Journal of the Senate

Number 20—Regular Session **Wednesday, April 30, 2014**

CONTENTS

CALL TO ORDER

The Senate was called to order by President Gaetz at 10:00 a.m. A quorum present—34:

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

PRAYER

The following prayer was offered by Reverend Georgia R. Gaston, Mt. Zion United Methodist Church, Jacksonville:

Creator and Sustainer of all people. You have created us in your image and called us to meaningful work, for this we are grateful. You call all people to live lives of wholeness and peace. We confess that sometimes we have worked more for power than for your purposes. Acknowledging this, we pause in the midst of these busy moments seeking forgiveness and expressing thanks to you for the bounty of our lives.

Bless now all who gather here. Guide the hearts and minds of this legislative body and help them to work together for the good of all people. Give wisdom and knowledge, courage and strength, as they work in harmony of the betterment of our communities throughout this great State of Florida. Teach them to be generous in their outlook, persistent in the face of difficulty, and wise in their decision making. Remove the blinders so that they may see needs, solutions, and resolutions to the problems of our state.

Seeking your help and your will in all that is said and done, in your name we pray. Amen.

PLEDGE

Senate Pages, Austin Chapman of St. Augustine, Jarod Johnson of Madison, and Hannah Boswell of DeLand, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Brandon Faza of Tampa, sponsored by Senator Brandes, as the doctor of the day. Dr. Faza specializes in emergency medicine.

MOMENT OF SILENCE

At the request of Senator Evers, the Senate observed a moment of silence remembering two Escambia County residents who lost their lives this morning due to severe weather.

ADOPTION OF RESOLUTIONS

At the request of Senator Brandes—

By Senator Brandes—

SR 1756—A resolution recognizing the inaugural year of the Florida Inventors Hall of Fame, located at the University of South Florida in Tampa.

WHEREAS, Florida is a state where innovation, research, and discovery thrive and where great American inventors, such as Thomas Edison, have lived and worked, and

WHEREAS, the Florida Inventors Hall of Fame endeavors to encourage individuals of all ages and backgrounds to strive toward the betterment of Florida and society through continuous, groundbreaking innovation, and

WHEREAS, the Florida Inventors Hall of Fame is located at the University of South Florida in order to honor and celebrate the inventors from this state whose achievements have advanced the quality of life of all Americans, and

WHEREAS, the Florida Inventors Hall of Fame will be one of only seven state inventors halls of fame in the nation which will recognize the best and brightest inventors from their respective states, and

WHEREAS, the Florida Inventors Hall of Fame is led by an advisory board consisting of exceptional individuals from the private and public sectors and academia, and

WHEREAS, the inductees to the Florida Inventors Hall of Fame will be chosen by a selection committee composed of equally distinguished members, and

WHEREAS, the inaugural class of inventors inducted to the Florida Inventors Hall of Fame will be recognized in September 2014, NOW, THEREFORE,

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

That the Florida Inventors Hall of Fame is recognized on the occasion of its inaugural year for its commitment to honoring inventors and celebrating innovation, discovery, and excellence in this state and that the University of South Florida is commended for founding this institution.

BE IT FURTHER RESOLVED that a copy of this resolution be provided to the Florida Inventors Hall of Fame for display as recognition of the Senate's support of innovation in Florida.

—**SR 1756** was introduced, read and adopted by publication.

At the request of Senator Gardiner—

By Senator Gardiner—

SR 1760—A resolution congratulating the Winter Park High School Wildcats boys basketball team for winning the 2014 Florida High School Athletic Association Class 8A Championship.

WHEREAS, the 2014 Winter Park High School Wildcats boys basketball team finished the season with an outstanding record of 29 wins and 3 losses, and

WHEREAS, the Wildcats were ranked ninth overall in the state of Florida in 2014, and

WHEREAS, on March 1, 2014, the Winter Park Wildcats defeated Orlando's Maynard Evans High School Trojans by a score of 66-64 in the Florida High School Athletic Association Class 8A Championship, marking the team's third state championship in the last five seasons and the school's 83-year history, and

WHEREAS, exhibiting exemplary leadership and guidance to the team throughout the season were coaches Donald Blackmon, David Stock, Blake Carter, Edwin Howe, and Griffin Gersonde; Principal Tim Smith; and Athletic Director Michael Brown, and

WHEREAS, outstanding skill, sportsmanship, and competitiveness are characteristics that have been consistently demonstrated by Wildcats Kyle Brown, JaQuante Davis, John DeBevoise, Elijah Farley, Austin Goodluck, Ryan Gutmacher, Lashard James, Dewey Johnson, Dakotah Nicoll, Kevin Reiz, Spencer Rivers, Michael Stalder, DeAndre Turner, and Wyatt Wilkes, and

WHEREAS, the residents of Winter Park and the surrounding community admire the hard work and team spirit demonstrated by the 2014 Winter Park Wildcats basketball team during the 2013-2014 season and commend the team on its many accomplishments, NOW, THEREFORE,

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

That the 2014 Winter Park High School Wildcats boys basketball team is congratulated for winning the 2014 Florida High School Athletic Association Class 8A Championship and recognized for the athletic ability, model sportsmanship, and honorable citizenship of its team members and the outstanding accomplishments of its coaches and team members.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Athletic Director Michael Brown as a tangible token of the sentiments expressed in this resolution.

—**SR 1760** was introduced, read and adopted by publication.

At the request of Senator Gardiner—

By Senator Gardiner—

SR 1762—A resolution recognizing the Edgewater High School 2014 girls basketball team for winning the State 6A Championship.

WHEREAS, the Edgewater High School 2014 girls basketball team was ranked 18th in the nation in the preseason and emerged from the season with an outstanding record of 26 wins and 7 losses, and

WHEREAS, the Edgewater High School 2014 girls basketball team was ranked 1st in the state and won the district and region, and

WHEREAS, on February 22, 2014, the Edgewater High School 2014 girls basketball team defeated Pine Forest High School in Pensacola by a score of 53 to 34 to win the State 6A Championship for the 4th time in the school's 61-year history and the 4th time in the last seven seasons, and

WHEREAS, the Edgewater High School girls basketball team has now won the State 6A Championship in 3 consecutive years, and the 2014 team was invited to play in the DICK'S Sporting Goods High School National Tournament hosted by DICK'S Sporting Goods in New York City, where it finished 4th, and

WHEREAS, the Edgewater High School 2014 girls basketball team was led to victory by Coaches Malcolm Lewis, Natalie Ford, Greg Ferrell, and Brittany Waters; Principal Michele Erickson; and Athletic Director Valerie Miyares, and

WHEREAS, the Edgewater High School 2014 girls basketball team consisted of outstanding players Nyala Shuler, Victoria Patrick, Tiara McMillan, Angelica Jernigan, Tichina Smalls, Haley Clark, Markeema Crawford, Victoria Lovejoy, Mo'Nique Schuman, Elizabeth Pamphile, and Shamika Gibs, and

WHEREAS, the Edgewater High School 2014 girls basketball team accomplished much over the course of the 2013-2014 season through hard work and a competitive team spirit, earning the admiration and support of the residents of Orlando and the surrounding community, NOW, THEREFORE,

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

That the outstanding accomplishments of the Edgewater High School 2014 girls basketball team are recognized and the athletic ability, model sportsmanship, and honorable citizenship demonstrated by all team members are applauded.

—**SR 1762** was introduced, read and adopted by publication.

BILLS ON THIRD READING

Consideration of **CS for CS for SB 764** was deferred.

CS for CS for HB 561—A bill to be entitled An act relating to attorneys for dependent children with special needs; creating s. 39.01305, F.S.; providing legislative findings and intent; defining the term "dependent child"; requiring appointment of an attorney to represent a dependent child who meets one or more specified criteria; requiring that, if one is available, an attorney who is willing to represent a child without additional compensation be appointed; requiring that the appointment be in writing; requiring that the appointment continue in effect until the attorney is allowed to withdraw or is discharged by the court or until the case is dismissed; requiring that an attorney not acting in a pro bono capacity be adequately compensated for his or her services and have access to funding for certain costs; providing for financial oversight by the Justice Administrative Commission; providing a limit on attorney fees; requiring the Department of Children and Families to develop procedures to identify dependent children who qualify for an attorney; providing rulemaking authority; providing applicability; providing an effective date.

—was read the third time by title.

On motion by Senator Galvano, **CS for CS for HB 561** was passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Abruzzo, Thompson

CS for HB 337—A bill to be entitled An act relating to the Florida Teachers Classroom Supply Assistance Program; amending s. 1012.71, F.S.; revising procedures for distributing program funds to classroom teachers; providing an effective date.

—was read the third time by title.

On motion by Senator Montford, **CS for HB 337** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Abruzzo

CS for HB 485—A bill to be entitled An act relating to sexual offenses against students by authority figures; providing a short title; creating s. 775.0862, F.S.; providing definitions; providing for reclassification of specified sexual offenses committed against students by an authority figure of the school; providing for severity ranking of offenses; amending s. 921.0022, F.S.; providing for application of the severity ranking chart of the Criminal Punishment Code; providing an effective date.

—was read the third time by title.

On motion by Senator Stargel, **CS for HB 485** was passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Abruzzo, Garcia

CS for HB 7077—A bill to be entitled An act relating to nonresident sterile compounding permits; amending s. 465.003, F.S.; providing definitions; amending s. 465.0156, F.S.; conforming provisions to changes made by the act; expanding penalties to apply to injury to a nonhuman animal; deleting a requirement that the Board of Pharmacy refer regulatory issues affecting a nonresident pharmacy to the state where the pharmacy is located; providing that a pharmacy is subject to certain health care fraud provisions; creating s. 465.0158, F.S.; requiring registered nonresident pharmacies and outsourcing facilities to obtain a permit in order to ship, mail, deliver, or dispense compounded sterile products into this state; requiring submission of an application and a nonrefundable fee; providing application requirements; authorizing the board to deny, revoke, or suspend a permit, or impose a fine or reprimand for certain actions; providing dates by which certain nonresident pharmacies must obtain a permit; authorizing the board to adopt rules; amending s. 465.017, F.S.; authorizing the department to inspect nonresident pharmacies and nonresident sterile compounding permittees; requiring such pharmacies and permittees to pay for the costs of such inspections; providing an effective date.

—as amended April 29 was read the third time by title.

On motion by Senator Bean, **CS for HB 7077** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

HB 531—A bill to be entitled An act relating to public health trusts; amending s. 154.11, F.S.; authorizing public health trusts to lease certain real property; providing an effective date.

—was read the third time by title.

On motion by Senator Braynon, **HB 531** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Detert

CS for CS for HB 629—A bill to be entitled An act relating to charities; providing legislative findings and declarations; amending s. 212.08, F.S.; revising an exemption from the sales and use tax to exclude from eligibility charitable organizations subject to a final disqualification order issued by the Department of Agriculture and Consumer Services; amending s. 212.084, F.S.; requiring the Department of Revenue to revoke a sales tax exemption certificate of, or refuse to grant a sales

tax exemption certificate to, certain charitable organizations; providing for appeal; amending s. 496.403, F.S.; exempting blood establishments from the Solicitation of Contributions Act; amending s. 496.404, F.S.; revising definitions; amending s. 496.405, F.S.; revising requirements and procedures for the filing of registration statements of charitable organizations and sponsors; specifying the information that each chapter, branch, or affiliate of a parent organization must include in, and attach to, a consolidated financial statement; revising the period within which the Department of Agriculture and Consumer Services must review certain initial registration statements and annual renewal statements; providing for the automatic suspension of a charitable organization or sponsor's registration for failure to disclose specified information; prohibiting officers, directors, trustees, or employees of a charitable organization or sponsor from allowing certain persons to solicit contributions on behalf of the charitable organization or sponsor; authorizing the department to deny or revoke the registration of a charitable organization or sponsor under certain circumstances; requiring a charitable organization or sponsor that has ended solicitation activities in this state to notify the department in writing; creating s. 496.4055, F.S.; defining the term "conflict of interest transaction"; requiring the board of directors of a charitable organization or sponsor, or an authorized committee thereof, to adopt a policy regarding conflict of interest transactions; amending s. 496.407, F.S.; requiring the financial statements of certain charitable organizations or sponsors to be audited or reviewed; providing requirements and standards for such audit or review; authorizing charitable organizations and sponsors to redact specified information from certain Internal Revenue Service Forms submitted in lieu of a financial statement; requiring such forms submitted by certain charitable organizations or sponsors to be prepared by a certified public accountant; authorizing the department to provide an extension for filing a financial statement; authorizing the department to require an audit or review for a financial statement submitted by a charitable organization or sponsor under certain circumstances; creating s. 496.4071, F.S.; requiring certain charitable organizations or sponsors to report specified supplemental financial information to the department by a certain date; creating s. 496.4072, F.S.; requiring certain charitable organizations or sponsors that solicit contributions for a specific disaster relief effort to submit quarterly financial statements to the department; providing requirements and procedures for the filing of such quarterly statements; exempting certain charitable organizations and sponsors from filing such quarterly statements; amending s. 496.409, F.S.; authorizing a professional fundraising consultant to enter into a contract or agreement only with certain charitable organizations or sponsors; revising the procedures and requirements for reviewing professional fundraising consultant registration statements and renewal applications; prohibiting certain officers, trustees, directors, or employees of professional fundraising consultants from allowing certain persons to solicit contributions on behalf of the professional fundraising consultant; authorizing the department to deny or revoke the registration of a professional fundraising consultant under certain circumstances; amending s. 496.410, F.S.; revising the information that must be included in a professional solicitor application for registration or renewal of registration; revising procedures and requirements for reviewing professional solicitor registration statements and renewal applications; revising the information that must be included in a solicitation notice filed by a professional solicitor; authorizing a professional solicitor to enter into a contract or agreement only with certain charitable organizations or sponsors; prohibiting certain officers, trustees, directors, or employees of a professional solicitor from soliciting for compensation or allowing certain persons to solicit for compensation on behalf of the professional solicitor; authorizing the department to deny or revoke the registration of a professional solicitor under certain circumstances; creating s. 496.4101, F.S.; requiring each officer, director, trustee, or owner of a professional solicitor and certain employees of a professional solicitor to obtain a solicitor license from the department; defining the term "personal financial information"; providing application requirements and procedures; requiring applicants to submit a complete set of fingerprints and pay a fee for fingerprint processing and retention; requiring a solicitor license to be renewed annually; providing an initial application and renewal fee for a solicitor license; requiring material changes in applications or renewal applications to be reported to the department within a specified period; providing a fee for reporting material changes; providing violations; requiring the department to adopt rules to allow applicants to engage in solicitation activities on a temporary basis; authorizing the department to deny or revoke a solicitor license under certain circumstances; requiring certain administrative proceedings to be conducted in accordance with chapter 120, F.S.; amending s. 496.411, F.S.; revising disclosure requirements for charitable organizations and sponsors; amending s. 496.412, F.S.; revising disclosure requirements for professional solicitors; creating s. 496.4121, F.S.; defining the term "collection receptacle"; requiring collection receptacles to display permanent signs or labels; providing requirements for such signs or labels; requiring a charitable organization or sponsor using a collection receptacle to provide certain information to a donor upon request; amending s. 496.415, F.S.; prohibiting the submission of false, misleading, or inaccurate information in a document in connection with a solicitation or sales promotion; prohibiting the failure to remit specified funds to a charitable organization or sponsor; amending s. 496.419, F.S.; increasing administrative fine amounts the department is authorized to impose for specified violations of the Solicitation of Contributions Act; creating s. 496.4191, F.S.; requiring the department to immediately suspend a registration or processing of an application for registration if the registrant, applicant, or any officer or director thereof is charged with certain criminal offenses; creating s. 496.430, F.S.; authorizing the department to issue an order to disqualify a charitable organization or sponsor from receiving a sales tax exemption certificate under certain circumstances; authorizing a charitable organization or sponsor to appeal a disqualification order within a specified period; providing that a disqualification order remains effective for a specified period; authorizing a charitable organization or sponsor to apply to the Department of Revenue for a sales tax exemption certificate after expiration of a final disqualification order; requiring the Department of Agriculture and Consumer Services to provide a final disqualification order to the Department of Revenue within a specified period; requiring the Department of Revenue to revoke a sales tax exemption certificate of, or refuse to grant a sales tax exemption certificate to, charitable organizations or sponsors subject to a final disqualification order; prohibiting a charitable organization or sponsor from appealing or challenging the revocation or denial of a sales tax exemption certificate under certain circumstances; amending s. 741.0305, F.S.; conforming a cross-reference; providing severability; providing an appropriation and authorizing positions; providing an effective date.

—as amended April 29 was read the third time by title.

On motion by Senator Brandes, **CS for CS for HB 629** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Evers	Montford
Abruzzo	Galvano	Negron
Altman	Garcia	Richter
Bean	Gardiner	Ring
Benacquisto	Gibson	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

CS for CS for HB 271—A bill to be entitled An act relating to workers' compensation; amending s. 440.107, F.S.; revising powers of the Department of Financial Services relating to compliance with and enforcement of workers' compensation coverage requirements; providing for stop-work order information to be available on the Division of Workers' Compensation's website; revising requirements for the release of stop-work orders; revising penalties; amending ss. 440.15 and 440.16, F.S.; revising rate formulas related to the determination of compensation for disability and death; amending s. 440.49, F.S.; revising provisions relating to the assessment rate of the Special Disability Trust Fund; reducing the assessment rate limitation; providing an effective date.

—was read the third time by title.

On motion by Senator Galvano, **CS for CS for HB 271** 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	Legg	Thompson
Diaz de la Portilla	Margolis	Thrasher

Nays—None

Consideration of **CS for CS for SB 312** and **CS for CS for HB 979** was deferred.

SPECIAL ORDER CALENDAR

CS for SB 1702—A bill to be entitled An act relating to education; providing a directive to the Division of Law Revision and Information; changing the term "family day care home" to "family child care home" and the term "family day care" to "family child care"; amending ss. 125.0109 and 166.0445, F.S.; including large family child care homes in local zoning regulation requirements; amending s. 402.302, F.S.; revising the definition of the term "substantial compliance"; requiring the Department of Children and Families to adopt rules for compliance by certain programs not licensed by the department; amending s. 402.3025, F.S.; providing requirements for nonpublic schools delivering certain voluntary prekindergarten education programs and school readiness programs; amending s. 402.305, F.S.; revising certain minimum standards for child care facilities; amending s. 402.311, F.S.; providing for the inspection of programs regulated by the department; amending s. 402.3115, F.S.; providing for abbreviated inspections of specified child care homes; requiring rulemaking; amending s. 402.313, F.S.; revising provisions for licensure, registration, and operation of family day care homes; amending s. 402.3131, F.S.; revising requirements for large family child care homes; amending s. 402.316, F.S., relating to exemptions from child care facility licensing standards; requiring a child care facility operating as a provider of certain voluntary prekindergarten education programs or child care programs to comply with minimum standards; providing penalties for failure to disclose or for use of certain information; requiring the department to establish a fee for inspection and compliance activities; amending s. 627.70161, F.S.; revising restrictions on residential property insurance coverage to include coverage for large family child care homes; amending s. 1001.213, F.S.; providing additional duties of the Office of Early Learning; amending s. 1002.53, F.S.; revising requirements for application and determination of eligibility to enroll in the Voluntary Prekindergarten (VPK) Education Program; amending s. 1002.55, F.S.; revising requirements for a school-year prekindergarten program delivered by a private prekindergarten provider, including requirements for providers, instructors, and child care personnel; providing requirements in the case of provider violations; amending s. 1002.59, F.S.; correcting a cross-reference; amending ss. 1002.61 and 1002.63, F.S.; revising employment requirements and educational credentials of certain instructional personnel; amending s. 1002.71, F.S.; revising information that must be reported to parents; amending s. 1002.75, F.S.; revising provisions included in the standard statewide VPK program provider contract; amending s. 1002.77, F.S.; revising the purpose and meetings of the Florida Early Learning Advisory Council; amending s. 1002.81, F.S.; revising certain program definitions; amending s. 1002.82, F.S.; revising the powers and duties of the Office of Early Learning; revising provisions included in the standard statewide school readiness provider contract; amending s. 1002.84, F.S.; revising the powers and duties of early learning coalitions; conforming provisions to changes made by the act; amending s. 1002.87, F.S.; revising student eligibility and enrollment requirements for the school readiness program; amending s. 1002.88, F.S.; revising eligibility requirements for program providers that want to deliver the school readiness program; providing conditions for denial of initial eligibility; providing child care personnel requirements; amending s. 1002.89, F.S.; revising the use of funds for the school readiness program; amending s. 1002.91, F.S.; prohibiting an early learning coalition from contracting with specified persons; amending s. 1002.94, F.S.; revising establishment of a community child care task force by an early learning coalition; providing an appropriation; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 1702** to **CS for CS for HB 7069**.

Pending further consideration of **CS for SB 1702** as amended, on motion by Senator Legg, by two-thirds vote **CS for CS for HB 7069** was withdrawn from the Committee on Education; and Appropriations.

On motion by Senator Legg—

CS for CS for HB 7069—A bill to be entitled An act relating to early learning and child care regulation; changing the term "school readiness program" to "child care and development program," the term "school readiness" to "child care and development," the term "family day care home" to "family child care home," and the term "family day care" to "family child care"; providing a directive to the Division of Law Revision and Information; amending ss. 125.0109 and 166.0445, F.S.; including large family child care homes in local zoning regulation requirements; amending s. 402.302, F.S.; revising the definition of the term "substantial compliance"; amending s. 402.3025, F.S.; providing requirements for nonpublic schools delivering certain Voluntary Prekindergarten Education (VPK) and child care and development programs; amending s. 402.305, F.S.; revising certain minimum standards for child care facilities; authorizing the Department of Children and Families to adopt rules for compliance by certain programs not licensed by the department; creating s. 402.3085, F.S.; authorizing the Department of Children and Families or local licensing agencies to issue a certificate of substantial compliance with minimum child care licensing standards; requiring certain providers to obtain the certificate in order to offer VPK or child care and development programs; amending s. 402.311, F.S.; providing for inspection of programs regulated by the department; amending s. 402.3115, F.S.; providing for abbreviated inspections of specified child care homes; requiring rulemaking; amending s. 402.313, F.S.; revising provisions for licensure, registration, and operation of family day care homes, including requirements for staffing, training, and background screening; amending s. 402.3131, F.S.; revising requirements for large family child care homes; amending s. 402.316, F.S., relating to exemptions from child care facility licensing standards; requiring a child care facility operating as a provider of certain VPK or child care programs to comply with minimum standards; providing penalties for failure to disclose or for use of certain information; requiring a fee for inspection and compliance activities; amending s. 627.70161, F.S.; revising restrictions on residential property insurance coverage to include coverage for large family child care homes; amending s. 1001.213, F.S.; providing additional duties of the Office of Early Learning; amending s. 1002.53, F.S.; revising requirements for application and determination of eligibility to enroll in the VPK program; amending s. 1002.55, F.S.; revising requirements for a school-year prekindergarten program delivered by a private prekindergarten provider, including requirements for providers, instructors, and child care personnel; providing requirements in the case of provider violations; amending s. 1002.59, F.S.; correcting a cross-reference; amending ss. 1002.61 and 1002.63, F.S.; providing requirements for a charter school delivering a summer prekindergarten program or a school-year prekindergarten program; revising employment requirements and educational credentials of certain instructional personnel; amending s. 1002.71, F.S.; revising information that must be reported to parents; amending s. 1002.75, F.S.; revising provisions included in the standard statewide VPK program provider contract; amending s. 1002.77, F.S.; revising the purpose and meetings of the Florida Early Learning Advisory Council; amending s. 1002.81, F.S.; revising certain school readiness program definitions; amending s. 1002.82, F.S.; revising powers and duties of the Office of Early Learning; revising provisions included in the standard statewide school readiness program provider contract; amending s. 1002.84, F.S.; revising powers and duties of early learning coalitions; amending s. 1002.87, F.S.; revising student eligibility and enrollment requirements for the school readiness program; amending s. 1002.88, F.S.; revising

eligibility requirements for delivering the school readiness program; providing requirements in the case of provider violations; providing child care personnel requirements; amending s. 1002.89, F.S.; revising the use of funds for the school readiness program; amending s. 1002.91, F.S.; prohibiting an early learning coalition from contracting with specified persons; amending s. 1002.94, F.S.; revising establishment of a community child care task force by an early learning coalition; requiring the Office of Early Learning to conduct a pilot project to study the impact of assessing the early literacy skills of certain VPK program participants; requiring reports to the Governor and Legislature; providing an appropriation and authorizing positions; providing an effective date.

—a companion measure, was substituted for **CS for SB 1702** as amended and read the second time by title.

Senator Gibson moved the following amendment which was adopted:

Amendment 1 (840922) (with title amendment)—Delete lines 98-894 and insert:

Section 1. *The Division of Law Revision and Information is directed to prepare a reviser's bill for the 2015 Regular Session of the Legislature to change the term "family day care home" to "family child care home" and the term "family day care" to "family child care" wherever they appear in the Florida Statutes.*

Section 2. Section 125.0109, Florida Statutes, is amended to read:

125.0109 Family day care homes *and large family child care homes*; local zoning regulation.—The operation of a residence as a family day care home *or large family child care home, as defined in s. 402.302, licensed or registered pursuant to s. 402.313 or s. 402.3131, as applicable, constitutes*~~, as defined by law, registered or licensed with the Department of Children and Family Services shall constitute~~ a valid residential use for purposes of any local zoning regulations, and no such regulation shall require the owner or operator of such family day care home *or large family child care home* to obtain any special exemption or use permit or waiver, or to pay any special fee in excess of $50, to operate in an area zoned for residential use.

Section 3. Section 166.0445, Florida Statutes, is amended to read:

166.0445 Family day care homes *and large family child care homes*; local zoning regulation.—The operation of a residence as a family day care home *or large family child care home, as defined in s. 402.302, licensed or registered pursuant to s. 402.313 or s. 402.3131, as applicable, constitutes*~~, as defined by law, registered or licensed with the Department of Children and Family Services shall constitute~~ a valid residential use for purposes of any local zoning regulations, and ~~no~~ such regulation *may not* ~~shall~~ require the owner or operator of such family day care home *or large family child care home* to obtain any special exemption or use permit or waiver, or to pay any special fee in excess of $50, to operate in an area zoned for residential use.

Section 4. Subsection (17) of section 402.302, Florida Statutes, is amended to read:

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

(17) "Substantial compliance" means*, for purposes of programs operating under s. 1002.55, s. 1002.61, or s. 1002.88,* ~~that level of~~ adherence *to adopted standards* which is sufficient to safeguard the health, safety, and well-being of all children under care. *The standards must address requirements found in s. 402.305 and are limited to supervision, transportation, access, health-related requirements, food and nutrition, personnel screening, records, and enforcement of these standards. The standards must not limit or exclude the curriculum provided by a faith-based provider or nonpublic school. The department, in consultation with the Office of Early Learning, must adopt rules to define and enforce substantial compliance with minimum standards for child care facilities for programs operating under s. 1002.55, s. 1002.61, or s. 1002.88 which are regulated, but not licensed, by the department* ~~Substantial compliance is greater than minimal adherence but not to the level of absolute adherence. Where a violation or variation is identified as the type which impacts, or can be reasonably expected within 90 days to impact, the health, safety, or well-being of a child, there is no substantial compliance~~.

Section 5. Paragraphs (d) and (e) of subsection (2) of section 402.3025, Florida Statutes, are amended to read:

402.3025 Public and nonpublic schools.—For the purposes of ss. 402.301-402.319, the following shall apply:

(2) NONPUBLIC SCHOOLS.—

(d)1. *Nonpublic schools delivering programs under s. 1002.55, s. 1002.61, or s. 1002.88* ~~Programs for children who are at least 3 years of age, but under 5 years of age,~~ which are not licensed under ss. 402.301-402.319 shall substantially comply with the minimum child care standards *adopted* ~~promulgated~~ pursuant to ss. 402.305-402.3057.

2. The department or local licensing agency shall enforce compliance with such standards, where possible, to eliminate or minimize duplicative inspections or visits by staff enforcing the minimum child care standards and staff enforcing other standards under the jurisdiction of the department.

3. The department or local licensing agency may *inspect programs operating under this paragraph and pursue administrative or judicial action under ss. 402.310-402.312 against nonpublic schools operating under this paragraph* ~~commence and maintain all proper and necessary actions and proceedings for any or all of the following purposes:~~

~~a.~~ to protect the health, sanitation, safety, and well-being of all children under care.

~~b. To enforce its rules and regulations.~~

~~c. To use corrective action plans, whenever possible, to attain compliance prior to the use of more restrictive enforcement measures.~~

~~d. To make application for injunction to the proper circuit court, and the judge of that court shall have jurisdiction upon hearing and for cause shown to grant a temporary or permanent injunction, or both, restraining any person from violating or continuing to violate any of the provisions of ss. 402.301-402.319. Any violation of this section or of the standards applied under ss. 402.305-402.3057 which threatens harm to any child in the school's programs for children who are at least 3 years of age, but are under 5 years of age, or repeated violations of this section or the standards under ss. 402.305-402.3057, shall be grounds to seek an injunction to close a program in a school.~~

~~e. To impose an administrative fine, not to exceed $100, for each violation of the minimum child care standards promulgated pursuant to ss. 402.305-402.3057.~~

4. It is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, for any person willfully, knowingly, or intentionally to:

a. Fail, by false statement, misrepresentation, impersonation, or other fraudulent means, to disclose in any required written documentation for exclusion from licensure pursuant to this section a material fact used in making a determination as to such exclusion; or

b. Use information from the criminal records obtained under s. 402.305 or s. 402.3055 for any purpose other than screening that person for employment as specified in those sections or release such information to any other person for any purpose other than screening for employment as specified in those sections.

5. It is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, for any person willfully, knowingly, or intentionally to use information from the juvenile records of any person obtained under s. 402.305 or s. 402.3055 for any purpose other than screening for employment as specified in those sections or to release information from such records to any other person for any purpose other than screening for employment as specified in those sections.

6. The inclusion of nonpublic schools within options available under ss. 1002.55, 1002.61, and 1002.88 does not expand the regulatory authority of the state, its officers, any local licensing agency, or any early learning coalition to impose any additional regulation of nonpublic schools beyond those reasonably necessary to enforce requirements expressly set forth in this paragraph.

~~(c) The department and the nonpublic school accrediting agencies are encouraged to develop agreements to facilitate the enforcement of the minimum child care standards as they relate to the schools which the agencies accredit.~~

Section 6. Paragraphs (a) and (d) of subsection (2), paragraph (b) of subsection (9), and subsections (10) and (18) of section 402.305, Florida Statutes, are amended to read:

402.305 Licensing standards; child care facilities.—

(2) PERSONNEL.—Minimum standards for child care personnel shall include minimum requirements as to:

(a) Good moral character based upon screening*, according to the level 2 screening requirements of*~~. This screening shall be conducted as provided in~~ chapter 435~~, using the level 2 standards for screening set forth in that chapter~~*. In addition to the offenses listed in s. 435.04, all child care personnel required to undergo background screening pursuant to this section may not have an arrest awaiting final disposition for, may not have been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, and may not have been adjudicated delinquent and have a record that has been sealed or expunged for an offense specified in s. 39.205. Before employing child care personnel subject to this section, the employer must conduct employment history checks of each of the personnel's previous employers and document the findings. If unable to contact a previous employer, the employer must document efforts to contact the employer.*

(d) Minimum training requirements for child care personnel.

1. Such minimum standards for training shall ensure that all child care personnel take an approved 40-clock-hour introductory course in child care, which course covers at least the following topic areas:

a. State and local rules and regulations which govern child care.

b. Health, safety, and nutrition.

c. Identifying and reporting child abuse and neglect.

d. Child development, including typical and atypical language, cognitive, motor, social, and self-help skills development.

e. Observation of developmental behaviors, including using a checklist or other similar observation tools and techniques to determine the child's developmental age level.

f. Specialized areas, including computer technology for professional and classroom use and *numeracy,* early literacy*,* and language development of children from birth to 5 years of age, as determined by the department, for owner-operators and child care personnel of a child care facility.

g. Developmental disabilities, including autism spectrum disorder and Down syndrome, and early identification, use of available state and local resources, classroom integration, and positive behavioral supports for children with developmental disabilities.

Within 90 days after employment, child care personnel shall begin training to meet the training requirements *pursuant to this paragraph*. Child care personnel shall successfully complete such training within 1 year after the date on which the training began, as evidenced by passage of a competency examination. Successful completion of the 40-clock-hour introductory course shall articulate into community college credit in early childhood education, pursuant to ss. 1007.24 and 1007.25. Exemption from all or a portion of the required training shall be granted to child care personnel based upon educational credentials or passage of competency examinations. Child care personnel possessing a 2-year degree or higher that includes 6 college credit hours in early childhood development or child growth and development, or a child development associate credential or an equivalent state-approved child development associate credential, or a child development associate waiver certificate shall be automatically exempted from the training requirements in sub-subparagraphs b., d., and e.

2. The introductory course in child care shall stress, to the extent possible, an interdisciplinary approach to the study of children.

3. The introductory course shall cover recognition and prevention of shaken baby syndrome; prevention of sudden infant death syndrome; recognition and care of infants and toddlers with developmental disabilities, including autism spectrum disorder and Down syndrome; and early childhood brain development within the topic areas identified in this paragraph.

4. On an annual basis in order to further their child care skills and, if appropriate, administrative skills, child care personnel who have fulfilled the requirements for the child care training shall be required to take an additional 1 continuing education unit of approved inservice training, or 10 clock hours of equivalent training, as determined by the department.

5. Child care personnel shall be required to complete 0.5 continuing education unit of approved training or 5 clock hours of equivalent training, as determined by the department, in *numeracy,* early literacy*,* and language development of children from birth to 5 years of age one time. The year that this training is completed, it shall fulfill the 0.5 continuing education unit or 5 clock hours of the annual training required in subparagraph 4.

6. Procedures for ensuring the training of qualified child care professionals to provide training of child care personnel, including onsite training, shall be included in the minimum standards. It is recommended that the state community child care coordination agencies (central agencies) be contracted by the department to coordinate such training when possible. Other district educational resources, such as community colleges and career programs, can be designated in such areas where central agencies may not exist or are determined not to have the capability to meet the coordination requirements set forth by the department.

7. Training requirements *do* ~~shall~~ not apply to certain occasional or part-time support staff, including, but not limited to, swimming instructors, piano teachers, dance instructors, and gymnastics instructors.

8. The department shall evaluate or contract for an evaluation for the general purpose of determining the status of and means to improve staff training requirements and testing procedures. The evaluation shall be conducted every 2 years. The evaluation *must* ~~shall~~ include, but not be limited to, determining the availability, quality, scope, and sources of current staff training; determining the need for specialty training; and determining ways to increase inservice training and ways to increase the accessibility, quality, and cost-effectiveness of current and proposed staff training. The evaluation methodology *must* ~~shall~~ include a reliable and valid survey of child care personnel.

9. The child care operator shall be required to take basic training in serving children with disabilities within 5 years after employment, either as a part of the introductory training or the annual 8 hours of inservice training.

(9) ADMISSIONS AND RECORDKEEPING.—

(b) ~~During the months of August and September of each year,~~ Each child care facility shall provide parents of children *enrolling* ~~enrolled~~ in the facility detailed information regarding the causes, symptoms, and transmission of the influenza virus in an effort to educate those parents regarding the importance of immunizing their children against influenza as recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention.

(10) TRANSPORTATION SAFETY.—Minimum standards *must* ~~shall~~ include requirements for child restraints or seat belts in vehicles used by child care facilities*,* ~~and~~ large family child care homes*, and licensed family day care homes* to transport children, requirements for annual inspections of the vehicles, limitations on the number of children in the vehicles, and accountability for children being transported.

(18) TRANSFER OF OWNERSHIP.—

(a) One week *before* ~~prior to~~ the transfer of ownership of a child care facility*,* ~~or~~ family day care home, *or large family child care home,* the transferor shall notify the parent or caretaker of each child of the impending transfer.

(b) The owner of a child care facility, family day care home, or large family child care home may not transfer ownership to a relative of the

operator if the operator has had his or her license suspended or revoked by the department pursuant to s. 402.310, has received notice from the department that reasonable cause exists to suspend or revoke the license, or has been placed on the United States Department of Agriculture National Disqualified List. For purposes of this paragraph, "relative" means father, mother, son, daughter, grandfather, grandmother, brother, sister, uncle, aunt, cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister.

(c)~~(b)~~ The department shall, by rule, establish methods by which notice will be achieved and minimum standards by which to implement this subsection.

Section 7. Section 402.3085, Florida Statutes, is created to read:

402.3085 Certificate of substantial compliance with minimum child care standards.—Each nonpublic school or provider seeking to operate a program pursuant to s. 402.3025(2)(d) or s. 402.316(4), respectively, shall annually obtain a certificate from the department or local licensing agency in the manner and on the forms prescribed by the department or local licensing agency. An annual certificate or a renewal of an annual certificate shall be issued upon an examination of the applicant's premises and records to determine that the applicant is in substantial compliance with the minimum child care standards. A provider may not participate in these programs without this certification. Local licensing agencies may apply their own minimum child care standards if the department determines that such standards meet or exceed department standards as provided in s. 402.307.

Section 8. Section 402.311, Florida Statutes, is amended to read:

402.311 Inspection.—A licensed child care facility *or program regulated by the department* shall accord to the department or the local licensing agency, whichever is applicable, the privilege of inspection, including access to facilities and personnel and to those records required in s. 402.305, at reasonable times during regular business hours, to ensure compliance with ~~the provisions of~~ ss. 402.301-402.319. The right of entry and inspection shall also extend to any premises which the department or local licensing agency has reason to believe are being operated or maintained as a child care facility *or program* ~~without a license~~, but no such entry or inspection of any premises shall be made without the permission of the person in charge thereof unless a warrant is first obtained from the circuit court authorizing same. Any application for a license*, application for authorization to operate a child care program which must maintain substantial compliance with child care standards adopted under this chapter,* ~~or~~ renewal *of such license or authorization,* ~~made pursuant to this act~~ or the advertisement to the public for the provision of child care as defined in s. 402.302 *constitutes* ~~shall constitute~~ permission for any entry *to* or inspection of the *subject* premises ~~for which the license is sought in order~~ to facilitate verification of the information submitted on or in connection with the application. In the event a ~~licensed~~ facility *or program* refuses permission for entry or inspection to the department or local licensing agency, a warrant shall be obtained from the circuit court authorizing same *before* ~~prior to~~ such entry or inspection. The department or local licensing agency may institute disciplinary proceedings pursuant to s. 402.310~~,~~ for such refusal.

Section 9. Section 402.3115, Florida Statutes, is amended to read:

402.3115 ~~Elimination of duplicative and unnecessary inspections; Abbreviated inspections.— The Department of Children and Family Services and local governmental agencies that license child care facilities shall develop and implement a plan to eliminate duplicative and unnecessary inspections of child care facilities. In addition,~~ The department and the local *licensing* ~~governmental~~ agencies shall *conduct* ~~develop and implement an~~ abbreviated *inspections of* ~~inspection plan for~~ child care facilities *licensed under s. 402.305, family day care homes licensed under s. 402.313, and large family child care homes licensed under s. 402.3131* that have had no class *I* ~~1~~ or class *II violations* ~~2 deficiencies~~, as defined by rule, for at least 2 consecutive years. The abbreviated inspection must include those elements identified by the department and the local *licensing* ~~governmental~~ agencies as being key indicators of whether the child care facility continues to provide quality care and programming. *The department shall adopt rules establishing criteria and procedures for abbreviated inspections and inspection schedules that provide for both announced and unannounced inspections.*

Section 10. Section 402.313, Florida Statutes, is amended to read:

402.313 Family day care homes.—

(1) *A* family day care *home must* ~~homes shall~~ be licensed under this *section* ~~act~~ if *it is* ~~they are~~ presently being licensed under an existing county licensing ordinance*,* ~~or if~~ the board of county commissioners passes a resolution that *requires licensure of* family day care homes*, or the family day care home is operating a program under s. 1002.55, s. 1002.61, or s. 1002.88* ~~be licensed~~*. Each licensed or registered family day care home must conspicuously display its license or registration in the common area of the home.*

(a) If not subject to license, *a* family day care *home must comply with this section and* ~~homes shall~~ register annually with the department, providing the following information:

1. The name and address of the home.

2. The name of the operator.

3. The number of children served.

4. Proof of a written plan to *identify a* ~~provide at least one other~~ competent adult *who has met the screening and training requirements of the department to serve as a designated* ~~to be available to~~ substitute for the operator ~~in an emergency~~. This plan *must* ~~shall~~ include the name, address, and telephone number of the designated substitute *who will serve in the absence of the operator*.

~~5. Proof of screening and background checks.~~

~~6. Proof of successful completion of the 30-hour training course, as evidenced by passage of a competency examination, which shall include:~~

~~a. State and local rules and regulations that govern child care.~~

~~b. Health, safety, and nutrition.~~

~~c. Identifying and reporting child abuse and neglect.~~

~~d. Child development, including typical and atypical language development; and cognitive, motor, social, and self-help skills development.~~

~~e. Observation of developmental behaviors, including using a checklist or other similar observation tools and techniques to determine a child's developmental level.~~

~~f. Specialized areas, including early literacy and language development of children from birth to 5 years of age, as determined by the department, for owner-operators of family day care homes.~~

5.~~7.~~ Proof that immunization records are kept current.

~~8. Proof of completion of the required continuing education units or clock hours.~~

Upon receipt of registration information submitted by a family day care home pursuant to this paragraph, the department shall verify that the home is in compliance with the background screening requirements in subsection (3) and that the operator and the designated substitute are in compliance with applicable training requirements of subsection (4).

(b) A family day care home may volunteer to be licensed ~~under this act~~.

(c) The department may provide technical assistance to counties and *operators of* family day care *homes* ~~home providers~~ to enable counties and *operators* ~~family day care providers~~ to achieve compliance with family day care *home* ~~homes~~ standards.

(2) This information shall be included in a directory to be published annually by the department to inform the public of available child care facilities.

(3) Child care personnel in family day care homes *are* ~~shall be~~ subject to the applicable screening provisions contained in ss. 402.305(2) and 402.3055. For purposes of screening in family day care homes, the term *"child care personnel"* includes *the operator, the designated substitute,* any member over the age of 12 years of a family day care home operator's

family, or persons over the age of 12 years residing with the operator in the family day care home. Members of the operator's family, or persons residing with the operator, who are between the ages of 12 years and 18 years *may* ~~shall~~ not be required to be fingerprinted~~,~~ but shall be screened for delinquency records.

(4)*(a) Before licensure and before caring for children,* operators of family day care homes *and an individual serving as a substitute for the operator who works 40 hours or more per month on average* must*:*

1. Successfully complete an approved 30-clock-hour introductory course in child care, as evidenced by passage of a competency examination~~, before caring for children~~. *The course must include:*

a. State and local rules and regulations that govern child care.

b. Health, safety, and nutrition.

c. Identifying and reporting child abuse and neglect.

d. Child development, including typical and atypical language development, and cognitive, motor, social, and executive functioning skills development.

e. Observation of developmental behaviors, including using a checklist or other similar observation tools and techniques to determine a child's developmental level.

f. Specialized areas, including numeracy, early literacy, and language development of children from birth to 5 years of age, as determined by the department, for operators of family day care homes.

~~(5) In order to further develop their child care skills and, if appropriate, their administrative skills, operators of family day care homes shall be required to complete an additional 1 continuing education unit of approved training or 10 clock hours of equivalent training, as determined by the department, annually.~~

2.~~(6)~~ ~~Operators of family day care homes shall be required to~~ Complete *a* 0.5 continuing education unit of approved training in *numeracy,* early literacy*,* and language development of children from birth to 5 years of age one time. *For an operator,* the year that this training is completed, it shall fulfill the 0.5 continuing education unit or 5 clock hours of the annual training required in *paragraph (c)* ~~subsection (5)~~.

3. Complete training in first aid and infant and child cardiopulmonary resuscitation as evidenced by current documentation of course completion.

(b) Before licensure and before caring for children, family day care home substitutes who work fewer than 40 hours per month on average must complete the department's 6-clock-hour Family Child Care Home Rules and Regulations training, as evidenced by successful completion of a competency examination and first aid and infant and child cardiopulmonary resuscitation training under subparagraph (a)3. A substitute who has successfully completed the 3-clock-hour Fundamentals of Child Care training established by rules of the department or the 30-clock-hour training under subparagraph (a)1. is not required to complete the 6-clock-hour Family Child Care Home Rules and Regulations training.

(c) Operators of family day care homes must annually complete an additional 1 continuing education unit of approved training regarding child care and administrative skills or 10 clock hours of equivalent training, as determined by the department.

(5)~~(7)~~ Operators of family day care homes *must* ~~shall be required~~ annually ~~to~~ complete a health and safety home inspection self-evaluation checklist developed by the department in conjunction with the statewide resource and referral program. The completed checklist shall be signed by the operator of the family day care home and provided to parents as certification that basic health and safety standards are being met.

(6)~~(8)~~ *Operators of* family day care *homes* ~~home operators~~ may avail themselves of supportive services offered by the department.

(7)~~(9)~~ The department shall prepare a brochure on family day care for distribution by the department and by local licensing agencies, if appropriate, to family day care homes for distribution to parents *using* ~~utilizing~~ such child care, and to all interested persons, including physicians and other health professionals; mental health professionals; school teachers or other school personnel; social workers or other professional child care, foster care, residential, or institutional workers; and law enforcement officers. The brochure shall, at a minimum, contain the following information:

(a) A brief description of the requirements for family day care registration, training, and *background* ~~fingerprinting and~~ screening.

(b) A listing of those counties that require licensure of family day care homes. Such counties shall provide an addendum to the brochure that provides a brief description of the licensure requirements or may provide a brochure in lieu of the one described in this subsection, provided it contains all the required information on licensure and the required information in the subsequent paragraphs.

(c) A statement indicating that information about the family day care home's compliance with applicable state or local requirements can be obtained *from* ~~by telephoning~~ the department ~~office~~ or ~~the office of~~ the local licensing agency*, including the*~~, if appropriate, at a~~ telephone number or numbers *and website address for the department or local licensing agency, as applicable* ~~which shall be affixed to the brochure~~.

(d) The statewide toll-free telephone number of the central abuse hotline, together with a notice that reports of suspected and actual child physical abuse, sexual abuse, and neglect are received and referred for investigation by the hotline.

(e) Any other information relating to competent child care that the department or local licensing agency, if preparing a separate brochure, *considers* ~~deems would be~~ helpful to parents and other caretakers in their selection of a family day care home.

(8)~~(10)~~ On an annual basis, the department shall evaluate the registration and licensure system for family day care homes. Such evaluation shall, at a minimum, address the following:

(a) The number of family day care homes registered and licensed and the dates of such registration and licensure.

(b) The number of children being served in both registered and licensed family day care homes and any available slots in such homes.

(c) The number of complaints received concerning family day care, the nature of the complaints, and the resolution of such complaints.

(d) The training activities *used* ~~utilized~~ by child care personnel in family day care homes for meeting the state or local training requirements.

The evaluation*, pursuant to this paragraph,* shall be *used* ~~utilized~~ by the department in any administrative modifications or adjustments to be made in the registration of family day care homes or in any legislative requests for modifications to the system of registration or to other requirements for family day care homes.

~~(11) In order to inform the public of the state requirement for registration of family day care homes as well as the other requirements for such homes to legally operate in the state, the department shall institute a media campaign to accomplish this end. Such a campaign shall include, at a minimum, flyers, newspaper advertisements, radio advertisements, and television advertisements.~~

(9)~~(12)~~ Notwithstanding any other state or local law or ordinance, any family day care home licensed pursuant to this chapter or pursuant to a county ordinance shall be charged the utility rates accorded to a residential home. A licensed family day care home may not be charged commercial utility rates.

(10)~~(13)~~ The department shall, by rule, establish minimum standards for family day care homes that are required to be licensed by county licensing ordinance or county licensing resolution or that voluntarily choose to be licensed. The standards should include requirements for staffing, training, maintenance of immunization records, minimum health and safety standards, reduced standards for the regulation of child care during evening hours by municipalities and counties, and enforcement of standards. *Additionally, the department shall, by rule, adopt procedures for verifying a registered family day care home's compliance with background screening and training requirements.*

(11)~~(14) During the months of August and September of each year,~~ Each family day care home shall provide parents of children *enrolling* ~~enrolled~~ in the home detailed information regarding the causes, symptoms, and transmission of the influenza virus in an effort to educate those parents regarding the importance of immunizing their children against influenza as recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention.

Section 11. Subsections (1), (3), (5), and (9) of section 402.3131, Florida Statutes, are amended, and subsection (10) is added to that section, to read:

402.3131 Large family child care homes.—

(1) *A* large family child care *home must* ~~homes shall~~ be licensed under this section *and conspicuously display its license in the common area of the home*.

(3) Operators of large family child care homes must successfully complete an approved 40-clock-hour introductory course in group child care, *including numeracy, early literacy, and language development of children from birth to 5 years of age,* as evidenced by passage of a competency examination. Successful completion of the 40-clock-hour introductory course shall articulate into community college credit in early childhood education, pursuant to ss. 1007.24 and 1007.25.

(5) Operators of large family child care homes shall be required to complete 0.5 continuing education unit of approved training or 5 clock hours of equivalent training, as determined by the department, in *numeracy,* early literacy, and language development of children from birth to 5 years of age one time. The year that this training is completed, it shall fulfill the 0.5 continuing education unit or 5 clock hours of the annual training required in subsection (4).

(9) ~~During the months of August and September of each year,~~ Each large family child care home shall provide parents of children *enrolling* ~~enrolled~~ in the home detailed information regarding the causes, symptoms, and transmission of the influenza virus in an effort to educate those parents regarding the importance of immunizing their children against influenza as recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention.

(10) Notwithstanding any other state or local law or ordinance, any large family child care home licensed under this chapter or under a county ordinance shall be charged the utility rates accorded to a residential home. Such a home may not be charged commercial utility rates.

Section 12. Subsections (4), (5), and (6) are added to section 402.316, Florida Statutes, to read:

402.316 Exemptions.—

(4) A child care facility operating under subsection (1) which is applying to operate or is operating as a provider of a program described in s. 1002.55, s. 1002.61, or s. 1002.88 must substantially comply with the minimum standards for child care facilities adopted pursuant to ss. 402.305-402.3057 and must allow the department or local licensing agency access to monitor and enforce compliance with such standards.

(a) The department or local licensing agency may pursue administrative or judicial action under ss. 402.310-402.312 and the rules adopted under those sections against any child care facility operating under this subsection to enforce substantial compliance with child care facility minimum standards or to protect the health, safety, and well-being of any children in the facility's care. A child care facility operating under this subsection is subject to ss. 402.310-402.312 and the rules adopted under those sections to the same extent as a child care facility licensed under ss. 402.301–402.319.

(b) It is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, for a person willfully, knowingly, or intentionally to:

1. Fail, by false statement, misrepresentation, impersonation, or other fraudulent means, to disclose in any required written documentation for exclusion from licensure pursuant to this section a material fact used in making a determination as to such exclusion; or

2. Use information from the criminal records obtained under s. 402.305 or s. 402.3055 for a purpose other than screening that person for employment as specified in those sections or to release such information to any other person for a purpose other than screening for employment as specified in those sections.

(c) It is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, for a person willfully, knowingly, or intentionally to use information from the juvenile records of a person obtained under s. 402.305 or s. 402.3055 for a purpose other than screening for employment as specified in those sections or to release information from such records to any other person for a purpose other than screening for employment as specified in those sections.

(5) The department shall establish a fee for inspection and compliance activities performed pursuant to this section in an amount sufficient to cover costs. However, the amount of such fee for the inspection of a program may not exceed the fee imposed for child care licensure pursuant to s. 402.315.

(6) The inclusion of a child care facility operating under subsection (1) as a provider of a program described in s. 1002.55, s. 1002.61, or s. 1002.88 does not expand the regulatory authority of the state, its officers, any local licensing agency, or any early learning coalition to impose any additional regulation of child care facilities beyond those reasonably necessary to enforce requirements expressly set forth in this section.

Section 13. Section 627.70161, Florida Statutes, is amended to read:

627.70161 *Residential property insurance coverage;* family day care *homes and large family child care homes* ~~insurance~~.—

(1) PURPOSE AND INTENT.—The Legislature recognizes that family day care homes *and large family child care homes* fulfill a vital role in providing child care in Florida. It is the intent of the Legislature that residential property insurance coverage should not be canceled, denied, or nonrenewed solely *because child* ~~on the basis of the family day~~ care services *are provided* at the residence. The Legislature also recognizes that the potential liability of residential property insurers is substantially increased by the rendition of child care services on the premises. The Legislature therefore finds that there is a public need to specify that contractual liabilities *associated* ~~that arise in connection~~ with the operation of *a* ~~the~~ family day care home *or large family child care home* are excluded from residential property insurance policies unless they are specifically included in such coverage.

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

(a) "Child care" means the care, protection, and supervision of a child, for a period *up to* ~~of less than~~ 24 hours a day on a regular basis, which supplements parental care, enrichment, and health supervision for the child, in accordance with his or her individual needs, and for which a payment, fee, or grant is made for care.

(b) "Family day care home" *has the same meaning as provided in s. 402.302(8)* ~~means an occupied residence in which child care is regularly provided for children from at least two unrelated families and which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for a profit~~.

(c) "Large family child care home" has the same meaning as provided in s. 402.302(11).

(3) *CHILD* ~~FAMILY DAY~~ CARE; COVERAGE.—A residential property insurance policy *may* ~~shall~~ not provide coverage for liability for claims arising out of, or in connection with, the operation of a family day care home *or large family child care home*, and the insurer shall be under no obligation to defend against lawsuits covering such claims, unless:

(a) Specifically covered in a policy; or

(b) Covered by a rider or endorsement for business coverage attached to a policy.

(4) DENIAL, CANCELLATION, REFUSAL TO RENEW PROHIBITED.—An insurer may not deny, cancel, or refuse to renew a policy for residential property insurance solely on the basis that the policyholder or applicant operates a family day care home *or large family child care home*. In addition to other lawful reasons for refusing to insure, an

insurer may deny, cancel, or refuse to renew a policy of a family day care home *or large family child care home* provider if one or more of the following conditions occur:

(a) The policyholder or applicant provides care for more children than authorized for family day care homes *or large family child care homes* by s. 402.302;

(b) The policyholder or applicant fails to maintain a separate commercial liability policy or an endorsement providing liability coverage for ~~the~~ family day care home *or large family child care home* operations;

(c) The policyholder or applicant fails to comply with the family day care home licensure and registration requirements specified in s. 402.313 *or the large family child care home licensure requirements specified in s. 402.3131*; or

(d) Discovery of willful or grossly negligent acts or omissions or any violations of state laws or regulations establishing safety standards for family day care homes *and large family child care homes* by the named insured or his or her representative which materially increase any of the risks insured.

Section 14. Subsections (7), (8), and (9) are added to section 1001.213, Florida Statutes, to read:

1001.213 Office of Early Learning.—There is created within the Office of Independent Education and Parental Choice the Office of Early Learning, as required under s. 20.15, which shall be administered by an executive director. The office shall be fully accountable to the Commissioner of Education but shall:

(7) Hire a general counsel who reports directly to the executive director of the office.

(8) Hire an inspector general who reports directly to the executive director of the office and to the Chief Inspector General pursuant to s. 14.32.

(9) By July 1, 2016, develop and implement, in consultation with early learning coalitions and providers of the Voluntary Prekindergarten Education Program and the school readiness program, best practices for providing parental notifications in the parent's native language to a parent whose native language is a language other than English.

And the title is amended as follows:

Delete lines 2-48 and insert: An act relating to education; providing a directive to the Division of Law Revision and Information; changing the term "family day care home" to "family child care home" and the term "family day care" to "family child care"; amending ss. 125.0109 and 166.0445, F.S.; including large family child care homes in local zoning regulation requirements; amending s. 402.302, F.S.; revising the definition of the term "substantial compliance"; requiring the Department of Children and Families to adopt rules for compliance by certain programs not licensed by the department; amending s. 402.3025, F.S.; providing requirements for nonpublic schools delivering certain voluntary prekindergarten education programs and school readiness programs; amending s. 402.305, F.S.; revising certain minimum standards for child care facilities; creating s. 402.3085, F.S.; requiring nonpublic schools or providers seeking to operate certain programs to annually obtain a certificate from the department or a local licensing agency; providing for issuance of the certificate upon examination of the applicant's premises and records; prohibiting a provider from participating in the programs without a certificate; authorizing local licensing agencies to apply their own minimum child care standards under certain circumstances; amending s. 402.311, F.S.; providing for the inspection of programs regulated by the department; amending s. 402.3115, F.S.; providing for abbreviated inspections of specified child care and day care homes; requiring the department to adopt rules; amending s. 402.313, F.S.; revising provisions for licensure, registration, and operation of family day care homes; amending s. 402.3131, F.S.; revising requirements for large family child care homes; amending s. 402.316, F.S., relating to exemptions from child care facility licensing standards; requiring a child care facility operating as a provider of certain voluntary prekindergarten education programs or child care programs to comply with minimum standards; providing penalties for failure to disclose or for use of certain information; requiring the department to establish a fee for inspection and compliance activities; amending s. 627.70161, F.S.; revising restrictions on residential property insurance coverage to include coverage for large family child care homes; amending s. 1001.213, F.S.; providing additional duties of the Office of Early Learning;

Senator Legg moved the following amendments which were adopted:

Amendment 2 (361654) (with title amendment)—Delete lines 895-1437 and insert:

Section 15. Subsection (4) of section 1002.53, Florida Statutes, is amended to read:

1002.53 Voluntary Prekindergarten Education Program; eligibility and enrollment.—

(4)(a) Each parent enrolling a child in the Voluntary Prekindergarten Education Program must complete and submit an application to the early learning coalition through the single point of entry established under s. 1002.82 *or to a private prekindergarten provider if the provider is authorized by the early learning coalition to determine student eligibility for enrollment in the program*.

(b) The application must be submitted on forms prescribed by the Office of Early Learning and must be accompanied by a certified copy of the child's birth certificate. The forms must include a certification, in substantially the form provided in s. 1002.71(6)(b)2., that the parent chooses the private prekindergarten provider or public school in accordance with this section and directs that payments for the program be made to the provider or school. The Office of Early Learning may authorize alternative methods for submitting proof of the child's age in lieu of a certified copy of the child's birth certificate.

(c) If a private prekindergarten provider has been authorized to determine child eligibility and enrollment, upon receipt of an application, the provider must:

1. Determine the child's eligibility for the program and be responsible for any errors in such determination.

2. Retain the original application and certified copy of the child's birth certificate or authorized alternative proof of age on file for at least 5 years.

Pursuant to this paragraph, the early learning coalition may audit applications held by a private prekindergarten provider in the coalition's service area to determine whether children enrolled and reported for funding by the provider have met the eligibility criteria in subsection (2).

(d)~~(c)~~ Each early learning coalition shall coordinate with each of the school districts within the coalition's county or multicounty region in the development of procedures for enrolling children in prekindergarten programs delivered by public schools*, including procedures for making child eligibility determinations and auditing enrollment records to confirm that enrolled children have met eligibility requirements*.

Section 16. Section 1002.55, Florida Statutes, is amended to read:

1002.55 School-year prekindergarten program delivered by private prekindergarten providers.—

(1) Each early learning coalition shall administer the Voluntary Prekindergarten Education Program at the county or regional level for students enrolled under s. 1002.53(3)(a) in a school-year prekindergarten program delivered by a private prekindergarten provider. *Each early learning coalition shall cooperate with the Office of Early Learning and the Child Care Services Program Office of the Department of Children and Families to reduce paperwork and to avoid duplicating interagency activities, health and safety monitoring, and acquiring and composing data pertaining to child care training and credentialing.*

(2) Each school-year prekindergarten program delivered by a private prekindergarten provider must comprise at least 540 instructional hours.

(3) To be eligible to deliver the prekindergarten program, a private prekindergarten provider must meet each of the following requirements:

~~(a) The private prekindergarten provider must be a child care facility licensed under s. 402.305, family day care home licensed under s. 402.313, large family child care home licensed under s. 402.3131, nonpublic school exempt from licensure under s. 402.3025(2), or faith based child care provider exempt from licensure under s. 402.316.~~

(a)~~(b)~~ The private prekindergarten provider must:

1. Be accredited by an accrediting association that is a member of the National Council for Private School Accreditation, or the Florida Association of Academic Nonpublic Schools, or be accredited by the Southern Association of Colleges and Schools, or Western Association of Colleges and Schools, or North Central Association of Colleges and Schools, or Middle States Association of Colleges and Schools, or New England Association of Colleges and Schools; and have written accreditation standards that meet or exceed the state's licensing requirements under s. 402.305, s. 402.313, or s. 402.3131 and require at least one onsite visit to the provider or school before accreditation is granted;

2. Hold a current Gold Seal Quality Care designation under s. 402.281; ~~or~~

3. Be licensed under s. 402.305, s. 402.313, or s. 402.3131*; or*

4. Be a child development center located on a military installation that is certified by the United States Department of Defense.

(b) The private prekindergarten provider must provide basic health and safety on its premises and in its facilities. For a public school, compliance with ss. 1003.22 and 1013.12 satisfies this requirement. For a nonpublic school, compliance with s. 402.3025(2)(d) satisfies this requirement. For a child care facility, a licensed family day care home, or a large family child care home, compliance with s. 402.305, s. 402.313, or s. 402.3131, respectively, satisfies this requirement. For a facility exempt from licensure, compliance with s. 402.316(4) satisfies this requirement ~~and demonstrate, before delivering the Voluntary Prekindergarten Education Program, as verified by the early learning coalition, that the provider meets each of the requirements of the program under this part, including, but not limited to, the requirements for credentials and background screenings of prekindergarten instructors under paragraphs (c) and (d), minimum and maximum class sizes under paragraph (f), prekindergarten director credentials under paragraph (g), and a developmentally appropriate curriculum under s. 1002.67(2)(b)~~.

(c) The private prekindergarten provider must have, for each prekindergarten class of 11 children or fewer, at least one prekindergarten instructor who meets each of the following requirements:

1. The prekindergarten instructor must hold, at a minimum, one of the following credentials:

a. A child development associate credential issued by the National Credentialing Program of the Council for Professional Recognition; ~~or~~

b. A credential approved by the Department of Children and Families*, pursuant to s. 402.305(3)(c),* as being equivalent to or greater than the credential described in sub-subparagraph a.*;*

c. An associate or higher degree in child development;

d. An associate or higher degree in an unrelated field, at least 6 credit hours in early childhood education or child development, and at least 480 hours of experience in teaching or providing child care services for children any age from birth through 8 years of age;

e. A baccalaureate or higher degree in early childhood education, prekindergarten or primary education, preschool education, or family and consumer science;

f. A baccalaureate or higher degree in family and child science and at least 480 hours of experience in teaching or providing child care services for children any age from birth through 8 years of age;

g. A baccalaureate or higher degree in elementary education if the prekindergarten instructor has been certified to teach children of any age from birth through grade 6, regardless of whether the instructor's educator certificate is current, and if the instructor is not ineligible to teach in a public school because his or her educator certificate is suspended or revoked; or

h. A credential approved by the department as being equivalent to or greater than a credential described in sub-subparagraphs a.-f. The department may adopt criteria and procedures for approving such equivalent credentials.

~~The Department of Children and Families may adopt rules under ss. 120.536(1) and 120.54 which provide criteria and procedures for approving equivalent credentials under sub-subparagraph b.~~

2. The prekindergarten instructor must successfully complete an emergent literacy training course and a student performance standards training course approved by the office as meeting or exceeding the minimum standards adopted under s. 1002.59. The requirement for completion of the standards training course shall take effect July 1, *2015* ~~2014~~, and the course shall be available online.

(d) Each prekindergarten instructor employed by the private prekindergarten provider must be of good moral character, must *undergo background screening pursuant to s. 402.305(2)(a)* ~~be screened using the level 2 screening standards in s. 435.04~~ before employment*, must be* ~~and~~ rescreened at least once every 5 years, must be denied employment or terminated if required under s. 435.06, and must not be ineligible to teach in a public school because his or her educator certificate is suspended or revoked.

(e) A private prekindergarten provider may assign a substitute instructor to temporarily replace a credentialed instructor if the credentialed instructor assigned to a prekindergarten class is absent, as long as the substitute instructor *meets the requirements of paragraph (d)* ~~is of good moral character and has been screened before employment in accordance with level 2 background screening requirements in chapter 435~~. The Office of Early Learning shall adopt rules to implement this paragraph which shall include required qualifications of substitute instructors and the circumstances and time limits for which a private prekindergarten provider may assign a substitute instructor.

(f) Each of the private prekindergarten provider's prekindergarten classes must be composed of at least 4 students but may not exceed 20 students. In order to protect the health and safety of students, each private prekindergarten provider must also provide appropriate adult supervision for students at all times and, for each prekindergarten class composed of 12 or more students, must have, in addition to a prekindergarten instructor who meets the requirements of paragraph (c), at least one adult prekindergarten instructor who is not required to meet those requirements but who must meet each requirement of *s. 402.305(2)* ~~paragraph (d)~~. This paragraph does not supersede any requirement imposed on a provider under ss. 402.301-402.319.

(g) The private prekindergarten provider must have a prekindergarten director who has a prekindergarten director credential that is approved by the office as meeting or exceeding the minimum standards adopted under s. 1002.57. Successful completion of a child care facility director credential under s. 402.305(2)(f) before the establishment of the prekindergarten director credential under s. 1002.57 or July 1, 2006, whichever occurs later, satisfies the requirement for a prekindergarten director credential under this paragraph.

(h) The private prekindergarten provider must register with the early learning coalition on forms prescribed by the Office of Early Learning.

(i) The private prekindergarten provider must execute the statewide provider contract prescribed under s. 1002.75, except that an individual who owns or operates multiple private prekindergarten providers within a coalition's service area may execute a single agreement with the coalition on behalf of each provider.

(j) The private prekindergarten provider must maintain general liability insurance and provide the coalition with written evidence of general liability insurance coverage, including coverage for transportation of children if prekindergarten students are transported by the provider. A provider must obtain and retain an insurance policy that provides a minimum of $100,000 of coverage per occurrence and a minimum of $300,000 general aggregate coverage. The office may authorize lower limits upon request, as appropriate. A provider must add the coalition as a named certificateholder ~~and as an additional insured~~. A provider must provide the coalition with a minimum of 10 calendar days' advance written notice of cancellation of or changes to coverage.

The general liability insurance required by this paragraph must remain in full force and effect for the entire period of the provider contract with the coalition.

(k) The private prekindergarten provider must obtain and maintain any required workers' compensation insurance under chapter 440 and any required reemployment assistance or unemployment compensation coverage under chapter 443*, unless exempt under state or federal law*.

(l) Notwithstanding paragraph (j), for a private prekindergarten provider that is a state agency or a subdivision thereof, as defined in s. 768.28(2), the provider must agree to notify the coalition of any additional liability coverage maintained by the provider in addition to that otherwise established under s. 768.28. The provider shall indemnify the coalition to the extent permitted by s. 768.28.

(m) The private prekindergarten provider shall be denied initial eligibility to offer the program if the provider has been cited for a class I violation in the 12 months before seeking eligibility and the Office of Early Learning determines that denial of initial eligibility is appropriate after a review of the violation and the provider's licensure history. The Office of Early Learning shall establish a procedure of due process which ensures each provider the opportunity to appeal such a denial of initial eligibility to offer the program. The decision of the Office of Early Learning is not subject to the provisions of the Administrative Procedure Act, chapter 120.

(n)~~(m)~~ The private prekindergarten provider must deliver the Voluntary Prekindergarten Education Program in accordance with this part *and have child disciplinary policies that prohibit children from being subjected to discipline that is severe, humiliating, frightening, or associated with food, rest, toileting, spanking, or any other form of physical punishment as provided in s. 402.305(12)*.

(o) Beginning January 1, 2015, at least 50 percent of the instructors employed by a prekindergarten provider at each location, who are responsible for supervising children in care, must be trained in first aid and infant and child cardiopulmonary resuscitation, as evidenced by current documentation of course completion. As a condition of employment, instructors hired on or after January 1, 2015, must complete this training within 60 days after employment.

(p) Beginning January 1, 2016, the private prekindergarten provider must employ child care personnel who hold a high school diploma or its equivalent and are at least 18 years of age, unless the personnel are not responsible for supervising children in care or are under direct supervision and are not counted for the purposes of computing the personnel-to-child ratio.

~~(4) A prekindergarten instructor, in lieu of the minimum credentials and courses required under paragraph (3)(c), may hold one of the following educational credentials:~~

~~(a) A bachelor's or higher degree in early childhood education, prekindergarten or primary education, preschool education, or family and consumer science;~~

~~(b) A bachelor's or higher degree in elementary education, if the prekindergarten instructor has been certified to teach children any age from birth through 6th grade, regardless of whether the instructor's educator certificate is current, and if the instructor is not ineligible to teach in a public school because his or her educator certificate is suspended or revoked;~~

~~(c) An associate's or higher degree in child development;~~

~~(d) An associate's or higher degree in an unrelated field, at least 6 credit hours in early childhood education or child development, and at least 480 hours of experience in teaching or providing child care services for children any age from birth through 8 years of age; or~~

~~(e) An educational credential approved by the department as being equivalent to or greater than an educational credential described in this subsection. The department may adopt criteria and procedures for approving equivalent educational credentials under this paragraph.~~

~~(5) Notwithstanding paragraph (3)(b), a private prekindergarten provider may not participate in the Voluntary Prekindergarten Education Program if the provider has child disciplinary policies that do not prohibit children from being subjected to discipline that is severe, humiliating, frightening, or associated with food, rest, toileting, spanking, or any other form of physical punishment as provided in s. 402.305(12).~~

Section 17. Subsection (1) of section 1002.59, Florida Statutes, is amended to read:

1002.59 Emergent literacy and performance standards training courses.—

(1) The office shall adopt minimum standards for one or more training courses in emergent literacy for prekindergarten instructors. Each course must comprise 5 clock hours and provide instruction in strategies and techniques to address the age-appropriate progress of prekindergarten students in developing emergent literacy skills, including oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development. Each course must also provide resources containing strategies that allow students with disabilities and other special needs to derive maximum benefit from the Voluntary Prekindergarten Education Program. Successful completion of an emergent literacy training course approved under this section satisfies requirements for approved training in early literacy and language development under ss. 402.305(2)(d)5., *402.313(4)(c)* ~~402.313(6)~~, and 402.3131(5).

Section 18. Subsections (4) through (7) of section 1002.61, Florida Statutes, are amended to read:

1002.61 Summer prekindergarten program delivered by public schools and private prekindergarten providers.—

(4) ~~Notwithstanding ss. 1002.55(3)(c)1. and 1002.63(4),~~ Each public school and private prekindergarten provider *that delivers the summer prekindergarten program* must have, for each prekindergarten class, at least one prekindergarten instructor who is a certified teacher or holds one of the educational credentials specified in s. *1002.55(3)(c)1.e.-h.* ~~1002.55(4)(a) or (b).~~ As used in this subsection, the term "certified teacher" means a teacher holding a valid Florida educator certificate under s. 1012.56 who has the qualifications required by the district school board to instruct students in the summer prekindergarten program. In selecting instructional staff for the summer prekindergarten program, each school district shall give priority to teachers who have experience or coursework in early childhood education.

(5) Each prekindergarten instructor employed by a ~~public school or~~ private prekindergarten provider delivering the summer prekindergarten program must be of good moral character, must *undergo background screening pursuant to s. 402.305(2)(a)* ~~be screened using the level 2 screening standards in s. 435.04~~ before employment*, must be* ~~and~~ rescreened at least once every 5 years, *and* must be denied employment or terminated if required under s. 435.06*. Each prekindergarten instructor employed by a public school delivering the summer prekindergarten program*~~, and~~ must *satisfy the* ~~not be ineligible to teach in a public school because his or her educator certificate is suspended or revoked. This subsection does not supersede~~ employment requirements for instructional personnel in public schools *as provided in s. 1012.32* ~~which are more stringent than the requirements of this subsection~~.

(6) A public school or private prekindergarten provider may assign a substitute instructor to temporarily replace a credentialed instructor if the credentialed instructor assigned to a prekindergarten class is absent, as long as the substitute instructor *meets the requirements of subsection (5)* ~~is of good moral character and has been screened before employment in accordance with level 2 background screening requirements in chapter 435~~. ~~This subsection does not supersede employment requirements for instructional personnel in public schools which are more stringent than the requirements of this subsection.~~ The Office of Early Learning shall adopt rules to implement this subsection which *must* ~~shall~~ include required qualifications of substitute instructors and the circumstances and time limits for which a public school or private prekindergarten provider may assign a substitute instructor.

(7) Notwithstanding ss. *1002.55(3)(e)* ~~1002.55(3)(f)~~ and 1002.63(7), each prekindergarten class in the summer prekindergarten program, regardless of whether the class is a public school's or private prekindergarten provider's class, must be composed of at least 4 students but may not exceed 12 students ~~beginning with the 2009 summer session~~. In order to protect the health and safety of students, each public school or private prekindergarten provider must also provide appro-

priate adult supervision for students at all times. This subsection does not supersede any requirement imposed on a provider under ss. 402.301-402.319.

Section 19. Subsections (5) and (6) of section 1002.63, Florida Statutes, are amended to read:

1002.63 School-year prekindergarten program delivered by public schools.—

(5) Each prekindergarten instructor employed by a public school delivering the school-year prekindergarten program must *satisfy the* ~~be of good moral character, must be screened using the level 2 screening standards in s. 435.04 before employment and rescreened at least once every 5 years, must be denied employment or terminated if required under s. 435.06, and must not be ineligible to teach in a public school because his or her educator certificate is suspended or revoked. This subsection does not supersede~~ employment requirements for instructional personnel in public schools *as provided in s. 1012.32* ~~which are more stringent than the requirements of this subsection~~.

(6) A public school prekindergarten provider may assign a substitute instructor to temporarily replace a credentialed instructor if the credentialed instructor assigned to a prekindergarten class is absent, as long as the substitute instructor *meets the requirements of subsection (5)* ~~is of good moral character and has been screened before employment in accordance with level 2 background screening requirements in chapter 435. This subsection does not supersede employment requirements for instructional personnel in public schools which are more stringent than the requirements of this subsection~~. The Office of Early Learning shall adopt rules to implement this subsection which *must* ~~shall~~ include required qualifications of substitute instructors and the circumstances and time limits for which a public school prekindergarten provider may assign a substitute instructor.

Section 20. Paragraph (a) of subsection (6) of section 1002.71, Florida Statutes, is amended to read:

1002.71 Funding; financial and attendance reporting.—

(6)(a) Each parent enrolling his or her child in the Voluntary Prekindergarten Education Program must agree to comply with the attendance policy of the private prekindergarten provider or district school board, as applicable. Upon enrollment of the child, the private prekindergarten provider or public school, as applicable, must provide the child's parent with *program information, including, but not limited to, child development, expectations for parent engagement, the daily schedule, and the* ~~a copy of the provider's or school district's~~ attendance policy, *which must include procedures for contacting a parent on the second consecutive day a child is absent for which the reason is unknown* ~~as applicable~~.

Section 21. Subsection (1) of section 1002.75, Florida Statutes, is amended to read:

1002.75 Office of Early Learning; powers and duties.—

(1) The Office of Early Learning shall adopt by rule a standard statewide provider contract to be used with each Voluntary Prekindergarten Education Program provider, with standardized attachments by provider type. The office shall publish a copy of the standard statewide provider contract on its website. The standard statewide contract *must* ~~shall~~ include, at a minimum, provisions *that:*

(a) Govern ~~for~~ provider probation, termination for cause, and emergency termination for those actions or inactions of a provider that pose an immediate and serious danger to the health, safety, or welfare of children. The standard statewide contract *must* ~~shall~~ also include appropriate due process procedures. During the pendency of an appeal of a termination, the provider may not continue to offer its services.

(b) Require each private prekindergarten provider to conspicuously post violations on the premises, pursuant to s. 402.3125(1)(b), and to post class I and class II violations, as defined by rules of the Department of Children and Families, which result in disciplinary action, on the provider's Internet website, if available. Such postings must use simple language to describe each violation with specificity and include a copy of the citation and the contact information of the Department of Children and Families or the local licensing agency from which the parent may obtain additional information regarding the citation. The provider must post such violations within 24 hours after receipt of the citation. Additionally, such provider shall post each inspection report on the premises in an area visible to parents, which report must remain posted until the next inspection report is available.

(c) Specify that child care personnel employed by the provider who are responsible for supervising children in care must be trained in developmentally appropriate practices aligned to the age and needs of children over which the personnel are assigned supervision duties. This requirement is met by the completion of developmentally appropriate practice courses administered by the Department of Children and Families under s. 402.305(2)(d)1. within 30 days after being assigned such children if the child care personnel has not previously completed the training.

Any provision imposed upon a provider that is inconsistent with, or prohibited by, law is void and unenforceable.

Section 22. Subsections (1), (3), and (5) of section 1002.77, Florida Statutes, are amended to read:

1002.77 Florida Early Learning Advisory Council.—

(1) There is created the Florida Early Learning Advisory Council within the Office of Early Learning. The purpose of the advisory council is to *provide written input* ~~submit recommendations~~ to the *executive director* ~~office~~ on early learning best practices, including ~~recommendations relating to the most~~ effective *program* administration*;* ~~of the Voluntary Prekindergarten Education Program under this part and the school readiness program under part VI of this chapter. The advisory council shall periodically analyze and provide recommendations to the office on the~~ effective and efficient use of local, state, and federal funds; ~~the content of~~ professional development training programs; and ~~best practices for the development and implementation of~~ coalition plans pursuant to s. 1002.85.

(3) The advisory council shall meet at least quarterly *upon the call of the executive director* ~~but may meet as often as necessary to carry out its duties and responsibilities~~. The *executive director is encouraged to* ~~advisory council may~~ use *communications media technology* ~~any method of telecommunications~~ to conduct meetings *in accordance with s. 120.54(5)(b)*~~, including establishing a quorum through telecommunications, only if the public is given proper notice of a telecommunications meeting and reasonable access to observe and, when appropriate, participate~~.

(5) The Office of Early Learning shall provide staff and administrative support for the advisory council *as determined by the executive director*.

And the title is amended as follows:

Delete lines 49-69 and insert: amending s. 1002.53, F.S.; revising requirements for application and determination of eligibility to enroll in the Voluntary Prekindergarten (VPK) Education Program; amending s. 1002.55, F.S.; revising requirements for a school-year prekindergarten program delivered by a private prekindergarten provider, including requirements for providers, instructors, and child care personnel; providing requirements in the case of provider violations; amending s. 1002.59, F.S.; correcting a cross-reference; amending ss. 1002.61 and 1002.63, F.S.; revising employment requirements and educational credentials of certain instructional personnel; amending s. 1002.71, F.S.; revising information that must be reported to parents; amending s. 1002.75, F.S.; revising provisions included in the standard statewide VPK program provider contract; amending s. 1002.77, F.S.; revising the purpose and meetings of the Florida Early Learning Advisory Council; amending s. 1002.81, F.S.;

Amendment 3 (143520) (with title amendment)—Delete lines 1438-2037 and insert:

Section 23. Paragraph (f) of subsection (1) and subsections (8) and (16) of section 1002.81, Florida Statutes, are amended to read:

1002.81 Definitions.—Consistent with the requirements of 45 C.F.R. parts 98 and 99 and as used in this part, the term:

(1) "At-risk child" means:

(f) A child in the custody of a parent who is considered homeless as verified by a *designated lead agency on the homeless assistance continuum of care established under ss. 420.622-420.624* ~~Department of Children and Families certified homeless shelter~~.

(8) "Family income" means the combined gross income, whether earned or unearned, that is derived from any source by all family or household members who are 18 years of age or older who are currently residing together in the same dwelling unit. The term does not include*:*

(a) Income earned by a currently enrolled high school student who, since attaining the age of 18 years, or a student with a disability who, since attaining the age of 22 years, has not terminated school enrollment or received a high school diploma, high school equivalency diploma, special diploma, or certificate of high school completion.

(b) Income earned by a teen parent residing in the same residence as a separate family unit.

(c) Selected items from the state's Child Care and Development Fund Plan, such as ~~The term also does not include~~ food stamp benefits*, documented child support and alimony payments paid out of the home,* or federal housing assistance payments issued directly to a landlord or the associated utilities expenses.

(16) "Working family" means:

(a) A single-parent family in which the parent with whom the child resides is employed or engaged in eligible work or education activities for at least 20 hours per week *or is exempt from work requirements due to age or disability, as determined and documented by a physician licensed under chapter 458 or chapter 459*;

(b) A two-parent family in which both parents with whom the child resides are employed or engaged in eligible work or education activities for a combined total of at least 40 hours per week; ~~or~~

(c) A two-parent family in which one of the parents with whom the child resides is exempt from work requirements due to age or disability, as determined and documented by a physician licensed under chapter 458 or chapter 459, and one parent is employed or engaged in eligible work or education activities at least 20 hours per week*; or*

(d) A two-parent family in which both of the parents with whom the child resides are exempt from work requirements due to age or disability, as determined and documented by a physician licensed under chapter 458 or chapter 459.

Section 24. Paragraphs (b), (j), (m), and (p) of subsection (2) of section 1002.82, Florida Statutes, are amended to read:

1002.82 Office of Early Learning; powers and duties.—

(2) The office shall:

(b) Preserve parental choice by permitting parents to choose from a variety of child care categories *authorized in s. 1002.88(1)(a)*~~, including center-based care, family child care, and informal child care~~ to the extent authorized in the state's Child Care and Development Fund Plan as approved by the United States Department of Health and Human Services pursuant to 45 C.F.R. s. 98.18. Care and curriculum by a faith-based provider may not be limited or excluded in any of these categories.

(j) Develop and adopt standards and benchmarks that address the age-appropriate progress of children in the development of school readiness skills. The standards for children from birth to 5 years of age in the school readiness program must be aligned with the performance standards adopted for children in the Voluntary Prekindergarten Education Program and must address the following domains:

1. Approaches to learning.

2. Cognitive development and general knowledge.

3. Numeracy, language, and communication.

4. Physical development.

5. Self-regulation.

By July 1, 2015, the Office of Early Learning shall develop and implement an online training course on the performance standards for school readiness program provider personnel pursuant to this paragraph.

(m) Adopt by rule a standard statewide provider contract to be used with each school readiness program provider, with standardized attachments by provider type. The office shall publish a copy of the standard statewide provider contract on its website. The standard statewide contract *must* ~~shall~~ include, at a minimum, provisions *that:*

1. Govern ~~for~~ provider probation, termination for cause, and emergency termination for those actions or inactions of a provider that pose an immediate and serious danger to the health, safety, or welfare of the children. The standard statewide provider contract *must* ~~shall~~ also include appropriate due process procedures. During the pendency of an appeal of a termination, the provider may not continue to offer its services.

2. Require each provider that is eligible to provide the program pursuant to s. 1002.88(1)(a) to conspicuously post violations, in an area visible to parents, on the premises, pursuant to s. 402.3125(1)(b), and to post class I and class II violations, as defined by rule of the Department of Children and Families, which result in disciplinary action, on the provider's Internet website, if available. Such postings must use simple language to describe each violation with specificity and include a copy of the citation and the contact information of the Department of Children and Families or the local licensing agency from which the parent may obtain additional information regarding the citation. The provider must post such violations within 24 hours after receipt of the citation. Additionally, such provider shall post each inspection report on the premises in an area visible to parents, which report must remain posted until the next inspection report is available.

3. Specify that child care personnel employed by the provider who are responsible for supervising children in care must be trained in developmentally appropriate practices aligned to the age and needs of children over which the personnel are assigned supervision duties. This requirement is met by completion of developmentally appropriate practice courses administered by the Department of Children and Families under s. 402.305(2)(d)1. within 30 days after being assigned such children if the child care personnel has not previously completed the training.

4. Require child care personnel who are employed by the provider to complete an online training course on the performance standards adopted pursuant to paragraph (j).

Any provision imposed upon a provider that is inconsistent with, or prohibited by, law is void and unenforceable.

(p) Monitor and evaluate the performance of each early learning coalition in administering the school readiness program *and the Voluntary Prekindergarten Education Program*, ensuring proper payments for school readiness program *and Voluntary Prekindergarten Education Program* services, *and* implementing the coalition's school readiness program plan~~, and administering the Voluntary Prekindergarten Education Program~~. These monitoring and performance evaluations must include, at a minimum, onsite monitoring of each coalition's finances, management, operations, and programs.

Section 25. Subsections (8) and (20) of section 1002.84, Florida Statutes, are amended to read:

1002.84 Early learning coalitions; school readiness powers and duties.—Each early learning coalition shall:

(8) Establish a parent sliding fee scale that requires a parent copayment to participate in the school readiness program. Providers are required to collect the parent's copayment. A coalition may, on a case-by-case basis, waive the copayment for an at-risk child or temporarily waive the copayment for a child whose *family's income is at or below the federal poverty level and* ~~family~~ experiences a natural disaster or an event that limits the parent's ability to pay, such as incarceration, placement in residential treatment, ~~or becoming homeless,~~ or an emergency situation such as a household fire or burglary, or while the parent is participating in parenting classes. A parent may not transfer school readiness program services to another school readiness program provider until the parent has submitted documentation from the current school readiness

program provider to the early learning coalition stating that the parent has satisfactorily fulfilled the copayment obligation.

(20) To increase transparency and accountability, comply with ~~the requirements of~~ this section before contracting with a member of the coalition*, an employee of the coalition,* or a relative, as defined in *s. 112.3143(1)* ~~s. 112.3143(1)(b)~~, of a coalition member or of an employee of the coalition. Such contracts may not be executed without the approval of the office. Such contracts, as well as documentation demonstrating adherence to this section by the coalition, must be approved by a two-thirds vote of the coalition, a quorum having been established; all conflicts of interest must be disclosed before the vote; and any member who may benefit from the contract, or whose relative may benefit from the contract, must abstain from the vote. A contract under $25,000 between an early learning coalition and a member of that coalition or between a relative, as defined in *s. 112.3143(1)* ~~s. 112.3143(1)(b)~~, of a coalition member or of an employee of the coalition is not required to have the prior approval of the office but must be approved by a two-thirds vote of the coalition, a quorum having been established, and must be reported to the office within 30 days after approval. If a contract cannot be approved by the office, a review of the decision to disapprove the contract may be requested by the early learning coalition or other parties to the disapproved contract.

Section 26. Paragraphs (c) and (h) of subsection (1) and subsections (6) through (8) of section 1002.87, Florida Statutes, are amended to read:

1002.87 School readiness program; eligibility and enrollment.—

(1) Effective August 1, 2013, or upon reevaluation of eligibility for children currently served, whichever is later, each early learning coalition shall give priority for participation in the school readiness program as follows:

(c) Priority shall be given next to a child from birth to the beginning of the school year for which the child is eligible for admission to kindergarten in a public school under s. 1003.21(1)(a)2. who is from a working family that is economically disadvantaged, and may include such child's eligible siblings, beginning with the school year in which the sibling is eligible for admission to kindergarten in a public school under s. 1003.21(1)(a)2. until the beginning of the school year in which the sibling *enters* ~~is eligible to begin~~ 6th grade, provided that the first priority for funding an eligible sibling is local revenues available to the coalition for funding direct services. However, a child eligible under this paragraph ceases to be eligible if his or her family income exceeds 200 percent of the federal poverty level.

(h) Priority shall be given next to a child who ~~has special needs,~~ has been determined eligible *as an infant or toddler from birth to 3 years of age with an individualized family support plan receiving early intervention services or* ~~as~~ a student with a disability *with*~~, has~~ a current individual education plan with a Florida school district~~, and is not younger than 3 years of age~~. A ~~special needs~~ child eligible under this paragraph remains eligible until the child is eligible for admission to kindergarten in a public school under s. 1003.21(1)(a)2.

(6) Eligibility for each child must be reevaluated annually. Upon reevaluation, a child may not continue to receive school readiness program services if he or she has ceased to be eligible under this section. *If a child no longer meets eligibility or program requirements, the coalition must immediately notify the child's parent and the provider that funding will end 2 weeks after the date on which the child was determined to be ineligible or when the current child care authorization expires, whichever occurs first.*

(7) If a coalition disenrolls children from the school readiness program *due to lack of funding or a change in eligibility priorities*, the coalition must disenroll the children in reverse order of the eligibility priorities listed in subsection (1) beginning with children from families with the highest family incomes. A notice of disenrollment must be sent to the parent and school readiness program provider at least 2 weeks before disenrollment *or the expiration of the current child care authorization, whichever occurs first,* to provide adequate time for the parent to arrange alternative care for the child. However, an at-risk child *receiving services from the Child Welfare Program Office of the Department of Children and Families* may not be disenrolled from the program without the written approval of the Child Welfare Program Office ~~of the Department of Children and Families~~ or the community-based lead agency.

(8) *If a child is absent from the program for 2 consecutive days without parental notification to the program of such absence, the school readiness program provider shall contact the parent and determine the cause for absence and expected date of return.* If a child is absent from the program for 5 consecutive days without parental notification to the program of such absence, the school readiness program provider shall report the absence to the early learning coalition for a determination of the need for continued care.

Section 27. Paragraphs (a) through (c) and (l) through (q) of subsection (1) of section 1002.88, Florida Statutes, are amended, present subsections (2) and (3) are renumbered as subsections (4) and (5), respectively, present subsection (2) is amended, and new subsections (2) and (3) are added to that section, to read:

1002.88 School readiness program provider standards; eligibility to deliver the school readiness program.—

(1) To be eligible to deliver the school readiness program, a school readiness program provider must:

(a)*1.* Be *a nonpublic school in substantial compliance with s. 402.3025(2)(d),* a child care facility licensed under s. 402.305, a family day care home licensed ~~or registered~~ under s. 402.313, a large family child care home licensed under s. 402.3131, *or a child care facility exempt from licensure operating under s. 402.316(4);*

2. Be an entity that is part of Florida's education system under s. 1000.04(1); ~~a public school or nonpublic school exempt from licensure under s. 402.3025, a faith-based child care provider exempt from licensure under s. 402.316, a before-school or after-school program described in s. 402.305(1)(c),~~ or

3. Be an informal child care provider to the extent authorized in the state's Child Care and Development Fund Plan as approved by the United States Department of Health and Human Services pursuant to 45 C.F.R. s. 98.18.

(b) Provide instruction and activities to enhance the age-appropriate progress of each child in attaining the child development standards adopted by the office pursuant to s. 1002.82(2)(j). A provider should include activities to foster brain development in infants and toddlers; provide an environment that is rich in language and music and filled with objects of various colors, shapes, textures, and sizes to stimulate visual, tactile, auditory, and linguistic senses; and include 30 minutes of reading to children each day. *A provider must provide parents information on child development, expectations for parent engagement, the daily schedule, and the attendance policy.*

(c) Provide basic health and safety of its premises and facilities *in accordance with applicable licensing and inspection requirements* ~~and compliance with requirements for age-appropriate immunizations of children enrolled in the school readiness program~~. For a child care facility, a large family child care home, or a licensed family day care home, compliance with s. 402.305, s. 402.3131, or s. 402.313 satisfies this requirement. For a public ~~or nonpublic~~ school, compliance with *ss.* ~~s. 402.3025 or s.~~ 1003.22 *and 1013.12* satisfies this requirement. *For a nonpublic school, compliance with s. 402.3025(2)(d) satisfies this requirement. For a facility exempt from licensure, compliance with s. 402.316(4) satisfies this requirement. For an informal provider, substantial compliance as defined in s. 402.302(17) satisfies this requirement. A provider shall be denied initial eligibility to offer the program if the provider has been cited for a class I violation in the 12 months before seeking eligibility and the Office of Early Learning determines that denial of initial eligibility is appropriate after a review of the violation and the provider's licensure history. The Office of Early Learning shall establish a procedure of due process which ensures each provider the opportunity to appeal such a denial of initial eligibility to offer the program. The decision of the Office of Early Learning is not subject to the provisions of the Administrative Procedure Act, chapter 120* ~~A faith-based child care provider, an informal child care provider, or a nonpublic school, exempt from licensure under s. 402.316 or s. 402.3025, shall annually complete the health and safety checklist adopted by the office, post the checklist prominently on its premises in plain sight for visitors and parents, and submit it annually to its local early learning coalition~~.

(l) ~~For a provider that is not an informal provider,~~ Maintain general liability insurance and provide the coalition with written evidence of

general liability insurance coverage, including coverage for transportation of children if school readiness program children are transported by the provider. A *private* provider must obtain and retain an insurance policy that provides a minimum of $100,000 of coverage per occurrence and a minimum of $300,000 general aggregate coverage. The office may authorize lower limits upon request, as appropriate. A provider must add the coalition as a named certificateholder ~~and as an additional insured~~. A *private* provider must provide the coalition with a minimum of 10 calendar days' advance written notice of cancellation of or changes to coverage. The general liability insurance required by this paragraph must remain in full force and effect for the entire period of the provider contract with the coalition.

~~(m) For a provider that is an informal provider, comply with the provisions of paragraph (l) or maintain homeowner's liability insurance and, if applicable, a business rider. If an informal provider chooses to maintain a homeowner's policy, the provider must obtain and retain a homeowner's insurance policy that provides a minimum of $100,000 of coverage per occurrence and a minimum of $300,000 general aggregate coverage. The office may authorize lower limits upon request, as appropriate. An informal provider must add the coalition as a named certificateholder and as an additional insured. An informal provider must provide the coalition with a minimum of 10 calendar days' advance written notice of cancellation of or changes to coverage. The general liability insurance required by this paragraph must remain in full force and effect for the entire period of the provider's contract with the coalition.~~

(m)~~(n)~~ Obtain and maintain any required workers' compensation insurance under chapter 440 and any required reemployment assistance or unemployment compensation coverage under chapter 443*, unless exempt under state or federal law*.

(n)~~(o)~~ Notwithstanding paragraph (l), for a provider that is a state agency or a subdivision thereof, as defined in s. 768.28(2), agree to notify the coalition of any additional liability coverage maintained by the provider in addition to that otherwise established under s. 768.28. The provider shall indemnify the coalition to the extent permitted by s. 768.28.

(o)~~(p)~~ Execute the standard statewide provider contract adopted by the office.

(p)~~(q)~~ Operate on a full-time and part-time basis and provide extended-day and extended-year services to the maximum extent possible without compromising the quality of the program to meet the needs of parents who work.

(2) Beginning January 1, 2016, child care personnel employed by a school readiness program provider must hold a high school diploma or its equivalent and be at least 18 years of age, unless the personnel are not responsible for supervising children in care or are under direct supervision and are not counted for the purposes of computing the personnel-to-child ratio.

(3) Beginning January 1, 2015, at least 50 percent of the child care personnel employed by a school readiness provider at each location, who are responsible for supervising children in care, must be trained in first aid and infant and child cardiopulmonary resuscitation, as evidenced by current documentation of course completion. As a condition of employment, personnel hired on or after January 1, 2015, must complete this training within 60 days after employment.

(4)~~(2)~~ If a school readiness program provider fails or refuses to comply with this part or any contractual obligation of the statewide provider contract under s. 1002.82(2)(m), the coalition may revoke the provider's eligibility to deliver the school readiness program or receive state or federal funds under this chapter for ~~a period of~~ 5 years.

Section 28. Paragraph (b) of subsection (6) and subsection (7) of Section 1002.89, Florida Statutes, are amended to read:

1002.89 School readiness program; funding.—

(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:

(b) Activities to improve the quality of child care as described in 45 C.F.R. s. 98.51, which *must* ~~shall~~ be limited to the following:

1. Developing, establishing, expanding, operating, and coordinating resource and referral programs specifically related to the provision of comprehensive consumer education to parents and the public *to promote informed child care choices specified in 45 C.F.R. s. 98.33* ~~regarding participation in the school readiness program and parental choice~~.

2. Awarding grants *and providing financial support* to school readiness program providers *and their staff* to assist them in meeting applicable state requirements for child care performance standards, implementing developmentally appropriate curricula and related classroom resources that support curricula, providing literacy supports, *obtaining a license or accreditation,* and providing professional development*, including scholarships and other incentives*. Any grants awarded pursuant to this subparagraph shall comply with ~~the requirements of~~ ss. 215.971 and 287.058.

3. Providing training*,* ~~and~~ technical assistance*, and financial support* for school readiness program providers, staff, and parents on standards, child screenings, child assessments, developmentally appropriate curricula, character development, teacher-child interactions, age-appropriate discipline practices, health and safety, nutrition, first aid, *cardiopulmonary resuscitation,* the recognition of communicable diseases, and child abuse detection and prevention.

4. Providing from among the funds provided for the activities described in subparagraphs 1.-3., adequate funding for infants and toddlers as necessary to meet federal requirements related to expenditures for quality activities for infant and toddler care.

5. Improving the monitoring of compliance with, and enforcement of, applicable state and local requirements as described in and limited by 45 C.F.R. s. 98.40.

6. Responding to Warm-Line requests by providers and parents ~~related to school readiness program children~~, including providing developmental and health screenings to school readiness program children.

(7) Funds appropriated for the school readiness program may not be expended for the purchase or improvement of land; for the purchase, construction, or permanent improvement of any building or facility; or for the purchase of buses. However, funds may be expended for minor remodeling *necessary for the administration of the program* and upgrading of child care facilities to ensure that providers meet state and local child care standards, including applicable health and safety requirements.

Section 29. Subsection (7) of section 1002.91, Florida Statutes, is amended to read:

1002.91 Investigations of fraud or overpayment; penalties.—

(7) The early learning coalition may not contract with a school readiness program provider*,* ~~or~~ a Voluntary Prekindergarten Education Program provider*, or an individual* who is on the United States Department of Agriculture National Disqualified List. In addition, the coalition may not contract with any provider that shares an officer or director with a provider that is on the United States Department of Agriculture National Disqualified List.

Section 30. Paragraph (d) of subsection (3) of section 1002.94, Florida Statutes, is amended to read:

1002.94 Child Care Executive Partnership Program.—

(3)

(d) Each early learning coalition shall establish a community child care task force ~~for each child care purchasing pool~~. The task force must be composed of employers, parents, private child care providers, and one representative from the local children's services council, if one exists in the area ~~of the purchasing pool~~. The early learning coalition is expected

to recruit the task force members from existing child care councils, commissions, or task forces already operating in the area ~~of a purchasing pool~~. A majority of the task force shall consist of employers.

Section 31. *The Office of Early Learning shall conduct a 2-year pilot project to study the impact of assessing the early literacy skills of Voluntary Prekindergarten Education Program participants who are English Language Learners, in both English and Spanish. The assessments must include, at a minimum, the first administration of the Florida Assessments for Instruction in Reading in kindergarten and an appropriate alternative assessment in Spanish. The study must include a review of the kindergarten screening results for 2009-2010 and 2010-2011 program participants and their subsequent Florida Comprehensive Assessment Test scores. The office shall annually report its findings to the Governor, the President of the Senate, and the Speaker of the House of Representatives by July 1, 2015, and July 1, 2016.*

Section 32. *For the 2014-2015 fiscal year, the sums of $1,219,575 in recurring funds and $11,319 in nonrecurring funds from the Federal Grants Trust Fund and $70,800 in recurring funds from the Operations and Maintenance Trust Fund are appropriated to the Department of Children and Families, and 18 full-time equivalent positions with associated salary rate of 608,446 are authorized, for the purpose of implementing the regulatory provisions of this act.*

Section 33. This act shall take effect July 1, 2014.

And the title is amended as follows:

Delete lines 69-94 and insert: Learning Advisory Council; amending s. 1002.81, F.S.; revising certain program definitions; amending s. 1002.82, F.S.; revising the powers and duties of the Office of Early Learning; revising provisions included in the standard statewide school readiness provider contract; amending s. 1002.84, F.S.; revising the powers and duties of early learning coalitions; conforming provisions to changes made by the act; amending s. 1002.87, F.S.; revising student eligibility and enrollment requirements for the school readiness program; amending s. 1002.88, F.S.; revising eligibility requirements for program providers that want to deliver the school readiness program; providing conditions for denial of initial eligibility; providing child care personnel requirements; amending s. 1002.89, F.S.; revising the use of funds for the school readiness program; amending s. 1002.91, F.S.; prohibiting an early learning coalition from contracting with specified persons; amending s. 1002.94, F.S.; revising establishment of a community child care task force by an early learning coalition; requiring the Office of Early Learning to conduct a pilot project to study the impact of assessing the early literacy skills of certain VPK program participants; requiring the office to report its findings to the Governor and Legislature by specified dates; providing an appropriation; providing an effective date.

Pursuant to Rule 4.19, **CS for CS for HB 7069** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Flores—

CS for SB 66—A bill to be entitled An act relating to discretionary sales surtaxes; amending s. 212.055, F.S.; authorizing a county as defined in s. 125.011(1), F.S., to levy a surtax up to a specified amount for the benefit of a Florida College System institution and a state university in the county pursuant to an ordinance conditioned to take effect upon approval in a county referendum; requiring the ordinance to provide for a referendum and be enacted within a specified period; providing permissible uses of the surtax proceeds; providing referendum requirements and procedures; requiring that the proceeds from the surtax be transferred into a specified account and managed in a specified manner; establishing an oversight board with specified duties, responsibilities, and requirements relating to the expenditure of surtax proceeds; providing for the appointment of members of the oversight board; requiring that the board of trustees of each institution receiving surtax proceeds prepare an annual plan for submission to the oversight board for approval; providing that state funding may not be reduced because an institution receives surtax funds; providing for the scheduled expiration of the surtax; prohibiting certain counties from levying the surtax within a specified period; providing an effective date.

—was read the second time by title.

Senator Garcia moved the following amendment which was adopted:

Amendment 1 (848330) (with title amendment)—Delete lines 53-57 and insert:

(a) The ordinance must be enacted by the governing body of the county before June 1 of the year in which the referendum is to be held. However, the referendum may not be held until at least 45 percent of the students seeking an associate degree from the Florida College System institution located in the county attain completion within 150 percent of catalogue time, or at least 50 percent of the students seeking an associate degree from the institution attain completion within 200 percent of catalogue time, as reflected in data collected by the Integrated Postsecondary Education Data System. If the institution has met either completion rate, the referendum shall be scheduled for the next available countywide election after June 1.

And the title is amended as follows:

Delete lines 9-10 and insert: requiring the ordinance to be enacted before a specified date; prohibiting the referendum unless the Florida College System institution attains certain completion rates; providing

Pursuant to Rule 4.19, **CS for SB 66** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for SB 72—A bill to be entitled An act relating to the Legislature; fixing the date for convening the regular session of the Legislature in the year 2016; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 72**, on motion by Senator Flores, by two-thirds vote **CS for HB 9** was withdrawn from the Committees on Ethics and Elections; Judiciary; and Rules.

On motion by Senator Flores—

CS for HB 9—A bill to be entitled An act relating to the Legislature; fixing the date for convening the regular session of the Legislature in even-numbered years; providing an effective date.

—a companion measure, was substituted for **CS for SB 72** and read the second time by title.

Senator Flores moved the following amendment which was adopted:

Amendment 1 (861986) (with title amendment)—Delete lines 10-12 and insert:
date fixed therein, the 2016 Regular Session of the Legislature shall convene on January 12, 2016.

And the title is amended as follows:

Delete line 4 and insert: in the year 2016; providing an effective date.

Pursuant to Rule 4.19, **CS for HB 9** as amended was placed on the calendar of Bills on Third Reading.

CS for CS for CS for SB 296—A bill to be entitled An act relating to carrying a concealed weapon or a concealed firearm; amending s. 790.01, F.S.; providing an exemption from criminal penalties for carrying a concealed weapon or a concealed firearm while in the act of complying with a mandatory evacuation order during a declared state of emergency; providing an effective date.

—was read the second time by title.

Senator Smith moved the following amendment:

Amendment 1 (942004) (with title amendment)—Before line 12 insert:

Section 1. Section 776.09, Florida Statutes, is created to read:

776.09 Justifiable use of force; legislative intent.—The use of force authorized by this chapter is not intended to encourage vigilantism or acts

of revenge, authorize the initiation of a confrontation as a pretext to respond with deadly force, or negate a duty to retreat for persons engaged in unlawful mutual combat.

And the title is amended as follows:

Delete line 3 and insert: concealed firearm; creating s. 776.09, F.S.; providing legislative intent regarding the justifiable use of force; amending s. 790.01, F.S.; providing

POINT OF ORDER

Senator Benacquisto raised a point of order that pursuant to Rule 7.1(4)(c), **Amendment 1 (942004)** was the substance of **CS for CS for SB's 130 and 122**, which resided in the Committee on Judiciary, and contained language of a bill not reported favorably by a Senate committee and was therefore out of order.

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

Senator Smith moved the following amendment:

Amendment 2 (919038) (with title amendment)—Before line 12 insert:

Section 1. Subsection (2) of section 776.041, Florida Statutes, is amended to read:

776.041 Use of force by aggressor.—The justification described in the preceding sections of this chapter is not available to a person who:

(2) Initially provokes the use of force against himself or herself, unless:

(a) Such force is so great that the person reasonably believes that he or she is in imminent danger of death or great bodily harm and that he or she has exhausted every reasonable means to escape such danger other than the use of force which is likely to cause death or great bodily harm to the assailant; or

(b) In good faith, the person withdraws from physical contact with the assailant and indicates clearly to the assailant that he or she desires to withdraw and terminate the use of force, but the assailant continues or resumes the use of force.

For purposes of this subsection, provocation must include the use of force or threat of force.

And the title is amended as follows:

Delete line 3 and insert: concealed firearm; amending s. 776.041, F.S.; clarifying what constitutes provocation in the determination of nonapplicability of the justified use of force provision; amending s. 790.01, F.S.; providing

POINT OF ORDER

Senator Benacquisto raised a point of order that pursuant to Rule 7.1(4)(c), **Amendment 2 (919038)** was the substance of **CS for CS for SB's 130 and 122**, which resided in the Committee on Judiciary, and contained language of a bill not reported favorably by a Senate committee and was therefore out of order.

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

POINT OF ORDER

Senator Latvala raised a point of order that pursuant to Rule 3.11, a companion measure shall be substantially the same and identical as to specific intent and purpose as the measure for which it is being substituted.

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

On motion by Senator Brandes, further consideration of **CS for CS for CS for SB 296** with pending **Amendment 1 (942004)**, **Amendment 2 (919038)**, and pending points of order was deferred.

CS for SB 744—A bill to be entitled An act relating to motor vehicle insurance and driver education for children in care; amending s. 39.701, F.S.; authorizing the court to consider the best interest of a child in removing specified disabilities of nonage for certain minors; creating s. 409.1454, F.S.; providing legislative findings; directing the Department of Children and Families to establish a statewide pilot program to pay specified costs of driver education, licensure and costs incidental to licensure, and motor vehicle insurance for a child in licensed out-of-home care who meets certain qualifications; providing limits of the amount to be paid; requiring payments to be made in the order of eligibility until funds are exhausted; requiring the department to contract with a qualified not-for-profit entity to operate and develop procedures for the pilot program; requiring the department to submit an annual report with recommendations to the Governor and the Legislature; creating s. 743.047, F.S.; removing the disability of nonage of minors for purposes of obtaining motor vehicle insurance; requiring an order by the court for the disability of nonage to be removed; amending s. 1003.48, F.S.; providing for preferential enrollment in driver education for specified children in care; providing an appropriation; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 744**, on motion by Senator Detert, by two-thirds vote **CS for HB 977** was withdrawn from the Committees on Children, Families, and Elder Affairs; Transportation; Banking and Insurance; and Appropriations.

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

CS for HB 977—A bill to be entitled An act relating to motor vehicle insurance and driver education for children in foster care; creating s. 743.047, F.S.; removing the disability of nonage of minors for purposes of obtaining motor vehicle insurance; amending s. 1003.48, F.S.; providing for preferential enrollment in driver education courses for children in foster care; providing an effective date.

—a companion measure, was substituted for **CS for SB 744**.

On motion by Senator Detert, further consideration of **CS for HB 977** was deferred.

Consideration of **CS for CS for CS for SB 746** was deferred.

CS for CS for SB 808—A bill to be entitled An act relating to public records; creating s. 548.062, F.S.; providing an exemption from public records requirements for the information in the reports required to be submitted to the Florida State Boxing Commission by a promoter or obtained by the commission through audit of a promoter's records; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 808**, on motion by Senator Galvano, by two-thirds vote **CS for CS for CS for HB 775** was withdrawn from the Committees on Regulated Industries; Governmental Oversight and Accountability; and Rules.

On motion by Senator Galvano—

CS for CS for CS for HB 775—A bill to be entitled An act relating to public records; creating s. 548.062, F.S.; providing an exemption from public records requirements for proprietary confidential business information in reports required to be filed with the Florida State Boxing Commission by a promoter or obtained by the commission through an audit of a promoter's books and records; defining the term "proprietary confidential business information"; providing for future legislative re-

view and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

—a companion measure, was substituted for **CS for CS for SB 808** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for HB 775** was placed on the calendar of Bills on Third Reading.

CS for SB 810—A bill to be entitled An act relating to pugilistic exhibitions; amending s. 548.002, F.S.; revising definitions; amending s. 548.004, F.S.; revising the duties and responsibilities of the executive director of the Florida State Boxing Commission; deleting a provision requiring the electronic recording of commission proceedings; amending s. 548.006, F.S.; clarifying the commission's exclusive jurisdiction over approval of amateur and professional boxing, kickboxing, and mixed martial arts matches; amending s. 548.007, F.S.; revising applicability of ch. 548, F.S.; repealing s. 548.013, F.S.; relating to foreign copromoter license requirement; amending s. 548.014, F.S.; deleting references to foreign copromoters; repealing s. 548.015, F.S., relating to the authority of the commission to require a concessionaire to file a form of security with the commission; amending s. 548.017, F.S.; deleting a requirement for the licensure of concessionaires; amending s. 548.046, F.S.; providing for immediate license suspension and other disciplinary action if a participant fails or refuses to provide a urine sample or tests positive for specified prohibited substances; amending s. 548.052, F.S.; deleting a reference to foreign copromoters; amending s. 548.054, F.S.; revising procedures and requirements for requesting a hearing following the withholding of a purse; amending s. 548.06, F.S.; specifying a circumstance under which a report is not required to be filed with the commission; revising the calculation of gross receipts that are required to be filed in a report to the commission; requiring promoters to retain specified documents and records; authorizing the commission and the Department of Business and Professional Regulation to audit specified records retained by a promoter; requiring the commission to adopt rules; amending s. 548.07, F.S.; revising the procedure for suspension of licensure; amending s. 548.073, F.S.; requiring that commission hearings be held in accordance with ch. 120, F.S.; providing an appropriation; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 810** to **CS for CS for HB 773**.

Pending further consideration of **CS for SB 810** as amended, on motion by Senator Galvano, by two-thirds vote **CS for CS for HB 773** was withdrawn from the Committees on Regulated Industries; Governmental Oversight and Accountability; Judiciary; and Appropriations.

On motion by Senator Galvano—

CS for CS for HB 773—A bill to be entitled An act relating to pugilistic exhibitions; amending s. 548.002, F.S.; revising and providing definitions; amending s. 548.004, F.S.; revising the duties and responsibilities of the executive director of the Florida State Boxing Commission; deleting a provision requiring the electronic recording of commission proceedings; amending s. 548.006, F.S.; clarifying the jurisdiction of the commission over certain amateur and professional matches; amending s. 548.007, F.S.; revising the applicability of chapter 548, F.S.; repealing s. 548.013, F.S., relating to a requirement that foreign copromoters be licensed; amending s. 548.014, F.S.; conforming provisions to changes made by the act; repealing s. 548.015, F.S., relating to the authority of the commission to require a concessionaire to file a form of security with the commission; amending s. 548.017, F.S.; deleting a requirement for the licensure of concessionaires and booking agents; amending s. 548.046, F.S.; providing for immediate license suspension and other disciplinary action if a participant fails or refuses to provide a urine sample or tests positive for specified prohibited substances; amending s. 548.052, F.S.; revising requirements for providing an advance payment or loan against a purse to a participant; amending s. 548.054, F.S.; revising procedure and requirements for requesting a hearing following the withholding of a purse; amending s. 548.06, F.S.; revising the calculation of gross receipts; authorizing a promoter to issue a specified amount of complimentary tickets that are not included in gross receipts; requiring authorization from the commission to issue complimentary tickets that are not included in gross receipts in an amount greater than a specified amount; providing application requirements and procedures; providing that certain promoters are not required to report specified information; requiring promoters to retain specified documents and records; authorizing the commission and the Department of Business and Professional Regulation to audit specified records retained by a promoter; requiring the commission to adopt rules; amending s. 548.066, F.S.; conforming a provision to changes made by the act; amending s. 548.07, F.S.; revising the procedure for suspension of licensure; amending s. 548.073, F.S.; requiring that commission hearings be held in accordance with the Administrative Procedure Act; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **CS for SB 810** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 773** was placed on the calendar of Bills on Third Reading.

SB 914—A bill to be entitled An act relating to state contracting; amending s. 287.057, F.S.; revising the criteria for evaluating a proposal to include consideration of prior relevant experience of the vendor; revising the criteria for evaluating a response to an agency's invitation to negotiate to include consideration of prior relevant experience of the vendor; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 914**, on motion by Senator Latvala, by two-thirds vote **HB 953** was withdrawn from the Committees on Governmental Oversight and Accountability; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Latvala—

HB 953—A bill to be entitled An act relating to state contracting; amending s. 287.057, F.S.; revising the criteria for evaluating a proposal to include consideration of prior relevant experience of the vendor; revising the criteria for evaluating a response to an agency's invitation to negotiate to include consideration of prior relevant experience of the vendor; providing an effective date.

—a companion measure, was substituted for **SB 914** and read the second time by title.

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

CS for CS for CS for SB 948—A bill to be entitled An act relating to foreign investments; amending s. 215.47, F.S.; revising the percentage of investments that the State Board of Administration may invest in foreign securities; amending s. 215.473, F.S.; revising and providing definitions with respect to requirements that the board divest securities in which public moneys are invested in certain companies doing specified types of business in or with Sudan or Iran; revising exclusions from the divestment requirements; conforming cross-references; creating s. 624.449, F.S.; requiring a domestic insurer to provide a list of investments that it has in companies on the State Board of Administration's lists of scrutinized companies with activities in Sudan or in Iran's petroleum energy sector; providing for severability; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for CS for SB 948**, on motion by Senator Ring, by two-thirds vote **CS for CS for HB 811** was withdrawn from the Committees on Governmental Oversight and Accountability; Banking and Insurance; Appropriations; and Rules.

On motion by Senator Ring—

CS for CS for HB 811—A bill to be entitled An act relating to foreign investments; amending s. 215.47, F.S.; revising the percentage of investments that the State Board of Administration may invest in foreign securities; amending s. 215.473, F.S.; revising and providing definitions with respect to requirements that the board divest securities in which public moneys are invested in certain companies doing specified types of business in or with Sudan or Iran; revising exclusions from the divest-

ment requirements; conforming cross-references; creating s. 624.449, F.S.; requiring a domestic insurer to provide a list of investments that it has in companies on the State Board of Administration's lists of scrutinized companies with activities in Sudan or in Iran's petroleum energy sector; providing for severability; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 948** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 811** was placed on the calendar of Bills on Third Reading.

CS for CS for CS for SB 1044—A bill to be entitled An act relating to building construction policies; amending s. 162.12, F.S.; providing an additional method for local governments to provide notices to alleged code enforcement violators; amending s. 373.323, F.S.; revising the requirements of an applicant to take the water well contractor licensure examination; amending s. 377.6015, F.S.; removing a provision relating to representation in the Southern States Energy Compact; amending s. 377.703, F.S.; requiring the Department of Agriculture and Consumer Services to include in its annual report recommendations for energy efficiency; expanding the promotion of the development and use of renewable energy resources from goals related to solar energy to renewable energy in general; requiring the department to cooperate with the Florida Energy Systems Consortium in the development and use of renewable energy resources; amending s. 377.712, F.S.; authorizing the Commissioner of Agriculture to appoint a member to the Southern States Energy Board; authorizing the member appointed by the Governor to approve proposed activities relating to furtherance of the Southern States Energy Compact; amending s. 377.801, F.S.; conforming a cross-reference; amending s. 377.802, F.S.; amending the purpose of the Florida Energy and Climate Protection Act; amending s. 377.803, F.S.; conforming provisions to changes made by the act; repealing ss. 377.806 and 377.807, F.S., relating to the Solar Energy System Incentives Program and the Energy-Efficient Appliance Rebate Program, respectively; creating s. 377.815, F.S.; authorizing the department to post on its website information relating to alternative fueling stations or electric vehicle charging stations; defining the term "alternative fuel"; authorizing the owner or operator of an alternative fueling station or an electric vehicle charging station to report certain information; amending s. 440.103, F.S.; authorizing an employer to present certain documents electronically or physically in order to show proof and certify to the permit issuer that it has secured compensation for its employees; authorizing site plans or electronically transferred building permits to be maintained at the worksite in their original form or by electronic copy; requiring such plans or permits to be open to inspection by the building official or authorized representative; amending s. 514.0115, F.S.; authorizing the Department of Health to grant certain variances relating to public swimming pools and bathing places; amending s. 514.03, F.S.; requiring application for an operating permit before filing an application for a building permit for a public swimming pool; amending s. 514.031, F.S.; providing additional requirements for obtaining a public swimming pool operating permit; providing a procedure for an applicant to respond to a request for additional information; requiring the Department of Health to review and provide to the local enforcement agency and the applicant any comments or proposed modifications to information submitted in the application; amending s. 553.37, F.S.; specifying inspection criteria for construction or modification of manufactured buildings or modules; amending s. 553.721, F.S.; making a technical change; amending s. 553.73, F.S.; authorizing an agency or local government to require rooftop equipment to be installed in compliance with the Florida Building Code if the equipment is being replaced or removed during reroofing and is not in compliance with the Florida Building Code's roof-mounted mechanical units requirements; providing that make-up air is not required for certain range hood exhaust systems; amending s. 553.74, F.S.; adding a member to the Florida Building Commission as a representative of the Department of Agriculture and Consumer Services' Office of Energy; deleting obsolete provisions; amending s. 553.77, F.S.; requiring building officials to recognize and enforce certain variance orders issued by the Department of Health; amending s. 553.775, F.S.; authorizing building officials, local enforcement agencies, and the Florida Building Commission to interpret the Florida Accessibility Code for Building Construction; specifying procedures for such interpretations; deleting provisions relating to declaratory statements and interpretations of the Florida Accessibility Code for Building Construction, to conform; amending s. 553.79, F.S.; prohibiting a local enforcing agency from issuing a building permit for a public swimming pool without proof of application for an operating permit; requiring issuance of an operating permit before a certificate of completion or occupancy is issued; requiring the local enforcing agency to review the building permit application upon filing; authorizing such agency to confer with the Department of Health if it doesn't delay review of the application; authorizing site plans or building permits to be maintained at the worksite in their original form or in the form of an electronic copy; requiring the permit to be open to inspection; amending s. 553.80, F.S.; requiring counties and municipalities to expedite building construction permitting, building plans review, and inspections of projects of certain public schools, rather than certain public school districts; amending s. 553.841, F.S.; revising education and training requirements of the Florida Building Code Compliance and Mitigation Program; creating s. 553.883, F.S.; authorizing use of smoke alarms powered by 10-year nonremovable, nonreplaceable batteries in certain circumstances; requiring use of such alarms by a certain date; providing an exemption; amending s. 553.993, F.S.; redefining the term "building energy-efficiency rating system" to require consistency with certain national standards for new construction and existing construction; providing for oversight; amending s. 633.202, F.S.; exempting certain tents from the Florida Fire Prevention Code; amending s. 633.212, F.S.; removing the requirement that an alternate member of the Fire Code Interpretation Committee provide notice to the committee in order to respond to a nonbinding interpretation when a member is unable to respond; amending s. 713.32, F.S.; revising the payment of proceeds of an insurance policy on real property; providing effective dates.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for CS for SB 1044** to **CS for HB 7147**.

Pending further consideration of **CS for CS for CS for SB 1044** as amended, on motion by Senator Simpson, by two-thirds vote **CS for HB 7147** was withdrawn from the Committees on Communications, Energy, and Public Utilities; Agriculture; and Appropriations.

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

CS for HB 7147—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 377.6015, F.S.; removing a provision relating to the department's duty to represent the state in the Southern States Energy Compact; amending s. 377.703, F.S.; requiring the department's annual report to include recommendations for energy efficiency; revising provisions relating to the promotion of the development and use of renewable energy resources; directing the department to cooperate with the Florida Energy Systems Consortium in the development and use of renewable energy resources; amending s. 377.712, F.S.; authorizing the Commissioner of Agriculture to serve on or appoint a representative to the Southern States Energy Board; redirecting authority to approve proposed activities relating to the Southern States Energy Compact from the Department of Health to a specified member of the board; amending s. 377.801, F.S.; conforming a cross-reference; amending ss. 377.802 and 377.803, F.S.; conforming provisions to changes made by the act; creating s. 377.815, F.S.; authorizing the department to post on its website information relating to alternative fueling stations and electric vehicle charging stations; defining the term "alternative fuel"; authorizing the owner or operator of an alternative fueling station or an electric vehicle charging station to report certain information; amending s. 553.74, F.S.; providing for the appointment of a department representative to the Florida Building Commission; deleting obsolete provisions; repealing ss. 377.806 and 377.807, F.S., relating to the Solar Energy System Incentives Program and the energy-efficient appliance rebate program, respectively; providing definitions; directing the Office of Energy within the Department of Agriculture and Consumer Services to establish a program for allocating or reallocating a federal qualified energy conservation bond volume limitation; providing program requirements; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 1044** as amended and read the second time by title.

Senator Simpson moved the following amendment:

Amendment 1 (189214) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 162.12, Florida Statutes, is amended to read:

162.12 Notices.—

(1) All notices required by this part must be provided to the alleged violator by:

(a) Certified mail, *and at the option of the local government* return receipt requested, to the address listed in the tax collector's office for tax notices or to the address listed in the county property appraiser's database. The local government may also provide an additional notice to any other address it may find for the property owner. For property owned by a corporation, notices may be provided by certified mail to the registered agent of the corporation. If any notice sent by certified mail is not signed as received within 30 days after the postmarked date of mailing, notice may be provided by posting as described in subparagraphs (2)(b)1. and 2.;

(b) Hand delivery by the sheriff or other law enforcement officer, code inspector, or other person designated by the local governing body;

(c) Leaving the notice at the violator's usual place of residence with any person residing therein who is above 15 years of age and informing such person of the contents of the notice; or

(d) In the case of commercial premises, leaving the notice with the manager or other person in charge.

(2) In addition to providing notice as set forth in subsection (1), at the option of the code enforcement board or the local government, notice may be served by publication or posting, as follows:

(a)1. Such notice shall be published once during each week for 4 consecutive weeks (four publications being sufficient) in a newspaper of general circulation in the county where the code enforcement board is located. The newspaper shall meet such requirements as are prescribed under chapter 50 for legal and official advertisements.

2. Proof of publication shall be made as provided in ss. 50.041 and 50.051.

(b)1. In lieu of publication as described in paragraph (a), such notice may be posted at least 10 days prior to the hearing, or prior to the expiration of any deadline contained in the notice, in at least two locations, one of which shall be the property upon which the violation is alleged to exist and the other of which shall be, in the case of municipalities, at the primary municipal government office, and in the case of counties, at the front door of the courthouse or the main county governmental center in said county.

2. Proof of posting shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice posted and the date and places of its posting.

(c) Notice by publication or posting may run concurrently with, or may follow, an attempt or attempts to provide notice by hand delivery or by mail as required under subsection (1).

(3) Evidence that an attempt has been made to hand deliver or mail notice as provided in subsection (1), together with proof of publication or posting as provided in subsection (2), shall be sufficient to show that the notice requirements of this part have been met, without regard to whether or not the alleged violator actually received such notice.

Section 2. Paragraph (b) of subsection (3) of section 373.323, Florida Statutes, is amended to read:

373.323 Licensure of water well contractors; application, qualifications, and examinations; equipment identification.—

(3) An applicant who meets the following requirements shall be entitled to take the water well contractor licensure examination:

(b) Has at least 2 years of experience in constructing, repairing, or abandoning water wells. Satisfactory proof of such experience shall be demonstrated by providing:

1. Evidence of the length of time the applicant has been engaged in the business of the construction, repair, or abandonment of water wells as a major activity, as attested to by a letter from ~~three of the following persons:~~

~~a.~~ a water well contractor *and a letter from*~~.~~

~~b. A water well driller.~~

~~c. A water well parts and equipment vendor.~~

~~d.~~ a water well inspector employed by a governmental agency.

2. A list of at least 10 water wells that the applicant has constructed, repaired, or abandoned within the preceding 5 years. Of these wells, at least seven must have been constructed, as defined in s. 373.303(2), by the applicant. The list shall also include:

a. The name and address of the owner or owners of each well.

b. The location, primary use, and approximate depth and diameter of each well that the applicant has constructed, repaired, or abandoned.

c. The approximate date the construction, repair, or abandonment of each well was completed.

Section 3. Paragraphs (f) through (i) of subsection (2) of section 377.6015, Florida Statutes, are redesignated as paragraphs (e) through (h), respectively, and present paragraph (e) of that section is amended, to read:

377.6015 Department of Agriculture and Consumer Services; powers and duties.—

(2) The department shall:

~~(e) Represent Florida in the Southern States Energy Compact pursuant to ss. 377.71-377.712.~~

Section 4. Paragraphs (f), (h), and (i) of subsection (2) of section 377.703, Florida Statutes, are amended to read:

377.703 Additional functions of the Department of Agriculture and Consumer Services.—

(2) DUTIES.—The department shall perform the following functions, unless as otherwise provided, consistent with the development of a state energy policy:

(f) The department shall submit an annual report to the Governor and the Legislature reflecting its activities and making recommendations *for* ~~of~~ policies for improvement of the state's response to energy supply and demand and its effect on the health, safety, and welfare of the *residents of this state* ~~people of Florida~~. The report *must* ~~shall~~ include a report from the Florida Public Service Commission on electricity and natural gas and information on energy conservation programs conducted and underway in the past year and ~~shall~~ include recommendations for energy *efficiency and* conservation programs for the state, including~~, but not limited to, the following factors~~:

1. Formulation of specific recommendations for improvement in the efficiency of energy utilization in governmental, residential, commercial, industrial, and transportation sectors.

2. Collection and dissemination of information relating to energy *efficiency and* conservation.

3. Development and conduct of educational and training programs relating to energy *efficiency and* conservation.

4. An analysis of the ways in which state agencies are seeking to implement s. 377.601(2), the state energy policy, and recommendations for better fulfilling this policy.

(h) The department shall promote the development and use of renewable energy resources, in conformance with chapter 187 and s. 377.601, by:

1. Establishing goals and strategies for increasing the use of *renewable* ~~solar~~ energy in this state.

2. Aiding and promoting the commercialization of *renewable energy resources* ~~solar energy technology~~, in cooperation with the *Florida Energy Systems Consortium, the* Florida Solar Energy Center, Enterprise Florida, Inc., and any other federal, state, or local governmental agency *that* ~~which~~ may seek to promote research, development, and *the* demonstration of *renewable* ~~solar~~ energy equipment and technology.

3. Identifying barriers to greater use of *renewable energy resources* ~~solar energy systems~~ in this state, and developing specific recommendations for overcoming identified barriers, with findings and recommendations to be submitted annually in the report to the Governor and Legislature required under paragraph (f).

4. In cooperation with the Department of Environmental Protection, the Department of Transportation, the Department of Economic Opportunity, Enterprise Florida, Inc., *the Florida Energy Systems Consortium,* the Florida Solar Energy Center, and the Florida Solar Energy Industries Association, investigating opportunities, pursuant to the national Energy Policy Act of 1992, the Housing and Community Development Act of 1992, and any subsequent federal legislation, for *renewable energy resources,* ~~solar~~ electric vehicles*,* and other *renewable* ~~solar~~ energy manufacturing, distribution, installation, and financing efforts *that* ~~which will~~ enhance this state's position as the leader in *renewable* ~~solar~~ energy research, development, and use.

5. Undertaking other initiatives to advance the development and use of renewable energy resources in this state.

In the exercise of its responsibilities under this paragraph, the department shall seek the assistance of the *renewable* ~~solar~~ energy industry in this state and other interested parties and *may* ~~is authorized to~~ enter into contracts, retain professional consulting services, and expend funds appropriated by the Legislature for such purposes.

(i) The department shall promote energy *efficiency and* conservation in all energy use sectors throughout the state and *be* ~~shall constitute~~ the state agency primarily responsible for this function. The Department of Management Services, in consultation with the department, shall coordinate the energy conservation programs of all state agencies and review and comment on the energy conservation programs of all state agencies.

Section 5. Section 377.712, Florida Statutes, is amended to read:

377.712 Florida participation.—

(1)(a) The Governor shall appoint one member of the Southern States Energy Board. The member or the Governor may designate another person as the deputy or assistant to such member.

(b) The Commissioner of Agriculture may appoint one member of the Southern States Energy Board. The member or the commissioner may designate another person as the assistant or deputy to such member.

(c)~~(b)~~ The President of the Senate shall appoint one member of the Southern States Energy Board. The member or the president may designate another person as the assistant or deputy to such member.

(d)~~(c)~~ The Speaker of the House of Representatives shall appoint one member of the Southern States Energy Board. The member or the speaker may designate another person as the assistant or deputy to such member.

(2) Any supplementary agreement entered into under s. 377.711(6) requiring the expenditure of funds *may* ~~shall~~ not become effective as to Florida until the required funds are appropriated by the Legislature.

(3) Departments, agencies, and officers of this state, and its subdivisions are authorized to cooperate with the board in the furtherance of ~~any of~~ its activities pursuant to the compact, provided such proposed activities have been made known to, and have the approval of, ~~either~~ the Governor or the *member appointed by the Governor* ~~Department of Health~~.

Section 6. Section 377.801, Florida Statutes, is amended to read:

377.801 Short title.—Sections *377.801-377.804* ~~377.801-377.807~~ may be cited as the "Florida Energy and Climate Protection Act."

Section 7. Section 377.802, Florida Statutes, is amended to read:

377.802 Purpose.—This act is intended to provide incentives for Florida's citizens, businesses, school districts, and local governments to take action to diversify the state's energy supplies, reduce dependence on foreign oil, and mitigate the effects of climate change by providing funding for activities designed to achieve these goals. The grant programs in this act are intended to stimulate capital investment in and enhance the market for renewable energy technologies and technologies intended to diversify Florida's energy supplies, reduce dependence on foreign oil, and combat or limit climate change impacts. ~~This act is also intended to provide incentives for the purchase of energy efficient appliances and rebates for solar energy equipment installations for residential and commercial buildings.~~

Section 8. Section 377.803, Florida Statutes, is amended to read:

377.803 Definitions.—As used in *ss. 377.801-377.804* ~~ss. 377.801-377.807~~, the term:

(1) "Act" means the Florida Energy and Climate Protection Act.

(2) "Department" means the Department of Agriculture and Consumer Services.

(3) "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, or any other public or private entity.

(4) "Renewable energy" means electrical, mechanical, or thermal energy produced from a method that uses one or more of the following fuels or energy sources: hydrogen, biomass, as defined in s. 366.91, solar energy, geothermal energy, wind energy, ocean energy, waste heat, or hydroelectric power.

(5) "Renewable energy technology" means any technology that generates or utilizes a renewable energy resource.

~~(6) "Solar energy system" means equipment that provides for the collection and use of incident solar energy for water heating, space heating or cooling, or other applications that would normally require a conventional source of energy such as petroleum products, natural gas, or electricity that performs primarily with solar energy. In other systems in which solar energy is used in a supplemental way, only those components that collect and transfer solar energy shall be included in this definition.~~

~~(7) "Solar photovoltaic system" means a device that converts incident sunlight into electrical current.~~

~~(8) "Solar thermal system" means a device that traps heat from incident sunlight in order to heat water.~~

Section 9. *Sections 377.806 and 377.807, Florida Statutes, are repealed.*

Section 10. Section 377.815, Florida Statutes, is created to read:

377.815 Alternative fueling stations and electric vehicle charging stations.—The Department of Agriculture and Consumer Services may post information on its website relating to alternative fueling stations or electric vehicle charging stations that are available for public use in this state.

(1) As used in this section, the term "alternative fuel" means nontraditional transportation fuel, such as pure methanol, ethanol, and other alcohols; blends of 85 percent or more of alcohol with gasoline; natural gas and liquid fuels domestically produced from natural gas; liquefied petroleum gas; coal-derived liquid fuels; hydrogen; electricity; pure biodiesel; fuels, other than alcohol, derived from biological materials; and P-series fuels.

(2) An owner or operator of an alternative fueling station that is available in this state may report the following information to the department:

(a) The type of alternative fuel available;

(b) The station's name, address, or location; or

(c) The fees or costs associated with the alternative fuel that is available for purchase.

(3) The owner or operator of an electric vehicle charging station that is available in this state may report the following information to the department:

(a) The station's name, address, or location; or

(b) The fees or costs, if any, associated with the electric vehicle charging services provided by the station.

Section 11. Section 440.103, Florida Statutes, is amended to read:

440.103 Building permits; identification of minimum premium policy.—Every employer shall, as a condition to applying for and receiving a building permit, show proof and certify to the permit issuer that it has secured compensation for its employees under this chapter as provided in ss. 440.10 and 440.38. Such proof of compensation must be evidenced by a certificate of coverage issued by the carrier, a valid exemption certificate approved by the department, or a copy of the employer's authority to self-insure and shall be presented*, electronically or physically,* each time the employer applies for a building permit. *As provided in s. 553.79(19), for the purpose of inspection and record retention, site plans or building permits may be maintained at the worksite in the original form or in the form of an electronic copy. These plans and permits must be open to inspection by the building official or a duly authorized representative, as required by the Florida Building Code.* As provided in s. 627.413(5), each certificate of coverage must show, on its face, whether or not coverage is secured under the minimum premium provisions of rules adopted by rating organizations licensed pursuant to s. 627.221. The words "minimum premium policy" or equivalent language shall be typed, printed, stamped, or legibly handwritten.

Section 12. Subsection (5) of section 514.0115, Florida Statutes, is amended to read:

514.0115 Exemptions from supervision or regulation; variances.—

(5) The department may grant variances from any rule adopted under this chapter pursuant to procedures adopted by department rule. *The department may also grant, pursuant to procedures adopted by department rule, variances from the provisions of the Florida Building Code specifically pertaining to public swimming pools and bathing places when requested by the pool owner or their representative to relieve hardship in cases involving deviations from the Florida Building Code provisions, when it is shown that the hardship was not caused intentionally by the action of the applicant, where no reasonable alternative exists, and the health and safety of the pool patrons is not at risk.*

Section 13. Effective October 1, 2014, section 514.03, Florida Statutes, is amended to read:

514.03 Approval necessary to construct, develop, or modify public swimming pools or public bathing places.—

(1) A person or public body desiring to construct, develop, or modify a public swimming pool must submit an application, containing the information required under s. 514.031(1)(a)1.-6. to the department for an operating permit before filing an application for a building permit under s. 553.79. A copy of the final inspection required under s. 514.031(1)(a)5. shall be submitted to the department upon receipt by the applicant. The application shall be deemed incomplete pursuant to s. 120.60 until such copy is submitted to the department.

(2) Local governments or local enforcement districts may determine compliance with the general construction standards of the Florida Building Code, pursuant to s. 553.80. Local governments or local enforcement districts may conduct plan reviews and inspections of public swimming pools and public bathing places for this purpose.

Section 14. Effective October 1, 2014, paragraph (a) of subsection (1) of section 514.031, Florida Statutes, is amended, present paragraphs (b) and (c) of that subsection are redesignated as paragraphs (c) and (d), respectively, and a new paragraph (b) is added to that subsection, to read:

514.031 Permit necessary to operate public swimming pool.—

(1) It is unlawful for any person or public body to operate or continue to operate any public swimming pool without a valid permit from the department, such permit to be obtained in the following manner:

(a) Any person or public body desiring to operate any public swimming pool shall file an application for *an operating* ~~a~~ permit with the department, on application forms provided by the department, and shall accompany such application with:

1. A description of the structure, its appurtenances, and its operation.

2.~~1.~~ *A* description of the source or sources of water supply, and the amount and quality of water available and intended to be used.

3.~~2.~~ *The* method and manner of water purification, treatment, disinfection, and heating.

4.~~3.~~ *The* safety equipment and standards to be used.

5. A copy of the final inspection from the local enforcement agency as defined in s. 553.71.

6.~~4.~~ Any other pertinent information deemed necessary by the department.

(b) The applicant shall respond to a request for additional information due to an incomplete application for an operating permit pursuant to s. 120.60. Upon receipt of an application, whether complete or incomplete, as required in s. 514.03 and as set forth under this section, the department shall review and provide to the local enforcement agency and the applicant any comment or proposed modifications on the information received pursuant to subparagraphs (a) 1.-6.

Section 15. Paragraph (c) of subsection (1) of section 553.37, Florida Statutes, is amended to read:

553.37 Rules; inspections; and insignia.—

(1) The Florida Building Commission shall adopt within the Florida Building Code requirements for construction or modification of manufactured buildings and building modules, to address:

(c) ~~Minimum~~ Inspection criteria*, which shall require the approved inspection agency to:*

1. Observe the first building built, or with regard to components, observe the first unit assembled, after certification of the manufacturer, from start to finish, inspecting all subsystems: electrical, plumbing, structural, mechanical, or thermal.

2. Continue observation of the manufacturing process until the approved inspection agency determines that the manufacturer's quality control program, in conjunction with the application of the plans approved by the approved inspection agency, will result in a building and components that meet or exceed the applicable Florida Building Code requirements.

3. Thereafter, inspect each module produced during at least one point of the manufacturing process and inspect at least 75 percent of the subsystems of each module: electrical, plumbing, structural, mechanical, or thermal.

4. With respect to components, inspect at least 75 percent of the manufactured building components and at least 20 percent of the storage sheds that are not designed for human habitation and that have a floor area of 720 square feet or less.

Section 16. Section 553.721, Florida Statutes, is amended to read:

553.721 Surcharge.—In order for the Department of Business and Professional Regulation to administer and carry out the purposes of this part and related activities, there is created a surcharge, to be assessed at the rate of 1.5 percent of the permit fees associated with enforcement of the Florida Building Code as defined by the uniform account criteria and specifically the uniform account code for building permits adopted for local government financial reporting pursuant to s. 218.32. The minimum amount collected on any permit issued shall be $2. The unit of government responsible for collecting a permit fee pursuant to s. 125.56(4) or s. 166.201 shall collect the surcharge and electronically

remit the funds collected to the department on a quarterly calendar basis for the preceding quarter and continuing each third month thereafter. The unit of government shall retain 10 percent of the surcharge collected to fund the participation of building departments in the national and state building code adoption processes and to provide education related to enforcement of the Florida Building Code. All funds remitted to the department pursuant to this section shall be deposited in the Professional Regulation Trust Fund. Funds collected from the surcharge shall be allocated to fund the Florida Building Commission and the Florida Building Code Compliance and Mitigation Program under s. 553.841. ~~Beginning in the 2013-2014 fiscal year,~~ Funds allocated to the Florida Building Code Compliance and Mitigation Program shall be $925,000 each fiscal year. The funds collected from the surcharge may not be used to fund research on techniques for mitigation of radon in existing buildings. Funds used by the department as well as funds to be transferred to the Department of Health shall be as prescribed in the annual General Appropriations Act. The department shall adopt rules governing the collection and remittance of surcharges pursuant to chapter 120.

Section 17. Subsection (15) of section 553.73, Florida Statutes, is amended, and subsection (18) is added to that section, to read:

553.73 Florida Building Code.—

(15) An agency or local government may not require that existing mechanical equipment *located* on *or above* the surface of a roof be installed in compliance with the requirements of the Florida Building Code *except when* ~~until~~ the equipment is *being* ~~required to be removed or~~ replaced *or moved during reroofing and is not in compliance with the provisions of the Florida Building Code relating to roof-mounted mechanical units*.

(18) In a single-family dwelling, make-up air is not required for range hood exhaust systems capable of exhausting:

(a) Four hundred cubic feet per minute or less; or

(b) More than 400 cubic feet per minute but no more than 800 cubic feet per minute if there are no gravity vent appliances within the conditioned living space of the structure.

Section 18. Subsection (1) of section 553.74, Florida Statutes, is amended to read:

553.74 Florida Building Commission.—

(1) The Florida Building Commission is created and located within the Department of Business and Professional Regulation for administrative purposes. Members are appointed by the Governor subject to confirmation by the Senate. The commission is composed of *27* ~~26~~ members, consisting of the following:

(a) One architect registered to practice in this state and actively engaged in the profession. The American Institute of Architects, Florida Section, is encouraged to recommend a list of candidates for consideration.

(b) One structural engineer registered to practice in this state and actively engaged in the profession. The Florida Engineering Society is encouraged to recommend a list of candidates for consideration.

(c) One air-conditioning or mechanical contractor certified to do business in this state and actively engaged in the profession. The Florida Air Conditioning Contractors Association, the Florida Refrigeration and Air Conditioning Contractors Association, and the Mechanical Contractors Association of Florida are encouraged to recommend a list of candidates for consideration.

(d) One electrical contractor certified to do business in this state and actively engaged in the profession. The Florida *Association of* Electrical Contractors ~~Association~~ and the National Electrical Contractors Association, Florida Chapter, are encouraged to recommend a list of candidates for consideration.

(e) One member from fire protection engineering or technology who is actively engaged in the profession. The Florida Chapter of the Society of Fire Protection Engineers and the Florida Fire Marshals and Inspectors Association are encouraged to recommend a list of candidates for consideration.

(f) One general contractor certified to do business in this state and actively engaged in the profession. The Associated Builders and Contractors of Florida, the Florida Associated General Contractors Council, and the Union Contractors Association are encouraged to recommend a list of candidates for consideration.

(g) One plumbing contractor licensed to do business in this state and actively engaged in the profession. The Florida Association of Plumbing, Heating, and Cooling Contractors is encouraged to recommend a list of candidates for consideration.

(h) One roofing or sheet metal contractor certified to do business in this state and actively engaged in the profession. The Florida Roofing, Sheet Metal, and Air Conditioning Contractors Association and the Sheet Metal and Air Conditioning *Contractors'* ~~Contractors~~ National Association are encouraged to recommend a list of candidates for consideration.

(i) One residential contractor licensed to do business in this state and actively engaged in the profession. The Florida Home Builders Association is encouraged to recommend a list of candidates for consideration.

(j) Three members who are municipal or district codes enforcement officials, one of whom is also a fire official. The Building Officials Association of Florida and the Florida Fire Marshals and Inspectors Association are encouraged to recommend a list of candidates for consideration.

(k) One member who represents the Department of Financial Services.

(l) One member who is a county codes enforcement official. The Building Officials Association of Florida is encouraged to recommend a list of candidates for consideration.

(m) One member of a Florida-based organization of persons with disabilities or a nationally chartered organization of persons with disabilities with chapters in this state.

(n) One member of the manufactured buildings industry who is licensed to do business in this state and is actively engaged in the industry. The Florida Manufactured Housing Association is encouraged to recommend a list of candidates for consideration.

(o) One mechanical or electrical engineer registered to practice in this state and actively engaged in the profession. The Florida Engineering Society is encouraged to recommend a list of candidates for consideration.

(p) One member who is a representative of a municipality or a charter county. The Florida League of Cities and the Florida Association of Counties are encouraged to recommend a list of candidates for consideration.

(q) One member of the building products manufacturing industry who is authorized to do business in this state and is actively engaged in the industry. The Florida Building Material Association, the Florida Concrete and *Product* ~~Products~~ Association, and the Fenestration Manufacturers Association are encouraged to recommend a list of candidates for consideration.

(r) One member who is a representative of the building owners and managers industry who is actively engaged in commercial building ownership or management. The Building Owners and Managers Association is encouraged to recommend a list of candidates for consideration.

(s) One member who is a representative of the insurance industry. The Florida Insurance Council is encouraged to recommend a list of candidates for consideration.

(t) One member who is a representative of public education.

(u) One member who is a swimming pool contractor licensed to do business in this state and actively engaged in the profession. The Florida

Swimming Pool Association and the United Pool and Spa Association are encouraged to recommend a list of candidates for consideration.

(v) One member who is a representative of the green building industry and who is a third-party commission agent, a Florida board member of the United States Green Building Council or Green Building Initiative, a professional who is accredited under the International Green Construction Code (IGCC), or a professional who is accredited under Leadership in Energy and Environmental Design (LEED).

(w) One member who is a representative of a natural gas distribution system and who is actively engaged in the distribution of natural gas in this state. The Florida Natural Gas Association is encouraged to recommend a list of candidates for consideration.

(x) One member who is a representative of the Department of Agriculture and Consumer Services' Office of Energy. The Commissioner of Agriculture is encouraged to recommend a list of candidates for consideration.

(y)~~(x)~~ One member who shall be the chair.

~~Any person serving on the commission under paragraph (e) or paragraph (h) on October 1, 2003, and who has served less than two full terms is eligible for reappointment to the commission regardless of whether he or she meets the new qualification.~~

Section 19. Subsection (7) is added to section 553.77, Florida Statutes, to read:

553.77 Specific powers of the commission.—

(7) Building officials shall recognize and enforce variance orders issued by the Department of Health pursuant to s. 514.0115(5), including any conditions attached to the granting of the variance.

Section 20. Section 553.775, Florida Statutes, is amended to read:

553.775 Interpretations.—

(1) It is the intent of the Legislature that the Florida Building Code *and the Florida Accessibility Code for Building Construction* be interpreted by building officials, local enforcement agencies, and the commission in a manner that protects the public safety, health, and welfare at the most reasonable cost to the consumer by ensuring uniform interpretations throughout the state and by providing processes for resolving disputes regarding interpretations of the Florida Building Code *and the Florida Accessibility Code for Building Construction* which are just and expeditious.

(2) Local enforcement agencies, local building officials, state agencies, and the commission shall interpret provisions of the Florida Building Code *and the Florida Accessibility Code for Building Construction* in a manner that is consistent with declaratory statements and interpretations entered by the commission, except that conflicts between the Florida Fire Prevention Code and the Florida Building Code shall be resolved in accordance with s. 553.73(11)(c) and (d).

(3) The following procedures may be invoked regarding interpretations of the Florida Building Code *or the Florida Accessibility Code for Building Construction*:

(a) Upon written application by any substantially affected person or state agency or by a local enforcement agency, the commission shall issue declaratory statements pursuant to s. 120.565 relating to the enforcement or administration by local governments of the Florida Building Code *or the Florida Accessibility Code for Building Construction*.

(b) When requested in writing by any substantially affected person or state agency or by a local enforcement agency, the commission shall issue a declaratory statement pursuant to s. 120.565 relating to this part and ss. 515.25, 515.27, 515.29, and 515.37. Actions of the commission are subject to judicial review under s. 120.68.

(c) The commission shall review decisions of local building officials and local enforcement agencies regarding interpretations of the Florida Building Code *or the Florida Accessibility Code for Building Construction* after the local board of appeals has considered the decision, if such board exists, and if such appeals process is concluded within 25 business days.

1. The commission shall coordinate with the Building Officials Association of Florida, Inc., to designate panels composed of five members to hear requests to review decisions of local building officials. The members must be licensed as building code administrators under part XII of chapter 468 and must have experience interpreting and enforcing provisions of the Florida Building Code *and the Florida Accessibility Code for Building Construction*.

2. Requests to review a decision of a local building official interpreting provisions of the Florida Building Code *or the Florida Accessibility Code for Building Construction* may be initiated by any substantially affected person, including an owner or builder subject to a decision of a local building official or an association of owners or builders having members who are subject to a decision of a local building official. In order to initiate review, the substantially affected person must file a petition with the commission. The commission shall adopt a form for the petition, which shall be published on the Building Code Information System. The form shall, at a minimum, require the following:

a. The name and address of the county or municipality in which provisions of the Florida Building Code *or the Florida Accessibility Code for Building Construction* are being interpreted.

b. The name and address of the local building official who has made the interpretation being appealed.

c. The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any; and an explanation of how the petitioner's substantial interests are being affected by the local interpretation of the Florida Building Code *or the Florida Accessibility Code for Building Construction*.

d. A statement of the provisions of the Florida Building Code *or the Florida Accessibility Code for Building Construction* which are being interpreted by the local building official.

e. A statement of the interpretation given to provisions of the Florida Building Code *or the Florida Accessibility Code for Building Construction* by the local building official and the manner in which the interpretation was rendered.

f. A statement of the interpretation that the petitioner contends should be given to the provisions of the Florida Building Code *or the Florida Accessibility Code for Building Construction* and a statement supporting the petitioner's interpretation.

g. Space for the local building official to respond in writing. The space shall, at a minimum, require the local building official to respond by providing a statement admitting or denying the statements contained in the petition and a statement of the interpretation of the provisions of the Florida Building Code *or the Florida Accessibility Code for Building Construction* which the local jurisdiction or the local building official contends is correct, including the basis for the interpretation.

3. The petitioner shall submit the petition to the local building official, who shall place the date of receipt on the petition. The local building official shall respond to the petition in accordance with the form and shall return the petition along with his or her response to the petitioner within 5 days after receipt, exclusive of Saturdays, Sundays, and legal holidays. The petitioner may file the petition with the commission at any time after the local building official provides a response. If no response is provided by the local building official, the petitioner may file the petition with the commission 10 days after submission of the petition to the local building official and shall note that the local building official did not respond.

4. Upon receipt of a petition that meets the requirements of subparagraph 2., the commission shall immediately provide copies of the petition to a panel, and the commission shall publish the petition, including any response submitted by the local building official, on the Building Code Information System in a manner that allows interested persons to address the issues by posting comments.

5. The panel shall conduct proceedings as necessary to resolve the issues; shall give due regard to the petitions, the response, and to comments posed on the Building Code Information System; and shall issue an interpretation regarding the provisions of the Florida Building Code *or the Florida Accessibility Code for Building Construction* within 21

days after the filing of the petition. The panel shall render a determination based upon the Florida Building Code *or the Florida Accessibility Code for Building Construction* or, if the code is ambiguous, the intent of the code. The panel's interpretation shall be provided to the commission, which shall publish the interpretation on the Building Code Information System and in the Florida Administrative Register. The interpretation shall be considered an interpretation entered by the commission, and shall be binding upon the parties and upon all jurisdictions subject to the Florida Building Code *or the Florida Accessibility Code for Building Construction*, unless it is superseded by a declaratory statement issued by the Florida Building Commission or by a final order entered after an appeal proceeding conducted in accordance with subparagraph 7.

6. It is the intent of the Legislature that review proceedings be completed within 21 days after the date that a petition seeking review is filed with the commission, and the time periods set forth in this paragraph may be waived only upon consent of all parties.

7. Any substantially affected person may appeal an interpretation rendered by a hearing officer panel by filing a petition with the commission. Such appeals shall be initiated in accordance with chapter 120 and the uniform rules of procedure and must be filed within 30 days after publication of the interpretation on the Building Code Information System or in the Florida Administrative Register. Hearings shall be conducted pursuant to chapter 120 and the uniform rules of procedure. Decisions of the commission are subject to judicial review pursuant to s. 120.68. The final order of the commission is binding upon the parties and upon all jurisdictions subject to the Florida Building Code *or the Florida Accessibility Code for Building Construction*.

8. The burden of proof in any proceeding initiated in accordance with subparagraph 7. is on the party who initiated the appeal.

9. In any review proceeding initiated in accordance with this paragraph, including any proceeding initiated in accordance with subparagraph 7., the fact that an owner or builder has proceeded with construction may not be grounds for determining an issue to be moot if the issue is one that is likely to arise in the future.

This paragraph provides the exclusive remedy for addressing requests to review local interpretations of the *Florida Building* Code *or the Florida Accessibility Code for Building Construction* and appeals from review proceedings.

(d) Upon written application by any substantially affected person, contractor, or designer, or a group representing a substantially affected person, contractor, or designer, the commission shall issue or cause to be issued a formal interpretation of the Florida Building Code *or the Florida Accessibility Code for Building Construction* as prescribed by paragraph (c).

(e) Local decisions declaring structures to be unsafe and subject to repair or demolition are not subject to review under this subsection and may not be appealed to the commission if the local governing body finds that there is an immediate danger to the health and safety of the public.

(f) Upon written application by any substantially affected person, the commission shall issue a declaratory statement pursuant to s. 120.565 relating to an agency's interpretation and enforcement of the specific provisions of the Florida Building Code *or the Florida Accessibility Code for Building Construction* which the agency is authorized to enforce. This subsection does not provide any powers, other than advisory, to the commission with respect to any decision of the State Fire Marshal made pursuant to chapter 633.

(g) The commission may designate a commission member who has demonstrated expertise in interpreting building plans to attend each meeting of the advisory council created in s. 553.512. The commission member may vary from meeting to meeting, shall serve on the council in a nonvoting capacity, and shall receive per diem and expenses as provided in s. 553.74(3).

(h) The commission shall by rule establish an informal process of rendering nonbinding interpretations of the Florida Building Code *and the Florida Accessibility Code for Building Construction*. The commission is specifically authorized to refer interpretive issues to organizations that represent those engaged in the construction industry. The commission shall immediately implement the process before completing formal rulemaking. It is the intent of the Legislature that the commission create a process to refer questions to a small, rotating group of individuals licensed under part XII of chapter 468, to which a party may pose questions regarding the interpretation of code provisions. It is the intent of the Legislature that the process provide for the expeditious resolution of the issues presented and publication of the resulting interpretation on the Building Code Information System. Such interpretations shall be advisory only and nonbinding on the parties and the commission.

(4) In order to administer this section, the commission may adopt by rule and impose a fee for filing requests for declaratory statements and binding and nonbinding interpretations to recoup the cost of the proceedings which may not exceed $125 for each request for a nonbinding interpretation and $250 for each request for a binding review or interpretation. For proceedings conducted by or in coordination with a third party, the rule may provide that payment be made directly to the third party, who shall remit to the department that portion of the fee necessary to cover the costs of the department.

~~(5) The commission may render declaratory statements in accordance with s. 120.565 relating to the provisions of the Florida Accessibility Code for Building Construction not attributable to the Americans with Disabilities Act Accessibility Guidelines. Notwithstanding the other provisions of this section, the Florida Accessibility Code for Building Construction and chapter 11 of the Florida Building Code may not be interpreted by, and are not subject to review under, any of the procedures specified in this section. This subsection has no effect upon the commission's authority to waive the Florida Accessibility Code for Building Construction as provided by s. 553.512.~~

Section 21. Effective October 1, 2014, present subsections (11) through (18) of section 553.79, Florida Statutes, are redesignated as subsections (12) through (19), respectively, a new subsection (11) is added to that section, and present subsection (18) is amended, to read:

553.79 Permits; applications; issuance; inspections.—

(11) The local enforcing agency may not issue a building permit to construct, develop, or modify a public swimming pool without proof of application, whether complete or incomplete, for an operating permit pursuant to s. 514.031. A certificate of completion or occupancy may not be issued until such operating permit is issued. The local enforcing agency shall conduct their review of the building permit application upon filing and in accordance with this chapter. The local enforcing agency may confer with the Department of Health, if necessary, but may not delay the building permit application review while awaiting comment from the Department of Health.

(19)~~(18)~~ For the purpose of inspection and record retention, site plans *or building permits* ~~for a building~~ may be maintained in the *original* form *or in the form* of an electronic copy at the worksite. These plans *and permits* must be open to inspection by the building official or a duly authorized representative, as required by the Florida Building Code.

Section 22. Paragraph (b) of subsection (6) of section 553.80, Florida Statutes, is amended to read:

553.80 Enforcement.—

(6) Notwithstanding any other law, state universities, community colleges, and public school districts shall be subject to enforcement of the Florida Building Code under this part.

(b) If a state university, state community college, or public school district elects to use a local government's code enforcement offices:

1. Fees charged by counties and municipalities for enforcement of the Florida Building Code on buildings, structures, and facilities of state universities, state colleges, and public school districts may not be more than the actual labor and administrative costs incurred for plans review and inspections to ensure compliance with the code.

2. Counties and municipalities shall expedite building construction permitting, building plans review, and inspections of projects of state universities, state community colleges, and public *schools* ~~school districts~~ that are subject to the Florida Building Code according to guidelines established by the Florida Building Commission.

3. A party substantially affected by an interpretation of the Florida Building Code by the local government's code enforcement offices may appeal the interpretation to the local government's board of adjustment and appeal or to the commission under s. 553.775 if no local board exists. The decision of a local board is reviewable in accordance with s. 553.775.

This part may not be construed to authorize counties, municipalities, or code enforcement districts to conduct any permitting, plans review, or inspections not covered by the Florida Building Code. Any actions by counties or municipalities not in compliance with this part may be appealed to the Florida Building Commission. The commission, upon a determination that actions not in compliance with this part have delayed permitting or construction, may suspend the authority of a county, municipality, or code enforcement district to enforce the Florida Building Code on the buildings, structures, or facilities of a state university, state community college, or public school district and provide for code enforcement at the expense of the state university, state community college, or public school district.

Section 23. Subsections (1) and (2) of section 553.841, Florida Statutes, are amended to read:

553.841 Building code compliance and mitigation program.—

(1) The Legislature finds that knowledge and understanding by persons licensed *or employed* in the design and construction industries of the importance and need for complying with the Florida Building Code *and related laws* is vital to the public health, safety, and welfare of this state, especially for *protecting consumers and* mitigating damage caused by hurricanes to residents and visitors to the state. The Legislature further finds that the Florida Building Code can be effective only if all participants in the design and construction industries maintain a thorough knowledge of the code*, code compliance and enforcement, duties related to consumers,* and *changes that* ~~additions thereto which~~ improve construction standards*, project completion, and compliance of design and construction* to protect against *consumer harm,* storm *damage,* and other damage. Consequently, the Legislature finds that there is a need for a program to provide ongoing education and outreach activities concerning compliance with the Florida Building Code*, the Florida Fire Prevention Code, construction plan and permitting requirements, construction liens,* and hurricane mitigation.

(2) The Department of Business and Professional Regulation shall administer a program, designated as the Florida Building Code Compliance and Mitigation Program, to develop, coordinate, and maintain education and outreach to persons required to comply with the Florida Building Code *and related provisions as specified in subsection (1)* and ensure consistent education, training, and communication of the code's requirements, including, but not limited to, methods for *design and construction compliance and* mitigation of storm-related damage. The program shall also operate a clearinghouse through which design, construction, and building code enforcement licensees, suppliers, and consumers in this state may find others in order to exchange information relating to mitigation and facilitate repairs in the aftermath of a natural disaster.

Section 24. Section 553.883, Florida Statutes, is created to read:

553.883 Smoke alarms in one-family and two-family dwellings and townhomes.—One-family and two-family dwellings and townhomes undergoing a repair, or a level 1 alteration as defined in the Florida Building Code, may use smoke alarms powered by 10-year nonremovable, nonreplaceable batteries in lieu of retrofitting such dwelling with smoke alarms powered by the dwelling's electrical system. Effective January 1, 2015, a battery-powered smoke alarm that is newly installed or replaces an existing battery-powered smoke alarm must be powered by a nonremovable, nonreplaceable battery that powers the alarm for at least 10 years. All fire alarms, smoke detectors, smoke alarms, and ancillary components that are electronically connected to a system as part of a UL Listed centrally-monitored fire alarm station are exempt from the battery requirements of this section.

Section 25. Subsection (3) of section 553.993, Florida Statutes, is amended to read:

553.993 Definitions.—For purposes of this part:

(3) "Building energy-efficiency rating system" means a whole building energy evaluation system *that provides a reliable and scientifically-based analysis of a building's energy consumption or energy features and allows a comparison to similar building types in similar climate zones where applicable. Specifically, the rating system shall use standard calculations, formulas, and scoring methods; be applicable nationally; compare a building to a clearly defined and researched baseline or benchmark; require qualified professionals to conduct the rating or assessment; and provide a labeling and recognition program with specific criteria or levels. Residential program benchmarks for new construction must be consistent with national building standards. Residential building program benchmarks for existing construction must be consistent with national home energy rating standards. The building energy-efficiency rating system shall require at least one level of oversight performed by an organized and balanced group of professionals with subject matter expertise in energy efficiency, energy rating, and evaluation methods* ~~established by the Residential Energy Services Network, the Commercial Energy Services Network, the Building Performance Institute, or the Florida Solar Energy Center~~.

Section 26. Subsection (15) of section 633.202, Florida Statutes, is amended to read:

633.202 Florida Fire Prevention Code.—

(15)~~(a)~~ For one-story or two-story structures that are less than 10,000 square feet, whose occupancy is defined in the Florida Building Code and the Florida Fire Prevention Code as business or mercantile, a fire official shall enforce the wall fire-rating provisions for occupancy separation as defined in the Florida Building Code.

(16)(a)~~(b)~~ A structure, located on property that is classified for ad valorem purposes as agricultural, which is part of a farming or ranching operation, in which the occupancy is limited by the property owner to no more than 35 persons, and which is not used by the public for direct sales or as an educational outreach facility, is exempt from the Florida Fire Prevention Code, including the national codes and Life Safety Code incorporated by reference. This paragraph does not include structures used for residential or assembly occupancies, as defined in the Florida Fire Prevention Code.

(b) A tent up to 30 feet by 30 feet is exempt from the Florida Fire Prevention Code, including the national codes incorporated by reference.

Section 27. Subsection (1) of section 633.212, Florida Statutes, is amended to read:

633.212 Legislative intent; informal interpretations of the Florida Fire Prevention Code.—It is the intent of the Legislature that the Florida Fire Prevention Code be interpreted by fire officials and local enforcement agencies in a manner that reasonably and cost-effectively protects the public safety, health, and welfare; ensures uniform interpretations throughout this state; and provides just and expeditious processes for resolving disputes regarding such interpretations. It is the further intent of the Legislature that such processes provide for the expeditious resolution of the issues presented and that the resulting interpretation of such issues be published on the website of the division.

(1) The division shall by rule establish an informal process of rendering nonbinding interpretations of the Florida Fire Prevention Code. The division may contract with and refer interpretive issues to a third party, selected based upon cost effectiveness, quality of services to be performed, and other performance-based criteria, which has experience in interpreting and enforcing the Florida Fire Prevention Code. It is the intent of the Legislature that the division establish a Fire Code Interpretation Committee composed of seven persons and seven alternates, equally representing each area of the state, to which a party can pose questions regarding the interpretation of the Florida Fire Prevention Code provisions. The alternate member may respond to a nonbinding interpretation if *a* ~~the~~ member ~~notifies the Fire Code Interpretation Committee that he or she~~ is unable to respond.

Section 28. Except as otherwise provided in this act, this act shall take effect July 1, 2014.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to building construction policies; amending s. 162.12, F.S.; providing an additional method for local governments to provide notices to alleged code enforcement violators; amending s. 373.323, F.S.; revising the requirements of an applicant to take the water well contractor licensure examination; amending s. 377.6015, F.S.; removing a provision relating to representation in the Southern States Energy Compact; amending s. 377.703, F.S.; requiring the Department of Agriculture and Consumer Services to include in its annual report recommendations for energy efficiency; expanding the promotion of the development and use of renewable energy resources from goals related to solar energy to renewable energy in general; requiring the department to cooperate with the Florida Energy Systems Consortium in the development and use of renewable energy resources; amending s. 377.712, F.S.; authorizing the Commissioner of Agriculture to appoint a member to the Southern States Energy Board; authorizing the member appointed by the Governor to approve proposed activities relating to furtherance of the Southern States Energy Compact; amending s. 377.801, F.S.; conforming a cross-reference; amending s. 377.802, F.S.; amending the purpose of the Florida Energy and Climate Protection Act; amending s. 377.803, F.S.; conforming provisions to changes made by the act; repealing ss. 377.806 and 377.807, F.S., relating to the Solar Energy System Incentives Program and the Energy-Efficient Appliance Rebate Program, respectively; creating s. 377.815, F.S.; authorizing the department to post on its website information relating to alternative fueling stations or electric vehicle charging stations; defining the term "alternative fuel"; authorizing the owner or operator of an alternative fueling station or an electric vehicle charging station to report certain information; amending s. 440.103, F.S.; authorizing an employer to present certain documents electronically or physically in order to show proof and certify to the permit issuer that it has secured compensation for its employees; authorizing site plans or electronically transferred building permits to be maintained at the worksite in their original form or by electronic copy; requiring such plans or permits to be open to inspection by the building official or authorized representative; amending s. 514.0115, F.S.; authorizing the Department of Health to grant certain variances relating to public swimming pools and bathing places; amending s. 514.03, F.S.; requiring application for an operating permit before filing an application for a building permit for a public swimming pool; amending s. 514.031, F.S.; providing additional requirements for obtaining a public swimming pool operating permit; providing a procedure for an applicant to respond to a request for additional information; requiring the Department of Health to review and provide to the local enforcement agency and the applicant any comments or proposed modifications to information submitted in the application; amending s. 553.37, F.S.; specifying inspection criteria for construction or modification of manufactured buildings or modules; amending s. 553.721, F.S.; making a technical change; amending s. 553.73, F.S.; authorizing an agency or local government to require rooftop equipment to be installed in compliance with the Florida Building Code if the equipment is being replaced or removed during reroofing and is not in compliance with the Florida Building Code's roof-mounted mechanical units requirements; providing that make-up air is not required for certain range hood exhaust systems; amending s. 553.74, F.S.; adding a member to the Florida Building Commission as a representative of the Department of Agriculture and Consumer Services' Office of Energy; deleting obsolete provisions; amending s. 553.77, F.S.; requiring building officials to recognize and enforce certain variance orders issued by the Department of Health; amending s. 553.775, F.S.; authorizing building officials, local enforcement agencies, and the Florida Building Commission to interpret the Florida Accessibility Code for Building Construction; specifying procedures for such interpretations; deleting provisions relating to declaratory statements and interpretations of the Florida Accessibility Code for Building Construction, to conform; amending s. 553.79, F.S.; prohibiting a local enforcing agency from issuing a building permit for a public swimming pool without proof of application for an operating permit; requiring issuance of an operating permit before a certificate of completion or occupancy is issued; requiring the local enforcing agency to review the building permit application upon filing; authorizing such agency to confer with the Department of Health if it doesn't delay review of the application; authorizing site plans or building permits to be maintained at the worksite in their original form or in the form of an electronic copy; requiring the permit to be open to inspection; amending s. 553.80, F.S.; requiring counties and municipalities to expedite building construction permitting, building plans review, and inspections of projects of certain public schools, rather than certain public school districts; amending s. 553.841, F.S.; revising education and training requirements of the Florida Building Code Compliance and Mitigation Program; creating s. 553.883, F.S.; authorizing use of smoke alarms powered by 10-year nonremovable, nonreplaceable batteries in certain circumstances; requiring use of such alarms by a certain date; providing an exemption; amending s. 553.993, F.S.; redefining the term "building energy-efficiency rating system" to require consistency with certain national standards for new construction and existing construction; providing for oversight; amending s. 633.202, F.S.; exempting certain tents from the Florida Fire Prevention Code; amending s. 633.212, F.S.; removing the requirement that an alternate member of the Fire Code Interpretation Committee provide notice to the committee in order to respond to a nonbinding interpretation when a member is unable to respond; providing effective dates.

Senator Lee moved the following amendment to **Amendment 1 (189214)** which was adopted:

Amendment 1A (783596)—Delete lines 938-942 and insert:
years. The battery requirements of this section do not apply to a fire alarm, smoke detector, smoke alarm, or ancillary component that is electronically connected as a part of a centrally monitored or supervised alarm system.

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

Senator Bradley moved the following amendment to **Amendment 1 (189214)** which was adopted:

Amendment 1B (526084) (with title amendment)—Between lines 288 and 289 insert:

Section 11. Section 377.816, Florida Statutes, is created to read:

377.816 Qualified energy conservation bond allocation.—

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

(a) "Eligible issuer" means an entity that is created under or pursuant to the constitution or laws of this state and that is authorized by this state to issue bonds or enter into a lease-purchase agreement, or any other entity in this state authorized to issue qualified energy conservation bonds pursuant to the Internal Revenue Code.

(b) "Office" means the Office of Energy within the Department of Agriculture and Consumer Services.

(c) "Qualified energy conservation bond" means a bond described in 26 U.S.C. s. 54D(a).

(d) "Qualified project" means a project eligible to be financed pursuant to 26 U.S.C. s. 54D(f).

(2) ALLOCATION OF STATE VOLUME LIMITATION.—

(a) The office shall establish an allocation program for allocating or reallocating the qualified energy conservation bond volume limitation provided by 26 U.S.C. s. 54D. The allocation program must provide notification of all mandatory allocations required or authorized pursuant to the Internal Revenue Code.

1. All mandatory allocations pursuant to 26 U.S.C. s. 54D(e)(2)(A) shall be allocated to eligible issuers as provided therein.

2. An eligible issuer receiving a mandatory allocation pursuant to subparagraph 1. may elect to reallocate all or any portion of its allocation back to the state pursuant to 26 U.S.C. s. 54D(e)(2)(B).

(b) The office may reallocate to eligible issuers in the state any allocation that was retained by the state from the original federal allocation or any allocation that is waived by an eligible issuer pursuant to subparagraph (a)2.

(c) Each eligible issuer receiving an allocation shall notify the department in writing of the amount of bonds issued and any other information relating to the bonds or the allocation at such time and in such manner as is required by the office.

(d) A bond subject to the limitations provided in 26 U.S.C. s. 54D may not be issued in this state unless issued pursuant to this section.

(3) INFORMATION AVAILABILITY.—The office shall determine the amount of qualified energy conservation bond allocations for each qualified issuer in this state under 26 U.S.C. s. 54D and shall make such information available upon request to any person or agency.

And the title is amended as follows:

Delete line 1064 and insert: information; creating s. 377.816, F.S.; defining terms; requiring the Office of Energy to establish a program for allocating or reallocating a federally qualified energy conservation bond volume limitation; providing program requirements; amending s. 440.103, F.S.; authorizing an

Amendment 1 (189214) as amended was adopted.

Pursuant to Rule 4.19, **CS for HB 7147** as amended was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 1048** was deferred.

CS for CS for CS for SB 1254—A bill to be entitled An act relating to health care services; amending ss. 390.012, 400.021, 400.0712, 400.23, 400.487, 400.497, 400.506, 400.509, 400.6095, 400.914, 400.935, 400.962, 400.967, 400.980, 409.912, 429.255, 429.73, 440.102, 483.245, 765.541, and 765.544, F.S.; removing certain rulemaking authority relating to the disposal of fetal remains by abortion clinics, nursing home equipment and furnishings, license applications for nursing home facilities, evaluation of nursing home facilities, home health agencies and cardiopulmonary resuscitation, home health agency standards, nurse registry emergency management plans, registration of certain service providers, hospice and cardiopulmonary resuscitation, standards for prescribed pediatric extended care facilities, minimum standards relating to home medical equipment providers, standards for intermediate care facilities for the developmentally disabled, rules and the classification of deficiencies for intermediate care facilities for the developmentally disabled, the registration of health care service pools, participation in a Medicaid provider lock-in program, assisted living facilities and cardiopulmonary resuscitation, adult family-care homes and cardiopulmonary resuscitation, guidelines for drug-free workplace laboratories, penalties for rebates, standards for organ procurement organizations; administrative penalties for violations of the organ and tissue donor education and procurement program; amending s. 395.003, F.S.; revising provisions relating to the provision of cardiovascular services by a hospital; amending s. 400.471, F.S.; exempting a home health agency that is not Medicare or Medicaid certified and does not provide skilled nursing care from having to provide documentation of accreditation; amending s. 400.474, F.S.; revising the report requirements for home health agencies; creating s. 400.9141, F.S.; limiting services at PPEC centers; amending s. 400.934, F.S., relating to home medical equipment providers; requiring that the emergency management plan include criteria relating to the maintenance of patient equipment and supply lists; amending s. 409.972, F.S.; exempting certain people from the requirement to enroll in Medicaid managed care; providing an effective date.

—was read the second time by title.

An amendment was considered and failed to conform **CS for CS for CS for SB 1254** to **CS for HB 7105**.

Pending further consideration of **CS for CS for CS for SB 1254**, on motion by Senator Grimsley, by two-thirds vote **CS for HB 7105** was withdrawn from the Committees on Health Policy; Rules; and Appropriations.

On motion by Senator Grimsley—

CS for HB 7105—A bill to be entitled An act relating to health care services rulemaking; amending s. 390.012, F.S.; revising rulemaking authority relating to the operation of certain abortion clinics; amending s. 400.021, F.S.; revising the definition of the term "nursing home bed" to remove rulemaking authority for determining minimum space requirements for nursing home beds; amending s. 400.0712, F.S.; removing rulemaking authority relating to inactive nursing home facility licenses; amending s. 400.23, F.S.; revising general rulemaking authority relating to nursing homes and certain health care providers; amending s. 400.471, F.S.; exempting certain home health agencies from requirements relating to documentation of accreditation; amending s. 400.474, F.S.; revising reporting requirements to be submitted to the Agency for Health Care Administration by home health agencies; revising entities that are not required to submit the report; amending s. 400.487, F.S.; removing rulemaking authority relating to orders not to resuscitate presented to home health agency personnel; amending s. 400.497, F.S.; revising rulemaking authority relating to the Home Health Services Act; amending s. 400.506, F.S.; removing rulemaking authority relating to the licensure of nurse registries and the establishment of certain emergency management plans; amending s. 400.509, F.S.; removing rulemaking authority relating to registration of certain companion services and homemaker services; amending s. 400.6095, F.S.; removing rulemaking authority relating to orders not to resuscitate presented to a hospice care team; amending s. 400.914, F.S.; revising rulemaking authority relating to standards for prescribed pediatric extended care (PPEC) centers; removing rulemaking authority relating to certain limitations on PPEC centers; creating s. 400.9141, F.S.; providing limitations on PPEC centers; amending s. 400.934, F.S.; revising rulemaking authority relating to the preparation of emergency managements plans by home medical equipment providers; amending s. 400.935, F.S.; revising rulemaking authority relating to minimum standards for home medical equipment providers; amending s. 400.962, F.S.; removing rulemaking authority relating to certain standards for active treatment by intermediate care facilities for the developmentally disabled; amending s. 400.967, F.S.; revising rulemaking authority relating to the construction of, the preparation of emergency management plans by, and the classification of deficiencies of intermediate care facilities for the developmentally disabled; amending s. 400.980, F.S.; removing rulemaking authority relating to the registration of health care services pools; amending s. 409.912, F.S.; removing rulemaking authority relating to Medicaid provider lock-in programs; amending s. 409.972, F.S.; revising Medicaid-eligible persons exempt from mandatory managed care enrollment; amending s. 429.255, F.S.; removing rulemaking authority relating to orders not to resuscitate presented to assisted living facility staff and the use of automated external defibrillators; amending s. 429.73, F.S.; removing rulemaking authority relating to orders not to resuscitate presented to adult family-care home providers; amending s. 440.102, F.S.; removing rulemaking authority relating to certain guidelines for drug-free workplace laboratories; amending s. 483.245, F.S.; revising rulemaking authority relating to the imposition of certain administrative penalties against clinical laboratories; amending s. 765.541, F.S.; revising rulemaking authority relating to standards and guidelines for certain organ donation programs; revising provisions relating to organ procurement programs; amending s. 765.544, F.S.; removing rulemaking authority relating to administrative penalties for violations with respect to organ and tissue donations; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 1254** and read the second time by title.

Senator Garcia moved the following amendment which was adopted:

Amendment 1 (634804) (with title amendment)—Between lines 117 and 118 insert:

Section 2. Present subsections (1) through (10) of section 395.0191, Florida Statutes, are redesignated as subsections (2) through (11), respectively, present subsection (6) is amended, and a new subsection (1) and subsection (12) are added to that section, to read:

395.0191 Staff membership and clinical privileges.—

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

(a) "Certified surgical assistant" means a surgical assistant who maintains a valid and active certification under one of the following designations:

1. Certified surgical first assistant, from the National Board of Surgical Technology and Surgical Assisting.

2. Certified surgical assistant, from the National Surgical Assistant Association.

3. Surgical assistant-certified, from the American Board of Surgical Assistants.

(b) "Certified surgical technologist" means a surgical technologist who maintains a valid and active certification as a certified surgical technologist from the National Board of Surgical Technology and Surgical Assisting.

(c) "Surgeon" means a health care practitioner as defined in s. 456.001 whose scope of practice includes performing surgery and who is listed as the primary surgeon in the operative record.

(d) "Surgical assistant" means a person who provides aid in exposure, hemostasis, closures, and other intraoperative technical functions and who assists the surgeon in performing a safe operation with optimal results for the patient.

(e) "Surgical technologist" means a person whose duties include, but are not limited to, maintaining sterility during a surgical procedure, handling and ensuring the availability of necessary equipment and supplies, and maintaining visibility of the operative site to ensure that the operating room environment is safe, that proper equipment is available, and that the operative procedure is conducted efficiently.

(7)~~(6)~~ Upon the written request of the applicant, *a* ~~any~~ licensed facility that has denied staff membership or clinical privileges to *an* ~~any~~ applicant specified in subsection *(2)* ~~(1)~~ or subsection *(3)* ~~(2)~~ shall, within 30 days *after* ~~of~~ such request, provide the applicant with the reasons for such denial in writing. A denial of staff membership or clinical privileges to *an* ~~any~~ applicant shall be submitted, in writing, to the applicant's respective licensing board.

(12)(a) At least 50 percent of the surgical assistants that a facility employs or contracts with must be certified surgical assistants.

(b) At least 50 percent of the surgical technologists that a facility employs or contracts with must be certified surgical technologists.

(c) The certification requirements in paragraphs (a) and (b) do not apply to:

1. A person who has completed an appropriate training program for surgical technology in any branch of the Armed Forces or reserve component of the Armed Forces.

2. A person who was employed or contracted to perform the duties of a surgical technologist or surgical assistant at any time before July 1, 2014.

3. A health care practitioner as defined in s. 456.001 or a student if the duties performed by the practitioner or the student are within the scope of the practitioner's or the student's training and practice.

4. A person enrolled in a surgical technology or surgical assisting training program accredited by the Commission on Accreditation of Allied Health Education Programs, the Accrediting Bureau of Health Education Schools, or another accrediting body recognized by the United States Department of Education on July 1, 2014. A person may practice as a surgical technologist or a surgical assistant for 2 years after completing such a training program before he or she is required to meet the criteria in paragraphs (a) and (b).

And the title is amended as follows:

Delete line 5 and insert: abortion clinics; amending s. 395.0191, F.S.; defining terms; requiring a certain percentage of surgical assistants and surgical technologists employed or contracting with a hospital to be certified; providing exceptions; amending s. 400.021, F.S.; revising

Senator Hays moved the following amendment which was adopted:

Amendment 2 (680216) (with title amendment)—Between lines 1033 and 1034 insert:

Section 23. Subsections (1) and (2) of section 465.189, Florida Statutes, are amended to read:

465.189 Administration of vaccines and epinephrine autoinjection.—

(1) In accordance with guidelines of the Centers for Disease Control and Prevention for each recommended immunization or vaccine, a pharmacist may administer the following vaccines to an adult within the framework of an established protocol under a supervising physician licensed under chapter 458 or chapter 459:

(a) Influenza vaccine.

(b) Pneumococcal vaccine.

(c) Meningococcal vaccine.

(d) Shingles vaccine.

~~(2) In accordance with guidelines of the Centers for Disease Control and Prevention, a pharmacist may administer the shingles vaccine within the framework of an established protocol and pursuant to a written or electronic prescription issued to the patient by a physician licensed under chapter 458 or chapter 459.~~

And the title is amended as follows:

Delete line 65 and insert: family-care home providers; amending s. 465.189, F.S.; authorizing a pharmacist to administer meningococcal and shingles vaccines; amending s. 440.102, F.S.;

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

Senator Sobel moved the following amendment which was adopted:

Amendment 3 (844796) (with title amendment)—Between lines 117 and 118 insert:

Section 2. Present subsections (10) and (11) of section 394.9082, Florida Statutes, are renumbered as subsections (11) and (12), respectively, and a new subsection (10) is added to that section, to read:

394.9082 Behavioral health managing entities.—

(10) CRISIS STABILIZATION SERVICES UTILIZATION DATABASE.—The department shall develop, implement, and maintain standards under which a managing entity shall collect utilization data from all public receiving facilities situated within its geographic service area. As used in this subsection, the term "public receiving facility" means an entity that meets the licensure requirements of and is designated by the department to operate as a public receiving facility under s. 394.875 and that is operating as a licensed crisis stabilization unit.

(a) The department shall develop standards and protocols for managing entities and public receiving facilities to be used for data collection, storage, transmittal, and analysis. The standards and protocols must allow for compatibility of data and data transmittal between public receiving facilities, managing entities, and the department for the implementation and requirements of this subsection. The department shall require managing entities contracted under this section to comply with this subsection by August 1, 2014.

(b) A managing entity shall require a public receiving facility within its provider network to submit data, in real time or at least daily, to the managing entity for:

1. All admissions and discharges of clients receiving public receiving facility services who qualify as indigent, as defined in s. 394.4787; and

2. Current active census of total licensed beds, the number of beds purchased by the department, the number of clients qualifying as indigent occupying those beds, and the total number of unoccupied licensed beds regardless of funding.

(c) A managing entity shall require a public receiving facility within its provider network to submit data, on a monthly basis, to the managing entity which aggregates the daily data submitted under paragraph (b). The managing entity shall reconcile the data in the monthly submission to the data received by the managing entity under paragraph (b) to check for consistency. If the monthly aggregate data submitted by a public receiving facility under this paragraph is inconsistent with the daily data submitted under paragraph (b), the managing entity shall consult with

the public receiving facility to make corrections as necessary to ensure accurate data.

(d) A managing entity shall require a public receiving facility within its provider network to submit data, on an annual basis, to the managing entity which aggregates the data submitted and reconciled under paragraph (c). The managing entity shall reconcile the data in the annual submission to the data received and reconciled by the managing entity under paragraph (c) to check for consistency. If the annual aggregate data submitted by a public receiving facility under this paragraph is inconsistent with the data received and reconciled under paragraph (c), the managing entity shall consult with the public receiving facility to make corrections as necessary to ensure accurate data.

(e) After ensuring accurate data under paragraphs (c) and (d), the managing entity shall submit the data to the department on a monthly and annual basis. The department shall create a statewide database for the data described under paragraph (b) and submitted under this paragraph for the purpose of analyzing the payments for and the use of crisis stabilization services funded by the Baker Act on a statewide basis and on an individual public receiving facility basis.

(f) The department shall adopt rules to administer this subsection.

(g) The department shall submit a report by January 31, 2015, and annually thereafter, to the Governor, the President of the Senate, and the Speaker of the House of Representatives which provides details on the implementation of this subsection, including the status of the data collection process and a detailed analysis of the data collected under this subsection.

(h) The implementation of this subsection is subject to specific appropriations provided to the department under the General Appropriations Act.

And the title is amended as follows:

Delete line 5 and insert: abortion clinics; amending s. 394.9082, F.S.; requiring the Department of Children and Families to develop standards and protocols for the collection, storage, transmittal, and analysis of utilization data from public receiving facilities; defining the term "public receiving facility"; requiring the department to require compliance by managing entities by a specified date; requiring a managing entity to require public receiving facilities in its provider network to submit certain data within specified timeframes; requiring managing entities to reconcile data to ensure accuracy; requiring managing entities to submit certain data to the department within specified timeframes; requiring the department to create a statewide database; requiring the department to adopt rules; requiring the department to submit an annual report to the Governor and the Legislature; providing that implementation is subject to specific appropriations; amending s. 400.021, F.S.; revising

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

Senator Richter moved the following amendments which were adopted:

Amendment 4 (688294) (with title amendment)—Before line 82 insert:

Section 1. Subsection (4) of section 322.142, Florida Statutes, is amended to read:

322.142 Color photographic or digital imaged licenses.—

(4) The department may maintain a film negative or print file. The department shall maintain a record of the digital image and signature of the licensees, together with other data required by the department for identification and retrieval. Reproductions from the file or digital record are exempt from the provisions of s. 119.07(1) and shall be made and issued only:

(a) For departmental administrative purposes;

(b) For the issuance of duplicate licenses;

(c) In response to law enforcement agency requests;

(d) To the Department of Business and Professional Regulation pursuant to an interagency agreement for the purpose of accessing digital images for reproduction of licenses issued by the Department of Business and Professional Regulation;

(e) To the Department of State pursuant to an interagency agreement to facilitate determinations of eligibility of voter registration applicants and registered voters in accordance with ss. 98.045 and 98.075;

(f) To the Department of Revenue pursuant to an interagency agreement for use in establishing paternity and establishing, modifying, or enforcing support obligations in Title IV-D cases;

(g) To the Department of Children and Families pursuant to an interagency agreement to conduct protective investigations under part III of chapter 39 and chapter 415;

(h) To the Department of Children and Families pursuant to an interagency agreement specifying the number of employees in each of that department's regions to be granted access to the records for use as verification of identity to expedite the determination of eligibility for public assistance and for use in public assistance fraud investigations;

(i) To the Department of Financial Services pursuant to an interagency agreement to facilitate the location of owners of unclaimed property, the validation of unclaimed property claims, and the identification of fraudulent or false claims;

(j) To district medical examiners pursuant to an interagency agreement for the purpose of identifying a deceased individual, determining cause of death, and notifying next of kin of any investigations, including autopsies and other laboratory examinations, authorized in s. 406.11; ~~or~~

(k) To the following persons for the purpose of identifying a person as part of the official work of a court:

1. A justice or judge of this state;

2. An employee of the state courts system who works in a position that is designated in writing for access by the Chief Justice of the Supreme Court or a chief judge of a district or circuit court, or by his or her designee; or

3. A government employee who performs functions on behalf of the state courts system in a position that is designated in writing for access by the Chief Justice or a chief judge, or by his or her designee*; or*

(l) To the Department of Health pursuant to an interagency agreement to access digital images to verify the identity of an individual during an investigation under chapter 456, and for the reproduction of licenses issued by the Department of Health.

And the title is amended as follows:

Delete line 2 and insert: An act relating to health care services; amending s. 322.142, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to provide reproductions of specified records to the Department of Health under certain circumstances;

Amendment 5 (836676) (with title amendment)—Between lines 1060 and 1061 insert:

Section 24. Subsection (7) of section 464.203, Florida Statutes, is amended to read:

464.203 Certified nursing assistants; certification requirement.—

(7) A certified nursing assistant shall complete *24* ~~12~~ hours of in-service training *every 2 years* ~~during each calendar year~~. The certified nursing assistant *is* ~~shall be~~ responsible for maintaining documentation demonstrating compliance with these provisions. ~~The Council on Certified Nursing Assistants, in accordance with s. 464.2085(2) (b), shall propose rules to implement this subsection.~~

Section 25. *Section 464.2085, Florida Statutes, is repealed.*

And the title is amended as follows:

Between lines 67 and 68 insert: amending s. 464.203, F.S.; revising certified nursing assistant inservice training requirements; repealing s. 464.2085, F.S., relating to the creation, membership, and duties of the Council on Certified Nursing Assistants;

Amendment 6 (628940) (with title amendment)—Between lines 1060 and 1061 insert:

Section 24. Present subsections (5) through (11) of section 456.025, Florida Statutes, are redesignated as subsections (4) through (10), respectively, and present subsections (4) and (6) are amended to read:

456.025 Fees; receipts; disposition.—

~~(4) Each board, or the department if there is no board, may charge a fee not to exceed $25, as determined by rule, for the issuance of a wall certificate pursuant to s. 456.013(2) requested by a licensee who was licensed prior to July 1, 1998, or for the issuance of a duplicate wall certificate requested by any licensee.~~

(5)~~(6)~~ If the cash balance of the trust fund at the end of any fiscal year exceeds the total appropriation provided for the regulation of the health care professions in the prior fiscal year, the boards, in consultation with the department, may lower the license renewal fees. *When the department determines, based on long-range estimates of revenue, that a profession's trust fund balance exceeds the amount required to cover necessary functions, each board, or the department when there is no board, may adopt rules to administer the waiver of initial application fees, initial licensure fees, unlicensed activity fees, or renewal fees for that profession. The waiver of renewal fees may not exceed 2 years.*

And the title is amended as follows:

Between lines 67 and 68 insert: amending s. 456.025, F.S.; deleting a fee provision for the issuance of wall certificates for various health profession licenses; authorizing the boards or the department to adopt rules waiving certain fees for a specified period in certain circumstances;

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

Senator Grimsley moved the following amendments which were adopted:

Amendment 7 (243198) (with title amendment)—Between lines 117 and 118 insert:

Section 2. Present paragraphs (k) through (o) of subsection (1) of section 395.401, Florida Statutes, are redesignated as paragraphs (l) through (p), respectively, and a new paragraph (k) is added to that subsection, to read:

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

(1)

(k) A hospital operating a trauma center may not charge a trauma activation fee greater than $15,000. This paragraph expires on July 1, 2015.

Section 3. Subsections (2) and (4) of section 395.402, Florida Statutes, are amended, and subsection (5) is added to that section, to read:

395.402 Trauma service areas; number and location of trauma centers.—

(2) Trauma service areas as defined in this section are to be utilized until the Department of Health completes an assessment of the trauma system and reports its finding to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the substantive legislative committees. The report shall be submitted by February 1, 2005. The department shall review the existing trauma system and determine whether it is effective in providing trauma care uniformly throughout the state. The assessment shall:

~~(a) Consider aligning trauma service areas within the trauma region boundaries as established in July 2004.~~

(a)~~(b)~~ Review the number and level of trauma centers needed for each trauma service area to provide a statewide integrated trauma system.

(b)~~(c)~~ Establish criteria for determining the number and level of trauma centers needed to serve the population in a defined trauma service area or region.

(c)~~(d)~~ Consider including criteria within trauma center approval standards based upon the number of trauma victims served within a service area.

~~(e) Review the Regional Domestic Security Task Force structure and determine whether integrating the trauma system planning with interagency regional emergency and disaster planning efforts is feasible and identify any duplication of efforts between the two entities.~~

(d)~~(f)~~ Make recommendations regarding a continued revenue source which shall include a local participation requirement.

(e)~~(g)~~ Make recommendations regarding a formula for the distribution of funds identified for trauma centers which shall address incentives for new centers where needed and the need to maintain effective trauma care in areas served by existing centers, with consideration for the volume of trauma patients served, and the amount of charity care provided.

(4) Annually thereafter, the department shall review the assignment of the 67 counties to trauma service areas, in addition to the requirements of *subsections (2)* ~~paragraphs (2)(b)-(g)~~ and ~~subsection~~ (3). County assignments are made for the purpose of developing a system of trauma centers. Revisions made by the department shall *consider* ~~take into consideration~~ the recommendations made as part of the regional trauma system plans approved by the department and the recommendations made as part of the state trauma system plan. *If* ~~In cases where~~ a trauma service area is located within the boundaries of more than one trauma region, the trauma service area's needs, response capability, and system requirements shall be considered by each trauma region served by that trauma service area in its regional system plan. ~~Until the department completes the February 2005 assessment, the assignment of counties shall remain as established in this section.~~

(a) The following trauma service areas are hereby established:

1. Trauma service area 1 shall consist of Escambia, Okaloosa, Santa Rosa, and Walton Counties.

2. Trauma service area 2 shall consist of Bay, Gulf, Holmes, and Washington Counties.

3. Trauma service area 3 shall consist of Calhoun, Franklin, Gadsden, Jackson, Jefferson, Leon, Liberty, Madison, Taylor, and Wakulla Counties.

4. Trauma service area 4 shall consist of Alachua, Bradford, Columbia, Dixie, Gilchrist, Hamilton, Lafayette, Levy, Putnam, Suwannee, and Union Counties.

5. Trauma service area 5 shall consist of Baker, Clay, Duval, Nassau, and St. Johns Counties.

6. Trauma service area 6 shall consist of Citrus, Hernando, and Marion Counties.

7. Trauma service area 7 shall consist of Flagler and Volusia Counties.

8. Trauma service area 8 shall consist of Lake, Orange, Osceola, Seminole, and Sumter Counties.

9. Trauma service area 9 shall consist of Pasco and Pinellas Counties.

10. Trauma service area 10 shall consist of Hillsborough County.

11. Trauma service area 11 shall consist of Hardee, Highlands, and Polk Counties.

12. Trauma service area 12 shall consist of Brevard and Indian River Counties.

13. Trauma service area 13 shall consist of DeSoto, Manatee, and Sarasota Counties.

14. Trauma service area 14 shall consist of Martin, Okeechobee, and St. Lucie Counties.

15. Trauma service area 15 shall consist of Charlotte, Glades, Hendry, and Lee Counties.

16. Trauma service area 16 shall consist of Palm Beach County.

17. Trauma service area 17 shall consist of Collier County.

18. Trauma service area 18 shall consist of Broward County.

19. Trauma service area 19 shall consist of Miami-Dade and Monroe Counties.

(b) Each trauma service area should have at least one Level I or Level II trauma center. The department shall allocate, by rule, the number of trauma centers needed for each trauma service area.

(c) There *may* ~~shall~~ be no more than ~~a total of~~ 44 trauma centers in the state.

(5) By October 1, 2014, the department shall convene the Florida Trauma System Plan Advisory Committee in order to review the Trauma System Consultation Report issued by the American College of Surgeons Committee on Trauma dated February 2-5, 2013. Based on this review, the advisory council shall submit recommendations, including recommended statutory changes, to the President of the Senate and the Speaker of the House of Representatives by February 1, 2015. The advisory council may make recommendations to the State Surgeon General regarding the continuing development of the state trauma system. The advisory council shall consist of the following nine representatives of an inclusive trauma system appointed by the State Surgeon General:

(a) A trauma patient, or a family member of a trauma patient, who has sustained and recovered from severe injuries;

(b) A member of the Florida Committee on Trauma;

(c) A member of the Association of Florida Trauma Coordinators;

(d) A chief executive officer of a nontrauma acute care hospital who is a member of the Florida Hospital Association;

(e) A member of the Florida Emergency Medical Services Advisory Council;

(f) A member of the Florida Injury Prevention Advisory Council;

(g) A member of the Brain and Spinal Cord Injury Program Advisory Council;

(h) A member of the Florida Chamber of Commerce; and

(i) A member of the Florida Health Insurance Advisory Board.

Section 4. Subsection (7) of section 395.4025, Florida Statutes, is amended, and subsections (15) and (16) are added to that section, to read:

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

(7) *A* ~~Any~~ hospital that *has submitted an application for selection as a trauma center may* ~~wishes to~~ protest *an adverse* ~~a~~ decision made by the department based on the department's preliminary*, provisional,* or in-depth review of *its application,* ~~applications~~ or on the recommendations of the site visit review team pursuant to this section*, and* shall proceed as provided *under* ~~in~~ chapter 120. Hearings held under this subsection shall be conducted in the same manner as provided in ss. 120.569 and 120.57. Cases filed under chapter 120 may combine all disputes between parties.

(15) Notwithstanding any other law, a hospital designated as a provisional or verified as a Level I, Level II, or pediatric trauma center after the enactment of chapter 2004-259, Laws of Florida, whose approval has not been revoked may continue to operate at the same trauma center level until the approval period in subsection (6) expires if the hospital continues to meet the other requirements of part II of this chapter related to trauma center standards and patient outcomes. A hospital that meets the requirements of this section is eligible for renewal of its 7-year approval period pursuant to subsection (6).

(16) Except as otherwise provided in this act, the department may not verify, designate, or provisionally approve any hospital to operate as a trauma center through the procedures established in subsections (1)-(14), unless the hospital is designated as a provisional Level I trauma center and is seeking to be verified as a Level I trauma center as of July 1, 2014. This subsection expires on the earlier of July 1, 2015, or upon the entry of a final order affirming the validity of a proposed rule of the department allocating the number of trauma centers needed for each trauma service area as provided in s. 395.402(4).

And the title is amended as follows:

Delete lines 2-5 and insert: An act relating to health care services; amending s. 390.012, F.S.; revising rulemaking authority relating to the operation of abortion clinics; amending s. 395.401, F.S.; limiting trauma service fees to a certain amount; providing for future expiration; conforming a cross-reference; amending s. 395.402, F.S.; revising provisions relating to the contents of the Department of Health trauma system assessment; requiring the Department of Health to convene the Florida Trauma System Plan Advisory Committee by a specified date; requiring the advisory council to review the Trauma System Consultation Report and make recommendations to the Legislature by a specified date; authorizing the advisory council to make recommendations to the State Surgeon General; designating the membership of the advisory council; amending s. 395.4025, F.S.; specifying that only applicants for trauma centers may protest an adverse decision made by the department; authorizing certain provisional and verified trauma centers to continue operating and to apply for renewal; restricting the department from verifying, designating, or provisionally approving certain hospitals as trauma centers; providing for future expiration; amending s. 400.021, F.S.; revising

Amendment 8 (153508) (with title amendment)—Between lines 117 and 118 insert:

Section 2. Paragraph (a) of subsection (6) of section 395.003, Florida Statutes, is amended to read:

395.003 Licensure; denial, suspension, and revocation.—

(6)(a) A specialty hospital may not provide any service or regularly serve any population group beyond those services or groups specified in its license. A ~~specialty-licensed children's~~ hospital that is authorized to provide pediatric cardiac catheterization and pediatric open-heart surgery services may provide cardiovascular service to adults who, as children, were previously served by the hospital for congenital heart disease, or to ~~those~~ patients who are referred *only* for a specialized procedure ~~only~~ for congenital heart disease by an adult hospital, without obtaining additional licensure as a provider of adult cardiovascular services. The agency may request documentation as needed to support patient selection and treatment. This subsection does not apply to a specialty-licensed children's hospital that is already licensed to provide adult cardiovascular services.

And the title is amended as follows:

Delete lines 2-5 and insert: An act relating to health care services rulemaking; amending s. 390.012, F.S.; revising rulemaking authority relating to the operation of certain abortion clinics; amending s. 395.003, F.S.; revising provisions relating to the provision of cardiovascular services by a hospital; amending s. 400.021, F.S.; revising

Amendment 9 (107478) (with title amendment)—Between lines 1104 and 1105 insert:

Section 27. Paragraph (c) of subsection (2) of section 409.967, Florida Statutes, is amended to read:

409.967 Managed care plan accountability.—

(2) The agency shall establish such contract requirements as are necessary for the operation of the statewide managed care program. In addition to any other provisions the agency may deem necessary, the contract must require:

(c) *Access.—*

1. The agency shall establish specific standards for the number, type, and regional distribution of providers in managed care plan networks to ensure access to care for both adults and children. Each plan must maintain a regionwide network of providers in sufficient numbers to meet the access standards for specific medical services for all recipients enrolled in the plan. The exclusive use of mail-order pharmacies may not be sufficient to meet network access standards. Consistent with the standards established by the agency, provider networks may include providers located outside the region. A plan may contract with a new hospital facility before the date the hospital becomes operational if the hospital has commenced construction, will be licensed and operational by January 1, 2013, and a final order has issued in any civil or administrative challenge. Each plan shall establish and maintain an accurate and complete electronic database of contracted providers, including information about licensure or registration, locations and hours of operation, specialty credentials and other certifications, specific performance indicators, and such other information as the agency deems necessary. The database must be available online to ~~both~~ the agency and the public and have the capability *of comparing* ~~to compare~~ the availability of providers to network adequacy standards and to accept and display feedback from each provider's patients. Each plan shall submit quarterly reports to the agency identifying the number of enrollees assigned to each primary care provider.

2. *If establishing a prescribed drug formulary or preferred drug list, a managed care plan shall:*

a. Provide a broad range of therapeutic options for the treatment of disease states which are consistent with the general needs of an outpatient population. If feasible, the formulary or preferred drug list must include at least two products in a therapeutic class.

b. ~~Each managed care plan must~~ Publish *the* ~~any~~ prescribed drug formulary or preferred drug list on the plan's website in a manner that is accessible to and searchable by enrollees and providers. The plan *shall* ~~must~~ update the list within 24 hours after making a change. ~~Each plan must ensure that the prior authorization process for prescribed drugs is readily accessible to health care providers, including posting appropriate contact information on its website and providing timely responses to providers.~~

3. For *enrollees* ~~Medicaid recipients~~ diagnosed with hemophilia who have been prescribed anti-hemophilic-factor replacement products, the agency shall provide for those products and hemophilia overlay services through the agency's hemophilia disease management program.

~~3. Managed care plans, and their fiscal agents or intermediaries, must accept prior authorization requests for any service electronically.~~

4. Notwithstanding any other law, in order to establish uniformity in the submission of prior authorization forms, effective January 1, 2015, a managed care plan shall use a single standardized form for obtaining prior authorization for a medical procedure, course of treatment, or prescription drug benefit. The form may not exceed two pages in length, excluding any instructions or guiding documentation.

a. The managed care plan shall make the form available electronically and online to practitioners. The prescribing provider may electronically submit the completed prior authorization form to the managed care plan.

b. If the managed care plan contracts with a pharmacy benefits manager to perform prior authorization services for a medical procedure, course of treatment, or prescription drug benefit, the pharmacy benefits manager must use and accept the standardized prior authorization form.

c. A completed prior authorization request submitted by a health care provider using the standardized prior authorization form is deemed approved upon receipt by the managed care plan unless the managed care plan responds otherwise within 3 business days.

5. If medications for the treatment of a medical condition are restricted for use by a managed care plan by a step-therapy or fail-first protocol, the prescribing provider must have access to a clear and convenient process to request an override of the protocol from the managed care plan.

a. The managed care plan shall grant an override within 72 hours if the prescribing provider documents that:

(I) Based on sound clinical evidence, the preferred treatment required under the step-therapy or fail-first protocol has been ineffective in the treatment of the enrollee's disease or medical condition; or

(II) Based on sound clinical evidence or medical and scientific evidence, the preferred treatment required under the step-therapy or fail-first protocol:

(A) Is expected or is likely to be ineffective based on known relevant physical or mental characteristics of the enrollee and known characteristics of the drug regimen; or

(B) Will cause or will likely cause an adverse reaction or other physical harm to the enrollee.

b. If the prescribing provider allows the enrollee to enter the step-therapy or fail-first protocol recommended by the managed care plan, the duration of the step-therapy or fail-first protocol may not exceed the customary period for use of the medication if the prescribing provider demonstrates such treatment to be clinically ineffective. If the managed care plan can, through sound clinical evidence, demonstrate that the originally prescribed medication is likely to require more than the customary period to provide any relief or amelioration to the enrollee, the step-therapy or fail-first protocol may be extended for an additional period, but no longer than the original customary period for use of the medication. Notwithstanding this provision, a step-therapy or fail-first protocol shall be terminated if the prescribing provider determines that the enrollee is having an adverse reaction or is suffering from other physical harm resulting from the use of the medication.

Section 28. Section 627.42392, Florida Statutes, is created to read:

627.42392 Prior authorization.—

(1) Notwithstanding any other law, in order to establish uniformity in the submission of prior authorization forms, effective January 1, 2015, a health insurer that delivers, issues for delivery, renews, amends, or continues an individual or group health insurance policy in this state, including a policy issued to a small employer as defined in s. 627.6699, shall use a single standardized form for obtaining prior authorization for a medical procedure, course of treatment, or prescription drug benefit. The form may not exceed two pages in length, excluding any instructions or guiding documentation.

(a) The health insurer shall make the form available electronically and online to practitioners. The prescribing provider may submit the completed prior authorization form electronically to the health insurer.

(b) If the health insurer contracts with a pharmacy benefits manager to perform prior authorization services for a medical procedure, course of treatment, or prescription drug benefit, the pharmacy benefits manager must use and accept the standardized prior authorization form.

(c) A completed prior authorization request submitted by a health care provider using the standardized prior authorization form is deemed approved upon receipt by the health insurer unless the health insurer responds otherwise within 3 business days.

(2) This section does not apply to a grandfathered health plan as defined in s. 627.402.

Section 29. Section 627.42393, Florida Statutes, is created to read:

627.42393 Medication protocol override.—If an individual or group health insurance policy, including a policy issued by a small employer as defined in s. 627.6699, restricts medications for the treatment of a medical condition by a step-therapy or fail-first protocol, the prescribing provider must have access to a clear and convenient process to request an override of the protocol from the health insurer.

(1) The health insurer shall authorize an override of the protocol within 72 hours if the prescribing provider documents that:

(a) Based on sound clinical evidence, the preferred treatment required under the step-therapy or fail-first protocol has been ineffective in the treatment of the insured's disease or medical condition; or

(b) Based on sound clinical evidence or medical and scientific evidence, the preferred treatment required under the step-therapy or fail-first protocol:

1. Is expected or is likely to be ineffective based on known relevant physical or mental characteristics of the insured and known characteristics of the drug regimen; or

2. Will cause or is likely to cause an adverse reaction or other physical harm to the insured.

(2) If the prescribing provider allows the insured to enter the step-therapy or fail-first protocol recommended by the health insurer, the duration of the step-therapy or fail-first protocol may not exceed the customary period for use of the medication if the prescribing provider demonstrates such treatment to be clinically ineffective. If the health insurer can, through sound clinical evidence, demonstrate that the originally prescribed medication is likely to require more than the customary period for such medication to provide any relief or amelioration to the insured, the step-therapy or fail-first protocol may be extended for an additional period of time, but no longer than the original customary period for the medication. Notwithstanding this provision, a step-therapy or fail-first protocol shall be terminated if the prescribing provider determines that the insured is having an adverse reaction or is suffering from other physical harm resulting from the use of the medication.

(3) This section does not apply to grandfathered health plans, as defined in s. 627.402.

Section 30. Subsection (11) of section 627.6131, Florida Statutes, is amended to read:

627.6131 Payment of claims.—

(11) A health insurer may not retroactively deny a claim because of insured ineligibility*:*

(a) More than 1 year after the date of payment of the claim*; or*

(b) If, under a policy compliant with the federal Patient Protection and Affordable Care Act, as amended by the Health Care and Education Reconciliation Act of 2010, and the regulations adopted pursuant to those acts, the health insurer verified the eligibility of the insured at the time of treatment and provided an authorization number, unless, at the time eligibility was verified, the provider was notified that the insured was delinquent in paying the premium.

Section 31. Subsection (2) of section 627.6471, Florida Statutes, is amended to read:

627.6471 Contracts for reduced rates of payment; limitations; coinsurance and deductibles.—

(2) *An* ~~Any~~ insurer issuing a policy of health insurance in this state~~,~~ which ~~insurance~~ includes coverage for the services of a preferred provider *shall*~~, must~~ provide each policyholder and certificateholder with a current list of preferred providers*, shall* ~~and must~~ make the list available for public inspection during regular business hours at the principal office of the insurer within the state*, and shall post a link to the list of preferred providers on the home page of the insurer's website. Changes to the list of preferred providers must be reflected on the insurer's website within 24 hours.*

Section 32. Paragraph (c) of subsection (2) of section 627.6515, Florida Statutes, is amended to read:

627.6515 Out-of-state groups.—

(2) Except as otherwise provided in this part, this part does not apply to a group health insurance policy issued or delivered outside this state under which a resident of this state is provided coverage if:

(c) The policy provides the benefits specified in ss. 627.419, *627.42392, 627.42393,* 627.6574, 627.6575, 627.6579, 627.6612, 627.66121, 627.66122, 627.6613, 627.667, 627.6675, 627.6691, and 627.66911, and complies with the requirements of s. 627.66996.

Section 33. Subsection (10) of section 641.3155, Florida Statutes, is amended to read:

641.3155 Prompt payment of claims.—

(10) A health maintenance organization may not retroactively deny a claim because of subscriber ineligibility*:*

(a) More than 1 year after the date of payment of the claim*; or*

(b) If, under a policy in compliance with the federal Patient Protection and Affordable Care Act, as amended by the Health Care and Education Reconciliation Act of 2010, and the regulations adopted pursuant to those acts, the health maintenance organization verified the eligibility of the subscriber at the time of treatment and provided an authorization number, unless, at the time eligibility was verified, the provider was notified that the subscriber was delinquent in paying the premium.

Section 34. Section 641.393, Florida Statutes, is created to read:

641.393 Prior authorization.—Notwithstanding any other law, in order to establish uniformity in the submission of prior authorization forms, effective January 1, 2015, a health maintenance organization shall use a single standardized form for obtaining prior authorization for prescription drug benefits. The form may not exceed two pages in length, excluding any instructions or guiding documentation.

(1) A health maintenance organization shall make the form available electronically and online to practitioners. A health care provider may electronically submit the completed form to the health maintenance organization.

(2) If a health maintenance organization contracts with a pharmacy benefits manager to perform prior authorization services for prescription drug benefits, the pharmacy benefits manager must use and accept the standardized prior authorization form.

(3) A completed prior authorization request submitted by a health care provider using the standardized prior authorization form required under this section is deemed approved upon receipt by the health maintenance organization unless the health maintenance organization responds otherwise within 3 business days.

(4) This section does not apply to grandfathered health plans, as defined in s. 627.402.

Section 35. Section 641.394, Florida Statutes, is created to read:

641.394 Medication protocol override.—If a health maintenance organization contract restricts medications for the treatment of a medical condition by a step-therapy or fail-first protocol, the prescribing provider shall have access to a clear and convenient process to request an override of the protocol from the health maintenance organization.

(1) The health maintenance organization shall grant an override within 72 hours if the prescribing provider documents that:

(a) Based on sound clinical evidence, the preferred treatment required under the step-therapy or fail-first protocol has been ineffective in the treatment of the subscriber's disease or medical condition; or

(b) Based on sound clinical evidence or medical and scientific evidence, the preferred treatment required under the step-therapy or fail-first protocol:

1. Is expected or is likely to be ineffective based on known relevant physical or mental characteristics of the subscriber and known characteristics of the drug regimen; or

2. Will cause or is likely to cause an adverse reaction or other physical harm to the subscriber.

(2) If the prescribing provider allows the subscriber to enter the step-therapy or fail-first protocol recommended by the health maintenance

organization, the duration of the step-therapy or fail-first protocol may not exceed the customary period for use of the medication if the prescribing provider demonstrates such treatment to be clinically ineffective. If the health maintenance organization can, through sound clinical evidence, demonstrate that the originally prescribed medication is likely to require more than the customary period to provide any relief or amelioration to the subscriber, the step-therapy or fail-first protocol may be extended for an additional period, but no longer than the original customary period for use of the medication. Notwithstanding this provision, a step-therapy or fail-first protocol shall be terminated if the prescribing provider determines that the subscriber is having an adverse reaction or is suffering from other physical harm resulting from the use of the medication.

(3) This section does not apply to grandfathered health plans, as defined in s. 627.402.

And the title is amended as follows:

Delete line 78 and insert: tissue donations; amending s. 409.967, F.S.; revising contract requirements for Medicaid managed care programs; providing requirements for plans establishing a drug formulary or preferred drug list; requiring the use of a standardized prior authorization form; providing requirements for the form and for the availability and submission of the form; requiring a pharmacy benefits manager to use and accept the form under certain circumstances; establishing a process for providers to override certain treatment restrictions; providing requirements for approval of such overrides; providing an exception to the override protocol in certain circumstances; creating s. 627.42392, F.S.; requiring health insurers to use a standardized prior authorization form; providing requirements for the form and for the availability and submission of the form; requiring a pharmacy benefits manager to use and accept the form under certain circumstances; providing an exemption; creating s. 627.42393, F.S.; establishing a process for providers to override certain treatment restrictions; providing requirements for approval of such overrides; providing an exception to the override protocol in certain circumstances; providing an exemption; amending s. 627.6131, F.S.; prohibiting an insurer from retroactively denying a claim in certain circumstances; amending s. 627.6471, F.S.; requiring insurers to post preferred provider information on a website; specifying that changes to such a website must be made within a certain time; amending s. 627.6515, F.S.; applying provisions relating to prior authorization and override protocols to out-of-state groups; amending s. 641.3155, F.S.; prohibiting a health maintenance organization from retroactively denying a claim in certain circumstances; creating s. 641.393, F.S.; requiring the use of a standardized prior authorization form by a health maintenance organization; providing requirements for the availability and submission of the form; requiring a pharmacy benefits manager to use and accept the form under certain circumstances; providing an exemption; creating s. 641.394, F.S.; establishing a process for providers to override certain treatment restrictions; providing requirements for approval of such overrides; providing an exception to the override protocol in certain circumstances; providing an exemption; providing an effective date.

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

Senator Sobel moved the following amendment which was adopted:

Amendment 10 (341334) (with title amendment)—Between lines 1104 and 1105 insert:

Section 27. Section 394.4574, Florida Statutes, is amended to read:

394.4574 ~~Department~~ Responsibilities for *coordination of services for* a mental health resident who resides in an assisted living facility that holds a limited mental health license.—

(1) *As used in this section,* the term *"mental health resident"* ~~"mental health resident," for purposes of this section,~~ means an individual who receives social security disability income due to a mental disorder as determined by the Social Security Administration or receives supplemental security income due to a mental disorder as determined by the Social Security Administration and receives optional state supplementation.

(2) *Medicaid managed care plans are responsible for Medicaid-enrolled mental health residents, and managing entities under contract with the department are responsible for mental health residents who are not enrolled in a Medicaid health plan. A Medicaid managed care plan or a managing entity, as appropriate, shall* ~~The department must~~ ensure that:

(a) A mental health resident has been assessed by a psychiatrist, clinical psychologist, clinical social worker, or psychiatric nurse, or an individual who is supervised by one of these professionals, and determined to be appropriate to reside in an assisted living facility. The documentation must be provided to the administrator of the facility within 30 days after the mental health resident has been admitted to the facility. An evaluation completed upon discharge from a state mental hospital meets the requirements of this subsection related to appropriateness for placement as a mental health resident if it was completed within 90 days *before* ~~prior to~~ admission to the facility.

(b) A cooperative agreement, as required in s. 429.075, is developed *by* ~~between~~ the mental health care services provider that serves a mental health resident and the administrator of the assisted living facility with a limited mental health license in which the mental health resident is living. ~~Any entity that provides Medicaid prepaid health plan services shall ensure the appropriate coordination of health care services with an assisted living facility in cases where a Medicaid recipient is both a member of the entity's prepaid health plan and a resident of the assisted living facility. If the entity is at risk for Medicaid targeted case management and behavioral health services, the entity shall inform the assisted living facility of the procedures to follow should an emergent condition arise.~~

(c) The community living support plan, as defined in s. 429.02, has been prepared by a mental health resident and *his or her* ~~a~~ mental health case manager ~~of that resident~~ in consultation with the administrator of the facility or the administrator's designee. The plan must be *completed and* provided to the administrator of the assisted living facility with a limited mental health license in which the mental health resident lives *within 30 days after the resident's admission*. The support plan and the agreement may be in one document.

(d) The assisted living facility with a limited mental health license is provided with documentation that the individual meets the definition of a mental health resident.

(e) The mental health services provider assigns a case manager to each mental health resident *for whom the entity is responsible* ~~who lives in an assisted living facility with a limited mental health license~~. The case manager *shall coordinate* ~~is responsible for coordinating~~ the development ~~of~~ and implementation of the community living support plan defined in s. 429.02. The plan must be updated at least annually*, or when there is a significant change in the resident's behavioral health status, such as an inpatient admission or a change in medication, level of service, or residence. Each case manager shall keep a record of the date and time of any face-to-face interaction with the resident and make the record available to the responsible entity for inspection. The record must be retained for at least 2 years after the date of the most recent interaction*.

(f) Adequate and consistent monitoring and enforcement of community living support plans and cooperative agreements are conducted by the resident's case manager.

(g) Concerns are reported to the appropriate regulatory oversight organization if a regulated provider fails to deliver appropriate services or otherwise acts in a manner that has the potential to result in harm to the resident.

(3) The Secretary of Children and *Families* ~~Family Services~~, in consultation with the Agency for Health Care Administration, shall ~~annually~~ require each district administrator to develop, with community input, *a detailed annual plan that demonstrates* ~~detailed plans that demonstrate~~ how the district will ensure the provision of state-funded mental health and substance abuse treatment services to residents of assisted living facilities that hold a limited mental health license. *This plan* ~~These plans~~ must be consistent with the substance abuse and mental health district plan developed pursuant to s. 394.75 and must address case management services; access to consumer-operated drop-in centers; access to services during evenings, weekends, and holidays;

supervision of the clinical needs of the residents; and access to emergency psychiatric care.

Section 28. Subsection (1) of section 400.0074, Florida Statutes, is amended, and paragraph (h) is added to subsection (2) of that section, to read:

400.0074 Local ombudsman council onsite administrative assessments.—

(1) In addition to any specific investigation conducted pursuant to a complaint, the local council shall conduct, at least annually, an onsite administrative assessment of each nursing home, assisted living facility, and adult family-care home within its jurisdiction. This administrative assessment *must be comprehensive in nature and must* ~~shall~~ focus on factors affecting *residents'* ~~the~~ rights, health, safety, and welfare ~~of the residents~~. Each local council is encouraged to conduct a similar onsite administrative assessment of each additional long-term care facility within its jurisdiction.

(2) An onsite administrative assessment conducted by a local council shall be subject to the following conditions:

(h) The local council shall conduct an exit consultation with the facility administrator or administrator designee to discuss issues and concerns in areas affecting residents' rights, health, safety, and welfare and, if needed, make recommendations for improvement.

Section 29. Subsection (2) of section 400.0078, Florida Statutes, is amended to read:

400.0078 Citizen access to State Long-Term Care Ombudsman Program services.—

(2) ~~Every resident or representative of a resident shall receive,~~ Upon admission to a long-term care facility, *each resident or representative of a resident must receive* information regarding the purpose of the State Long-Term Care Ombudsman Program, the statewide toll-free telephone number for receiving complaints, *information that retaliatory action cannot be taken against a resident for presenting grievances or for exercising any other resident right,* and other relevant information regarding how to contact the program. *Each resident or his or her representative* ~~Residents or their representatives~~ must be furnished additional copies of this information upon request.

Section 30. Paragraph (c) of subsection (4) of section 409.212, Florida Statutes, is amended to read:

409.212 Optional supplementation.—

(4) In addition to the amount of optional supplementation provided by the state, a person may receive additional supplementation from third parties to contribute to his or her cost of care. Additional supplementation may be provided under the following conditions:

(c) The additional supplementation shall not exceed *four* ~~two~~ times the provider rate recognized under the optional state supplementation program.

Section 31. Paragraphs (b) and (c) of subsection (3) of section 429.07, Florida Statutes, are amended to read:

429.07 License required; fee.—

(3) In addition to the requirements of s. 408.806, each license granted by the agency must state the type of care for which the license is granted. Licenses shall be issued for one or more of the following categories of care: standard, extended congregate care, limited nursing services, or limited mental health.

(b) An extended congregate care license shall be issued to *each facility that has been licensed as an assisted living facility for 2 or more years and that provides services* ~~facilities providing~~, directly or through contract, ~~services~~ beyond those authorized in paragraph (a), including services performed by persons licensed under part I of chapter 464 and supportive services, as defined by rule, to persons who would otherwise be disqualified from continued residence in a facility licensed under this part. *An extended congregate care license may be issued to a facility that has a provisional extended congregate care license and meets the requirements for licensure under subparagraph 2. The primary purpose of extended congregate care services is to allow residents the option of remaining in a familiar setting from which they would otherwise be disqualified for continued residency as they become more impaired. A facility licensed to provide extended congregate care services may also admit an individual who exceeds the admission criteria for a facility with a standard license, if he or she is determined appropriate for admission to the extended congregate care facility.*

1. In order for extended congregate care services to be provided, the agency must first determine that all requirements established in law and rule are met and must specifically designate, on the facility's license, that such services may be provided and whether the designation applies to all or part of the facility. *This* ~~Such~~ designation may be made at the time of initial licensure or *licensure renewal* ~~relicensure~~, or upon request in writing by a licensee under this part and part II of chapter 408. The notification of approval or the denial of the request shall be made in accordance with part II of chapter 408. *Each* existing *facility that qualifies* ~~facilities qualifying~~ to provide extended congregate care services must have maintained a standard license and may not have been subject to administrative sanctions during the previous 2 years, or since initial licensure if the facility has been licensed for less than 2 years, for any of the following reasons:

a. A class I or class II violation;

b. Three or more repeat or recurring class III violations of identical or similar resident care standards from which a pattern of noncompliance is found by the agency;

c. Three or more class III violations that were not corrected in accordance with the corrective action plan approved by the agency;

d. Violation of resident care standards which results in requiring the facility to employ the services of a consultant pharmacist or consultant dietitian;

e. Denial, suspension, or revocation of a license for another facility licensed under this part in which the applicant for an extended congregate care license has at least 25 percent ownership interest; or

f. Imposition of a moratorium pursuant to this part or part II of chapter 408 or initiation of injunctive proceedings.

The agency may deny or revoke a facility's extended congregate care license for not meeting the criteria for an extended congregate care license as provided in this subparagraph.

2. If an assisted living facility has been licensed for less than 2 years, the initial extended congregate care license must be provisional and may not exceed 6 months. Within the first 3 months after the provisional license is issued, the licensee shall notify the agency, in writing, when it has admitted at least one extended congregate care resident, after which an unannounced inspection shall be made to determine compliance with requirements of an extended congregate care license. Failure to admit an extended congregate care resident within the first 3 months shall render the extended congregate care license void. A licensee that has a provisional extended congregate care license which demonstrates compliance with all of the requirements of an extended congregate care license during the inspection shall be issued an extended congregate care license. In addition to sanctions authorized under this part, if violations are found during the inspection and the licensee fails to demonstrate compliance with all assisted living requirements during a followup inspection, the licensee shall immediately suspend extended congregate care services, and the provisional extended congregate care license expires. The agency may extend the provisional license for not more than 1 month in order to complete a followup visit.

3.~~2.~~ A facility that is licensed to provide extended congregate care services shall maintain a written progress report on each person who receives services which describes the type, amount, duration, scope, and outcome of services that are rendered and the general status of the resident's health. A registered nurse, or appropriate designee, representing the agency shall visit the facility at least *twice a year* ~~quarterly~~ to monitor residents who are receiving extended congregate care services and to determine if the facility is in compliance with this part, part II of chapter 408, and relevant rules. One of the visits may be in conjunction with the regular survey. The monitoring visits may be provided through

contractual arrangements with appropriate community agencies. A registered nurse shall serve as part of the team that inspects the facility. The agency may waive one of the required yearly monitoring visits for a facility that has*:*

a. Held an extended congregate care license for at least 24 months; ~~been licensed for at least 24 months to provide extended congregate care services, if, during the inspection, the registered nurse determines that extended congregate care services are being provided appropriately, and if the facility has~~

b. No class I or class II violations and no uncorrected class III violations*; and*~~.~~

c. No ombudsman council complaints that resulted in a citation for licensure ~~The agency must first consult with the long-term care ombudsman council for the area in which the facility is located to determine if any complaints have been made and substantiated about the quality of services or care~~. ~~The agency may not waive one of the required yearly monitoring visits if complaints have been made and substantiated.~~

4.~~3.~~ A facility that is licensed to provide extended congregate care services must:

a. Demonstrate the capability to meet unanticipated resident service needs.

b. Offer a physical environment that promotes a homelike setting, provides for resident privacy, promotes resident independence, and allows sufficient congregate space as defined by rule.

c. Have sufficient staff available, taking into account the physical plant and firesafety features of the building, to assist with the evacuation of residents in an emergency.

d. Adopt and follow policies and procedures that maximize resident independence, dignity, choice, and decisionmaking to permit residents to age in place, so that moves due to changes in functional status are minimized or avoided.

e. Allow residents or, if applicable, a resident's representative, designee, surrogate, guardian, or attorney in fact to make a variety of personal choices, participate in developing service plans, and share responsibility in decisionmaking.

f. Implement the concept of managed risk.

g. Provide, directly or through contract, the services of a person licensed under part I of chapter 464.

h. In addition to the training mandated in s. 429.52, provide specialized training as defined by rule for facility staff.

5.~~4.~~ A facility that is licensed to provide extended congregate care services is exempt from the criteria for continued residency set forth in rules adopted under s. 429.41. A licensed facility must adopt its own requirements within guidelines for continued residency set forth by rule. However, the facility may not serve residents who require 24-hour nursing supervision. A licensed facility that provides extended congregate care services must also provide each resident with a written copy of facility policies governing admission and retention.

~~5. The primary purpose of extended congregate care services is to allow residents, as they become more impaired, the option of remaining in a familiar setting from which they would otherwise be disqualified for continued residency. A facility licensed to provide extended congregate care services may also admit an individual who exceeds the admission criteria for a facility with a standard license, if the individual is determined appropriate for admission to the extended congregate care facility.~~

6. Before the admission of an individual to a facility licensed to provide extended congregate care services, the individual must undergo a medical examination as provided in s. 429.26(4) and the facility must develop a preliminary service plan for the individual.

7. *If* ~~When~~ a facility can no longer provide or arrange for services in accordance with the resident's service plan and needs and the facility's policy, the facility *must* ~~shall~~ make arrangements for relocating the person in accordance with s. 429.28(1)(k).

~~8. Failure to provide extended congregate care services may result in denial of extended congregate care license renewal.~~

(c) A limited nursing services license shall be issued to a facility that provides services beyond those authorized in paragraph (a) and as specified in this paragraph.

1. In order for limited nursing services to be provided in a facility licensed under this part, the agency must first determine that all requirements established in law and rule are met and must specifically designate, on the facility's license, that such services may be provided. *This* ~~Such~~ designation may be made at the time of initial licensure or *licensure renewal* ~~relicensure~~, or upon request in writing by a licensee under this part and part II of chapter 408. Notification of approval or denial of such request shall be made in accordance with part II of chapter 408. *An* existing *facility that qualifies* ~~facilities qualifying~~ to provide limited nursing services *must* ~~shall~~ have maintained a standard license and may not have been subject to administrative sanctions that affect the health, safety, and welfare of residents for the previous 2 years or since initial licensure if the facility has been licensed for less than 2 years.

2. *A facility* ~~Facilities~~ that *is* ~~are~~ licensed to provide limited nursing services shall maintain a written progress report on each person who receives such nursing services. *The*~~, which~~ report *must describe* ~~describes~~ the type, amount, duration, scope, and outcome of services that are rendered and the general status of the resident's health. A registered nurse representing the agency shall visit *the facility* ~~such facilities~~ at least *annually* ~~twice a year~~ to monitor residents who are receiving limited nursing services and to determine if the facility is in compliance with applicable provisions of this part, part II of chapter 408, and related rules. The monitoring visits may be provided through contractual arrangements with appropriate community agencies. A registered nurse shall also serve as part of the team that inspects such facility. *Visits may be in conjunction with other agency inspections. The agency may waive the required yearly monitoring visit for a facility that has:*

a. Had a limited nursing services license for at least 24 months;

b. No class I or class II violations and no uncorrected class III violations; and

c. No ombudsman council complaints that resulted in a citation for licensure.

3. A person who receives limited nursing services under this part must meet the admission criteria established by the agency for assisted living facilities. When a resident no longer meets the admission criteria for a facility licensed under this part, arrangements for relocating the person shall be made in accordance with s. 429.28(1)(k), unless the facility is licensed to provide extended congregate care services.

Section 32. Section 429.075, Florida Statutes, is amended to read:

429.075 Limited mental health license.—An assisted living facility that serves *one* ~~three~~ or more mental health residents must obtain a limited mental health license.

(1) To obtain a limited mental health license, a facility must hold a standard license as an assisted living facility, must not have any current uncorrected ~~deficiencies or~~ violations, and must ensure that, within 6 months after receiving a limited mental health license, the facility administrator and the staff of the facility who are in direct contact with mental health residents must complete training of no less than 6 hours related to their duties. *This* ~~Such~~ designation may be made at the time of initial licensure or relicensure or upon request in writing by a licensee under this part and part II of chapter 408. Notification of approval or denial of such request shall be made in accordance with this part, part II of chapter 408, and applicable rules. This training *must* ~~will~~ be provided by or approved by the Department of Children and *Families* ~~Family Services~~.

(2) *A facility that is* ~~Facilities~~ licensed to provide services to mental health residents *must* ~~shall~~ provide appropriate supervision and staffing to provide for the health, safety, and welfare of such residents.

(3) A facility that has a limited mental health license must:

(a) Have a copy of each mental health resident's community living support plan and the cooperative agreement with the mental health care services provider *or provide written evidence that a request for the community living support plan and the cooperative agreement was sent to the Medicaid managed care plan or managing entity under contract with the Department of Children and Families within 72 hours after admission*. The support plan and the agreement may be combined.

(b) Have documentation ~~that is~~ provided by the Department of Children and *Families* ~~Family Services~~ that each mental health resident has been assessed and determined to be able to live in the community in an assisted living facility *that has* ~~with~~ a limited mental health license *or provide written evidence that a request for documentation was sent to the Department of Children and Families within 72 hours after admission*.

(c) Make the community living support plan available for inspection by the resident, the resident's legal guardian *or*~~, the resident's~~ health care surrogate, and other individuals who have a lawful basis for reviewing this document.

(d) Assist the mental health resident in carrying out the activities identified in the individual's community living support plan.

(4) A facility *that has* ~~with~~ a limited mental health license may enter into a cooperative agreement with a private mental health provider. For purposes of the limited mental health license, the private mental health provider may act as the case manager.

Section 33. Section 429.14, Florida Statutes, is amended to read:

429.14 Administrative penalties.—

(1) In addition to the requirements of part II of chapter 408, the agency may deny, revoke, and suspend any license issued under this part and impose an administrative fine in the manner provided in chapter 120 against a licensee for a violation of any provision of this part, part II of chapter 408, or applicable rules, or for any of the following actions by a licensee, ~~for the actions of~~ any person subject to level 2 background screening under s. 408.809, or ~~for the actions of~~ any facility *staff* ~~employee~~:

(a) An intentional or negligent act seriously affecting the health, safety, or welfare of a resident of the facility.

(b) *A* ~~The~~ determination by the agency that the owner lacks the financial ability to provide continuing adequate care to residents.

(c) Misappropriation or conversion of the property of a resident of the facility.

(d) Failure to follow the criteria and procedures provided under part I of chapter 394 relating to the transportation, voluntary admission, and involuntary examination of a facility resident.

(e) A citation *for* ~~of~~ any of the following *violations* ~~deficiencies~~ as specified in s. 429.19:

1. One or more cited class I *violations* ~~deficiencies~~.

2. Three or more cited class II *violations* ~~deficiencies~~.

3. Five or more cited class III *violations* ~~deficiencies~~ that have been cited on a single survey and have not been corrected within the times specified.

(f) Failure to comply with the background screening standards of this part, s. 408.809(1), or chapter 435.

(g) Violation of a moratorium.

(h) Failure of the license applicant, the licensee during *licensure renewal* ~~relicensure~~, or a licensee that holds a provisional license to meet the minimum license requirements of this part, or related rules, at the time of license application or renewal.

(i) An intentional or negligent life-threatening act in violation of the uniform firesafety standards for assisted living facilities or other firesafety standards *which* ~~that~~ threatens the health, safety, or welfare of a resident of a facility, as communicated to the agency by the local authority having jurisdiction or the State Fire Marshal.

(j) Knowingly operating any unlicensed facility or providing without a license any service that must be licensed under this chapter or chapter 400.

(k) Any act constituting a ground upon which application for a license may be denied.

(2) Upon notification by the local authority having jurisdiction or by the State Fire Marshal, the agency may deny or revoke the license of an assisted living facility that fails to correct cited fire code violations that affect or threaten the health, safety, or welfare of a resident of a facility.

(3) The agency may deny *or revoke* a license *of an* ~~to any~~ applicant or controlling interest as defined in part II of chapter 408 which has or had a *25 percent* ~~25 percent~~ or greater financial or ownership interest in any other facility *that is* licensed under this part, or in any entity licensed by this state or another state to provide health or residential care, *if that* ~~which~~ facility or entity during the 5 years *before* ~~prior to~~ the application for a license closed due to financial inability to operate; had a receiver appointed or a license denied, suspended, or revoked; was subject to a moratorium; or had an injunctive proceeding initiated against it.

(4) The agency shall deny or revoke the license of an assisted living facility *if:*

(a) There are two moratoria, issued pursuant to this part or part II of chapter 408, within a 2-year period which are imposed by final order;

(b) The facility is cited for two or more class I violations arising from unrelated circumstances during the same survey or investigation; or

(c) The facility is cited for two or more class I violations arising from separate surveys or investigations within a 2-year period ~~that has two or more class I violations that are similar or identical to violations identified by the agency during a survey, inspection, monitoring visit, or complaint investigation occurring within the previous 2 years~~.

(5) An action taken by the agency to suspend, deny, or revoke a facility's license under this part or part II of chapter 408, in which the agency claims that the facility owner or an employee of the facility has threatened the health, safety, or welfare of a resident of the facility*, must* be heard by the Division of Administrative Hearings of the Department of Management Services within 120 days after receipt of the facility's request for a hearing, unless that time limitation is waived by both parties. The administrative law judge *shall* ~~must~~ render a decision within 30 days after receipt of a proposed recommended order.

(6) *As provided under s. 408.814,* the agency shall *impose an immediate moratorium on an assisted living facility that fails to provide the agency access to the facility or prohibits the agency from conducting a regulatory inspection. The licensee may not restrict agency staff in accessing and copying records or in conducting confidential interviews with facility staff or any individual who receives services from the facility* ~~provide to the Division of Hotels and Restaurants of the Department of Business and Professional Regulation, on a monthly basis, a list of those assisted living facilities that have had their licenses denied, suspended, or revoked or that are involved in an appellate proceeding pursuant to s. 120.60 related to the denial, suspension, or revocation of a license~~.

(7) Agency notification of a license suspension or revocation, or denial of a license renewal, shall be posted and visible to the public at the facility.

(8) If a facility is required to relocate some or all of its residents due to agency action, that facility is exempt from the 45 days' notice requirement imposed under s. 429.28(1)(k). This subsection does not exempt the facility from any deadlines for corrective action set by the agency.

Section 34. Paragraphs (a) and (b) of subsection (2) of section 429.178, Florida Statutes, are amended to read:

429.178 Special care for persons with Alzheimer's disease or other related disorders.—

(2)(a) An individual who is employed by a facility that provides special care for residents *who have* ~~with~~ Alzheimer's disease or other related disorders, and who has regular contact with such residents, must complete up to 4 hours of initial dementia-specific training developed or approved by the department. The training *must* ~~shall~~ be completed within 3 months after beginning employment and *satisfy* ~~shall satisfy~~ the core training requirements of *s. 429.52(3)(g)* ~~s. 429.52(2)(g)~~.

(b) A direct caregiver who is employed by a facility that provides special care for residents *who have* ~~with~~ Alzheimer's disease or other related disorders~~,~~ and ~~who~~ provides direct care to such residents~~,~~ must complete the required initial training and 4 additional hours of training developed or approved by the department. The training *must* ~~shall~~ be completed within 9 months after beginning employment and *satisfy* ~~shall satisfy~~ the core training requirements of *s. 429.52(3)(g)* ~~s. 429.52(2)(g)~~.

Section 35. Section 429.19, Florida Statutes, is amended to read:

429.19 Violations; imposition of administrative fines; grounds.—

(1) In addition to the requirements of part II of chapter 408, the agency shall impose an administrative fine in the manner provided in chapter 120 for the violation of any provision of this part, part II of chapter 408, and applicable rules by an assisted living facility, for the actions of any person subject to level 2 background screening under s. 408.809, for the actions of any facility employee, or for an intentional or negligent act seriously affecting the health, safety, or welfare of a resident of the facility.

(2) Each violation of this part and adopted rules *must* ~~shall~~ be classified according to the nature of the violation and the gravity of its probable effect on facility residents. *The scope of a violation may be cited as an isolated, patterned, or widespread deficiency. An isolated deficiency is a deficiency affecting one or a very limited number of residents, or involving one or a very limited number of staff, or a situation that occurred only occasionally or in a very limited number of locations. A patterned deficiency is a deficiency in which more than a very limited number of residents are affected, or more than a very limited number of staff are affected, or the situation has occurred in several locations, or the same resident or residents have been affected by repeated occurrences of the same deficient practice but the effect of the deficient practice is not found to be pervasive throughout the facility. A widespread deficiency is a deficiency in which the problems causing the deficiency are pervasive in the facility or represent systemic failure that has affected or has the potential to affect a large portion of the facility's residents.*

(a) The agency shall indicate the classification on the written notice of the violation as follows:

1.~~(a)~~ Class "I" violations are defined in s. 408.813. The agency shall impose an administrative fine for a cited class I violation *of $5,000 for an isolated deficiency; $7,500 for a patterned deficiency; and $10,000 for a widespread deficiency. If the agency has knowledge of a class I violation that occurred within 12 months before an inspection, a fine must be levied for that violation, regardless of whether the noncompliance is corrected before the inspection* ~~in an amount not less than $5,000 and not exceeding $10,000 for each violation~~.

2.~~(b)~~ Class "II" violations are defined in s. 408.813. The agency shall impose an administrative fine for a cited class II violation *of $1,000 for an isolated deficiency; $3,000 for a patterned deficiency; and $5,000 for a widespread deficiency* ~~in an amount not less than $1,000 and not exceeding $5,000 for each violation~~.

3.~~(c)~~ Class "III" violations are defined in s. 408.813. The agency shall impose an administrative fine for a cited class III violation *of $500 for an isolated deficiency; $750 for a patterned deficiency; and $1,000 for a widespread deficiency* ~~in an amount not less than $500 and not exceeding $1,000 for each violation~~.

4.~~(d)~~ Class "IV" violations are defined in s. 408.813. The agency shall impose an administrative fine for a cited class IV violation *of $100 for an isolated deficiency; $150 for a patterned deficiency; and $200 for a widespread deficiency* ~~in an amount not less than $100 and not exceeding $200 for each violation~~.

(b) Any fine imposed for a class I violation or a class II violation must be doubled if a facility was previously cited for one or more class I or class II violations during the agency's last licensure inspection or any inspection or complaint investigation since the last licensure inspection.

(c) Notwithstanding s. 408.813(2)(c) and (d) and s. 408.832, a fine must be imposed for each class III or class IV violation, regardless of correction, if a facility was previously cited for one or more class III or class IV violations during the agency's last licensure inspection or any inspection or complaint investigation since the last licensure inspection for the same regulatory violation. A fine imposed for class III or class IV violations must be doubled if a facility was previously cited for one or more class III or class IV violations during the agency's last two licensure inspections for the same regulatory violation.

(d) Notwithstanding the fine amounts specified in subparagraphs (a) 1.-4., and regardless of the class of violation cited, the agency shall impose an administrative fine of $500 on a facility that is found not to be in compliance with the background screening requirements as provided in s. 408.809.

~~(3) For purposes of this section, in determining if a penalty is to be imposed and in fixing the amount of the fine, the agency shall consider the following factors:~~

~~(a) The gravity of the violation, including the probability that death or serious physical or emotional harm to a resident will result or has resulted, the severity of the action or potential harm, and the extent to which the provisions of the applicable laws or rules were violated.~~

~~(b) Actions taken by the owner or administrator to correct violations.~~

~~(c) Any previous violations.~~

~~(d) The financial benefit to the facility of committing or continuing the violation.~~

~~(e) The licensed capacity of the facility.~~

(3)~~(4)~~ Each day of continuing violation after the date *established by the agency* ~~fixed~~ for *correction* ~~termination~~ of the violation~~, as ordered by the agency,~~ constitutes an additional, separate, and distinct violation.

(4)~~(5)~~ *An* ~~Any~~ action taken to correct a violation shall be documented in writing by the owner or administrator of the facility and verified through followup visits by agency personnel. The agency may impose a fine and, in the case of an owner-operated facility, revoke or deny a facility's license when a facility administrator fraudulently misrepresents action taken to correct a violation.

(5)~~(6)~~ *A* ~~Any~~ facility whose owner fails to apply for a change-of-ownership license in accordance with part II of chapter 408 and operates the facility under the new ownership is subject to a fine of $5,000.

(6)~~(7)~~ In addition to any administrative fines imposed, the agency may assess a survey fee, equal to the lesser of one half of the facility's biennial license and bed fee or $500, to cover the cost of conducting initial complaint investigations that result in the finding of a violation that was the subject of the complaint or monitoring visits conducted under s. 429.28(3)(c) to verify the correction of the violations.

(7)~~(8)~~ During an inspection, the agency shall make a reasonable attempt to discuss each violation with the owner or administrator of the facility, *before* ~~prior to~~ written notification.

(8)~~(9)~~ The agency shall develop and disseminate an annual list of all facilities sanctioned or fined for violations of state standards, the number and class of violations involved, the penalties imposed, and the current status of cases. The list shall be disseminated, at no charge, to the Department of Elderly Affairs, the Department of Health, the Department of Children and *Families* ~~Family Services~~, the Agency for Persons with Disabilities, the area agencies on aging, the Florida Statewide Advocacy Council, and the state and local ombudsman councils. The Department of Children and *Families* ~~Family Services~~ shall disseminate the list to service providers under contract to the department who are responsible for referring persons to a facility for residency. The agency may charge a fee commensurate with the cost of printing and postage to other interested parties requesting a copy of this list. This information may be provided electronically or through the agency's *website* ~~Internet site~~.

Section 36. Subsection (3) and paragraph (c) of subsection (4) of section 429.256, Florida Statutes, are amended to read:

429.256 Assistance with self-administration of medication.—

(3) Assistance with self-administration of medication includes:

(a) Taking the medication, in its previously dispensed, properly labeled container, *including an insulin syringe that is prefilled with the proper dosage by a pharmacist and an insulin pen that is prefilled by the manufacturer,* from where it is stored, and bringing it to the resident.

(b) In the presence of the resident, reading the label, opening the container, removing a prescribed amount of medication from the container, and closing the container.

(c) Placing an oral dosage in the resident's hand or placing the dosage in another container and helping the resident by lifting the container to his or her mouth.

(d) Applying topical medications.

(e) Returning the medication container to proper storage.

(f) Keeping a record of when a resident receives assistance with self-administration under this section.

(g) Assisting with the use of a nebulizer, including removing the cap of a nebulizer, opening the unit dose of nebulizer solution, and pouring the prescribed premeasured dose of medication into the dispensing cup of the nebulizer.

(h) Using a glucometer to perform blood-glucose level checks.

(i) Assisting with putting on and taking off antiembolism stockings.

(j) Assisting with applying and removing an oxygen cannula, but not with titrating the prescribed oxygen settings.

(k) Assisting with the use of a continuous positive airway pressure (CPAP) device, but not with titrating the prescribed setting of the device.

(l) Assisting with measuring vital signs.

(m) Assisting with colostomy bags.

(4) Assistance with self-administration does not include:

~~(c) Administration of medications through intermittent positive pressure breathing machines or a nebulizer.~~

Section 37. Subsections (2), (5), and (6) of section 429.28, Florida Statutes, are amended to read:

429.28 Resident bill of rights.—

(2) The administrator of a facility shall ensure that a written notice of the rights, obligations, and prohibitions set forth in this part is posted in a prominent place in each facility and read or explained to residents who cannot read. *The* ~~This~~ notice *must* ~~shall~~ include the name, address, and telephone numbers of the local ombudsman council*, the* ~~and~~ central abuse hotline*,* and, *if* ~~when~~ applicable, *Disability Rights Florida* ~~the Advocacy Center for Persons with Disabilities, Inc., and the Florida local advocacy council~~, where complaints may be lodged. *The notice must state that a complaint made to the Office of State Long-Term Care Ombudsman or a local long-term care ombudsman council, the names and identities of the residents involved in the complaint, and the identity of complainants are kept confidential pursuant to s. 400.0077 and that retaliatory action cannot be taken against a resident for presenting grievances or for exercising any other resident right.* The facility must ensure a resident's access to a telephone to call the local ombudsman council, central abuse hotline, *and Disability Rights Florida* ~~Advocacy Center for Persons with Disabilities, Inc., and the Florida local advocacy council~~.

(5) *A* ~~No~~ facility or employee of a facility may *not* serve notice upon a resident to leave the premises or take any other retaliatory action against any person who:

(a) Exercises any right set forth in this section.

(b) Appears as a witness in any hearing, inside or outside the facility.

(c) Files a civil action alleging a violation of the provisions of this part or notifies a state attorney or the Attorney General of a possible violation of such provisions.

(6) *A* ~~Any~~ facility *that* ~~which~~ terminates the residency of an individual who participated in activities specified in subsection (5) *must* ~~shall~~ show good cause in a court of competent jurisdiction. *If good cause is not shown, the agency shall impose a fine of $2,500 in addition to any other penalty assessed against the facility.*

Section 38. Section 429.34, Florida Statutes, is amended to read:

429.34 Right of entry and inspection.—

(1) In addition to the requirements of s. 408.811, any duly designated officer or employee of the department, the Department of Children and *Families* ~~Family Services~~, the Medicaid Fraud Control Unit of the Office of the Attorney General, the state or local fire marshal, or a member of the state or local long-term care ombudsman council *has* ~~shall have~~ the right to enter unannounced upon and into the premises of any facility licensed pursuant to this part in order to determine the state of compliance with ~~the provisions of~~ this part, part II of chapter 408, and applicable rules. Data collected by the state or local long-term care ombudsman councils or the state or local advocacy councils may be used by the agency in investigations involving violations of regulatory standards. *A person specified in this section who knows or has reasonable cause to suspect that a vulnerable adult has been or is being abused, neglected, or exploited shall immediately report such knowledge or suspicion to the central abuse hotline pursuant to chapter 415.*

(2) The agency shall inspect each licensed assisted living facility at least once every 24 months to determine compliance with this chapter and related rules. If an assisted living facility is cited for one or more class I violations or two or more class II violations arising from separate surveys within a 60-day period or due to unrelated circumstances during the same survey, the agency must conduct an additional licensure inspection within 6 months. In addition to any fines imposed on the facility under s. 429.19, the licensee shall pay a fee for the cost of the additional inspection equivalent to the standard assisted living facility license and per-bed fees, without exception for beds designated for recipients of optional state supplementation. The agency shall adjust the fee in accordance with s. 408.805.

Section 39. Subsection (2) of section 429.41, Florida Statutes, is amended to read:

429.41 Rules establishing standards.—

(2) In adopting any rules pursuant to this part, the department, in conjunction with the agency, shall make distinct standards for facilities based upon facility size; the types of care provided; the physical and mental capabilities and needs of residents; the type, frequency, and amount of services and care offered; and the staffing characteristics of the facility. Rules developed pursuant to this section *may* ~~shall~~ not restrict the use of shared staffing and shared programming in facilities that are part of retirement communities that provide multiple levels of care and otherwise meet the requirements of law and rule. *If a continuing care facility licensed under chapter 651 or a retirement community offering multiple levels of care obtains a license pursuant to this chapter for a building or part of a building designated for independent living, staffing requirements established in rule apply only to residents who receive personal services, limited nursing services, or extended congregate care services under this part. Such facilities shall retain a log listing the names and unit number for residents receiving these services. The log must be available to surveyors upon request.* Except for uniform firesafety standards, the department shall adopt by rule separate and distinct standards for facilities with 16 or fewer beds and for facilities with 17 or more beds. The standards for facilities with 16 or fewer beds *must* ~~shall~~ be appropriate for a noninstitutional residential environment*;*~~,~~ *however,* ~~provided that~~ the structure *may not be* ~~is no~~ more than two stories in height and all persons who cannot exit the facility unassisted in an emergency *must* reside on the first floor. The department, in conjunction with the agency, may make other distinctions among types of facilities as necessary to enforce the provisions of this part. Where appropriate, the agency shall offer alternate solutions for complying with established standards, based on distinctions made by the

department and the agency relative to the physical characteristics of facilities and the types of care offered ~~therein~~.

Section 40. Present subsections (1) through (11) of section 429.52, Florida Statutes, are redesignated as subsections (2) through (12), respectively, a new subsection (1) is added to that section, and present subsections (5) and (9) of that section are amended, to read:

429.52 Staff training and educational programs; core educational requirement.—

(1) Effective October 1, 2014, each new assisted living facility employee who has not previously completed core training must attend a preservice orientation provided by the facility before interacting with residents. The preservice orientation must be at least 2 hours in duration and cover topics that help the employee provide responsible care and respond to the needs of facility residents. Upon completion, the employee and the administrator of the facility must sign a statement that the employee completed the required preservice orientation. The facility must keep the signed statement in the employee's personnel record.

(6)~~(5)~~ Staff involved with the management of medications and assisting with the self-administration of medications under s. 429.256 must complete a minimum of *6* ~~4~~ additional hours of training provided by a registered nurse, licensed pharmacist, or department staff. The department shall establish by rule the minimum requirements of this additional training.

(10)~~(9)~~ The training required by this section *other than the preservice orientation must* ~~shall~~ be conducted by persons registered with the department as having the requisite experience and credentials to conduct the training. A person seeking to register as a trainer must provide the department with proof of completion of the minimum core training education requirements, successful passage of the competency test established under this section, and proof of compliance with the continuing education requirement in subsection *(5)* ~~(4)~~.

Section 41. *The Legislature finds that consistent regulation of assisted living facilities benefits residents and operators of such facilities. To determine whether surveys are consistent between surveys and surveyors, the Office of Program Policy Analysis and Government Accountability (OPPAGA) shall conduct a study of intersurveyor reliability for assisted living facilities. By November 1, 2014, OPPAGA shall report its findings to the Governor, the President of the Senate, and the Speaker of the House of Representatives and make any recommendations for improving intersurveyor reliability.*

Section 42. Section 429.55, Florida Statutes, is created to read:

429.55 Public access to data; rating system and comment page.—

(1) The Legislature finds that consumers need additional information on the quality of care and service in assisted living facilities in order to select the best facility for themselves or their loved ones.

(2) By March 1, 2015, the agency shall implement a rating system for assisted living facilities based on facility inspections, violations, complaints, and agency visits to assist consumers and residents. The agency may adopt rules to administer this subsection.

(3) By November 1, 2014, the agency shall provide, maintain, and update at least quarterly, electronically accessible data on assisted living facilities. Such data must be searchable, downloadable, and available in generally accepted formats. At a minimum, such data must include:

(a) Information on each assisted living facility licensed under this part, including:

1. The name and address of the facility.

2. The number and type of licensed beds in the facility.

3. The types of licenses held by the facility.

4. The facility's license expiration date and status.

5. Proprietary or nonproprietary status of the licensee.

6. Any affiliation with a company or other organization owning or managing more than one assisted living facility in this state.

7. The total number of clients that the facility is licensed to serve and the most recently available occupancy levels.

8. The number of private and semiprivate rooms offered.

9. The bed-hold policy.

10. The religious affiliation, if any, of the assisted living facility.

11. The languages spoken by the staff.

12. Availability of nurses.

13. Forms of payment accepted, including, but not limited to, Medicaid, Medicaid long-term managed care, private insurance, health maintenance organization, United States Department of Veterans Affairs, CHAMPUS program, or workers' compensation coverage.

14. Indication if the licensee is operating under bankruptcy protection.

15. Recreational and other programs available.

16. Special care units or programs offered.

17. Whether the facility is a part of a retirement community that offers other services pursuant to this part or part III of this chapter, part II or part III of chapter 400, or chapter 651.

18. Links to the State Long-Term Care Ombudsman Program website and the program's statewide toll-free telephone number.

19. Links to the websites of the providers or their affiliates.

20. Other relevant information that the agency currently collects.

(b) A list of the facility's violations, including, for each violation:

1. A summary of the violation presented in a manner understandable by the general public;

2. Any sanctions imposed by final order; and

3. The date the corrective action was confirmed by the agency.

(c) Links to inspection reports on file with the agency.

(4) The agency shall provide a monitored comment webpage that allows members of the public to comment on specific assisted living facilities licensed to operate in this state. At a minimum, the comment webpage must allow members of the public to identify themselves, provide comments on their experiences with, or observations of, an assisted living facility, and view others' comments.

(a) The agency shall review comments for profanities and redact any profanities before posting the comments to the webpage. After redacting any profanities, the agency shall post all comments, and shall retain all comments as they were originally submitted, which are subject to the requirements of chapter 119 and which shall be retained by the agency for inspection by the public without further redaction pursuant to retention schedules and disposal processes for such records.

(b) A controlling interest, as defined in s. 408.803 in an assisted living facility, or an employee or owner of an assisted living facility, is prohibited from posting comments on the page. A controlling interest, employee, or owner may respond to comments on the page, and the agency shall ensure that such responses are identified as being from a representative of the facility.

(5) The agency may provide links to third-party websites that use the data published pursuant to this section to assist consumers in evaluating the quality of care and service in assisted living facilities.

Section 43. *For the 2014-2015 fiscal year, the sums of $156,943 in recurring funds and $7,546 in nonrecurring funds from the Health Care Trust Fund and two full-time equivalent senior attorney positions with associated salary rate of 103,652 are appropriated to the Agency for*

Health Care Administration for the purpose of implementing the regulatory provisions of this act.

Section 44. *For the 2014-2015 fiscal year, for the purpose of implementing and maintaining the public information website enhancements provided under this act:*

(1) The sums of $72,435 in recurring funds and $3,773 in nonrecurring funds from the Health Care Trust Fund and one full-time equivalent health services and facilities consultant position with associated salary rate of 46,560 are appropriated to the Agency for Health Care Administration;

(2) The sums of $30,000 in recurring funds and $15,000 in nonrecurring funds from the Health Care Trust Fund are appropriated to the Agency for Health Care Administration for software purchase, installation, and maintenance services; and

(3) The sums of $2,474 in recurring funds and $82,806 in nonrecurring funds from the Health Care Trust Fund are appropriated to the Agency for Health Care Administration for contracted services.

And the title is amended as follows:

Delete line 78 and insert: tissue donations; amending s. 394.4574, F.S.; providing that Medicaid managed care plans are responsible for enrolled mental health residents; providing that managing entities under contract with the Department of Children and Families are responsible for mental health residents who are not enrolled with a Medicaid managed care plan; deleting a provision to conform to changes made by the act; requiring that the community living support plan be completed and provided to the administrator of a facility after the mental health resident's admission; requiring the community living support plan to be updated when there is a significant change to the mental health resident's behavioral health; requiring the case manager assigned to a mental health resident of an assisted living facility that holds a limited mental health license to keep a record of the date and time of face-to-face interactions with the resident and to make the record available to the responsible entity for inspection; requiring that the record be maintained for a specified time; requiring the responsible entity to ensure that there is adequate and consistent monitoring and enforcement of community living support plans and cooperative agreements and that concerns are reported to the appropriate regulatory oversight organization under certain circumstances; amending s. 400.0074, F.S.; requiring that an administrative assessment conducted by a local council be comprehensive in nature and focus on factors affecting the rights, health, safety, and welfare of residents in the facilities; requiring a local council to conduct an exit consultation with the facility administrator or administrator designee to discuss issues and concerns in areas affecting the rights, health, safety, and welfare of residents and make recommendations for improvement; amending s. 400.0078, F.S.; requiring that a resident or a representative of a resident of a long-term care facility be informed that retaliatory action cannot be taken against a resident for presenting grievances or for exercising any other resident right; amending s. 409.212, F.S.; increasing the cap on additional supplementation a person may receive under certain conditions; amending s. 429.07, F.S.; revising the requirement that an extended congregate care license be issued to certain facilities that have been licensed as assisted living facilities under certain circumstances and authorizing the issuance of such license if a specified condition is met; providing the purpose of an extended congregate care license; providing that the initial extended congregate care license of an assisted living facility is provisional under certain circumstances; requiring a licensee to notify the Agency for Health Care Administration if it accepts a resident who qualifies for extended congregate care services; requiring the agency to inspect the facility for compliance with the requirements of an extended congregate care license; requiring the issuance of an extended congregate care license under certain circumstances; requiring the licensee to immediately suspend extended congregate care services under certain circumstances; requiring a registered nurse representing the agency to visit the facility at least twice a year, rather than quarterly, to monitor residents who are receiving extended congregate care services; authorizing the agency to waive one of the required yearly monitoring visits under certain circumstances; authorizing the agency to deny or revoke a facility's extended congregate care license; requiring a registered nurse representing the agency to visit the facility at least annually, rather than twice a year, to monitor residents who are receiving limited nursing services; providing that such monitoring visits may be conducted in conjunction with other inspections by the agency; authorizing the agency to waive the required yearly monitoring visit for a facility that is licensed to provide limited nursing services under certain circumstances; amending s. 429.075, F.S.; requiring an assisted living facility that serves one or more mental health residents to obtain a limited mental health license; revising the methods employed by a limited mental health facility relating to placement requirements to include providing written evidence that a request for a community living support plan, a cooperative agreement, and assessment documentation was sent to the Department of Children and Families within 72 hours after admission; amending s. 429.14, F.S.; revising the circumstances under which the agency may deny, revoke, or suspend the license of an assisted living facility and impose an administrative fine; requiring the agency to deny or revoke the license of an assisted living facility under certain circumstances; requiring the agency to impose an immediate moratorium on the license of an assisted living facility under certain circumstances; deleting a provision requiring the agency to provide a list of facilities with denied, suspended, or revoked licenses to the Department of Business and Professional Regulation; exempting a facility from the 45-day notice requirement if it is required to relocate some or all of its residents; amending s. 429.178, F.S.; conforming cross-references; amending s. 429.19, F.S.; revising the amounts and uses of administrative fines; requiring the agency to levy a fine for violations that are corrected before an inspection if noncompliance occurred within a specified period of time; deleting factors that the agency is required to consider in determining penalties and fines; amending s. 429.256, F.S.; revising the term "assistance with self-administration of medication" as it relates to the Assisted Living Facilities Act; amending s. 429.28, F.S.; providing notice requirements to inform facility residents that the identity of the resident and complainant in any complaint made to the State Long-Term Care Ombudsman Program or a local long-term care ombudsman council is confidential and that retaliatory action may not be taken against a resident for presenting grievances or for exercising any other resident right; requiring that a facility that terminates an individual's residency after the filing of a complaint be fined if good cause is not shown for the termination; amending s. 429.34, F.S.; requiring certain persons to report elder abuse in assisted living facilities; requiring the agency to regularly inspect every licensed assisted living facility; requiring the agency to conduct more frequent inspections under certain circumstances; requiring the licensee to pay a fee for the cost of additional inspections; requiring the agency to annually adjust the fee; amending s. 429.41, F.S.; providing that certain staffing requirements apply only to residents in continuing care facilities who are receiving relevant services; amending s. 429.52, F.S.; requiring each newly hired employee of an assisted living facility to attend a preservice orientation provided by the assisted living facility; requiring the employee and administrator to sign a statement that the employee completed the required preservice orientation and keep the signed statement in the employee's personnel record; requiring 2 additional hours of training for assistance with medication; conforming a cross-reference; requiring the Office of Program Policy Analysis and Government Accountability to study the reliability of facility surveys and submit to the Governor and the Legislature its findings and recommendations; creating s. 429.55, F.S.; requiring the Agency for Health Care Administration to implement a rating system of assisted living facilities by a specified date; authorizing the agency to adopt rules; requiring the Agency for Health Care Administration to provide specified data on assisted living facilities by a certain date; providing minimum requirements for such data; authorizing the agency to create a comment webpage regarding assisted living facilities; providing minimum requirements; authorizing the agency to provide links to certain third-party websites; providing appropriations; providing an effective date.

Pursuant to Rule 4.19, **CS for HB 7105** as amended was placed on the calendar of Bills on Third Reading.

INTRODUCTION OF FORMER SENATORS

The President recognized former Senator Dave Aronberg, Palm Beach County State Attorney, who was present in the chamber.

CS for CS for SB 1114—A bill to be entitled An act relating to retirement; amending s. 121.021, F.S.; revising the definition of "vested" or "vesting" to provide that a member initially enrolled in the Florida Retirement System after a certain date is vested in the pension plan after

completing 10 years of creditable service; amending s. 121.051, F.S.; providing for compulsory membership in the Florida Retirement System Investment Plan for certain members of the Elected Officers' Class initially enrolled after a certain date; amending s. 121.052, F.S.; differentiating between cabinet members and judicial members of the Elected Officers Class; prohibiting members of the Elected Officers' Class from joining the Senior Management Service Class after a specified date; amending s. 121.053, F.S.; authorizing renewed membership in the retirement system for retirees who are reemployed in a position eligible for the Elected Officers' Class under certain circumstances; amending s. 121.055, F.S.; limiting the options of elected officers employed after a certain date to enroll in the Senior Management Service Class or in the Senior Management Service Optional Annuity Program; closing the Senior Management Optional Annuity Program to new members after a specified date; amending s. 121.091, F.S.; providing that certain members are entitled to a monthly disability benefit; revising provisions to conform to changes made by the act; amending s. 121.122, F.S.; requiring that certain retirees who are employed on or after a specified date be renewed members in the investment plan; providing exceptions; providing that creditable service does not accrue for a reemployed retiree during a specified period; prohibiting certain funds from being paid into a renewed member's investment plan account for a specified period of employment; requiring the renewed member to satisfy vesting requirements; prohibiting a renewed member from receiving disability benefits; specifying requirements and limitations; requiring the employer and the retiree to make applicable contributions to the member's investment plan account; providing for the administration of the employer and employee contributions; prohibiting the purchase of past service in the investment plan during certain dates; authorizing a renewed member to receive additional credit toward the health insurance subsidy under certain circumstances; providing that a retiree employed on or after a specified date in a regularly established position eligible for the State University System Optional Retirement Program is a renewed member of that program; specifying requirements and limitations; requiring the employer and the retiree to make applicable contributions; prohibiting the purchase of past service in the program during certain dates; providing that a retiree employed on or after a specified date in a regularly established position eligible for the State Community College System Optional Retirement Program is a renewed member of that program; specifying requirements and limitations; requiring the employer and the retiree to make applicable contributions; prohibiting the purchase of past service in the program for certain dates; amending s. 121.35, F.S.; providing that certain participants in the optional retirement program for the State University System have a choice between the optional retirement program and the Florida Retirement System Investment Plan; amending s. 121.4501, F.S.; requiring certain employees initially enrolled in the Florida Retirement System on or after a specified date to be compulsory members of the investment plan; revising the definition of the terms "eligible employee" and "member" or "employee"; revising a provision relating to acknowledgment of an employee's election to participate in the investment plan; placing certain employees in the pension plan from their respective dates of hire until they are automatically enrolled in the investment plan or timely elect enrollment in the pension plan; authorizing certain employees to elect to participate in the pension plan, rather than the default investment plan, within a specified time; specifying that a retiree who has returned to covered employment before a specified date may continue membership in his or her selected retirement plan; conforming a provision to changes made by the act; providing for the transfer of certain contributions; revising the education component; deleting the obligation of system employers to communicate the existence of both retirement plans; conforming provisions and cross-references to changes made by the act; amending s. 121.591, F.S.; revising provisions relating to disability retirement benefits; amending ss. 238.072 and 413.051, F.S.; conforming cross-references; requiring the State Board of Administration and Department of Management Services to request a determination letter from the Internal Revenue Service as to whether any provision under the act will cause the Florida Retirement System to be disqualified for tax purposes and, if so, to notify the Legislature; requiring the board and department to also seek guidance regarding the consequences of differing tax contributions; providing that the act fulfills an important state interest; providing an effective date.

—was read the second time by title.

Senator Simpson moved the following amendments which were adopted:

Amendment 1 (446396)—Delete lines 150-178 and insert:

(3) COMPULSORY INVESTMENT PLAN MEMBERSHIP.—Except for members of the Elected Officers' Class who withdraw from the Florida Retirement System under s. 121.052(3)(d) or elect to participate in an optional retirement program under s. 121.051(1)(a), s. 121.051(2)(c), or s. 121.35, or are described in s. 121.052(2)(a)2. or s. 121.052(2)(b), employees initially enrolled in the Florida Retirement System on or after July 1, 2015, and whose first employment in a regularly established position is covered by the Elected Officers' Class are compulsory members of the investment plan. Investment plan membership continues for a compulsory member even if the employee is subsequently employed in a position covered by another membership class. Membership in the pension plan by a compulsory member is not permitted except as provided in s. 121.591(2).

(a) Employees initially enrolled in the Florida Retirement System before July 1, 2015, may retain their membership in the pension plan or investment plan and are eligible to use the election opportunity specified in s. 121.4501(4)(f). Compulsory members are not eligible to use the election opportunity.

(b) An employee eligible to withdraw from the system under s. 121.052(3)(d) may withdraw from the system, participate in the pension plan if not a compulsory member of the investment plan, or participate in the investment plan as provided under those provisions. An employee eligible for the optional retirement programs under paragraph (2)(c) or s. 121.35 may participate in the optional retirement program, participate in the pension plan if not a compulsory member, or participate in the investment plan as provided under those provisions. An eligible employee required to participate pursuant to paragraph (1)(a) in the optional retirement program as provided under s. 121.35 must participate in the investment plan if employed in a position not eligible for the optional retirement program and otherwise meeting the requirements as a compulsory member of the investment plan.

Amendment 2 (730910)—Delete lines 1114-1141 and insert:

(g) Except for members of the Elected Officers' Class who withdraw from the Florida Retirement System under s. 121.052(3)(d) or elect to participate in an optional retirement program under s. 121.051(1)(a), s. 121.051(2)(c), or s. 121.35, or are described in s. 121.052(2)(a)2. or (2)(b), employees initially enrolled in the Florida Retirement System on or after July 1, 2015, and whose first employment in a regularly established position is covered by the Elected Officers' Class are compulsory members of the investment plan. Investment plan membership continues for a compulsory member even if the employee is subsequently employed in a position covered by another membership class. Membership in the pension plan by a compulsory member is not permitted except as provided in s. 121.591(2).

1. Employees initially enrolled in the system before July 1, 2015, may retain their membership in the pension plan or investment plan and are eligible to use the election opportunity specified in paragraph (f). Compulsory members are not eligible to use the election opportunity.

2. An employee eligible to withdraw from the system under s. 121.052(3)(d) may withdraw from the system, participate in the pension plan if not a compulsory member of the investment plan, or participate in the investment plan as provided under those provisions. An employee eligible for the optional retirement programs under s. 121.051(2)(c) or s. 121.35 may participate in the optional retirement program, participate in the pension plan if not a compulsory member of the investment plan, or participate in the investment plan as provided under those provisions. An eligible employee required to participate in the optional retirement program pursuant to s. 121.051(1)(a) as provided under s. 121.35 must participate in the investment plan if employed in a position not eligible for the optional retirement program and otherwise meeting the requirements as a compulsory member of the investment plan.

Amendment 3 (364164) (with title amendment)—Between lines 1557 and 1558 insert:

Section 14. *The Department of Management Services shall commission a special actuarial study to determine the costs of providing a new death benefit through the pension plan for members of the Florida Retirement System Investment Plan who are killed in the line of duty. The study must examine the costs associated with offering a death benefit that allows the surviving spouse or surviving dependent children of an investment plan member killed in the line of duty to elect the death benefit*

provided under s. 121.091(7)(d), Florida Statutes, after transferring the value of the member's investment account to the pension plan, in lieu of the current death benefit provided under the investment plan. The Department of Management Services shall consult with the Legislature about the alternatives to be considered and the level of detail to be included in the special study results. The results of such study shall be provided to the Governor, the President of the Senate, and the Speaker of the House of Representatives by March 1, 2015.

And the title is amended as follows:

Delete line 102 and insert: contributions; requiring the Department of Management Services to conduct an actuarial study to determine the costs of providing a new death benefit through the pension plan for the families of members of the investment plan killed in the line of duty and provide the results of the study to the Governor and the Legislature by a certain date; providing that the act fulfills an

Pending further consideration of **CS for CS for SB 1114**, as amended on motion by Senator Simpson, by two-thirds vote **HB 7181** was withdrawn from the Committees on Community Affairs; Governmental Oversight and Accountability; and Appropriations.

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

HB 7181—A bill to be entitled An act relating to public retirement plans; amending s. 121.021, F.S.; revising the definition of "vested" or "vesting"; providing that a member initially enrolled in the Florida Retirement System after a certain date is vested in the pension plan after 10 years of creditable service; amending s. 121.051, F.S.; providing for compulsory membership in the Florida Retirement System Investment Plan for employees in the Elected Officers' Class or the Senior Management Service Class initially enrolled after a specified date; amending s. 121.052, F.S.; prohibiting members of the Elected Officers' Class from joining the Senior Management Service Class after a specified date; amending s. 121.053, F.S.; authorizing renewed membership in the retirement system for retirees who are reemployed in a position eligible for the Elected Officers' Class under certain circumstances; amending s. 121.055, F.S.; authorizing renewed membership in the retirement system for retirees of the Senior Management Service Optional Annuity Program who are reemployed on or after a specified date; prohibiting an elected official eligible for membership in the Elected Officers' Class from enrolling in the Senior Management Service Class or in the Senior Management Service Optional Annuity Program; closing the Senior Management Service Optional Annuity Program to new members after a specified date; amending s. 121.091, F.S.; increasing the service time required to qualify for disability benefits to 10 years for members enrolled in the pension plan on or after a specified date; revising provisions to conform to changes made by the act; amending s. 121.122, F.S.; requiring that certain retirees who are employed on or after a specified date be renewed members in the investment plan; providing exceptions; providing that creditable service does not accrue for a reemployed retiree during a specified period; prohibiting certain funds from being paid into a renewed member's investment plan account for a specified period of employment; requiring the renewed member to satisfy vesting requirements; prohibiting a renewed member from receiving disability benefits; specifying requirements and limitations; requiring the employer and the retiree to make applicable contributions to the member's investment plan account; providing for the administration of the employer and employee contributions; prohibiting the purchase of past service in the investment plan during certain dates; authorizing a renewed member to receive additional credit toward the health insurance subsidy under certain circumstances; providing that a retiree employed on or after a specified date in a regularly established position eligible for the State University System Optional Retirement Program is a renewed member of that program; specifying requirements and limitations; requiring the employer and the retiree to make applicable contributions; prohibiting the purchase of past service in the program during certain dates; providing that a retiree employed on or after a specified date in a regularly established position eligible for the State Community College System Optional Retirement Program is a renewed member of that program; specifying requirements and limitations; requiring the employer and the retiree to make applicable contributions; prohibiting the purchase of past service in the program during certain dates; amending s. 121.4501, F.S.; requiring certain employees initially enrolled in the Florida Retirement System on or after a specified date to be compulsory members of the investment plan; revising the definition of "member" or "employee"; revising a provision relating to acknowledgement of an employee's election to participate in the investment plan; enrolling certain employees in the pension plan from their date of hire until they are automatically enrolled in the investment plan or timely elect enrollment in the pension plan; providing certain members with a specified time to choose participation in the pension plan or the investment plan; specifying that a retiree who has returned to covered employment before a specified date may continue membership in his or her selected retirement plan; conforming a provision to changes made by the act; providing for the transfer of certain contributions; revising a provision relating to acknowledgement of an employee's election to participate in the investment plan; revising the education component; conforming provisions and cross-references to changes made by the act; amending s. 121.591, F.S.; increasing the service time required to qualify for disability benefits to 10 years for members enrolled in the investment plan on or after a specified date; amending s. 175.021, F.S.; revising the legislative declaration to require that all firefighter pension plans meet the requirements of chapter 175, F.S., in order to receive insurance premium tax revenues; amending s. 175.032, F.S.; revising definitions to conform to changes made by the act and providing new definitions; amending s. 175.071, F.S.; conforming a cross-reference; amending s. 175.091, F.S.; revising the method of creating and maintaining a firefighters' pension trust fund; amending s. 175.162, F.S.; deleting a provision basing the availability of additional benefits in a firefighter pension plan upon state funding; revising the calculation of monthly retirement income for a full-time firefighter; providing that certain firefighter pension plans must maintain a certain minimum percentage of average final compensation after a specified date; amending s. 175.351, F.S., relating to municipalities and special fire control districts that have their own pension plans and want to participate in the distribution of a tax fund; revising criteria governing the use of revenues from the premium tax; authorizing a pension plan to reduce excess benefits if the plan continues to meet certain minimum benefits and standards; providing that the use of premium tax revenues may deviate from the requirements of chapter 175, F.S., under certain circumstances; requiring plan sponsors to have a defined contribution plan in place by a certain date; authorizing a municipality to implement certain changes to a local law plan which are contrary to chapter 175, F.S., for a limited time; amending s. 185.01, F.S.; revising the legislative declaration to require that all police officer pension plans meet the requirements of chapter 185, F.S., in order to receive insurance premium tax revenues; amending s. 185.02, F.S.; revising definitions to conform to changes made by the act and adding new definitions; revising applicability of the limitation on the amount of overtime payments which may be used for retirement benefit calculations; amending s. 185.06, F.S.; conforming a cross-reference; amending s. 185.07, F.S.; revising the method of creating and maintaining a police officers' retirement trust fund; amending s. 185.16, F.S.; deleting a provision basing the availability of additional benefits in a police officer pension plan upon state funding; revising the calculation of monthly retirement income for a police officer; providing that certain police officer pension plans must maintain a certain minimum percentage of average final compensation after a specified date; amending s. 185.35, F.S., relating to municipalities that have their own pension plans for police officers and want to participate in the distribution of a tax fund; conforming a cross-reference; revising criteria governing the use of revenues from the premium tax; authorizing a plan to reduce excess benefits if the plan continues to meet certain minimum benefits and minimum standards; providing that the use of premium tax revenues may deviate from the requirements of chapter 185, F.S., under specified circumstances; requiring plan sponsors to have a defined contribution plan in place by a certain date; authorizing a municipality to implement certain changes to a local law plan which are contrary to chapter 185, F.S., for a limited time; amending ss. 238.072 and 413.051, F.S.; conforming cross-references; providing that the act fulfills an important state interest; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1114** as amended and read the second time by title.

MOTION TO RECONSIDER BILL

Senator Latvala moved that the Senate reconsider the vote by which the rules were waived to substitute **HB 7181** for **CS for CS for SB 1114** as amended. The motion was adopted.

The vote was:

Yeas—21

Abruzzo	Diaz de la Portilla	Joyner
Braynon	Evers	Latvala
Bullard	Flores	Lee
Clemens	Gibson	Margolis
Dean	Grimsley	Montford

Ring	Smith	Soto
Sachs	Sobel	Thompson

Nays—15

Mr. President	Brandes	Legg
Altman	Galvano	Negron
Bean	Garcia	Richter
Benacquisto	Gardiner	Simpson
Bradley	Hays	Thrasher

Further consideration of **CS for CS for SB 1114** as amended was deferred.

RECESS

On motion by Senator Thrasher, the Senate recessed at 12:55 p.m. to reconvene at 2:00 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 2:00 p.m. A quorum present—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

SPECIAL ORDER CALENDAR

On motion by Senator Latvala—

CS for CS for CS for HB 851—A bill to be entitled An act relating to postsecondary education tuition and fees; amending s. 1009.21, F.S., relating to the determination of resident status for tuition purposes; revising the definitions of the terms "dependent child" and "parent"; revising certain residency requirements for a dependent child; prohibiting denial of classification as a resident for tuition purposes based on certain immigration status; revising requirements for documentation of residency; revising requirements relating to classification or reclassification as a resident for tuition purposes based on marriage; revising requirements relating to reevaluation of classification as a resident for tuition purposes; classifying persons who receive certain tuition exemptions or waivers as residents for tuition purposes; providing for the adoption of rules and regulations; amending s. 1009.22, F.S.; revising provisions relating to workforce education postsecondary tuition and out-of-state fees; amending s. 1009.23, F.S.; revising provisions relating to Florida College System institution tuition and out-of-state fees; amending s. 1009.24, F.S.; revising provisions relating to state university resident undergraduate tuition; revising the annual percentage increase allowed in the aggregate sum of tuition and the tuition differential at state universities; amending s. 1009.26, F.S.; revising provisions relating to the tuition waiver for a recipient of a Purple Heart or another combat decoration superior in precedence; providing for the waiver of out-of-state fees for students based on certain attendance, graduation, and enrollment requirements; requiring certain reporting; providing an effective date.

—was read the second time by title.

Senators Latvala and Legg offered the following amendment which was moved by Senator Legg:

Amendment 1 (319896) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (10) of section 1009.98, Florida Statutes, is amended to read:

1009.98 Stanley G. Tate Florida Prepaid College Program.—

(10) PAYMENTS ON BEHALF OF QUALIFIED BENEFICIARIES.—

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

1. "Actuarial reserve" means the amount by which the expected value of the assets *exceeds* ~~exceed~~ the expected value of the liabilities of the trust fund.

2. "Dormitory fees" means the fees included under advance payment contracts pursuant to paragraph (2)(d).

3. "Fiscal year" means the fiscal year of the state pursuant to s. 215.01.

4. "Local fees" means the fees covered by an advance payment contract provided pursuant to subparagraph (2)(b)2.

5. "Tuition differential" means the fee covered by advance payment contracts sold pursuant to subparagraph (2)(b)3. The base rate for the tuition differential fee for the 2012-2013 fiscal year is established at $37.03 per credit hour. The base rate for the tuition differential in subsequent years is the amount *assessed* ~~paid by the board~~ for the tuition differential for the preceding year adjusted pursuant to subparagraph (b)2.

(b) Effective with the 2009-2010 academic year and thereafter, and notwithstanding ~~the provisions of~~ s. 1009.24, the amount paid by the board to any state university on behalf of a qualified beneficiary of an advance payment contract whose contract was purchased before July 1, *2024* ~~2009~~, shall be:

1. As to registration fees, if the actuarial reserve is less than 5 percent of the expected liabilities of the trust fund, the board shall pay the state universities 5.5 percent above the amount assessed for registration fees in the preceding fiscal year. If the actuarial reserve is between 5 percent and 6 percent of the expected liabilities of the trust fund, the board shall pay the state universities 6 percent above the amount assessed for registration fees in the preceding fiscal year. If the actuarial reserve is between 6 percent and 7.5 percent of the expected liabilities of the trust fund, the board shall pay the state universities 6.5 percent above the amount assessed for registration fees in the preceding fiscal year. If the actuarial reserve is equal to or greater than 7.5 percent of the expected liabilities of the trust fund, the board shall pay the state universities 7 percent above the amount assessed for registration fees in the preceding fiscal year, whichever is greater.

2. As to the tuition differential, if the actuarial reserve is less than 5 percent of the expected liabilities of the trust fund, the board shall pay the state universities 5.5 percent above the base rate for the tuition differential fee in the preceding fiscal year. If the actuarial reserve is between 5 percent and 6 percent of the expected liabilities of the trust fund, the board shall pay the state universities 6 percent above the base rate for the tuition differential fee in the preceding fiscal year. If the actuarial reserve is between 6 percent and 7.5 percent of the expected liabilities of the trust fund, the board shall pay the state universities 6.5 percent above the base rate for the tuition differential fee in the preceding fiscal year. If the actuarial reserve is equal to or greater than 7.5 percent of the expected liabilities of the trust fund, the board shall pay the state universities 7 percent above the base rate for the tuition differential fee in the preceding fiscal year.

3. As to local fees, the board shall pay the state universities 5 percent above the amount assessed for local fees in the preceding fiscal year.

4. As to dormitory fees, the board shall pay the state universities 6 percent above the amount assessed for dormitory fees in the preceding fiscal year.

5. Qualified beneficiaries of advance payment contracts purchased before July 1, 2007, are exempt from paying any tuition differential fee.

(c) Notwithstanding the amount assessed for registration fees, the tuition differential, or local fees, the amount paid by the board to any state university on behalf of a qualified beneficiary of an advance payment contract purchased before July 1, 2024, may not exceed 100 percent of the amount charged by the state university for the aggregate sum of those fees.

(d) Notwithstanding the amount assessed for dormitory fees, the amount paid by the board to any state university on behalf of a qualified beneficiary of an advance payment contract purchased before July 1, 2024, may not exceed 100 percent of the amount charged by the state university for dormitory fees.

(e)~~(c)~~ The board shall pay state universities the actual amount assessed in accordance with law for registration fees, the tuition differential, local fees, and dormitory fees for advance payment contracts purchased on or after July 1, *2024* ~~2009~~.

(f)~~(d)~~ The board shall annually evaluate or cause to be evaluated the actuarial soundness of the trust fund.

Section 2. Paragraphs (c) through (g) of subsection (3) of section 1009.22, Florida Statutes, are amended to read:

1009.22 Workforce education postsecondary student fees.—

(3)

(c) Effective July 1, *2014* ~~2011~~, for programs leading to a career certificate or an applied technology diploma, the standard tuition shall be *$2.33* ~~$2.22~~ per contact hour for residents and nonresidents and the out-of-state fee shall be *$6.99* ~~$6.66~~ per contact hour. For adult general education programs, a block tuition of $45 per half year or $30 per term shall be assessed ~~for residents and nonresidents, and the out-of-state fee shall be $135 per half year or $90 per term~~. Each district school board and Florida College System institution board of trustees shall adopt policies and procedures for the collection of and accounting for the expenditure of the block tuition. All funds received from the block tuition shall be used only for adult general education programs. Students enrolled in adult general education programs may not be assessed the fees authorized in subsection (5), subsection (6), or subsection (7).

~~(d) Beginning with the 2008-2009 fiscal year and each year thereafter, the tuition and the out-of-state fee per contact hour shall increase at the beginning of each fall semester at a rate equal to inflation, unless otherwise provided in the General Appropriations Act. The Office of Economic and Demographic Research shall report the rate of inflation to the President of the Senate, the Speaker of the House of Representatives, the Governor, and the State Board of Education each year prior to March 1. For purposes of this paragraph, the rate of inflation shall be defined as the rate of the 12-month percentage change in the Consumer Price Index for All Urban Consumers, U.S. City Average, All Items, or successor reports as reported by the United States Department of Labor, Bureau of Labor Statistics, or its successor for December of the previous year. In the event the percentage change is negative, the tuition and out-of-state fee shall remain at the same level as the prior fiscal year.~~

(d)~~(e)~~ Each district school board and each Florida College System institution board of trustees may adopt tuition and out-of-state fees that may vary no more than 5 percent below and 5 percent above the combined total of the standard tuition and out-of-state fees established in paragraph (c).

(e)~~(f)~~ The maximum increase in resident tuition for any school district or Florida College System institution during the 2007-2008 fiscal year shall be 5 percent over the tuition charged during the 2006-2007 fiscal year.

(f)~~(g)~~ The State Board of Education may adopt, by rule, the definitions and procedures that district school boards and Florida College System institution boards of trustees shall use in the calculation of cost borne by students.

Section 3. Subsection (3) of section 1009.23, Florida Statutes, is amended to read:

1009.23 Florida College System institution student fees.—

(3)(a) Effective July 1, *2014* ~~2011~~, for advanced and professional, postsecondary vocational, developmental education, and educator preparation institute programs, the standard tuition shall be *$71.98* ~~$68.56~~ per credit hour for residents and nonresidents, and the out-of-state fee shall be *$215.94* ~~$205.82~~ per credit hour.

(b) Effective July 1, *2014* ~~2011~~, for baccalaureate degree programs, the following tuition and fee rates shall apply:

1. The tuition shall be *$91.79* ~~$87.42~~ per credit hour for students who are residents for tuition purposes.

2. The sum of the tuition and the out-of-state fee per credit hour for students who are nonresidents for tuition purposes shall be no more than 85 percent of the sum of the tuition and the out-of-state fee at the state university nearest the Florida College System institution.

~~(c) Beginning with the 2008-2009 fiscal year and each year thereafter, the tuition and the out-of-state fee shall increase at the beginning of each fall semester at a rate equal to inflation, unless otherwise provided in the General Appropriations Act. The Office of Economic and Demographic Research shall report the rate of inflation to the President of the Senate, the Speaker of the House of Representatives, the Governor, and the State Board of Education each year prior to March 1. For purposes of this paragraph, the rate of inflation shall be defined as the rate of the 12-month percentage change in the Consumer Price Index for All Urban Consumers, U.S. City Average, All Items, or successor reports as reported by the United States Department of Labor, Bureau of Labor Statistics, or its successor for December of the previous year. In the event the percentage change is negative, the tuition and the out-of-state fee per credit hour shall remain at the same levels as the prior fiscal year.~~

Section 4. Subsection (4) and paragraph (b) of subsection (16) of section 1009.24, Florida Statutes, are amended to read:

1009.24 State university student fees.—

(4)(a) Effective July 1, *2014* ~~2011~~, the resident undergraduate tuition for lower-level and upper-level coursework shall be *$105.07* ~~$103.32~~ per credit hour.

~~(b) Beginning with the 2008-2009 fiscal year and each year thereafter, the resident undergraduate tuition per credit hour shall increase at the beginning of each fall semester at a rate equal to inflation, unless otherwise provided in the General Appropriations Act. The Office of Economic and Demographic Research shall report the rate of inflation to the President of the Senate, the Speaker of the House of Representatives, the Governor, and the Board of Governors each year prior to March 1. For purposes of this paragraph, the rate of inflation shall be defined as the rate of the 12-month percentage change in the Consumer Price Index for All Urban Consumers, U.S. City Average, All Items, or successor reports as reported by the United States Department of Labor, Bureau of Labor Statistics, or its successor for December of the previous year. In the event the percentage change is negative, the resident undergraduate tuition shall remain at the same level as the prior fiscal year.~~

(b)~~(c)~~ The Board of Governors, or the board's designee, may establish tuition for graduate and professional programs, and out-of-state fees for all programs. Except as otherwise provided in this section, the sum of tuition and out-of-state fees assessed to nonresident students must be sufficient to offset the full instructional cost of serving such students. However, adjustments to out-of-state fees or tuition for graduate programs and professional programs may not exceed 15 percent in any year.

(c)~~(d)~~ The Board of Governors may consider and approve flexible tuition policies as requested by a university board of trustees in accordance with ~~the provisions of~~ subsection (15) only to the extent such policies are in alignment with the mission of the university and do not increase the state's fiscal liability or obligations, including, but not limited to, any fiscal liability or obligation for programs authorized under ss. 1009.53-1009.538 and ss. 1009.97-1009.984.

(d)~~(e)~~ The sum of the activity and service, health, and athletic fees a student is required to pay to register for a course *may* ~~shall~~ not exceed 40 percent of the tuition established in law or in the General Appropriations Act. No university shall be required to lower any fee in effect on the

effective date of this act in order to comply with this subsection. Within the 40 percent cap, universities may not increase the aggregate sum of activity and service, health, and athletic fees more than 5 percent per year~~, or the same percentage increase in tuition authorized under paragraph (b), whichever is greater,~~ unless specifically authorized in law or in the General Appropriations Act. A university may increase its athletic fee to defray the costs associated with changing National Collegiate Athletic Association divisions. Any such increase in the athletic fee may exceed both the 40 percent cap and the 5 percent cap imposed by this subsection. Any such increase must be approved by the athletic fee committee in the process outlined in subsection (12) and *may not* ~~cannot~~ exceed $2 per credit hour. Notwithstanding ~~the provisions of~~ ss. 1009.534, 1009.535, and 1009.536, that portion of any increase in an athletic fee pursuant to this subsection *which* ~~that~~ causes the sum of the activity and service, health, and athletic fees to exceed the 40 percent cap or the annual increase in such fees to exceed the 5 percent cap *may* ~~shall~~ not be included in calculating the amount a student receives for a Florida Academic Scholars award, a Florida Medallion Scholars award, or a Florida Gold Seal Vocational Scholars award. Notwithstanding this paragraph and subject to approval by the board of trustees, each state university *may* ~~is authorized to~~ exceed the 5-percent cap on the annual increase to the aggregate sum of activity and service, health, and athletic fees for the 2010-2011 fiscal year. Any such increase *may* ~~shall~~ not exceed 15 percent or the amount required to reach the 2009-2010 fiscal year statewide average for the aggregate sum of activity and service, health, and athletic fees at the main campuses, whichever is greater. The aggregate sum of the activity and service, health, and athletic fees *may* ~~shall~~ not exceed 40 percent of tuition. Any increase in the activity and service fee, health fee, or athletic fee must be approved by the appropriate fee committee pursuant to subsection (10), subsection (11), or subsection (12).

(e)~~(f)~~ This subsection does not prohibit a university from increasing or assessing optional fees related to specific activities if payment of such fees is not required as a part of registration for courses.

(16) Each university board of trustees may establish a tuition differential for undergraduate courses upon receipt of approval from the Board of Governors. The tuition differential shall promote improvements in the quality of undergraduate education and shall provide financial aid to undergraduate students who exhibit financial need.

(b) Each tuition differential is subject to the following conditions:

1. The tuition differential may be assessed on one or more undergraduate courses or on all undergraduate courses at a state university.

2. The tuition differential may vary by course or courses, *by* campus or center location, and by institution. Each university board of trustees shall strive to maintain and increase enrollment in degree programs related to math, science, high technology, and other state or regional high-need fields when establishing tuition differentials by course.

3. For each state university that *is designated as a preeminent state research university by the Board of Governors, pursuant to s. 1001.7065* ~~has total research and development expenditures for all fields of at least $100 million per year as reported annually to the National Science Foundation~~, the aggregate sum of tuition and the tuition differential may ~~not~~ be increased by *no* more than *6* ~~15~~ percent of the total charged for the aggregate sum of these fees in the preceding fiscal year. *The tuition differential may be increased if the university meets or exceeds performance standard targets for that university established annually by the Board of Governors for the following performance standards, amounting to no more than a 2-percent increase in the tuition differential for each performance standard:*

a. An increase in the 6-year graduation rate for full-time, first-time-in-college students, as reported annually to the Integrated Postsecondary Education Data System.

b. An increase in the total annual research expenditures.

c. An increase in the total patents awarded by the United States Patent and Trademark Office for the most recent years. ~~For each state university that has total research and development expenditures for all fields of less than $100 million per year as reported annually to the National Science Foundation, the aggregate sum of tuition and the tuition differential may not be increased by more than 15 percent of the total charged for the aggregate sum of these fees in the preceding fiscal year.~~

4. The aggregate sum of undergraduate tuition and fees per credit hour, including the tuition differential, may not exceed the national average of undergraduate tuition and fees at 4-year degree-granting public postsecondary educational institutions.

5. The tuition differential shall not be included in any award under the Florida Bright Futures Scholarship Program established pursuant to ss. 1009.53-1009.538.

6. Beneficiaries having prepaid tuition contracts pursuant to s. 1009.98(2)(b) which were in effect on July 1, 2007, and which remain in effect, are exempt from the payment of the tuition differential.

7. The tuition differential may not be charged to any student who was in attendance at the university before July 1, 2007, and who maintains continuous enrollment.

8. The tuition differential may be waived by the university for students who meet the eligibility requirements for the Florida public student assistance grant established in s. 1009.50.

9. Subject to approval by the Board of Governors, the tuition differential authorized pursuant to this subsection may take effect with the 2009 fall term.

Section 5. Subsection (8) of section 1009.26, Florida Statutes, is amended, and subsection (12) is added to that section, to read:

1009.26 Fee waivers.—

(8) A state university*, a* ~~or~~ Florida College System institution*, a career center operated by a school district under s. 1001.44, or a charter technical career center* shall waive *tuition for* undergraduate *college credit programs and career certificate programs* ~~tuition~~ for each recipient of a Purple Heart or another combat decoration superior in precedence who:

(a) Is enrolled as a full-time, part-time, or summer-school student in *a* ~~an undergraduate~~ program that terminates in *an associate or* a *baccalaureate* degree*, a college credit* ~~or~~ certificate*, or a career certificate*;

(b) Is currently, and was at the time of the military action that resulted in the awarding of the Purple Heart or other combat decoration superior in precedence, a resident of this state; and

(c) Submits to the state university, ~~or~~ the Florida College System institution*, the career center operated by a school district under s. 1001.44, or the charter technical career center* the DD-214 form issued at the time of separation from service as documentation that the student has received a Purple Heart or another combat decoration superior in precedence. If the DD-214 is not available, other documentation may be acceptable if recognized by the United States Department of Defense or the United States Department of Veterans Affairs as documenting the award.

Such a waiver for a Purple Heart recipient or recipient of another combat decoration superior in precedence shall be applicable for 110 percent of the number of required credit hours of the degree or certificate program for which the student is enrolled.

(12)(a) A state university, a Florida College System institution, a career center operated by a school district under s. 1001.44, or a charter technical career center shall waive out-of-state fees for students, including, but not limited to, students who are undocumented for federal immigration purposes, who meet the following conditions:

1. Attended a secondary school in this state for 3 consecutive years immediately before graduating from a high school in this state;

2. Apply for enrollment in an institution of higher education within 24 months after high school graduation; and

3. Submit an official Florida high school transcript as evidence of attendance and graduation.

(b) Tuition and fees charged to a student who qualifies for the out-of-state fee waiver under this subsection may not exceed the tuition and fees charged to a resident student. The waiver is applicable for 110 percent of the required credit hours of the degree or certificate program for which the student is enrolled. Each state university, Florida College System institution, career center operated by a school district under s. 1001.44, and charter technical career center shall report to the Board of Governors and the State Board of Education, respectively, the number and value of all fee waivers granted annually under this subsection. By October 1 of each year, the Board of Governors for the state universities and the State Board of Education for Florida College System institutions, career centers operated by a school district under s. 1001.44, and charter technical career centers shall annually report for the previous academic year the percentage of resident and nonresident students enrolled systemwide.

(c) A state university student granted an out-of-state fee waiver under this subsection must be considered a nonresident student for purposes of calculating the systemwide total enrollment of nonresident students as limited by regulation of the Board of Governors. In addition, a student who is granted an out-of-state fee waiver under this subsection is not eligible for state financial aid under part III of this chapter and must not be reported as a resident for tuition purposes.

Section 6. Paragraph (f) of subsection (1), paragraph (b) of subsection (2), and subsection (5) of section 1009.21, Florida Statutes, are amended, and paragraph (d) is added to subsection (2) of that section, to read:

1009.21 Determination of resident status for tuition purposes.—Students shall be classified as residents or nonresidents for the purpose of assessing tuition in postsecondary educational programs offered by charter technical career centers or career centers operated by school districts, in Florida College System institutions, and in state universities.

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

(f) "Parent" means *either or both parents of a student, any guardian of a student, or any person in a parental relationship to a student* ~~the natural or adoptive parent or legal guardian of a dependent child~~.

(2)

(b) However, with respect to a dependent child living with an adult relative other than the child's parent, such child may qualify as a resident for tuition purposes if the adult relative is a legal resident who has maintained legal residence in this state for at least 12 consecutive months immediately *before* ~~prior to~~ the child's initial enrollment in an institution of higher education, provided the child has resided continuously with such relative for the *3* ~~5~~ years immediately *before* ~~prior to~~ the child's initial enrollment in an institution of higher education, during which time the adult relative has exercised day-to-day care, supervision, and control of the child.

(d) A dependent child who is a United States citizen may not be denied classification as a resident for tuition purposes based solely upon the immigration status of his or her parent.

(5) *A person who physically resides in this state may be classified as a resident for tuition purposes if he or she marries a person who meets the 12-month residency requirement under subsection (2) and who is a legal resident of this state* ~~In making a domiciliary determination related to the classification of a person as a resident or nonresident for tuition purposes, the domicile of a married person, irrespective of sex, shall be determined, as in the case of an unmarried person, by reference to all relevant evidence of domiciliary intent~~. ~~For the purposes of this section:~~

~~(a) A person shall not be precluded from establishing or maintaining legal residence in this state and subsequently qualifying or continuing to qualify as a resident for tuition purposes solely by reason of marriage to a person domiciled outside this state, even when that person's spouse continues to be domiciled outside of this state, provided such person maintains his or her legal residence in this state.~~

~~(b) A person shall not be deemed to have established or maintained a legal residence in this state and subsequently to have qualified or continued to qualify as a resident for tuition purposes solely by reason of marriage to a person domiciled in this state.~~

~~(c) In determining the domicile of a married person, irrespective of sex, the fact of the marriage and the place of domicile of such person's spouse shall be deemed relevant evidence to be considered in ascertaining domiciliary intent.~~

Section 7. This act shall take effect July 1, 2014.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to postsecondary education tuition and fees; amending s. 1009.98, F.S.; revising the definition of the term "tuition differential"; revising the purchase date of an advance payment contract as it relates to the amount paid by the Florida Prepaid College Board to a state university on behalf of a qualified beneficiary; limiting the amount paid by the board to a state university on behalf of a qualified beneficiary; amending ss. 1009.22 and 1009.23, F.S.; revising the standard tuition and out-of-state fee for certain workforce education postsecondary programs and certain programs at Florida College System institutions; deleting a provision relating to an increase in tuition and the out-of-state fee at a rate equal to inflation; amending s. 1009.24, F.S.; revising state university resident undergraduate tuition; deleting a provision relating to an increase in resident undergraduate tuition at a rate equal to inflation; revising the annual percentage increase allowed in the aggregrate sum of tuition and the tuition differential; providing requirements for an increase in the tuition differential for certain universities; amending s. 1009.26, F.S.; requiring a state university, Florida College System institution, career center operated by a school district, or charter technical career center to waive undergraduate tuition for a recipient of a Purple Heart or another combat decoration superior in precedence under certain conditions; providing for the waiver of out-of-state fees for students based on certain attendance, graduation, and enrollment requirements; requiring reporting to the Board of Governors and the State Board of Education relating to the number and value of the fee waivers; providing requirements for calculating the state university systemwide enrollment of nonresident students; restricting eligibility for state financial aid; amending s. 1009.21, F.S., relating to the determination of resident status for tuition purposes; revising the definition of the term "parent"; revising a residency requirement for a dependent child; prohibiting denial of classification as a resident for tuition purposes based on certain immigration status; revising requirements relating to classification as a resident for tuition purposes based on marriage; providing an effective date.

Senator Latvala moved the following amendment to **Amendment 1 (319896)** which was adopted:

Amendment 1A (702696) (with directory and title amendments)—Delete lines 262-324 and insert:
approval from the Board of Governors. *However, beginning July 1, 2014, the Board of Governors may only approve the establishment of or an increase in tuition differential for a state research university designated as a preeminent state research university pursuant to s. 1001.7065(3).* The tuition differential shall promote improvements in the quality of undergraduate education and shall provide financial aid to undergraduate students who exhibit financial need.

(a) Seventy percent of the revenues from the tuition differential shall be expended for purposes of undergraduate education. Such expenditures may include, but are not limited to, increasing course offerings, improving graduation rates, increasing the percentage of undergraduate students who are taught by faculty, decreasing student-faculty ratios, providing salary increases for faculty who have a history of excellent teaching in undergraduate courses, improving the efficiency of the delivery of undergraduate education through academic advisement and counseling, and reducing the percentage of students who graduate with excess hours. This expenditure for undergraduate education may not be used to pay the salaries of graduate teaching assistants. Except as otherwise provided in this subsection, the remaining 30 percent of the revenues from the tuition differential, or the equivalent amount of revenue from private sources, shall be expended to provide financial aid to undergraduate students who exhibit financial need, including students who are scholarship recipients under s. 1009.984, to meet the cost of university attendance. This expenditure for need-based financial aid shall not supplant the amount of need-based aid provided to undergraduate students in the preceding fiscal year from financial aid fee revenues, the direct appropriation for financial assistance provided to state universities in the General Appropriations Act, or from private

sources. The total amount of tuition differential waived under subparagraph (b)8. may be included in calculating the expenditures for need-based financial aid to undergraduate students required by this subsection. If the entire tuition and fee costs of resident students who have applied for and received Pell Grant funds have been met and the university has excess funds remaining from the 30 percent of the revenues from the tuition differential required to be used to assist students who exhibit financial need, the university may expend the excess portion in the same manner as required for the other 70 percent of the tuition differential revenues.

(b) Each tuition differential is subject to the following conditions:

1. The tuition differential may be assessed on one or more undergraduate courses or on all undergraduate courses at a state university.

2. The tuition differential may vary by course or courses, *by* campus or center location, and by institution. Each university board of trustees shall strive to maintain and increase enrollment in degree programs related to math, science, high technology, and other state or regional high-need fields when establishing tuition differentials by course.

3. For each state university that *is designated as a preeminent state research university by the Board of Governors, pursuant to s. 1001.7065* ~~has total research and development expenditures for all fields of at least $100 million per year as reported annually to the National Science Foundation~~, the aggregate sum of tuition and the tuition differential may ~~not~~ be increased by *no* more than *6* ~~15~~ percent of the total charged for the aggregate sum of these fees in the preceding fiscal year. *The tuition differential may be increased if the university meets or exceeds performance standard targets for that university established annually by the Board of Governors for the following performance standards, amounting to no more than a 2-percent increase in the tuition differential for each performance standard:*

a. An increase in the 6-year graduation rate for full-time, first-time-in-college students, as reported annually to the Integrated Postsecondary Education Data System.

b. An increase in the total annual research expenditures.

c. An increase in the total patents awarded by the United States Patent and Trademark Office for the most recent years. ~~For each state university that has total research and development expenditures for all fields of less than $100 million per year as reported annually to the National Science Foundation, the aggregate sum of tuition and the tuition differential may not be increased by more than 15 percent of the total charged for the aggregate sum of these fees in the preceding fiscal year.~~

4. The aggregate sum of undergraduate tuition and fees per credit hour, including the tuition differential, may not exceed the national average of undergraduate tuition and fees at 4-year degree-granting public postsecondary educational institutions.

5. The tuition differential shall not be included in any award under the Florida Bright Futures Scholarship Program established pursuant to ss. 1009.53-1009.538.

6. Beneficiaries having prepaid tuition contracts pursuant to s. 1009.98(2)(b) which were in effect on July 1, 2007, and which remain in effect, are exempt from the payment of the tuition differential.

7. The tuition differential may not be charged to any student who was in attendance at the university before July 1, 2007, and who maintains continuous enrollment.

8. The tuition differential may be waived by the university for students who meet the eligibility requirements for the Florida public student assistance grant established in s. 1009.50.

9. Subject to approval by the Board of Governors, the tuition differential authorized pursuant to this subsection may take effect with the 2009 fall term.

(c) A university board of trustees may submit a proposal to the Board of Governors to implement a tuition differential for one or more undergraduate courses. At a minimum, the proposal shall:

1. Identify the course or courses for which the tuition differential will be assessed.

2. Indicate the amount that will be assessed for each tuition differential proposed.

3. Indicate the purpose of the tuition differential.

4. Indicate how the revenues from the tuition differential will be used.

5. Indicate how the university will monitor the success of the tuition differential in achieving the purpose for which the tuition differential is being assessed.

(d) The Board of Governors shall review each proposal and advise the university board of trustees of approval of the proposal, the need for additional information or revision to the proposal, or denial of the proposal. The Board of Governors shall establish a process for any university to revise a proposal or appeal a decision of the board.

(e) The Board of Governors shall submit a report to the President of the Senate, the Speaker of the House of Representatives, and the Governor describing the implementation of the provisions of this subsection no later than February 1 of each year. The report shall summarize proposals received by the board during the preceding fiscal year and actions taken by the board in response to such proposals. In addition, the report shall provide the following information for each university that has been approved by the board to assess a tuition differential:

1. The course or courses for which the tuition differential was assessed and the amount assessed.

2. The total revenues generated by the tuition differential.

3. With respect to waivers authorized under subparagraph (b)8., the number of students eligible for a waiver, the number of students receiving a waiver, and the value of waivers provided.

4. Detailed expenditures of the revenues generated by the tuition differential.

5. Changes in retention rates, graduation rates, the percentage of students graduating with more than 110 percent of the hours required for graduation, pass rates on licensure examinations, the number of undergraduate course offerings, the percentage of undergraduate students who are taught by faculty, student-faculty ratios, and the average salaries of faculty who teach undergraduate courses.

(f) No state university shall be required to lower any tuition differential that was approved by the Board of Governors and in effect prior to January 1, 2009, in order to comply with the provisions of this subsection.

And the directory clause is amended as follows:

Delete lines 176-177 and insert:

Section 4. Subsections (4) and (16) of section 1009.24, Florida Statutes, are amended to read:

And the title is amended as follows:

Delete line 479 and insert: rate equal to inflation; authorizing the Board of Governors to approve the establishment of or an increase in tuition differential for a state research university designated as a preeminent state research university; revising the annual

Amendment 1 (319896) as amended was adopted.

The vote was:

Yeas—27

Abruzzo	Detert	Gardiner
Braynon	Diaz de la Portilla	Gibson
Bullard	Flores	Grimsley
Clemens	Galvano	Latvala
Dean	Garcia	Legg

Margolis	Sachs	Soto
Montford	Simmons	Stargel
Richter	Smith	Thompson
Ring	Sobel	Thrasher

Nays—10

Mr. President	Bradley	Hukill
Altman	Brandes	Lee
Bean	Evers	
Benacquisto	Hays	

Vote after roll call:

Yea—Joyner

Pursuant to Rule 4.19, **CS for CS for CS for HB 851** as amended was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1148** and **SB 1172** was deferred.

CS for CS for SB 1208—A bill to be entitled An act relating to fraudulent controlled substance prescriptions; amending s. 893.13, F.S.; revising provisions prohibiting possession of incomplete prescription forms; providing enhanced criminal penalties for violations involving incomplete prescription forms; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 1208** to **CS for HB 517**.

Pending further consideration of **CS for CS for SB 1208** as amended, on motion by Senator Latvala, by two-thirds vote **CS for HB 517** was withdrawn from the Committees on Criminal Justice; Health Policy; and Appropriations.

On motion by Senator Latvala—

CS for HB 517—A bill to be entitled An act relating to fraudulent controlled substance prescriptions; amending s. 893.13, F.S.; revising provisions prohibiting possession of incomplete prescription forms; providing enhanced criminal penalties for violations involving incomplete prescription forms; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1208** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 517** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1292** was deferred.

CS for CS for SB 1328—A bill to be entitled An act relating to inspectors general; amending s. 20.055, F.S.; revising provisions relating to the duties, appointment, and removal of agency inspectors general; updating a cross-reference; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 1328** to **CS for CS for HB 1385**.

Pending further consideration of **CS for CS for SB 1328** as amended, on motion by Senator Latvala, by two-thirds vote **CS for CS for HB 1385** was withdrawn from the Committees on Governmental Oversight and Accountability; and Appropriations.

On motion by Senator Latvala—

CS for CS for HB 1385—A bill to be entitled An act relating to inspectors general; amending s. 14.32, F.S.; revising provisions relating to the appointment and removal of the Chief Inspector General; amending s. 20.055, F.S.; revising provisions relating to the duties, appointment, and removal of agency inspectors general; updating a cross-reference; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1328** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 1385** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1394** and **CS for CS for SB 1512** was deferred.

CS for CS for CS for SB 1576—A bill to be entitled An act relating to springs; amending s. 373.042, F.S.; requiring the Department of Environmental Protection or the governing board of a water management district to establish the minimum flow and water level for an Outstanding Florida Spring; specifying minimum flows and water levels for an Outstanding Florida Spring; amending s. 373.0421, F.S.; conforming a cross-reference; creating part VIII of chapter 373, F.S., entitled "Florida Springs and Aquifer Protection Act"; creating s. 373.801, F.S.; providing legislative findings and intent; creating s. 373.802, F.S.; defining terms; creating s. 373.803, F.S.; requiring the Department of Environmental Protection to delineate a spring protection and management zone for each Outstanding Florida Spring; requiring the department to adopt by rule maps that depict the delineation of each spring protection and management zone for each Outstanding Florida Spring; providing a deadline; creating s. 373.805, F.S.; requiring the water management districts to adopt minimum flows and levels for Outstanding Florida Springs; requiring a water management district to implement a recovery or prevention strategy under certain circumstances; providing minimum criteria; providing deadlines; creating s. 373.807, F.S.; requiring assessments for Outstanding Florida Springs; requiring the Department of Environmental Protection to develop basin management action plans, providing minimum criteria, providing deadlines; requiring local governments to adopt an urban fertilizer ordinance; requiring local governments to develop onsite sewage treatment and disposal system remediation plans; creating s. 373.809, F.S.; requiring the department to adopt rules to fund pilot projects; providing minimum ranking criteria; creating s. 373.811, F.S.; specifying prohibited activities within a spring protection and management zone of an Outstanding Florida Spring; creating s. 373.813, F.S.; providing rulemaking authority; creating s. 373.815, F.S.; requiring the Department of Environmental Protection to submit annual reports; providing funding in the General Appropriations Act for fiscal year 2014-2015; providing effective dates.

—was read the second time by title. On motion by Senator Dean, by two-thirds vote **CS for CS for CS for SB 1576** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Detert

Vote preference:

May 1, 2014: Yea—Galvano

CS for SB 1582—A bill to be entitled An act relating to rehabilitation of petroleum contamination sites; amending s. 287.0595, F.S.; removing the restriction of applicability for certain contracts for pollution response action; amending s. 376.3071, F.S.; revising legislative findings and intent regarding the Petroleum Restoration Program and the rehabilitation of contamination sites; providing requirements for site rehabilitation contracts and procedures for payment of rehabilitation work under the Petroleum Restoration Program; limiting eligibility for funding under the Early Detection Incentive Program; deleting obsolete provisions relating to reimbursement for certain cleanup expenses; repealing s. 376.30711, F.S., relating to preapproved site rehabilitation; amending s. 376.30713, F.S.; providing that applicants can use a demonstration of a cost savings in meeting the required cost share commitment if bundling multiple sites; requiring the department to determine whether such cost savings demonstrations is acceptable; amending ss. 376.301, 376.302, 376.305, 376.30714, 376.3072, 376.3073, and 376.3075, F.S.; 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 1582**, on motion by Senator Dean, by two-thirds vote **CS for HB 7093** was withdrawn from the Committees on Environmental Preservation and Conservation; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Dean—

CS for HB 7093—A bill to be entitled An act relating to rehabilitation of petroleum contamination sites; amending s. 287.0595, F.S.; deleting a provision exempting certain professional service contracts from pollution response action contract requirements; amending s. 376.3071, F.S.; providing legislative findings and intent regarding the Petroleum Restoration Program and the rehabilitation of contamination sites; providing requirements for site rehabilitation contracts and procedures for payment of rehabilitation work under the Petroleum Restoration Program; revising provisions relating to the duty of the Department of Environmental Protection to seek recovery and reimbursement of certain costs; providing applicability of funding under the Early Detection Incentive Program; deleting obsolete provisions relating to reimbursement for certain cleanup expenses; repealing s. 376.30711, F.S., relating to preapproved site rehabilitation; amending 376.30713, F.S.; providing for certain applicants to use a commitment to pay, a demonstrated cost savings, or both to meet advanced cleanup cost-share requirements; amending ss. 376.301, 376.302, 376.305, 376.30714, 376.3072, 376.3073, and 376.3075, F.S.; conforming provisions to changes made by the act; providing an effective date.

—a companion measure, was substituted for **CS for SB 1582** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 7093** was placed on the calendar of Bills on Third Reading.

MOTION

On motion by Senator Thrasher, the rules were waived and **CS for HB 7093** was retained on second reading and the Special Order Calendar for Thursday, May 1, 2014.

CS for CS for SB 1634—A bill to be entitled An act relating to the Department of Economic Opportunity; amending s. 163.3202, F.S.; requiring each county and municipality to adopt and enforce land development regulations in accordance with the submitted comprehensive plan; amending s. 288.0001, F.S.; requiring an analysis of the New Markets Development Program in the Economic Development Programs Evaluation; amending s. 288.005, F.S.; defining terms; creating s. 288.006, F.S.; providing requirements for loan programs relating to accountability and proper stewardship of funds; authorizing the Auditor General to conduct audits for a specified purpose; authorizing the department to adopt rules; amending s. 288.8013, F.S.; clarifying that the Auditor General's annual audit of the Recovery Fund and Triumph Gulf Coast, Inc., is a performance audit; amending s. 288.8014, F.S.; providing that terms of the initial appointments to the board of directors of Triumph Gulf Coast, Inc., begin after the Legislature appropriates funds to the Recovery Fund; providing initial appointment term limits; providing that the audit by the retained independent certified public accountant is annual; amending s. 288.987, F.S.; increasing the amount of funds that may be spent on staffing and administrative expenses of the Florida Defense Support Task Force; amending s. 290.0411, F.S.; revising legislative intent for purposes of the Florida Small Cities Community Development Block Grant Program; amending s. 290.044, F.S.; requiring the Department of Economic Opportunity to adopt rules establishing a competitive selection process for loan guarantees and grants awarded under the block grant program; revising the criteria for the award of grants; amending s. 290.046, F.S.; revising limits on the number of grants that an applicant may apply for and receive; revising the requirement that the department conduct a site visit before awarding a grant; requiring the department to rank applications according to criteria established by rule and to distribute funds according to the rankings; revising scoring factors to consider in ranking applications; revising requirements for public hearings; providing that the creation of a citizen advisory task force is discretionary, rather than required; deleting a requirement that a local government obtain consent from the department for an alternative citizen participation plan; amending s. 290.047, F.S.; revising the maximum amount and percentage of block grant funds that may be spent on certain costs and expenses; amending s. 290.0475, F.S.; conforming provisions to changes made by the act; amending s. 290.048, F.S.; deleting a provision authorizing the department to adopt and enforce strict requirements concerning an applicant's written description of a service area; amending s. 331.3051, F.S.; requiring Space Florida to consult with the Florida Tourism Industry Marketing Corporation, rather than with Enterprise Florida, Inc., in developing a space tourism marketing plan; authorizing Space Florida to enter into an agreement with the corporation, rather than with Enterprise Florida, Inc., for a specified purpose; revising the research and development duties of Space Florida; repealing s. 443.036(26), F.S., relating to the definition of the term "initial skills review"; amending s. 443.091, F.S.; deleting the requirement that an unemployed individual take an initial skill review before he or she is eligible to receive reemployment assistance benefits; requiring the department to make available for such individual a voluntary online assessment that identifies an individual's skills, abilities, and career aptitude; requiring information from such assessment to be made available to certain groups; revising the requirement that the department offer certain training opportunities; amending s. 443.1116, F.S.; defining the term "employer sponsored training"; revising the requirements for a short-term compensation plan to be approved by the department; revising the treatment of fringe benefits in such plan; requiring an employer to describe the manner in which the employer will implement the plan; requiring the director to approve the plan if it is consistent with employer obligations under law; prohibiting the department from denying short-time compensation benefits to certain individuals; amending s. 443.141, F.S.; providing an employer payment schedule for specified years' contributions to the Unemployment Compensation Trust Fund; providing applicability; amending s. 443.151, F.S.; requiring the department to provide an alternate means for filing claims when the approved electronic method is unavailable; amending ss. 125.271, 163.3177, 163.3187, 163.3246, 211.3103, 212.098, 218.67, 288.018, 288.065, 288.0655, 288.0656, 288.1088, 288.1089, 290.0055, 339.2819, 339.63, 373.4595, 380.06, 380.0651, 985.686, and 1011.76, F.S.; renaming "rural areas of critical economic concern" as "rural areas of opportunity"; amending ss. 215.425 and 443.1216, F.S.; conforming cross-references to changes made by the act; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1634**, on motion by Senator Detert, by two-thirds vote **CS for HB 7023** was withdrawn from the Committees on Community Affairs; Military and Veterans Affairs, Space, and Domestic Security; Banking and Insurance; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; and Appropriations.

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

CS for HB 7023—A bill to be entitled An act relating to economic development; amending s. 163.3180, F.S.; prohibiting a local government from applying transportation concurrency or requiring proportionate-share contribution or construction for a new business development for a specified period; providing exceptions; amending s. 163.31801, F.S.; prohibiting a county, municipality, or special district from imposing certain new or existing impact fees on a new business development for a specified period; providing exceptions; amending s. 163.3202, F.S.; requiring each county and municipality to adopt or amend and enforce

certain land development regulations within a specified period after submitting a comprehensive plan; amending s. 212.098, F.S.; providing a sales tax refund for purchases of electricity by certain eligible businesses; providing an annual cap on the total amount of tax refunds that may be approved; authorizing the Department of Revenue to adopt rules; amending s. 288.0001, F.S.; requiring the Office Of Economic and Demographic Research and the Office of Program Policy Analysis and Government Accountability to provide an analysis of the New Markets Development Program to the Governor and Legislature within a specified period and periodically thereafter; amending s. 288.005, F.S.; providing definitions; creating s. 288.006, F.S.; providing legislative intent; restricting the use of loan program funds; providing for the reversion of appropriated funds in the event of a termination of a loan program or loan program contract; requiring eligible recipients and loan administrators to avoid potential conflicts of interest; defining the term "immediate family"; providing additional eligibility requirements for eligible recipients and loan administrator applicants; authorizing the Auditor General to conduct audits; authorizing the Department of Economic Opportunity to adopt rules; amending s. 288.018, F.S.; increasing the maximum grant amount that an organization may receive from the department under the Regional Rural Development Grants Program; renaming a "rural area of critical economic concern" as a "rural area of opportunity"; amending s. 288.987, F.S.; increasing the amount of funds that may be spent on staffing and administrative expenses of the Florida Defense Support Task Force; amending s. 290.0411, F.S.; revising legislative intent for purposes of the Florida Small Cities Community Development Block Grant Program; amending s. 290.044, F.S.; requiring the department to adopt rules establishing a competitive selection process for loan guarantees and grants awarded under the block grant program; revising the criteria for the award of grants; amending s. 290.046, F.S.; revising limits on the number of grants that an applicant may apply for and receive; requiring the department to conduct a site visit before awarding a grant; requiring the department to rank applications according to criteria established by rule and distribute funds according to the rankings; revising scoring factors to consider in ranking applications; revising requirements for public hearings; providing that the creation of a citizen advisory task force is discretionary; deleting a provision requiring a local government to obtain department consent for an alternative citizen participation plan; amending s. 290.047, F.S.; revising the maximum percentages and amounts of block grant funds that may be spent on certain costs and expenses; amending s. 290.0475, F.S.; conforming provisions to changes made by the act; correcting a reference; amending s. 290.048, F.S.; deleting a provision authorizing the department to adopt and enforce strict requirements concerning an applicant's written description of a service area; amending s. 331.3051, F.S.; requiring Space Florida to consult with the Florida Tourism Industry Marketing Corporation in developing a space tourism marketing plan; authorizing Space Florida to enter into an agreement with the corporation for a specified purpose; revising the research and development duties of Space Florida; amending s. 443.1116, F.S.; defining the term "employer-sponsored training"; revising components required for approval of a short-time compensation plan; revising eligibility requirements for short-time compensation benefits; amending s. 443.141, F.S.; providing an employer payment schedule for contributions to the Unemployment Compensation Trust Fund; providing for applicability; amending ss. 125.271, 163.3177, 163.3187, 163.3246, 211.3103, 212.098, 218.67, 288.065, 288.0655, 288.0656, 288.1088, 288.1089, 290.0055, 339.2819, 339.63, 373.4595, 380.06, 380.0651, 985.686, and 1011.76, F.S.; renaming "rural areas of critical economic concern" as "rural areas of opportunity"; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1634** and read the second time by title.

Senator Detert moved the following amendment:

Amendment 1 (494350) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (1) of section 163.3202, Florida Statutes, is amended to read:

163.3202 Land development regulations.—

(1) Within 1 year after submission of its *comprehensive plan or* revised comprehensive plan for review pursuant to *s. 163.3191* ~~s. 163.3167(2)~~, each county and each municipality shall adopt or amend and enforce land development regulations that are consistent with and implement their adopted comprehensive plan.

Section 2. Paragraph (a) of subsection (2) of section 288.0001, Florida Statutes, is amended to read:

288.0001 Economic Development Programs Evaluation.—The Office of Economic and Demographic Research and the Office of Program Policy Analysis and Government Accountability (OPPAGA) shall develop and present to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the legislative appropriations committees the Economic Development Programs Evaluation.

(2) The Office of Economic and Demographic Research and OPPAGA shall provide a detailed analysis of economic development programs as provided in the following schedule:

(a) By January 1, 2014, and every 3 years thereafter, an analysis of the following:

1. The capital investment tax credit established under s. 220.191.

2. The qualified target industry tax refund established under s. 288.106.

3. The brownfield redevelopment bonus refund established under s. 288.107.

4. High-impact business performance grants established under s. 288.108.

5. The Quick Action Closing Fund established under s. 288.1088.

6. The Innovation Incentive Program established under s. 288.1089.

7. Enterprise Zone Program incentives established under ss. 212.08(5) and (15), 212.096, 220.181, and 220.182.

8. The New Markets Development Program established under ss. 288.991-288.9922.

Section 3. Subsections (5) and (6) are added to section 288.005, Florida Statutes, to read:

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

(5) "Loan administrator" means an entity statutorily eligible to receive state funds and authorized by the department to make loans under a loan program.

(6) "Loan program" means a program established in this chapter to provide appropriated funds to an eligible entity to further a specific state purpose for a limited period of time and with a requirement that such appropriated funds be repaid to the state. The term includes a "loan fund" or "loan pilot program" administered by the department under this chapter.

Section 4. Section 288.006, Florida Statutes, is created to read:

288.006 General operation of loan programs.—

(1) The Legislature intends to promote the goals of accountability and proper stewardship by recipients of loan program funds. This section applies to all loan programs established under this chapter.

(2) State funds appropriated for a loan program may be used only by an eligible recipient or loan administrator, and the use of such funds is restricted to the specific state purpose of the loan program, subject to any compensation due to a loan administrator as provided under this chapter. State funds may be awarded directly by the department to an eligible recipient or awarded by the department to a loan administrator. All state funds, including any interest earned, remain state funds unless otherwise stated in the statutory requirements of the loan program.

(3)(a) Upon termination of a loan program by the Legislature or by statute, all appropriated funds shall revert to the General Revenue Fund. The department shall pay the entity for any allowable administrative expenses due to the loan administrator as provided under this chapter, unless otherwise required by law.

(b) Upon termination of a contract between the department and an eligible recipient or loan administrator, all remaining appropriated funds shall revert to the fund from which the appropriation was made. The department shall become the successor entity for any outstanding loans. Except in the case of the termination of a contract for fraud or a finding that the loan administrator was not meeting the terms of the program, the department shall pay the entity for any allowable administrative expenses due to the loan administrator as provided under this chapter.

(c) The eligible recipient or loan administrator to which this subsection applies shall execute all appropriate instruments to reconcile any remaining accounts associated with a terminated loan program or contract. The entity shall execute all appropriate instruments to ensure that the department is authorized to collect all receivables for outstanding loans, including, but not limited to, assignments of promissory notes and mortgages.

(4) An eligible recipient or loan administrator must avoid any potential conflict of interest regarding the use of appropriated funds for a loan program. An eligible recipient or loan administrator or a board member, employee, or agent thereof, or an immediate family member of a board member, employee, or agent, may not have a financial interest in an entity that is awarded a loan under a loan program. A loan may not be made to a person or entity if a conflict of interest exists between the parties involved. As used in this subsection, the term "immediate family" means a parent, spouse, child, sibling, grandparent, or grandchild related by blood or marriage.

(5) In determining eligibility for an entity applying for the award of funds directly by the department or applying for selection as a loan administrator for a loan program, the department shall evaluate each applicant's business practices, financial stability, and past performance in other state programs, in addition to the loan program's statutory requirements. Eligibility of an entity applying to be a recipient or loan administrator may be conditionally granted or denied outright if the department determines that the entity is noncompliant with any law, rule, or program requirement.

(6) Recurring use of state funds, including revolving loans or new negotiable instruments, which have been repaid to the loan administrator may be made if the loan program's statutory structure permits. However, any use of state funds made by a loan administrator remains subject to subsections (2) and (3), and compensation to a loan administrator may not exceed any limitation provided by this chapter.

(7) The Auditor General may conduct audits as provided in s. 11.45 to verify that the appropriations under each loan program are expended by the eligible recipient or loan administrator as required for each program. If the Auditor General determines that the appropriations are not expended as required, the Auditor General shall notify the department, which may pursue recovery of the funds. This section does not prevent the department from pursuing recovery of the appropriated loan program funds when necessary to protect the funds or when authorized by law.

(8) The department may adopt rules under ss. 120.536(1) and 120.54 as necessary to carry out this section.

Section 5. Subsection (6) of section 288.8013, Florida Statutes, is amended to read:

288.8013 Triumph Gulf Coast, Inc.; Recovery Fund; creation; investment.—

(6) The Auditor General shall conduct an *operational* audit of the Recovery Fund and Triumph Gulf Coast, Inc., annually. Triumph Gulf Coast, Inc., shall provide to the Auditor General any detail or supplemental data required.

Section 6. Subsection (3) and paragraph (a) of subsection (9) of section 288.8014, Florida Statutes, are amended to read:

288.8014 Triumph Gulf Coast, Inc.; organization; board of directors.—

(3) *Notwithstanding s. 20.052(4)(c), each initial appointment to the board of directors by the Board of Trustees of the State Board of Administration shall serve for a term that ends 4 years after the Legislature appropriates funds to the Recovery Fund. To achieve staggered terms among the members of the board, each initial appointment to the board of directors by the President of the Senate and the Speaker of the House of Representatives shall serve for a term that ends 5 years after the Legislature appropriates funds to the Recovery Fund. Thereafter,* each member of the board of directors shall serve for a term of 4 years~~, except that initially the appointments of the President of the Senate and the Speaker of the House of Representatives each shall serve a term of 2 years to achieve staggered terms among the members of the board~~. A member is not eligible for reappointment to the board, except, however, any member appointed to *fill a vacancy for* a term of 2 years or less may be reappointed for an additional term of 4 years. The initial appointments to the board must be made by November 15, 2013. Vacancies on the board of directors shall be filled by the officer who originally appointed the member. A vacancy that occurs before the scheduled expiration of the term of the member shall be filled for the remainder of the unexpired term.

(9)(a) Triumph Gulf Coast, Inc., is permitted to hire or contract for all staff necessary to the proper execution of its powers and duties to implement this act. The corporation is required to retain:

1. An independent certified public accountant licensed in this state pursuant to chapter 473 to inspect the records of and to *annually* audit the expenditure of the earnings and available principal disbursed by Triumph Gulf Coast, Inc.

2. An independent financial advisor to assist Triumph Gulf Coast, Inc., in the development and implementation of a strategic plan consistent with the requirements of this act.

3. An economic advisor who will assist in the award process, including the development of priorities, allocation decisions, and the application and process; will assist the board in determining eligibility of award applications and the evaluation and scoring of applications; and will assist in the development of award documentation.

4. A legal advisor with expertise in not-for-profit investing and contracting and who is a member of The Florida Bar to assist with contracting and carrying out the intent of this act.

Section 7. Subsection (7) of section 288.987, Florida Statutes, is amended to read:

288.987 Florida Defense Support Task Force.—

(7) The department shall contract with the task force for expenditure of appropriated funds, which may be used by the task force for economic and product research and development, joint planning with host communities to accommodate military missions and prevent base encroachment, advocacy on the state's behalf with federal civilian and military officials, assistance to school districts in providing a smooth transition for large numbers of additional military-related students, job training and placement for military spouses in communities with high proportions of active duty military personnel, and promotion of the state to military and related contractors and employers. The task force may annually spend up to *$250,000* ~~$200,000~~ of funds appropriated to the department for the task force for staffing and administrative expenses of the task force, including travel and per diem costs incurred by task force members who are not otherwise eligible for state reimbursement.

Section 8. Section 290.0411, Florida Statutes, is amended to read:

290.0411 Legislative intent and purpose of ss. 290.0401-290.048.—It is the intent of the Legislature to provide the necessary means to develop, preserve, redevelop, and revitalize Florida communities exhibiting signs of decline*,* ~~or~~ distress*, or economic need* by enabling local governments to undertake the necessary community *and economic* development programs. The overall objective is to create viable communities by eliminating slum and blight, fortifying communities in urgent need, providing decent housing and suitable living environments, and expanding economic opportunities, principally for persons of low or moderate income. The purpose of ss. 290.0401-290.048 is to assist local governments in carrying out effective community *and economic* development and project planning and design activities to arrest and reverse community decline and restore community vitality. Community *and economic* development and project planning activities to maintain viable communities, revitalize existing communities, expand economic development and employment opportunities, and improve housing conditions and expand housing opportunities, providing direct benefit to persons of

low or moderate income, are the primary purposes of ss. 290.0401-290.048. The Legislature, therefore, declares that the development, redevelopment, preservation, and revitalization of communities in this state and all the purposes of ss. 290.0401-290.048 are public purposes for which public money may be borrowed, expended, loaned, pledged to guarantee loans, and granted.

Section 9. Section 290.044, Florida Statutes, is amended to read:

290.044 Florida Small Cities Community Development Block Grant Program Fund; administration; distribution.—

(1) The Florida Small Cities Community Development Block Grant Program Fund is created. All revenue designated for deposit in such fund shall be deposited by the appropriate agency. The department shall administer this fund as a grant and loan guarantee program for carrying out the purposes of ss. 290.0401-290.048.

(2) The department shall distribute such funds as loan guarantees and grants to eligible local governments on the basis of a competitive selection process *established by rule*.

(3) The department shall require applicants for grants to compete against each other in the following grant program categories:

(a) Housing rehabilitation.

(b) Economic development.

(c) Neighborhood revitalization.

(d) Commercial revitalization.

(4)~~(3)~~ The department shall define ~~the~~ broad community development *objectives* ~~objective~~ to be achieved by the activities in each of the ~~following~~ grant program categories *with the use of funds from the Florida Small Cities Community Development Block Grant Program Fund. Such objectives shall be designed to meet at least one of the national objectives provided in the Housing and Community Development Act of 1974*~~, and require applicants for grants to compete against each other in these grant program categories:~~

~~(a) Housing.~~

~~(b) Economic development.~~

~~(c) Neighborhood revitalization.~~

~~(d) Commercial revitalization.~~

~~(e) Project planning and design~~.

(5)~~(4)~~ The department may set aside an amount of up to 5 percent of the funds annually for use in any eligible local government jurisdiction for which an emergency or natural disaster has been declared by executive order. Such funds may only be provided to a local government to fund eligible emergency-related activities for which no other source of federal, state, or local disaster funds is available. The department may provide for such set-aside by rule. In the last quarter of the state fiscal year, any funds not allocated under the emergency-related set-aside shall be distributed to unfunded applications from the most recent funding cycle.

(6)~~(5)~~ The department shall establish a system of monitoring grants, including site visits, to ensure the proper expenditure of funds and compliance with the conditions of the recipient's contract. The department shall establish criteria for implementation of internal control, to include, but not be limited to, the following measures:

(a) Ensuring that subrecipient audits performed by a certified public accountant are received and responded to in a timely manner.

(b) Establishing a uniform system of monitoring that documents appropriate followup as needed.

(c) Providing specific justification for contract amendments that takes into account any change in contracted activities and the resultant cost adjustments which shall be reflected in the amount of the grant.

Section 10. Section 290.046, Florida Statutes, is amended to read:

290.046 Applications for grants; procedures; requirements.—

(1) In applying for a grant under a specific program category, an applicant shall propose eligible activities that directly address the *objectives* ~~objective~~ of that program category.

(2)(a) Except *for applications for economic development grants* as provided in *subparagraph (b)1.* ~~paragraph (c)~~, *an* ~~each~~ eligible local government may submit *one* ~~an~~ application for a grant ~~under either the housing program category or the neighborhood revitalization program category~~ during each *application* ~~annual funding~~ cycle. ~~An applicant may not receive more than one grant in any state fiscal year from any of the following categories: housing, neighborhood revitalization, or commercial revitalization.~~

(b)*1. An* ~~Except as provided in paragraph (c), each~~ eligible local government may apply up to three times in any one annual funding cycle for *an economic development* ~~a~~ grant ~~under the economic development program category~~ but *may not* ~~shall~~ receive ~~no~~ more than one such grant per annual funding cycle. *A local government may have more than one open economic development grant* ~~Applications for grants under the economic development program category may be submitted at any time during the annual funding cycle, and such grants shall be awarded no less frequently than three times per funding cycle~~.

2. The department shall establish minimum criteria pertaining to the number of jobs created for persons of low or moderate income, the degree of private sector financial commitment, and the economic feasibility of the proposed project and shall establish any other criteria the department deems appropriate. Assistance to a private, for-profit business may not be provided from a grant award unless sufficient evidence exists to demonstrate that without such public assistance the creation or retention of such jobs would not occur.

(c)1. *A* local *government* ~~governments~~ with an open housing *rehabilitation*, neighborhood revitalization, or commercial revitalization contract *is* ~~shall~~ not ~~be~~ eligible to apply for another housing *rehabilitation*, neighborhood revitalization, or commercial revitalization grant until administrative closeout of *its* ~~their~~ existing contract. The department shall notify a local government of administrative closeout or of any outstanding closeout issues within 45 days *after* ~~of~~ receipt of a closeout package from the local government. *A* local *government* ~~governments~~ with an open housing *rehabilitation*, neighborhood revitalization, or commercial revitalization community development block grant contract whose activities are on schedule in accordance with the expenditure rates and accomplishments described in the contract may apply for an economic development grant.

2. *A* local *government* ~~governments~~ with an open economic development community development block grant contract whose activities are on schedule in accordance with the expenditure rates and accomplishments described in the contract may apply for a housing *rehabilitation,* ~~or~~ neighborhood revitalization*, or* ~~and a~~ commercial revitalization community development block grant. *A* local *government* ~~governments~~ with an open economic development contract whose activities are on schedule in accordance with the expenditure rates and accomplishments described in the contract may receive no more than one additional economic development grant in each fiscal year.

(d) ~~Beginning October 1, 1988,~~ The department *may not* ~~shall~~ award *a* ~~no~~ grant until *it* ~~the department~~ has *conducted* ~~determined, based upon~~ a site visit *to verify the information contained in the local government's application*~~, that the proposed area matches and adheres to the written description contained within the applicant's request. If, based upon review of the application or a site visit, the department determines that any information provided in the application which affects eligibility or scoring has been misrepresented, the applicant's request shall be rejected by the department pursuant to s. 290.0475(7). Mathematical errors in applications which may be discovered and corrected by readily computing available numbers or formulas provided in the application shall not be a basis for such rejection~~.

(3)(a) *The department shall rank each application received during the application cycle according to criteria established by rule. The ranking system shall include a procedure to eliminate or reduce any population-related bias that places exceptionally small communities at a disadvantage in the competition for funds* ~~Each application shall be ranked competitively based on community need and program impact. Commu-~~

~~nity need shall be weighted 25 percent. Program impact shall be weighted 65 percent. Outstanding performance in equal opportunity employment and housing shall be weighted 10 percent~~.

(b) *Funds shall be distributed according to the rankings established in each application cycle. If economic development funds remain available after the application cycle closes, the remaining funds shall be awarded to eligible projects on a first-come, first-served basis until such funds are fully obligated* ~~The criteria used to measure community need shall include, at a minimum, indicators of the extent of poverty in the community and the condition of physical structures. Each application, regardless of the program category for which it is being submitted, shall be scored competitively on the same community need criteria. In recognition of the benefits resulting from the receipt of grant funds, the department shall provide for the reduction of community need scores for specified increments of grant funds provided to a local government since the state began using the most recent census data. In the year in which new census data are first used, no such reduction shall occur~~.

(c) *The application's program impact score, equal employment opportunity and fair housing score, and communitywide needs score may take into consideration scoring factors, including, but not limited to, unemployment, poverty levels, low-income and moderate-income populations, benefits to low-income and moderate-income residents, use of minority-owned and woman-owned business enterprises in previous grants, health and safety issues, and the condition of physical structures* ~~The criteria used to measure the impact of an applicant's proposed activities shall include, at a minimum, indicators of the direct benefit received by persons of low income and persons of moderate income, the extent to which the problem identified is addressed by the proposed activities, and the extent to which resources other than the funds being applied for under this program are being used to carry out the proposed activities~~.

~~(d) Applications shall be scored competitively on program impact criteria that are uniquely tailored to the community development objective established in each program category. The criteria used to measure the direct benefit to persons of low income and persons of moderate income shall represent no less than 42 percent of the points assigned to the program impact factor. For the housing and neighborhood revitalization categories, the department shall also include the following criteria in the scoring of applications:~~

~~1. The proportion of very low-income and low-income households served.~~

~~2. The degree to which improvements are related to the health and safety of the households served.~~

~~(4) An applicant for a neighborhood revitalization or commercial revitalization grant shall demonstrate that its activities are to be carried out in distinct service areas which are characterized by the existence of slums or blighted conditions, or by the concentration of persons of low or moderate income.~~

(4)~~(5)~~ In order to provide citizens with information concerning an applicant's proposed *project, the applicant shall make available to the public information concerning the amounts of funds available for various activities and the range of activities that may be undertaken. In addition, the applicant shall hold a minimum of two public hearings in the local jurisdiction within which the project is to be implemented to obtain the views of citizens before submitting the final application to the department. The applicant shall conduct the initial hearing to solicit public input concerning community needs, inform the public about funding opportunities available to address community needs, and discuss activities that may be undertaken. Before a second public hearing is held, the applicant must publish a summary of the proposed application that provides citizens with an opportunity to examine the contents of the application and to submit comments. The applicant shall conduct a second hearing to obtain comments from citizens concerning the proposed application and to modify the proposed application if appropriate* ~~program before an application is submitted to the department, the applicant shall:~~

~~(a) Make available to the public information concerning the amounts of funds available for various activities and the range of activities that may be undertaken~~.

~~(b) Hold at least one public hearing to obtain the views of citizens on community development needs.~~

~~(c) Develop and publish a summary of the proposed application that will provide citizens with an opportunity to examine its contents and submit their comments.~~

~~(d) Consider any comments and views expressed by citizens on the proposed application and, if appropriate, modify the proposed application.~~

~~(e) Hold at least one public hearing in the jurisdiction within which the project is to be implemented to obtain the views of citizens on the final application prior to its submission to the department.~~

(5)~~(6)~~ The local government *may* ~~shall~~ establish a citizen advisory task force composed of citizens in the jurisdiction in which the proposed project is to be implemented to provide input relative to all phases of the project process. ~~The local government must obtain consent from the department for any other type of citizen participation plan upon a showing that such plan is better suited to secure citizen participation for that locality.~~

(6)~~(7)~~ The department shall, *before* ~~prior to~~ approving an application for a grant, determine that the applicant has the administrative capacity to carry out the proposed activities and has performed satisfactorily in carrying out past activities funded by community development block grants. The evaluation of past performance shall take into account procedural aspects of previous grants as well as substantive results. If the department determines that any applicant has failed to accomplish substantially the results it proposed in its last previously funded application, it may prohibit the applicant from receiving a grant or may penalize the applicant in the rating of the current application. *An* ~~No~~ application for grant funds may *not* be denied solely upon the basis of the past performance of the eligible applicant.

Section 11. Subsections (3) and (6) of section 290.047, Florida Statutes, are amended to read:

290.047 Establishment of grant ceilings and maximum administrative cost percentages; elimination of population bias; loans in default.—

(3) The maximum percentage of block grant funds that can be spent on administrative costs by an eligible local government shall be 15 percent for the housing *rehabilitation* program category, 8 percent for both the neighborhood and the commercial revitalization program categories, and 8 percent for the economic development program category. *The maximum amount of block grant funds that may be spent on administrative costs by an eligible local government for the economic development program category is $120,000.* The purpose of the ceiling is to maximize the amount of block grant funds actually going toward the redevelopment of the area. The department will continue to encourage eligible local governments to consider ways to limit the amount of block grant funds used for administrative costs, consistent with the need for prudent management and accountability in the use of public funds. *However,* this subsection *does* ~~shall~~ not ~~be construed, however, to~~ prohibit eligible local governments from contributing their own funds or making in-kind contributions to cover administrative costs which exceed the prescribed ceilings, provided that all such contributions come from local government resources other than Community Development Block Grant funds.

(6) The maximum *amount* ~~percentage~~ of block grant funds that may be spent on engineering *and architectural* costs by an eligible local government shall be *determined* in accordance with a *method* ~~schedule~~ adopted by the department by rule. Any such *method* ~~schedule~~ so adopted shall be consistent with the schedule used by the United States Farmer's Home Administration as applied to projects in Florida or another comparable schedule as amended.

Section 12. Section 290.0475, Florida Statutes, is amended to read:

290.0475 Rejection of grant applications; penalties for failure to meet application conditions.—Applications *are ineligible* ~~received~~ for funding *if* ~~under all program categories shall be rejected without scoring only in the event that~~ any of the following circumstances arise:

(1) The application is not received by the department by the application deadline;.

(2) The proposed project does not meet one of the three national objectives as contained in federal and state legislation;.

(3) The proposed project is not an eligible activity as contained in the federal legislation;.

(4) The application is not consistent with the local government's comprehensive plan adopted pursuant to s. 163.3184;.

(5) The applicant has an open community development block grant, except as provided in s. *290.046(2)(b) and (c) and department rules;* 290.046(2)(c).

(6) The local government is not in compliance with the citizen participation requirements prescribed in ss. 104(a)(1) and (2) and 106(d)(5)(c) of Title I of the Housing and Community Development Act of *1974, s. 290.046(4),* 1984 and department rules*; or*.

(7) Any information provided in the application that affects eligibility or scoring is found to have been misrepresented, and the information is not a mathematical error which may be discovered and corrected by readily computing available numbers or formulas provided in the application.

Section 13. Subsection (5) of section 290.048, Florida Statutes, is amended to read:

290.048 General powers of department under ss. 290.0401-290.048.—The department has all the powers necessary or appropriate to carry out the purposes and provisions of the program, including the power to:

(5) Adopt and enforce strict requirements concerning an applicant's written description of a service area. Each such description shall contain maps which illustrate the location of the proposed service area. All such maps must be clearly legible and must:

(a) Contain a scale which is clearly marked on the map.

(b) Show the boundaries of the locality.

(c) Show the boundaries of the service area where the activities will be concentrated.

(d) Display the location of all proposed area activities.

(e) Include the names of streets, route numbers, or easily identifiable landmarks where all service activities are located.

Section 14. Subsections (5) and (8) of section 331.3051, Florida Statutes, are amended to read:

331.3051 Duties of Space Florida.—Space Florida shall:

(5) Consult with *the Florida Tourism Industry Marketing Corporation* Enterprise Florida, Inc., in developing a space tourism marketing plan. Space Florida and *the Florida Tourism Industry Marketing Corporation* Enterprise Florida, Inc., may enter into a mutually beneficial agreement that provides funding to *the corporation* Enterprise Florida, Inc., for its services to implement this subsection.

(8) Carry out its responsibility for research and development by:

(a) Contracting for the operations of the state's Space Life Sciences Laboratory.

(b) Working in collaboration with one or more public or private universities and other public or private entities to develop a proposal for a Center of Excellence for Aerospace that will foster and promote the research necessary to develop commercially promising, advanced, and innovative science and technology and will transfer those discoveries to the commercial sector. *This may include developing a proposal to establish a Center of Excellence for Aerospace.*

(c) Supporting universities in this state that are members of the Federal Aviation Administration's Center of Excellence for Commercial Space Transportation to assure a safe, environmentally compatible, and efficient commercial space transportation system in this state.

Section 15. *Subsection (26) of section 443.036, Florida Statutes, is repealed.*

Section 16. Paragraph (c) of subsection (1) of section 443.091, Florida Statutes, is amended to read:

443.091 Benefit eligibility conditions.—

(1) An unemployed individual is eligible to receive benefits for any week only if the Department of Economic Opportunity finds that:

(c) To make continued claims for benefits, she or he is reporting to the department in accordance with this paragraph and department rules, and participating in an initial skills review, as directed by the department. Department rules may not conflict with s. 443.111(1)(b), which requires that each claimant continue to report regardless of any pending appeal relating to her or his eligibility or disqualification for benefits.

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

2. *The department must offer an online assessment that serves to identify an individual's skills, abilities, and career aptitude. The skills assessment must be voluntary, and the department must allow a claimant to choose whether to take the skills assessment. The online assessment shall be made available to any person seeking services from a regional workforce board or a one-stop career center* The administrator or operator of the initial skills review shall notify the department when the individual completes the initial skills review and report the results of the review to the regional workforce board or the one-stop career center as directed by the workforce board. The department shall prescribe a numeric score on the initial skills review that demonstrates a minimal proficiency in workforce skills.

a. If the claimant chooses to take the online assessment, the outcome of the assessment must be made available to the claimant, regional workforce board, and one-stop career center. The department, workforce board, or one-stop career center shall use the *assessment* initial skills review to develop a plan for referring individuals to training and employment opportunities. *Aggregate data on assessment outcomes may be made available to Workforce Florida, Inc., and Enterprise Florida, Inc., for use in the development of policies related to education and training programs that will ensure that businesses in this state have access to a skilled and competent workforce* The failure of the individual to comply with this requirement will result in the individual being determined ineligible for benefits for the week in which the noncompliance occurred and for any subsequent week of unemployment until the requirement is satisfied. However, this requirement does not apply if the individual is exempt from the work registration requirement as set forth in paragraph (b).

*b.*3. *Individuals* Any individual who falls below the minimal proficiency score prescribed by the department in subparagraph 2. on the initial skills review shall be *informed of and* offered *services through the one-stop delivery system, including career counseling, provision of skill match and job market information, and skills upgrade and other* training opportunities*,* and *shall be* encouraged to participate in such *services* training at no cost to the *individuals* individual in order to improve his or her workforce skills to the minimal proficiency level.

4. The department shall coordinate with Workforce Florida, Inc., the workforce boards, and the one-stop career centers to identify, develop, and *use* utilize best practices for improving the skills of individuals who choose to participate in *skills upgrade and other* training opportunities*. The department may contract with an entity to create the online assessment in accordance with the competitive bidding requirements in s. 287.057. The online assessment must work seamlessly with the Reemployment Assistance Claims and Benefits Information System* and who have a minimal proficiency score below the score prescribed in subparagraph 2.

~~5. The department, in coordination with Workforce Florida, Inc., the workforce boards, and the one-stop career centers, shall evaluate the use, effectiveness, and costs associated with the training prescribed in subparagraph 3. and report its findings and recommendations for training and the use of best practices to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2013.~~

Section 17. Subsections (1), (2), and (5) of section 443.1116, Florida Statutes, are amended to read:

443.1116 Short-time compensation.—

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

(a) "Affected unit" means a specified plant, department, shift, or other definable unit of two or more employees designated by the employer to participate in a short-time compensation plan.

(b) "Employer-sponsored training" means a training component sponsored by an employer to improve the skills of the employer's workers.

(c)~~(b)~~ "Normal weekly hours of work" means the number of hours in a week that an individual would regularly work for the short-time compensation employer, not to exceed 40 hours, excluding overtime.

(d)~~(c)~~ "Short-time compensation benefits" means benefits payable to individuals in an affected unit under an approved short-time compensation plan.

(e)~~(d)~~ "Short-time compensation employer" means an employer with a short-time compensation plan in effect.

(f)~~(e)~~ "Short-time compensation plan" or "plan" means an employer's written plan for reducing unemployment under which an affected unit shares the work remaining after its normal weekly hours of work are reduced.

(2) APPROVAL OF SHORT-TIME COMPENSATION PLANS.—An employer wishing to participate in the short-time compensation program must submit a signed, written, short-time plan to the Department of Economic Opportunity for approval. The director or his or her designee shall approve the plan if:

(a) The plan applies to and identifies each specific affected unit;

(b) The individuals in the affected unit are identified by name and social security number;

(c) The normal weekly hours of work for individuals in the affected unit are reduced by at least 10 percent and by not more than 40 percent;

(d) The plan includes a certified statement by the employer that the aggregate reduction in work hours is in lieu of ~~temporary~~ layoffs that would affect at least 10 percent of the employees in the affected unit and that would have resulted in an equivalent reduction in work hours;

(e) The plan applies to at least 10 percent of the employees in the affected unit;

(f) The plan is approved in writing by the collective bargaining agent for each collective bargaining agreement covering any individual in the affected unit;

(g) The plan does not serve as a subsidy to seasonal employers during the off-season or as a subsidy to employers who traditionally use part-time employees; ~~and~~

(h) The plan certifies *that, if the employer provides fringe benefits to any employee whose workweek is reduced under the program, the fringe benefits will continue to be provided to the employee participating in the short-time compensation program under the same terms and conditions as though the workweek of such employee had not been reduced or to the same extent as other employees not participating in the short-time compensation program* ~~the manner in which the employer will treat fringe benefits of the individuals in the affected unit if the hours of the individuals are reduced to less than their normal weekly hours of work~~. As used in this paragraph, the term "fringe benefits" includes, but is not limited to, health insurance, retirement benefits under defined benefit pension plans as defined in subsection 35 of s. 1002 of the Employee Retirement Income Security Act of 1974, 29 U.S.C., *contributions under a defined contribution plan as defined in s. 414(i) of the Internal Revenue Code,* paid vacation and holidays, and sick leave*;*~~.~~

(i) The plan describes the manner in which the requirements of this subsection will be implemented, including a plan for giving notice, if feasible, to an employee whose workweek is to be reduced, together with an estimate of the number of layoffs that would have occurred absent the ability to participate in short-time compensation; and

(j) The terms of the employer's written plan and implementation are consistent with employer obligations under applicable federal laws and laws of this state.

(5) ELIGIBILITY REQUIREMENTS FOR SHORT-TIME COMPENSATION BENEFITS.—

(a) Except as provided in this subsection, an individual is eligible to receive short-time compensation benefits for any week only if she or he complies with this chapter and the Department of Economic Opportunity finds that:

1. The individual is employed as a member of an affected unit in an approved plan that was approved before the week and is in effect for the week;

2. The individual is able to work and is available for additional hours of work or for full-time work with the short-time employer; and

3. The normal weekly hours of work of the individual are reduced by at least 10 percent but not by more than 40 percent, with a corresponding reduction in wages.

(b) The department may not deny short-time compensation benefits to an individual who is otherwise eligible for these benefits for any week by reason of the application of any provision of this chapter relating to availability for work, active search for work, or refusal to apply for or accept work from other than the short-time compensation employer of that individual.

(c) The department may not deny short-time compensation benefits to an individual who is otherwise eligible for these benefits for any week because such individual is participating in an employer-sponsored training or a training under the Workforce Investment Act to improve job skills when the training is approved by the department.

(d)~~(c)~~ Notwithstanding any other provision of this chapter, an individual is deemed unemployed in any week for which compensation is payable to her or him, as an employee in an affected unit, for less than her or his normal weekly hours of work in accordance with an approved short-time compensation plan in effect for the week.

Section 18. Paragraph (f) of subsection (1) of section 443.141, Florida Statutes, is amended to read:

443.141 Collection of contributions and reimbursements.—

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

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

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

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

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

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

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

Section 19. Paragraph (a) of subsection (2) of section 443.151, Florida Statutes, is amended to read:

443.151 Procedure concerning claims.—

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

(a) *In general.*—Initial and continued claims for benefits must be made by approved electronic *or alternate* means and in accordance with rules adopted by the Department of Economic Opportunity. *The department shall provide alternative means, such as by telephone, for filing initial and continued claims if the department determines access to the approved electronic means is or will be unavailable and also must provide public notice of such unavailability.* The department must notify claimants and employers regarding monetary and nonmonetary determinations of eligibility. Investigations of issues raised in connection with a claimant which may affect a claimant's eligibility for benefits or charges to an employer's employment record shall be conducted by the department through written, telephonic, or electronic means as prescribed by rule.

Section 20. Subsection (1) of section 125.271, Florida Statutes, is amended to read:

125.271 Emergency medical services; county emergency medical service assessments.—

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

(a) A county that is within a rural area of *opportunity* ~~critical economic concern~~ as designated by the Governor pursuant to s. 288.0656;

(b) A small county having a population of 75,000 or fewer on the effective date of this act which has levied at least 10 mills of ad valorem tax for the previous fiscal year; or

(c) A county that adopted an ordinance authorizing the imposition of an assessment for emergency medical services prior to January 1, 2002.

Once a county has qualified under this subsection, it always retains the qualification.

Section 21. Paragraphs (a), (b), and (e) of subsection (7) of section 163.3177, Florida Statutes, are amended to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(7)(a) The Legislature finds that:

1. There are a number of rural agricultural industrial centers in the state that process, produce, or aid in the production or distribution of a variety of agriculturally based products, including, but not limited to, fruits, vegetables, timber, and other crops, and juices, paper, and building materials. Rural agricultural industrial centers have a significant amount of existing associated infrastructure that is used for processing, producing, or distributing agricultural products.

2. Such rural agricultural industrial centers are often located within or near communities in which the economy is largely dependent upon agriculture and agriculturally based products. The centers significantly enhance the economy of such communities. However, these agriculturally based communities are often socioeconomically challenged and designated as rural areas of *opportunity* ~~critical economic concern~~. If such rural agricultural industrial centers are lost and not replaced with other job-creating enterprises, the agriculturally based communities will lose a substantial amount of their economies.

3. The state has a compelling interest in preserving the viability of agriculture and protecting rural agricultural communities and the state from the economic upheaval that would result from short-term or long-term adverse changes in the agricultural economy. To protect these communities and promote viable agriculture for the long term, it is essential to encourage and permit diversification of existing rural agricultural industrial centers by providing for jobs that are not solely dependent upon, but are compatible with and complement, existing agricultural industrial operations and to encourage the creation and expansion of industries that use agricultural products in innovative ways. However, the expansion and diversification of these existing centers must be accomplished in a manner that does not promote urban sprawl into surrounding agricultural and rural areas.

(b) As used in this subsection, the term "rural agricultural industrial center" means a developed parcel of land in an unincorporated area on which there exists an operating agricultural industrial facility or facilities that employ at least 200 full-time employees in the aggregate and process and prepare for transport a farm product, as defined in s. 163.3162, or any biomass material that could be used, directly or indirectly, for the production of fuel, renewable energy, bioenergy, or alternative fuel as defined by law. The center may also include land contiguous to the facility site which is not used for the cultivation of crops, but on which other existing activities essential to the operation of such facility or facilities are located or conducted. The parcel of land must be located within, or within 10 miles of, a rural area of *opportunity* ~~critical economic concern~~.

(e) ~~Nothing in~~ This subsection *does not* ~~shall be construed to~~ confer the status of rural area of *opportunity* ~~critical economic concern~~, or any of the rights or benefits derived from such status, on any land area not otherwise designated as such pursuant to s. 288.0656(7).

Section 22. Subsection (3) of section 163.3187, Florida Statutes, is amended to read:

163.3187 Process for adoption of small-scale comprehensive plan amendment.—

(3) If the small scale development amendment involves a site within a rural area of *opportunity* ~~critical economic concern~~ as defined under s. 288.0656(2)(d) for the duration of such designation, the 10-acre limit listed in subsection (1) shall be increased by 100 percent to 20 acres. The local government approving the small scale plan amendment shall certify to the Office of Tourism, Trade, and Economic Development that the plan amendment furthers the economic objectives set forth in the executive order issued under s. 288.0656(7), and the property subject to the plan amendment shall undergo public review to ensure that all concurrency requirements and federal, state, and local environmental permit requirements are met.

Section 23. Subsection (10) of section 163.3246, Florida Statutes, is amended to read:

163.3246 Local government comprehensive planning certification program.—

(10) Notwithstanding subsections (2), (4), (5), (6), and (7), any municipality designated as a rural area of *opportunity* ~~critical economic concern~~ pursuant to s. 288.0656 which is located within a county eligible to levy the Small County Surtax under s. 212.055(3) shall be considered certified during the effectiveness of the designation of rural area of *opportunity* ~~critical economic concern~~. The state land planning agency shall provide a written notice of certification to the local government of the certified area, which shall be considered final agency action subject to

challenge under s. 120.569. The notice of certification shall include the following components:

(a) The boundary of the certification area.

(b) A requirement that the local government submit ~~either~~ an annual or biennial monitoring report to the state land planning agency according to the schedule provided in the written notice. The monitoring report shall, at a minimum, include the number of amendments to the comprehensive plan adopted by the local government, the number of plan amendments challenged by an affected person, and the disposition of those challenges.

Section 24. Paragraph (a) of subsection (6) of section 211.3103, Florida Statutes, is amended to read:

211.3103 Levy of tax on severance of phosphate rock; rate, basis, and distribution of tax.—

(6)(a) Beginning July 1 of the 2011-2012 fiscal year, the proceeds of all taxes, interest, and penalties imposed under this section are exempt from the general revenue service charge provided in s. 215.20, and such proceeds shall be paid into the State Treasury as follows:

1. To the credit of the Conservation and Recreation Lands Trust Fund, 25.5 percent.

2. To the credit of the General Revenue Fund of the state, 35.7 percent.

3. For payment to counties in proportion to the number of tons of phosphate rock produced from a phosphate rock matrix located within such political boundary, 12.8 percent. The department shall distribute this portion of the proceeds annually based on production information reported by the producers on the annual returns for the taxable year. Any such proceeds received by a county shall be used only for phosphate-related expenses.

4. For payment to counties that have been designated as a rural area of *opportunity* ~~critical economic concern~~ pursuant to s. 288.0656 in proportion to the number of tons of phosphate rock produced from a phosphate rock matrix located within such political boundary, 10.0 percent. The department shall distribute this portion of the proceeds annually based on production information reported by the producers on the annual returns for the taxable year. Payments under this subparagraph shall be made to the counties unless the Legislature by special act creates a local authority to promote and direct the economic development of the county. If such authority exists, payments shall be made to that authority.

5. To the credit of the Nonmandatory Land Reclamation Trust Fund, 6.2 percent.

6. To the credit of the Phosphate Research Trust Fund in the Division of Universities of the Department of Education, 6.2 percent.

7. To the credit of the Minerals Trust Fund, 3.6 percent.

Section 25. Paragraph (c) of subsection (1) of section 212.098, Florida Statutes, is amended to read:

212.098 Rural Job Tax Credit Program.—

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

(c) "Qualified area" means any area that is contained within a rural area of *opportunity* ~~critical economic concern~~ designated under s. 288.0656, a county that has a population of fewer than 75,000 persons, or a county that has a population of 125,000 or less and is contiguous to a county that has a population of less than 75,000, selected in the following manner: every third year, the Department of Economic Opportunity shall rank and tier the state's counties according to the following four factors:

1. Highest unemployment rate for the most recent 36-month period.

2. Lowest per capita income for the most recent 36-month period.

3. Highest percentage of residents whose incomes are below the poverty level, based upon the most recent data available.

4. Average weekly manufacturing wage, based upon the most recent data available.

Section 26. Subsection (1) of section 218.67, Florida Statutes, is amended to read:

218.67 Distribution for fiscally constrained counties.—

(1) Each county that is entirely within a rural area of *opportunity* ~~critical economic concern~~ as designated by the Governor pursuant to s. 288.0656 or each county for which the value of a mill will raise no more than $5 million in revenue, based on the taxable value certified pursuant to s. 1011.62(4)(a)1.a., from the previous July 1, shall be considered a fiscally constrained county.

Section 27. Subsection (1) of section 288.018, Florida Statutes, is amended to read:

288.018 Regional Rural Development Grants Program.—

(1) The department shall establish a matching grant program to provide funding to regionally based economic development organizations representing rural counties and communities for the purpose of building the professional capacity of their organizations. Such matching grants may also be used by an economic development organization to provide technical assistance to businesses within the rural counties and communities that it serves. The department is authorized to approve, on an annual basis, grants to such regionally based economic development organizations. The maximum amount an organization may receive in any year will be $35,000, or $100,000 in a rural area of *opportunity* ~~critical economic concern~~ recommended by the Rural Economic Development Initiative and designated by the Governor, and must be matched each year by an equivalent amount of nonstate resources.

Section 28. Paragraphs (a) and (c) of subsection (2) of section 288.065, Florida Statutes, are amended to read:

288.065 Rural Community Development Revolving Loan Fund.—

(2)(a) The program shall provide for long-term loans, loan guarantees, and loan loss reserves to units of local governments, or economic development organizations substantially underwritten by a unit of local government, within counties with populations of 75,000 or fewer, or within any county with a population of 125,000 or fewer which is contiguous to a county with a population of 75,000 or fewer, based on the most recent official population estimate as determined under s. 186.901, including those residing in incorporated areas and those residing in unincorporated areas of the county, or to units of local government, or economic development organizations substantially underwritten by a unit of local government, within a rural area of *opportunity* ~~critical economic concern~~.

(c) All repayments of principal and interest shall be returned to the loan fund and made available for loans to other applicants. However, in a rural area of *opportunity* ~~critical economic concern~~ designated by the Governor, and upon approval by the department, repayments of principal and interest may be retained by the applicant if such repayments are dedicated and matched to fund regionally based economic development organizations representing the rural area of *opportunity* ~~critical economic concern~~.

Section 29. Paragraphs (b), (c), and (e) of subsection (2) of section 288.0655, Florida Statutes, are amended to read:

288.0655 Rural Infrastructure Fund.—

(2)

(b) To facilitate access of rural communities and rural areas of *opportunity* ~~critical economic concern~~ as defined by the Rural Economic Development Initiative to infrastructure funding programs of the Federal Government, such as those offered by the United States Department of Agriculture and the United States Department of Commerce, and state programs, including those offered by Rural Economic Development Initiative agencies, and to facilitate local government or private infrastructure funding efforts, the department may award grants for up to 30

percent of the total infrastructure project cost. If an application for funding is for a catalyst site, as defined in s. 288.0656, the department may award grants for up to 40 percent of the total infrastructure project cost. Eligible projects must be related to specific job-creation or job-retention opportunities. Eligible projects may also include improving any inadequate infrastructure that has resulted in regulatory action that prohibits economic or community growth or reducing the costs to community users of proposed infrastructure improvements that exceed such costs in comparable communities. Eligible uses of funds shall include improvements to public infrastructure for industrial or commercial sites and upgrades to or development of public tourism infrastructure. Authorized infrastructure may include the following public or public-private partnership facilities: storm water systems; telecommunications facilities; broadband facilities; roads or other remedies to transportation impediments; nature-based tourism facilities; or other physical requirements necessary to facilitate tourism, trade, and economic development activities in the community. Authorized infrastructure may also include publicly or privately owned self-powered nature-based tourism facilities, publicly owned telecommunications facilities, and broadband facilities, and additions to the distribution facilities of the existing natural gas utility as defined in s. 366.04(3)(c), the existing electric utility as defined in s. 366.02, or the existing water or wastewater utility as defined in s. 367.021(12), or any other existing water or wastewater facility, which owns a gas or electric distribution system or a water or wastewater system in this state where:

1. A contribution-in-aid of construction is required to serve public or public-private partnership facilities under the tariffs of any natural gas, electric, water, or wastewater utility as defined herein; and

2. Such utilities as defined herein are willing and able to provide such service.

(c) To facilitate timely response and induce the location or expansion of specific job creating opportunities, the department may award grants for infrastructure feasibility studies, design and engineering activities, or other infrastructure planning and preparation activities. Authorized grants shall be up to $50,000 for an employment project with a business committed to create at least 100 jobs; up to $150,000 for an employment project with a business committed to create at least 300 jobs; and up to $300,000 for a project in a rural area of *opportunity* ~~critical economic concern~~. Grants awarded under this paragraph may be used in conjunction with grants awarded under paragraph (b), provided that the total amount of both grants does not exceed 30 percent of the total project cost. In evaluating applications under this paragraph, the department shall consider the extent to which the application seeks to minimize administrative and consultant expenses.

(e) To enable local governments to access the resources available pursuant to s. 403.973(18), the department may award grants for surveys, feasibility studies, and other activities related to the identification and preclearance review of land which is suitable for preclearance review. Authorized grants under this paragraph *may* ~~shall~~ not exceed $75,000 each, except in the case of a project in a rural area of *opportunity* ~~critical economic concern~~, in which case the grant *may* ~~shall~~ not exceed $300,000. Any funds awarded under this paragraph must be matched at a level of 50 percent with local funds, except that any funds awarded for a project in a rural area of *opportunity* ~~critical economic concern~~ must be matched at a level of 33 percent with local funds. If an application for funding is for a catalyst site, as defined in s. 288.0656, the requirement for local match may be waived pursuant to the process in s. 288.06561. In evaluating applications under this paragraph, the department shall consider the extent to which the application seeks to minimize administrative and consultant expenses.

Section 30. Paragraphs (a), (b), and (d) of subsection (2) and subsection (7) of section 288.0656, Florida Statutes, are amended to read:

288.0656 Rural Economic Development Initiative.—

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

(a) "Catalyst project" means a business locating or expanding in a rural area of *opportunity* ~~critical economic concern~~ to serve as an economic generator of regional significance for the growth of a regional target industry cluster. The project must provide capital investment on a scale significant enough to affect the entire region and result in the development of high-wage and high-skill jobs.

(b) "Catalyst site" means a parcel or parcels of land within a rural area of *opportunity* ~~critical economic concern~~ that has been prioritized as a geographic site for economic development through partnerships with state, regional, and local organizations. The site must be reviewed by REDI and approved by the department for the purposes of locating a catalyst project.

(d) "Rural area of *opportunity* ~~critical economic concern~~" means a rural community, or a region composed of rural communities, designated by the Governor, *which* ~~that~~ has been adversely affected by an extraordinary economic event, severe or chronic distress, or a natural disaster or that presents a unique economic development opportunity of regional impact.

(7)(a) REDI may recommend to the Governor up to three rural areas of *opportunity* ~~critical economic concern~~. The Governor may by executive order designate up to three rural areas of *opportunity* ~~critical economic concern~~ which will establish these areas as priority assignments for REDI as well as to allow the Governor, acting through REDI, to waive criteria, requirements, or similar provisions of any economic development incentive. Such incentives shall include, but *are* not ~~be~~ limited to,~~:~~ the Qualified Target Industry Tax Refund Program under s. 288.106, the Quick Response Training Program under s. 288.047, the Quick Response Training Program for participants in the welfare transition program under s. 288.047(8), transportation projects under s. 339.2821, the brownfield redevelopment bonus refund under s. 288.107, and the rural job tax credit program under ss. 212.098 and 220.1895.

(b) Designation as a rural area of *opportunity* ~~critical economic concern~~ under this subsection shall be contingent upon the execution of a memorandum of agreement among the department; the governing body of the county; and the governing bodies of any municipalities to be included within a rural area of *opportunity* ~~critical economic concern~~. Such agreement shall specify the terms and conditions of the designation, including, but not limited to, the duties and responsibilities of the county and any participating municipalities to take actions designed to facilitate the retention and expansion of existing businesses in the area, as well as the recruitment of new businesses to the area.

(c) Each rural area of *opportunity* ~~critical economic concern~~ may designate catalyst projects, provided that each catalyst project is specifically recommended by REDI, identified as a catalyst project by Enterprise Florida, Inc., and confirmed as a catalyst project by the department. All state agencies and departments shall use all available tools and resources to the extent permissible by law to promote the creation and development of each catalyst project and the development of catalyst sites.

Section 31. Paragraph (a) of subsection (3) of section 288.1088, Florida Statutes, is amended to read:

288.1088 Quick Action Closing Fund.—

(3)(a) The department and Enterprise Florida, Inc., shall jointly review applications pursuant to s. 288.061 and determine the eligibility of each project consistent with the criteria in subsection (2). Waiver of these criteria may be considered under the following criteria:

1. Based on extraordinary circumstances;

2. In order to mitigate the impact of the conclusion of the space shuttle program; or

3. In rural areas of *opportunity* ~~critical economic concern~~ if the project would significantly benefit the local or regional economy.

Section 32. Paragraphs (b), (c), and (d) of subsection (4) of section 288.1089, Florida Statutes, are amended to read:

288.1089 Innovation Incentive Program.—

(4) To qualify for review by the department, the applicant must, at a minimum, establish the following to the satisfaction of the department:

(b) A research and development project must:

1. Serve as a catalyst for an emerging or evolving technology cluster.

2. Demonstrate a plan for significant higher education collaboration.

3. Provide the state, at a minimum, a cumulative break-even economic benefit within a 20-year period.

4. Be provided with a one-to-one match from the local community. The match requirement may be reduced or waived in rural areas of *opportunity* ~~critical economic concern~~ or reduced in rural areas, brownfield areas, and enterprise zones.

(c) An innovation business project in this state, other than a research and development project, must:

1.a. Result in the creation of at least 1,000 direct, new jobs at the business; or

b. Result in the creation of at least 500 direct, new jobs if the project is located in a rural area, a brownfield area, or an enterprise zone.

2. Have an activity or product that is within an industry that is designated as a target industry business under s. 288.106 or a designated sector under s. 288.108.

3.a. Have a cumulative investment of at least $500 million within a 5-year period; or

b. Have a cumulative investment that exceeds $250 million within a 10-year period if the project is located in a rural area, brownfield area, or an enterprise zone.

4. Be provided with a one-to-one match from the local community. The match requirement may be reduced or waived in rural areas of *opportunity* ~~critical economic concern~~ or reduced in rural areas, brownfield areas, and enterprise zones.

(d) For an alternative and renewable energy project in this state, the project must:

1. Demonstrate a plan for significant collaboration with an institution of higher education;

2. Provide the state, at a minimum, a cumulative break-even economic benefit within a 20-year period;

3. Include matching funds provided by the applicant or other available sources. The match requirement may be reduced or waived in rural areas of *opportunity* ~~critical economic concern~~ or reduced in rural areas, brownfield areas, and enterprise zones;

4. Be located in this state; and

5. Provide at least 35 direct, new jobs that pay an estimated annual average wage that equals at least 130 percent of the average private sector wage.

Section 33. Paragraph (d) of subsection (6) of section 290.0055, Florida Statutes, is amended to read:

290.0055 Local nominating procedure.—

(6)

(d)1. The governing body of a jurisdiction which has nominated an application for an enterprise zone that is at least 15 square miles and less than 20 square miles and includes a portion of the state designated as a rural area of *opportunity* ~~critical economic concern~~ under s. 288.0656(7) may apply to the department to expand the boundary of the existing enterprise zone by not more than 3 square miles.

2. The governing body of a jurisdiction which has nominated an application for an enterprise zone that is at least 20 square miles and includes a portion of the state designated as a rural area of *opportunity* ~~critical economic concern~~ under s. 288.0656(7) may apply to the department to expand the boundary of the existing enterprise zone by not more than 5 square miles.

3. An application to expand the boundary of an enterprise zone under this paragraph must be submitted by December 31, 2013.

4. Notwithstanding the area limitations specified in subsection (4), the department may approve the request for a boundary amendment if the area continues to satisfy the remaining requirements of this section.

5. The department shall establish the initial effective date of an enterprise zone designated under this paragraph.

Section 34. Paragraph (c) of subsection (4) of section 339.2819, Florida Statutes, is amended to read:

339.2819 Transportation Regional Incentive Program.—

(4)

(c) The department shall give priority to projects that:

1. Provide connectivity to the Strategic Intermodal System developed under s. 339.64.

2. Support economic development and the movement of goods in rural areas of *opportunity* ~~critical economic concern~~ designated under s. 288.0656(7).

3. Are subject to a local ordinance that establishes corridor management techniques, including access management strategies, right-of-way acquisition and protection measures, appropriate land use strategies, zoning, and setback requirements for adjacent land uses.

4. Improve connectivity between military installations and the Strategic Highway Network or the Strategic Rail Corridor Network.

The department shall also consider the extent to which local matching funds are available to be committed to the project.

Section 35. Paragraph (b) of subsection (5) of section 339.63, Florida Statutes, is amended to read:

339.63 System facilities designated; additions and deletions.—

(5)

(b) A facility designated part of the Strategic Intermodal System pursuant to paragraph (a) that is within the jurisdiction of a local government that maintains a transportation concurrency system shall receive a waiver of transportation concurrency requirements applicable to Strategic Intermodal System facilities in order to accommodate any development at the facility which occurs pursuant to a building permit issued on or before December 31, 2017, but only if such facility is located:

1. Within an area designated pursuant to s. 288.0656(7) as a rural area of *opportunity* ~~critical economic concern~~;

2. Within a rural enterprise zone as defined in s. 290.004(5); or

3. Within 15 miles of the boundary of a rural area of *opportunity* ~~critical economic concern~~ or a rural enterprise zone.

Section 36. Paragraph (c) of subsection (3) of section 373.4595, Florida Statutes, is amended to read:

373.4595 Northern Everglades and Estuaries Protection Program.—

(3) LAKE OKEECHOBEE WATERSHED PROTECTION PROGRAM.—A protection program for Lake Okeechobee that achieves phosphorus load reductions for Lake Okeechobee shall be immediately implemented as specified in this subsection. The program shall address the reduction of phosphorus loading to the lake from both internal and external sources. Phosphorus load reductions shall be achieved through a phased program of implementation. Initial implementation actions shall be technology-based, based upon a consideration of both the availability of appropriate technology and the cost of such technology, and shall include phosphorus reduction measures at both the source and the regional level. The initial phase of phosphorus load reductions shall be based upon the district's Technical Publication 81-2 and the district's WOD program, with subsequent phases of phosphorus load reductions based upon the total maximum daily loads established in accordance with s. 403.067. In the development and administration of the Lake Okeechobee Watershed Protection Program, the coordinating agencies shall maximize opportunities provided by federal cost-sharing programs and opportunities for partnerships with the private sector.

(c) *Lake Okeechobee Watershed Phosphorus Control Program.*—The Lake Okeechobee Watershed Phosphorus Control Program is designed

to be a multifaceted approach to reducing phosphorus loads by improving the management of phosphorus sources within the Lake Okeechobee watershed through implementation of regulations and best management practices, development and implementation of improved best management practices, improvement and restoration of the hydrologic function of natural and managed systems, and utilization of alternative technologies for nutrient reduction. The coordinating agencies shall facilitate the application of federal programs that offer opportunities for water quality treatment, including preservation, restoration, or creation of wetlands on agricultural lands.

1. Agricultural nonpoint source best management practices, developed in accordance with s. 403.067 and designed to achieve the objectives of the Lake Okeechobee Watershed Protection Program, shall be implemented on an expedited basis. The coordinating agencies shall develop an interagency agreement pursuant to ss. 373.046 and 373.406(5) that assures the development of best management practices that complement existing regulatory programs and specifies how those best management practices are implemented and verified. The interagency agreement shall address measures to be taken by the coordinating agencies during any best management practice reevaluation performed pursuant to sub-subparagraph d. The department shall use best professional judgment in making the initial determination of best management practice effectiveness.

a. As provided in s. 403.067(7)(c), the Department of Agriculture and Consumer Services, in consultation with the department, the district, and affected parties, shall initiate rule development for interim measures, best management practices, conservation plans, nutrient management plans, or other measures necessary for Lake Okeechobee watershed total maximum daily load reduction. The rule shall include thresholds for requiring conservation and nutrient management plans and criteria for the contents of such plans. Development of agricultural nonpoint source best management practices shall initially focus on those priority basins listed in subparagraph (b)1. The Department of Agriculture and Consumer Services, in consultation with the department, the district, and affected parties, shall conduct an ongoing program for improvement of existing and development of new interim measures or best management practices for the purpose of adoption of such practices by rule. The Department of Agriculture and Consumer Services shall work with the University of Florida's Institute of Food and Agriculture Sciences to review and, where appropriate, develop revised nutrient application rates for all agricultural soil amendments in the watershed.

b. Where agricultural nonpoint source best management practices or interim measures have been adopted by rule of the Department of Agriculture and Consumer Services, the owner or operator of an agricultural nonpoint source addressed by such rule shall either implement interim measures or best management practices or demonstrate compliance with the district's WOD program by conducting monitoring prescribed by the department or the district. Owners or operators of agricultural nonpoint sources who implement interim measures or best management practices adopted by rule of the Department of Agriculture and Consumer Services shall be subject to the provisions of s. 403.067(7). The Department of Agriculture and Consumer Services, in cooperation with the department and the district, shall provide technical and financial assistance for implementation of agricultural best management practices, subject to the availability of funds.

c. The district or department shall conduct monitoring at representative sites to verify the effectiveness of agricultural nonpoint source best management practices.

d. Where water quality problems are detected for agricultural nonpoint sources despite the appropriate implementation of adopted best management practices, the Department of Agriculture and Consumer Services, in consultation with the other coordinating agencies and affected parties, shall institute a reevaluation of the best management practices and make appropriate changes to the rule adopting best management practices.

2. Nonagricultural nonpoint source best management practices, developed in accordance with s. 403.067 and designed to achieve the objectives of the Lake Okeechobee Watershed Protection Program, shall be implemented on an expedited basis. The department and the district shall develop an interagency agreement pursuant to ss. 373.046 and 373.406(5) that assures the development of best management practices that complement existing regulatory programs and specifies how those best management practices are implemented and verified. The interagency agreement shall address measures to be taken by the department and the district during any best management practice reevaluation performed pursuant to sub-subparagraph d.

a. The department and the district are directed to work with the University of Florida's Institute of Food and Agricultural Sciences to develop appropriate nutrient application rates for all nonagricultural soil amendments in the watershed. As provided in s. 403.067(7)(c), the department, in consultation with the district and affected parties, shall develop interim measures, best management practices, or other measures necessary for Lake Okeechobee watershed total maximum daily load reduction. Development of nonagricultural nonpoint source best management practices shall initially focus on those priority basins listed in subparagraph (b)1. The department, the district, and affected parties shall conduct an ongoing program for improvement of existing and development of new interim measures or best management practices. The district shall adopt technology-based standards under the district's WOD program for nonagricultural nonpoint sources of phosphorus. Nothing in this sub-subparagraph shall affect the authority of the department or the district to adopt basin-specific criteria under this part to prevent harm to the water resources of the district.

b. Where nonagricultural nonpoint source best management practices or interim measures have been developed by the department and adopted by the district, the owner or operator of a nonagricultural nonpoint source shall implement interim measures or best management practices and be subject to the provisions of s. 403.067(7). The department and district shall provide technical and financial assistance for implementation of nonagricultural nonpoint source best management practices, subject to the availability of funds.

c. The district or the department shall conduct monitoring at representative sites to verify the effectiveness of nonagricultural nonpoint source best management practices.

d. Where water quality problems are detected for nonagricultural nonpoint sources despite the appropriate implementation of adopted best management practices, the department and the district shall institute a reevaluation of the best management practices.

3. The provisions of subparagraphs 1. and 2. *may* ~~shall~~ not preclude the department or the district from requiring compliance with water quality standards or with current best management practices requirements set forth in any applicable regulatory program authorized by law for the purpose of protecting water quality. Additionally, subparagraphs 1. and 2. are applicable only to the extent that they do not conflict with any rules *adopted* ~~promulgated~~ by the department that are necessary to maintain a federally delegated or approved program.

4. Projects that reduce the phosphorus load originating from domestic wastewater systems within the Lake Okeechobee watershed shall be given funding priority in the department's revolving loan program under s. 403.1835. The department shall coordinate and provide assistance to those local governments seeking financial assistance for such priority projects.

5. Projects that make use of private lands, or lands held in trust for Indian tribes, to reduce nutrient loadings or concentrations within a basin by one or more of the following methods: restoring the natural hydrology of the basin, restoring wildlife habitat or impacted wetlands, reducing peak flows after storm events, increasing aquifer recharge, or protecting range and timberland from conversion to development, are eligible for grants available under this section from the coordinating agencies. For projects of otherwise equal priority, special funding priority will be given to those projects that make best use of the methods outlined above that involve public-private partnerships or that obtain federal match money. Preference ranking above the special funding priority will be given to projects located in a rural area of *opportunity* ~~critical economic concern~~ designated by the Governor. Grant applications may be submitted by any person or tribal entity, and eligible projects may include, but are not limited to, the purchase of conservation and flowage easements, hydrologic restoration of wetlands, creating treatment wetlands, development of a management plan for natural resources, and financial support to implement a management plan.

6.a. The department shall require all entities disposing of domestic wastewater residuals within the Lake Okeechobee watershed and the

remaining areas of Okeechobee, Glades, and Hendry Counties to develop and submit to the department an agricultural use plan that limits applications based upon phosphorus loading. By July 1, 2005, phosphorus concentrations originating from these application sites *may* ~~shall~~ not exceed the limits established in the district's WOD program. After December 31, 2007, the department may not authorize the disposal of domestic wastewater residuals within the Lake Okeechobee watershed unless the applicant can affirmatively demonstrate that the phosphorus in the residuals will not add to phosphorus loadings in Lake Okeechobee or its tributaries. This demonstration shall be based on achieving a net balance between phosphorus imports relative to exports on the permitted application site. Exports shall include only phosphorus removed from the Lake Okeechobee watershed through products generated on the permitted application site. This prohibition does not apply to Class AA residuals that are marketed and distributed as fertilizer products in accordance with department rule.

b. Private and government-owned utilities within Monroe, Miami-Dade, Broward, Palm Beach, Martin, St. Lucie, Indian River, Okeechobee, Highlands, Hendry, and Glades Counties that dispose of wastewater residual sludge from utility operations and septic removal by land spreading in the Lake Okeechobee watershed may use a line item on local sewer rates to cover wastewater residual treatment and disposal if such disposal and treatment is done by approved alternative treatment methodology at a facility located within the areas designated by the Governor as rural areas of *opportunity* ~~critical economic concern~~ pursuant to s. 288.0656. This additional line item is an environmental protection disposal fee above the present sewer rate and *may* ~~shall~~ not be considered a part of the present sewer rate to customers, notwithstanding provisions to the contrary in chapter 367. The fee shall be established by the county commission or its designated assignee in the county in which the alternative method treatment facility is located. The fee shall be calculated to be no higher than that necessary to recover the facility's prudent cost of providing the service. Upon request by an affected county commission, the Florida Public Service Commission will provide assistance in establishing the fee. Further, for utilities and utility authorities that use the additional line item environmental protection disposal fee, such fee *may* ~~shall~~ not be considered a rate increase under the rules of the Public Service Commission and shall be exempt from such rules. Utilities using the provisions of this section may immediately include in their sewer invoicing the new environmental protection disposal fee. Proceeds from this environmental protection disposal fee shall be used for treatment and disposal of wastewater residuals, including any treatment technology that helps reduce the volume of residuals that require final disposal, but such proceeds *may* ~~shall~~ not be used for transportation or shipment costs for disposal or any costs relating to the land application of residuals in the Lake Okeechobee watershed.

c. No less frequently than once every 3 years, the Florida Public Service Commission or the county commission through the services of an independent auditor shall perform a financial audit of all facilities receiving compensation from an environmental protection disposal fee. The Florida Public Service Commission or the county commission through the services of an independent auditor shall also perform an audit of the methodology used in establishing the environmental protection disposal fee. The Florida Public Service Commission or the county commission shall, within 120 days after completion of an audit, file the audit report with the President of the Senate and the Speaker of the House of Representatives and shall provide copies to the county commissions of the counties set forth in sub-subparagraph b. The books and records of any facilities receiving compensation from an environmental protection disposal fee shall be open to the Florida Public Service Commission and the Auditor General for review upon request.

7. The Department of Health shall require all entities disposing of septage within the Lake Okeechobee watershed to develop and submit to that agency an agricultural use plan that limits applications based upon phosphorus loading. By July 1, 2005, phosphorus concentrations originating from these application sites *may* ~~shall~~ not exceed the limits established in the district's WOD program.

8. The Department of Agriculture and Consumer Services shall initiate rulemaking requiring entities within the Lake Okeechobee watershed which land-apply animal manure to develop resource management system level conservation plans, according to United States Department of Agriculture criteria, which limit such application. Such rules may include criteria and thresholds for the requirement to develop a conservation or nutrient management plan, requirements for plan approval, and recordkeeping requirements.

9. The district, the department, or the Department of Agriculture and Consumer Services, as appropriate, shall implement those alternative nutrient reduction technologies determined to be feasible pursuant to subparagraph (d)6.

Section 37. Paragraph (e) of subsection (2) and paragraph (b) of subsection (26) of section 380.06, Florida Statutes, are amended to read:

380.06 Developments of regional impact.—

(2) STATEWIDE GUIDELINES AND STANDARDS.—

(e) With respect to residential, hotel, motel, office, and retail developments, the applicable guidelines and standards shall be increased by 50 percent in urban central business districts and regional activity centers of jurisdictions whose local comprehensive plans are in compliance with part II of chapter 163. With respect to multiuse developments, the applicable individual use guidelines and standards for residential, hotel, motel, office, and retail developments and multiuse guidelines and standards shall be increased by 100 percent in urban central business districts and regional activity centers of jurisdictions whose local comprehensive plans are in compliance with part II of chapter 163, if one land use of the multiuse development is residential and amounts to not less than 35 percent of the jurisdiction's applicable residential threshold. With respect to resort or convention hotel developments, the applicable guidelines and standards shall be increased by 150 percent in urban central business districts and regional activity centers of jurisdictions whose local comprehensive plans are in compliance with part II of chapter 163 and where the increase is specifically for a proposed resort or convention hotel located in a county with a population greater than 500,000 and the local government specifically designates that the proposed resort or convention hotel development will serve an existing convention center of more than 250,000 gross square feet built *before* ~~prior to~~ July 1, 1992. The applicable guidelines and standards shall be increased by 150 percent for development in any area designated by the Governor as a rural area of *opportunity* ~~critical economic concern~~ pursuant to s. 288.0656 during the effectiveness of the designation.

(26) ABANDONMENT OF DEVELOPMENTS OF REGIONAL IMPACT.—

(b) Upon receipt of written confirmation from the state land planning agency that any required mitigation applicable to completed development has occurred, an industrial development of regional impact located within the coastal high-hazard area of a rural *area of opportunity* ~~county of economic concern~~ which was approved *before* ~~prior to~~ the adoption of the local government's comprehensive plan required under s. 163.3167 and which plan's future land use map and zoning designates the land use for the development of regional impact as commercial may be unilaterally abandoned without the need to proceed through the process described in paragraph (a) if the developer or owner provides a notice of abandonment to the local government and records such notice with the applicable clerk of court. Abandonment shall be deemed to have occurred upon the recording of the notice. All development following abandonment shall be fully consistent with the current comprehensive plan and applicable zoning.

Section 38. Paragraph (g) of subsection (3) of section 380.0651, Florida Statutes, is amended to read:

380.0651 Statewide guidelines and standards.—

(3) The following statewide guidelines and standards shall be applied in the manner described in s. 380.06(2) to determine whether the following developments shall be required to undergo development-of-regional-impact review:

(g) *Residential development.—A* ~~No~~ rule may *not* be adopted concerning residential developments which treats a residential development in one county as being located in a less populated adjacent county unless more than 25 percent of the development is located within 2 ~~or less~~ miles *or less* of the less populated adjacent county. The residential thresholds of adjacent counties with less population and a lower threshold *may* ~~shall~~ not be controlling on any development wholly lo-

cated within areas designated as rural areas of *opportunity* ~~critical economic concern~~.

Section 39. Paragraph (b) of subsection (2) of section 985.686, Florida Statutes, is amended to read:

985.686 Shared county and state responsibility for juvenile detention.—

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

(b) "Fiscally constrained county" means a county within a rural area of *opportunity* ~~critical economic concern~~ as designated by the Governor pursuant to s. 288.0656 or each county for which the value of a mill will raise no more than $5 million in revenue, based on the certified school taxable value certified pursuant to s. 1011.62(4)(a)1.a., from the previous July 1.

Section 40. Subsection (2) of section 1011.76, Florida Statutes, is amended to read:

1011.76 Small School District Stabilization Program.—

(2) In order to participate in this program, a school district must be located in a rural area of *opportunity* ~~critical economic concern~~ designated by the Executive Office of the Governor, and the district school board must submit a resolution to the Department of Economic Opportunity requesting participation in the program. A rural area of *opportunity* ~~critical economic concern~~ must be a rural community, or a region composed of such, that has been adversely affected by an extraordinary economic event or a natural disaster or that presents a unique economic development concern or opportunity of regional impact. The resolution must be accompanied *by* ~~with~~ documentation of the economic conditions in the community *and*~~,~~ provide information indicating the negative impact of these conditions on the school district's financial stability, and the school district must participate in a best financial management practices review to determine potential efficiencies that could be implemented to reduce program costs in the district.

Section 41. Paragraph (a) of subsection (4) of section 215.425, Florida Statutes, is amended to read:

215.425 Extra compensation claims prohibited; bonuses; severance pay.—

(4)(a) On or after July 1, 2011, a unit of government that enters into a contract or employment agreement, or renewal or renegotiation of an existing contract or employment agreement, that contains a provision for severance pay with an officer, agent, employee, or contractor must include the following provisions in the contract:

1. A requirement that severance pay provided may not exceed an amount greater than 20 weeks of compensation.

2. A prohibition of provision of severance pay when the officer, agent, employee, or contractor has been fired for misconduct, as defined in *s. 443.036(29)* ~~s. 443.036(30)~~, by the unit of government.

Section 42. Paragraph (f) of subsection (13) of section 443.1216, Florida Statutes, is amended to read:

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

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

(f) Service performed in the employ of a public employer as defined in s. 443.036, except as provided in subsection (2), and service performed in the employ of an instrumentality of a public employer as described in *s. 443.036(35)(b) or (c)* ~~s. 443.036(36)(b) or (c)~~, to the extent that the instrumentality is immune under the United States Constitution from the tax imposed by s. 3301 of the Internal Revenue Code for that service.

Section 43. This act shall take effect July 1, 2014.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to economic development; amending s. 163.3202, F.S.; requiring each county and municipality to adopt and enforce land development regulations in accordance with the submitted comprehensive plan; amending s. 288.0001, F.S.; requiring an analysis of the New Markets Development Program in the Economic Development Programs Evaluation; amending s. 288.005, F.S.; defining terms; creating s. 288.006, F.S.; providing requirements for loan programs relating to accountability and proper stewardship of funds; authorizing the Auditor General to conduct audits for a specified purpose; authorizing the department to adopt rules; amending s. 288.8013, F.S.; clarifying that the Auditor General's annual audit of the Recovery Fund and Triumph Gulf Coast, Inc., is a performance audit; amending s. 288.8014, F.S.; providing that terms of the initial appointments to the board of directors of Triumph Gulf Coast, Inc., begin after the Legislature appropriates funds to the Recovery Fund; providing initial appointment term limits; providing that the audit by the retained independent certified public accountant is annual; amending s. 288.987, F.S.; increasing the amount of funds that may be spent on staffing and administrative expenses of the Florida Defense Support Task Force; amending s. 290.0411, F.S.; revising legislative intent for purposes of the Florida Small Cities Community Development Block Grant Program; amending s. 290.044, F.S.; requiring the Department of Economic Opportunity to adopt rules establishing a competitive selection process for loan guarantees and grants awarded under the block grant program; revising the criteria for the award of grants; amending s. 290.046, F.S.; revising limits on the number of grants that an applicant may apply for and receive; revising the requirement that the department conduct a site visit before awarding a grant; requiring the department to rank applications according to criteria established by rule and to distribute funds according to the rankings; revising scoring factors to consider in ranking applications; revising requirements for public hearings; providing that the creation of a citizen advisory task force is discretionary, rather than required; deleting a requirement that a local government obtain consent from the department for an alternative citizen participation plan; amending s. 290.047, F.S.; revising the maximum amount and percentage of block grant funds that may be spent on certain costs and expenses; amending s. 290.0475, F.S.; conforming provisions to changes made by the act; amending s. 290.048, F.S.; deleting a provision authorizing the department to adopt and enforce strict requirements concerning an applicant's written description of a service area; amending s. 331.3051, F.S.; requiring Space Florida to consult with the Florida Tourism Industry Marketing Corporation, rather than with Enterprise Florida, Inc., in developing a space tourism marketing plan; authorizing Space Florida to enter into an agreement with the corporation, rather than with Enterprise Florida, Inc., for a specified purpose; revising the research and development duties of Space Florida; repealing s. 443.036(26), F.S., relating to the definition of the term "initial skills review"; amending s. 443.091, F.S.; deleting the requirement that an unemployed individual take an initial skill review before he or she is eligible to receive reemployment assistance benefits; requiring the department to make available for such individual a voluntary online assessment that identifies an individual's skills, abilities, and career aptitude; requiring information from such assessment to be made available to certain groups; revising the requirement that the department offer certain training opportunities; amending s. 443.1116, F.S.; defining the term "employer sponsored training"; revising the requirements for a short-term compensation plan to be approved by the department; revising the treatment of fringe benefits in such plan; requiring an employer to describe the manner in which the employer will implement the plan; requiring the director to approve the plan if it is consistent with employer obligations under law; prohibiting the department from denying short-time compensation benefits to certain individuals; amending s. 443.141, F.S.; providing an employer payment schedule for specified years' contributions to the Unemployment Compensation Trust Fund; providing applicability; amending s. 443.151, F.S.; requiring the department to provide an alternate means for filing claims when the approved electronic method is unavailable; amending ss. 125.271, 163.3177, 163.3187, 163.3246, 211.3103, 212.098, 218.67, 288.018, 288.065, 288.0655, 288.0656, 288.1088, 288.1089, 290.0055, 339.2819, 339.63, 373.4595, 380.06, 380.0651, 985.686, and 1011.76, F.S.; renaming "rural areas of critical economic concern" as "rural areas of opportunity"; amending ss. 215.425 and 443.1216, F.S.; conforming cross- references to changes made by the act; providing an effective date.

Senator Detert moved the following amendments to **Amendment 1 (494350)** which were adopted:

Amendment 1A (141266) (with title amendment)—Between lines 136 and 137 insert:

Section 5. Paragraph (b) of subsection (3) of section 288.061, Florida Statutes, is amended to read:

288.061 Economic development incentive application process.—

(3) Within 10 business days after the department receives the submitted economic development incentive application, the executive director shall approve or disapprove the application and issue a letter of certification to the applicant which includes a justification of that decision, unless the business requests an extension of that time.

(b) The release of funds for the incentive or incentives awarded to the applicant depends upon the statutory requirements of the particular incentive program~~, except as provided in subsection (4)~~.

And the title is amended as follows:

Delete line 1779 and insert: adopt rules; amending s. 288.061, F.S.; deleting an incorrect cross-reference; amending s. 288.8013, F.S.; clarifying

Amendment 1B (751578) (with title amendment)—Delete lines 1050-1051 and insert:
organization may receive in any year will be *$50,000* ~~$35,000~~, or *$150,000* ~~$100,000~~ in a rural area of *opportunity* ~~critical economic~~

And the title is amended as follows:

Delete line 1858 and insert: 212.098, 218.67, F.S.; renaming "rural areas of critical economic concern" as "rural areas of opportunity"; amending s. 288.018, F.S.; revising the maximum amount of grants that may be awarded; renaming "rural areas of critical economic concern" as "rural areas of opportunity"; amending ss. 288.065, 288.0655, 288.0656,

Senator Richter moved the following amendment to **Amendment 1 (494350)**:

Amendment 1C (838754) (with title amendment)—Between lines 1760 and 1761 insert:

Section 43. *(1) Any building permit, and any permit issued by the Department of Environmental Protection or by a water management district pursuant to part IV of chapter 373, Florida Statutes, which has an expiration date from January 1, 2014, through January 1, 2016, is extended and renewed for a period of 2 years after its previously scheduled date of expiration. This extension includes any local government-issued development order or building permit including certificates of levels of service. This section does not prohibit conversion from the construction phase to the operation phase upon completion of construction. This extension is in addition to any existing permit extension. Extensions granted pursuant to this section; s. 14 of chapter 2009-96, Laws of Florida, as reauthorized by s. 47 of chapter 2010-147, Laws of Florida; s. 46 of chapter 2010-147, Laws of Florida; s. 73 or s. 79 of chapter 2011-139, Laws of Florida; or s. 24 of chapter 2012-205, Laws of Florida, may not exceed 4 years in total. Further, specific development order extensions granted pursuant to s. 380.06(19)(c)2., Florida Statutes, may not be further extended by this section.*

(2) The commencement and completion dates for any required mitigation associated with a phased construction project are extended so that mitigation takes place in the same timeframe relative to the phase as originally permitted.

(3) The holder of a valid permit or other authorization that is eligible for the 2-year extension must notify the authorizing agency in writing by December 31, 2014, identifying the specific authorization for which the holder intends to use the extension and the anticipated timeframe for acting on the authorization.

(4) The extension provided in subsection (1) does not apply to:

(a) A permit or other authorization under any programmatic or regional general permit issued by the Army Corps of Engineers.

(b) A permit or other authorization held by an owner or operator determined to be in significant noncompliance with the conditions of the permit or authorization as established through the issuance of a warning letter or notice of violation, the initiation of formal enforcement, or other equivalent action by the authorizing agency.

(c) A permit or other authorization, if granted an extension that would delay or prevent compliance with a court order.

(5) Permits extended under this section shall continue to be governed by the rules in effect at the time the permit was issued unless it is demonstrated that the rules in effect at the time the permit was issued would create an immediate threat to public safety or health. This provision applies to any modification of the plans, terms, and conditions of the permit which lessens the environmental impact, except that any such modification does not extend the time limit beyond 2 additional years.

(6) This section does not impair the authority of a county or municipality to require the owner of a property who has notified the county or municipality of the owner's intent to receive the extension of time granted pursuant to this section to maintain and secure the property in a safe and sanitary condition in compliance with applicable laws and ordinances.

And the title is amended as follows:

Delete line 1864 and insert: references to changes made by the act; extending and renewing building permits and certain permits issued by the Department of Environmental Protection or a water management district, including any local government-issued development order or building permit issued pursuant thereto; limiting certain permit extensions to a specified period of time; extending commencement and completion dates for required mitigation associated with a phased construction project; requiring the holder of an extended permit or authorization to provide notice to the authorizing agency; providing exceptions to the extension and renewal of such permits; providing that extended permits are governed by certain rules; providing applicability; providing an

POINT OF ORDER

Senator Joyner raised a point of order that pursuant to Rule 7.1(3), **Amendment 1C (838754)** contained language on a subject different from that under consideration and was therefore out of order.

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

Senator Benacquisto moved the following amendment to **Amendment 1 (494350)** which was adopted:

Amendment 1D (732244) (with title amendment)—Between lines 1760 and 1761 insert:

Section 43. *Part XIV of chapter 288, Florida Statutes, consisting of ss. 288.993-288.9937, is created and entitled "Microfinance Programs."*

Section 44. Section 288.993, Florida Statutes, is created to read:

288.993 Short title.—This part may be cited as the "Florida Microfinance Act."

Section 45. Section 288.9931, Florida Statutes, is created to read:

288.9931 Legislative findings and intent.—The Legislature finds that the ability of entrepreneurs and small businesses to access capital is vital to the overall health and growth of this state's economy; however, access to capital is limited by the lack of available credit for entrepreneurs and small businesses in this state. The Legislature further finds that entrepreneurs and small businesses could be assisted through the creation of a program that will provide an avenue for entrepreneurs and small businesses in this state to access credit. Additionally, the Legislature finds that business management training, business development training, and technical assistance are necessary to ensure that entrepreneurs and small businesses that receive credit develop the skills necessary to grow and achieve long-term financial stability. The Legislature intends to expand job opportunities for this state's workforce by expanding access to credit to entrepreneurs and small businesses. Furthermore, the Legislature intends to avoid duplicating existing programs and to coordinate, assist, augment, and improve access to those programs for entrepreneurs and small businesses in this state.

Section 46. Section 288.9932, Florida Statutes, is created to read:

288.9932 Definitions.—As used in this part, the term:

(1) "Applicant" means an entrepreneur or small business that applies to a loan administrator for a microloan.

(2) "Domiciled in this state" means authorized to do business in this state and located in this state.

(3) "Entrepreneur" means an individual residing in this state who desires to assume the risk of organizing, managing, and operating a small business in this state.

(4) "Network" means the Florida Small Business Development Center Network.

(5) "Small business" means a business, regardless of corporate structure, domiciled in this state which employs 25 or fewer people and generated average annual gross revenues of $1.5 million or less per year for the preceding 2 years. For the purposes of this part, the identity of a small business is not affected by name changes or changes in personnel.

Section 47. Section 288.9933, Florida Statutes, is created to read:

288.9933 Rulemaking authority.—The department may adopt rules to implement this part.

Section 48. Section 288.9934, Florida Statutes, is created to read:

288.9934 Microfinance Loan Program.—

(1) PURPOSE.—The Microfinance Loan Program is established in the department to make short-term, fixed-rate microloans in conjunction with business management training, business development training, and technical assistance to entrepreneurs and newly established or growing small businesses for start-up costs, working capital, and the acquisition of materials, supplies, furniture, fixtures, and equipment. Participation in the loan program is intended to enable entrepreneurs and small businesses to access private financing upon completing the loan program.

(2) DEFINITION.—As used in this section, the term "loan administrator" means an entity that enters into a contract with the department pursuant to this section to administer the loan program.

(3) REQUEST FOR PROPOSAL.—

(a) By December 1, 2014, the department shall contract with at least one but not more than three entities to administer the loan program for a term of 3 years. The department shall award the contract in accordance with the request for proposal requirements in s. 287.057 to an entity that:

1. Is a corporation registered in this state;

2. Does not offer checking accounts or savings accounts;

3. Demonstrates that its board of directors and managers are experienced in microlending and small business finance and development;

4. Demonstrates that it has the technical skills and sufficient resources and expertise to:

a. Analyze and evaluate applications by entrepreneurs and small businesses applying for microloans;

b. Underwrite and service microloans provided pursuant to this part; and

c. Coordinate the provision of such business management training, business development training, and technical assistance as required by this part.

5. Demonstrates that it has established viable, existing partnerships with public and private nonstate funding sources, economic development agencies, and workforce development and job referral networks; and

6. Demonstrates that it has a plan that includes proposed microlending activities under the loan program, including, but not limited to, the types of entrepreneurs and businesses to be assisted and the size and range of loans the loan administrator intends to make.

(b) To ensure that prospective loan administrators meet the requirements of subparagraphs (a)2.-6., the request for proposal must require submission of the following information:

1. A description of the types of entrepreneurs and small businesses the loan administrator has assisted in the past, and the average size and terms of loans made in the past to such entities;

2. A description of the experience of members of the board of directors and managers in the areas of microlending and small business finance and development;

3. A description of the loan administrator's underwriting and credit policies and procedures, credit decisionmaking process, monitoring policies and procedures, and collection practices, and samples of any currently used loan documentation;

4. A description of the nonstate funding sources that will be used by the loan administrator in conjunction with the state funds to make microloans pursuant to this section;

5. The loan administrator's three most recent financial audits or, if no prior audits have been completed, the loan administrator's three most recent unaudited financial statements; and

6. A conflict of interest statement from the loan administrator's board of directors certifying that a board member, employee, or agent, or an immediate family member thereof, or any other person connected to or affiliated with the loan administrator, is not receiving or will not receive any type of compensation or remuneration from an entrepreneur or small business that has received or will receive funds from the loan program. The department may waive this requirement for good cause shown. As used in this subparagraph, the term "immediate family" means a parent, child, or spouse, or any other relative by blood, marriage, or adoption, of a board member, employee, or agent of the loan administrator.

(4) CONTRACT AND AWARD OF FUNDS.—

(a) The selected loan administrator must enter into a contract with the department for a term of 3 years to receive state funds for the loan program. Funds appropriated to the program must be reinvested and maintained as a long-term and stable source of funding for the program. The amount of state funds used in any microloan made pursuant to this part may not exceed 50 percent of the total microloan amount. The department shall establish financial performance measures and objectives for the loan program and for the loan administrator in order to maximize the state funds awarded.

(b) State funds may be used only to provide direct microloans to entrepreneurs and small businesses according to the limitations, terms, and conditions provided in this part. Except as provided in subsection (5), state funds may not be used to pay administrative costs, underwriting costs, servicing costs, or any other costs associated with providing microloans, business management training, business development training, or technical assistance.

(c) The loan administrator shall reserve 10 percent of the total award amount from the department to provide microloans pursuant to this part to entrepreneurs and small businesses that employ no more than five people and generate annual gross revenues averaging no more than $250,000 per year for the last 2 years.

(d)1. If the loan program is appropriated funding in a fiscal year, the department shall distribute such funds to the loan administrator within 30 days of the execution of the contract by the department and the loan administrator.

2. The total amount of funding allocated to the loan administrator in a fiscal year may not exceed the amount appropriated for the loan program in the same fiscal year. If the funds appropriated to the loan program in a fiscal year exceed the amount of state funds received by the loan administrator, such excess funds shall revert to the General Revenue Fund.

(e) Within 30 days of executing its contract with the department, the loan administrator must enter into a memorandum of understanding with the network:

1. For the provision of business management training, business development training, and technical assistance to entrepreneurs and small businesses that receive microloans under this part; and

2. To promote the program to underserved entrepreneurs and small businesses.

(f) By September 1, 2014, the department shall review industry best practices and determine the minimum business management training, business development training, and technical assistance that must be provided by the network to achieve the goals of this part.

(g) The loan administrator must meet the requirements of this section, the terms of its contract with the department, and any other applicable state or federal laws to be eligible to receive funds in any fiscal year. The contract with the loan administrator must specify any sanctions for the loan administrator's failure to comply with the contract or this part.

(5) FEES.—

(a) Except as provided in this section, the department may not charge fees or interest or require collateral from the loan administrator. The department may charge an annual fee or interest of up to 80 percent of the Federal Funds Rate as of the date specified in the contract for state funds received under the loan program. The department shall require as collateral an assignment of the notes receivable of the microloans made by the loan administrator under the loan program.

(b) The loan administrator is entitled to retain a one-time administrative servicing fee of 1 percent of the total award amount to offset the administrative costs of underwriting and servicing microloans made pursuant to this part. This fee may not be charged to or paid by microloan borrowers participating in the loan program. Except as provided in subsection (7)(c), the loan administrator may not be required to return this fee to the department.

(c) The loan administrator may not charge interest, fees, or costs except as authorized in subsection (9).

(d) Except as provided in subsection (7), the loan administrator is not required to return the interest, fees, or costs authorized under subsection (9).

(6) REPAYMENT OF AWARD FUNDS.—

(a) After collecting interest and any fees or costs permitted under this section in satisfaction of all microloans made pursuant to this part, the loan administrator shall remit to the department the microloan principal collected from all microloans made with state funds received under this part. Repayment of microloan principal to the department may be deferred by the department for a period not to exceed 6 months; however, the loan administrator may not provide a microloan under this part after the contract with the department expires.

(b) If for any reason the loan administrator is unable to make repayments to the department in accordance with the contract, the department may accelerate maturity of the state funds awarded and demand repayment in full. In this event, or if a loan administrator violates this part or the terms of its contract, the loan administrator shall surrender to the department possession of all collateral required pursuant to subsection (5). Any loss or deficiency greater than the value of the collateral may be recovered by the department from the loan administrator.

(c) In the event of a default as specified in the contract, termination of the contract, or violation of this section, the state may, in addition to any other remedy provided by law, bring suit to enforce its interest.

(d) A microloan borrower's default does not relieve the loan administrator of its obligation to repay an award to the department.

(7) CONTRACT TERMINATION.—

(a) The loan administrator's contract with the department may be terminated by the department, and the loan administrator required to immediately return all state funds awarded, including any interest, fees, and costs it would otherwise be entitled to retain pursuant to subsection (5) for that fiscal year, upon a finding by the department that:

1. The loan administrator has, within the previous 5 years, participated in a state-funded economic development program in this or any other state and was found to have failed to comply with the requirements of that program;

2. The loan administrator is currently in material noncompliance with any statute, rule, or program administered by the department;

3. The loan administrator or any member of its board of directors, officers, partners, managers, or shareholders has pled no contest or been found guilty, regardless of whether adjudication was withheld, of any felony or any misdemeanor involving fraud, misrepresentation, or dishonesty;

4. The loan administrator failed to meet or agree to the terms of the contract with the department or failed to meet this part; or

5. The department finds that the loan administrator provided fraudulent or misleading information to the department.

(b) The loan administrator's contract with the department may be terminated by the department at any time for any reason upon 30 days' notice by the department. In such a circumstance, the loan administrator shall return all awarded state funds to the department within 60 days of the termination. However, the loan administrator may retain any interest, fees, or costs it has collected pursuant to subsection (5).

(c) The loan administrator's contract with the department may be terminated by the loan administrator at any time for any reason upon 30 days' notice by the loan administrator. In such a circumstance, the loan administrator shall return all awarded state funds to the department, including any interest, fees, and costs it has retained or would otherwise be entitled to retain pursuant to subsection (5), within 30 days of the termination.

(8) AUDITS AND REPORTING.—

(a) The loan administrator shall annually submit to the department a financial audit performed by an independent certified public accountant and an operational performance audit for the most recently completed fiscal year. Both audits must indicate whether any material weakness or instances of material noncompliance are indicated in the audit.

(b) The loan administrator shall submit quarterly reports to the department as required by s. 288.9936(3).

(c) The loan administrator shall make its books and records related to the loan program available to the department or its designee for inspection upon reasonable notice.

(9) ELIGIBILITY AND APPLICATION.—

(a) To be eligible for a microloan, an applicant must, at a minimum, be an entrepreneur or small business located in this state.

(b) Microloans may not be made if the direct or indirect purpose or result of granting the microloan would be to:

1. Pay off any creditors of the applicant, including the refund of a debt owed to a small business investment company organized pursuant to 15 U.S.C. s. 681;

2. Provide funds, directly or indirectly, for payment, distribution, or as a microloan to owners, partners, or shareholders of the applicant's business, except as ordinary compensation for services rendered;

3. Finance the acquisition, construction, improvement, or operation of real property which is, or will be, held primarily for sale or investment;

4. Pay for lobbying activities; or

5. Replenish funds used for any of the purposes specified in subparagraphs 1.-4.

(c) A microloan applicant shall submit a written application in the format prescribed by the loan administrator and shall pay an application fee not to exceed $50 to the loan administrator.

(d) The following minimum terms apply to a microloan made by the loan administrator:

1. The amount of a microloan may not exceed $50,000;

2. A borrower may not receive more than $75,000 per year in total microloans;

3. A borrower may not receive more than two microloans per year and may not receive more than five microloans in any 3-year period;

4. The proceeds of the microloan may be used only for startup costs, working capital, and the acquisition of materials, supplies, furniture, fixtures, and equipment;

5. The period of any microloan may not exceed 1 year;

6. The interest rate may not exceed the prime rate published in the Wall Street Journal as of the date specified in the microloan, plus 1000 basis points;

7. All microloans must be personally guaranteed;

8. The borrower must participate in business management training, business development training, and technical assistance as determined by the loan administrator in the microloan agreement;

9. The borrower shall provide such information as required by the loan administrator, including monthly job creation and financial data, in the manner prescribed by the loan administrator; and

10. The loan administrator may collect fees for late payments which are consistent with standard business lending practices and may recover costs and fees incurred for any collection efforts necessitated by a borrower's default.

(e) The department may not review microloans made by the loan administrator pursuant to this part before approval of the loan by the loan administrator.

(10) STATEWIDE STRATEGIC PLAN.—In implementing this section, the department shall be guided by the 5-year statewide strategic plan adopted pursuant to s. 20.60(5). The department shall promote and advertise the loan program by, among other things, cooperating with government, nonprofit, and private industry to organize, host, or participate in seminars and other forums for entrepreneurs and small businesses.

(11) STUDY.—By December 31, 2014, the department shall commence or commission a study to identify methods and best practices that will increase access to credit to entrepreneurs and small businesses in this state. The study must also explore the ability of, and limitations on, Florida nonprofit organizations and private financial institutions to expand access to credit to entrepreneurs and small businesses in this state.

(12) CREDIT OF THE STATE.—With the exception of funds appropriated to the loan program by the Legislature, the credit of the state may not be pledged. The state is not liable or obligated in any way for claims on the loan program or against the loan administrator or the department.

Section 49. Section 288.9935, Florida Statutes, is created to read:

288.9935 Microfinance Guarantee Program.—

(1) The Microfinance Guarantee Program is established in the department. The purpose of the program is to stimulate access to credit for entrepreneurs and small businesses in this state by providing targeted guarantees to loans made to such entrepreneurs and small businesses. Funds appropriated to the program must be reinvested and maintained as a long-term and stable source of funding for the program.

(2) As used in this section, the term "lender" means a financial institution as defined in s. 655.005.

(3) The department must enter into a contract with Enterprise Florida, Inc., to administer the Microfinance Guarantee Program. In administering the program, Enterprise Florida, Inc., must, at a minimum:

(a) Establish lender and borrower eligibility requirements in addition to those provided in this section;

(b) Determine a reasonable leverage ratio of loan amounts guaranteed to state funds; however, the leverage ratio may not exceed 3 to 1;

(c) Establish reasonable fees and interest;

(d) Promote the program to financial institutions that provide loans to entrepreneurs and small businesses in order to maximize the number of lenders throughout the state which participate in the program;

(e) Enter into a memorandum of understanding with the network to promote the program to underserved entrepreneurs and small businesses;

(f) Establish limits on the total amount of loan guarantees a single lender can receive;

(g) Establish an average loan guarantee amount for loans guaranteed under this section;

(h) Establish a risk-sharing strategy to be employed in the event of a loan failure; and

(i) Establish financial performance measures and objectives for the program in order to maximize the state funds.

(4) Enterprise Florida, Inc., is limited to providing loan guarantees for loans with total loan amounts of at least $50,000 and not more than $250,000. A loan guarantee may not exceed 50 percent of the total loan amount.

(5) Enterprise Florida, Inc., may not guarantee a loan if the direct or indirect purpose or result of the loan would be to:

(a) Pay off any creditors of the applicant, including the refund of a debt owed to a small business investment company organized pursuant to 15 U.S.C. s. 681;

(b) Provide funds, directly or indirectly, for payment, distribution, or as a loan to owners, partners, or shareholders of the applicant's business, except as ordinary compensation for services rendered;

(c) Finance the acquisition, construction, improvement, or operation of real property which is, or will be, held primarily for sale or investment;

(d) Pay for lobbying activities; or

(e) Replenish funds used for any of the purposes specified in paragraphs (a) through (d).

(6) Enterprise Florida, Inc., may not use funds appropriated from the state for costs associated with administering the guarantee program.

(7) To be eligible to receive a loan guarantee under the Microfinance Guarantee Program, a borrower must, at a minimum:

(a) Be an entrepreneur or small business located in this state;

(b) Employ 25 or fewer people;

(c) Generate average annual gross revenues of $1.5 million or less per year for the last 2 years; and

(d) Meet any additional requirements established by Enterprise Florida, Inc.

(8) By October 1 of each year, Enterprise Florida, Inc., shall submit a complete and detailed annual report to the department for inclusion in the department's report required under s. 20.60(10). The report must, at a minimum, provide:

(a) A comprehensive description of the program, including an evaluation of its application and guarantee activities, recommendations for change, and identification of any other state programs that overlap with the program;

(b) An assessment of the current availability of and access to credit for entrepreneurs and small businesses in this state;

(c) A summary of the financial and employment results of the entrepreneurs and small businesses receiving loan guarantees, including the number of full-time equivalent jobs created as a result of the guaranteed

loans and the amount of wages paid to employees in the newly created jobs;

(d) Industry data about the borrowers, including the six-digit North American Industry Classification System (NAICS) code;

(e) The name and location of lenders that receive loan guarantees;

(f) The amount of state funds received by Enterprise Florida, Inc.;

(g) The number of loan guarantee applications received;

(h) The number, duration, location, and amount of guarantees made;

(i) The number and amount of guaranteed loans outstanding, if any;

(j) The number and amount of guaranteed loans with payments overdue, if any;

(k) The number and amount of guaranteed loans in default, if any;

(l) The repayment history of the guaranteed loans made; and

(m) An evaluation of the program's ability to meet the financial performance measures and objectives specified in subsection (3).

(9) The credit of the state or Enterprise Florida, Inc., may not be pledged except for funds appropriated by law to the Microfinance Guarantee Program. The state is not liable or obligated in any way for claims on the program or against Enterprise Florida, Inc., or the department.

Section 50. Section 288.9936, Florida Statutes, is created to read:

288.9936 Annual report of the Microfinance Loan Program.—

(1) The department shall include in the report required by s. 20.60(10) a complete and detailed annual report on the Microfinance Loan Program. The report must include:

(a) A comprehensive description of the program, including an evaluation of its application and funding activities, recommendations for change, and identification of any other state programs that overlap with the program;

(b) The financial institutions and the public and private organizations and individuals participating in the program;

(c) An assessment of the current availability of and access to credit for entrepreneurs and small businesses in this state;

(d) A summary of the financial and employment results of the entities receiving microloans;

(e) The number of full-time equivalent jobs created as a result of the microloans and the amount of wages paid to employees in the newly created jobs;

(f) The number and location of prospective loan administrators that responded to the department request for proposals;

(g) The amount of state funds received by the loan administrator;

(h) The number of microloan applications received by the loan administrator;

(i) The number, duration, and location of microloans made by the loan administrator, including the aggregate number of microloans made to minority business enterprises if available;

(j) The number and amount of microloans outstanding, if any;

(k) The number and amount of microloans with payments overdue, if any;

(l) The number and amount of microloans in default, if any;

(m) The repayment history of the microloans made;

(n) The repayment history and performance of funding awards;

(o) An evaluation of the program's ability to meet the financial performance measures and objectives specified in s. 288.9934; and

(p) A description and evaluation of the technical assistance and business management and development training provided by the network pursuant to its memorandum of understanding with the loan administrator.

(2) The department shall submit the report provided to the department from Enterprise Florida, Inc., pursuant to 288.9935(7) for inclusion in the department's annual report required under s. 20.60(10).

(3) The department shall require at least quarterly reports from the loan administrator. The loan administrator's report must include, at a minimum, the number of microloan applications received, the number of microloans made, the amount and interest rate of each microloan made, the amount of technical assistance or business development and management training provided, the number of full-time equivalent jobs created as a result of the microloans, the amount of wages paid to employees in the newly created jobs, the six-digit North American Industry Classification System (NAICS) code associated with the borrower's business, and the borrower's locations.

(4) The Office of Program Policy Analysis and Government Accountability shall conduct a study to evaluate the effectiveness and return on investment of the State Small Business Credit Initiative operated in this state pursuant to 12 U.S.C. ss. 5701 et seq. The office shall submit a report to the President of the Senate and the Speaker of the House of Representatives by January 1, 2015.

Section 51. Section 288.9937, Florida Statutes, is created to read:

288.9937 Evaluation of programs.—The Office of Program Policy Analysis and Government Accountability shall analyze, evaluate, and determine the economic benefits, as defined in s. 288.005, of the first 3 years of the Microfinance Loan Program and the Microfinance Guarantee Program. The analysis must also evaluate the number of jobs created, the increase or decrease in personal income, and the impact on state gross domestic product from the direct, indirect, and induced effects of the state's investment. The analysis must also identify any inefficiencies in the programs and provide recommendations for changes to the programs. The office shall submit a report to the President of the Senate and the Speaker of the House of Representatives by January 1, 2018. This section expires January 31, 2018.

Section 52. *(1) The executive director of the Department of Economic Opportunity is authorized, and all conditions are deemed to be met, to 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 other provision of law, the emergency rules adopted pursuant to subsection (1) remain in effect for 6 months after adoption and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.

(3) This section shall expire October 1, 2015.

Section 53. *For the 2014-2015 fiscal year, the sum of $10 million in nonrecurring funds from the General Revenue Fund is appropriated to the Department of Economic Opportunity to implement this act. From these nonrecurring funds, the Department of Economic Opportunity and Enterprise Florida, Inc., may spend up to $100,000 to market and promote the programs created in this act. For the 2014-2015 fiscal year, one full-time equivalent position is authorized with 55,000 of salary rate, and $64,759 of recurring funds and $3,018 of nonrecurring funds from the State Economic Enhancement and Development Trust Fund, $12,931 of recurring funds and $604 of nonrecurring funds from the Tourism Promotional Trust Fund, and $3,233 of recurring funds and $151 of nonrecurring funds from the Florida International Trade and Promotion Trust Fund are appropriated to the Department of Economic Opportunity to implement this act.*

And the title is amended as follows:

Delete line 1864 and insert: references to changes made by the act; creating Part XIV of ch. 288, F.S., consisting of ss. 288.993-288.9937, F.S., relating to microfinance programs; creating s. 288.993, F.S.; providing a short title; creating s. 288.9931, F.S.; providing legislative findings and intent; creating s. 288.9932, F.S.; defining terms; creating s.

288.9933, F.S.; authorizing the Department of Economic Opportunity to adopt rules to implement this part; creating s. 288.9934, F.S.; establishing the Microfinance Loan Program; providing a purpose; defining the term "loan administrator"; requiring the Department of Economic Opportunity to contract with at least one entity to administer the program; requiring the loan administrator to contract with the department to receive an award of funds; providing other terms and conditions to receiving funds; specifying fees authorized to be charged by the department and the loan administrator; requiring the loan administrator to remit the microloan principal collected from all microloans made with state funds received by the loan administrator; providing for contract termination; providing for auditing and reporting; requiring applicants for funds from the Microfinance Loan Program to meet certain qualifications; requiring the department to be guided by the 5-year statewide strategic plan and to advertise and promote the loan program; requiring the department to perform a study on methods and best practices to increase the availability of and access to credit in this state; prohibiting the pledging of the credit of the state; authorizing the department to adopt rules; creating s. 288.9935, F.S.; establishing the Microfinance Guarantee Program; defining the term "lender"; requiring the department to contract with Enterprise Florida, Inc., to administer the program; prohibiting Enterprise Florida, Inc., from guaranteeing certain loans; requiring borrowers to meet certain conditions before receiving a loan guarantee; requiring Enterprise Florida, Inc., to submit an annual report to the department; prohibiting the pledging of the credit of the state or Enterprise Florida, Inc.; creating s. 288.9936, F.S.; requiring the department to report annually on the Microfinance Loan Program; requiring the Office of Program Policy Analysis and Government Accountability to report on the effectiveness of the State Small Business Credit Initiative; creating s. 288.9937, F.S.; requiring the Office of Program Policy Analysis and Government Accountability to evaluate and report on the Microfinance Loan Program and the Microfinance Guarantee Program by a specified date; authorizing the executive director of the Department of Economic Opportunity to adopt emergency rules; providing an appropriation to the Department of Economic Opportunity; authorizing the Department of Economic Opportunity and Enterprise Florida, Inc., to spend a specified amount for marketing and promotional purposes; authorizing and providing an appropriation for one full-time equivalent position; providing an

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

Senator Altman moved the following amendment to **Amendment 1 (494350)** which was adopted:

Amendment 1E (292942) (with title amendment)—Between lines 600 and 601 insert:

Section 15. Section 331.371, Florida Statutes, is created to read:

331.371 Strategic space infrastructure investment.—In consultation with Space Florida, the Department of Transportation may fund strategic spaceport launch support facilities investment projects, as defined in s. 331.303, at up to 100 percent of the project's cost if:

(1) Important access and on-spaceport and commercial launch facility capacity improvements are provided;

(2) Capital improvements that strategically position the state to maximize opportunities in international trade are achieved;

(3) Goals of an integrated intermodal transportation system for the state are achieved; and

(4) Feasibility and availability of matching funds through federal, local, or private partners are demonstrated.

And the title is amended as follows:

Delete line 1828 and insert: and development duties of Space Florida; creating s. 331.371, F.S.; authorizing the Department of Transportation to fund strategic spaceport launch support facilities investment projects under certain conditions; repealing s.

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

Senator Soto moved the following amendment to **Amendment 1 (494350)**:

Amendment 1F (877478) (with directory and title amendments)—Between lines 1699 and 1700 insert:

(4) Two or more developments, represented by their owners or developers to be separate developments, shall be aggregated and treated as a single development under this chapter when they are determined to be part of a unified plan of development and are physically proximate to one other.

(c) Aggregation is not applicable when the following circumstances and provisions of this chapter are applicable:

1. Developments which are otherwise subject to aggregation with a development of regional impact which has received approval through the issuance of a final development order shall not be aggregated with the approved development of regional impact. However, nothing contained in this subparagraph shall preclude the state land planning agency from evaluating an allegedly separate development as a substantial deviation pursuant to s. 380.06(19) or as an independent development of regional impact.

2. Two or more developments, each of which is independently a development of regional impact that has or will obtain a development order pursuant to s. 380.06.

3. Completion of any development that has been vested pursuant to s. 380.05 or s. 380.06, including vested rights arising out of agreements entered into with the state land planning agency for purposes of resolving vested rights issues. Development-of-regional-impact review of additions to vested developments of regional impact shall not include review of the impacts resulting from the vested portions of the development.

4. The developments sought to be aggregated were authorized to commence development prior to September 1, 1988, and could not have been required to be aggregated under the law existing prior to that date.

5. Any development that qualifies for an exemption under s. 380.06(29).

And the directory clause is amended as follows:

Delete lines 1683-1684 and insert:

Section 38. Paragraph (g) of subsection (3) and paragraph (c) of subsection (4) of section 380.0651, Florida Statutes, are amended to read:

And the title is amended as follows:

Delete line 1860 and insert: 373.4595, and 380.06, F.S.; renaming "rural areas of critical economic concern" as "rural areas of opportunity"; amending s. 380.0651, F.S.; renaming "rural areas of critical economic concern" as "rural areas of opportunity"; adding a circumstance under which the requirement that two or more developments be aggregated and treated as a single development is inapplicable; amending ss. 985.686 and 1011.76,

POINT OF ORDER

At the direction of the President, a point of order having been raised that pursuant to Rule 7.1(4)(c), **Amendment 1F (877478)** was the principal substance of **CS for SB 372** which was in the Committee on Rules.

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

At the direction of the President, further consideration of **CS for HB 7023** with pending **Amendment 1 (494350)**, **Amendment 1C (838754)**, and **Amendment 1F (877478)** and pending points of order was deferred.

MOTION

On motion by Senator Thrasher, the rules were waived and **CS for HB 7023**, with pending amendments and pending points of order, was retained on second reading and the Special Order Calendar for Thursday, May 1, 2014.

MOTIONS

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 Thursday, May 1, 2014.

On motion by Senator Thrasher, the rules were waived and the bills remaining on the Special Order Calendar this day were retained on the Special Order Calendar.

On motion by Senator Thrasher, the rules were waived and **CS for SB 310** was withdrawn from the Committees on Judiciary; and Appropriations, and placed on the Special Order Calendar for Thursday, May 1, 2014.

On motion by Senator Lee, the rules were waived and **HB 683** was withdrawn from the Committee on Rules and placed on the Special Order Calendar for Thursday, May 1, 2014.

REPORTS OF COMMITTEES

Pursuant to Rule 4.17(1), the Rules Chair, Majority Leader, and Minority Leader submit the following bills to be placed on the Special Order Calendar for Wednesday, April 30, 2014: CS for SB 66, CS for SB 72, CS for CS for CS for SB 296, CS for SB 744, CS for CS for CS for SB 746, CS for CS for SB 808, CS for SB 810, SB 914, CS for CS for CS for SB 948, CS for CS for CS for SB 1044, CS for CS for SB 1048, CS for CS for CS for SB 1254, CS for CS for SB 1114, CS for SB 1148, SB 1172, CS for CS for SB 1208, CS for SB 1292, CS for CS for SB 1328, CS for SB 1394, CS for CS for SB 1512, CS for CS for CS for SB 1576, CS for SB 1582, CS for CS for SB 1634, SB 1748.

Respectfully submitted,
John Thrasher, Rules Chair
Lizbeth Benacquisto, Majority Leader
Christopher L. Smith, Minority Leader

COMMUNICATION

April 29, 2014

In compliance with Article III, Section 19(d) of the Florida Constitution, and Joint Rule 2, the Budget Conference Committee Report on **HB 5001** was electronically furnished to each member of the Legislature, the Governor, the Chief Justice of the Supreme Court, and each member of the Cabinet.

The Conference Committee Report on HB 5001 was made available on Tuesday, April 29, 2014 at 8:35 p.m.

Respectfully Submitted,
Robert L. "Bob" Ward
Clerk of the House

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Don Gaetz, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for HB 1161 as amended and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

By Economic Affairs Committee, Transportation & Highway Safety Subcommittee and Representative(s) Goodson—

CS for CS for HB 1161—A bill to be entitled An act relating to the Department of Transportation; creating s. 339.041, F.S.; providing legislative findings and intent; authorizing the department to seek certain investors for certain leases; prohibiting the department from pledging the credit, general revenues, or taxing power of the state or any political subdivision of the state; specifying the collection and deposit of lease payments by agreement with the department; amending s. 373.618, F.S.; revising provisions relating to public service warning signs; amending s. 479.01, F.S., relating to outdoor advertising signs; revising and deleting definitions; amending s. 479.02, F.S.; revising duties of the Department of Transportation relating to signs; deleting a requirement that the department adopt certain rules; creating s. 479.024, F.S.; limiting the placement of signs to commercial or industrial zones; defining the terms "parcel" and "utilities"; requiring a local government to use specified criteria to determine zoning for commercial or industrial parcels; providing that certain parcels are considered unzoned commercial or industrial areas; authorizing a permit for a sign in an unzoned commercial or industrial area in certain circumstances; prohibiting specified uses and activities from being independently recognized as commercial or industrial; providing an appeal process for an applicant whose permit is denied; requiring an applicant whose application is denied to remove an existing sign pertaining to the application; requiring the department to reduce certain transportation funding in certain circumstances; amending s. 479.03, F.S.; requiring notice to owners of intervening privately owned lands before the department enters upon such lands to remove an illegal sign; amending s. 479.04, F.S.; providing that an outdoor advertising license is not required solely to erect or construct outdoor signs or structures; amending s. 479.05, F.S.; authorizing the department to suspend a license for certain offenses and specifying activities that the licensee may engage in during the suspension; prohibiting the department from granting a transfer of an existing permit or issuing an additional permit during the suspension; amending s. 479.07, F.S.; revising requirements for obtaining sign permits; conforming and clarifying provisions; revising permit tag placement requirements for signs; deleting a provision that allows a permittee to provide its own replacement tag; revising requirements for permitting certain signs visible to more than one highway; deleting provisions limiting a pilot program to specified locations; deleting redundant provisions relating to certain new or replacement signs; deleting provisions requiring maintenance of statistics on the pilot program; amending s. 479.08, F.S.; revising provisions relating to the denial or revocation of a permit because of false or misleading information in the permit application; amending s. 479.10, F.S.; authorizing the cancellation of a permit; amending s. 479.105, F.S.; revising notice requirements to owners and advertisers relating to signs erected or maintained without a permit; revising procedures for the department to issue a permit as a conforming or nonconforming sign to the owner of an unpermitted sign; providing a penalty; amending s. 479.106, F.S.; revising provisions relating to the removal, cutting, or trimming of trees or vegetation to increase sign face visibility; providing that a specified penalty is applied per sign facing; amending s. 479.107, F.S.; deleting a fine for specified violations; amending s. 479.11, F.S.; prohibiting signs on specified portions of the interstate highway system; amending s. 479.111, F.S.; clarifying a reference to a certain agreement; amending s. 479.15, F.S.; deleting a definition; revising provisions relating to relocation of certain signs on property subject to public acquisition; amending s. 479.156, F.S.; clarifying provisions relating to the regulation of wall murals; amending s. 479.16, F.S.; exempting certain signs from ch. 479, F.S.; exempting from permitting certain signs placed by tourist-oriented businesses, certain farm signs placed during harvest seasons, certain acknowledgment signs on publicly funded school premises, and certain displays on specific sports facilities; prohibiting certain permit exemptions from being implemented or continued if the implementations or continuations will adversely impact the allocation of federal funds to the Department of Transportation; directing the department to notify a sign owner that the sign must be removed if federal funds are adversely impacted; authorizing the department to remove the sign and assess costs to the sign owner under certain circumstances; amending s. 479.24, F.S.; clarifying provisions relating to compensation paid for the department's acquisition of lawful signs; amending s. 479.25, F.S.; revising provisions relating to local government action with respect to erection of noise-attenuation barriers that block views of lawfully erected signs; deleting provisions to conform to changes made by the act; amending s. 479.261, F.S.; expanding the logo program to the limited access highway system; conforming provisions related to a logo sign program on the limited access highway system; amending s. 479.262, F.S.; clarifying provisions relating to the tourist-oriented directional sign program; limiting the

placement of such signs to intersections on certain rural roads; prohibiting such signs in urban areas or at interchanges on freeways or expressways; amending s. 479.313, F.S.; requiring a permittee to pay the cost of removing certain signs following the cancellation of the permit for the sign; establishing a pilot program for the School District of Palm Beach County authorizing signage on certain school district property to recognize the names of the school district's business partners; providing for expiration of the program; repealing s. 76 of chapter 2012-174, Laws of Florida, relating to authorizing the department to seek Federal Highway Administration approval of a tourist-oriented commerce sign pilot program and directing the department to submit the approved pilot program for legislative approval; amending s. 335.065, F.S.; authorizing the department to enter into certain concession agreements; providing for use of agreement revenues; providing that the agreements are subject to applicable federal laws; requiring that a concession agreement be administered by the department and meet certain requirements; providing an effective date.

—was referred to the Committees on Transportation; and Community Affairs.

RETURNING MESSAGES — FINAL ACTION

The Honorable Don Gaetz, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for CS for SB 218, CS for CS for CS for SB 272, CS for CS for SB 286, CS for SB 358, SB 374, SB 386, SB 392, CS for CS for SB 440, CS for CS for SB 450, SB 490, CS for CS for CS for SB 702, CS for CS for SB 708, CS for SB 762, SB 1010, CS for CS for SB 1070, CS for SB 1142, CS for SB 1238, CS for CS for SB 1308, CS for CS for SB 1524, SB 1636, CS for SB 1642, SB 1664 and SB 1676; passed CS for SB 256, CS for SB 1140, CS for CS for SB 1320 and CS for CS for SB 1526 by the required constitutional two-thirds vote of the members voting; passed CS for SJR 1188 by the required constitutional three-fifths vote of the membership of the House.

Robert L. "Bob" Ward, Clerk

The bills contained in the foregoing messages were ordered enrolled.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 29 was corrected and approved.

CO-INTRODUCERS

Senator Gibson—CS for SB 744, CS for CS for CS for SB 972

ADJOURNMENT

On motion by Senator Thrasher, the Senate adjourned at 3:36 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Thursday, May 1 or upon call of the President.