANCE COMPANIES, OR A DIFFERENT AMOUNT AS IMPOSED BY THE FLORIDA LEGISLATURE.

4.~~3.~~ I ALSO UNDERSTAND THAT CITIZENS PROPERTY INSURANCE CORPORATION IS NOT SUPPORTED BY THE FULL FAITH AND CREDIT OF THE STATE OF FLORIDA.

a. The corporation shall maintain, in electronic format or otherwise, a copy of the applicant's signed acknowledgment and provide a copy of the statement to the policyholder as part of the first renewal after the effective date of this subparagraph.

b. The signed acknowledgment form creates a conclusive presumption that the policyholder understood and accepted his or her potential surcharge and assessment liability as a policyholder of the corporation.

(i)1. The Office of the Internal Auditor is established within the corporation to provide a central point for coordination of and responsibility for activities that promote accountability, integrity, and efficiency to the policyholders and to the taxpayers of this state. The internal auditor shall be appointed by the board of governors, shall report to and be under the general supervision of the board of governors, and is not subject to supervision by *an* ~~any~~ employee of the corporation. Administrative staff and support shall be provided by the corporation. The internal auditor shall be appointed without regard to political affiliation. It is the duty and responsibility of the internal auditor to:

a. Provide direction for, supervise, conduct, and coordinate audits, investigations, and management reviews relating to the programs and operations of the corporation.

b. Conduct, supervise, or coordinate other activities carried out or financed by the corporation for the purpose of promoting efficiency in the administration of, or preventing and detecting fraud, abuse, and mismanagement in, its programs and operations.

c. Submit final audit reports, reviews, or investigative reports to the board of governors, the executive director, the members of the Financial Services Commission, and the President of the Senate and the Speaker of the House of Representatives.

d. Keep the board of governors informed concerning fraud, abuses, and internal control deficiencies relating to programs and operations administered or financed by the corporation, recommend corrective action, and report on the progress made in implementing corrective action.

e. *Cooperate and coordinate activities with the corporation's inspector general* ~~Report expeditiously to the Department of Law Enforcement or other law enforcement agencies, as appropriate, whenever the internal auditor has reasonable grounds to believe there has been a violation of criminal law~~.

2. On or before February 15, the internal auditor shall prepare an annual report evaluating the effectiveness of the internal controls of the corporation and providing recommendations for corrective action, if necessary, and summarizing the audits, reviews, and investigations conducted by the office during the preceding fiscal year. The final report shall be furnished to the board of governors and the executive director, the President of the Senate, the Speaker of the House of Representatives, and the Financial Services Commission.

(k)1. The corporation shall establish and maintain a unit or division to investigate possible fraudulent claims by insureds or by persons making claims for services or repairs against policies held by insureds; or it may contract with others to investigate possible fraudulent claims for services or repairs against policies held by the corporation pursuant to s. 626.9891. The corporation must comply with reporting requirements of s. 626.9891. An employee of the corporation shall notify the corporation's Office of the *Inspector General* ~~Internal Auditor~~ and the Division of Insurance Fraud within 48 hours after having information that would lead a reasonable person to suspect that fraud may have been committed by any employee of the corporation.

2. The corporation shall establish a unit or division responsible for receiving and responding to consumer complaints, which unit or division is the sole responsibility of a senior manager of the corporation.

(q)1. The corporation shall certify to the office its needs for annual assessments as to a particular calendar year, and for any interim assessments that it deems to be necessary to sustain operations as to a particular year pending the receipt of annual assessments. Upon verification, the office shall approve such certification, and the corporation shall levy such annual or interim assessments. Such assessments shall be prorated as provided in paragraph (b). The corporation shall take all reasonable and prudent steps necessary to collect the amount of assessments due from each assessable insurer, including, if prudent, filing suit to collect the assessments, and the office may provide such assistance to the corporation it deems appropriate. If the corporation is unable to collect an assessment from any assessable insurer, the uncollected assessments shall be levied as an additional assessment against the assessable insurers and any assessable insurer required to pay an additional assessment as a result of such failure to pay shall have a cause of action against such nonpaying assessable insurer. Assessments shall be included as an appropriate factor in the making of rates. The failure of a surplus lines agent to collect and remit any regular or emergency assessment levied by the corporation is considered to be a violation of s. 626.936 and subjects the surplus lines agent to the penalties provided in that section.

2. The governing body of any unit of local government, any residents of which are insured by the corporation, may issue bonds as defined in s. 125.013 or s. 166.101 from time to time to fund an assistance program, in conjunction with the corporation, for the purpose of defraying deficits of the corporation. In order to avoid needless and indiscriminate proliferation, duplication, and fragmentation of such assistance programs, any unit of local government, any residents of which are insured by the corporation, may provide for the payment of losses, regardless of whether or not the losses occurred within or outside of the territorial jurisdiction of the local government. Revenue bonds under this subparagraph may not be issued until validated pursuant to chapter 75, unless a state of emergency is declared by executive order or proclamation of the Governor pursuant to s. 252.36 making such findings as are necessary to determine that it is in the best interests of, and necessary for, the protection of the public health, safety, and general welfare of residents of this state and declaring it an essential public purpose to permit certain municipalities or counties to issue such bonds as will permit relief to claimants and policyholders of the corporation. Any such unit of local government may enter into such contracts with the corporation and with any other entity created pursuant to this subsection as are necessary to carry out this paragraph. Any bonds issued under this subparagraph shall be payable from and secured by moneys received by the corporation from emergency assessments under sub-subparagraph (b)3.d., and assigned and pledged to or on behalf of the unit of local government for the benefit of the holders of such bonds. The funds, credit, property, and taxing power of the state or of the unit of local government shall not be pledged for the payment of such bonds.

3.a. The corporation shall adopt one or more programs subject to approval by the office for the reduction of both new and renewal writings in the corporation. Beginning January 1, 2008, any program the corporation adopts for the payment of bonuses to an insurer for each risk the insurer removes from the corporation shall comply with s. 627.3511(2) and may not exceed the amount referenced in s. 627.3511(2) for each risk removed. The corporation may consider any prudent and not unfairly discriminatory approach to reducing corporation writings, and may adopt a credit against assessment liability or other liability that provides an incentive for insurers to take risks out of the corporation and to keep risks out of the corporation by maintaining or increasing voluntary writings in counties or areas in which corporation risks are highly concentrated and a program to provide a formula under which an insurer voluntarily taking risks out of the corporation by maintaining or increasing voluntary writings will be relieved wholly or partially from assessments under sub-subparagraph (b)3.a. However, any "take-out bonus" or payment to an insurer must be conditioned on the property being insured for at least 5 years by the insurer, unless canceled or nonrenewed by the policyholder. If the policy is canceled or nonrenewed by the policyholder before the end of the 5-year period, the amount of the take-out bonus must be prorated for the time period the policy was insured. When the corporation enters into a contractual agreement for a take-out plan, the producing agent of record of the corporation policy is entitled to retain any unearned commission on such policy, and the insurer shall either:

(I) Pay to the producing agent of record of the policy, for the first year, an amount which is the greater of the insurer's usual and customary commission for the type of policy written or a policy fee equal to the usual and customary commission of the corporation; or

(II) Offer to allow the producing agent of record of the policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the insurer's usual and customary commission for the type of policy written. If the producing agent is unwilling or unable to accept appointment by the new insurer, the new insurer shall pay the agent in accordance with sub-sub-subparagraph (I).

b. Any credit or exemption from regular assessments adopted under this subparagraph shall last no longer than the 3 years following the cancellation or expiration of the policy by the corporation. With the approval of the office, the board may extend such credits for an additional year if the insurer guarantees an additional year of renewability for all policies removed from the corporation, or for 2 additional years if the insurer guarantees 2 additional years of renewability for all policies so removed.

c. There shall be no credit, limitation, exemption, or deferment from emergency assessments to be collected from policyholders pursuant to sub-subparagraph (b)3.d.

4. The plan shall provide for the deferment, in whole or in part, of the assessment of an assessable insurer, other than an emergency assessment collected from policyholders pursuant to sub-subparagraph (b)3.d., if the office finds that payment of the assessment would endanger or impair the solvency of the insurer. In the event an assessment against an assessable insurer is deferred in whole or in part, the amount by which such assessment is deferred may be assessed against the other assessable insurers in a manner consistent with the basis for assessments set forth in paragraph (b).

5. Effective July 1, 2007, in order to evaluate the costs and benefits of approved take-out plans, if the corporation pays a bonus or other payment to an insurer for an approved take-out plan, it shall maintain a record of the address or such other identifying information on the property or risk removed in order to track if and when the property or risk is later insured by the corporation.

6. Any policy taken out, assumed, or removed from the corporation is, as of the effective date of the take-out, assumption, or removal, direct insurance issued by the insurer and not by the corporation, even if the corporation continues to service the policies. This subparagraph applies to policies of the corporation and not policies taken out, assumed, or removed from any other entity.

7. For a policy taken out, assumed, or removed from the corporation, the insurer may, for a period of no more than 3 years, continue to use any of the corporation's policy forms or endorsements that apply to the policy taken out, removed, or assumed without obtaining approval from the office for use of such policy form or endorsement.

(gg) The Office of Inspector General is established within the corporation to provide a central point for coordination of and responsibility for activities that promote accountability, integrity, and efficiency. The office shall be headed by an inspector general, which is a senior management position that involves planning, coordinating, and performing activities assigned to and assumed by the inspector general for the corporation.

1. The inspector general shall be appointed by the Financial Services Commission and may only be removed from office by the commission. The inspector general shall be appointed without regard to political affiliation.

a. At a minimum, the inspector general must possess a bachelor's degree from an accredited college or university and 8 years of professional experience related to the duties of an inspector general as described in this paragraph, of which 5 years must have been at a supervisory level.

b. The inspector general shall report to, and be under the supervision of, the chair of the board of governors. The executive director or corporation staff may not prevent or prohibit the inspector general from initiating, carrying out, or completing any audit, review, evaluation, study, or investigation.

2. The inspector general shall initiate, direct, coordinate, participate in, and perform audits, reviews, evaluations, studies, and investigations designed to assess management practices; compliance with laws, rules, and policies; and program effectiveness and efficiency. This includes:

a. Conducting internal examinations; investigating allegations of fraud, waste, abuse, malfeasance, mismanagement, employee misconduct, or violations of corporation policies; and conducting any other investigations as directed by the Financial Services Commission or as independently determined.

b. Evaluating and recommending actions regarding security, the ethical behavior of personnel and vendors, and compliance with rules, laws, policies, and personnel matters; and rendering ethics opinions.

c. Evaluating personnel and administrative policy compliance, management and operational matters, and human resources-related matters.

d. Evaluating the application of a corporation code of ethics, providing reviews and recommendations on the design and content of ethics-related policy training courses, educating employees on the code and on appropriate conduct, and checking for compliance.

e. Evaluating the activities of the senior management team and management's compliance with recommended solutions.

f. Cooperating and coordinating activities with the chief of internal audit.

g. Maintaining records of investigations and discipline in accordance with established policies, or as otherwise required.

h. Supervising and directing the tasks and assignments of the staff assigned to assist with the inspector general's projects, including regular review and feedback regarding work in progress and providing recommendations regarding relevant training and staff development activities.

i. Directing, planning, preparing, and presenting interim and final reports and oral briefings which communicate the results of studies, reviews, and investigations.

j. Providing the executive director with independent and objective assessments of programs and activities.

k. Completing special projects, assignments, and other duties as requested by the Financial Services Commission.

l. Reporting expeditiously to the Department of Law Enforcement or other law enforcement agencies, as appropriate, whenever the inspector general has reasonable grounds to believe there has been a violation of criminal law.

(hh) The corporation must prepare a report for each calendar year outlining both the statewide average and county-specific details of the loss ratio attributable to losses that are not catastrophic losses for residential coverage provided by the corporation, which information must be presented to the office and available for public inspection on the Internet website of the corporation by January 15th of the following calendar year.

Section 8. Effective October 1, 2013, paragraphs (e) and (t) of subsection (6) of section 627.351, Florida Statutes, are amended to read:

627.351 Insurance risk apportionment plans.—

(6) CITIZENS PROPERTY INSURANCE CORPORATION.—

(e) *The corporation is subject to s. 287.057 for the purchase of commodities and contractual services except as otherwise provided in this paragraph. Services provided by tradepersons or technical experts to assist a licensed adjuster in the evaluation of individual claims are not subject to the procurement requirements of this section. Additionally, the procurement of financial services providers and underwriters must be made pursuant to s. 627.3513* ~~Purchases that equal or exceed $2,500, but are less than $25,000, shall be made by receipt of written quotes, written record of telephone quotes, or informal bids, whenever practical~~. ~~The procurement of goods or services valued at or over $25,000 shall be subject to competitive solicitation, except in situations where the goods or services are provided by a sole source or are deemed an emergency purchase; the services are exempted from competitive solicitation requirements under s. 287.057(3)(f); or the procurement of services is subject to s. 627.3513. Justification for the sole sourcing or emergency procurement must be documented.~~ Contracts for goods or services valued at or *more than* ~~over~~ $100,000 are subject to approval by the board.

1. The corporation is an agency for purposes of s. 287.057, except that, for purposes of s. 287.057(22), the corporation is an eligible user.

a. The authority of the Department of Management Services and the Chief Financial Officer under s. 287.057 extends to the corporation as if the corporation were an agency.

b. The executive director of the corporation is the agency head under s. 287.057, except for resolution of bid protests for which the board would serve as the agency head.

2. The corporation must provide notice of a decision or intended decision concerning a solicitation, contract award, or exceptional purchase by electronic posting. Such notice must contain the following statement: "Failure to file a protest within the time prescribed in this section constitutes a waiver of proceedings."

a. A person adversely affected by the corporation's decision or intended decision to award a contract pursuant to s. 287.057(1) or s. 287.057(3)(c) who elects to challenge the decision must file a written notice of protest with the executive director of the corporation within 72 hours after the corporation posts a notice of its decision or intended decision. For a protest of the terms, conditions, and specifications contained in a solicitation, including any provisions governing the methods for ranking bids, proposals, replies, awarding contracts, reserving rights of further negotiation, or modifying or amending any contract, the notice of protest must be filed in writing within 72 hours after the posting of the solicitation. Saturdays, Sundays, and state holidays are excluded in the computation of the 72-hour time period.

b. A formal written protest must be filed within 10 days after the date the notice of protest is filed. The formal written protest must state with particularity the facts and law upon which the protest is based. Upon receipt of a formal written protest that has been timely filed, the corporation must stop the solicitation or contract award process until the subject of the protest is resolved by final board action unless the executive director sets forth in writing particular facts and circumstances that require the continuance of the solicitation or contract award process without delay in order to avoid an immediate and serious danger to the public health, safety, or welfare. The corporation must provide an opportunity to resolve the protest by mutual agreement between the parties within 7 business days after receipt of the formal written protest. If the subject of a protest is not resolved by mutual agreement within 7 business days, the corporation's board must place the protest on the agenda and resolve it at its next regularly scheduled meeting. The protest must be heard by the board at a publicly noticed meeting in accordance with procedures established by the board.

c. In a protest of an invitation-to-bid or request-for-proposals procurement, submissions made after the bid or proposal opening which amend or supplement the bid or proposal may not be considered. In protesting an invitation-to-negotiate procurement, submissions made after the corporation announces its intent to award a contract, reject all replies, or withdraw the solicitation that amends or supplements the reply may not be considered. Unless otherwise provided by law, the burden of proof rests with the party protesting the corporation's action. In a competitive-procurement protest, other than a rejection of all bids, proposals, or replies, the corporation's board must conduct a de novo proceeding to determine whether the corporation's proposed action is contrary to the corporation's governing statutes, the corporation's rules or policies, or the solicitation specifications. The standard of proof for the proceeding is whether the corporation's action was clearly erroneous, contrary to competition, arbitrary, or capricious. In any bid-protest proceeding contesting an intended corporation action to reject all bids, proposals, or replies, the standard of review by the board is whether the corporation's intended action is illegal, arbitrary, dishonest, or fraudulent.

d. Failure to file a notice of protest or failure to file a formal written protest constitutes a waiver of proceedings.

3. Contract actions and decisions by the board under this paragraph are final. Any further legal remedy must be made in the Circuit Court of Leon County.

(t) For the purposes of s. 199.183(1), the corporation shall be considered a political subdivision of the state and shall be exempt from the corporate income tax. The premiums, assessments, investment income, and other revenue of the corporation are funds received for providing property insurance coverage as required by this subsection, paying claims for Florida citizens insured by the corporation, securing and repaying debt obligations issued by the corporation, and conducting all other activities of the corporation, and shall not be considered taxes, fees, licenses, or charges for services imposed by the Legislature on individuals, businesses, or agencies outside state government. Bonds and other debt obligations issued by or on behalf of the corporation are not to be considered "state bonds" within the meaning of s. 215.58(8). The corporation is ~~not~~ subject to the procurement provisions of chapter 287 *as provided in paragraph (e)*, and policies and decisions of the corporation relating to incurring debt, levying of assessments and the sale, issuance, continuation, terms and claims under corporation policies, and all services relating thereto, are not subject to the provisions of chapter 120. The corporation is not required to obtain or to hold a certificate of authority issued by the office, nor is it required to participate as a member insurer of the Florida Insurance Guaranty Association. However, the corporation is required to pay, in the same manner as an authorized insurer, assessments levied by the Florida Insurance Guaranty Association. It is the intent of the Legislature that the tax exemptions provided in this paragraph will augment the financial resources of the

corporation to better enable the corporation to fulfill its public purposes. Any debt obligations issued by the corporation, their transfer, and the income therefrom, including any profit made on the sale thereof, shall at all times be free from taxation of every kind by the state and any political subdivision or local unit or other instrumentality thereof; however, this exemption does not apply to any tax imposed by chapter 220 on interest, income, or profits on debt obligations owned by corporations other than the corporation.

Section 9. *The purchase of commodities and contractual services by Citizens Property Insurance Corporation commenced before October 1, 2013, is governed by the law in effect on September 30, 2013.*

Section 10. Section 627.3518, Florida Statutes, is created to read:

627.3518 Citizens Property Insurance Corporation policyholder eligibility clearinghouse program.—The purpose of this section is to provide a framework for the corporation to implement a clearinghouse program by January 1, 2014.

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

(a) "Corporation" means Citizens Property Insurance Corporation.

(b) "Exclusive agent" means any licensed insurance agent that has, by contract, agreed to act exclusively for one company or group of affiliated insurance companies and is disallowed by the provisions of that contract to directly write for any other unaffiliated insurer absent express consent from the company or group of affiliated insurance companies.

(c) "Independent agent" means any licensed insurance agent not described in paragraph (b).

(d) "Program" means the clearinghouse created under this section.

(2) In order to confirm eligibility with the corporation and to enhance access of new applicants for coverage and existing policyholders of the corporation to offers of coverage from authorized insurers, the corporation shall establish a program for personal residential risks in order to facilitate the diversion of ineligible applicants and existing policyholders from the corporation into the voluntary insurance market. The corporation shall also develop appropriate procedures for facilitating the diversion of ineligible applicants and existing policyholders for commercial residential coverage into the private insurance market and shall report such procedures to the President of the Senate and the Speaker of the House of Representatives by January 1, 2014.

(3) The corporation board shall establish the clearinghouse program as an organizational unit within the corporation. The program shall have all the rights and responsibilities in carrying out its duties as a licensed general lines agent, but may not be required to employ or engage a licensed general lines agent or to maintain an insurance agency license to carry out its activities in the solicitation and placement of insurance coverage. In establishing the program, the corporation may:

(a) Require all new applications, and all policies due for renewal, to be submitted for coverage to the program in order to facilitate obtaining an offer of coverage from an authorized insurer before binding or renewing coverage by the corporation.

(b) Employ or otherwise contract with individuals or other entities for appropriate administrative or professional services to effectuate the plan within the corporation in accordance with the applicable purchasing requirements under s. 627.351.

(c) Enter into contracts with any authorized insurer to participate in the program and accept an appointment by such insurer.

(d) Provide funds to operate the program. Insurers and agents participating in the program are not required to pay a fee to offset or partially offset the cost of the program or use the program for renewal of policies initially written through the clearinghouse.

(e) Develop an enhanced application that includes information to assist private insurers in determining whether to make an offer of coverage through the program.

(f) For personal lines residential risks, require, before approving all new applications for coverage by the corporation, that every application be subject to a period of 2 business days when any insurer participating in the program may select the application for coverage. The insurer may issue a binder on any policy selected for coverage for a period of at least 30 days but not more than 60 days.

(4) Any authorized insurer may participate in the program; however, participation is not mandatory for any insurer. Insurers making offers of coverage to new applicants or renewal policyholders through the program:

(a) May not be required to individually appoint any agent whose customer is underwritten and bound through the program. Notwithstanding s. 626.112, insurers are not required to appoint any agent on a policy underwritten through the program for as long as that policy remains with the insurer. Insurers may, at their election, appoint any agent whose customer is initially underwritten and bound through the program. In the event an insurer accepts a policy from an agent who is not appointed pursuant to this paragraph, and thereafter elects to accept a policy from such agent, the provisions of s. 626.112 requiring appointment apply to the agent.

(b) Must enter into a limited agency agreement with each agent that is not appointed in accordance with paragraph (a) and whose customer is underwritten and bound through the program.

(c) Must enter into its standard agency agreement with each agent whose customer is underwritten and bound through the program when that agent has been appointed by the insurer pursuant to s. 626.112.

(d) Must comply with s. 627.4133(2).

(e) May participate through their single-designated managing general agent or broker; however, the provisions of paragraph (6)(a) regarding ownership, control, and use of the expirations continue to apply.

(f) Must pay to the producing agent a commission equal to that paid by the corporation or the usual and customary commission paid by the insurer for that line of business, whichever is greater.

(5) Notwithstanding s. 627.3517, any applicant for new coverage from the corporation is not eligible for coverage from the corporation, if provided an offer of coverage from an authorized insurer through the program at a premium that is at or below the eligibility threshold established in s. 627.351(6)(c)5.a. Whenever an offer of coverage for a personal lines risk is received for a policyholder of the corporation at renewal from an authorized insurer through the program, if the offer is equal to or less than the corporation's renewal premium for comparable coverage, the risk is not eligible for coverage with the corporation. In the event an offer of coverage for a new applicant is received from an authorized insurer through the program, and the premium offered exceeds the eligibility threshold contained in s. 627.351(6)(c)5.a., the applicant or insured may elect to accept such coverage, or may elect to accept or continue coverage with the corporation. In the event an offer of coverage for a personal lines risk is received from an authorized insurer at renewal through the program, and the premium offered is more than the corporation's renewal premium for comparable coverage, the insured may elect to accept such coverage, or may elect to accept or continue coverage with the corporation. Sub-sub-subparagraph 627.351(6)(c)5.a.(I) does not apply to an offer of coverage from an authorized insurer obtained through the program. An applicant for coverage from the corporation who was previously declared ineligible for coverage at renewal by the corporation in the previous 36 months due to an offer of coverage pursuant to this subsection shall be considered a renewal under this section if the corporation determines that the authorized insurer making the offer of coverage pursuant to this subsection continues to insure the applicant and increased the rate on the policy in excess of the increase allowed for the corporation under s. 627.351(6)(n)6.

(6) Independent insurance agents submitting new applications for coverage or that are the agent of record on a renewal policy submitted to the program:

(a) Are granted and must maintain ownership and the exclusive use of expirations, records, or other written or electronic information directly related to such applications or renewals written through the corporation or through an insurer participating in the program, notwithstanding s. 627.351(6)(c)5.a.(I)(B) and (II)(B). Such ownership is granted for as long as the insured remains with the agency or until sold or surrendered in writing by the agent. Contracts with the corporation or required by the

corporation must not amend, modify, interfere with, or limit such rights of ownership. Such expirations, records, or other written or electronic information may be used to review an application, issue a policy, or for any other purpose necessary for placing such business through the program.

(b) May not be required to be appointed by any insurer participating in the program for policies written solely through the program, notwithstanding the provisions of s. 626.112.

(c) May accept an appointment from any insurer participating in the program.

(d) May enter into either a standard or limited agency agreement with the insurer, at the insurer's option.

Applicants ineligible for coverage in accordance with subsection (5) remain ineligible if their independent agent is unwilling or unable to enter into a standard or limited agency agreement with an insurer participating in the program.

(7) Exclusive agents submitting new applications for coverage or that are the agent of record on a renewal policy submitted to the program:

(a) Must maintain ownership and the exclusive use of expirations, records, or other written or electronic information directly related to such applications or renewals written through the corporation or through an insurer participating in the program, notwithstanding s. 627.351(6)(c) 5.a.(I)(B) and (II)(B). Contracts with the corporation or required by the corporation must not amend, modify, interfere with, or limit such rights of ownership. Such expirations, records, or other written or electronic information may be used to review an application, issue a policy, or for any other purpose necessary for placing such business through the program.

(b) May not be required to be appointed by any insurer participating in the program for policies written solely through the program, notwithstanding the provisions of s. 626.112.

(c) Must only facilitate the placement of an offer of coverage from an insurer whose limited servicing agreement is approved by that exclusive agent's exclusive insurer.

(d) May enter into a limited servicing agreement with the insurer making an offer of coverage, and only after the exclusive agent's insurer has approved the limited servicing agreement terms. The exclusive agent's insurer must approve a limited service agreement for the program for any insurer for which it has approved a service agreement for other purposes.

Applicants ineligible for coverage in accordance with subsection (5) remain ineligible if their exclusive agent is unwilling or unable to enter into a standard or limited agency agreement with an insurer making an offer of coverage to that applicant.

(8) Submission of an application for coverage by the corporation to the program does not constitute the binding of coverage by the corporation, and failure of the program to obtain an offer of coverage by an insurer may not be considered acceptance of coverage of the risk by the corporation.

(9) The 45-day notice of nonrenewal requirement set forth in s. 627.4133(2)(b)4.b. applies when a policy is nonrenewed by the corporation because the risk has received an offer of coverage pursuant to this section which renders the risk ineligible for coverage by the corporation.

(10) The program may not include commercial nonresidential policies.

Section 11. Section 627.35191, Florida Statutes, is created to read:

627.35191 Annual report of aggregate net probable maximum losses, financing options, and potential assessments.—No later than February 1 of each year, the Florida Hurricane Catastrophe Fund and Citizens Property Insurance Corporation shall each submit a report to the Legislature and the Financial Services Commission identifying their respective aggregate net probable maximum losses, financing options, and potential assessments. The report issued by the fund and the corporation must include their respective 50-year, 100-year, and 250-year probable maximum losses; analysis of all reasonable financing strategies for each such probable maximum loss, including the amount and term of debt instruments; specification of the percentage assessments that would be needed to support each of the financing strategies; and calculations of the aggregate assessment burden on Florida property and casualty policyholders for each of the probable maximum losses.

Section 12. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2013.

And the title is amended as follows:

Remove everything before the enacting clause and insert: A bill to be entitled An act relating to property insurance; amending s. 215.555, F.S., relating to the Florida Hurricane Catastrophe Fund; revising the definition of the term "corporation"; deleting an outdated coverage level; revising the exemption of medical malpractice insurance premiums from emergency assessments if certain revenues are determined to be insufficient to fund the obligations, costs, and expenses of the Florida Hurricane Catastrophe Fund and the Florida Hurricane Catastrophe Fund Finance Corporation; changing the name of the Florida Hurricane Catastrophe Fund Finance Corporation; deleting provisions relating to temporary emergency options for additional coverage; amending s. 626.752, F.S.; exempting Citizens Property Insurance Corporation from exchange of business limitations and restrictions when placing business with authorized insurers; amending s. 626.854, F.S.; revising the restrictions on public adjuster compensation, payment, commission, fee, or any other thing of value; providing penalties; deleting a provision requiring the public adjuster to ensure prompt notice of property loss claims; requiring a public adjuster to ensure that prompt notice is given of a claim to the insurer; requiring a public adjuster to meet or communicate with the insurer for a specified purpose; prohibiting a public adjuster from acquiring any interest in salvaged property; providing an exception; providing legislative intent; amending s. 627.0628, F.S.; revising the membership of the Florida Commission on Hurricane Loss Projection Methodology; amending s. 627.0629, F.S.; conforming a cross-reference; amending s. 627.351, F.S.; providing that certain residential structures are not eligible for coverage by the corporation after specified dates; providing an exception; prohibiting the corporation from covering any new construction of a major structure, or substantial improvements on any major structure, commencing on or after July 1, 2014, that is seaward of the coastal construction control line or is within the Coastal Barrier Resources System; deleting a provision that limits the amount that a public adjuster may charge, agree to, or accept as compensation with respect to a claim filed under a policy of the Citizens Property Insurance Corporation; revising the membership of the board of governors of the corporation; restricting the eligibility of a risk for a renewal policy issued by the corporation under certain circumstances; revising provisions allowing a policyholder removed from the corporation to remain eligible for coverage under certain circumstances; requiring disclosure of potential corporation surcharges and policyholder obligations to try to obtain private market coverage; revising the duties and responsibilities of the internal auditor of the corporation; authorizing insurers taking out, assuming, or removing policies from the corporation to use the corporation's policy forms and endorsements for a specified time without approval by the Office of Insurance Regulation; establishing the Office of Inspector General within the corporation; providing for appointment, qualifications, duties, and responsibilities of the inspector general; requiring the corporation to prepare a report for each calendar year relating to the loss ratio attributable to losses that are not catastrophic losses for residential coverage provided by the corporation; revising provisions relating to purchases by the corporation; providing that the corporation is subject to state agency purchasing requirements; requiring the corporation to provide notice of purchasing decisions; providing procedures for protesting such decisions; providing applicability; creating s. 627.3518, F.S.; providing purpose; providing definitions; requiring the creation of a clearinghouse program within the corporation; specifying the purposes of the program; requiring the corporation to provide a report to the Legislature; specifying certain rights and responsibilities with respect to the program; authorizing the corporation to take specified actions in establishing the program; providing conditions and requirements relating to the participation of insurers in the program; providing conditions, requirements, limitations, and procedures applicable to offers of coverage with respect to applicants for coverage with the corporation and existing policyholders of the corporation; providing requirements for certain independent insurance agents and exclusive agents with respect to submitting applications for coverage or policies for renewal to the program; providing for applicability and construction; creating s. 627.35191, F.S.; requiring the Florida Hurricane Catastrophe Fund and Citizens Property Insurance Corporation to each submit reports annually to the Legislature and the Financial Ser-

vices Commission relating to aggregate net probable maximum losses, financing options, and potential assessments; providing effective dates.

Senator Simmons moved that the Senate concur in **House Amendment 1 (082659)**.

On motion by Senator Simmons, further consideration of **CS for SB 1770** with pending **House Amendment 1 (082659)** was deferred.

RECESS

By direction of the President, the Senate recessed at 12:29 p.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—40:

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Senate resumed consideration of the returning message on—

CS for SB 1770—A bill to be entitled An act relating to property insurance; amending s. 215.555, F.S.; changing the name of the Florida Hurricane Catastrophe Fund Finance Corporation to the State Board of Administration Finance Corporation; amending s. 624.155, F.S.; providing that Citizens Property Insurance Corporation is an insurer subject to civil actions as an agent of the state covered by sovereign immunity; amending s. 626.752, F.S., relating to the exchange of business between an agent and insurer; providing an exemption from the requirements of that section to the corporation or certain private entities under certain circumstances; amending s. 627.062, F.S.; requiring the Office of Insurance Regulation to calculate and publish insurance inflation factors for use in residential property insurance filings; prohibiting the office from disapproving a rate as excessive due to the insurer's purchase of reinsurance for certain purposes; deleting obsolete provisions; conforming cross-references; amending s. 627.0628, F.S.; adding a member to the Florida Commission on Hurricane Loss Projection Methodology; amending s. 627.0629, F.S.; requiring insurers to provide notice of mitigation discounts in a residential property insurance rate filing; amending s. 627.351, F.S.; revising legislative intent with respect to the corporation; reducing the value of residential structures that can be covered by the corporation; revising the corporation's eligibility criteria for structures located seaward of the coastal construction control line; requiring the corporation's board of governors to concur with certain decisions by the executive director; providing for risk-sharing agreements between the corporation and other insurers and specifying the requirements and limitations of such agreements; revising provisions relating to the appointment of the board of governors and the executive director; providing that renewal policies are not eligible for continued coverage by the corporation unless the premium for comparable coverage from an authorized insurer exceeds a certain amount; deleting provisions allowing a policyholder removed from the corporation to remain eligible for coverage regardless of an offer of coverage from an authorized insurer; revising corporation criteria for appointing agents; requiring the corporation to provide coverage for mobile homes or manufactured homes and related structures; requiring disclosure of potential corporation surcharges and policyholder obligations to try and obtain private market coverage; revising provisions relating to the Auditor General's review of the corporation; requiring the board to contract with an independent auditing firm to conduct performance audits; authorizing the corporation to adopt programs that encourage insurers to remove policies from the corporation through a loan secured by a surplus note; deleting a provision exempting the corporation from state procurement requirements; requiring the corporation to have an inspector general; providing for appointment; providing duties; requiring an annual report to the Legislature; revising provisions relating to purchases by the corporation; providing that the corporation is subject to state agency purchasing requirements; requiring the corporation to provide notice of purchasing decisions; providing procedures for protesting such decisions; providing applicability; revising the corporation's rate standards; requiring that corporation rates be competitive with approved rates charged in the admitted market, actuarially sound, and include a catastrophe risk factor; requiring the corporation to annually certify its rates; requiring the board of directors to provide recommendations to the Legislature on ways of providing rate relief to those who demonstrate a financial need; deleting obsolete provisions; creating s. 627.3518, F.S.; establishing a clearinghouse within the corporation for identifying and diverting insurance coverage to private insurers; providing definitions; providing requirements and duties of the corporation, insurers, and agents; amending s. 627.3519, F.S.; revising requirements relating to the preparation of the annual reports relating to the Florida Hurricane Catastrophe Fund and Citizens Property Insurance Corporation; establishing a temporary keepout program that allows authorized insurers to provide coverage to applicants for coverage through the corporation through the market assistance program until the clearinghouse is operational; providing program components; providing for expiration; creating s. 627.352, F.S.; creating the Catastrophe Risk Capital Access Facility to facilitate insurer access to global risk capital markets and risk-transfer mechanisms; providing legislative findings and intent; providing that the facility may not operate as an insurer, reinsurer, or other risk-bearing entity, and is not a state agency, board, or commission; providing for membership; providing for an initial governing board which must submit a proposed plan of operation to the Office of Insurance Regulation and recommendations relating to public records and open meetings to the Legislature by a certain date; providing for termination of the initial board; providing for a permanent board; specifying provisions that must be addressed by the plan of operation; providing immunity from liability for the board; amending s. 627.410, F.S.; conforming provisions to changes made by the act; amending s. 627.706, F.S.; authorizing an insurer to offer a reduced amount of sinkhole coverage with an appropriate reduction in premium; providing effective dates.

—which was previously considered this day. The pending motion by Senator Simmons was adopted and the Senate concurred in **House Amendment 1 (082659)**.

CS for SB 1770 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—32

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

Nays—1

Bullard

Vote after roll call:

Yea—Detert, Garcia, Hukill, Margolis

Nay—Flores

The Honorable Don Gaetz, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 874, with 1 amendment, and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

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.

House Amendment 1 (454625)—Remove lines 19-31 and insert:

(b) "Control" means the authority *and* ~~or~~ ability to regulate, direct, or dominate.

(c) "Drug" means a controlled substance, as that term is defined in ss. 893.02(4) and 893.03.

(d) "Minor" means an individual not legally permitted by reason of age to possess alcoholic beverages pursuant to chapter 562.

~~(e) "Open house party" means a social gathering at a residence.~~

(e)~~(f)~~ "Person" means an individual 18 years of age or older.

(f) "Property" means unenclosed curtilage as defined in s. 810.09.

On motion by Senator Galvano, the Senate refused to concur in **House Amendment 1 (454625)** to **CS for CS for SB 874** and the House was requested to recede. The action of the Senate was certified to the House.

The Honorable Don Gaetz, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1828, with 1 amendment, and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

CS for SB 1828—A bill to be entitled An act relating to tax administration; amending s. 125.0104, F.S.; providing an additional use for tourist development tax revenues for certain coastal counties; authorizing counties to require certain information for tax returns filed with county governments; amending s. 198.13, F.S.; deleting a requirement for filing a tax return for a decedent who dies after a certain date; amending s. 211.3103, F.S.; expanding the definition of "phosphate-related expenses" for the purpose of distributing certain tax proceeds; amending s. 212.03, F.S.; providing that charges for the storage of towed vehicles that are impounded by a local, state, or federal law enforcement agency are not taxable; amending s. 212.0305, F.S.; authorizing counties to require certain information for tax returns filed with county governments; amending s. 212.07, F.S.; conforming a cross-reference to changes made by the act; providing monetary and criminal penalties for a dealer's willful failure to collect certain taxes or fees after receiving notice of such duty to collect from the Department of Revenue; amending s. 212.12, F.S.; deleting provisions relating to the imposition of criminal penalties after department notice of requirements to register as a dealer or to collect taxes; making technical and grammatical changes to provisions specifying penalties for making a false or fraudulent return with the intent to evade payment of a tax or fee; amending s. 212.14, F.S.; modifying the definition of the term "person"; authorizing the department to adopt rules relating to requirements for a person to deposit cash, a bond, or other security with the department in order to ensure compliance with sales tax laws; making technical and grammatical changes; amending s. 212.18, F.S.; providing criminal penalties for a person who willfully fails to register as a dealer after receiving notice of such duty by the department; making technical and grammatical changes; reenacting s. 212.20, F.S., relating to the disposition of funds collected; amending s. 213.13, F.S.; revising the due date for transmitting funds collected by the clerks of court to the department; amending s. 213.21, F.S.; increasing dollar threshold of compromise authority that can be delegated to the executive director; creating s. 213.295, F.S., relating to automated sales suppression devices; providing definitions; subjecting a person to criminal penalties and monetary penalties for knowingly selling or engaging in certain other actions involving a zapper or phantom-ware; providing that sales suppression devices and phantom-ware are contraband articles under the Florida Contraband Forfeiture Act; amending s. 288.106, F.S.; revising the criteria applicable to the definition of the term "target industry business" to specifically reference sports training or competition for the amateur athlete; amending s. 443.131, F.S.; imposing a requirement on employers to produce records for the Department of Economic Opportunity or its tax collection service provider as a prerequisite for a reduction in the rate of reemployment tax; amending s. 443.141, F.S.; providing a method to calculate the interest rate for past due contributions and reimbursements, and delinquent, erroneous, incomplete, or insufficient reports; providing effective dates.

House Amendment 1 (113961) (with title amendment)—Remove lines 70-108 and insert:

Section 1. Paragraph (a) of subsection (10) of section 125.0104, Florida Statutes, is amended to read:

125.0104 Tourist development tax; procedure for levying; authorized uses; referendum; enforcement.—

And the title is amended as follows:

Remove lines 3-5 and insert: 125.0104, F.S.; authorizing counties to require certain

On motion by Senator Hukill, further consideration of **CS for SB 1828** with pending **House Amendment 1 (113961)** was deferred.

The Honorable Don Gaetz, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 422, with 1 amendment, and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

CS for SB 422—A bill to be entitled An act relating to cancer treatment; providing a short title; creating ss. 627.42391 and 641.313, F.S.; providing definitions; requiring that an individual or group insurance policy or a health maintenance contract that provides coverage for cancer treatment medications provide coverage for orally administered cancer treatment medications on a basis no less favorable than that required by the policy or contract for intravenously administered or injected cancer treatment medications; prohibiting insurers, health maintenance organizations, and certain other entities from engaging in specified actions to avoid compliance with this act; amending s. 627.6515, F.S.; adding a cross-reference to conform to changes made by the act; providing an effective date.

House Amendment 1 (929271) (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. *This act may be cited as the "Cancer Treatment Fairness Act."*

Section 2. Section 627.42391, Florida Statutes, is created to read:

627.42391 Insurance policies; cancer treatment parity; orally administered cancer treatment medications.—

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

(a) "Cancer treatment medication" means medication prescribed by a treating physician who determines that the medication is medically necessary to kill or slow the growth of cancerous cells in a manner consistent with nationally accepted standards of practice.

(b) "Cost sharing" includes copayments, coinsurance, dollar limits, and deductibles imposed on the covered person.

(c) "Grandfathered health plan" has the same meaning as provided in 42 U.S.C. s. 18011 and is subject to the conditions for maintaining status as a grandfathered health plan as specified in 45 C.F.R. s. 147.140.

(2) An individual or group insurance policy delivered, issued for delivery, renewed, amended, or continued in this state that provides medical, major medical, or similar comprehensive coverage and includes coverage for cancer treatment medications must also cover prescribed, orally administered cancer treatment medications and may not apply cost-sharing requirements for orally administered cancer treatment medications that are less favorable to the covered person than cost-sharing requirements for intravenous or injected cancer treatment medications covered under the policy or contract.

(3) An insurer providing a policy or contract described in subsection (2) and any participating entity through which the insurer offers health services may not:

(a) Vary the terms of the policy in effect on the effective date of this act to avoid compliance with this section.

(b) Provide any incentive, including, but not limited to, a monetary incentive, or impose treatment limitations to encourage a covered person to accept less than the minimum protections available under this section.

(c) Penalize a health care practitioner or reduce or limit the compensation of a health care practitioner for recommending or providing services or care to a covered person as required under this section.

(d) Provide any incentive, including, but not limited to, a monetary incentive, to induce a health care practitioner to provide care or services that do not comply with this section.

(e) Change the classification of any intravenous or injected cancer treatment medication or increase the amount of cost sharing applicable to any intravenous or injected cancer treatment medication in effect on the effective date of this section in order to achieve compliance with this section.

(4) This section does not apply to grandfathered health plans.

Notwithstanding this section, if the cost-sharing requirements for intravenous or injected cancer treatment medications under the policy or contract are less than $50 per month, then the cost-sharing requirements for orally administered cancer treatment medications may be up to $50 per month.

Section 3. Section 641.313, Florida Statutes, is created to read:

641.313 Health maintenance contracts; cancer treatment parity; orally administered cancer treatment medications.—

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

(a) "Cancer treatment medication" means medication prescribed by a treating physician who determines that the medication is medically necessary to kill or slow the growth of cancerous cells in a manner consistent with nationally accepted standards of practice.

(b) "Cost sharing" includes copayments, coinsurance, dollar limits, and deductibles imposed on the covered person.

(c) "Grandfathered health plan" has the same meaning as provided in 42 U.S.C. s. 18011 and is subject to the conditions for maintaining status as a grandfathered health plan as specified in 45 C.F.R. s. 147.140.

(2) A health maintenance contract delivered, issued for delivery, renewed, amended, or continued in this state that provides medical, major medical, or similar comprehensive coverage and includes coverage for cancer treatment medications must also cover prescribed, orally administered cancer treatment medications and may not apply cost-sharing requirements for orally administered cancer treatment medications that are less favorable to the covered person than cost-sharing requirements for intravenous or injected cancer treatment medications covered under the contract.

(3) A health maintenance organization providing a contract described in subsection (2) and any participating entity through which the health maintenance organization offers health services may not:

(a) Vary the terms of the policy in effect on the effective date of this act to avoid compliance with this section.

(b) Provide any incentive, including, but not limited to, a monetary incentive, or impose treatment limitations to encourage a covered person to accept less than the minimum protections available under this section.

(c) Penalize a health care practitioner or reduce or limit the compensation of a health care practitioner for recommending or providing services or care to a covered person as required under this section.

(d) Provide any incentive, including, but not limited to, a monetary incentive, to induce a health care practitioner to provide care or services that do not comply with this section.

(e) Change the classification of any intravenous or injected cancer treatment medication or increase the amount of cost sharing applicable to any intravenous or injected cancer treatment medication in effect on the effective date of this section in order to achieve compliance with this section.

(4) This section does not apply to grandfathered health plans.

Notwithstanding this section, if the cost-sharing requirements for intravenous or injected cancer treatment medications under the contract are less than $50 per month, then the cost-sharing requirements for orally administered cancer treatment medications may be up to $50 per month.

Section 4. *The Division of Law Revision and Information is directed to replace the phrase "the effective date of this act" and "the effective date of this section" wherever it occurs in this act with the date this act takes effect.*

Section 5. This act shall take effect January 1, 2015, and applies to policies and contracts issued or renewed on or after that date.

And the title is amended as follows:

Remove everything before the enacting clause and insert: A bill to be entitled An act relating to cancer treatment; providing a short title; creating ss. 627.42391 and 641.313, F.S.; providing definitions; requiring that an individual or group insurance policy or contract or a health maintenance contract that provides coverage for cancer treatment medications provide coverage for orally administered cancer treatment medications; requiring that an individual or group insurance policy or contract or a health maintenance contract provide coverage for orally administered cancer treatment medications on a basis no less favorable than that required by the policy or contract for intravenously administered or injected cancer treatment medications; excluding grandfathered health plans from coverage and cost-sharing requirements; prohibiting insurers, health maintenance organizations, and certain other entities from engaging in specified actions to avoid compliance with this act; providing limits on certain cost-sharing requirements; providing a directive to the Division of Law Revision and Information; providing applicability; providing an effective date.

On motion by Senator Benacquisto, the Senate refused to concur in **House Amendment 1 (919171)** to **CS for SB 422** and the House was requested to recede. The action of the Senate was certified to the House.

The Honorable Don Gaetz, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendment 1 to CS for HB 655 and requests the Senate to recede.

Robert L. "Bob" Ward, Clerk

CS for HB 655—A bill to be entitled An act relating to political subdivisions; amending s. 218.077, F.S.; providing and revising definitions; prohibiting political subdivisions from requiring employers to provide certain employment benefits; prohibiting political subdivisions from requiring, or awarding preference on the basis of, certain wages or employment benefits when contracting for goods or services; providing for applicability and future repeal of certain ordinances; conforming provisions to constitutional requirements relating to the state minimum wage; providing an effective date.

On motion by Senator Simmons, the Senate refused to recede from **Senate Amendment 1 (942696)** to **CS for HB 655** and again requested that the House concur. The action of the Senate was certified to the House.

BILLS ON THIRD READING

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.

—was read the third time by title.

On motion by Senator Simpson, **CS for HB 7065** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Margolis

Consideration of **CS for CS for HB 617** was deferred.

CS for CS for HB 57—A bill to be entitled An act relating to the Department of Business and Professional Regulation; amending s. 489.140, F.S.; clarifying funding requirements for the Florida Homeowners' Construction Recovery Fund; amending s. 468.631, F.S.; authorizing the department to transfer certain funds from the Professional Regulation Trust Fund to the Florida Homeowners' Construction Recovery Fund; providing an effective date.

—was read the third time by title.

On motion by Senator Hays, **CS for CS for HB 57** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Richter

Consideration of **CS for SB 1350**, **CS for SB 808**, **CS for CS for HB 7127**, and **CS for HB 7019** was deferred.

CS for HB 7029—A bill to be entitled An act relating to digital learning; amending s. 1001.42, F.S.; revising district school board duties relating to virtual instruction; amending s. 1002.321, F.S.; requiring the Department of Education to develop an online catalog of digital learning courses; amending s. 1002.37, F.S.; revising and clarifying the requirements for reporting and funding a full-time equivalent student in the Florida Virtual School; providing requirements for funding a home education student enrolled in the Florida Virtual School; providing reporting requirements relating to Florida Virtual School Global; requiring the Auditor General to conduct an operational audit of the Florida Virtual School; amending s. 1002.45, F.S.; authorizing a school district to provide part-time virtual instruction for K-12 students in all courses; revising requirements for the use of virtual instruction in core-curricula courses for the purpose of meeting class size requirements; revising requirements for approval as a provider of virtual instruction programs or courses; providing requirements for conditional approval; revising and clarifying the requirements for reporting and funding a full-time equivalent student enrolled in a virtual instruction program; creating s. 1002.451, F.S.; authorizing a district school board to operate a district innovation school as a pilot program; providing delivery models for implementation of a schoolwide blended learning program; providing funding requirements; providing exemption from statutes and rules; amending s. 1003.01, F.S.; removing blended learning courses provided by a traditional public school, a charter school, or a district innovation school from the definition of core curricular courses for purposes of class size requirements; amending s. 1003.498, F.S.; requiring the Department of Education to provide identifiers for courses to designate their use for blended learning courses; removing restrictions on students taking online courses across district lines; clarifying the requirements for reporting a full-time student; prohibiting a school district from requiring a public school student to take an online course at certain times or places; amending s. 1007.01, F.S.; requiring the Articulation Coordinating Committee to recommend a funding model and financial accountability mechanism for providers of online courses; amending s. 1007.24, F.S.; including online courses provided by providers in the statewide course numbering system; amending s. 1011.61, F.S.; revising and clarifying the definition of a full-time equivalent student; revising provisions relating to funding based on student completion of end-of-course examinations; revising provisions relating to the maximum value for funding a student; creating s. 1011.622, F.S.; providing for funding adjustments for students without a common student identifier; providing an effective date.

—as amended May 1 was read the third time by title.

On motion by Senator Brandes, **CS for HB 7029** as amended was passed and certified to the House. The vote on passage was:

Yeas—27

Mr. President	Evers	Legg
Altman	Flores	Margolis
Bean	Galvano	Negron
Benacquisto	Garcia	Richter
Bradley	Gardiner	Ring
Brandes	Grimsley	Simmons
Dean	Hays	Simpson
Detert	Hukill	Stargel
Diaz de la Portilla	Lee	Thrasher

Nays—12

Braynon	Joyner	Smith
Bullard	Latvala	Sobel
Clemens	Montford	Soto
Gibson	Sachs	Thompson

Vote after roll call:

Nay—Abruzzo

SENATOR RICHTER PRESIDING

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 read the third time by title.

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

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

Amendment 1 (933372) (with title amendment)—Between lines 2349 and 2350 insert:

Section 46. *(1) As used in this section, the term:*

(a) "Market" means a farmers' market, community farmers' market, flea market, or other open-air market.

(b) "SNAP" means the federal Supplemental Nutrition Assistance Program established under 7 U.S.C. ss. 2011 et seq.

(2)(a) The owner or operator of a market selling fresh produce who is not an authorized SNAP retailer may allow an authorized Food and Nutrition Service group or association of produce sellers that is actively participating in produce sales in the market, or an authorized Food and Nutrition Service third-party organization, to implement and operate an electronic benefits transfer system for purposes of accepting SNAP benefits in the market on behalf of the produce sellers to the extent and manner allowed by federal law and regulation.

(b) The authorized Food and Nutrition Service group, association, or third-party organization responsible for implementation and operation of the electronic benefits transfer system may not be another market that competes with the market being served.

(c) The market owner or operator shall reasonably accommodate the authorized Food and Nutrition Service group, association, or third-party organization in the implementation and operation of an electronic benefits transfer system for purposes of accepting SNAP benefits.

(3) This section does not:

(a) Apply to a market selling fresh produce whose owner or operator has an electronic benefits transfer system for accepting SNAP benefits in the market.

(b) Prohibit an authorized Food and Nutrition Service produce seller in a market selling fresh produce from operating his or her own electronic benefits transfer system as part of his or her customer transaction options.

(c) Require a market owner or operator to create, operate, or maintain an electronic benefits transfer system on behalf of its produce sellers.

And the title is amended as follows:

Delete line 174 and insert: of specified funds; 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.

On motion by Senator Montford, **CS for HB 7087** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CS for CS for HB 7125—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 110.205, F.S.; providing that certain positions in the department are exempt from career service; amending s. 207.002, F.S., relating to the Florida Diesel Fuel and Motor Fuel Use Tax Act of 1981; deleting definitions of the terms "apportioned motor vehicle" and "apportionable vehicle"; amending s. 316.0083, F.S.; revising provisions for enforcement of specified provisions using a traffic infraction detector; prohibiting a notice of violation or a traffic citation for a right on red violation under specified provisions; amending s. 316.066, F.S.; authorizing the Department of Transportation to immediately receive a crash report; amending s. 316.0776, F.S.; removing a requirement that the department, a county, or a municipality notify the public of enforcement of violations concerning right turns via a traffic infraction detector; amending s. 316.081, F.S.; prohibiting a driver from driving at less than the posted speed in the furthermost left-hand lane of a road, street, or highway having two or more lanes if being overtaken by a motor vehicle; providing exceptions; providing penalties; amending s. 316.1937, F.S.; revising operational specifications for ignition interlock devices; amending s. 316.2397, F.S.; exempting specified municipal officials from a prohibition against showing or displaying blue lights on a motor vehicle under certain conditions; amending s. 316.302, F.S.; revising provisions for certain commercial motor vehicles and transporters and shippers of hazardous materials; providing for application of specified federal regulations; removing a provision for application of specified provisions and federal regulations to transporting liquefied petroleum gas; amending s. 316.3025, F.S.; providing penalties for violation of specified federal regulations relating to medical and physical requirements for commercial drivers while driving a commercial motor vehicle; revising provisions for seizure of motor vehicle for refusal to pay penalty; providing penalties for violation of specified federal regulations relating to commercial drivers and the use of mobile telephones and texting while driving a commercial motor vehicle; providing exemptions; amending s. 316.515, F.S.; revising provisions for exceptions to width, height, and length limitations; amending s. 316.545, F.S.; revising language relating to certain commercial motor vehicles not properly licensed and registered; amending s. 316.646, F.S., relating to proof of property damage liability security and display thereof; providing for proof of insurance in an electronic format and on an electronic device; providing conditions relating to the use of such electronic device; requiring the department to adopt rules; amending s. 317.0016, F.S., relating to expedited services; removing a requirement that the department provide such service for certain certificates; amending s. 318.14, F.S., relating to disposition of traffic citations; providing that certain alternative procedures for certain traffic offenses are not available to a person who holds a commercial learner's permit; amending s. 318.1451, F.S.; revising provisions relating to driver improvement schools; removing a provision for a chief judge to establish requirements for the location of schools within a judicial circuit; removing a provision that authorizes a person to operate a driver improvement school; revising provisions for persons taking unapproved course; providing criteria for initial approval of courses; revising requirements for courses, course certificates, and course providers; directing the department to adopt rules; creating s. 319.141, F.S.; directing the department to conduct a pilot program to evaluate rebuilt vehicle inspection services performed by the private sector; providing definitions; providing for the department to enter into a memorandum of understanding with the private provider; providing minimum criteria and certain requirements; requiring the department to provide a report to the Legislature; providing for future expiration; amending s. 319.225, F.S.; revising provisions for certificates of title, reassignment of title, and forms; revising procedures for transfer of title; amending s. 319.23, F.S.; revising requirements for content of certificates of title and applications for title; amending s. 319.28, F.S.; revising provisions for transfer of ownership by operation of law when a motor vehicle or mobile home is repossessed; removing provisions for a certificate of repossession; amending s. 319.30, F.S., relating to disposition of derelict motor vehicles; defining the term "National Motor Vehicle Title Information System"; requiring salvage motor vehicle dealers, insurance companies, and other persons to notify the system when receiving or disposing of such a vehicle; requiring proof of such notification when applying for a certificate of destruction or salvage certificate of title; providing penalties; amending s. 319.323, F.S., relating to expedited services of the department; removing certificates of repossession; amending s. 320.01, F.S.; removing the definition of the term "apportioned motor vehicle"; revising the definition of the term "apportionable vehicle"; amending s. 320.02, F.S.; revising requirements for application for motor vehicle registration; providing for insurers to furnish proof-of-purchase cards in a paper or an electronic format; requiring the application form for motor vehicle registration and renewal of registration to include language permitting the applicant to make a voluntary contribution to the Auto Club Group Traffic Safety Foundation, Inc.; amending s. 320.03, F.S.; revising a provision for registration under the International Registration Plan; amending s. 320.071, F.S.; revising a provision for advance renewal of registration under the International Registration Plan;

amending s. 320.0715, F.S.; revising provisions for vehicles required to be registered under the International Registration Plan; amending s. 320.08058, F.S.; revising the prescribed use of proceeds from the sale of Hispanic Achievers license plates; amending s. 320.089, F.S.; creating a special use license plate for current or former members of the United States Armed Forces who participated in Operation Desert Storm or Operation Desert Shield; amending s. 320.18, F.S.; providing for withholding of motor vehicle or mobile home registration when a coowner has failed to register the motor vehicle or mobile home during a previous period when such registration was required; providing for cancelling a vehicle or vessel registration, driver license, identification card, or fuel-use tax decal if the coowner pays certain fees and other liabilities with a dishonored check; amending s. 320.27, F.S., relating to motor vehicle dealers; providing for extended periods for dealer licenses and supplemental licenses; providing fees; amending s. 320.62, F.S., relating to manufacturers, distributors, and importers of motor vehicles; providing for extended licensure periods; providing fees; amending s. 320.77, F.S., relating to mobile home dealers; providing for extended licensure periods; providing fees; amending s. 320.771, F.S., relating to recreational vehicle dealers; providing for extended licensure periods; providing fees; amending s. 320.8225, F.S., relating to mobile home and recreational vehicle manufacturers, distributors, and importers; providing for extended licensure periods; providing fees; amending s. 322.08, F.S.; requiring the application form for an original, renewal, or replacement driver license or identification card to include language permitting the applicant to make a voluntary contribution to the Auto Club Group Traffic Safety Foundation, Inc.; amending s. 322.095, F.S.; requiring an applicant for a driver license to complete a traffic law and substance abuse education course; providing exceptions; revising procedures for evaluation and approval of such courses; revising criteria for such courses and the schools conducting the courses; providing for collection and disposition of certain fees; requiring providers to maintain records; directing the department to conduct effectiveness studies; requiring a provider to cease offering a course that fails the study; requiring courses to be updated at the request of the department; requiring providers to disclose certain information; requiring providers to submit course completion information to the department within a certain time period; prohibiting certain acts; providing that the department shall not accept certification from students; prohibiting a person convicted of certain crimes from conducting courses; directing the department to suspend course approval for certain purposes; providing for the department to deny, suspend, or revoke course approval for certain acts; providing for administrative hearing before final action denying, suspending, or revoking course approval; providing penalties for violations; amending s. 322.125, F.S.; revising criteria for members of the Medical Advisory Board; amending s. 322.135, F.S.; removing a provision that authorizes a tax collector to direct certain licensees to the department for examination or reexamination; creating s. 322.143, F.S.; defining terms; prohibiting a private entity from swiping an individual's driver license or identification card except for certain specified purposes; providing that a private entity that swipes an individual's driver license or identification card may not store, sell, or share personal information collected from swiping the driver license or identification card; providing exceptions; providing that the private entity may manually collect personal information; prohibiting a private entity from withholding the provision of goods or services solely as a result of the individual requesting the collection of the data through manual means; providing remedies; amending s. 322.212, F.S.; providing penalties for certain violations involving application and testing for a commercial driver license or a commercial learner's permit; amending s. 322.22, F.S.; authorizing the department to withhold issuance or renewal of a driver license, identification card, vehicle or vessel registration, or fuel-use decal under certain circumstances; amending s. 322.245, F.S.; requiring a depository or clerk of court to electronically notify the department of a person's failure to pay support or comply with directives of the court; amending s. 322.25, F.S.; removing a provision for a court order to reinstate a person's driving privilege on a temporary basis when the person's license and driving privilege have been revoked under certain circumstances; amending ss. 322.2615 and 322.2616, F.S., relating to review of a license suspension when the driver had blood or breath alcohol at a certain level or the driver refused a test of his or her blood or breath to determine the alcohol level; authorizing the driver to request a review of eligibility for a restricted driving privilege; revising provisions for informal and formal reviews; providing for the hearing officer to be designated by the department; authorizing the hearing officer to conduct hearings using telecommunications technology; revising procedures for enforcement of subpoenas; directing the department to issue a temporary driving permit or invalidate the suspension under certain circumstances; providing for construction of specified provisions; amending s. 322.271, F.S.; providing conditions under which a person whose driver license is suspended for a DUI-related offense may be eligible to receive a restricted driving privilege; amending s. 322.2715, F.S.; providing requirements for issuance of a restricted driver license for a person convicted of a DUI offense if a medical waiver of placement of an ignition interlock device was given to such person; amending s. 322.28, F.S., relating to revocation of driver license for convictions of DUI offenses; providing that convictions occurring on the same date for offenses occurring on separate dates are considered separate convictions; removing a provision relating to a court order for reinstatement of a revoked driver license; repealing s. 322.331, F.S., relating to habitual traffic offenders; amending s. 322.61, F.S.; revising provisions for disqualification from operating a commercial motor vehicle; providing for application of such provisions to persons holding a commercial learner's permit; revising the offenses for which certain disqualifications apply; amending s. 322.64, F.S., relating to driving with unlawful blood-alcohol level or refusal to submit to breath, urine, or blood test by a commercial driver license holder or person driving a commercial motor vehicle; providing that a disqualification from driving a commercial motor vehicle is considered a conviction for certain purposes; revising the time period a person is disqualified from driving for alcohol-related violations; revising requirements for notice of the disqualification; providing that under the review of a disqualification the hearing officer shall consider the crash report; revising provisions for informal and formal reviews; providing for the hearing officer to be designated by the department; authorizing the hearing officer to conduct hearings using telecommunications technology; revising procedures for enforcement of subpoenas; directing the department to issue a temporary driving permit or invalidate the suspension under certain circumstances; providing for construction of specified provisions; amending s. 323.002, F.S.; providing that an unauthorized wrecker operator's wrecker, tow truck, or other motor vehicle used during certain offenses may be removed and impounded; requiring an unauthorized wrecker operator to disclose certain information in writing to the owner or operator of a motor vehicle and provide a copy of the disclosure to the owner or operator in the presence of a law enforcement officer if an officer is present; authorizing state and local government law enforcement officers to cause to be removed and impounded any wrecker, tow truck, or other motor vehicle used in violation of specified provisions; authorizing the authority that caused the removal and impoundment to assess a cost recovery fine; providing procedures and requirements for release of the vehicle; providing penalties; requiring that the unauthorized wrecker operator pay the fees associated with the removal and storage of the vehicle; amending s. 324.0221, F.S.; revising the actions which must be reported to the department by an insurer that has issued a policy providing personal injury protection coverage or property damage liability coverage; revising time allowed for submitting the report; amending s. 324.031, F.S.; revising the methods a vehicle owner or operator may use to prove financial responsibility; removing a provision for posting a bond with the department; amending s. 324.091, F.S.; revising provisions requiring motor vehicle owners and operators to provide evidence to the department of liability insurance coverage under certain circumstances; revising provisions for verification by insurers of such evidence; amending s. 324.161, F.S.; providing requirements for issuance of a certificate of insurance; requiring proof of a certificate of deposit of a certain amount of money in a financial institution; providing for power of attorney to be issued to the department for execution under certain circumstances; amending s. 328.01, F.S., relating to vessel titles; revising identification requirements for applications for a certificate of title; amending s. 328.48, F.S., relating to vessel registration; revising identification requirements for applications for vessel registration; amending s. 328.76, F.S., relating to vessel registration funds; revising provisions for funds to be deposited into the Highway Safety Operating Trust Fund; providing for certain funds to be used for aquaculture development; providing appropriations; amending s. 713.585, F.S.; revising procedures and requirements for enforcement of lien by sale of motor vehicle when ownership is not established; revising provisions for establishing a good faith effort to locate the owner or lienholder; requiring the lienholder to make certain records checks, including records of the department and the National Motor Vehicle Title Information System and any state disclosed by the check of that system; revising requirements for notification to the local law enforcement agency; revising requirements for notification of the sale of the vehicle; revising documents and proofs the lienholder is required to furnish with a certificate of compliance filed with the clerk of the circuit court; requiring the lienholder to provide the department proof of checking the National Motor

Vehicle Title Information System for application for transfer of title; amending s. 713.78, F.S.; revising provisions for enforcement of liens for recovering, towing, or storing a vehicle or vessel; providing a definition; providing for a lien on a vehicle or vessel when a landlord or the landlord's designee authorized removal after tenancy is terminated and specified conditions are met; revising provisions requiring notice to the owner, insurance company, and lienholders; revising procedures and requirements when ownership is not established; revising provisions for establishing a good faith effort to locate the owner or lienholder; requiring certain records checks, including records of the department and the National Motor Vehicle Title Information System and any state disclosed by the check of that system; revising provisions for notice of sale; requiring that insurance company representatives shall be allowed to inspect the vehicle or vessel; providing that when the vehicle is to be sold for purposes of being dismantled, destroyed, or changed in such manner that it is not the motor vehicle or vessel described in the certificate of title, it must be reported to the National Motor Vehicle Title Information System and application made to the department for a certificate of destruction; authorizing the governing body of a county to create a yellow dot critical motorist medical information program for certain purposes; authorizing a county to solicit sponsorships for the medical information program and enter into an interlocal agreement with another county to solicit such sponsorships; authorizing the Department of Highway Safety and Motor Vehicles and the Department of Transportation to provide education and training and publicize the program; requiring the program to be free to participants; providing for applications to participate; providing for a yellow dot decal and a yellow dot folder to be issued to participants and a form containing specified information about the participant; providing procedures for use of the decal, folder, and form; providing for limited use of information on the forms by emergency medical responders; limiting liability of emergency medical responders; requiring the governing body of a participating county to adopt guidelines and procedures to ensure that confidential information is not made public; providing for contingent effect; amending ss. 212.08, 261.03, 316.2122, 316.2124, 316.21265, 316.3026, 316.550, 317.0003, 320.08, 320.0847, 322.271, 322.282, 324.023, 324.171, 324.191, 627.733, and 627.7415, F.S.; correcting cross-references and conforming provisions to changes made by the act; providing effective dates.

—as amended May 1 was read the third time by title.

On motion by Senator Brandes, **CS for CS for HB 7125** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

CS for SB 952—A bill to be entitled An act relating to the Orlando-Orange County Expressway Authority; amending ss. 348.751 and 348.752, F.S.; renaming the Orlando-Orange County Expressway System as the "Central Florida Expressway System"; revising definitions; making technical changes; amending s. 348.753, F.S.; creating the Central Florida Expressway Authority; providing for the transfer of governance and control, legal rights and powers, responsibilities, terms, and obligations to the authority; providing conditions for the transfer; revising the composition of the governing body of the authority; providing for appointment of officers of the authority; revising quorum and voting requirements; conforming terminology and making technical changes; amending s. 348.754, F.S.; providing that the area served by the authority is within the geopolitical boundaries of Orange, Seminole, Lake, and Osceola Counties; requiring the authority to have prior consent from the Secretary of the Department of Transportation to construct an extension, addition, or improvement to the expressway system in Lake County; extending, to 99 years from 40 years, the term of a lease or lease-purchase agreement; limiting the authority's authority to enter into a lease-purchase agreement; limiting the use of certain toll-revenues; providing exceptions; removing the requirement that the route of a project must be approved by a municipality before the right-of-way can be acquired; requiring that the authority encourage the inclusion of local-, small-, minority-, and women-owned businesses in its procurement and contracting opportunities; removing the authority and criteria for an authority to waive payment and performance bonds for certain public works projects that are awarded pursuant to an economic development program; conforming terminology and making technical changes; amending ss. 348.7543, 348.7544, 348.7545, 348.7546, 348.7547, 348.755, and 348.756, F.S.; conforming terminology and making technical changes; amending s. 348.757, F.S.; providing that upon termination of the lease-purchase agreement of the former Orlando-Orange County Expressway System, title in fee simple to the system will be retained by the authority; conforming terminology and making technical changes; amending ss. 348.758, 348.759, 348.760, 348.761, 348.765, and 369.317, F.S.; conforming terminology and making technical changes; amending s. 369.324, F.S.; revising the membership of the Wekiva River Basin Commission; conforming terminology; providing criteria for the transfer of the Osceola County Expressway System to the Central Florida Expressway Authority; providing for the repeal of part V of ch. 348, F.S., when the Osceola County Expressway System is transferred to the Central Florida Expressway Authority; requiring the Central Florida Expressway Authority to reimburse other governmental entities for obligations related to the Osceola County Expressway System; providing for reimbursement after payment of other obligations; providing an effective date.

—was read the third time by title.

On motion by Senator Simmons, **CS for SB 952** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Consideration of **CS for HB 1067** was deferred.

CS for CS for SB 446—A bill to be entitled An act relating to the economic development incentive application process; amending s. 288.061, F.S.; requiring an applicant to provide a surety bond to the Department of Economic Opportunity before the applicant receives incentive awards through the Quick Action Closing Fund or the Innovation Incentive Program; requiring the contract or agreement to provide that the bond remain in effect until all conditions have been satisfied; providing that the department may require the bond to cover the entire contracted amount or allow for bonds to be renewed upon completion of certain performance measures; requiring the contract or agreement to provide that funds are contingent upon receipt of the surety bond; requiring the contract or agreement to provide that up to half of the premium payment on the bond may be paid from the award up to a certain amount; requiring an applicant to notify the department of premium payments; providing for certain notice requirements upon cancellation

or nonrenewal by an insurer; providing that the cancellation of the surety bond violates the contract or agreement; providing an exception; providing for a waiver if certain information is provided; providing that if the department grants a waiver, the contract or agreement must provide for securing the award in a certain form; requiring the contract or agreement to provide that the release of funds is contingent upon satisfying certain requirements; requiring the irrevocable letter of credit, trust, or security agreement to remain in effect until certain conditions have been satisfied; providing for a waiver of the surety bond or other security if certain information is provided and the department determines it to be in the best interest of the state; providing that the waiver of the surety bond or other security, for funding in excess of $5 million, must be approved by the Legislative Budget Commission; providing that the state may bring suit upon default or upon a violation of this section; providing that the department may adopt rules to implement this section; providing an effective date.

—was read the third time by title.

On motion by Senator Hukill, **CS for CS for SB 446** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

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.

—as amended May 1 was read the third time by title.

On motion by Senator Altman, **CS for HB 7019** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

SPECIAL ORDER CALENDAR

Consideration of **CS for CS for SB 966** was deferred.

THE PRESIDENT PRESIDING

CS for CS for SB 1722—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's Office of Independent Education and Parental Choice; 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; providing a definition; 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 Volun-

tary 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 the investigation of fraud or overpayment; providing penalties; 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 read the second time by title.

Pending further consideration of **CS for CS for SB 1722**, on motion by Senator Legg, by two-thirds vote **CS for HB 7165** was withdrawn from the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

On motion by Senator Legg—

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.

—a companion measure, was substituted for **CS for CS for SB 1722** and read the second time by title.

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

Senator Legg moved the following amendments which were adopted:

Amendment 1 (207746) (with title amendment)—Delete line 2248 and insert:

(h) *The Office of Independent Education and Parental Choice, which must include the following offices:*

1. The Office of Early Learning, which shall be administered by an executive director who is fully accountable to the Commissioner of Education. The executive director shall, pursuant to s. 1001.213, administer the early learning programs, including the school readiness program and the Voluntary Prekindergarten Education Program at the state level.

2. The Office of K-12 School Choice, which shall be administered by an executive director who is fully accountable to the Commissioner of Education. ~~The Office of Early Learning, which shall administer~~

And the title is amended as follows:

Delete line 72 and insert: conforming provisions; modifying the organizational structure within the Department of Education; amending s. 216.136, F.S.;

Amendment 2 (591464) (with title amendment)—Delete line 112 and insert: *the Office of Independent Education and Parental Choice the Office of Early Learning, as required under s. 20.15, which*

And the title is amended as follows:

Delete line 4 and insert: within the Office of Independent Education and Parental Choice; providing duties

Amendment 3 (767148)—Delete lines 1698-1709 and insert:

(6) Costs shall be kept to the minimum necessary for the efficient and effective administration of the school readiness program with the highest priority of expenditure being direct services for eligible children. However, no more than 5 percent of the funds described in subsection (5) may be used for administrative costs and no more than 22 percent of the funds described in subsection (5) may be used in any fiscal year for any combination of administrative costs, quality activities, and nondirect services as follows:

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

Senator Brandes moved the following amendment:

Amendment 4 (242714) (with title amendment)—Between lines 2437 and 2438 insert:

Section 32. Subsection (6) is added to section 1002.321, Florida Statutes, to read:

1002.321 Digital learning.—

(6) ONLINE CATALOG.—The department shall develop an online catalog of available digital learning courses provided pursuant to ss. 1002.37, 1002.45, 1003.498, and 1003.499, which provides, for each course, access to the course description, completion and passage rates, and a method for student and teacher users to provide evaluative feedback.

Section 33. Subsection (6) and paragraph (c) of subsection (9) of section 1002.37, Florida Statutes, are amended, and subsection (11) is added to that section, to read:

1002.37 The Florida Virtual School.—

(6) The board of trustees shall annually submit to the Governor, the Legislature, the Commissioner of Education, and the State Board of Education a complete and detailed report setting forth:

(a) The operations and accomplishments of the Florida Virtual School *within the state and those occurring outside the state as Florida Virtual School Global*.

(b) The marketing and operational plan for the Florida Virtual School *and Florida Virtual School Global*, including recommendations regarding methods for improving the delivery of education through the Internet and other distance learning technology.

(c) The assets and liabilities of the Florida Virtual School *and Florida Virtual School Global* at the end of the fiscal year.

(d) A copy of an annual financial audit of the accounts and records of the Florida Virtual School *and Florida Virtual School Global*, conducted by an independent certified public accountant and performed in accordance with rules adopted by the Auditor General.

(e) Recommendations regarding the unit cost of providing services to students *through the Florida Virtual School and Florida Virtual School Global*. In order to most effectively develop public policy regarding any future funding of the Florida Virtual School, it is imperative that the cost of the program is accurately identified. The identified cost of the program must be based on reliable data.

(f) Recommendations regarding an accountability mechanism to assess the effectiveness of the services provided by the Florida Virtual School *and Florida Virtual School Global*.

(9)

(c) *Unless an alternative testing site is mutually agreed to by the Florida Virtual School and the school district or as contracted under s. 1008.24,* all statewide assessments must be taken at the school to which the student would be assigned according to district school board attendance areas. A school district must provide the student with access to the school's testing facilities.

(11) The Auditor General shall conduct an operational audit of the Florida Virtual School, including Florida Virtual School Global. The scope of the audit shall include, but not be limited to, the administration of responsibilities relating to personnel; procurement and contracting; revenue production; school funds, including internal funds; student enrollment records; franchise agreements; information technology utilization, assets, and security; performance measures and standards; and accountability. The final report on the audit shall be submitted to the President of the Senate and the Speaker of the House of Representatives no later than January 31, 2014.

Section 34. Subsection (14) of section 1003.01, Florida Statutes, is amended to read:

1003.01 Definitions.—As used in this chapter, the term:

(14) "Core-curricula courses" means:

(a) Courses in language arts/reading, mathematics, social studies, and science in prekindergarten through grade 3, excluding any extracurricular courses pursuant to subsection (15);

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

(c) Courses in grades 9 through 12 in subjects that are measured by state assessment at any grade level and courses that are specifically identified by name in statute as required for high school graduation and that are not measured by state assessment, excluding any extracurricular courses pursuant to subsection (15);

(d) Exceptional student education courses; and

(e) English for Speakers of Other Languages courses.

The term is limited in meaning and used for the sole purpose of designating classes that are subject to the maximum class size requirements established in s. 1, Art. IX of the State Constitution. This term does not include courses offered under ss. *1002.321(4)(e), 1002.33(7)(a)2.b.,* 1002.37, 1002.415, ~~and~~ 1002.45*, and 1003.499*.

Section 35. Section 1003.498, Florida Statues, is amended to read:

1003.498 School district virtual course offerings.—

(1) School districts may deliver courses in the traditional school setting by personnel certified pursuant to s. 1012.55 who provide direct instruction through virtual instruction or through blended learning courses consisting of both traditional classroom and online instructional techniques. Students in a blended learning course must be full-time students of the school and receive the online instruction in a classroom setting at the school. The funding, performance, and accountability requirements for blended learning courses are the same as those for traditional courses. *To facilitate the delivery and coding of blended learning courses, the department shall provide identifiers for courses to designate courses that are used for blended learning for the efficient reporting of such courses.*

(2) School districts may offer virtual courses for students enrolled in the school district. These courses must be identified in the course code

directory. Students who meet the eligibility requirements of s. 1002.455 may participate in these virtual course offerings.

(a) Any eligible student who is enrolled in a school district may register and enroll in an online course offered by his or her school district.

(b)*1.* Any eligible student who is enrolled in a school district may register and enroll in an online course offered by any other school district in the state~~, except as limited by the following:~~

~~1. A student may not enroll in a course offered through a virtual instruction program provided pursuant to s. 1002.45~~.

~~2. A student may not enroll in a virtual course offered by another school district if:~~

~~a. The course is offered online by the school district in which the student resides; or~~

~~b. The course is offered in the school in which the student is enrolled. However, a student may enroll in an online course offered by another school district if the school in which the student is enrolled offers the course but the student is unable to schedule the course in his or her school.~~

~~3.~~ The school district in which the student completes the course shall report the student's completion of that course for funding pursuant to s. 1011.61(1)(c)1.b.(VI), and the home school district shall not report the student for funding for that course.

2. For purposes of this paragraph, the combined total of all school district reported FTE may not be reported as more than 1.0 full-time equivalent student in any given school year. The Department of Education shall establish procedures to enable interdistrict coordination for the delivery and funding of this online option.

(3) Access to courses shall be available to students during the normal school day. A school district may not require a public school student to take a course outside the school day which is in addition to the student's courses for a given term or on school grounds.

Section 36. Section 1003.499, Florida Statutes, is created to read:

1003.499 Florida Approved Courses and Tests (FACT) Initiative.—

(1) PURPOSE.—

(a) The purpose of the initiative shall be to make available multiple options to suit unique student interests, satisfy educational requirements, and accelerate student accomplishment of goals in a productive and effective manner. The Legislature intends that state and local rules, policies, and administrative decisions are flexible in interpreting and implementing the requirements in this section in order to encourage creative, innovative, resourceful, and forward-thinking practices that can be modeled throughout this state and the country.

(b) Beginning in the 2015-2016 school year, the Florida Approved Courses and Tests (FACT) Initiative shall be implemented to expand student choices in selecting high-quality online courses, including, but not limited to, massive open online courses and instruction included under subsection (2) for promotion or graduation. Such courses and instruction may be provided using a blended learning model that shall include components such as differentiated instruction, flexible scheduling, differentiated teaching, and self-paced learning. Instruction through the blended learning model may be provided using online instructional videos, online class forums, and online homework assignments and projects, coupled with one-on-one direct instructional support to students.

(2) FLORIDA APPROVED COURSES.—The Department of Education shall annually publish online a list of providers approved to offer Florida approved courses which shall be listed in the online catalog pursuant to s. 1002.321(6).

(a) As used in this section, the term "Florida approved courses" means online courses provided by individuals which include, but are not limited to, massive open online courses or remedial education associated with the courses that are measured pursuant to s. 1008.22. Massive open online courses may be authorized in the following subject areas: Algebra I, biology, geometry, and civics. Courses may be applied toward requirements for promotion or graduation in whole, in subparts, or in a combination of whole and subparts. A student may not be required to repeat subparts that are satisfactorily completed.

(b) A Florida approved course must be annually identified, approved, published, and shared for consideration by interested students and school districts. The Commissioner of Education shall approve each Florida approved course for application in K-12 public schools in accordance with rules of the State Board of Education.

(3) PROVIDER REQUIREMENTS.—

(a) To be approved by the Department of Education, an individual provider must provide all the following documentation that demonstrates that he or she:

1. Is nonsectarian regarding courses, enrollment policies, employment practices, and operations.

2. Complies with the antidiscrimination provisions of s. 1000.05.

3. Requires all instructional staff to be Florida-certified teachers under chapter 1012 or certified as adjunct educators under s. 1012.57 and conducts background screenings for all employees or contracted personnel, as required by s. 1012.32, using state and national criminal history records.

4. Provides to parents and students specific information posted and accessible online which includes, but is not limited to, the following teacher-parent and teacher-student contact information for each course:

a. How to contact the instructor via telephone, e-mail, or online messaging tools.

b. How to contact technical support via telephone, e-mail, or online messaging tools.

c. How to contact the administration office or an individual offering online courses, including, but not limited to, massive open online courses, via telephone, e-mail, or online messaging tools.

d. Any requirement for regular contact with the instructor for the course and clear expectations for meeting the requirement.

5. Possesses prior, successful experience offering online courses to elementary, middle, or high school students as demonstrated by quantified student learning gains or student growth in each subject area and grade level provided for consideration as an instructional program option. However, for a provider without sufficient prior, successful experience offering online courses, the department may conditionally approve the provider to offer courses measured by statewide assessment program pursuant to s. 1008.22. Conditional approval is valid for 1 year. Renewal of provider approval is contingent on sufficient performance data available demonstrating success in accordance with this section and State Board of Education rule.

6. Ensures instructional and curricular quality through a detailed curriculum and student performance accountability plan that addresses every subject and grade level that the provider intends to provide through contract with the school district, including all of the following:

a. Courses and programs that meet the standards of the International Association for K-12 Online Learning and the Southern Regional Education Board.

b. Instructional content and services that align with, and measure student attainment of, student proficiency in the Next Generation Sunshine State Standards.

c. Mechanisms that determine and ensure that a student has satisfied requirements for grade level promotion and high school graduation with a standard diploma, as appropriate.

7. Publishes for the general public, in accordance with disclosure requirements adopted in rule by the State Board of Education, as part of the application as a provider and in all contracts negotiated pursuant to this section all of the following information:

a. Certification status and physical location of all administrative and instructional personnel.

b. Hours and times of availability of instructional personnel.

c. Student-teacher ratios.

d. Student completion and promotion rates.

e. Student, educator, and school performance accountability outcomes.

(b) Each approved provider contracted under this section must participate in the statewide assessment program under s. 1008.22 and in the state's education performance accountability system under s. 1008.31.

Section 37. Section 1004.0961, Florida Statutes, is created to read:

1004.0961 Credit for online courses.—Beginning in the 2015-2016 school year, the State Board of Education and the Board of Governors shall adopt rules that enable students to earn academic credit for online courses, including massive open online courses, prior to initial enrollment at a postsecondary institution. The rules of the State Board of Education and rules of the Board of Governors must include procedures for credential evaluation and the award of credit, including, but not limited to, recommendations for credit by the American Council on Education; equivalency and alignment of coursework with appropriate courses; course descriptions; type and amount of credit that may be awarded; and transfer of credit.

Section 38. Section 1008.24, Florida Statutes, is amended to read:

1008.24 Test *administration and* security.—

(1) *A person may not* ~~It is unlawful for anyone~~ knowingly and willfully ~~to~~ violate test security rules adopted by the State Board of Education for mandatory tests administered by or through the State Board of Education or the Commissioner of Education to students, educators, or applicants for certification or administered by school districts pursuant to s. 1008.22, or, with respect to any such test, knowingly and willfully to:

(a) Give examinees access to test questions prior to testing;

(b) Copy, reproduce, or use in any manner inconsistent with test security rules all or any portion of any secure test booklet;

(c) Coach examinees during testing or alter or interfere with examinees' responses in any way;

(d) Make answer keys available to examinees;

(e) Fail to follow security rules for distribution and return of secure test as directed, or fail to account for all secure test materials before, during, and after testing;

(f) Fail to follow test administration directions specified in the test administration manuals; or

(g) Participate in, direct, aid, counsel, assist in, or encourage any of the acts prohibited in this section.

(2) *A* ~~Any~~ person who violates this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3) A school district may contract with qualified contractors to administer and proctor statewide standardized assessments required under s. 1008.22 or assessments associated with Florida approved courses under s. 1003.499, as approved by the Department of Education in accordance with rules of the State Board of Education. Assessments may be administered or proctored by qualified contractors at sites that meet criteria established by rules of the State Board of Education and adopted pursuant to ss. 120.536(1) and 120.54 to implement the contracting requirements of this subsection.

(4)~~(3)~~(a) A district school superintendent, a president of a public postsecondary educational institution, or a president of a nonpublic postsecondary educational institution shall cooperate with the Commissioner of Education in any investigation concerning the administration of a test administered pursuant to state statute or rule.

(b) The identity of a school or postsecondary educational institution, the personally identifiable information of any personnel of any school district or postsecondary educational institution, or any specific allegations of misconduct obtained or reported pursuant to an investigation conducted by the Department of Education of a testing impropriety are confidential and exempt from ~~the provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State Constitution until the conclusion of the investigation or until such time as the investigation ceases to be active. For the purpose of this paragraph, an investigation shall be deemed concluded upon a finding that no impropriety has occurred, upon the conclusion of any resulting preliminary investigation pursuant to s. 1012.796, upon the completion of any resulting investigation by a law enforcement agency, or upon the referral of the matter to an employer who has the authority to take disciplinary action against an individual who is suspected of a testing impropriety. For the purpose of this paragraph, an investigation shall be considered active so long as it is ongoing and there is a reasonable, good faith anticipation that an administrative finding will be made in the foreseeable future. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2014, unless reviewed and saved from repeal through reenactment by the Legislature.

(5) Exceptional students with disabilities, as defined in s. 1003.01(3), shall have access to testing sites. The Department of Education and each school district shall adopt policies that are necessary to ensure such access.

Section 39. *By August 30, 2013, the Department of Education shall contract with a qualified contractor to review and provide recommendations for online courses, including massive open online courses, and competency-based online courses for K-12 and postsecondary education. The recommendations must, at a minimum, include the following components: improving access to the online courses, and approving, funding, holding providers accountable, and awarding credit for such courses. The department shall identify measures of quality based upon student outcomes, such as completion and achievement rates correlated appropriately to each delivery model; measures for students to demonstrate competency, such as prior learning assessments, end-of-course exams, assessments established by regionally accredited public institutions which may be applied as one whole assessment or as two or more discrete subassessments such that when combined, the subassessments are equivalent to a whole assessment; and opportunities to use online courses, including massive open online courses using blended learning or other tools delivered in modules or segments to provide instruction pursuant to s. 1003.499(2)(a) for students in K-12 education. The department shall provide findings and recommendations to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1, 2014.*

And the title is amended as follows:

Between lines 104 and 105 insert: amending s. 1002.321, F.S.; requiring the Department of Education to develop an online catalog of digital learning courses; amending s. 1002.37, F.S.; providing reporting requirements relating to Florida Virtual School Global; requiring the Auditor General to conduct an operational audit of the Florida Virtual School and submit a report to the Legislature; amending s. 1003.01, F.S.; removing Florida approved courses and blended learning courses provided by a traditional public school, a charter school, or a district innovation school from the definition of the term "core-curricula courses" for purposes of class size requirements; amending s. 1003.498, F.S.; requiring the Department of Education to provide identifiers for courses to designate their use for blended learning courses; removing restrictions on students' taking online courses across district lines; providing students' access to courses; prohibiting a school district from requiring a public school student to take an online course at certain times or places; creating s. 1003.499, F.S.; creating the Florida Approved Course Initiative; providing the purpose of the initiative; providing legislative intent; providing that implementing the initiative allows students to expand their choices in selecting online courses; requiring the department to annually publish online a list of providers; defining the term "Florida approved courses" as it relates to the initiative; requiring that Florida approved courses be annually identified, approved, published, and shared for consideration by certain students and school districts; requiring the Commissioner of Education to to approve each Florida

approved course; providing requirements for approval as a provider for the initiative; requiring an approved provider to participate in the statewide assessment program and the education performance accountability system; creating s. 1004.0961, F.S.; requiring the State Board of Education and the Board of Governors to adopt rules that enable students to earn academic credit toward online courses; providing requirements for the rules; amending s. 1008.24, F.S.; authorizing a school district to contract with qualified contractors to administer and proctor statewide standardized assessments or assessments associated with Florida approved courses; providing that assessments may be administered or proctored by qualified contractors at sites that meet certain criteria; requiring exceptional students to have access to testing sites; requiring the Department of Education and school districts to adopt policies; requiring the department to contract with a qualified contractor to review and provide recommendations for improving access to online courses, and approving, funding, holding providers accountable, and awarding credit for online courses for K-12 and postsecondary education; requiring the department to identify measures of quality based upon student outcomes; requiring the department to provide findings and recommendations to the Governor and the Legislature by a specified date;

POINT OF ORDER

Senator Bullard raised a point of order that pursuant to Rule 7.1, **Amendment 4 (242714)** was not germane to the bill.

The President referred the point of order and the amendment to Senator Thrasher, Chair of the Committee on Rules.

On motion by Senator Legg, further consideration of **CS for HB 7165** as amended with pending **Amendment 4 (242714)** and pending point of order was deferred.

Consideration of **CS for SB 1682** was deferred.

CS for CS for SB 1666—A bill to be entitled An act relating to mortgage foreclosures; amending s. 25.073, F.S.; limiting the eligibility of retired judges to receive compensation and reimbursement under certain circumstances; amending s. 95.11, F.S.; revising the limitations period for commencing an action to enforce a claim of a deficiency judgment after a foreclosure action; providing for applicability to existing causes of action; providing that the amendments made by this act to s. 95.11, F.S., apply to any action commenced on or after July 1, 2013; amending s. 121.021, F.S.; defining terms; providing for the applicability of the term "termination"; amending s. 121.091, F.S.; providing that between two specified dates, a retired justice or retired judge is not subject to certain limitations otherwise applicable to retired employees; amending s. 121.591, F.S.; providing that, between two specified dates, a retired justice or retired judge who returns to temporary employment as a senior judge in any court may continue to receive a distribution of his or her retirement account after providing proof of termination from his or her regularly established position; creating s. 702.015, F.S.; providing legislative intent; specifying required contents of a complaint seeking to foreclose on certain types of residential properties with respect to the authority of the plaintiff to foreclose on the note and the location of the note; authorizing sanctions against plaintiffs who fail to comply with complaint requirements; providing for non-applicability to proceedings involving timeshare interests; creating s. 702.036, F.S.; requiring a court to treat a collateral attack on a final judgment of foreclosure on a mortgage as a claim for monetary damages under certain circumstances; prohibiting such court from granting certain relief affecting title to the foreclosed property; providing for construction relating to the rights of certain persons to seek specified types of relief or pursue claims against the foreclosed property under certain circumstances; amending s. 702.06, F.S.; limiting the amount of a deficiency judgment; amending s. 702.10, F.S.; revising the class of persons authorized to move for expedited foreclosure to include lienholders; defining the term "lienholder"; providing requirements and procedures with respect to an order directed to defendants to show cause why a final judgment of foreclosure should not be entered; providing that certain failures by a defendant to make certain filings or to make certain appearances may have specified legal consequences; requiring the court to enter a final judgment of foreclosure and order a foreclosure sale under certain circumstances; revising a restriction on a mortgagee to request a court to order a mortgagor defendant to make payments or to vacate the premises during an action to foreclose on residential real estate to provide that the restriction applies to all but owner-occupied residential property; providing a presumption regarding owner-occupied residential property; creating s. 702.11, F.S.; providing requirements for reasonable means of providing adequate protection under s. 673.3091, F.S., in mortgage foreclosures of certain residential properties; providing for liability of persons who wrongly claim to be holders of or entitled to enforce a lost, stolen, or destroyed note and cause the mortgage secured thereby to be foreclosed in certain circumstances; providing for construction and applicability; declaring that the act is remedial in nature and applies to all mortgages encumbering real property and all promissory notes secured by a mortgage, whether executed before, on, or after the effective date of this act; requiring that employer contribution rates be adjusted; providing a directive to the Division of Law Revision and Information; providing legislature findings; requesting the Florida Supreme Court to adopt rules and forms to expedite foreclosure proceedings; providing that certain specified provisions of the act take effect only if the Legislature appropriates a certain amount on a recurring basis to the judicial system and if the Governor does not veto the appropriation; providing that certain sections of the act stand repealed on a stated date; providing an effective date.

—was read the second time by title.

Amendments were considered and failed, and amendments were considered and adopted to conform **CS for CS for SB 1666** to **CS for CS for HB 87**.

Pending further consideration of **CS for CS for SB 1666** as amended, on motion by Senator Latvala, by two-thirds vote **CS for CS for HB 87** was withdrawn from the Committees on Banking and Insurance; Judiciary; and Appropriations.

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

CS for CS for HB 87—A bill to be entitled An act relating to mortgage foreclosures; amending s. 95.11, F.S.; revising the limitations period for commencing an action to enforce a claim of a deficiency judgment after a foreclosure action; providing for applicability to actions commenced on or after a specified date; providing a time limitation for commencing certain actions; creating s. 702.015, F.S.; providing legislative intent; specifying required contents of a complaint seeking to foreclose on certain types of residential properties with respect to the authority of the plaintiff to foreclose on the note and the location of the note; authorizing sanctions against plaintiffs who fail to comply with complaint requirements; providing for nonapplicability to proceedings involving timeshare interests; creating s. 702.036, F.S.; requiring a court to treat a collateral attack on a final judgment of foreclosure on a mortgage as a claim for monetary damages under certain circumstances; prohibiting such court from granting certain relief affecting title to the foreclosed property; providing for construction relating to the rights of certain persons to seek specified types of relief or pursue claims against the foreclosed property under certain circumstances; amending s. 702.06, F.S.; limiting the amount of a deficiency judgment; amending s. 702.10, F.S.; revising the class of persons authorized to move for expedited foreclosure to include lienholders; defining the term "lienholder"; providing requirements and procedures with respect to an order directed to defendants to show cause why a final judgment of foreclosure should not be entered; providing that certain failures by a defendant to make certain filings or to make certain appearances may have specified legal consequences; requiring the court to enter a final judgment of foreclosure and order a foreclosure sale under certain circumstances; revising a restriction on a mortgagee to request a court to order a mortgagor defendant to make payments or to vacate the premises during an action to foreclose on residential real estate to provide that the restriction applies to all but owner-occupied residential property; providing a presumption regarding owner-occupied residential property; creating s. 702.11, F.S.; providing requirements for reasonable means of providing adequate protection under s. 673.3091, F.S., in mortgage foreclosures of certain residential properties; providing for liability of persons who wrongly claim to be holders of or entitled to enforce a lost, stolen, or destroyed note and cause the mortgage secured thereby to be foreclosed in certain circumstances; providing legislative findings; providing for applicability; requesting the Florida Supreme Court to adopt rules and forms to expedite foreclosure proceedings; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1666** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 87** was placed on the calendar of Bills on Third Reading.

SPECIAL GUESTS

The President introduced the Governor of Florida, Rick Scott, who was present in the chamber.

SB 1322—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 read the second time by title.

An amendment was considered and adopted to conform **SB 1322** to **CS for CS for HB 411**.

Pending further consideration of **SB 1322** as amended, on motion by Senator Gibson, by two-thirds vote **CS for CS for HB 411** was withdrawn from the Committees on Children, Families, and Elder Affairs; Community Affairs; and Appropriations.

On motion by Senator Gibson—

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.

—a companion measure, was substituted for **SB 1322** as amended 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 Negron moved the following amendment which was adopted:

Amendment 1 (483252) (with title amendment)—Between lines 90 and 91 insert:

Section 2. *(1) The sum of $3 million in recurring general revenue funds is appropriated to the Department of Health beginning in the 2013-2014 fiscal year to provide for a rural primary care residency program at Sacred Heart Hospital to include family physicians and pediatricians.*

(2) The sum of $250,000 in nonrecurring general revenue funds is appropriated to the Department of Health in the 2013-2014 fiscal year for A Safe Haven for Newborns.

(3) The sum of $200,000 in nonrecurring general revenue funds is appropriated to the Department of Health in the 2013-2014 fiscal year for St. John Bosco Clinic.

And the title is amended as follows:

Delete line 17 and insert: projects; providing for appropriations from general revenue funds to the Department of Health for certain health programs benefitting children; providing an effective date.

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 (503710) (with directory and title amendments)—Delete lines 48-71 and insert:

(10)~~(9)~~ IMPLEMENTATION.—

(a) The Miami Children's Initiative, Inc., and the New Town Success Zone have been designated

And the directory clause is amended as follows:

Delete lines 21-24 and insert:

Section 1. Present subsection (9) of section 409.147, Florida Statutes, is renumbered as subsection (10) and amended, and a new subsection (9) is added to that section, to read:

And the title is amended as follows:

Delete lines 4 and 5 and insert: in Duval County; providing for the projects to be managed by

Pursuant to Rule 4.19, **CS for CS for HB 411** as amended was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1216** was deferred.

CS for SB 814—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 read the second time by title.

Pending further consideration of **CS for SB 814**, on motion by Senator Brandes, by two-thirds vote **CS for HB 783** was withdrawn from the Committees on Banking and Insurance; Commerce and Tourism; and Judiciary.

On motion by Senator Brandes—

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.

—a companion measure, was substituted for **CS for SB 814** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 783** was placed on the calendar of Bills on Third Reading.

CS for SB 696—A bill to be entitled An act relating to timeshares; amending s. 718.112, F.S.; specifying that certain provisions relating to condominium board elections do not apply to timeshare condominiums; amending s. 721.05, F.S.; revising the definition of "timeshare estate"; amending s. 721.07, F.S.; revising formula requirements for calculating reserves for accommodations and facilities of real property timeshare plans; amending s. 721.82, F.S.; revising definitions applicable to the Timeshare Lien Foreclosure Act; amending s. 721.84, F.S.; making an editorial change; amending s. 721.855, F.S.; revising procedure for the trustee foreclosure of assessment liens; revising conditions under which a trustee may sell a foreclosed encumbered timeshare interest; revising and providing notice requirements; providing for perfection of notice; providing requirements for a notice of lis pendens; providing sale requirements; providing exceptions for actions for failure to follow the trustee foreclosure procedure; amending s. 721.856, F.S.; revising procedure for the trustee foreclosure of mortgage liens; revising conditions under which a trustee may sell a foreclosed encumbered timeshare interest; revising and providing notice requirements; providing for perfection of notice; providing requirements for a notice of lis pendens; providing sale requirements; providing exceptions for actions for failure to follow the trustee foreclosure procedure; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 696**, on motion by Senator Stargel, by two-thirds vote **CS for HB 7025** was withdrawn from the Committees on Judiciary; and Regulated Industries.

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

CS for HB 7025—A bill to be entitled An act relating to timeshares; amending s. 718.112, F.S.; specifying that certain provisions relating to condominium board elections do not apply to timeshare condominiums; amending s. 721.05, F.S.; revising and providing definitions related to the Florida Vacation Plan and Timesharing Act; amending s. 721.07, F.S.; revising formula requirements for calculating reserves for accommodations and facilities of real property timeshare plans; amending s. 721.15, F.S.; requiring the successor in interest to be listed as the owner of the timeshare interest under certain conditions; requiring an estoppel letter in certain timeshare resale transfer transactions; amending s. 721.17, F.S.; prohibiting certain activities related to offering timeshare interest transfer services; requiring resale transfer agreements to contain specified information; requiring the establishment of an escrow account for certain purposes; providing requirements and duties of the escrow agent; providing penalties; providing for applicability; amending s. 721.82, F.S.; revising definitions applicable to the Timeshare Lien Foreclosure Act; amending s. 721.84, F.S.; making an editorial change; amending s. 721.855, F.S.; revising procedure for the trustee foreclosure of assessment liens; revising conditions under which a trustee may sell a foreclosed encumbered timeshare interest; revising and providing notice requirements; providing for perfection of notice; providing requirements for a notice of lis pendens; providing sale requirements; providing exceptions for actions for failure to follow the trustee foreclosure procedure; amending s. 721.856, F.S.; revising procedure for the trustee foreclosure of mortgage liens; revising conditions under which a trustee may sell a foreclosed encumbered timeshare interest; revising and providing notice requirements; providing for perfection of notice; providing requirements for a notice of lis pendens; providing sale requirements; providing exceptions for actions for failure to follow the trustee foreclosure procedure; providing an effective date.

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

Pursuant to Rule 4.19, **CS for HB 7025** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 632** and **CS for CS for SB 58** was deferred.

CS for CS for SB 1684—A bill to be entitled An act relating to environmental regulation; amending s. 20.255, F.S.; authorizing the Department of Environmental Protection to adopt rules requiring or incentivizing the electronic submission of certain forms, documents, fees, and reports; amending ss. 125.022 and 166.033, F.S.; providing requirements for the review of development permit applications by counties and municipalities; amending s. 211.3103, F.S.; revising the definition of the term "phosphate-related expenses" to include maintenance and restoration of certain lands; amending s. 253.0345, F.S.; revising provisions for the duration of leases and letters of consent issued by the Board of Trustees of the Internal Improvement Trust Fund for special events; providing conditions for fees relating to such leases and letters of consent; creating s. 253.0346, F.S.; defining the term "first-come, first-served basis"; providing conditions for the discount and waiver of lease fees and surcharges for certain marinas, boatyards, and marine retailers; providing applicability; amending s. 253.0347, F.S.; providing exemptions from lease fees for certain lessees; amending s. 373.118, F.S.; deleting provisions requiring the department to adopt general permits for public marina facilities; deleting certain requirements under general permits for public marina facilities and mooring fields; limiting the number of vessels for mooring fields authorized under such permits; authorizing the department to issue certain leases; amending s. 373.233, F.S.; clarifying conditions for competing applications for consumptive use of water permits; amending s. 373.236, F.S.; prohibiting water management districts from reducing certain allocations as a result of activities involving a new seawater desalination plant that does not receive funding from a water management district; providing an exception; amending s. 373.246, F.S.; allowing the governing board or the department to notify a permittee by electronic mail of any change in the condition of his or her permit during a declared water shortage or emergency; amending s. 373.308, F.S.; providing that issuance of well permits is the sole responsibility of water management districts, delegated local governments, and local county health departments; prohibiting other local governmental entities from imposing requirements and fees or establishing programs for installation and abandonment of groundwater wells; amending s. 373.323, F.S.; providing that licenses issued by water management districts are the only water well contractor licenses required for location, construction, repair, or abandonment of water wells; authorizing licensed water well contractors to install equipment for all water systems; amending s. 373.406, F.S.; exempting specified ponds and wetlands from surface water management and storage requirements; requiring that a request for an exemption be made within a certain time period and that activities not begin until such exemption is made; exempting certain water control districts from certain wetlands regulation; amending s. 376.30713, F.S.; increasing maximum costs for preapproved advanced cleanup in a fiscal year; amending s. 376.313, F.S.; holding harmless a person who discharges pollution pursuant to ch. 403, F.S.; amending s. 403.031, F.S.; defining the term "beneficiary"; amending s. 403.061, F.S.; authorizing the department to adopt rules requiring or incentivizing the electronic submission of certain forms, documents, fees, and reports; amending s. 403.0872, F.S.; extending the payment deadline of permit fees for major sources of air pollution and conforming the date for related notice by the department; revising provisions for the calculation of such annual fees; amending s. 403.088, F.S.; revising conditions for water pollution operation permits; requiring the department to meet certain standards in making determinations; amending s. 403.0893, F.S.; authorizing stormwater utility fees to be charged to the beneficiaries of the stormwater utility; amending s. 403.7046, F.S.; providing requirements for the review of recovered materials dealer registration applications; providing that a recovered materials dealer may seek injunctive relief or damages for certain violations; amending s. 403.813, F.S.; revising conditions under which certain permits are not required for seawall restoration projects; creating s. 403.8141, F.S.; requiring the Department of Environmental Protection to establish permits for special events; providing permit requirements; amending s. 403.973, F.S.; authorizing expedited permitting for natural gas pipelines, subject to specified certification; providing that natural gas pipelines are subject to certain requirements; ratifying and approving certain leases approved by the Board of Trustees of the Internal Improvement Trust Fund; provided findings that the decision to authorize the use of board of trustees-owned uplands and the use of those lands as set forth in certain leases is not contrary to the public interest; providing that changes made by this act to ss. 403.031 and

403.0893, F.S., apply only to stormwater utility fees billed on or after July 1, 2013, to a stormwater utility's beneficiary for services provided on or after that date; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1684**, on motion by Senator Altman, by two-thirds vote **CS for CS for CS for HB 999** was withdrawn from the Committees on Environmental Preservation and Conservation; Appropriations Subcommittee on General Government; and Appropriations.

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

CS for CS for CS for HB 999—A bill to be entitled An act relating to environmental regulation; amending s. 20.255, F.S.; authorizing the Department of Environmental Protection to adopt rules requiring or incentivizing the electronic submission of certain forms, documents, fees, and reports; amending ss. 125.022 and 166.033, F.S.; providing requirements for the review of development permit applications by counties and municipalities; amending s. 211.3103, F.S.; revising the definition of "phosphate-related expenses" to include maintenance and restoration of certain lands; amending s. 253.0345, F.S.; revising provisions for the duration of leases and letters of consent issued by the Board of Trustees of the Internal Improvement Trust Fund for special events; providing conditions for fees relating to such leases and letters of consent; creating s. 253.0346, F.S.; defining the term "first-come, first-served basis"; providing conditions for the discount and waiver of lease fees and surcharges for certain marinas, boatyards, and marine retailers; providing applicability; amending s. 253.0347, F.S.; providing exemptions from lease fees for certain lessees; amending s. 373.118, F.S.; deleting provisions requiring the department to adopt general permits for public marina facilities; deleting certain requirements under general permits for public marina facilities and mooring fields; limiting the number of vessels for mooring fields authorized under such permits; providing for the department to issue certain leases; amending s. 373.233, F.S.; clarifying conditions for competing consumptive use of water applications; amending s. 373.236, F.S.; prohibiting water management districts from reducing certain allocations as a result of seawater desalination plant activities; providing an exception; amending s. 373.246, F.S.; authorizing the department or governing board to notify permittees by electronic mail of permit changes under certain conditions; amending s. 373.308, F.S.; providing that issuance of well permits is the sole responsibility of water management districts, delegated local governments, and local county health departments; prohibiting certain counties and other government entities from imposing requirements and fees and establishing programs for installation and abandonment of groundwater wells; amending s. 373.323, F.S.; providing that licenses issued by water management districts are the only water well contractor licenses required for construction, repair, or abandonment of water wells; authorizing licensed water well contractors to install equipment for all water systems; amending s. 373.406, F.S.; exempting specified ponds, ditches, and wetlands from surface water management and storage requirements; exempting certain water control districts from certain wetlands regulation; amending s. 376.30713, F.S.; increasing the amount of funding for preapproved advanced cleanup work contracts; increasing the amount of funding a facility is eligible for in each fiscal year; amending s. 376.313, F.S.; holding harmless a person who discharges pollution pursuant to ch. 403, F.S.; amending s. 403.031, F.S.; defining the term "beneficiary"; amending s. 403.061, F.S.; authorizing the department to adopt rules requiring or incentivizing the electronic submission of certain forms, documents, fees, and reports; amending s. 403.0872, F.S.; extending the payment deadline of permit fees for major sources of air pollution and conforming the date for related notice by the department; revising provisions for the calculation of such annual fees; amending s. 403.088, F.S.; revising conditions for denial of water pollution operation permit applications; amending s. 403.0893, F.S.; authorizing a local government to charge stormwater utility fees to the beneficiaries of the stormwater utility; providing for the collection of delinquent fees; amending s. 403.7046, F.S.; prohibiting local governments from using information contained in recovered materials dealer registration applications for specified purposes; providing that a recovered materials dealer may seek injunctive relief and damages for certain violations; amending s. 403.813, F.S.; revising conditions under which certain permits are not required for seawall restoration projects; creating s. 403.8141, F.S.; requiring the Department of Environmental Protection to establish general permits for special events; providing permit requirements; amending s. 403.973, F.S.; authorizing expedited permitting for natural gas pipelines, subject to specified certification; providing that natural gas pipelines are subject to certain requirements; providing that natural gas pipelines are eligible for certain review; providing for applicability of specified changes made by the act; providing for legislative ratification and approval of specified leases approved by the Board of Trustees of the Internal Improvement Trust Fund; providing legislative findings with respect to such leases; creating the Florida Fertilizer Regulatory Review Council; providing legislative findings; providing for the council's purpose, membership, and duties; providing for the council to be staffed and funded jointly by the Department of Agriculture and Consumer Services and the Department of Environmental Protection; requiring the council to submit a report to the Governor, Legislature, and specified officials; providing for dissolution of the council; prohibiting local governments from adopting or enforcing certain ordinances; providing an exception; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1684** and read the second time by title.

Senator Altman moved the following amendment which was adopted:

Amendment 1 (685648) (with directory and title amendments)—Delete lines 479-485.

And the directory clause is amended as follows:

Delete line 449 and insert:

Section 14. Subsections (13) and (14) are added to

And the title is amended as follows:

Delete lines 55 and 56 and insert: requirements; amending

Senator Hays moved the following amendment which failed:

Amendment 2 (127106) (with directory and title amendments)—Between lines 485 and 486 insert:

(16) An environmental restoration project for which a valid environmental resource permit has been issued pursuant to chapter 373 or chapter 403 and which requires matching local government funding of less than 20 percent of the estimated total project cost is exempt from further wetlands or water quality regulations imposed pursuant to chapters 125, 163, and 166.

And the directory clause is amended as follows:

Delete line 449 and insert:

Section 14. Subsections (13) through (16) are added to

And the title is amended as follows:

Delete line 56 and insert: districts and environmental restoration projects from certain wetlands regulation; amending

Senator Altman moved the following amendments which were adopted:

Amendment 3 (445532) (with title amendment)—Delete lines 519-529.

And the title is amended as follows:

Delete lines 62 and 63 and insert: pollution pursuant to ch. 403, F.S.;

Amendment 4 (204206) (with title amendment)—Delete lines 734-773.

And the title is amended as follows:

Delete lines 74-77 and insert: applications;

Amendment 5 (291928) (with title amendment)—Delete lines 904-907.

And the title is amended as follows:

Delete lines 94 and 95 and insert: eligible for certain review;

Amendment 6 (763998) (with title amendment)—Delete lines 927-1080.

And the title is amended as follows:

Delete lines 100-110 and insert: providing an

Senator Hays moved the following amendment:

Amendment 7 (325662)—Delete line 1076 and insert:

(2) An ordinance adopted after March 20, 2013, and before

On motion by Senator Altman, further consideration of **CS for CS for CS for HB 999** as amended with pending **Amendment 7 (325662)** was deferred.

Consideration of **CS for CS for SB 1482** was deferred.

CS for CS for CS for SB 84—A bill to be entitled An act relating to public-private partnerships; amending s. 154.11, F.S.; revising the powers of a public health trust; amending s. 255.60, F.S.; authorizing certain public entities to contract for public service works with not-for-profit organizations; revising eligibility and contract requirements for not-for-profit organizations contracting with certain public entities; creating s. 287.05712, F.S.; providing definitions; providing legislative findings and intent relating to the construction or improvement by private entities of facilities used predominantly for a public purpose; creating a task force to establish specified guidelines; providing procurement procedures; providing requirements for project approval; providing project qualifications and process; providing for notice to affected local jurisdictions; providing for interim and comprehensive agreements between a public and a private entity; providing for use fees; providing for financing sources for certain projects by a private entity; providing powers and duties of private entities; providing for expiration or termination of agreements; providing for the applicability of sovereign immunity for public entities with respect to qualified projects; providing for construction of the act; creating s. 336.71, F.S.; authorizing counties to enter into public-private partnership agreements for construction of roads under certain circumstances; providing bid exemption for such projects under certain circumstances; providing for a public notice and meeting; providing applicability; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for CS for SB 84**, on motion by Senator Diaz de la Portilla, by two-thirds vote **CS for CS for HB 85** was withdrawn from the Committees on Governmental Oversight and Accountability; and Community Affairs.

On motion by Senator Diaz de la Portilla, the rules were waived and—

CS for CS for HB 85—A bill to be entitled An act relating to public-private partnerships; amending s. 255.60, F.S.; authorizing certain public entities to contract for public service works with not-for-profit organizations; revising eligibility and contract requirements for not-for-profit organizations contracting with certain public entities; creating s. 287.05712, F.S.; providing definitions; providing legislative findings and intent relating to the construction or improvement by private entities of facilities used predominantly for a public purpose; creating a task force to establish specified guidelines; providing procurement procedures; providing requirements for project approval; providing project qualifications and process; providing for notice to affected local jurisdictions; providing for interim and comprehensive agreements between a public and a private entity; providing for use fees; providing for financing sources for certain projects by a private entity; providing powers and duties of private entities; providing for expiration or termination of agreements; providing for the applicability of sovereign immunity for public entities with respect to qualified projects; providing for construction of the act; creating s. 336.71, F.S.; authorizing counties to enter into public-private partnership agreements to construct, extend, or improve county roads; providing requirements and limitations for such agreements; providing procurement procedures; requiring a fee for certain proposals; amending s. 348.754, F.S.; revising the limit on terms for leases that the Orlando-Orange County Expressway Authority may enter; amending s. 1010.62, F.S.; adding public-private partnership agreements to the definition of the term university "debt"; revising sources that may be used to secure or pay revenue bonds; authorizing revenues from royalties and licensing and auxiliary enterprise revenues to be used to secure debt for academic, educational, and research facilities that are part of a multipurpose project; authorizing academic and educational activities to be bonded without legislative approval of the specific project; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 84** and read the second time by title.

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

Amendment 1 (802008) (with title amendment)—Delete lines 775-911.

And the title is amended as follows:

Delete lines 33-43 and insert: Authority may enter; providing an effective date.

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

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

Amendment 2 (267884)—Delete lines 49-67 and insert: 255.60 Special contracts with charitable *or not-for-profit* ~~youth~~ organizations.—The state, ~~or~~ the governing body of any political subdivision of the state, *or a public-private partnership* is authorized, but not required, to contract for public service work *with a not-for-profit organization or charitable youth organization* ~~such as highway and park maintenance~~, notwithstanding competitive sealed bid procedures required under this chapter, ~~or~~ chapter 287, *or any municipal or county charter,* upon compliance with this section.

(1) The contractor or supplier must meet the following conditions:

(a) The contractor or supplier must be a not-for-profit corporation incorporated under chapter 617 and in good standing.

(b) The contractor or supplier must hold exempt status under s. 501(a) of the Internal Revenue Code, as an organization described in s. 501(c)(3) of the Internal Revenue Code.

(c) *For youth organizations,* the corporate charter of the contractor or supplier must state that the corporation is organized as a charitable *not-for-profit* ~~youth~~ organization exclusively for at-

Pursuant to Rule 4.19, **CS for CS for HB 85** as amended was placed on the calendar of Bills on Third Reading.

CS for SB 550—A bill to be entitled An act relating to the collection of worthless payment instruments; amending s. 68.065, F.S.; defining the term "payment instrument"; applying certain provisions relating to civil actions brought to collect dishonored checks, drafts, and orders of payment to specified types of payment instruments to permit the award of triple damages, court costs, and reasonable attorney fees, the imposition of service charges, and requirements for written demands for payment that must be delivered before commencement of collection actions; authorizing the payee of a dishonored payment instrument to recover bank fees and a service charge without filing a civil action; conforming provisions to changes made by the act; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 550**, on motion by Senator Simpson, by two-thirds vote **CS for CS for HB 457** was withdrawn from the Committees on Banking and Insurance; Commerce and Tourism; and Judiciary.

On motion by Senator Simpson—

CS for CS for HB 457—A bill to be entitled An act relating to the collection of worthless payment instruments; amending s. 68.065, F.S.; defining the term "payment instrument"; applying certain provisions

relating to civil actions brought to collect dishonored checks, drafts, and orders of payment to specified types of payment instruments to permit the award of triple damages, court costs, and reasonable attorney fees, the imposition of service charges, and requirements for written demands for payment that must be delivered before commencement of collection actions; authorizing the payee of a dishonored payment instrument to recover bank fees and a service charge without filing a civil action; conforming provisions to changes made by the act; providing an effective date.

—a companion measure, was substituted for **CS for SB 550** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 457** was placed on the calendar of Bills on Third Reading.

RECONSIDERATION OF BILL

On motion by Senator Montford, the Senate reconsidered the vote by which—

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.

—as amended passed this day.

RECONSIDERATION OF AMENDMENT

On motion by Senator Thompson, the Senate reconsidered the vote by which **Amendment 1 (933372)** was adopted.

Amendment 1 (933372) was withdrawn.

On motion by Senator Montford, **CS for HB 7087** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

SPECIAL ORDER CALENDAR

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

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.

—which was previously considered and amended this day with pending **Amendment 4 (242714)** by Senator Brandes and pending point of order by Senator Bullard. **Amendment 4 (242714)** was withdrawn.

Pursuant to Rule 4.19, **CS for HB 7165** as amended was placed on the calendar of Bills on Third Reading.

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

CS for CS for CS for HB 999—A bill to be entitled An act relating to environmental regulation; amending s. 20.255, F.S.; authorizing the Department of Environmental Protection to adopt rules requiring or incentivizing the electronic submission of certain forms, documents, fees, and reports; amending ss. 125.022 and 166.033, F.S.; providing requirements for the review of development permit applications by counties and municipalities; amending s. 211.3103, F.S.; revising the definition of "phosphate-related expenses" to include maintenance and restoration of certain lands; amending s. 253.0345, F.S.; revising provisions for the duration of leases and letters of consent issued by the Board of Trustees of the Internal Improvement Trust Fund for special events; providing conditions for fees relating to such leases and letters of consent; creating s. 253.0346, F.S.; defining the term "first-come, first-served basis"; providing conditions for the discount and waiver of lease fees and surcharges for certain marinas, boatyards, and marine retailers; providing applicability; amending s. 253.0347, F.S.; providing exemptions from lease fees for certain lessees; amending s. 373.118, F.S.; deleting provisions requiring the department to adopt general permits for public marina facilities; deleting certain requirements under general permits for public marina facilities and mooring fields; limiting the number of vessels for mooring fields authorized under such permits; providing for the department to issue certain leases; amending s. 373.233, F.S.; clarifying conditions for competing consumptive use of water applications; amending s. 373.236, F.S.; prohibiting water management districts from reducing certain allocations as a result of seawater desalination plant activities; providing an exception; amending s. 373.246, F.S.; authorizing the department or governing board to notify permittees by electronic mail of permit changes under certain conditions; amending s. 373.308, F.S.; providing that issuance of well permits is the sole responsibility of water management districts, delegated local governments, and local county health departments; prohibiting certain counties and other government entities from imposing requirements and fees and establishing programs for installation and abandonment of

groundwater wells; amending s. 373.323, F.S.; providing that licenses issued by water management districts are the only water well contractor licenses required for construction, repair, or abandonment of water wells; authorizing licensed water well contractors to install equipment for all water systems; amending s. 373.406, F.S.; exempting specified ponds, ditches, and wetlands from surface water management and storage requirements; exempting certain water control districts from certain wetlands regulation; amending s. 376.30713, F.S.; increasing the amount of funding for preapproved advanced cleanup work contracts; increasing the amount of funding a facility is eligible for in each fiscal year; amending s. 376.313, F.S.; holding harmless a person who discharges pollution pursuant to ch. 403, F.S.; amending s. 403.031, F.S.; defining the term "beneficiary"; amending s. 403.061, F.S.; authorizing the department to adopt rules requiring or incentivizing the electronic submission of certain forms, documents, fees, and reports; amending s. 403.0872, F.S.; extending the payment deadline of permit fees for major sources of air pollution and conforming the date for related notice by the department; revising provisions for the calculation of such annual fees; amending s. 403.088, F.S.; revising conditions for denial of water pollution operation permit applications; amending s. 403.0893, F.S.; authorizing a local government to charge stormwater utility fees to the beneficiaries of the stormwater utility; providing for the collection of delinquent fees; amending s. 403.7046, F.S.; prohibiting local governments from using information contained in recovered materials dealer registration applications for specified purposes; providing that a recovered materials dealer may seek injunctive relief and damages for certain violations; amending s. 403.813, F.S.; revising conditions under which certain permits are not required for seawall restoration projects; creating s. 403.8141, F.S.; requiring the Department of Environmental Protection to establish general permits for special events; providing permit requirements; amending s. 403.973, F.S.; authorizing expedited permitting for natural gas pipelines, subject to specified certification; providing that natural gas pipelines are subject to certain requirements; providing that natural gas pipelines are eligible for certain review; providing for applicability of specified changes made by the act; providing for legislative ratification and approval of specified leases approved by the Board of Trustees of the Internal Improvement Trust Fund; providing legislative findings with respect to such leases; creating the Florida Fertilizer Regulatory Review Council; providing legislative findings; providing for the council's purpose, membership, and duties; providing for the council to be staffed and funded jointly by the Department of Agriculture and Consumer Services and the Department of Environmental Protection; requiring the council to submit a report to the Governor, Legislature, and specified officials; providing for dissolution of the council; prohibiting local governments from adopting or enforcing certain ordinances; providing an exception; providing an effective date.

—which was previously considered and amended this day. Pending **Amendment 7 (325662)** by Senator Hays was withdrawn.

Pursuant to Rule 4.19, **CS for CS for CS for HB 999** as amended was placed on the calendar of Bills on Third Reading.

CS for CS for SB 1482—A bill to be entitled An act relating to skilled nursing facilities; creating s. 408.0362, F.S.; providing an exemption from certificate-of-need requirements for construction of a licensed skilled nursing facility in a retirement community; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1482**, on motion by Senator Hays, by two-thirds vote **CS for CS for HB 1159** was withdrawn from the Committees on Health Policy; and Judiciary.

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

CS for CS for HB 1159—A bill to be entitled An act relating to health care facilities; amending s. 395.003, F.S.; authorizing certain specialty-licensed children's hospitals to provide obstetrical services under certain circumstances; amending s. 408.036, F.S.; providing for expedited review of certificate-of-need for licensed skilled nursing facilities in qualifying retirement communities; providing criteria for expedited review for licensed skilled nursing homes in qualifying retirement communities; limiting the number of beds per retirement community that can be added through expedited review; providing for severability; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1482** 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 Hays moved the following amendment:

Amendment 1 (566056) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (7) and subsection (14) of section 395.4001, Florida Statutes, are amended to read:

395.4001 Definitions.—As used in this part, the term:

(7) "Level II trauma center" means a trauma center that:

(a) Is verified by the department to be in substantial compliance with Level II trauma center standards and has been approved by the department to operate as a Level II trauma center *or is designated pursuant to s. 395.4025(14)*.

(14) "Trauma center" means a hospital that has been verified by the department to be in substantial compliance with the requirements in s. 395.4025 and has been approved by the department to operate as a Level I trauma center, Level II trauma center, or pediatric trauma center*, or is designated by the department as a Level II trauma center pursuant to s. 395.4025(14)*.

Section 2. Paragraph (k) of subsection (1) of section 395.401, Florida Statutes, is amended to read:

395.401 Trauma services system plans; approval of trauma centers and pediatric trauma centers; procedures; renewal.—

(1)

(k) It is unlawful for any hospital or other facility to hold itself out as a trauma center unless it has been so verified *or designated pursuant to s. 395.4025(14)*.

Section 3. Subsection (14) of section 395.4025, Florida Statutes, is amended to read:

395.4025 Trauma centers; selection; quality assurance; records.—

(14) Notwithstanding *the procedures established pursuant to subsections (1) through (13) in this section, hospitals located in areas with limited access to trauma center services shall be designated by the department as Level II trauma centers based on documentation of a valid certificate of trauma center verification from the American College of Surgeons. Areas with limited access to trauma center services are defined by the following criteria:*

(a) The hospital is located in a trauma service area with a population greater than 600,000 persons but a population density of less than 225 persons per square mile; and

(b) The hospital is located in a county with no verified trauma center; and

(c) The hospital is located at least 15 miles or 20 minutes travel time by ground transport from the nearest verified trauma center ~~any other provisions of this section and rules adopted pursuant to this section, until the department has conducted the review provided under s. 395.402, only hospitals located in trauma services areas where there is no existing trauma center may apply~~.

Section 4. Subsection (2) of section 408.036, Florida Statutes, is amended to read:

408.036 Projects subject to review; exemptions.—

(2) PROJECTS SUBJECT TO EXPEDITED REVIEW.—Unless exempt pursuant to subsection (3), projects subject to an expedited review shall include, but not be limited to:

(a) A transfer of a certificate of need, except that when an existing hospital is acquired by a purchaser, all certificates of need issued to the

hospital which are not yet operational shall be acquired by the purchaser, without need for a transfer.

(b) Replacement of a nursing home within the same district, if the proposed project site is located within a geographic area that contains at least 65 percent of the facility's current residents and is within a 30-mile radius of the replaced nursing home.

(c) Relocation of a portion of a nursing home's licensed beds to a facility within the same district, if the relocation is within a 30-mile radius of the existing facility and the total number of nursing home beds in the district does not increase.

(d) The new construction of a community nursing home in a retirement community as further provided in this paragraph.

1. Expedited review under this paragraph is available if all of the following criteria are met:

a. The residential use area of the retirement community is deed-restricted as housing for older persons as defined in s. 760.29(4)(b).

b. The retirement community is located in a county in which 25 percent or more of its population is age 65 and older.

c. The retirement community is located in a county that has a rate of no more than 16.1 beds per 1,000 persons age 65 years or older. The rate shall be determined by using the current number of licensed and approved community nursing home beds in the county per the agency's most recent published inventory.

d. The retirement community has a population of at least 8,000 residents within the county, based on a population data source accepted by the agency.

e. The number of proposed community nursing home beds in an application does not exceed the projected bed need after applying the rate of 16.1 beds per 1,000 persons aged 65 years and older projected for the county 3 years into the future using the estimates adopted by the agency, after subtracting the inventory of licensed and approved community nursing home beds in the county per the agency's most recent published inventory.

2. No more than 120 community nursing home beds shall be approved for a qualified retirement community under each request for application for expedited review. Subsequent requests for expedited review under this process shall not be made until 2 years after construction of the facility has commenced or 1 year after the beds approved through the initial request are licensed, whichever occurs first.

3. The total number of community nursing home beds which may be approved for any single deed-restricted community pursuant to this paragraph shall not exceed 240, regardless of whether the retirement community is located in more than one qualifying county.

4. Each nursing home facility approved under this paragraph shall be dually certified for participation in the Medicare and Medicaid programs.

5. Each nursing home facility approved under this paragraph shall be at least one mile from an existing approved and licensed community nursing home, measured over publicly owned roadways.

6. Section 408.0435 does not apply to this paragraph.

7. A retirement community requesting expedited review under this paragraph shall submit a written request to the agency for an expedited review. The request shall include the number of beds to be added and provide evidence of compliance with the criteria specified in subparagraph 1.

8. After verifying that the retirement community meets the criteria for expedited review specified in subparagraph 1., the agency shall publicly notice in the Florida Administrative Register that a request for an expedited review has been submitted by a qualifying retirement community and that the qualifying retirement community intends to make land available for the construction and operation of a community nursing home. The agency's notice shall identify where potential applicants can obtain information describing the sale price of, or terms of the land lease for, the property on which the project will be located and the requirements established by the retirement community. The agency's notice shall also specify the deadline for submission of any certificate-of-need application, which shall not be earlier than the 91st day and not be later than the 125th day after the date the notice appears in the Florida Administrative Register.

9. The qualified retirement community shall make land available to applicants it deems to have met its requirements for the construction and operation of a community nursing home but will sell or lease the land only to the applicant that is issued a certificate of need by the agency under the provisions of this paragraph.

a. A certificate of need application submitted pursuant to this paragraph shall identify the intended site for the project within the retirement community and the anticipated costs for the project based on that site. The application shall also include written evidence that the retirement community has determined that the provider submitting the application and the project proposed by that provider satisfies its requirements for the project.

b. The retirement community's determination that more than one provider satisfies its requirements for the project does not preclude the retirement community from notifying the agency of the provider it prefers.

10. Each application submitted shall be reviewed by the agency. If multiple applications are submitted for the project as published pursuant to subparagraph 8. above, then the competing applications shall be reviewed by the agency.

The agency shall develop rules to implement the provisions for expedited review, including time schedule, application content which may be reduced from the full requirements of s. 408.037(1), and application processing.

Section 5. 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 health care facilities; amending s. 395.4001, F.S.; revising the definition of the terms "level II trauma center" and "trauma center"; amending s. 395.401, F.S.; making conforming changes; amending s. 395.4025, F.S.; establishing criteria for designating Level II trauma centers in areas with limited access to trauma center services; amending s. 408.036, F.S.; providing for expedited review of certificate-of-need for licensed skilled nursing facilities in qualifying retirement communities; providing criteria for expedited review for licensed skilled nursing homes in qualifying retirement communities; limiting the number of beds per retirement community that can be added through expedited review; providing an effective date.

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

Senator Garcia moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A (667482) (with title amendment)—Between lines 51 and 52 insert:

Section 4. Paragraphs (l) and (m) of subsection (4) of section 400.9905, Florida Statutes, are amended to read:

400.9905 Definitions.—

(4) "Clinic" means an entity where health care services are provided to individuals and which tenders charges for reimbursement for such services, including a mobile clinic and a portable equipment provider. As used in this part, the term does not include and the licensure requirements of this part do not apply to:

(l) Orthotic, ~~or~~ prosthetic, *pediatric cardiology, or perinatology* clinical facilities *or anesthesia clinical facilities that are not otherwise exempt under paragraph (a) or paragraph (k) and* that are a publicly traded corporation or ~~that~~ are wholly owned, directly or indirectly, by a publicly traded corporation. As used in this paragraph, a publicly traded corporation is a corporation that issues securities traded on an exchange registered with the United States Securities and Exchange Commission as a national securities exchange.

(m) Entities that are owned by a corporation that has $250 million or more in total annual sales of health care services provided by licensed health care practitioners where one or more of the *persons responsible for the operations of the entity are* ~~owners is~~ a health care practitioner who is licensed in this state and who is responsible for supervising the business activities of the entity and is ~~legally~~ responsible for the entity's compliance with state law for purposes of this part.

Notwithstanding this subsection, an entity shall be deemed a clinic and must be licensed under this part in order to receive reimbursement under the Florida Motor Vehicle No-Fault Law, ss. 627.730-627.7405, unless exempted under s. 627.736(5)(h).

And the title is amended as follows:

Between lines 179 and 180 insert: amending s. 400.9905, F.S.; revising a definition;

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

Senator Grimsley moved the following amendment to **Amendment 1** which was adopted:

Amendment 1B (531668) (with title amendment)—Between lines 164 and 165 insert:

Section 5. Paragraph (b) of subsection (2), subsection (10), and paragraph (c) of subsection (11) of section 893.055, Florida Statutes, is amended to read:

893.055 Prescription drug monitoring program.—

(2)

(b) The department~~, when the direct support organization receives at least $20,000 in nonstate moneys or the state receives at least $20,000 in federal grants for the prescription drug monitoring program,~~ shall adopt rules as necessary concerning the reporting, accessing the database, evaluation, management, development, implementation, operation, security, and storage of information within the system, including rules for when patient advisory reports are provided to pharmacies and prescribers. The patient advisory report shall be provided in accordance with s. 893.13(7)(a)8. The department shall work with the professional health care licensure boards, such as the Board of Medicine, the Board of Osteopathic Medicine, and the Board of Pharmacy; other appropriate organizations, such as the Florida Pharmacy Association, the Florida Medical Association, the Florida Retail Federation, and the Florida Osteopathic Medical Association, including those relating to pain management; and the Attorney General, the Department of Law Enforcement, and the Agency for Health Care Administration to develop rules appropriate for the prescription drug monitoring program.

(10) All costs incurred by the department in administering the prescription drug monitoring program shall be funded through *state funds,* federal grants*,* or private funding applied for or received by the state. The department may not commit funds for the monitoring program without ensuring funding is available. ~~The prescription drug monitoring program and the implementation thereof are contingent upon receipt of the nonstate funding.~~ The department and state government shall cooperate with the direct-support organization established pursuant to subsection (11) in seeking *state funds,* federal grant funds, other nonstate grant funds, gifts, donations, or other private moneys for the department *if* ~~so long as~~ the costs of doing so are not considered material. Nonmaterial costs for this purpose include, but are not limited to, the costs of mailing and personnel assigned to research or apply for a grant. Notwithstanding the exemptions to competitive-solicitation requirements under s. 287.057(3)(f), the department shall comply with the competitive-solicitation requirements under s. 287.057 for the procurement of any goods or services required by this section. ~~Funds provided, directly or indirectly, by prescription drug manufacturers may not be used to implement the program.~~

(11) The department may establish a direct-support organization that has a board consisting of at least five members to provide assistance, funding, and promotional support for the activities authorized for the prescription drug monitoring program.

(c) The State Surgeon General shall appoint a board of directors for the direct-support organization. Members of the board shall serve at the pleasure of the State Surgeon General. The State Surgeon General shall provide guidance to members of the board to ensure that moneys received by the direct-support organization are not received from inappropriate sources. Inappropriate sources include, but are not limited to, donors, grantors, persons, ~~or~~ organizations*, or pharmaceutical companies,* that may monetarily or substantively benefit from the purchase of goods or services by the department in furtherance of the prescription drug monitoring program.

And the title is amended as follows:

Delete line 187 and insert: expedited review; amending s. 893.055, F.S.; deleting obsolete provisions; deleting a provision that prohibits funds from prescription drug manufacturers to be used to implement the prescription drug monitoring program; authorizing the prescription drug monitoring program to be funded by state funds; revising the sources of money which are inappropriate for the direct-support organization of the prescription drug monitoring program to receive; providing an effective date.

Amendment 1 (566056) as amended was adopted.

Pursuant to Rule 4.19, **CS for CS for HB 1159** as amended was placed on the calendar of Bills on Third Reading.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Senate resumed consideration of the returning message on—

CS for SB 1828—A bill to be entitled An act relating to tax administration; amending s. 125.0104, F.S.; providing an additional use for tourist development tax revenues for certain coastal counties; authorizing counties to require certain information for tax returns filed with county governments; amending s. 198.13, F.S.; deleting a requirement for filing a tax return for a decedent who dies after a certain date; amending s. 211.3103, F.S.; expanding the definition of "phosphate-related expenses" for the purpose of distributing certain tax proceeds; amending s. 212.03, F.S.; providing that charges for the storage of towed vehicles that are impounded by a local, state, or federal law enforcement agency are not taxable; amending s. 212.0305, F.S.; authorizing counties to require certain information for tax returns filed with county governments; amending s. 212.07, F.S.; conforming a cross-reference to changes made by the act; providing monetary and criminal penalties for a dealer's willful failure to collect certain taxes or fees after receiving notice of such duty to collect from the Department of Revenue; amending s. 212.12, F.S.; deleting provisions relating to the imposition of criminal penalties after department notice of requirements to register as a dealer or to collect taxes; making technical and grammatical changes to provisions specifying penalties for making a false or fraudulent return with the intent to evade payment of a tax or fee; amending s. 212.14, F.S.; modifying the definition of the term "person"; authorizing the department to adopt rules relating to requirements for a person to deposit cash, a bond, or other security with the department in order to ensure compliance with sales tax laws; making technical and grammatical changes; amending s. 212.18, F.S.; providing criminal penalties for a person who willfully fails to register as a dealer after receiving notice of such duty by the department; making technical and grammatical changes; reenacting s. 212.20, F.S., relating to the disposition of funds collected; amending s. 213.13, F.S.; revising the due date for transmitting funds collected by the clerks of court to the department; amending s. 213.21, F.S.; increasing dollar threshold of compromise authority that can be delegated to the executive director; creating s. 213.295, F.S., relating to automated sales suppression devices; providing definitions; subjecting a person to criminal penalties and monetary penalties for knowingly selling or engaging in certain other actions involving a zapper or phantom-ware; providing that sales suppression devices and phantom-ware are contraband articles under the Florida Contraband Forfeiture Act; amending s. 288.106, F.S.; revising the criteria applicable to the definition of the term "target industry business" to specifically reference sports training or competi-

tion for the amateur athlete; amending s. 443.131, F.S.; imposing a requirement on employers to produce records for the Department of Economic Opportunity or its tax collection service provider as a prerequisite for a reduction in the rate of reemployment tax; amending s. 443.141, F.S.; providing a method to calculate the interest rate for past due contributions and reimbursements, and delinquent, erroneous, incomplete, or insufficient reports; providing effective dates.

—which was previously considered this day with pending **House Amendment 1 (113961)**.

Senator Braynon moved the following amendment which was adopted:

Senate Amendment 1 (678958) (with title amendment) to House Amendment 1 (113961)—Delete lines 5-8 and insert:

Section 1. Paragraph (n) of subsection (3) and subsection (5) of section 125.0104, Florida Statutes, are amended to read:

125.0104 Tourist development tax; procedure for levying; authorized uses; referendum; enforcement.—

(3) TAXABLE PRIVILEGES; EXEMPTIONS; LEVY; RATE.—

(n) In addition to any other tax that is imposed under this section, a county that has imposed the tax under paragraph (l) may impose an additional tax that is no greater than 1 percent on the exercise of the privilege described in paragraph (a) by a majority plus one vote of the membership of the board of county commissioners*, or as otherwise provided in this paragraph,* in order to:

1. Pay the debt service on bonds issued to finance:

a. The construction, reconstruction, or renovation of a facility *that is* ~~either~~ publicly owned and operated~~,~~ or *is* publicly owned and operated by the owner of a professional sports franchise or other lessee with sufficient expertise or financial capability to operate such facility, and to pay the planning and design costs incurred *before* ~~prior to~~ the issuance of such bonds for a new professional sports franchise as defined in s. 288.1162.

b. The acquisition, construction, reconstruction, or renovation of a facility ~~either~~ publicly owned and operated, or publicly owned and operated by the owner of a professional sports franchise or other lessee with sufficient expertise or financial capability to operate such facility, and to pay the planning and design costs incurred *before* ~~prior to~~ the issuance of such bonds for a retained spring training franchise.

2. Pay the debt service on bonds issued to finance the renovation of a professional sports franchise facility that is publicly owned, or located on land that is publicly owned, and that is publicly operated or operated by the owner of a professional sports franchise or other lessee who has sufficient expertise or financial capability to operate the facility, and to pay the planning and design costs incurred before the issuance of such bonds for the renovated professional sports facility. The cost to renovate the facility must be more than $300 million, including permitting, architectural, and engineering fees, and at least a majority of the total construction cost, exclusive of in-kind contributions, must be paid for by the ownership group of the professional sports franchise or other private sources. Tax revenues available to pay debt service on bonds may be used to pay for operation and maintenance costs of the facility. A county levying the tax for the purposes specified in this subparagraph may do so only by a majority plus one vote of the membership of the board of county commissioners and after approval of the proposed use of the tax revenues by a majority vote of the electors voting in the referendum. Referendum approval of the proposed use of the tax revenues may be in an election held before or after the effective date of this act. The referendum ballot must include a brief description of the proposed use of the tax revenues and the following question:

FOR the Proposed Use

AGAINST the Proposed Use

3.~~2.~~ Promote and advertise tourism in *this* ~~the~~ state ~~of Florida~~ and nationally and internationally; however, if tax revenues are expended for an activity, service, venue, or event, the activity, service, venue, or event *must* ~~shall~~ have as one of its main purposes the attraction of tourists as evidenced by the promotion of the activity, service, venue, or event to tourists.

A county that imposes the tax authorized in this paragraph may not expend any ad valorem tax revenues for the acquisition, *expansion,* construction, reconstruction, or renovation of a facility for which tax revenues are used pursuant to subparagraph 1. The provision of paragraph (b) which prohibits any county authorized to levy a convention development tax pursuant to s. 212.0305 from levying more than the *2 percent* ~~2 percent~~ tax authorized by this section *does* ~~shall~~ not apply to the additional tax authorized by this paragraph in counties *that* ~~which~~ levy convention development taxes pursuant to s. 212.0305(4)(a) *or (b)*. Subsection (4) does not apply to the adoption of the additional tax authorized in this paragraph. The effective date of the levy and imposition of the tax authorized under this paragraph is the first day of the second month following approval of the ordinance by the board of county commissioners or the first day of any subsequent month specified in the ordinance. A certified copy of such ordinance *must* ~~shall~~ be furnished by the county to the Department of Revenue within 10 days after approval of the ordinance.

(5) AUTHORIZED USES OF REVENUE.—

(a) All tax revenues received pursuant to this section by a county imposing the tourist development tax *must* ~~shall~~ be used by that county for the following purposes only:

1. To acquire, construct, extend, enlarge, remodel, repair, improve, maintain, operate, or promote one or more publicly owned and operated convention centers, sports stadiums, sports arenas, coliseums, auditoriums, aquariums, or museums that are publicly owned and operated or owned and operated by not-for-profit organizations and open to the public, within the boundaries of the county or subcounty special taxing district in which the tax is levied. Tax revenues received pursuant to this section may also be used for promotion of zoological parks that are publicly owned and operated or owned and operated by not-for-profit organizations and open to the public. However, these purposes may be implemented through service contracts and leases with lessees with sufficient expertise or financial capability to operate such facilities;

2. To promote and advertise tourism in *this* ~~the~~ state ~~of Florida~~ and nationally and internationally; however, if tax revenues are expended for an activity, service, venue, or event, the activity, service, venue, or event *must* ~~shall~~ have as one of its main purposes the attraction of tourists as evidenced by the promotion of the activity, service, venue, or event to tourists;

3. To fund convention bureaus, tourist bureaus, tourist information centers, and news bureaus as county agencies or by contract with the chambers of commerce or similar associations in the county, which may include any indirect administrative costs for services performed by the county on behalf of the promotion agency; ~~or~~

4. To finance beach park facilities or beach improvement, maintenance, renourishment, restoration, and erosion control, including shoreline protection, enhancement, cleanup, or restoration of inland lakes and rivers to which there is public access as those uses relate to the physical preservation of the beach, shoreline, or inland lake or river. However, any funds identified by a county as the local matching source for beach renourishment, restoration, or erosion control projects included in the long-range budget plan of the state's Beach Management Plan, pursuant to s. 161.091, or funds contractually obligated by a county in the financial plan for a federally authorized shore protection project may not be used or loaned for any other purpose. In counties of less than 100,000 population, no more than 10 percent of the revenues from the tourist development tax may be used for beach park facilities*; or*~~.~~

5. For other uses specifically allowed under this subsection (3).

(b) Tax revenues received pursuant to this section by a county of less than 750,000 population imposing a tourist development tax may only be used by that county for the following purposes in addition to those purposes allowed pursuant to paragraph (a): to acquire, construct, extend, enlarge, remodel, repair, improve, maintain, operate, or promote one or more zoological parks, fishing piers or nature centers which are publicly owned and operated or owned and operated by not-for-profit organizations and open to the public. All population figures relating to

this subsection shall be based on the most recent population estimates prepared pursuant to the provisions of s. 186.901. These population estimates shall be those in effect on July 1 of each year.

(c) Tax revenues received pursuant to this section by a coastal county that has a population of less than 250,000, excluding the inmate population, may also be used by that county to fund beach safety personnel and lifeguard operational activities in areas where there is public access. All population figures relating to this paragraph must be based on the most recent population estimates prepared pursuant to s. 186.901. These population estimates must be those in effect on April 1 of each year.

(d)~~(c)~~ The revenues to be derived from the tourist development tax may be pledged to secure and liquidate revenue bonds issued by the county for the purposes set forth in subparagraphs (a)1. and 4. or for the purpose of refunding bonds previously issued for such purposes, or both; however, no more than 50 percent of the revenues ~~from the tourist development tax~~ may be pledged to secure and liquidate revenue bonds or revenue refunding bonds issued for the purposes set forth in subparagraph (a)4. Such revenue bonds and revenue refunding bonds may be authorized and issued in such principal amounts, with such interest rates and maturity dates, and subject to such other terms, conditions, and covenants as the governing board of the county shall provide. The Legislature intends that this paragraph ~~shall~~ be *the* full and complete authority for accomplishing such purposes, but ~~such authority shall~~ be supplemental and additional to, and not in derogation of, any powers now existing or later conferred under law.

(e)~~(d)~~ Any use of the local option tourist development tax revenues collected pursuant to this section for a purpose not expressly authorized by paragraph (3)(l) or paragraph (3)(n) or paragraph (a), paragraph (b), ~~or~~ paragraph (c)*, or paragraph (d)* of this subsection is expressly prohibited.

Section 2. Paragraph (d) of subsection (6) of section 212.20, Florida Statutes, is amended to read:

212.20 Funds collected, disposition; additional powers of department; operational expense; refund of taxes adjudicated unconstitutionally collected.—

(6) Distribution of all proceeds under this chapter and s. 202.18(1)(b) and (2)(b) shall be as follows:

(d) The proceeds of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) *must* ~~shall~~ be distributed as follows:

1. In any fiscal year, the greater of $500 million, minus an amount equal to 4.6 percent of the proceeds of the taxes collected pursuant to chapter 201, or 5.2 percent of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) *must* ~~shall~~ be deposited in monthly installments into the General Revenue Fund.

2. After the distribution under subparagraph 1., 8.814 percent of the amount remitted by a sales tax dealer located within a participating county pursuant to s. 218.61 *must* ~~shall~~ be transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund. Beginning July 1, 2003, the amount to be transferred *must* ~~shall~~ be reduced by 0.1 percent, and the department shall distribute this amount to the Public Employees Relations Commission Trust Fund less $5,000 each month, which *must* ~~shall~~ be added to the amount calculated in subparagraph 3. and distributed accordingly.

3. After the distribution under subparagraphs 1. and 2., 0.095 percent *must* ~~shall~~ be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and distributed pursuant to s. 218.65.

4. After the distributions under subparagraphs 1., 2., and 3., 2.0440 percent of the available proceeds *must* ~~shall~~ be transferred monthly to the Revenue Sharing Trust Fund for Counties pursuant to s. 218.215.

5. After the distributions under subparagraphs 1., 2., and 3., 1.3409 percent of the available proceeds *must* ~~shall~~ be transferred monthly to the Revenue Sharing Trust Fund for Municipalities pursuant to s. 218.215. If the total revenue to be distributed pursuant to this subparagraph is at least as great as the amount due from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, *a* ~~no~~ municipality *may not* ~~shall~~ receive less than the amount due from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000. If the total proceeds to be distributed are less than the amount received in combination from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, each municipality shall receive an amount proportionate to the amount it was due in state fiscal year 1999-2000.

6. Of the remaining proceeds:

a. In each fiscal year, the sum of $29,915,500 *must* ~~shall~~ be divided into as many equal parts as there are counties in the state, and one part *must* ~~shall~~ be distributed to each county. The distribution among the several counties must begin each fiscal year on or before January 5th and continue monthly for a total of 4 months. If a local or special law required that any moneys accruing to a county in fiscal year 1999-2000 under the then-existing provisions of s. 550.135 be paid directly to the district school board, special district, or a municipal government, such payment must continue until the local or special law is amended or repealed. The state covenants with holders of bonds or other instruments of indebtedness issued by local governments, special districts, or district school boards before July 1, 2000, that it is not the intent of this subparagraph to adversely affect the rights of those holders or relieve local governments, special districts, or district school boards of the duty to meet their obligations as a result of previous pledges or assignments or trusts entered into which obligated funds received from the distribution to county governments under then-existing s. 550.135. This distribution specifically is in lieu of funds distributed under s. 550.135 before July 1, 2000.

b. The department shall*, pursuant to s. 288.1162,* distribute $166,667 monthly ~~pursuant to s. 288.1162~~ to each applicant certified as a facility for a new or retained professional sports franchise ~~pursuant to s. 288.1162~~. Up to $41,667 *must* ~~shall~~ be distributed monthly by the department to each certified applicant as defined in s. 288.11621 for a facility for a spring training franchise. However, not more than $416,670 may be distributed monthly in the aggregate to all certified applicants for facilities for spring training franchises. Distributions begin 60 days after such certification and continue for not more than 30 years, except as otherwise provided in s. 288.11621. A certified applicant identified in this sub-subparagraph may not receive more in distributions than expended by the applicant for the public purposes provided for in s. *288.1162* ~~288.1162(5)~~ or s. 288.11621(3).

c. Beginning 30 days after notice by the Department of Economic Opportunity to the Department of Revenue that an applicant has been certified as the professional golf hall of fame pursuant to s. 288.1168 and is open to the public, $166,667 *must* ~~shall~~ be distributed monthly, for up to 300 months, to the applicant.

d. Beginning 30 days after notice by the Department of Economic Opportunity to the Department of Revenue that the applicant has been certified as the International Game Fish Association World Center facility pursuant to s. 288.1169, and the facility is open to the public, $83,333 *must* ~~shall~~ be distributed monthly, for up to 168 months, to the applicant. This distribution is subject to reduction pursuant to s. 288.1169. A lump sum payment of $999,996 *must* ~~shall~~ be made, after certification and before July 1, 2000.

e. Beginning 45 days after notice by the Department of Economic Opportunity to the Department of Revenue that an applicant has been approved by the Legislature and certified by the Department of Economic Opportunity under s. 288.11625, the department shall distribute each month an amount equal to one-twelfth the annual distribution amount certified by the Department of Economic Opportunity for the applicant. The department may not distribute more than $13 million annually to all applicants approved by the Legislature and certified by the Department of Economic Opportunity pursuant to s. 288.11625.

7. All other proceeds must remain in the General Revenue Fund.

Section 3. Section 288.11625, Florida Statutes, is created to read:

288.11625 Sports development.—

(1) ADMINISTRATION.—The department shall serve as the state agency responsible for screening applicants for state funding under s. 212.20(6)(d)6.e.

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

(a) "Agreement" means a signed agreement between a unit of local government and a beneficiary.

(b) "Applicant" means a unit of local government, as defined in s. 218.369, which is responsible for the construction, management, or operation of a facility; or an entity that is responsible for the construction, management, or operation of a facility if a unit of local government holds title to the underlying property on which the facility is located.

(c) "Beneficiary" means a professional sports franchise of the National Football League, the National Hockey League, the National Basketball Association, the National League or American League of Major League Baseball, Major League Soccer, or the National Association for Stock Car Auto Racing, or a nationally recognized professional sports association that occupies or uses a facility as the facility's primary tenant. A beneficiary may also be an applicant under this section.

(d) "Facility" means a facility primarily used to host games or events held by a beneficiary and does not include any portion used to provide transient lodging.

(e) "Project" means a proposed construction, reconstruction, renovation, or improvement of a facility, or the proposed acquisition of land to construct a new facility.

(f) "Signature event" means a professional sports event with significant export factor potential. For purposes of this paragraph, the term "export factor" means the attraction of economic activity or growth into the state which otherwise would not have occurred. Examples of signature events may include, but are not limited to:

1. National Football League Super Bowls.

2. Professional sports All-Star games.

3. International sporting events and tournaments.

4. Professional automobile race championships or Formula 1 Grand Prix.

5. The establishment of a new professional sports franchise in this state.

(g) "State sales taxes generated by sales at the facility" means state sales taxes imposed under chapter 212 generated by admissions to the facility or by sales made by vendors at the facility who are accessible to persons attending events occurring at the facility.

(3) PURPOSE.—The purpose of this section is to provide applicants state funding under s. 212.20(6)(d)6.e. for the public purpose of constructing, reconstructing, renovating, or improving a facility.

(4) APPLICATION AND APPROVAL PROCESS.—

(a) The department shall establish the procedures and application forms deemed necessary pursuant to the requirements of this section. The department may notify an applicant of any additional required or incomplete information necessary to evaluate an application.

(b) The annual application period is from June 1 through November 1.

(c) Within 60 days after receipt of a completed application, the department shall complete its evaluation of the application as provided under subsection (5) and notify the applicant in writing of the department's decision to recommend approval of the applicant by the Legislature or to deny the application.

(d) Annually by February 1, the department shall rank the applicants and shall provide to the Legislature the list of the recommended applicants in ranked order of projects most likely to positively impact the state based on required criteria established in this section. The list must include the department's evaluation of the applicant.

(e) A recommended applicant's request for funding must be approved by the Legislature by general law.

1. An application by a unit of local government which is approved by the Legislature and subsequently certified by the department remains certified for the duration of the beneficiary's agreement with the applicant or for 30 years, whichever is less, provided the certified applicant has an agreement with a beneficiary at the time of initial certification by the department.

2. An application by a beneficiary which is approved by the Legislature and subsequently certified by the department remains certified for the duration of the beneficiary's agreement with the unit of local government that owns the underlying property or for 30 years, whichever is less, provided the certified applicant has an agreement with the unit of local government at the time of initial certification by the department.

3. An applicant that is previously certified pursuant to this section does not need legislative approval each year to receive state funding.

(f) An applicant that is recommended by the department but is not approved by the Legislature may reapply and update any information in the original application as required by the department.

(g) The department may recommend no more than one distribution under this section for any applicant, facility, or beneficiary at a time.

(5) EVALUATION PROCESS.—

(a) Before recommending an applicant to receive a state distribution under s. 212.20(6)(d)6.e., the department must verify that:

1. The applicant or beneficiary is responsible for the construction, reconstruction, renovation, or improvement of a facility.

2. If the applicant is also the beneficiary, a unit of local government holds title to the property on which the facility and project are located.

3. If the applicant is a unit of local government in whose jurisdiction the facility will be located, the unit of local government has an exclusive intent agreement to negotiate in this state with the beneficiary.

4.a. The unit of local government in whose jurisdiction the facility will be located supports the application for state funds. Such support must be verified by the adoption of a resolution after a public hearing that the project serves a public purpose.

b. If the unit of local government is required to pass a resolution by a majority plus one vote by the local government's governing body and to hold a referendum for approval pursuant to s. 125.0104(3)(n)2., such resolution and referendum must affirmatively pass for the applicant to receive state funding under this section.

5. The applicant or beneficiary has not previously defaulted or failed to meet any statutory requirements of a previous state-administered sports-related program under s. 288.1162, s. 288.11621, or s. 288.1168.

6. The applicant or beneficiary has sufficiently demonstrated a commitment to employ residents of this state, contract with Florida-based firms, and purchase locally available building materials to the greatest extent possible.

7. If the applicant is a unit of local government, the applicant has a certified copy of a signed agreement with a beneficiary for the use of the facility. If the applicant is a beneficiary, the beneficiary must enter into an agreement with the department. The applicant's or beneficiary's agreement must also require the following:

a. The beneficiary must reimburse the state for state funds that have been distributed and will be distributed if the beneficiary relocates before the agreement expires.

b. The beneficiary must pay for signage or advertising within the facility. The signage or advertising must be placed in a prominent location as close to the field of play or competition as is practical, displayed consistent with signage or advertising in the same location and like value, and must feature Florida advertising approved by the Florida Tourism Industry Marketing Corporation.

8. The project will commence within 12 months after receiving state funds.

(b) The department shall competitively evaluate and rank applicants that submit applications for state funding which are received during the application period using the following criteria to evaluate the applicant's ability to positively impact the state:

1. The proposed use of state funds.

2. The length of time that a beneficiary has agreed to use the facility.

3. The percentage of total project funds provided by the applicant and the percentage of total project funds provided by the beneficiary.

4. The number and type of signature events the facility is likely to attract during the duration of the agreement with the beneficiary.

5. The anticipated increase in average annual ticket sales and attendance at the facility due to the project.

6. The potential to attract out-of-state visitors to the facility.

7. The length of time a beneficiary has been in the state or partnered with the unit of local government. In order to encourage new franchises to locate in this state, an application for a new franchise shall be considered to have a significant positive impact on the state and shall be given priority in the evaluation and ranking by the department.

8. The multiuse capabilities of the facility.

9. The facility's projected employment of residents of this state, contracts with Florida-based firms, and purchases of locally available building materials.

10. The amount of private and local financial or in-kind contributions to the project.

11. The amount of positive advertising or media coverage the facility generates.

(6) DISTRIBUTION.—

(a) The department shall determine the annual distribution amount an applicant may receive based on the total cost of the project.

1. If the total project cost is $200 million or greater, the applicant is eligible to receive annual distributions equal to the new incremental state sales taxes generated by sales at the facility during 12 months as provided under subparagraph (b)2., up to $3 million.

2. If the total project cost is at least $100 million but less than $200 million, the applicant is eligible to receive annual distributions equal to the new incremental state sales taxes generated by sales at the facility during 12 months as provided under subparagraph (b)2., up to $2 million.

3. If the total project cost is less than $100 million, the applicant is eligible to receive annual distributions equal to the new incremental state sales taxes generated by sales at the facility during 12 months as provided under subparagraph (b)2., up to $1 million.

(b) At the time of initial evaluation and review by the department pursuant to subsection (5), the applicant must provide an analysis by an independent certified public accountant which demonstrates:

1. The amount of state sales taxes generated by sales at the facility during the 12-month period immediately prior to the beginning of the application period. This amount is the baseline.

2. The expected amount of new incremental state sales taxes generated by sales at the facility above the baseline which will be generated as a result of the project.

(c) The independent analysis provided in paragraph (b) must be verified by the department.

(d) The Department of Revenue shall begin distributions within 45 days after notification of initial certification from the department.

(e) The department must consult with the Department of Revenue and the Office of Economic and Demographic Research to develop a standard calculation for estimating new incremental state sales taxes generated by sales at the facility and adjustments to distributions.

(f) In any 12-month period when total distributions for all certified applicants equal $13 million, the department may not certify new distributions for any additional applicants.

(7) CONTRACT.—An applicant approved by the Legislature and certified by the department must enter into a contract with the department which:

(a) Specifies the terms of the state's investment.

(b) States the criteria that the certified applicant must meet in order to remain certified.

(c) Requires the applicant to submit the independent analysis required under subsection (6) and an annual independent analysis.

1. The applicant must agree to submit to the department, beginning 12 months after completion of a project or 12 months after the first four annual distributions, whichever is earlier, an annual analysis by an independent certified public accountant demonstrating the actual amount of new incremental state sales taxes generated by sales at the facility during the previous 12-month period. The applicant shall certify to the department a comparison of the actual amount of state sales taxes generated by sales at the facility during the previous 12-month period to the baseline under subparagraph (6)(b)1.

2. The applicant must submit the certification within 60 days after the end of the previous 12-month period. The department shall verify the analysis.

(d) Specifies information that the certified applicant must report to the department.

(e) Requires the applicant to reimburse the state for the amount each year that the actual new incremental state sales taxes generated by sales at the facility during the most recent 12-month period was less than the annual distribution under paragraph (6)(a). This requirement applies 12 months after completion of a project or 12 months after the first four annual distributions, whichever is earlier.

1. If the applicant is unable or unwilling to reimburse the state in any year for the amount equal to the difference between the actual new incremental state sales taxes generated by sales at the facility and the annual distribution under paragraph (6)(a), the department may place a lien on the applicant's facility.

2. If the applicant is a municipality or county, it may reimburse the state from its half-cent sales tax allocation, as provided in s. 218.64(3).

3. Reimbursements must be sent to the Department of Revenue for deposit into the General Revenue Fund.

(f) Includes any provisions deemed prudent by the department.

(8) USE OF FUNDS.—An applicant certified under this section may use state funds only for the following purposes:

(a) Constructing, reconstructing, renovating, or improving a facility, or reimbursing such costs.

(b) Paying or pledging for the payment of debt service on, or to fund debt service reserve funds, arbitrage rebate obligations, or other amounts payable with respect thereto, bonds issued for the construction or renovation of such facility; or for the reimbursement of such costs or the refinancing of bonds issued for such purposes.

(9) REPORTS.—

(a) On or before November 1 of each year, an applicant certified under this section and approved to receive state funds must submit to the department any information required by the department. The department shall summarize this information for inclusion in the report to the Legislature due February 1 under paragraph (4)(d).

(b) Every 5 years following the first month that an applicant receives a monthly distribution, the department must verify that the applicant is meeting the program requirements. If the applicant is not meeting program requirements, the department must notify the Governor and Legislature of the requirements not being met and must recommend future action as part of the report to the Legislature due February 1 pursuant to paragraph (4)(d). The department shall consider exceptions that may have prevented the applicant from meeting the program requirements. Such exceptions include:

1. Force majeure events.

2. Significant economic downturn.

3. Other extenuating circumstances.

(10) AUDITS.—The Auditor General may conduct audits pursuant to s. 11.45 to verify the independent analysis required under paragraphs (6)(b) and (7)(c) and to verify that the distributions are expended as required. The Auditor General shall report the findings to the department. If the Auditor General determines that the distribution payments are not expended as required, the Auditor General must notify the Department of Revenue, which may pursue recovery of distributions under the laws and rules that govern the assessment of taxes.

(11) REPAYMENT OF DISTRIBUTIONS.—An applicant that is certified under this section may be subject to repayment of distributions upon the occurrence of any of the following:

(a) An applicant's beneficiary has broken the terms of its agreement with the applicant and relocated from the facility. The beneficiary must reimburse the state for state funds that have been distributed and will be distributed if the beneficiary relocates before the agreement expires.

(b) The department has determined that an applicant has submitted any information or made a representation that is determined to be false, misleading, deceptive, or otherwise untrue. The applicant must reimburse the state for state funds that have been distributed and will be distributed if such determination is made.

(12) HALTING OF PAYMENTS.—The applicant may request to halt future distributions by providing the department with written notice at least 20 days prior to the next monthly distribution payment. The department must immediately notify the Department of Revenue to halt future payments.

(13) RULEMAKING.—The department may adopt rules to implement this section.

Section 4. Contingent upon enactment of the Economic Development Program Evaluation as set forth in SB 406 or similar legislation, section 288.116255, Florida Statutes, is created to read:

288.116255 Sports Development Program Evaluation.—Beginning in 2015, the Sports Development Program must be evaluated as part of the Economic Development Program Evaluation, and every 3 years thereafter.

Section 5. Subsections (2) and (3) of section 218.64, Florida Statutes, are amended to read:

218.64 Local government half-cent sales tax; uses; limitations.—

(2) Municipalities shall expend their portions of the local government half-cent sales tax only for municipality-wide programs*, for reimbursing the state as required by a contract pursuant to s. 288.11625(7),* or for municipality-wide property tax or municipal utility tax relief. All utility tax rate reductions afforded by participation in the local government half-cent sales tax shall be applied uniformly across all types of taxed utility services.

(3) Subject to ordinances enacted by the majority of the members of the county governing authority and by the majority of the members of the governing authorities of municipalities representing at least 50 percent of the municipal population of such county, counties may use up to *$3* ~~$2~~ million annually of the local government half-cent sales tax allocated to that county for ~~funding for~~ any of the following *purposes* ~~applicants~~:

(a) *Funding* a certified applicant as a facility for a new or retained professional sports franchise under s. 288.1162 or a certified applicant as defined in s. 288.11621 for a facility for a spring training franchise. It is the Legislature's intent that the provisions of s. 288.1162, including, but not limited to, the evaluation process by the Department of Economic Opportunity except for the limitation on the number of certified applicants or facilities as provided in that section and the restrictions set forth in s. 288.1162(8), shall apply to an applicant's facility to be funded by local government as provided in this subsection.

(b) *Funding* a certified applicant as a "motorsport entertainment complex," as provided for in s. 288.1171. Funding for each franchise or motorsport complex shall begin 60 days after certification and shall continue for not more than 30 years.

(c) Reimbursing the state as required by a contract pursuant to s. 288.11625(7).

Section 6. *(1) The executive director of the Department of Economic Opportunity may, and all conditions are deemed met, adopt emergency rules pursuant to ss. 120.536(1) and 120.54(4), Florida Statutes, for the purpose of implementing this act.*

(2) Notwithstanding any provision of law, such emergency rules remain in effect for 6 months after the date adopted and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.

Section 6. Paragraph (a) of subsection (10) of section 125.0104, Florida Statutes, is amended to read:

125.0104 Tourist development tax; procedure for levying; authorized uses; referendum; enforcement.—

And the title is amended as follows:

Delete lines 13 and 14 and insert: 125.0104, F.S.; providing that tourist development tax revenues may also be used to pay the debt service on bonds that finance the renovation of a professional sports facility that is publicly owned, or that is on publicly owned land, and that is publicly operated or operated by the owner of a professional sports franchise or other lessee; requiring that the renovation costs exceed a specified amount; allowing certain fees and costs to be included in the cost for renovation; requiring private contributions to the professional sports facility as a condition for the use of tourist development taxes; authorizing the use of certain tax revenues to pay for operation and maintenance costs of the renovated facility; requiring a majority plus one vote of the membership of the board of county commissioners to levy a tax for renovation of a sports franchise facility after approval by a majority of the electors voting in a referendum to approve the proposed use of the tax revenues; authorizing the referendum to be held before or after the effective date of this act; providing requirements for the referendum ballot; providing for nonapplication of the prohibition against levying such tax in certain cities and towns under certain conditions; authorizing the use of tourist development tax revenues for financing the renovation of a professional sports franchise facility; providing an additional use for tourist development tax revenues for certain coastal counties; authorizing counties to require certain information for tax returns filed with county governments; amending s. 212.20, F.S.; authorizing a distribution for an applicant that has been approved by the Legislature and certified by the Department of Economic Opportunity under s. 288.11625, F.S.; providing a limitation; creating s. 288.11625, F.S.; providing that the Department of Economic Opportunity shall screen applicants for state funding for sports development; defining the terms "agreement," "applicant," "beneficiary," "facility," "project," "state sales taxes generated by sales at the facility," and "signature event"; providing a purpose to provide funding for applicants for constructing, reconstructing, renovating, or improving a facility; providing an application and approval process; providing for an annual application period; providing for the Department of Economic Opportunity to submit recommendations to the Legislature by a certain date; requiring legislative approval for state funding; providing evaluation criteria for an applicant to receive state funding; providing for evaluation and ranking of applicants under certain criteria; allowing the department to determine the

type of beneficiary; providing levels of state funding up to a certain amount of new incremental state sales tax revenue; providing for a distribution and calculation; requiring the Department of Revenue to distribute funds within a certain timeframe after notification by the department; limiting annual distributions to $13 million; providing for a contract between the department and the applicant; limiting use of funds; requiring an applicant to submit information to the department annually; requiring a 5-year review; authorizing the Auditor General to conduct audits; providing for reimbursement of the state funding under certain circumstances; providing for discontinuation of distributions upon an applicant's request; authorizing the Department of Economic Opportunity to adopt rules; contingently creating s. 288.116255, F.S.; providing for an evaluation; amending s. 218.64, F.S.; providing for municipalities and counties to expend a portion of local government half-cent sales tax revenues to reimburse the state as required by a contract; authorizing the Department of Economic Opportunity to adopt emergency rules; amending s. 125.0104, F.S.; authorizing counties to require certain

The vote was:

Yeas—28

Mr. President	Evers	Ring
Abruzzo	Galvano	Simmons
Altman	Gardiner	Simpson
Benacquisto	Grimsley	Smith
Braynon	Hays	Sobel
Bullard	Hukill	Soto
Clemens	Joyner	Thompson
Dean	Latvala	Thrasher
Detert	Montford	
Diaz de la Portilla	Negron	

Nays—3

Bean	Flores	Garcia

On motion by Senator Hukill, the Senate concurred in **House Amendment 1 (113961)** as amended and requested the House to concur in **Senate Amendment 1 (678958) to House Amendment 1 (113961)**.

CS for SB 1828 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—37

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

Nays—2

Flores	Garcia

Vote after roll call:

Yea to Nay—Legg

The Honorable Don Gaetz, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for CS for SB 52, with 1 amendment, and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

CS for CS for CS for SB 52—A bill to be entitled An act relating to the use of wireless communications devices while driving; creating s. 316.305, F.S.; creating the "Florida Ban on Texting While Driving Law"; providing legislative intent; prohibiting the operation of a motor vehicle while using a wireless communications device for certain purposes; defining the term "wireless communications device"; providing exceptions; specifying information that is admissible as evidence of a violation; providing penalties; providing for enforcement as a secondary action; amending s. 322.27, F.S.; providing for points to be assessed against a driver license for the unlawful use of a wireless communications device within a school safety zone or resulting in a crash; providing an effective date.

House Amendment 1 (767961)—Remove line 77 and insert:

(c) Only in the event of a crash resulting in death or personal injury, a user's billing records for a wireless communications

On motion by Senator Detert, the Senate concurred in **House Amendment 1 (767961)**.

CS for CS for CS for SB 52 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—39

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

Nays—1

Negron

The Honorable Don Gaetz, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment 1, concurred in the same as amended, and passed CS for CS for HB 383 as further amended, and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

CS for CS for HB 383—A bill to be entitled An act relating to the Interstate Insurance Product Regulation Compact; providing legislative findings and intent; providing purposes; providing definitions; providing for the establishment of an Interstate Insurance Product Regulation Commission; providing responsibilities of the commission; specifying the commission as an instrumentality of the compacting states; providing for venue; specifying the commission as a separate, not-for-profit entity; providing powers of the commission; providing for organization of the commission; providing for membership, voting, and bylaws; designating the Commissioner of Insurance Regulation as the representative of the

state on the commission; authorizing the Commissioner of Insurance to designate a person to represent the state on the commission; providing for a management committee, officers, and personnel of the commission; providing authority of the management committee; providing for legislative and advisory committees; providing for qualified immunity, defense, and indemnification of members, officers, employees, and representatives of the commission; providing for meetings and acts of the commission; providing rules and operating procedures; providing rulemaking functions of the commission; providing for opting out of uniform standards; providing procedures and requirements; providing for commission records and enforcement; authorizing the commission to adopt rules; providing for disclosure of certain information; specifying that certain records, data, or information of the commission, wherever received, by and in possession of the Office of Insurance Regulation, the commissioner, or the commissioner's designee are subject to ch. 119, F.S.; requiring the commission to monitor for compliance; providing for dispute resolution; providing for product filing and approval; requiring the commission to establish filing and review processes and procedures; providing for review of commission decisions regarding filings; providing for finance of commission activities; providing for payment of expenses; authorizing the commission to collect filing fees for certain purposes; providing for approval of a commission budget; exempting the commission from all taxation, except as otherwise provided by the act; prohibiting the commission from pledging the credit of any compacting states without authority; requiring the commission to keep complete accurate accounts, provide for audits, and make annual reports to the Governors and Legislatures of compacting states; providing for amendment of the compact; providing for withdrawal from the compact, default by compacting states, and dissolution of the compact; providing severability and construction; providing for binding effect of this compact and other laws; prospectively opting out of all uniform standards adopted by the commission involving long-term care insurance products; adopting all other existing uniform standards that have been adopted by the commission; providing a procedure for adoption of any new uniform standards or amendments to existing uniform standards of the commission; requiring the office to notify the Legislature of any new uniform standards or amendments to existing uniform standards of the commission; providing that any new uniform standards or amendments to existing uniform standards of the commission may only be adopted via legislation; providing for applicability with respect to taxation of the commission; providing for applicability and process with respect to certain requests for inspection and copying of information, data, or records; authorizing the Financial Services Commission to adopt rules to implement this act and opt out of certain uniform standards; providing an effective date.

House Amendment 1 (913995) (with title amendment) to Senate Amendment 1 (760430)—Remove lines 19-132 of the amendment and insert:

(2) Notwithstanding subsections (3), (4), (5), and (6) of Article VII of the Interstate Insurance Product Regulation Compact as adopted by this act, this state prospectively opts out of any new uniform standard, or amendments to existing uniform standards, adopted by the Interstate Insurance Product Regulation Commission after March 1, 2013, if such amendments substantially alter or add to existing uniform standards adopted by this state pursuant to subsection (1), until such time as this state enacts legislation to adopt new uniform standards or amendments to existing standards adopted by the commission after March 1, 2013.

(3) The authority under Article VII of the Interstate Insurance Product Regulation Compact to opt out of a uniform standard includes an order issued under chapter 120, Florida Statutes, the Administrative Procedure Act.

(4) In addition to the uniform standards and amendments to uniform standards that the state opts out of pursuant to subsection (2), pursuant to subsections (4) and (5) of Article VII of the Interstate Insurance Product Regulation Compact, this state opts out of the following uniform standards adopted by the Interstate Insurance Product Regulation Commission:

(a) The 10-day period for the unconditional refund of premiums, plus any fees or charges under s. 626.99, Florida Statutes.

(b) Underwriting criteria limiting the amount, extent, or kind of life insurance based on past or future travel in a manner that is inconsistent with s. 626.9541(1)(dd), Florida Statutes, as implemented by the Office of Insurance Regulation.

(c) Any other uniform standard that conflicts with statutes or rules of this state providing consumer protections for products covered by the compact.

(5) The exclusivity provision of paragraph (2)(b) of Article XVI of the Interstate Insurance Product Regulation Compact applies only to those uniform standards adopted by the Interstate Insurance Product Regulation Commission in accordance with the terms of the compact and does not apply to those standards that this state has opted out of pursuant to this act or the compact. In addition, the exclusivity provision does not limit or render inapplicable standards adopted by this state in the absence of a standard adopted by the commission. Notwithstanding paragraph (2)(b) of Article XVI of the compact, standards adopted by this state continue to apply to the content, approval, and certification of products in this state, including, but not limited to:

(a) The prohibition against a surrender or deferred sales charge of more than 10 percent pursuant to s. 627.4554, Florida Statutes.

(b) Notification to an applicant of the right to designate a secondary addressee at the time of application under s. 627.4555, Florida Statutes.

(c) Notification of secondary addressees at least 21 days before the impending lapse of a policy under s. 627.4555, Florida Statutes.

(d) The inclusion of a clear statement pursuant to s. 627.803, Florida Statutes, that the benefits, values, or premiums under a variable annuity are indeterminate and may vary.

(e) Interest on surrender proceeds pursuant to s. 627.482, Florida Statutes.

(6) After enactment of this section, if the Interstate Insurance Product Regulation Commission adopts any new uniform standard or amendment to the existing uniform standard as specified in subsection (2), the Office of Insurance Regulation shall immediately notify the Legislature of such new standard or amendment.

Section 6. *Notwithstanding subsection (4) of Article XII of the Interstate Insurance Product Regulation Compact, the Interstate Insurance Product Regulation Commission is subject to:*

(1) State unemployment or reemployment taxes imposed pursuant to chapter 443, Florida Statutes, in compliance with the Federal Unemployment Tax Act, for any persons employed by the commission who perform services for it within this state.

(2) Taxation on any commission business or activity conducted or performed in this state.

Section 7. *Access to records.—*

(1) Notwithstanding subsections (1) and (2) of Article VIII, subsection (2) of Article X, and subsection (6) of Article XII of the Interstate Insurance Product Regulation Compact, a request by a resident of this state for public inspection and copying of information, data, or official records that includes:

(a) An insurer's trade secrets shall be referred to the commissioner who shall respond to the request, with the cooperation and assistance of the commission, in accordance with s. 624.4213, Florida Statutes; or

(b) Matters of privacy of individuals shall be referred to the commissioner who shall respond to the request, with the cooperation and assistance of the commission, in accordance with s. 119.07(1), Florida Statutes.

(2) This act does not abrogate the right of a person to access information consistent with the State Constitution and laws of this state.

Section 8. *The Financial Services Commission may adopt rules to administer this act.*

Section 9. *Effective upon this act becoming a law, notwithstanding Article XV of the Interstate Insurance Product Regulation Compact, if any part of section 3 or section 4 of this act is invalidated by the courts, such ruling renders the entire act invalid.*

Section 10. *Effective upon this act becoming a law, the Office of Insurance Regulation shall prepare a report that examines the extent to which the Interstate Insurance Product Regulation Compact and the uniform standards adopted thereunder, provide consumer protections equivalent to those under state law and the Administrative Procedure Act for annuity, life insurance, disability income, and long-term care insurance products. The office shall submit the report to the President of the Senate, the Speaker of the House of Representatives, and the Financial Services Commission by January 1, 2014.*

Section 11. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2014.

And the title is amended as follows:

Remove lines 146-148 of the amendment and insert:

On motion by Senator Hukill, the Senate concurred in **House Amendment 1 (913995) to Senate Amendment 1 (760430)**.

CS for CS for HB 383 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Gibson

The Honorable Don Gaetz, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 1410, with 1 amendment, and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

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 outbuildings 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"; transferring, 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. 633.514, 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 applicability 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.

House Amendment 3 (314259) (with title amendment)—Between lines 6404 and 6405, insert:

Section 160. Subsection (2) of section 191.009, Florida Statutes, is amended to read:

191.009 Taxes; non-ad valorem assessments; impact fees and user charges.—

(2) NON-AD VALOREM ASSESSMENTS.—

(a) A district may levy non-ad valorem assessments as defined in s. 197.3632 to construct, operate, and maintain *those* district facilities and services *provided pursuant to the general powers listed in s. 191.006, the special powers listed in s. 191.008, any applicable general laws of local application, and a district's enabling legislation*. The rate of such assessments must be fixed by resolution of the board pursuant to the procedures contained in s. 191.011. Non-ad valorem assessment rates set by the board may exceed the maximum rates established by special act, county ordinance, the previous year's resolution, or referendum in an amount not to exceed the average annual growth rate in Florida personal income over the previous 5 years. Non-ad valorem assessment rate increases within the personal income threshold are deemed to be within the maximum rate authorized by law at the time of initial imposition. Proposed non-ad valorem assessment increases *that* ~~which~~ exceed the rate set the previous fiscal year or the rate previously set by special act or county ordinance, whichever is more recent, by more than the average annual growth rate in Florida personal income over the last 5 years, or the first-time levy of non-ad valorem assessments in a district, must be approved by referendum of the electors of the district. The referendum on the first-time levy of an assessment shall include a notice of the future non-ad valorem assessment rate increases permitted by this act without a referendum. Non-ad valorem assessments shall be imposed, collected, and enforced pursuant to s. 191.011.

(b)1. The non-ad valorem assessments in paragraph (a) may be used to fund emergency medical services and emergency transport services. However, if a district levies a non-ad valorem assessment for emergency medical services or emergency transport services, the district shall cease collecting ad valorem taxes under subsection (1) of this section for that particular service.

2. It is recognized that the provision of emergency medical services and emergency transport services constitutes a benefit to real property the same as any other improvement performed by a district, such as fire suppression services, fire protection services, fire prevention services, emergency rescue services, and first response medical aid.

Section 161. Subsection (1) of section 191.011, Florida Statutes, is amended to read:

191.011 Procedures for the levy and collection of non-ad valorem assessments.—

(1) A district may provide for the levy of non-ad valorem assessments under this act on the lands *within the district for* ~~and real estate benefited by~~ the exercise of the powers authorized by this act, or any part thereof, for all or any part of the cost thereof. ~~Non-ad valorem assessments may be levied only on benefited real property at a rate of assessment based on the special benefit accruing to such property from such services or improvements.~~ The district may use any assessment apportionment methodology that meets fair apportionment standards.

Section 162. Subsection (3) is added to section 191.014, Florida Statutes, to read:

191.014 District creation and expansion.—

(3) Notwithstanding chapter 171 or any other applicable general law, special act, or ordinance, if a municipality annexes any unincorporated territory situated within the defined boundaries of a district and the district, under an automatic or mutual aid agreement, continues as a provider of fire, rescue, or emergency medical services for the annexed territory after the 4-year period provided in s. 171.093, the district shall be

entitled to payment for such services. Any municipality that annexes such territory may levy any applicable taxes, assessments or fees on the annexed territory but must, by May 1 of each subsequent year following such annexation, pay the district for its services in an amount equal to the amount of taxes, fees, or assessments which would have been collected by the district for such service from the annexed territory during that year had the territory not been annexed. Such payments shall continue unless the district is relieved of the fire, rescue, or emergency medical service responsibility in the annexed territory, with the exception of an isolated response to a local or areawide disaster, such as a hazardous material incident, natural disaster, or major fire.

And the title is amended as follows:

Between lines 603 and 604, insert: amending s. 191.009, F.S.; clarifying provisions that authorize a district to levy non-ad valorem assessments to construct, operate, and maintain specified district facilities and services; providing that if a district levies non-ad valorem assessments for certain services, the district must cease to levy ad valorem assessments for those services; amending s. 191.011, F.S.; revising provisions relating to district authority to provide for the levy of non-ad valorem assessments on lands within the district rather than benefited real property; eliminating provisions relating to rate of assessment for benefited real property; amending s. 191.014, F.S.; providing that an independent special fire control district is entitled to payment for fire, rescue, or emergency medical services that the district, under certain conditions, continues to provide for specified territory within the district that has been annexed by a municipality; authorizing the annexing municipality to levy any applicable taxes, assessments, or fees on the annexed territory; requiring the municipality to pay the district for its services by a specified date; providing for continuation of payments; providing an exception;

Senator Simmons moved the following amendment which was adopted:

Senate Amendment 1 (506594) (with title amendment) to House Amendment 3 (314259)—Delete lines 64-86.

And the title is amended as follows:

Delete lines 103-114 and insert: benefited real property;

On motion by Senator Simmons, the Senate concurred in **House Amendment 3 (314259)** as amended and requested the House to concur in **Senate Amendment 1 (506594) to House Amendment 3 (314259)**.

CS for CS for SB 1410 passed as amended and the action of the Senate was 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	Joyner	Soto
Bullard	Lee	Stargel
Clemens	Legg	Thompson
Dean	Margolis	Thrasher
Detert	Montford	
Diaz de la Portilla	Negron	

Nays—None

Vote after roll call:

Yea—Evers

The Honorable Don Gaetz, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 1388, with 1 amendment, and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

CS for CS for SB 1388—A bill to be entitled An act relating to instructional materials for K-12 public education; amending s. 1006.28, F.S.; revising the duties of a district school board with regard to instructional materials; creating s. 1006.283, F.S.; authorizing a district school board or a consortium of school districts to implement an instructional materials program; requiring the district superintendent to certify to the Department of Education that instructional materials for core courses align with applicable state standards; requiring the district school board to adopt rules; authorizing the district school board to assess and collect fees from a publisher that participates in the instructional materials review process; requiring the fee amount to be posted on the school district's website and reported to the department; providing a limit on fees; providing for a stipend, reimbursement for travel expenses, and per diem for reviewers; requiring instructional materials that are approved by the district instructional materials reviewers to be aligned with applicable state standards; requiring each district school superintendent to annually certify that the instructional materials for core courses used by the district align with applicable state standards; providing pricing requirements for instructional materials; amending s. 1006.31, F.S.; revising the procedure for evaluating instructional materials; amending s. 1006.37, F.S.; revising the time period in which the superintendent must requisition instructional materials; providing that a district school board or a consortium of school districts which implements an instructional materials program is not required to requisition instructional materials from the publisher's depository; amending s. 1006.38, F.S.; providing for applicability; revising duties of publishers and manufacturers; amending s. 1006.40, F.S.; revising the allocation for instructional materials; providing for applicability; amending s. 1001.10, F.S.; revising the duties of the Commissioner of Education with regard to instructional materials; amending s. 1011.62, F.S.; conforming provisions to changes made by the act; providing an effective date.

House Amendment 1 (336735) (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Paragraph (b) of subsection (1) and subsection (2) of section 1006.28, Florida Statutes, are amended to read:

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

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

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

(2) DISTRICT SCHOOL SUPERINTENDENT.—

(a) The district school superintendent has the duty to recommend such plans for improving, providing, distributing, accounting for, and caring

for instructional materials and other instructional aids as will result in general improvement of the district school system, as prescribed in this part, in accordance with adopted district school board rules prescribing the duties and responsibilities of the district school superintendent regarding the requisition, purchase, receipt, storage, distribution, use, conservation, records, and reports of, and management practices and property accountability concerning, instructional materials, and providing for an evaluation of any instructional materials to be requisitioned that have not been used previously in the district's schools. The district school superintendent must keep adequate records and accounts for all financial transactions for funds collected pursuant to subsection (3), as a component of the educational service delivery scope in a school district best financial management practices review under s. 1008.35.

(b) *Beginning in the 2013-2014 school year,* each district school superintendent shall *certify to the department by March 31 of each year that all instructional materials for core courses used by the district are aligned with applicable state standards. A list of the state-approved or district-approved core instructional materials that will be used or purchased for use by the school district shall be included in the certification* ~~notify the department by April 1 of each year the state-adopted instructional materials that will be requisitioned for use in his or her school district. The notification shall include a district school board plan for instructional materials use to assist in determining if adequate instructional materials have been requisitioned.~~

(c) Each principal shall verify that all instructional materials are fully and properly accounted for as prescribed by adopted rules of the district school board.

Section 2. *Section 1006.282, Florida Statutes, is repealed.*

Section 3. Section 1006.283, Florida Statutes, is created to read:

1006.283 District school board instructional materials review process.—

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

(2) The school board shall adopt rules implementing the district's instructional materials program which must include, but need not be limited to:

(a) Its review and purchase process.

(b) Identification of a review cycle for instructional materials.

(c) The duties and qualifications of the instructional materials reviewers.

(d) The requirements for an affidavit made by a district instructional materials reviewer, which substantially includes the requirements of s. 1006.30.

(e) Compliance with s. 1006.32, relating to prohibited acts.

(f) A process that certifies the accuracy of instructional materials.

(g) The incorporation of applicable requirements of s. 1006.38, relating to the duties, responsibilities, and requirements of publishers of instructional materials.

(h) The process by which instructional materials will be purchased, including advertising, bidding, and purchasing requirements.

(3)(a) The school board may assess and collect fees from publishers participating in the instructional materials approval process. The amount assessed and collected must be posted on the school district's website and reported to the department. The fees may not exceed the amount established in state board rule under s. 1006.34(2). Any fees collected for this process shall be allocated for the support of the review process and maintained in a separate line item for auditing purposes. Fees may not be collected from publishers to review instructional materials that are approved by the department and placed on the department's website.

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

(4) Instructional materials that have been reviewed by the district instructional materials reviewers and approved must have been determined to align with all applicable state standards pursuant to s. 1003.41 and the requirements in s. 1006.31. The district school superintendent shall annually certify to the department that all instructional materials for core courses used by the district are aligned with all applicable state standards.

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

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

Section 4. Section 1006.29, Florida Statutes, is amended to read:

1006.29 *Department of Education* ~~State~~ instructional materials reviewers.—

(1) For purposes of this section, the term "instructional materials" means items that have intellectual content and that, by design, serve as a major tool or for assisting in the instruction of a subject or course.

(2)~~(1)~~(a) The commissioner shall determine annually the areas in which instructional materials shall be submitted for *approval* ~~adoption~~, taking into consideration the desires of the district school boards. ~~The commissioner shall also determine the number of titles to be adopted in each area.~~

(b) ~~By April 15 of each school year,~~ The *department* ~~commissioner~~ shall appoint *five reviewers for each submission by a publisher or district school board* ~~three state or national experts in the content areas submitted for adoption~~ to review *for approval* the instructional materials and evaluate the content for alignment with the applicable ~~Next Generation Sunshine~~ state standards. ~~These reviewers shall be designated as state instructional materials reviewers and shall review~~ The materials *shall be evaluated* for the level of instructional support and the accuracy and appropriateness of progression of introduced content. Instructional materials shall be made electronically available to the reviewers. *The state review of the instructional materials shall be made by the five reviewers. Two of the reviewers must be professional content experts, two must be K-12 educators who are actively engaged in teaching or in the supervision of teaching in the public elementary, middle, or high schools and represent the major fields and levels in which instructional materials are used in the public schools, and one must be a lay person who is not professionally connected with education. In the event only four reviewers can be procured, or if one of the five reviewers is unable to fulfill his or her responsibilities, the additional reviewer may be a content expert from the department. As part of the review process, each reviewer shall be provided training on the electronic review system. The reviewers shall independently make recommendations to the commissioner regarding materials that should be placed on the list of approved materials through an electronic feedback review system.*

(c) The department may assess and collect fees in accordance with s. 1006.34(2). The amount assessed and collected shall be posted on the department's website and must be reported to the State Board of Education. Any fees collected for this process shall be allocated for the support of the review process, maintained in a separate account for auditing purposes, and deposited in the department's Operating Trust Fund.

(d) Fees collected under paragraph (c) shall be used to cover the cost of the review process, including the cost of any meetings and applicable

travel and per diem, and the amount paid by a school district to substitute teachers who fill in for instructional staff that is absent for the purpose of rendering service as an instructional materials reviewer. In addition, each reviewer may be paid a stipend and is entitled to reimbursement for travel expenses and per diem in accordance with s. 112.061 for actual service in meetings ~~The initial review of the materials shall be made by only two of the three reviewers. If the two reviewers reach different results, the third reviewer shall break the tie. The reviewers shall independently make recommendations to the commissioner regarding materials that should be placed on the list of adopted materials through an electronic feedback review system.~~

(e)~~(c)~~ The commissioner shall request each district school superintendent to nominate one classroom teacher or district-level content supervisor to review two or three of the submissions recommended by the *department* ~~state~~ instructional materials reviewers. School districts shall ensure that these district reviewers are provided with the support and time necessary to accomplish a thorough review of the instructional materials. District reviewers shall independently rate the recommended submissions on the instructional usability of the resources. *District reviewers may be paid a stipend and are entitled to reimbursement for travel expenses and per diem in accordance with s. 112.061 for actual service in meetings, if applicable.*

(3)~~(2)~~ For purposes of *approving materials* ~~state adoption~~, the term "instructional materials" means items having intellectual content that by design serve as a major tool *or* for assisting in the instruction of a subject or course. These items may be available in bound, unbound, kit, or package form and may consist of hardbacked or softbacked textbooks, electronic content, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software. A publisher or manufacturer providing instructional materials as a single bundle shall also make the instructional materials available as separate and unbundled items, each priced individually. A publisher *shall* ~~may~~ also offer sections of ~~state adopted~~ instructional materials in digital or electronic versions at reduced rates to districts, schools, and teachers.

(4)~~(3)~~ Beginning in the 2015-2016 academic year, all *approved* ~~adopted~~ instructional materials for students in kindergarten through grade 12 must be provided in an electronic or digital format. For purposes of this section, the term:

(a) "Electronic format" means text-based or image-based content in a form that is produced on, published by, and readable on computers or other digital devices and is an electronic version of a printed book, whether or not any printed equivalent exists.

(b) "Digital format" means text-based or image-based content in a form that provides the student with various interactive functions; that can be searched, tagged, distributed, and used for individualized and group learning; that includes multimedia content such as video clips, animations, and virtual reality; and that has the ability to be accessed at any time and anywhere.

The terms do not include electronic or computer hardware even if such hardware is bundled with software or other electronic media, nor does it include equipment or supplies.

(5)~~(4)~~ The department shall develop a training program for persons selected *to review submitted* ~~as state~~ instructional materials ~~reviewers and school district reviewers~~. The program shall be structured to assist reviewers in developing the skills necessary to make valid, culturally sensitive, and objective decisions regarding the content and rigor of instructional materials. All persons *reviewing* ~~serving as~~ instructional materials ~~reviewers~~ must complete the training program prior to beginning the review and selection process.

(6) By March 1 of each year, the department shall post on its website a list of department-approved instructional materials and instructional materials approved by other states which align with applicable state standards. The list shall be maintained and updated periodically. The list shall be comprehensive and include sufficient instructional materials or major tools to cover all of the core content areas. The posting must include the purchase price of each product once it is purchased anywhere in the United States. In addition to the posting, the department shall send school district administrators periodic updates to the website. District-approved instructional materials shall also be posted on the website.

Section 5. Section 1006.30, Florida Statutes, is amended to read:

1006.30 Affidavit of *the Department of Education* ~~state~~ instructional materials reviewers.—Before transacting any business, each *department* ~~state~~ instructional materials reviewer shall make an affidavit, to be filed with the department, that:

(1) The reviewer will faithfully discharge the duties imposed upon him or her.

(2) The reviewer has no interest in any publishing or manufacturing organization that produces or sells instructional materials.

(3) The reviewer is in no way connected with the distribution of the instructional materials.

(4) The reviewer does not have any direct or indirect pecuniary interest in the business or profits of any person engaged in manufacturing, publishing, or selling instructional materials designed for use in the public schools.

(5) The reviewer will not accept any emolument or promise of future reward of any kind from any publisher or manufacturer of instructional materials or his or her agent or anyone interested in, or intending to bias his or her judgment in any way in, the selection of any materials to be *approved* ~~adopted~~.

(6) The reviewer understands that it is unlawful to discuss matters relating to instructional materials submitted for *approval* ~~adoption~~ with any agent of a publisher or manufacturer of instructional materials, either directly or indirectly, except during the period when the publisher or manufacturer is providing a presentation for the reviewer during his or her review of the instructional materials submitted for *approval* ~~adoption~~.

Section 6. Section 1006.31, Florida Statutes, is amended to read:

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

(1) PROCEDURES.—To adhere to procedures prescribed by the department *or the district* for evaluating instructional materials submitted by publishers and manufacturers in each *review for approval* ~~adoption~~.

(2) EVALUATION OF INSTRUCTIONAL MATERIALS.—To evaluate carefully all instructional materials submitted, in order to ascertain which instructional materials, if any, submitted for consideration implement the selection criteria developed by the department *or the district* and those curricular objectives included within applicable performance standards provided for in s. 1001.03(1).

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

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

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

(d) When *evaluating* ~~recommending~~ instructional materials for use in the schools, each reviewer shall require, when appropriate to the comprehension of students, that materials for social science, history, or civics classes contain the Declaration of Independence and the Constitution of the United States. A reviewer may not recommend any instructional materials for use in the schools which contain any matter reflecting

unfairly upon persons because of their race, color, creed, national origin, ancestry, gender, or occupation.

(e) When evaluating instructional materials, library media, and other reading material for use in the schools, a reviewer shall use the following standards to determine the propriety of the material:

1. The age of students who normally could be expected to have access to the material.

2. The educational purpose to be served by the material. In considering instructional materials for classroom use, priority shall be given to the selection of materials that encompass the state and district school board performance standards provided for in s. 1001.03(1) and include the instructional objectives contained within the course descriptions established in rule by the State Board of Education.

3. The degree to which the material would be supplemented and explained by mature classroom instruction as part of a normal classroom instructional program.

4. The degree to which the material represents the broad racial, ethnic, socioeconomic, and cultural diversity of students in the state.

Any instructional material containing pornography or otherwise prohibited by s. 847.012 may not be used or made available within any public school.

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

(3) REPORT OF REVIEWERS.—After a thorough study of all data submitted on each instructional material, to submit an electronic report to the department. The report shall be made public and must include responses to each section of the report format prescribed by the department.

Section 7. Section 1006.32, Florida Statutes, is amended to read:

1006.32 Prohibited acts.—

(1) A publisher or manufacturer of instructional material, or any representative thereof, may not offer to give any emolument, money, or other valuable thing, or any inducement, to any district school board official or *department or district* ~~state~~ instructional materials reviewer to directly or indirectly introduce, recommend, vote for, or otherwise influence the *approval* ~~adoption~~ or purchase of any instructional materials.

(2) A district school board official or a *department or district* ~~state~~ instructional materials reviewer may not solicit or accept any emolument, money, or other valuable thing, or any inducement, to directly or indirectly introduce, recommend, vote for, or otherwise influence the *approval* ~~adoption~~ or purchase of any instructional material.

~~(3) A district school board or publisher may not participate in a pilot program of materials being considered for adoption during the 18-month period before the official adoption of the materials by the commissioner. Any pilot program during the first 2 years of the adoption period must have the prior approval of the commissioner.~~

(3)~~(4)~~ *A* ~~Any~~ publisher or manufacturer of instructional materials or representative thereof or *a* ~~any~~ district school board official or *department or district* ~~state~~ instructional materials reviewer who violates any provision of this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. *A* ~~Any~~ representative of a publisher or manufacturer who violates any provision of this section, in addition to any other penalty, shall be banned from practicing business in the state for a period of 1 calendar year.

(4)~~(5)~~ This section does not prohibit any publisher, manufacturer, or agent from supplying, for purposes of examination, necessary sample copies of instructional materials to any district school board official or *department or district* ~~state~~ instructional materials reviewer.

(5)~~(6)~~ This section does not prohibit a district school board official or *department or district* ~~state~~ instructional materials reviewer from receiving sample copies of instructional materials.

(6)~~(7)~~ This section does not prohibit or restrict a district school board official from receiving royalties or other compensation, other than compensation paid to him or her as commission for negotiating sales to district school boards, from the publisher or manufacturer of instructional materials written, designed, or prepared by such district school board official~~,~~ and ~~adopted by the commissioner or~~ purchased by any district school board. *A* ~~No~~ district school board official *may not* ~~shall be allowed to~~ receive royalties on any materials not ~~on the state-adopted list~~ purchased for use by his or her district school board.

(7)~~(8)~~ A district school superintendent, district school board member, teacher, or other person officially connected with the government or direction of public schools may not receive during the months actually engaged in performing duties under his or her contract any private fee, gratuity, donation, or compensation, in any manner whatsoever, for promoting the sale or exchange of any instructional material, map, or chart in any public school, or be an agent for the sale or the publisher of any instructional material or reference work, or have a direct or indirect pecuniary interest in the introduction of any such instructional material, and any such agency or interest shall disqualify any person so acting or interested from holding any district school board employment whatsoever, and the person commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083; however, this subsection does not prevent the *approval* ~~adoption~~ of any instructional material written in whole or in part by a Florida author.

Section 8. *Section 1006.33, Florida Statutes, is repealed.*

Section 9. Section 1006.34, Florida Statutes, is amended to read:

1006.34 Powers and duties of the *State Board of Education* ~~commissioner and the department~~ in *evaluating* ~~selecting and adopting~~ instructional materials.—

(1) PROCEDURES FOR EVALUATING INSTRUCTIONAL MATERIALS.—The State Board of Education shall adopt rules prescribing the procedures by which the department shall evaluate instructional materials submitted by publishers and manufacturers in each *review for approval* ~~adoption~~. Included in these procedures shall be provisions affording each publisher or manufacturer or his or her representative an opportunity to provide a *live* virtual *or in-person* presentation to *the department* ~~state~~ instructional materials reviewers on the merits of each instructional material submitted in each *review for approval* ~~adoption~~.

(2) FEES.—The State Board of Education shall adopt by rule a fee schedule specifying the amount of fees that the department may charge publishers who submit instructional materials for review. Fees may not exceed the actual costs for the review, taking into consideration the cost of reviewers, the content area and complexity of the instructional materials to be reviewed, and other relevant factors. The fee schedule must specify the amount that may be collected by the department for each submission.

~~(2) SELECTION AND ADOPTION OF INSTRUCTIONAL MATERIALS.—~~

~~(a) The department shall notify all publishers and manufacturers of instructional materials who have submitted bids that within 3 weeks after the deadline for receiving bids, at a designated time and place, it will open the bids submitted and deposited with it. At the time and place designated, the bids shall be opened, read, and tabulated in the presence of the bidders or their representatives. No one may revise his or her bid after the bids have been filed. When all bids have been carefully considered, the commissioner shall, from the list of suitable, usable, and desirable instructional materials reported by the state instructional materials reviewers, select and adopt instructional materials for each grade and subject field in the curriculum of public elementary, middle, and high schools in which adoptions are made and in the subject areas designated in the advertisement. The adoption shall continue for the period specified in the advertisement, beginning on the ensuing April 1. The adoption shall not prevent the extension of a contract as provided in subsection (3). The commissioner shall always reserve the right to reject any and all bids. The commissioner may ask for new sealed bids from publishers or manufacturers whose instructional materials were recommended by the state instructional materials reviewers as suitable,~~

~~usable, and desirable; specify the dates for filing such bids and the date on which they shall be opened; and proceed in all matters regarding the opening of bids and the awarding of contracts as required by this part. In all cases, bids shall be accompanied by a cash deposit or certified check of from $500 to $2,500, as the department may direct. The department, in adopting instructional materials, shall give due consideration both to the prices bid for furnishing instructional materials and to the report and recommendations of the state instructional materials reviewers. When the commissioner has finished with the report of the state instructional materials reviewers, the report shall be filed and preserved with the department and shall be available at all times for public inspection.~~

~~(b) In the selection of instructional materials, library media, and other reading material used in the public school system, the standards used to determine the propriety of the material shall include:~~

~~1. The age of the students who normally could be expected to have access to the material.~~

~~2. The educational purpose to be served by the material. In considering instructional materials for classroom use, priority shall be given to the selection of materials which encompass the state and district school board performance standards provided for in s. 1001.03(1) and which include the instructional objectives contained within the curriculum frameworks approved by rule of the State Board of Education.~~

~~3. The degree to which the material would be supplemented and explained by mature classroom instruction as part of a normal classroom instructional program.~~

~~4. The consideration of the broad racial, ethnic, socioeconomic, and cultural diversity of the students of this state.~~

~~Any instructional material containing pornography or otherwise prohibited by s. 847.012 may not be used or made available within any public school.~~

~~(3) CONTRACT WITH PUBLISHERS OR MANUFACTURERS; BOND.—As soon as practicable after the commissioner has adopted any instructional materials and all bidders that have secured the adoption of any instructional materials have been notified thereof by registered letter, the department shall prepare a contract in proper form with every bidder awarded the adoption of any instructional materials. Each contract shall be executed by the commissioner, one copy to be kept by the contractor and one copy to be filed with the department. After giving due consideration to comments by the district school boards, the commissioner, with the agreement of the publisher, may extend or shorten a contract period for a period not to exceed 2 years; and the terms of any such contract shall remain the same as in the original contract. Any publisher or manufacturer to whom any contract is let under this part must give bond in such amount as the department requires, payable to the state, conditioned for the faithful, honest, and exact performance of the contract. The bond must provide for the payment of reasonable attorney's fees in case of recovery in any suit thereon. The surety on the bond must be a guaranty or surety company lawfully authorized to do business in the state; however, the bond shall not be exhausted by a single recovery but may be sued upon from time to time until the full amount thereof is recovered, and the department may at any time, after giving 30 days' notice, require additional security or additional bond. The form of any bond or bonds or contract or contracts under this part shall be prepared and approved by the department. At the discretion of the department, a publisher or manufacturer to whom any contract is let under this part may be allowed a cash deposit in lieu of a bond, conditioned for the faithful, honest, and exact performance of the contract. The cash deposit, payable to the department, shall be placed in the Textbook Bid Trust Fund. The department may recover damages on the cash deposit given by the contractor for failure to furnish instructional materials, the sum recovered to inure to the General Revenue Fund.~~

~~(4) REGULATIONS GOVERNING THE CONTRACT.—The department may, from time to time, take any necessary actions, consistent with this part, to secure the prompt and faithful performance of all instructional materials contracts; and if any contractor fails or refuses to furnish instructional materials as provided in this part or otherwise breaks his or her contract, the department may sue on the required bond in the name of the state, in the courts of the state having jurisdiction, and recover damages on the bond given by the contractor for failure to furnish instructional materials, the sum recovered to inure to the General Revenue Fund.~~

~~(5) RETURN OF DEPOSITS.—~~

~~(a) The successful bidder shall be notified by registered mail of the award of contract and shall, within 30 days after receipt of the contract, execute the proper contract and post the required bond. When the bond and contract have been executed, the department shall notify the Chief Financial Officer and request that a warrant be issued against the Textbook Bid Trust Fund payable to the successful bidder in the amount deposited pursuant to this part. The Chief Financial Officer shall issue and forward the warrant to the department for distribution to the bidder.~~

~~(b) At the same time or prior thereto, the department shall inform the Chief Financial Officer of the names of the unsuccessful bidders. Upon receipt of such notice, the Chief Financial Officer shall issue warrants against the Textbook Bid Trust Fund payable to the unsuccessful bidders in the amounts deposited pursuant to this part and shall forward the warrants to the department for distribution to the unsuccessful bidders.~~

~~(c) One copy of each contract and an original of each bid, whether accepted or rejected, shall be preserved with the department for at least 3 years after the termination of the contract.~~

~~(6) DEPOSITS FORFEITED.—If any successful bidder fails or refuses to execute contract and bond within 30 days after receipt of the contract, the cash deposit shall be forfeited to the state and placed by the Chief Financial Officer in the General Revenue Fund.~~

~~(7) FORFEITURE OF CONTRACT AND BOND.—If any publisher or manufacturer of instructional materials fails or refuses to furnish instructional materials as provided in the contract, the publisher's or manufacturer's bond is forfeited and the commissioner must make another contract.~~

Section 10. Section 1006.35, Florida Statutes, is amended to read:

1006.35 Accuracy of instructional materials.—

(1) In addition to relying on statements of publishers or manufacturers of instructional materials, the commissioner may conduct or cause to be conducted an independent investigation to determine the accuracy of *approved* ~~state-adopted~~ instructional materials.

(2) When errors in *approved* ~~state-adopted~~ materials are confirmed, the publisher *or manufacturer* of the materials shall provide to each district school board that has purchased the materials the corrections in a format approved by the department.

(3) The commissioner may remove materials from the list of *approved* ~~state-adopted~~ materials*:*

(a) If he or she finds that the content is in error and the publisher *or manufacturer* refuses to correct the error when notified by the department.

(b)~~(4) The commissioner may remove materials from the list of state-adopted materials~~ At the request of the publisher *or manufacturer* if, in *the commissioner's* ~~his or her~~ opinion, there is no material impact on the state's education goals.

(c) If the materials do not align with all applicable state standards.

(4) If the commissioner removes materials from the list of approved materials, the district may not purchase them for use in core content areas.

Section 11. Section 1006.36, Florida Statutes, is amended to read:

1006.36 *State review cycle* ~~Term of adoption~~ for instructional materials.—

(1) The *state review cycle* ~~term of adoption~~ of any instructional materials *shall* ~~must~~ be a 5-year period ~~beginning on April 1 following the adoption~~, except that the commissioner may approve *alternative schedules* ~~terms of adoption~~ of less than 5 years for materials in content

areas which require more frequent revision. ~~Any contract for instructional materials may be extended as prescribed in s. 1006.34(3).~~

(2) The department shall publish annually an official schedule of subject areas to be called for *review* ~~adoption~~ for each of the succeeding 2 years, and a tentative schedule for years 3, 4, and 5. If extenuating circumstances warrant, the commissioner may add one or more subject areas to the official schedule, in which event the commissioner shall develop criteria for such additional subject area or areas and make them available to publishers *or manufacturers* as soon as practicable before the date on which *submission for review is* ~~bids are~~ due. The schedule shall be developed so as to promote balance among the subject areas so that the required expenditure for new instructional materials is approximately the same each year in order to maintain curricular consistency.

Section 12. Section 1006.37, Florida Statutes, is amended to read:

1006.37 Requisition of instructional materials from publisher's depository.—

~~(1)~~ The district school superintendent *may* ~~shall~~ requisition *approved* ~~adopted~~ instructional materials from the depository of the publisher with whom a contract has been made. ~~However, the superintendent shall requisition current instructional materials to provide each student with a textbook or other materials as a major tool of instruction in core courses of the subject areas specified in s. 1006.40(2). These materials must be requisitioned within the first 2 years of the adoption cycle, except for instructional materials related to growth of student membership or instructional materials maintenance needs. The superintendent may requisition instructional materials in the core subject areas specified in s. 1006.40(2) that are related to growth of student membership or instructional materials maintenance needs during the 3rd, 4th, 5th, and 6th years of the original contract period.~~

~~(2) The district school superintendent shall verify that the requisition is complete and accurate and order the depository to forward to him or her the adopted instructional materials shown by the requisition. The depository shall prepare an invoice of the materials shipped, including shipping charges, and mail it to the superintendent to whom the shipment is being made. The superintendent shall pay the depository within 60 days after receipt of the requisitioned materials from the appropriation for the purchase of adopted instructional materials.~~

Section 13. Section 1006.38, Florida Statutes, is amended to read:

1006.38 Duties, responsibilities, and requirements of instructional materials publishers and manufacturers.—*This section applies to both the state and district approval processes.* Publishers and manufacturers of instructional materials, or their representatives, shall:

(1) Comply with all provisions of this part.

(2) Electronically deliver fully developed sample copies of all instructional materials upon which *reviews* ~~bids~~ are based to the department pursuant to procedures adopted by the State Board of Education.

(3) Submit~~, at a time designated in s. 1006.33,~~ the following information:

(a) Detailed specifications of the physical characteristics of the instructional materials, including any software or technological tools required for use by the district, school, teachers, or students. The publisher or manufacturer shall comply with these specifications if the instructional materials are *approved* ~~adopted~~ and purchased in completed form.

(b) Evidence that the publisher *or manufacturer* has provided materials that address the performance standards provided for in s. 1001.03(1) and that can be accessed through the district's local instructional improvement system and a variety of electronic, digital, and mobile devices.

(c) Evidence that the instructional materials include specific references to statewide standards in the teacher's manual and incorporate such standards into chapter tests or the assessments. Beginning in the 2013-2014 adoption year, the statewide standards may not be included at the point of student use.

(4) Make available for purchase by any district school board any diagnostic, criterion-referenced, or other tests that they may develop.

(5) Furnish the instructional materials offered by them at a price in the state which, including all costs of electronic transmission, may not exceed the lowest price at which they offer such instructional materials for *approval* ~~adoption~~ or sale to any state or school district in the United States.

(6) Reduce automatically the price of the instructional materials to any district school board to the extent that reductions are made elsewhere in the United States.

(7) Provide any instructional materials free of charge in the state to the same extent as they are provided free of charge to any state or school district in the United States.

(8) Guarantee that all copies of any instructional materials sold in this state will be at least equal in quality to the copies of such instructional materials that are sold elsewhere in the United States and will be kept revised, free from all errors, and up-to-date as may be required by the department.

(9) Agree that any supplementary material developed at the district or state level does not violate the author's or publisher's copyright, provided such material is developed in accordance with the doctrine of fair use.

(10) Not in any way, directly or indirectly, become associated or connected with any combination in restraint of trade in instructional materials, nor enter into any understanding, agreement, or combination to control prices or restrict competition in the sale of instructional materials for use in the state.

(11) Furnish the instructional materials offered by them at a price in the state which, including all costs of electronic transmission, may not exceed the lowest price at which they offer such instructional materials for approval or sale to any other school district in the state.

(12) Provide the department and school districts the cost paid for an instructional materials product by a school or district anywhere in the United States. The cost paid for that product must remain the same for all future sales and must be posted on all marketing materials.

~~(11) Maintain or contract with a depository in the state.~~

~~(12) For the core subject areas specified in s. 1006.40(2), maintain in the depository for the first 2 years of the contract an inventory of instructional materials sufficient to receive and fill orders.~~

(13) For the core subject areas specified in s. 1006.40(2), ensure the availability of an inventory sufficient to receive and fill orders for instructional materials for growth, including the opening of a new school, and replacement during the 3rd and subsequent years of the original contract period.

(14) Accurately and fully disclose only the names of those persons who actually authored the instructional materials. In addition to the penalties provided in subsection (16), the commissioner may remove from the list of *state-approved* ~~state-adopted~~ instructional materials those instructional materials whose publisher or manufacturer misleads the purchaser by falsely representing genuine authorship.

(15) Grant, without prior written request, for any copyright held by the publisher or its agencies automatic permission to the department or its agencies for the reproduction of instructional materials and supplementary materials in Braille, large print, or other appropriate format for use by visually impaired students or other students with disabilities that would benefit from use of the materials.

(16) Upon the willful failure of the publisher or manufacturer to comply with the requirements of this section, be liable to the department in the amount of three times the total sum which the publisher or manufacturer was paid in excess of the price required under subsections (5) and (6) and in the amount of three times the total value of the instructional materials and services which the district school board is entitled to receive free of charge under subsection (7).

Section 14. Subsections (2), (3), and (4) of section 1006.40, Florida Statutes, are amended to read:

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

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

(3)~~(a)~~ By the 2015-2016 fiscal year, each district school board shall use at least 50 percent of the annual allocation for the purchase of digital or electronic instructional materials *that align with state standards* ~~included on the state-adopted list, except as otherwise authorized in paragraphs (b) and (c)~~.

~~(b) Up to 50 percent of the annual allocation may be used for the purchase of instructional materials, including library and reference books and nonprint materials, not included on the state-adopted list and for the repair and renovation of textbooks and library books.~~

~~(c) District school boards may use 100 percent of that portion of the annual allocation designated for the purchase of instructional materials for kindergarten, and 75 percent of that portion of the annual allocation designated for the purchase of instructional materials for first grade, to purchase materials not on the state-adopted list.~~

(4) *Remaining funds may* ~~The funds described in subsection (3) which district school boards may use to purchase materials not on the state-adopted list shall~~ be used for the purchase of instructional materials or other items*, including library and reference books and nonprint materials,* having intellectual content which assist in the instruction of a subject or course. These items may be available in bound, unbound, kit, or package form and may consist of hardbacked or softbacked textbooks, electronic content, replacements for items which were part of previously purchased instructional materials, consumables, learning laboratories, manipulatives, electronic media, computer courseware or software, and other commonly accepted instructional tools as prescribed by district school board rule.

Section 15. Paragraphs (o), (p), and (q) of subsection (6) of section 1001.10, Florida Statutes, are amended, and paragraph (r) is added to that subsection, to read:

1001.10 Commissioner of Education; general powers and duties.—

(6) Additionally, the commissioner has the following general powers and duties:

(o) To develop criteria for use by *department* ~~state~~ instructional materials reviewers in evaluating materials submitted for *approval* ~~adoption consideration~~. The criteria shall, as appropriate, be based on instructional expectations reflected in *course descriptions* ~~curriculum frameworks~~ and student performance standards. The criteria for each subject or course shall be made available to publishers *and manufacturers* of instructional materials pursuant to the requirements of chapter 1006.

(p) To prescribe procedures for evaluating instructional materials submitted by publishers and manufacturers in each *review for approval* ~~adoption~~.

(q) To *remove any instructional materials from the list of materials approved by the department or a school district* ~~enter into agreement with Space Florida to develop innovative aerospace-related education programs that promote mathematics and science education for grades K-20~~.

(r) To submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the State Board of Education an annual report regarding district and state instructional materials reviews, the impact on the quality and availability of instructional materials, and the cost-effectiveness of the state and district review processes. The report shall be submitted on January 1 following the first fiscal year of implementation of the program and each year thereafter.

Section 16. Subsection (5) of section 1003.55, Florida Statutes, is amended to read:

1003.55 Instructional programs for blind or visually impaired students and deaf or hard-of-hearing students.—

(5) Any publisher *or manufacturer* of *instructional materials that have been approved by the department or a school district* ~~a textbook adopted pursuant to the state instructional materials adoption process~~ shall furnish the department ~~of Education~~ with a computer file in an electronic format specified by the department ~~at least 2 years in advance~~ that is readily translatable to Braille and can be used for large print or speech access. Any *instructional materials* ~~textbook~~ reproduced pursuant to ~~the provisions of~~ this subsection shall be purchased at a price equal to the price paid for the *instructional materials* ~~textbook~~ as *approved* ~~adopted~~. The department ~~of Education~~ shall not reproduce *instructional materials* ~~textbooks~~ obtained pursuant to this subsection in any manner that would generate revenues for the department from the use of such computer files or that would preclude the rightful payment of fees to the publisher *or manufacturer* for use of all or some portion of the *instructional materials* ~~textbook~~.

Section 17. Paragraph (j) of subsection (2) of section 1003.621, Florida Statutes, is amended to read:

1003.621 Academically high-performing school districts.—It is the intent of the Legislature to recognize and reward school districts that demonstrate the ability to consistently maintain or improve their high-performing status. The purpose of this section is to provide high-performing school districts with flexibility in meeting the specific requirements in statute and rules of the State Board of Education.

(2) COMPLIANCE WITH STATUTES AND RULES.—Each academically high-performing school district shall comply with all of the provisions in chapters 1000-1013, and rules of the State Board of Education which implement these provisions, pertaining to the following:

(j) Those statutes relating to instructional materials, except that *s. 1006.40* ~~s. 1006.37, relating to the requisition of state-adopted materials from the depository under contract with the publisher, and s. 1006.40(3)(a)~~, relating to the use of 50 percent of the instructional materials allocation, *is* ~~shall be~~ eligible for exemption.

Section 18. Paragraph (b) of subsection (6) of section 1011.62, Florida Statutes, is amended to read:

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

(6) CATEGORICAL FUNDS.—

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

1. Funds for student transportation.

2. Funds for safe schools.

3. Funds for supplemental academic instruction if the required additional hour of instruction beyond the normal school day for each day of

the entire school year has been provided for the students in each low-performing elementary school in the district pursuant to paragraph (1)(f).

4. Funds for research-based reading instruction if the required additional hour of instruction beyond the normal school day for each day of the entire school year has been provided for the students in each low-performing elementary school in the district pursuant to paragraph (9)(a).

5. Funds for instructional materials if all instructional material purchases necessary to provide updated materials *that are* aligned *with applicable* ~~to Next Generation Sunshine~~ state standards and *course descriptions* ~~benchmarks~~ and that meet statutory requirements of content and learning have been completed for that fiscal year, but no sooner than March 1. Funds available after March 1 may be used to purchase hardware for student instruction.

Section 19. This act shall take effect July 1, 2013.

And the title is amended as follows:

Remove everything before the enacting clause and insert: A bill to be entitled An act relating to instructional materials for K-12 public education; amending s. 1006.28, F.S.; revising the duties of a district school board and the district superintendent with regard to instructional materials; repealing s. 1006.282, F.S., relating to the pilot program for the transition to electronic and digital instructional materials; creating s. 1006.283, F.S.; authorizing a district school board or a consortium of school districts to implement an instructional materials program; requiring the district superintendent to certify to the Department of Education that instructional materials for core courses align with applicable state standards; requiring the district school board to adopt rules; authorizing the district school board to set and collect fees from a publisher that participates in the instructional materials review process; requiring the fee amount to be posted on the school district's website and reported to the Department of Education; providing a limit on fees; prohibiting fees from being collected from publishers to review certain instructional materials; providing for a stipend, reimbursement for travel expenses, and per diem for reviewers; requiring instructional materials that are approved by the district instructional materials reviewers to be aligned with applicable state standards; requiring each district school superintendent to annually certify that the instructional materials for core courses used by the district align with applicable state standards; providing pricing requirements for instructional materials; amending s. 1006.29, F.S.; providing a definition; requiring the department to appoint state instructional materials reviewers, rather than state or national experts, to review instructional materials; providing requirements, appointments, and terms for state instructional materials reviewers; authorizing the department to assess and collect fees; requiring the fee amount to be posted on the department's website and reported to the State Board of Education; providing a purpose for the use of the fees, such as a stipend for service as a reviewer, payment for per diem, and reimbursement for travel expenses for service as a reviewer; requiring a publisher to offer sections of instructional materials in certain versions at reduced rates; requiring the department to post certain instructional materials on its website; amending s. 1006.30, F.S.; conforming provisions to changes made by the act; amending s. 1006.31, F.S.; conforming provisions to changes made by the act; revising the procedure for evaluating instructional materials; providing standards to determine the propriety of instructional materials; amending s. 1006.32, F.S.; conforming provisions to changes made by the act; repealing s. 1006.33, F.S., relating to bids, proposals, and advertisement regarding instructional materials; amending s. 1006.34, F.S.; revising the powers and duties of the State Board of Education in evaluating instructional materials to include collecting fees and adopting rules; conforming provisions to changes made by the act; amending s. 1006.35, F.S.; authorizing the Commissioner of Education to remove materials from the list of approved materials if the materials do not align with applicable state standards; prohibiting a school district from purchasing removed materials under certain circumstances; amending s. 1006.36, F.S.; providing for the state review cycle for instructional materials; amending s. 1006.37, F.S.; authorizing a district school superintendent to requisition approved instructional materials; conforming provisions to changes made by the act; amending s. 1006.38, F.S.; providing for applicability; revising duties of publishers and manufacturers; amending s. 1006.40, F.S.; revising the allocation for instructional materials; amending s. 1001.10, F.S.; revising the duties of the Commissioner of Education with regard to instructional materials, including submission of a report to the Governor, the Legislature, and the State Board of Education; amending s. 1003.55, F.S.; requiring a publisher or manufacturer of instructional materials that have been approved by the Department of Education or a school district to furnish the department with a computer file in an electronic format specified by the department; amending ss. 1003.621 and 1011.62, F.S.; conforming provisions to changes made by the act; providing an effective date.

Senator Montford moved the following amendment which was adopted:

Senate Amendment 1 (453304) (with title amendment) to House Amendment 1 (336735)—Delete lines 5-956 and insert:

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

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

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

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

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

1006.283 District school board instructional materials review process.—

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

(2) The school board shall adopt rules implementing the district's instructional materials program which must include, but need not be limited to:

(a) Its review and purchase process.

(b) Identification of a review cycle for instructional materials.

(c) The duties and qualifications of the instructional materials reviewers.

(d) The requirements for an affidavit made by a district instructional materials reviewer which substantially includes the requirements of s. 1006.30.

(e) Compliance with s. 1006.32, relating to prohibited acts.

(f) A process that certifies the accuracy of instructional materials.

(g) The incorporation of applicable requirements of s. 1006.31, which relates to the duties of instructional material reviewers.

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

(i) The process by which instructional materials will be purchased, including advertising, bidding, and purchasing requirements.

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

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

(4) Instructional materials that have been reviewed by the district instructional materials reviewers and approved must have been determined to align with all applicable state standards pursuant to s. 1003.41 and the requirements in s. 1006.31. The district school superintendent shall annually certify to the department that all instructional materials for core courses used by the district are aligned with all applicable state standards.

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

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

Section 3. Section 1006.31, Florida Statutes, is amended to read:

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

(1) PROCEDURES.—To adhere to procedures prescribed by the department *or the district* for evaluating instructional materials submitted by publishers and manufacturers in each adoption. *This section applies to both the state and district approval processes.*

(2) EVALUATION OF INSTRUCTIONAL MATERIALS.—To evaluate carefully all instructional materials submitted, in order to ascertain which instructional materials, if any, submitted for consideration implement the selection criteria developed by the department and those curricular objectives included within applicable performance standards provided for in s. 1001.03(1).

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

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

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

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

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

(3) REPORT OF REVIEWERS.— After a thorough study of all data submitted on each instructional material, to submit an electronic report to the department. The report shall be made public and must include responses to each section of the report format prescribed by the department.

Section 4. Subsection (1) of section 1006.37, Florida Statutes, is amended, and subsection (3) is added to that section, to read:

1006.37 Requisition of instructional materials from publisher's depository.—

(1) The district school superintendent shall requisition adopted instructional materials from the depository of the publisher with whom a contract has been made. However, the superintendent shall requisition current instructional materials to provide each student with a textbook or other materials as a major tool of instruction in core courses of the subject areas specified in s. 1006.40(2). These materials must be requisitioned within the first *3* ~~2~~ years of the adoption cycle, except for instructional materials related to growth of student membership or instructional materials maintenance needs. The superintendent may requisition instructional materials in the core subject areas specified in s. 1006.40(2) that are related to growth of student membership or instructional materials maintenance needs during the 3rd, 4th, 5th, and 6th years of the original contract period.

(3) A district school board or a consortium of school districts which implements an instructional materials program pursuant to s. 1006.283 is not required to requisition instructional materials from the publisher's depository.

Section 5. Section 1006.38, Florida Statutes, is amended to read:

1006.38 Duties, responsibilities, and requirements of instructional materials publishers and manufacturers.—*This section applies to both the state and district approval processes.* Publishers and manufacturers of instructional materials, or their representatives, shall:

(1) Comply with all provisions of this part.

(2) Electronically deliver fully developed sample copies of all instructional materials upon which bids are based to the department pursuant to procedures adopted by the State Board of Education.

(3) Submit, at a time designated in s. 1006.33, the following information:

(a) Detailed specifications of the physical characteristics of the instructional materials, including any software or technological tools required for use by the district, school, teachers, or students. The publisher or manufacturer shall comply with these specifications if the instructional materials are adopted and purchased in completed form.

(b) Evidence that the publisher *or manufacturer* has provided materials that address the performance standards provided for in s. 1001.03(1) and that can be accessed through the district's local instructional improvement system and a variety of electronic, digital, and mobile devices.

(c) Evidence that the instructional materials include specific references to statewide standards in the teacher's manual and incorporate such standards into chapter tests or the assessments.

(4) Make available for purchase by any district school board any diagnostic, criterion-referenced, or other tests that they may develop.

(5) Furnish the instructional materials offered by them at a price in the state which, including all costs of electronic transmission, may not exceed the lowest price at which they offer such instructional materials for adoption or sale to any state or school district in the United States.

(6) Reduce automatically the price of the instructional materials to any district school board to the extent that reductions are made elsewhere in the United States.

(7) Provide any instructional materials free of charge in the state to the same extent as they are provided free of charge to any state or school district in the United States.

(8) Guarantee that all copies of any instructional materials sold in this state will be at least equal in quality to the copies of such instructional materials that are sold elsewhere in the United States and will be kept revised, free from all errors, and up-to-date as may be required by the department.

(9) Agree that any supplementary material developed at the district or state level does not violate the author's or publisher's copyright, provided such material is developed in accordance with the doctrine of fair use.

(10) Not in any way, directly or indirectly, become associated or connected with any combination in restraint of trade in instructional materials, nor enter into any understanding, agreement, or combination to control prices or restrict competition in the sale of instructional materials for use in the state.

(11) Maintain or contract with a depository in the state.

(12) For the core subject areas specified in s. 1006.40(2), maintain in the depository for the first *3* ~~2~~ years of the contract an inventory of instructional materials sufficient to receive and fill orders.

(13) For the core subject areas specified in s. 1006.40(2), ensure the availability of an inventory sufficient to receive and fill orders for instructional materials for growth, including the opening of a new school, and replacement during the 3rd and subsequent years of the original contract period.

(14) Accurately and fully disclose only the names of those persons who actually authored the instructional materials. In addition to the penalties provided in subsection (16), the commissioner may remove from the list of state-adopted instructional materials those instructional materials whose publisher or manufacturer misleads the purchaser by falsely representing genuine authorship.

(15) Grant, without prior written request, for any copyright held by the publisher or its agencies automatic permission to the department or its agencies for the reproduction of instructional materials and supplementary materials in Braille, large print, or other appropriate format for use by visually impaired students or other students with disabilities that would benefit from use of the materials.

(16) Upon the willful failure of the publisher or manufacturer to comply with the requirements of this section, be liable to the department in the amount of three times the total sum which the publisher or manufacturer was paid in excess of the price required under subsections (5) and (6) and in the amount of three times the total value of the instructional materials and services which the district school board is entitled to receive free of charge under subsection (7).

Section 6. Subsection (2) and paragraph (a) of subsection (3) of section 1006.40, Florida Statutes, are amended to read:

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

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

(3)(a) By the 2015-2016 fiscal year, each district school board shall use at least 50 percent of the annual allocation for the purchase of digital or electronic instructional materials *that align with state standards* included on the state-adopted list, except as otherwise authorized in paragraphs (b) and (c). *This section does not apply to a district school board or a consortium of school districts which implements an instructional materials program pursuant to s. 1006.283, except that by the 2015-2016 fiscal year, each district school board shall use at least 50 percent of the annual allocation for the purchase of digital or electronic instructional materials that align with state standards.*

Section 7. Paragraphs (o) and (p) of subsection (6) of section 1001.10, Florida Statutes, are amended to read:

1001.10 Commissioner of Education; general powers and duties.—

(6) Additionally, the commissioner has the following general powers and duties:

(o) To develop criteria for use by *department* ~~state~~ instructional materials reviewers in evaluating materials submitted for adoption consideration. The criteria shall, as appropriate, be based on instructional expectations reflected in *course descriptions* ~~curriculum frameworks~~ and student performance standards. The criteria for each subject or course shall be made available to publishers *and manufacturers* of instructional materials pursuant to the requirements of chapter 1006.

(p) To prescribe procedures for evaluating instructional materials submitted by publishers and manufacturers in each adoption.

Section 8. Paragraph (b) of subsection (6) of section 1011.62, Florida Statutes, is amended to read:

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

(6) CATEGORICAL FUNDS.—

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

1. Funds for student transportation.

2. Funds for safe schools.

3. Funds for supplemental academic instruction if the required additional hour of instruction beyond the normal school day for each day of the entire school year has been provided for the students in each low-performing elementary school in the district pursuant to paragraph (1)(f).

4. Funds for research-based reading instruction if the required additional hour of instruction beyond the normal school day for each day of the entire school year has been provided for the students in each low-performing elementary school in the district pursuant to paragraph (9)(a).

5. Funds for instructional materials if all instructional material purchases necessary to provide updated materials *that are* aligned *with applicable* ~~to Next Generation Sunshine~~ state standards and *course descriptions* ~~benchmarks~~ and that meet statutory requirements of content and learning have been completed for that fiscal year, but no sooner than March 1. Funds available after March 1 may be used to purchase hardware for student instruction.

And the title is amended as follows:

Delete lines 964-1049 and insert: public education; amending s. 1006.28, F.S.; revising the duties of a district school board with regard to instructional materials; creating s. 1006.283, F.S.; authorizing a district school board or a consortium of school districts to implement an instructional materials program; requiring the district superintendent to certify to the Department of Education that instructional materials for core courses align with applicable state standards; requiring the district school board to adopt rules; authorizing the district school board to assess and collect fees from a publisher that participates in the instructional materials review process; requiring the fee amount to be posted on the school district's website and reported to the department; providing a limit on fees; providing for a stipend, reimbursement for travel expenses, and per diem for reviewers; requiring instructional materials that are approved by the district instructional materials reviewers to be aligned with applicable state standards; requiring each district school superintendent to annually certify that the instructional materials for core courses used by the district align with applicable state standards; providing pricing requirements for instructional materials; amending s. 1006.31, F.S.; revising the procedure for evaluating instructional materials; amending s. 1006.37, F.S.; revising the time period in which the superintendent must requisition instructional materials; providing that a district school board or a consortium of school districts which implements an instructional materials program is not required to requisition instructional materials from the publisher's depository; amending s. 1006.38, F.S.; providing for applicability; revising duties of publishers and manufacturers; amending s. 1006.40, F.S.; revising the allocation for instructional materials; providing for applicability; amending s. 1001.10, F.S.; revising the duties of the Commissioner of Education with regard to instructional materials; amending s. 1011.62, F.S.; conforming provisions to changes made by the act;

On motion by Senator Montford, the Senate concurred in **House Amendment 1 (336735)** as amended and requested the House to concur in **Senate Amendment 1 (453304) to House Amendment 1 (336735)**.

CS for CS for SB 1388 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

SPECIAL ORDER CALENDAR

On motion by Senator Hays—

CS for CS for SB 58—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 read the second time by title.

Amendments were considered and failed to conform **CS for CS for SB 58** to **CS for HB 351**

Pending further consideration of **CS for CS for SB 58**, on motion by Senator Hays, by two-thirds vote **CS for HB 351** was withdrawn from the Committees on Judiciary; Governmental Oversight and Accountability; Children, Families, and Elder Affairs; and Rules.

On motion by Senator Hays—

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 con-

struction 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.

—a companion measure, was substituted for **CS for CS for SB 58**. Senator Hays moved that **CS for HB 351** be read the second time by title. The President announced that the motion failed to receive the required two-thirds vote.

The vote was:

Yeas—25

Mr. President	Flores	Legg
Altman	Galvano	Negron
Bean	Garcia	Richter
Benacquisto	Gardiner	Simmons
Bradley	Grimsley	Simpson
Brandes	Hays	Stargel
Dean	Hukill	Thrasher
Diaz de la Portilla	Latvala	
Evers	Lee	

Nays—14

Abruzzo	Joyner	Smith
Braynon	Margolis	Sobel
Bullard	Montford	Soto
Clemens	Ring	Thompson
Gibson	Sachs	

At the direction of the President, **CS for HB 351** was placed on the Calendar of Bills on Second reading.

CS for SB 632—A bill to be entitled An act relating to specialty license plates; amending s. 320.08056, F.S.; revising the annual use fee for the Florida Wildflower license plate; amending s. 320.08058, F.S.; revising provisions for distribution and use of fees collected from the sale of certain specialty license plates; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 632**, on motion by Senator Soto, by two-thirds vote **HB 265** was withdrawn from the Committees on Transportation; Rules; and Appropriations Subcommittee on Transportation, Tourism, and Economic Development.

On motion by Senator Soto—

HB 265—A bill to be entitled An act relating to the Florida Wildflower license plate; amending s. 320.08056, F.S.; revising the annual use fee for the Florida Wildflower license plate; amending s. 320.08058, F.S.; revising the amount of proceeds from the sale of the plate that may be used to pay certain costs; providing an effective date.

—a companion measure, was substituted for **CS for SB 632** and read the second time by title.

Pursuant to Rule 4.19, **HB 265** was placed on the calendar of Bills on Third Reading.

REPORTS OF COMMITTEE RELATING TO EXECUTIVE BUSINESS

The Honorable Don Gaetz
President, The Florida Senate

May 2, 2013

Dear President Gaetz:

The following executive appointments were referred to the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Florida Building Commission		
Appointee:	Dean, Nanette	04/05/2017
Commission on Ethics		
Appointees:	Carlucci, Matthew F., Sr.	06/30/2014
	Ford, Ivan Martin	06/30/2013
	Maurer, Susan Horovitz	06/30/2013
	Robison, Linda M.	06/30/2013
	Weston, Stanley M.	06/30/2013
Board of Trustees, University of South Florida		
Appointee:	Levy, Stanley I.	01/06/2018
Board of Trustees, University of West Florida		
Appointee:	Lewis, Suzanne	01/06/2018

The following executive appointments were referred to the Senate Committee on Education and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
State Board of Education		
Appointee:	Chartrand, Gary	12/31/2014
Board of Governors of the State University System		
Appointee:	Carter, Matthew M. II	01/06/2019
Board of Trustees, University of South Florida		
Appointees:	Mitchell, Stephen J.	01/06/2016
	Ramil, John B.	01/06/2016
	Sembler, Debbie Nye	01/06/2016
Board of Trustees, University of West Florida		
Appointees:	Cleveland, David E.	01/06/2016
	Dana, Pamela J.	01/06/2016
	Patel, Jayprakash S.	01/06/2016
	Walton, Garrett W.	01/06/2016

The following executive appointments were referred to the Senate Committee on Environmental Preservation and Conservation and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Fish and Wildlife Conservation Commission		
Appointee:	Rivard, Adrien A. III	08/01/2017
Governing Board of the Northwest Florida Water Management District		
Appointees:	Alter, John W.	03/01/2015
	Andrews, Angus "Gus" G., Jr.	03/01/2015
	Costello, Jonathan M.	03/01/2016
	Patronis, Nicholas "Nick" J.	03/01/2015
	Spring, Samuel R.	03/01/2016
Executive Director of Northwest Florida Water Management District		
Appointee:	Steverson, Jonathan Paul	Pleasure of the Board

Office and Appointment		*For Term Ending*
Governing Board of the St. Johns River Water Management District		
Appointees:	Bournique, Douglas C.	03/01/2016
	Daniels, Lowry "Lad" A.	03/01/2015
	Drake, Charles W.	03/01/2015
	Robbins, George W. III	03/01/2016
Executive Director of St. Johns River Water Management District		
Appointee:	Tanzler, Hans G. III	Pleasure of the Board
Governing Board of the South Florida Water Management District		
Appointees:	Batchelor-Robjohns, Anne "Sandy"	03/01/2016
	Moran, James J.	03/01/2015
	O'Keefe, Daniel T.	03/01/2016
	Portuondo, Juan M.	03/01/2015
	Sargent, Timothy W., Jr.	03/01/2014
	Waldman, Glenn J.	03/01/2014
Executive Director of South Florida Water Management District		
Appointee:	Meeker, Melissa L.	Pleasure of the Board

As required by Rule 12.7 , the committees caused to be conducted an inquiry into the qualifications, experience, and general suitability of the above-named appointees for appointment to the office indicated. In aid of such inquiry, the committees held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of the appointees. After due consideration of the findings of such inquiry and the evidence adduced at the public hearings, the Committee on Ethics and Elections and other referenced committees respectfully advise and recommend that in accordance with s. 114.05(1)(c), Florida Statutes:

(1) the executive appointments of the above-named appointees, to the office and for the term indicated, be confirmed by the Senate;

(2) Senate action on said appointments be taken prior to the adjournment of the 2013 Regular Session; and

(3) there is no necessity known to the committees for the deliberations on said appointments to be held in executive session.

Respectfully submitted,
Jack Latvala, Chairman

On motion by Senator Latvala, the report was adopted and the Senate confirmed the appointments identified in the foregoing report of the committee to the offices and for the terms indicated in accordance with the recommendation of the committee:

The vote was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Montford

MOTIONS

On motion by Senator Thrasher, by two-thirds vote, all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Friday, May 3.

On motion by Senator Thrasher, the rules were waived and a deadline of one hour after the availability of engrossed bills was set for filing amendments to Bills on Third Reading to be considered Friday, May 3.

REPORTS OF COMMITTEES

Pursuant to Rule 4.17(1), the Rules Chair, Majority Leader, and Minority Leader submit the following bills to be placed on the Special Order Calendar for Thursday, May 2, 2013: CS for SB 1682, CS for CS for SB 1666, SB 1322, CS for SB 1216, CS for SB 814, CS for SB 696, CS for SB 632, CS for CS for SB 58, CS for CS for SB 1684, CS for CS for SB 1482, CS for CS for CS for SB 84, CS for SB 550.

Respectfully submitted,
John Thrasher, Rules Chair
Lizbeth Benacquisto, Majority Leader
Christopher L. Smith, Minority Leader

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State **CS for SB 2** which he approved on May 1, 2013.

VETO OF CS FOR CS FOR SB 718

The Honorable Don Gaetz May 1, 2013
President of the Florida Senate

By the authority vested in me as Governor of the State of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby veto and transmit my objections to Committee Substitute for Committee Substitute for Senate Bill 718, enacted during the 115th Session of the Legislature of Florida during the Regular Session of 2013 and entitled:

An act relating to family law . . .

Senator Stargel and Representative Workman are to be commended for their efforts in proposing changes to Florida alimony law. I appreciate Representative Workman reaching out to me to express his support of CS for CS for SB 718 and how he believes it will benefit Florida families. CS for CS for SB 718 seeks to modernize Florida's alimony system by leveling the playing field in divorce proceedings, and there are several forward looking elements of this bill. Alimony has long been a key component of our domestic relations law. It represents an important remedy for our judiciary to use in providing support to families as they adjust to changes in life circumstances.

Because the subject matter of this bill involves family relationships, numerous Floridians have forcefully expressed their views on the topic. Many Florida families have been impacted by the difficulties of marital issues, both concerning children and starting over. As a husband, father and grandfather, I understand the vital importance of family. In weighing the issues associated with this bill, however, I have concluded that I cannot support this legislation because it applies retroactively and thus tampers with the settled economic expectations of many Floridians who have experienced divorce.

The retroactive adjustment of alimony could result in unfair, unanticipated results. Current Florida law already provides for the adjustment of alimony under the proper circumstances. The law also ensures that spouses who have sacrificed their careers to raise a family do not suffer financial catastrophe upon divorce, and that the lower earning spouse and stay-at-home parent will not be financially punished. Flor-

idians have relied on this system post-divorce and planned their lives accordingly.

For the reasons stated above, I withhold my approval of Committee Substitute for Committee Substitute for Senate Bill 718, and do hereby veto same.

Sincerely,
Rick Scott, Governor

EXECUTIVE APPOINTMENTS SUBJECT TO CONFIRMATION BY THE SENATE:

The Secretary of State has certified that pursuant to the provisions of section 114.05, Florida Statutes, certificates subject to confirmation by the Senate have been prepared for the following:

Office and Appointment		*For Term Ending*
Board of Acupuncture		
Appointee:	Teisinger, Mary Katherine, Lake Alfred	10/31/2016
Florida Commission on Community Service		
Appointee:	Barber, Chucha S., Tallahassee	09/14/2015
Board of Trustees of Miami-Dade College		
Appointee:	Leon, Benjamin III, Coral Gables	05/31/2014
Education Practices Commission		
Appointee:	Williamson, Troy, Confidential pursuant to s. 119.071(4), F.S.	08/18/2016
Florida Inland Navigation District		
Appointees:	Blow, John Carl, St. Augustine	01/09/2017
	McCabe, Susanne D., Port Orange	01/09/2017
	Williams, Lynn, Fernandina Beach	01/09/2017
Board of Occupational Therapy Practice		
Appointees:	McKenzie, Tammy R., Crawfordville	10/31/2016
	Roeck-Simmons, Heidi, Tallahassee	10/31/2015
	Watson, Carol Marie, Bunnell	10/31/2015
Tampa Bay Regional Planning Council, Region 8		
Appointee:	Kinsler, Angeleah C., Lutz	10/01/2015
Governing Board of the Northwest Florida Water Management District		
Appointee:	Clark, Gary F., Chipley	03/01/2017
Governing Board of the Suwannee River Water Management District		
Appointee:	Sanchez, Virginia Marsh, Old Town	03/01/2017

Referred to the Committee on Ethics and Elections.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

RETURNING MESSAGES — FINAL ACTION

The Honorable Don Gaetz, President

I am directed to inform the Senate that the House of Representatives has receded from House Amendment 1 and passed CS for SB 354.

Robert L. "Bob" Ward, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Don Gaetz, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments 1, 2, 3, 4, and 5 and passed CS for CS for HB 7009 as amended; concurred in Senate Amendment 1 and passed CS for HB 77 as amended; concurred in Senate Amendment 1 and passed CS for CS for HB 247 as amended; concurred in Senate Amendment 1 and passed CS for CS for HB 269 as amended; concurred in Senate Amendment 1 and passed CS for CS for HB 537 as amended; concurred in Senate Amendment 1 and passed CS for CS for HB 579 as amended; concurred in Senate Amendment 1 and passed CS for CS for HB 691 as amended; concurred in Senate Amendment 1 and passed CS for HB 969 as amended; concurred in Senate Amendment 1 and passed CS for CS for HB 7007 as amended; and concurred in Senate Amendment 1 and passed HB 7035 as amended.

Robert L. "Bob" Ward, Clerk

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 1 was corrected and approved.

CO-INTRODUCERS

Senators Bean—CS for SB 1630; Clemens—CS for SB 964; Ring—SM 912

ADJOURNMENT

On motion by Senator Thrasher, the Senate adjourned at 4:40 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Friday, May 3 or upon call of the President.