Journal of the Senate

Number 19—Regular Session **Wednesday, April 29, 2015**

CONTENTS

CALL TO ORDER

The Senate was called to order by President Gardiner at 10:00 a.m. A quorum present—37:

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

PRAYER

The following prayer was offered by Reverend Dr. Richard Effinger, Associate Rector, St. John's Episcopal Church, Tallahassee:

Most Holy One, we thank you for the blessing of this day. As we begin another day of legislative session, we especially give thanks for the blessings of freedom and security we all share that allow us to gather today and exercise the authority entrusted to us. We pray for all who govern and hold authority that there may be justice and peace in our city, in our nation, and in the world.

We pray that you be present among us in our deliberations this day. Preserve in us patience and respect for one another; in our agreements and more importantly, in our disagreements, that we may always respect the dignity of each one of us as living members of your creation. Give us the clarity and the courage to do what is right, keeping us ever mindful of those most in need of our attention and our compassion.

All these things we pray in your most holy name. Amen.

PLEDGE

Senate Pages, Charles Abbatantuono of Longwood; Alex Toney of Saint Johns; and Sarah Carroll of Naples, led the Senate in the Pledge of Allegiance to the flag of the United States of America.

REPORTS OF COMMITTEE RELATING TO EXECUTIVE BUSINESS

The Honorable Andy Gardiner
President, The Florida Senate

April 29, 2015

Dear President Gardiner:

The following executive appointment was referred to the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 of the Rules of the Florida Senate. The Senate Committee on Military and Veterans Affairs, Space, and Domestic Security considered and recommended the confirmation of the following executive appointment. The Senate Committee on Ethics and Elections did not consider the following executive appointment:

Office and Appointment		*For Term Ending*
Adjutant General of Florida National Guard		
Appointee:	Calhoun, Michael A.	Pleasure of Governor

Except as specifically noted above, the committee held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of the appointee. After due consideration of the findings of such inquiry and the evidence presented at the public hearing, the Committee on Ethics and Elections and other referenced committee respectfully advise and recommend that pursuant to the authority granted in Article IV, Section 6(a), Florida Constitution, and in accordance with s. 114.05(1)(c), Florida Statutes:

(1) the executive appointment of the above-named appointee, to the office and for the term indicated, be confirmed by the Senate;

(2) Senate action on said appointment be taken prior to the adjournment of the 2015 Regular Session; and

(3) there is no necessity known to the committees for the deliberations on said appointment to be held in executive session.

Respectfully submitted,
Garrett Richter, Chair

On motion by Senator Richter, the report was adopted and the Senate confirmed the appointment identified in the foregoing report of the committee to the office and for the term indicated in accordance with the recommendation of the committee.

The vote was:

Yeas—37

Mr. President	Brandes	Diaz de la Portilla
Abruzzo	Braynon	Evers
Altman	Bullard	Flores
Bean	Clemens	Gaetz
Benacquisto	Dean	Garcia
Bradley	Detert	Gibson

Grimsley	Margolis	Smith
Hays	Montford	Sobel
Hukill	Negron	Soto
Hutson	Richter	Stargel
Joyner	Ring	Thompson
Latvala	Sachs	
Legg	Simpson	

Nays—None

The Honorable Andy Gardiner
President, The Florida Senate

April 29, 2015

Dear President Gardiner:

The following executive appointments were referred to the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Board of Accountancy		
Appointees:	Dennis, David L.	10/31/2018
	Fennema, Martin G.	10/31/2018
	Keegan, Tracy L.	10/31/2017
	Vogel, Harold S.	10/31/2018
Florida Board of Auctioneers		
Appointee:	Hartman, Ransom Reed	10/31/2016
Barbers' Board		
Appointees:	Smith, Monica Schuloff	10/31/2017
	Stewart, Edwin A., Jr.	10/31/2017
Florida Building Code Administrators and Inspectors Board		
Appointees:	Barthlow, Frederick A.	10/31/2016
	Valentin, Edwin	10/31/2015
Board of Chiropractic Medicine		
Appointees:	Colter, David C.	10/31/2017
	Fogarty, Kevin G.	10/31/2018
Board of Clinical Laboratory Personnel		
Appointees:	Montoya, Beatriz Elena	10/31/2015
	Shelfer, Steven G.	10/31/2016
	Valdes, Linda	10/31/2018
Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling		
Appointees:	Bolhouse, Lisa	10/31/2018
	Cecil-Van Den Heuvel, Denise J.	10/31/2018
Regulatory Council of Community Association Managers		
Appointees:	Cunningham, Sharon F.	10/31/2018
	Sibley, Robert E.	10/31/2015
Construction Industry Licensing Board		
Appointees:	Castro, Hector A.	10/31/2017
	Wolf, Jason	10/31/2017
Board of Cosmetology		
Appointees:	Poppell, Frances C.	10/31/2015
	Tabano, Robin	10/31/2017
Board of Dentistry		
Appointee:	Kochenour, William Lewis, II	10/31/2017
Electrical Contractors' Licensing Board		
Appointees:	Echarri, Rafael	10/31/2017
	Krak, Kathleen Meagher	10/31/2016
	Smith, Benjamin E.	10/31/2017
Board of Professional Engineers		
Appointees:	Fiorillo, Anthony Joseph	10/31/2018
	Varghese, Babu	10/31/2016
Board of Professional Geologists		
Appointee:	Warden, Stanley M.	10/31/2017
Board of Hearing Aid Specialists		
Appointees:	Dechmerowski, Pamela Garber	10/31/2018
	Ellsworth, Randy M.	10/31/2016
	Hollern, Thomas M.	10/31/2017
Board of Landscape Architecture		
Appointee:	Donovan, Brian T.	10/31/2017
Board of Medicine		
Appointees:	El Sanadi, Nabil	10/31/2018
	Zachariah, Zachariah P., M.D.	10/31/2018
Board of Nursing		
Appointees:	Desmond, Lori L.	10/31/2018
	Glymph, Derrick C.	10/31/2016
	Hubbard, Anna	10/31/2016
	Johnson, Lisa R.	10/31/2015
	Katz, Todd	10/31/2015
	McKeen, Deborah	10/31/2017
	Newman, Jody Bryant	10/31/2017
Board of Opticianry		
Appointees:	Girdler, John B., III	10/31/2018
	Slattery, Margaret E.	10/31/2017
	Wilford, Paul M.	10/31/2017
	Williams, Richard E.	10/31/2015
Board of Orthotists and Prosthetists		
Appointees:	Gooljar, Ruphlal R.	10/31/2018
	Saunders, Brett R.	10/31/2018
Board of Pharmacy		
Appointee:	Alvarez, Goar	10/31/2017
Board of Physical Therapy Practice		
Appointee:	Chenoweth, Steven T.	10/31/2017
Board of Pilot Commissioners		
Appointees:	Burke, Thomas A.	10/31/2015
	Miguez, Enrique	10/31/2017
	Ramos, Brian	10/31/2016
Board of Podiatric Medicine		
Appointee:	Sindone, Joseph	10/31/2018
Board of Psychology		
Appointees:	Mackintosh, Randi Celia	10/31/2018
	O'Brien, Mary Denise	10/31/2018
Florida Real Estate Appraisal Board		
Appointees:	Bush, Benjamin B.	10/31/2016
	Ketcham, Clayton "Clay" Blane	10/31/2018
	Roy, Michael C.	10/31/2018
Florida Real Estate Commission		
Appointees:	Hornsleth, Poul	10/31/2018
	Luzier, Thomas B.	10/31/2018
Board of Respiratory Care		
Appointees:	Colon, Ruben	10/31/2018
	Garcia, Roberto N.	10/31/2018
Board of Speech-Language Pathology and Audiology		
Appointees:	Guerreiro, Sergio M.	10/31/2018
	Johnson, Peter R.	10/31/2016
	Rahe, Frederick A.	10/31/2017
	Rutland, Kristen	10/31/2018
Board of Professional Surveyors and Mappers		
Appointees:	Campanile, Nicholas	10/31/2018
	Grubbs, O. George	10/31/2018
	Petzold, Robin B.	10/31/2018

Office and Appointment		*For Term Ending*
Board of Veterinary Medicine		
Appointee:	Partridge, Harvey	10/31/2018

As required by Rule 12.7, the committee caused to be conducted an inquiry into the qualifications, experience, and general suitability of the above-named appointees for appointment to the office indicated. In aid of such inquiry, the committee held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of the appointees. After due consideration of the findings of such inquiry and the evidence adduced at the public hearings, the Committee on Ethics and Elections respectfully advise and recommend that in accordance with s. 114.05(1)(c), Florida Statutes:

(1) the executive appointments of the above-named appointees, to the offices and for the terms indicated, be confirmed by the Senate;

(2) Senate action on said appointments be taken prior to the adjournment of the 2015 Regular Session; and

(3) there is no necessity known to the committee for the deliberations on said appointments to be held in executive session.

Respectfully submitted,
Garrett Richter, Chair

On motion by Senator Richter, the report was adopted and the Senate confirmed the appointments identified in the foregoing report of the committee to the offices and for the terms indicated in accordance with the recommendation of the committee.

The vote was:

Yeas—38

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

Nays—None

Consideration of Executive Business Confirmation Floor Report 3 was deferred.

The Honorable Andy Gardiner April 29, 2015
President, The Florida Senate

Dear President Gardiner:

The following executive appointments were referred to the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Greater Orlando Aviation Authority		
Appointee:	Fouché, Julian E.	04/16/2018
Florida Building Commission		
Appointees:	Calleja, Oscar L.	02/03/2019
	Schilling, Frederick C., Jr.	01/31/2019
	Schock, James R.	01/12/2019
Florida Citrus Commission		
Appointees:	Casper, Danny K.	05/31/2017
	Hunt, G. Ellis, Jr.	05/31/2017
	McKenna, Martin J.	05/31/2017
Hillsborough County Civil Service Board		
Appointee:	Strepina, Scott D.	07/02/2017
Florida Commission on Community Service		
Appointees:	Demko, Todd D.	09/14/2016
	Martinez, Natalia	09/14/2015
	Walker, Kelli L.	09/14/2015
Florida Development Finance Corporation		
Appointee:	White, Frank	05/02/2017
Citrus County Hospital Board		
Appointee:	Fallows, Christopher Mark	07/08/2018
Florida Housing Finance Corporation		
Appointees:	Diaz de la Portilla, Renier	11/13/2018
	Munilla, Natacha	11/13/2018
	Smith, Bernard E.	11/13/2018
	Wheeler, Howard L., Jr.	11/13/2018
Florida Inland Navigation District		
Appointees:	Netts, Jonathan S.	01/09/2019
	Sansom, Jerry H.	01/09/2019
Southeast Interstate Low-Level Radioactive Waste Management Commission		
Appointee:	Williamson, John A.	06/30/2016
Juvenile Welfare Board of Pinellas County		
Appointees:	Aungst, Brian J., Jr.	08/07/2018
	Rolston, Susan	08/11/2018
	Sewell, James D.	08/11/2018
Governor's Mansion Commission		
Appointee:	Smith, Carole C.	09/30/2017
Gulf States Marine Fisheries Commission		
Appointee:	Hansen, Michael P.	01/05/2016
Board of Directors, Prison Rehabilitative Industries and Diversified Enterprises, Inc.		
Appointees:	Hauser, David L.	09/30/2018
	Nicklaus, Harry Gregg	09/30/2018
Northeast Florida Regional Planning Council, Region 4		
Appointees:	Bell, Aaron	10/01/2015
	Brown, Elaine	10/01/2016
	Mason, Lane Harlan	10/01/2016
	Sgroi, Robert E.	10/01/2015
Tampa Bay Regional Planning Council, Region 8		
Appointees:	Neal, John A.	10/01/2016
	Schock, Timothy E.	10/01/2016
	Todd, Barbara Sheen	10/01/2016
Treasure Coast Regional Planning Council, Region 10		
Appointees:	Bournique, Douglas C.	10/01/2016
	Sachs, Peter S.	10/01/2016
	Smallridge, Kelly	10/01/2015
Florida Transportation Commission		
Appointee:	Ferre, Maurice A.	09/30/2018

The following executive appointment was referred to the Senate Committee on Criminal Justice and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 of the Rules of the Florida Senate. The Senate Committee on Criminal Justice and the Senate Committee on Ethics and Elections considered and recommended the confirmation of the executive appointment:

Office and Appointment	*For Term Ending*
Florida Commission on Offender Review	
Appointee: Davison, Richard D.	06/30/2020

The following executive appointment was referred to the Senate Committee on Transportation and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 of the Rules of the Florida Senate. The Senate Committee on Transportation and the Senate Committee on Ethics and Elections considered and recommended the confirmation of the following executive appointment.

Office and Appointment	*For Term Ending*
Tampa-Hillsborough County Expressway Authority	
Appointee: Garcia, John C.	07/01/2018

As required by Rule 12.7, the committees caused to be conducted an inquiry into the qualifications, experience, and general suitability of the above-named appointees for appointment to the office indicated. In aid of such inquiry, the committees held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of the appointees. After due consideration of the findings of such inquiry and the evidence adduced at the public hearings, the Committee on Ethics and Elections and other referenced committees respectfully advise and recommend that in accordance with s. 114.05(1)(c), Florida Statutes:

(1) the executive appointments of the above-named appointees, to the offices and for the terms indicated, be confirmed by the Senate;

(2) Senate action on said appointments be taken prior to the adjournment of the 2015 Regular Session; and

(3) there is no necessity known to the committees for the deliberations on said appointments to be held in executive session.

Respectfully submitted,
Garrett Richter, Chair

On motion by Senator Richter, the report was adopted and the Senate confirmed the appointments identified in the foregoing report of the committee to the offices and for the terms indicated in accordance with the recommendation of the committee.

The vote was:

Yeas—40

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

Nays—None

DISCLOSURE

Pursuant to Senate Rule 1.39, I am disclosing that certain provisions in the appointment of Renier Diaz de la Portilla provide a special private gain or loss to an immediate family member or business associate of mine. The nature of the interest and the persons or entities involved are specified below:

My brother, Renier Diaz de la Portilla, was appointed by Governor Rick Scott to Board of the Florida Housing Finance Corporation, and confirmed by the Florida Senate on April 29, 2015. I voted on this confirmation. Although I will not receive a special private gain or loss, such appointment may be construed as a special private gain or loss to my brother.

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

Senator Miguel Diaz de la Portilla, 40th District

LOCAL BILL CALENDAR

SENATOR RICHTER PRESIDING

MOTION

On motion by Senator Simmons, the rules were waived and **HB 485**, **CS for HB 593**, **HB 647**, **HB 691**, **CS for HB 725**, **HB 851**, **CS for HB 859**, **CS for HB 861**, **HB 871**, **CS for CS for HB 899**, **HB 969**, **CS for HB 983**, **CS for HB 1093**, **CS for CS for HB 1167**, **HB 1201**, **CS for CS for CS for HB 1203**, **HB 1213**, **HB 1215**, **HB 1217**, **HB 1253**, **HB 1327**, **HB 1329**, **HB 1331**, **CS for HB 1333**, **HB 1337**, and **CS for CS for HB 1255** on the Local Bill Calendar were withdrawn from the Committee on Rules, read a second and third time by title, and passed this day.

HB 485—A bill to be entitled An act relating to the Santa Rosa Island Authority, Escambia County; amending chapter 24500 (1947), Laws of Florida, as amended; revising the amounts authorized to be paid as an allowance for members of the authority; providing an effective date.

—was read the second time by title. On motion by Senator Evers, by two-thirds vote **HB 485** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

CS for HB 593—A bill to be entitled An act relating to Wakulla County; creating the City of Panacea; providing a charter; providing legislative intent; providing a council-manager form of government; providing boundaries; providing municipal powers; providing for a city council, mayor, and vice mayor; providing for membership, qualifications, terms, powers, duties, circumstances resulting in vacancy in office, grounds for forfeiture and suspension, filling of vacancies, and compensation and expenses of council members and the mayor and vice mayor; providing for appointment of charter officers, including a city manager, city attorney, and city clerk; providing for removal, compensation, filling of vacancies, qualifications, powers, and duties of charter officers; providing for the expenditure of city funds; providing for city council meetings and specifying requirements relating thereto; providing for adoption, distribution, and recording of technical codes; providing for emergency ordinances and appropriations; providing for recordkeeping; prohibiting dual office holding; prohibiting certain interference with city employees; establishing the fiscal year; providing for adoption of an annual budget and appropriations; providing for supplemental, reduction in, and transfer of appropriations; providing for limitations; providing for an annual financial audit; providing for nonpartisan elections and matters relating thereto; providing for recall; providing for charter amendments; providing for standards of conduct in office; providing for

severability; providing for a city personnel system; prohibiting charitable contributions unless authorized by the council; providing for land use changes; providing the city a transitional schedule and procedures for its first election; providing for first-year expenses; providing for adoption of transitional ordinances, resolutions, a comprehensive plan, and local development regulations; providing for sharing of revenues from the communications services tax; providing for accelerated entitlement to state-shared revenues; providing for receipt and distribution of gas tax revenues; providing for continuation of the Wakulla County Fire Rescue Municipal Service Taxing Unit; providing for law enforcement; providing for waivers; requiring a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Montford, by two-thirds vote **CS for HB 593** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 647—A bill to be entitled An act relating to the City of Jacksonville, Duval County; amending chapter 92-341, Laws of Florida, as amended; revising the authority of the civil service board to hear appeals, complaints, and grievances; providing an effective date.

—was read the second time by title. On motion by Senator Bean, by two-thirds vote **HB 647** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 691—A bill to be entitled An act relating to the Sarasota-Manatee Airport Authority; amending chapter 2003-309, Laws of Florida; providing a definition; providing additional powers of the authority; providing an effective date.

—was read the second time by title. On motion by Senator Galvano, by two-thirds vote **HB 691** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

CS for HB 725—A bill to be entitled An act relating to the City of Jacksonville, Duval County; providing an exception to general law; allowing kiteboarding and kitesurfing within a specified area; providing an effective date.

—was read the second time by title. On motion by Senator Bean, by two-thirds vote **CS for HB 725** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 851—A bill to be entitled An act relating to Manatee County; amending chapter 63-1598, Laws of Florida; providing that unpaid rentals, rates, or charges for services and facilities of the utility system constitute a lien on any parcel or property affected by such services or facilities; providing an effective date.

—was read the second time by title. On motion by Senator Galvano, by two-thirds vote **HB 851** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Sobel	Stargel
Soto	Thompson

Nays—None

CS for HB 859—A bill to be entitled An act relating to the Greater Naples Fire Rescue District, Collier County; amending chapter 2014-240, Laws of Florida; expanding the boundaries of the district; requiring a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Richter, by two-thirds vote **CS for HB 859** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

CS for HB 861—A bill to be entitled An act relating to the Greater Naples Fire Rescue District, Collier County; amending chapter 2014-240, Laws of Florida; expanding the boundaries of the district; requiring a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Richter, by two-thirds vote **CS for HB 861** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 871—A bill to be entitled An act relating to Broward County; adjusting the corporate limits of the City of Weston and the Town of Davie to clarify boundaries; providing an effective date.

—was read the second time by title. On motion by Senator Ring, by two-thirds vote **HB 871** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

CS for CS for HB 899—A bill to be entitled An act relating to the North Collier Fire Control and Rescue District, Collier County; merging the Big Corkscrew Island Fire Control and Rescue District and the North Naples Fire Control and Rescue District to create an independent special district; providing legislative intent; providing for applicability of chapters 189 and 191, F.S.; providing a district charter; providing for preservation of existing powers; providing purposes; providing for service delivery areas; providing boundaries; providing for applicability of chapter 171, F.S.; providing for expansion of boundaries; providing district powers; providing for a district board; providing duties and powers of the board; providing for elections, salaries, and removal of the board members; providing an exception to general law; providing authority of the board; providing for quorum and voting; providing for district finances; providing for raising revenue; providing for taxation; providing a savings clause for the existing district authority to levy up to 1 mill in the North Naples Service Delivery Area and up to 3.75 mills in the Big Corkscrew Island Service Delivery Area; providing for district budget; providing for use of a cost allocation methodology; providing for separate taxing subunits; providing for non-ad valorem assessments, fees, and service charges; providing for bonds; providing for collection and disbursement of impact fees; providing for elections; providing for eminent domain powers; providing for the preservation of all contracts, obligations, rules, resolutions, and policies; preserving existing board and employees except as described in the district's endorsed merger plan; providing financial disclosure, meeting notices, reporting, public records maintenance, and planning requirements; providing a dissolution process; providing for exemption from taxation; providing for immunity from tort liability; providing for liberal construction; providing that the act shall take precedence over any conflicting law to the extent of such conflict; providing for the determination of millage; repealing chapters 99-450, 2000-395, and 2006-353, Laws of Florida; providing an effective date.

—was read the second time by title. On motion by Senator Richter, by two-thirds vote **CS for CS for HB 899** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 969—A bill to be entitled An act relating to the North Springs Improvement District, Broward County; amending chapter 2005-341, Laws of Florida, as amended; extending and enlarging the boundaries of the district; providing an effective date.

—was read the second time by title. On motion by Senator Ring, by two-thirds vote **HB 969** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

CS for HB 983—A bill to be entitled An act relating to the Village of Estero, Lee County; amending chapter 2014-249, Laws of Florida; providing continuing effect of certain developments of regional impact; delaying compliance with state-shared revenue requirements; authorizing millage levied by the Estero Fire Rescue District to be used for certain purposes; revising the corporate and council district boundaries; providing an effective date.

—was read the second time by title. On motion by Senator Richter, by two-thirds vote **CS for HB 983** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

CS for HB 1093—A bill to be entitled An act relating to the Village of Estero, Lee County; amending chapter 2014-249, Laws of Florida; revising district boundaries; revising boundaries of district 1; providing an effective date.

—was read the second time by title. On motion by Senator Richter, by two-thirds vote **CS for HB 1093** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

CS for CS for HB 1167—A bill to be entitled An act relating to the City of West Palm Beach, Palm Beach County; amending chapter 24981, Laws of Florida, 1947, as amended; revising definitions; defining the term "Fire Chief"; authorizing the Fire Chief to opt out of participation in the West Palm Beach Firefighters Pension Fund; providing that chapter 175, F.S., funds to be used to reduce member contributions to the fund for specified calendar years; requiring the city to make up certain shortfalls in member contributions; providing for a reduction in member contributions for 3 years; revising the crediting rate for certain members in the share and BackDROP accounts; removing a requirement for members to take a lump sum distribution of their share and BackDROP account balances within a specified time after their termination of employment in certain circumstances; authorizing members to choose BackDROP periods between 1 month and 60 months in duration; revising BackDROP benefits; revising assumption for amortization of gains and losses; providing an effective date.

—was read the second time by title. On motion by Senator Clemens, by two-thirds vote **CS for CS for HB 1167** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 1201—A bill to be entitled An act relating to the Ocean Highway and Port Authority, Nassau County; amending chapter 2005-293, Laws of Florida; providing for the partisan election of members of the board of port commissioners; providing an effective date.

—was read the second time by title. On motion by Senator Bean, by two-thirds vote **HB 1201** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Brandes	Diaz de la Portilla
Abruzzo	Braynon	Evers
Altman	Bullard	Flores
Bean	Clemens	Gaetz
Benacquisto	Dean	Galvano
Bradley	Detert	Garcia

Gibson	Legg	Simpson
Grimsley	Margolis	Smith
Hays	Montford	Sobel
Hukill	Negron	Soto
Hutson	Richter	Stargel
Joyner	Ring	Thompson
Latvala	Sachs	
Lee	Simmons	

Nays—None

CS for CS for CS for HB 1203—A bill to be entitled An act relating to the Cedar Hammock Fire Control District, Manatee County; amending chapter 2000-391, Laws of Florida, as amended; revising boundaries; providing for a five-member board; removing obsolete provisions; providing for ad valorem assessments, non-ad valorem assessments, and impact fees; deleting schedule of non-ad valorem assessments; amending chapter 93-352, Laws of Florida, as amended; removing a reference to the district and the Whitfield Fire Control District; providing an effective date.

—was read the second time by title. On motion by Senator Galvano, by two-thirds vote **CS for CS for CS for HB 1203** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 1213—A bill to be entitled An act relating to the West Palm Beach Water Catchment Area, Palm Beach County; amending chapter 67-2169, Laws of Florida, as amended; revising boundaries; providing an effective date.

—was read the second time by title. On motion by Senator Clemens, by two-thirds vote **HB 1213** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 1215—A bill to be entitled An act relating to Alachua County; repealing chapters 90-496, 91-382, and 93-347, Laws of Florida, relating to the Alachua County Boundary Adjustment Act, including provisions for establishing municipal reserve areas and adjusting the boundaries of municipalities within the county through annexations or contractions of corporate limits; providing an effective date.

—was read the second time by title. On motion by Senator Bradley, by two-thirds vote **HB 1215** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 1217—A bill to be entitled An act relating to the Hillsborough River Technical Advisory Council, Hillsborough County; amending chapter 86-335, Laws of Florida; revising membership of the council; revising the appointing authorities and terms of council members; providing for the designation of alternates; providing an effective date.

—was read the second time by title. On motion by Senator Lee, by two-thirds vote **HB 1217** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 1253—A bill to be entitled An act relating to the School District of Palm Beach County; creating the Business Partnership Recognition Program; allowing for the installation of signs recognizing business partnerships; establishing placement and design standards; providing for preemption of Palm Beach County code regulations in conflict; providing for Federal Highway Administration oversight; providing an effective date.

—was read the second time by title. On motion by Senator Abruzzo, by two-thirds vote **HB 1253** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 1327—A bill to be entitled An act relating to the City of Holmes Beach, Manatee County; amending chapter 30561 (1955), Laws of Florida, as amended; revising the city's municipal boundaries to include unincorporated submerged lands; requiring the city to apply specified county codes and the Florida Building Code to the construction, installation, and placement of certain infrastructure and other resources previously under the county's jurisdiction; providing an effective date.

—was read the second time by title. On motion by Senator Galvano, by two-thirds vote **HB 1327** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 1329—A bill to be entitled An act relating to the City of Winter Park, Orange County; repealing chapters 63-2047 and 65-2402, Laws of Florida, relating to alcoholic beverage license exemptions; providing an effective date.

—was read the second time by title. On motion by Senator Thompson, by two-thirds vote **HB 1329** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 1331—A bill to be entitled An act relating to the Immokalee Water and Sewer District, Collier County; amending chapter 98-495, Laws of Florida; providing compensation for members of the district's board of commissioners; providing an effective date.

—was read the second time by title. On motion by Senator Richter, by two-thirds vote **HB 1331** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

CS for HB 1333—A bill to be entitled An act relating to the Firefighters' Relief and Pension Fund of the City of Pensacola, Escambia County; amending chapter 21483, Laws of Florida, 1941, as amended; providing fund compliance with applicable Internal Revenue Code requirements; adding optional forms of benefits; providing for early retirement benefits, minimum disability benefits, state-mandated minimum benefits, minimum normal form of payment, minimum death-in-service benefits, optional forms of retirement, and alternate beneficiaries; providing for required minimum distributions; providing for retirement after 10 years of service; providing for death benefits for survivors; providing for protection of benefits from legal process; providing for rollover distributions; providing for additional benefits required by law; providing definitions; providing for maximum pension; providing for plan termination; providing for forfeitures; providing an effective date.

—was read the second time by title. On motion by Senator Evers, by two-thirds vote **CS for HB 1333** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 1337—A bill to be entitled An act relating to Pinellas County; authorizing the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to issue up to a specified number of temporary permits to a nonprofit civic organization to sell alcoholic beverages for consumption on the premises within a special event permitted area designated by an incorporated municipality; providing that the permits authorized by the act are in addition to certain other authorized temporary permits; requiring the nonprofit civic organization to comply with certain provisions of law in obtaining the permits authorized by the act; providing an effective date.

—was read the second time by title. On motion by Senator Latvala, by two-thirds vote **HB 1337** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

CS for CS for HB 1255—A bill to be entitled An act relating to Lee and Hendry Counties; creating and establishing the Lehigh Acres Municipal Services Improvement District as an independent special district; providing legislative findings and intent; providing a district charter; describing boundaries; providing powers and authority of the district; providing applicability of chapters 189 and 197, F.S., and other general laws; providing for a board; providing authority, duties, and powers of the district board; requiring approval by referendum before the district may exercise certain powers; providing a ballot statement; providing for elections, compensation, and removal of board members; authorizing the board to employ a manager and staff; repealing chapters 2000-423, 2003-315, 2005-308, 2006-319, 2009-260, and 2012-254, Laws of Florida, relating to the East County Water Control District; dissolving the East County Water Control District; providing for the transfer of assets, assumption of all lawful debts and other obligations, and continuation of contracts by the Lehigh Acres Municipal Services Improvement District; prohibiting annexation by any municipality of any area within the district; providing an exception for municipal incorporation of the entire area; providing construction; providing that the act shall take precedence over any conflicting law to the extent of such conflict; providing an effective date.

—was read the second time by title. On motion by Senator Richter, by two-thirds vote **CS for CS for HB 1255** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

BILLS ON THIRD READING

Consideration of **CS for CS for HB 747** was deferred.

CS for CS for SB 1402—A bill to be entitled An act relating to the organization of the Department of Financial Services; amending s. 20.121, F.S.; revising the divisions and functions of the department; authorizing the Chief Financial Officer to establish divisions, bureaus, or offices of the department; amending s. 110.205, F.S.; exempting certain positions within the department's Division of Accounting and Auditing from career service requirements; amending s. 624.26, F.S.; conforming provisions to changes made by the act; amending s. 624.307, F.S.; providing powers and duties of the department's Division of Consumer Services; authorizing the division to impose certain penalties; authorizing the department to adopt rules relating to the division; providing for construction; amending s. 624.502, F.S.; requiring that certain service of process fees be deposited into the Administrative Trust Fund; amending ss. 16.59, 400.9935, 409.91212, 440.105, 440.1051, 440.12, 624.521, 626.016, 626.989, 626.9891, 626.9892, 626.9893, 626.9894, 626.9895, 626.99278, 627.351, 627.711, 627.736, 627.7401, 631.156, 641.30, and 932.7055, F.S.; conforming provisions to changes made by the act; making technical changes; providing an effective date.

—was read the third time by title.

On motion by Senator Lee, **CS for CS for SB 1402** was passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Abruzzo, Benacquisto, Hukill, Hutson

HB 225—A bill to be entitled An act relating to flags; providing a short title; creating s. 256.041, F.S.; requiring a United States flag or a state flag that is purchased on or after a specified date by the state, a county, or a municipality for public use to be made in the United States; providing an effective date.

—was read the third time by title.

On motion by Senator Altman, **HB 225** was passed and certified to the House. The vote on passage was:

Yeas—38

Abruzzo	Braynon	Diaz de la Portilla
Altman	Bullard	Evers
Bean	Clemens	Flores
Benacquisto	Dean	Gaetz
Bradley	Detert	Galvano

Garcia	Lee	Simmons
Gibson	Legg	Simpson
Grimsley	Margolis	Smith
Hays	Montford	Sobel
Hukill	Negron	Soto
Hutson	Richter	Stargel
Joyner	Ring	Thompson
Latvala	Sachs	

Nays—1

Brandes

Consideration of **CS for CS for CS for HB 275** was deferred.

CS for CS for CS for HB 41—A bill to be entitled An act relating to hazardous walking conditions; providing a short title; amending s. 1006.23, F.S.; revising criteria that determine a hazardous walking condition for public school students; revising procedures for inspection and identification of hazardous walking conditions; authorizing a district school superintendent to initiate a formal request for correction of a hazardous walking condition; authorizing a district school board to initiate a declaratory judgment proceeding under certain circumstances and providing requirements therefor; requiring a district school board to provide transportation to students who would be subjected to hazardous walking conditions; requiring state or local governmental entities with jurisdiction over a road with a hazardous walking condition to correct the condition within a reasonable period of time; providing requirements for a governmental entity relating to its transportation work program; providing requirements relating to a civil action for damages; providing that certain interlocal agreements that meet specified criteria are not prohibited under this section; amending s. 1012.45, F.S.; providing that a district school board may implement a safe driver toll-free telephone hotline for specified purposes; providing an effective date.

—was read the third time by title.

On motion by Senator Hays, **CS for CS for CS for HB 41** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CS for HB 401—A bill to be entitled An act relating to public lodging and public food service establishments; amending s. 509.032, F.S.; revising the frequency at which the Division of Hotels and Restaurants of the Department of Business and Professional Regulation must reassess the inspection frequency of public food service establishments; revising the department's duties with respect to distribution of a specified food-recovery brochure; deleting a restriction on the length of time that a licensed public food service establishment may operate at a temporary food service event; amending s. 509.091, F.S.; authorizing the division to deliver lodging inspection reports and food service inspection reports electronically; amending s. 509.101, F.S.; requiring operators of public food service establishments to maintain copies of food service inspection reports and make them available to the division; amending s. 509.251, F.S.; revising certain delinquent fees for license renewal; providing an effective date.

—was read the third time by title.

On motion by Senator Stargel, **CS for HB 401** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CS for CS for HB 731—A bill to be entitled An act relating to employee health care plans; amending s. 627.6699, F.S.; revising definitions; removing provisions requiring certain insurance carriers to provide semiannual reports to the Office of Insurance Regulation; repealing requirements that certain insurance carriers offer standard, basic, high deductible, and limited health benefit plans; making conforming changes; creating s. 627.66997, F.S.; authorizing certain health benefit plans to use a stop-loss insurance policy; defining the term "stop-loss insurance policy"; providing requirements for such policies; amending ss. 627.642, 627.6475, and 627.657, F.S.; conforming cross-references; amending ss. 627.6571, 627.6675, 641.31074, and 641.3922, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was read the third time by title.

On motion by Senator Detert, **CS for CS for HB 731** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CS for HB 153—A bill to be entitled An act relating to the Literacy Jump Start Pilot Project; requiring the Office of Early Learning to establish the pilot project in St. Lucie County to assist low-income, at-risk children in developing emergent literacy skills; requiring the office to select an organization to implement the pilot project; requiring the office to oversee implementation of the pilot project; defining the term "emergent literacy"; providing eligibility requirements for participation; requiring background screening for child care personnel; requiring emergent literacy training for instructors; encouraging the coordination of basic health screening and immunization services in conjunction with emergent literacy instruction; requiring annual submission of an ac-

countability report; requiring the office to allocate funds for the pilot project; providing an effective date.

—was read the third time by title.

On motion by Senator Abruzzo, **CS for HB 153** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CS for HB 985—A bill to be entitled An act relating to the maintenance of agency final orders; amending s. 119.021, F.S.; conforming a provision to changes made by the act; amending s. 120.53, F.S.; requiring agencies to electronically transmit certain agency final orders to a centralized electronic database maintained by the Division of Administrative Hearings; providing the methods by which such final orders can be searched; requiring each agency to maintain a list of final orders that are not required to be electronically transmitted to the database; providing a timeframe for electronically transmitting or listing the final orders; authorizing agencies to maintain subject matter indexes of final orders issued before a specified date or to electronically transmit such orders to the database; providing that the centralized electronic database is the official compilation of administrative final orders issued on or after a specified date for each agency; deleting obsolete provisions regarding filing, indexing, and publishing final orders; amending s. 120.533, F.S.; requiring the Department of State to provide standards and guidelines for the certification and electronic transmittal and the secure transmittal and maintenance of agency final orders; authorizing the department to adopt rules; authorizing the department to provide for an alternative official compiler of agency final orders under certain circumstances; conforming provisions to changes made by the act; amending s. 213.22, F.S.; conforming a cross-reference; providing an effective date.

—was read the third time by title.

On motion by Senator Soto, **CS for HB 985** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

SPECIAL ORDER CALENDAR

THE PRESIDENT PRESIDING

SB 7060—A bill to be entitled An act relating to ratification of Department of Environmental Protection rules; ratifying a specified rule relating to liners and leachate collection systems for construction and demolition debris disposal facilities, for the sole and exclusive purpose of satisfying any condition on effectiveness pursuant to s. 120.541(3), F.S., which requires ratification of any rule meeting any specified thresholds of likely adverse impact or increase in regulatory costs; providing applicability; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 7060**, pursuant to Rule 3.11(3), there being no objection, **HB 7083** was withdrawn from the Committees on Environmental Preservation and Conservation; and Rules.

On motion by Senator Dean—

HB 7083—A bill to be entitled An act relating to ratification of rules of the Department of Environmental Protection; ratifying specified rules requiring liners and leachate collection systems at construction and demolition debris disposal facilities, for the sole and exclusive purpose of satisfying any condition on effectiveness pursuant to s. 120.541(3), F.S., which requires ratification of any rule meeting any specified thresholds of likely adverse impact or increase in regulatory costs; providing applicability; providing an effective date.

—a companion measure, was substituted for **SB 7060** and read the second time by title.

On motion by Senator Dean, by two-thirds vote **HB 7083** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

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

BILLS ON THIRD READING

CS for CS for CS for HB 275—A bill to be entitled An act relating to intrastate crowdfunding; amending s. 517.021, F.S.; conforming a cross-reference; defining the term "intermediary" for purposes of the Florida Securities and Investor Protection Act; amending s. 517.061, F.S.; exempting offers or sales of securities by certain issuers from registration requirements; creating s. 517.0611, F.S.; providing a short title; exempting the intrastate offering and sale of certain securities from certain regulatory requirements; providing applicability; providing registration and reporting requirements for issuers and intermediaries offering such securities; requiring the issuer to provide to the office a copy of a specified escrow agreement; limiting the aggregate amount of sales of such

securities within a specified period; limiting the aggregate amount of sales to specified investors; requiring an issuer to produce and distribute an annual report to investors; requiring a notice-filing to be suspended under certain circumstances; providing for the deposit of fees; requiring a qualified third party to hold certain funds in escrow; amending s. 517.12, F.S.; providing registration requirements for an intermediary; conforming a cross-reference; amending s. 517.121, F.S.; requiring an intermediary to comply with specified recordkeeping requirements; amending s. 517.161, F.S.; including an intermediary in certain disciplinary provisions; amending s. 626.9911, F.S.; conforming a cross-reference; providing an appropriation; providing an effective date.

—was read the third time by title.

On motion by Senator Richter, **CS for CS for CS for HB 275** was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

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

REPORTS OF COMMITTEE RELATING TO EXECUTIVE BUSINESS

The Honorable Andy Gardiner
President, The Florida Senate

April 29, 2015

Dear President Gardiner:

The following executive appointments were referred to the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Board of Trustees of Eastern Florida State College		
Appointees:	Haley, Myra I.	05/31/2018
	Harris, Dewey L.	05/31/2018
Board of Trustees of Broward College		
Appointee:	Benz, John A.	05/31/2018
Board of Trustees of Chipola College		
Appointees:	Causseaux, Hannah Sumner	05/31/2018
	Hudson, Kyle	05/31/2017
	Ryals, Daniel E., III	05/31/2017
Board of Trustees of Daytona State College		
Appointees:	Lubi, Garry R.	05/31/2018
	Patterson, Anne Coggeshall	05/31/2018
Board of Trustees of Florida State College at Jacksonville		
Appointees:	Holloway, Candace T.	05/31/2018
	Shoemaker-Crump, Randle P.	05/31/2018
Board of Trustees of Florida Keys Community College		
Appointees:	Madok, Kevin	05/31/2016
	Maxwell, Michelle Sylvia	05/31/2016
	Scuderi, Stephanie S.	05/31/2017
	Stoky, Robert C.	05/31/2018
Board of Trustees of Gulf Coast State College		
Appointees:	Roberson, Ralph C.	05/31/2018
	Tannehill, Joe K., Jr.	05/31/2018
Board of Trustees of Hillsborough Community College		
Appointees:	Cona, Steve P., III	05/31/2018
	Shah, Dipa	05/31/2018
Board of Trustees of Indian River State College		
Appointees:	Feurer, Mark A.	05/31/2018
	George, Anthony, Jr.	05/31/2015
	Luna, Christa C.	05/31/2018
	Raulerson, Phoebe H.	05/31/2018
Board of Trustees of Florida Gateway College		
Appointees:	Allen, Carolyn Renae	05/31/2015
	Davis, Leonard	05/31/2017
	Lander, Lindsey	05/31/2018
Board of Trustees of Lake-Sumter State College		
Appointees:	Blankenship, R. Scott	05/31/2018
	Lee, Emily A.	05/31/2018
	Rice, Kelly S.	05/31/2018
Board of Trustees of State College of Florida, Manatee-Sarasota		
Appointee:	Trigueiro, Craig A.	05/31/2018
Board of Trustees of North Florida Community College		
Appointees:	Haas, Sandra K.	05/31/2018
	Howell, David Alfonso	05/31/2017
	Williams, Michael R.	05/31/2017
Board of Trustees of Palm Beach State College		
Appointee:	Cross, Charles K., Jr.	05/31/2017
Board of Trustees of Pasco-Hernando State College		
Appointees:	Pearson-Adams, Marilyn	05/31/2017
	Schneider, Robin L.	05/31/2018
	Zika, Ardian	05/31/2018
Board of Trustees of Pensacola State College		
Appointees:	Simmons, Chip W.	05/31/2018
	White, Frank	05/31/2018
Board of Trustees of Polk State College		
Appointee:	Dorrell, Daniel F.	05/31/2018
Board of Trustees of Santa Fe College		
Appointees:	Lee, Caridad E.	05/31/2018
	Woody, Robert Lee	05/31/2018
Board of Trustees of Seminole State College		
Appointee:	Brandon, Wendy H.	05/31/2018
Board of Trustees of South Florida State College		
Appointees:	Cullens, Tamela "Tami" C.	05/31/2018
	Lambert, Kenneth A.	05/31/2018
	Rider, Kris Y.	05/31/2018
Board of Trustees of Tallahassee Community College		
Appointees:	Messersmith, Frank S.	05/31/2018
	Pople, Randolph M.	05/31/2017
Board of Trustees for the Florida School for the Deaf and the Blind		
Appointee:	Chapman, Christine M.	11/13/2017
State Board of Education		
Appointee:	Colon, John A.	12/31/2018

Office and Appointment		*For Term Ending*
Education Practices Commission		
Appointees:	Budnick, Judie S.	09/30/2015
	Copenhaver, Ann B.	09/30/2017
	Hershey, Susan J.	09/30/2018
	Pietkiewicz, Nicholas	09/30/2016
	Rose, Jillian	09/30/2016
	Wade, K. Lynn	09/30/2018
Commission for Independent Education		
Appointees:	Matos, Ilia Y.	06/30/2017
	Wagner, Paul Douglas	06/30/2016
	Williams, Levi G., Jr.	06/30/2017
Board of Trustees, Florida Atlantic University		
Appointee:	Barbar, Anthony K.G.	01/06/2020
Board of Trustees, Florida State University		
Appointee:	Hillis, Mark	01/06/2020
Board of Trustees, Florida Gulf Coast University		
Appointee:	Roepstorff, Robbie B.	01/06/2020
Board of Trustees, University of Florida		
Appointee:	Brandon, David Lee	01/06/2020

The following executive appointments were referred to the Senate Committee on Education and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
State Board of Education		
Appointees:	Chartrand, Gary	12/31/2018
	Olenick, Michael H.	12/31/2016

The following executive appointments were referred to the Senate Committee on Higher Education and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Board of Trustees, Florida A & M University		
Appointee:	Boyce, Lucas Daniel	01/06/2018
Board of Trustees, Florida Atlantic University		
Appointees:	Feingold, Jeffrey P.	01/06/2020
	Rubin, Robert	01/06/2020
Board of Trustees, Florida Gulf Coast University		
Appointees:	Grady, Thomas R.	01/06/2016
	Price, Kevin J.	01/06/2020
	Smith, Kenneth J.	01/06/2020
Board of Trustees, Florida Polytechnic University		
Appointee:	O'Malley, Thomas D., Sr.	06/30/2015
Board of Trustees, University of Florida		
Appointees:	Patel, Rahul	01/06/2020
	Stern, Robert Gary	01/06/2020
Board of Trustees, University of South Florida		
Appointee:	Shinn, Byron E.	01/06/2020
Board of Trustees, University of West Florida		
Appointee:	Bear, Lewis, Jr.	01/06/2020

The following executive appointment was referred to the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 of the Rules of the Florida Senate. The Senate Committee on Ethics and Elections conducted an inquiry concerning the qualifications of the appointee, however, the Committee on Ethics and Elections did not hold a public hearing for the following appointment during the 2015 Regular Session of the Florida Legislature:

Office and Appointment		*For Term Ending*
Board of Trustees, Florida Gulf Coast University		
Appointee:	Spilker, Christian M.	01/06/2020

Except as specifically noted above, the Committee held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of the appointees. After due consideration of the findings of such inquiry and the evidence presented at the public hearing, the Committee on Ethics and Elections respectfully advise and recommend pursuant to the authority granted in Article IV, Section 6(a), Florida Constitution, and in accordance with s. 114.05(1)(c), Florida Statutes:

(1) the executive appointments of the above-named appointees, to the offices and for the terms indicated, be confirmed by the Senate;

(2) Senate action on said appointments be taken prior to the adjournment of the 2015 Regular Session; and

(3) there is no necessity known to the committees for the deliberations on said appointments to be held in executive session.

Respectfully submitted,
Garrett Richter, Chair

On motion by Senator Richter, the report was adopted and the Senate confirmed the appointments identified in the foregoing report of the committee to the offices and for the terms indicated in accordance with the recommendation of the committee.

The vote was:

Yeas—39

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

Nays—None

SPECIAL ORDER CALENDAR

SB 7062—A bill to be entitled An act relating to ratification of Department of Environmental Protection rules; ratifying a specified rule relating to minimum flows and levels and recovery and prevention strategies, for the sole and exclusive purpose of satisfying any condition on effectiveness pursuant to s. 120.541(3), F.S., which requires ratification of any rule meeting any specified thresholds for likely adverse impact or increase in regulatory costs; providing applicability; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 7062**, pursuant to Rule 3.11(3), there being no objection, **HB 7081** was withdrawn from the Committees on Environmental Preservation and Conservation; and Rules.

On motion by Senator Dean—

HB 7081—A bill to be entitled An act relating to ratification of rules of the Department of Environmental Protection; ratifying specified rules relating to minimum flows and levels for the Lower Santa Fe and Ichetucknee Rivers and their associated priority springs, for the sole and exclusive purpose of satisfying any condition on effectiveness pursuant to s. 120.541(3), F.S., which requires ratification of any rule meeting any

specified thresholds of likely adverse impact or increase in regulatory costs; providing applicability; providing an effective date.

—a companion measure, was substituted for **SB 7062** and read the second time by title.

On motion by Senator Dean, by two-thirds vote **HB 7081** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

Consideration of **CS for SB 594** was deferred.

CS for SB 932—A bill to be entitled An act relating to timeshares; amending s. 721.05, F.S.; revising the term "timeshare estate"; amending s. 721.07, F.S.; revising provisions pertaining to multisite timeshare plans and clarifying single-site timeshare plan developer liability for nonmaterial errors or omissions; establishing a burden of proof; amending s. 721.08, F.S.; providing that leasehold accommodations or facilities may be added to a timeshare trust; providing that a vote of the voting interests of a timeshare plan is not required for substitution or automatic deletion of multisite timeshare trust property; removing the requirement for court approval of trustee dispositions of timeshare trust property; creating s. 721.125, F.S.; providing for extension or termination of timeshare plans; amending s. 721.14, F.S.; providing for the transfer of reservation system data upon termination of managing entity; amending s. 721.52, F.S.; revising the definitions of the terms "nonspecific multisite timeshare plan" and "specific multisite timeshare plan"; amending s. 721.53, F.S.; providing that leasehold accommodations or facilities may be added to a multisite timeshare trust; providing that a vote of the voting interests of a multisite timeshare plan is not required for substitution or automatic deletion of multisite timeshare trust property; removing the requirement for court approval of trustee dispositions of multisite timeshare trust property; amending s. 721.54, F.S.; eliminating the term restrictions for nonspecific multisite timeshare plans; amending s. 721.55, F.S.; requiring the conspicuous disclosure of the term of each component site in a multisite timeshare plan; modifying the cap on common expense assessment increases for multisite timeshare; clarifying multisite timeshare plan developer liability for nonmaterial errors or omissions; amending s. 721.551, F.S.; clarifying the obligation to deliver component site documents to purchasers; amending s. 721.552, F.S.; providing procedures for substitutions and automatic deletions of multisite timeshare plan accommodations and facilities; amending s. 721.56, F.S.; relocating data transfer obligations upon termination of managing entity to s. 721.14, F.S; amending s. 721.57, F.S.; providing for the offering of timeshare estates in a specific multisite timeshare plan; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 932**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 453** was withdrawn from the Committees on Regulated Industries; Judiciary; and Fiscal Policy.

On motion by Senator Stargel—

CS for CS for HB 453—A bill to be entitled An act relating to timeshares; amending s. 721.05, F.S.; revising a definition; amending s. 721.07, F.S.; revising requirements for amendments made to a timeshare instrument; revising requirements for public offering statements; amending s. 721.08, F.S.; revising compliance requirements for the release of certain escrow funds; creating s. 721.125, F.S.; providing for the extension or termination of timeshare plans under certain conditions; providing applicability; amending s. 721.14, F.S.; authorizing an owners' association and a managing entity to agree to certain conditions related to the discharge of the managing entity; providing for the transfer of specified reservation system data upon the termination of the managing entity; providing that reasonable costs incurred by the terminated managing entity in effecting the transfer of certain information shall be reimbursed as a common expense; amending s. 721.52, F.S.; revising definitions; amending s. 721.53, F.S.; revising requirements with respect to subordination instruments; deleting a requirement relating to court approval of trustee dispositions of multisite timeshare trust property; providing that a vote of the voting interests of a multisite timeshare plan is not required for substitution or automatic deletion of multisite timeshare trust property; repealing s. 721.54, F.S., relating to terms of nonspecific multisite timeshare plans; amending s. 721.55, F.S.; revising disclosure requirements for a multisite timeshare plan public offering statement; amending s. 721.551, F.S.; revising disclosure requirements for multisite timeshare plan purchaser public offering statements; amending s. 721.552, F.S.; revising requirements relating to substitutions and deletions of component site accommodations or facilities; amending s. 721.56, F.S.; deleting provisions relating to the transfer of specified reservation system data upon the termination of managing entity and costs incurred by the terminated managing entity; amending s. 721.57, F.S.; revising language with respect to timeshare estates in multisite timeshare plans; providing an effective date.

—a companion measure, was substituted for **CS for SB 932** and read the second time by title.

On motion by Senator Stargel, by two-thirds vote **CS for CS for HB 453** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Richter, Soto

Consideration of **SB 1040** and **CS for CS for CS for SB 1232** was deferred.

CS for CS for SB 918—A bill to be entitled An act relating to environmental resources; amending s. 259.032, F.S.; requiring the Department of Environmental Protection to publish, update, and maintain a database of conservation lands; requiring the department to submit a report by a certain date each year to the Governor and the Legislature identifying the percentage of such lands which the public has access to and the efforts the department has undertaken to increase public access; amending ss. 260.0144 and 335.065, F.S.; conforming provisions to changes made by the act; creating s. 339.81, F.S.; creating the Florida Shared-Use Nonmotorized Trail Network; specifying the composition of the network; requiring the network to be included in the Department of Transportation's work program; declaring the planning, development, operation, and maintenance of the network to be a public purpose; authorizing the department to transfer maintenance responsibilities to certain state agencies and contract with not-for-profit or private sector

entities to provide maintenance services; authorizing the department to adopt rules; providing an appropriation; creating s. 339.82, F.S.; requiring the department to develop a network plan for the Florida Shared-Use Nonmotorized Trail Network; creating s. 339.83, F.S.; authorizing the department to enter into concession agreements with not-for-profit or private sector entities for certain commercial sponsorship signs, markings, and exhibits; authorizing the department to contract for the provision of certain services related to the trail sponsorship program; authorizing the department to adopt rules; amending s. 373.019, F.S.; revising the definition of the term "water resource development" to include technical assistance to self-suppliers under certain circumstances; amending s. 373.036, F.S.; requiring certain information to be included in the consolidated annual report for all projects related to water quality or water quantity; creating s. 373.037, F.S.; defining terms; providing legislative findings; authorizing certain water management districts to designate and implement pilot projects; providing powers and limitations for the governing boards of such water management districts; requiring a participating water management district to submit a report to the Governor and the Legislature on the effectiveness of its pilot project by a certain date; amending s. 373.042, F.S.; requiring the Department of Environmental Protection or the governing board of a water management district to adopt a minimum flow or minimum water level for an Outstanding Florida Spring using emergency rulemaking authority under certain circumstances; requiring collaboration in the development and implementation of recovery or prevention strategies under certain circumstances; authorizing the department to use emergency rulemaking procedures under certain circumstances; amending s. 373.0421, F.S.; directing the department or the water management district governing boards to adopt and implement certain recovery or prevention strategies concurrent with the adoption of minimum flows and minimum water levels; providing criteria for such recovery or prevention strategies; requiring certain amendments to regional water supply plans to be concurrent with relevant portions of the recovery or prevention strategy; directing water management districts to notify the department when water use permit applications are denied for a specified reason; providing for the review and update of regional water supply plans in such cases; creating s. 373.0465, F.S.; providing legislative intent; defining the term "Central Florida Water Initiative Area"; requiring the department, the St. Johns River Water Management District, the South Florida Water Management District, the Southwest Florida Water Management District, and the Department of Agriculture and Consumer Services to develop and implement a multidistrict regional water supply plan; providing plan criteria and requirements; providing applicability; requiring the department to adopt rules; amending s. 373.1501, F.S.; specifying authority of the South Florida Water Management District to allocate quantities of, and assign priorities for the use of, water within its jurisdiction; directing the district to provide recommendations to the United States Army Corps of Engineers when developing or implementing certain water control plans or regulation schedules; amending s. 373.219, F.S.; requiring the department to adopt certain uniform rules; amending s. 373.223, F.S.; requiring consumptive use permits authorizing over a certain amount to be monitored on a specified basis; amending s. 373.2234, F.S.; directing water management district governing boards to consider the identification of preferred water supply sources for certain water users; amending s. 373.227, F.S.; prohibiting water management districts from modifying permitted allocation amounts under certain circumstances; requiring the water management districts to adopt rules to promote water conservation incentives; amending s. 373.233, F.S.; providing conditions under which the department and water management district governing boards are directed to give preference to certain applications; amending s. 373.4591, F.S.; providing priority consideration to certain public-private partnerships for water storage, groundwater recharge, and water quality improvements on private agricultural lands; amending s. 373.4595, F.S.; revising and providing definitions relating to the Northern Everglades and Estuaries Protection Program; clarifying provisions of the Lake Okeechobee Watershed Protection Program; directing the South Florida Water Management District to revise certain rules and provide for a watershed research and water quality monitoring program; revising provisions for the Caloosahatchee River Watershed Protection Program and the St. Lucie River Watershed Protection Program; revising permitting and annual reporting requirements relating to the Northern Everglades and Estuaries Protection Program; revising requirements for certain basin management action plans; amending s. 373.467, F.S.; revising the qualifications for membership on the Harris Chain of Lakes Restoration Council; authorizing the Lake County legislative delegation to waive such membership qualifications for good cause; providing for council vacancies; amending s. 373.536, F.S.; requiring a water management district to include an annual funding plan in the water resource development work program; directing the department to post the work program on its website; amending s. 373.703, F.S.; authorizing water management districts to join with private landowners for the purpose of carrying out their powers; amending s. 373.705, F.S.; revising legislative intent; requiring water management district governing boards to include certain information in their annual budget submittals; requiring water management districts to promote expanded cost-share criteria for additional conservation practices; amending s. 373.707, F.S.; authorizing water management districts to provide technical and financial assistance to certain self-suppliers and to waive certain construction costs of alternative water supply development projects sponsored by certain water users; amending s. 373.709, F.S.; requiring regional water supply plans to include traditional and alternative water supply project options that are technically and financially feasible; directing the department to include certain funding analyses and project explanations in regional water supply planning reports; creating part VIII of ch. 373, F.S., entitled the "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 to delineate a priority focus area for each Outstanding Florida Spring by a certain date; creating s. 373.805, F.S.; requiring a water management district or the department to adopt or revise various recovery or prevention strategies under certain circumstances; providing minimum requirements for recovery or prevention strategies for Outstanding Florida Springs; authorizing local governments to apply for an extension for projects in an adopted recovery or prevention strategy; creating s. 373.807, F.S.; requiring the department to initiate assessments of Outstanding Florida Springs by a certain date; requiring the department to develop basin management action plans; authorizing local governments to apply for an extension for projects in an adopted basin management action plan; requiring certain local governments to develop, enact, and implement an urban fertilizer ordinance by a certain date; requiring the department in consultation with the Department of Health and relevant local governments and utilities, to develop onsite sewage treatment and disposal system remediation plans under certain circumstances; creating s. 373.811, F.S.; specifying prohibited activities within a priority focus area of an Outstanding Florida Spring; creating s. 373.813, F.S.; providing rulemaking authority; amending s. 403.061, F.S.; requiring the department to create a consolidated water resources work plan; directing the department to adopt by rule a specific surface water classification to protect surface waters used for treated potable water supply; providing criteria for such rule; authorizing the reclassification of surface waters used for treated potable water supply notwithstanding such rule; requiring the department to create and maintain a web-based interactive map; creating s. 403.0616, F.S.; creating the Florida Water Resources Advisory Council to provide the Legislature with recommendations for projects submitted by governmental entities; requiring the council to consolidate various reports to enhance the water resources of this state; requiring the department to adopt rules; creating s. 403.0617, F.S.; requiring the department to propose for adoption rules to competitively evaluate and rank projects for selection and prioritization by the Water Resources Advisory Council by a certain date; amending s. 403.0623, F.S.; requiring the department to establish certain standards; requiring state agencies and water management districts to show that they followed the department's standards in order to receive certain funding; amending s. 403.067, F.S.; providing requirements for new or revised best management action plans; requiring the department adopt rules relating to the enforcement and verification of best management action plans and management strategies; creating s. 403.0675, F.S.; requiring the department and the Department of Agriculture and Consumer Services to post annual progress reports on their websites and submit such reports to the Governor and the Legislature; requiring each water management district to post the Department of Environmental Protection's report on its website; amending s. 403.861, F.S.; directing the department to add treated potable water supply as a designated use of a surface water segment under certain circumstances; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 918**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 7003** was withdrawn from the Committees on Environmental Preservation and Conservation; Appropriations Subcommittee on General Government; and Appropriations.

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

CS for HB 7003—A bill to be entitled An act relating to water resources; amending s. 373.019, F.S.; revising the definition of "water resource development" to include self-suppliers; amending s. 373.0421, F.S.; directing the Department of Environmental Protection and water management district governing boards to implement certain recovery or prevention strategies concurrent with the adoption of minimum flows and levels; providing criteria for such recovery or prevention strategies; requiring revisions to regional water supply plans to be concurrent with relevant portions of the recovery or prevention strategy; directing water management districts to notify the department when water use permit applications are denied for a specified reason; providing for the review and update of regional water supply plans in such cases; creating s. 373.0465, F.S.; providing legislative intent; defining the term "Central Florida Water Initiative Area"; providing for an interagency agreement between the Department of Environmental Protection, the St. Johns River Water Management District, the South Florida Water Management District, the Southwest Florida Water Management District, and the Department of Agriculture and Consumer Services to develop and implement a multi-district regional water supply plan; providing plan criteria and requirements; providing applicability; amending s. 373.1501, F.S.; specifying authority of the South Florida Water Management District to allocate quantities of, and assign priorities for the use of, water within its jurisdiction; directing the district to provide recommendations to the United States Army Corps of Engineers when developing or implementing certain water control plans or regulation schedules; amending s. 373.2234, F.S.; directing water management district governing boards to give priority consideration to the identification of preferred water supply sources for certain water users; amending s. 373.233, F.S.; providing conditions under which the department and water management district governing boards are directed to give preference to certain applications; amending s. 373.4591, F.S.; providing priority consideration to certain public-private partnerships for water storage, groundwater recharge, and water quality improvements on private agricultural lands; amending s. 373.4595, F.S.; revising and providing definitions relating to the Northern Everglades and Estuaries Protection Program; clarifying provisions of the Lake Okeechobee Watershed Protection Program; directing the South Florida Water Management District to revise certain rules and provide for a water quality monitoring program; revising provisions for the Caloosahatchee River Watershed Protection Program and the St. Lucie River Watershed Protection Program; revising permitting and annual reporting requirements relating to the Northern Everglades and Estuaries Protection Program; amending s. 373.536, F.S.; requiring a water management district to include an annual funding plan in the water resource development work program; directing the department to post the work program on its website; amending s. 373.703, F.S.; authorizing water management districts to contract with private landowners for water production; amending s. 373.705, F.S.; providing first consideration for funding assistance to certain water supply development projects; requiring governing boards to include certain information in their annual budget submittals; amending s. 373.707, F.S.; authorizing water management districts to provide technical and financial assistance to self-suppliers and to waive certain construction costs of alternative water supply development projects by certain water users; amending s. 373.709, F.S.; requiring water supply plans to include traditional and alternative water supply project options that are technically and financially feasible; directing the department to include certain funding analyses and project explanations in regional water supply planning reports; creating part VIII of chapter 373, F.S., relating to the Florida Springs and Aquifer Act; providing legislative findings and intent; defining terms; providing criteria and requirements for the development of recovery or prevention strategies for Priority Florida Springs; directing the department to perform water quality assessments, establish total maximum daily loads, and establish basin management action plans for Priority Florida Springs; providing criteria and requirements for agricultural best management practices within the geographic area encompassed by a basin management action plan that includes a Priority Florida Spring; requiring each person engaged in the occupation of agriculture within such geographic area to implement certain best management practices or conduct certain water quality monitoring; amending s. 403.061, F.S.; directing the department to adopt by rule a specific surface water classification to protect surface waters used for treated potable water supply; providing criteria for such rule; authorizing the reclassification of surface waters used for treated potable water supply notwithstanding such rule; amending s. 403.067, F.S.; directing the department to establish working groups in areas where sewage treatment and disposal systems represent sources of excess nitrate-nitrite in certain springs or spring systems; providing duties for the working groups; requiring the department to award funds, subject to appropriation, for projects relating to reducing nutrient impacts; authorizing the department to consider certain factors in awarding funds for capital outlay projects; amending s. 403.861, F.S.; directing the department to establish rules concerning the use of surface waters for public water supply; requiring permit applicants using surface water to provide potable public water supply to petition the department to reclassify the surface water or to certify that the potable public water supply will meet certain drinking water standards; directing the department to designate treated potable water supplies as a use of surface water; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 918** and read the second time by title.

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

Senator Dean moved the following amendment:

Amendment 1 (250624) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (g) is added to subsection (11) of section 259.032, Florida Statutes, to read:

259.032 Conservation and Recreation Lands Trust Fund; purpose.—

(11)

(g) In order to ensure that the public has knowledge of and access to conservation lands, as defined in s. 253.034(2)(c), the department shall publish, update, and maintain a database of such lands where public access is compatible with conservation and recreation purposes.

1. By July 1, 2016, the database must be available to the public online and must include, at a minimum, the location, types of allowable recreational opportunities, points of public access, facilities or other amenities, restrictions, and any other information the department deems appropriate to increase public awareness of recreational opportunities on conservation lands. Such data must be electronically accessible, searchable, and downloadable in a generally acceptable format.

2. The department, through its own efforts or through partnership with a third-party entity, shall create an application downloadable on mobile devices to be used to locate state lands available for public access using the user's locational information or based upon an activity of interest.

3. The database and application must include information for all state conservation lands to which the public has a right of access for recreational purposes. Beginning January 1, 2018, to the greatest extent practicable, the database shall include similar information for lands owned by federal and local government entities that allow access for recreational purposes.

4. By January 1 of each year, the department shall provide a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives describing the percentage of public lands acquired under this chapter to which the public has access and efforts undertaken by the department to increase public access to such lands.

Section 2. Section 260.0144, Florida Statutes, is amended to read:

260.0144 Sponsorship of state greenways and trails.—The department may enter into a concession agreement with a not-for-profit entity or private sector business or entity for commercial sponsorship to be displayed on state greenway and trail facilities *not included within the Shared-Use Nonmotorized Trail Network established in chapter 339* ~~or property specified in this section~~. The department may establish the cost for entering into a concession agreement.

(1) A concession agreement shall be administered by the department and must include the requirements found in this section.

(2)(a) Space for a commercial sponsorship display may be provided through a concession agreement on certain state-owned greenway or trail facilities or property.

(b) Signage or displays erected under this section shall comply with the provisions of s. 337.407 and chapter 479, and shall be limited as follows:

1. One large sign or display, not to exceed 16 square feet in area, may be located at each trailhead or parking area.

2. One small sign or display, not to exceed 4 square feet in area, may be located at each designated trail public access point.

(c) Before installation, each name or sponsorship display must be approved by the department.

(d) The department shall ensure that the size, color, materials, construction, and location of all signs are consistent with the management plan for the property and the standards of the department, do not intrude on natural and historic settings, and contain only a logo selected by the sponsor and the following sponsorship wording:

_____ (Name of the sponsor) _____ proudly sponsors the costs of maintaining the _____ (Name of the greenway or trail) _____.

~~(e) Sponsored state greenways and trails are authorized at the following facilities or property:~~

~~1. Florida Keys Overseas Heritage Trail.~~

~~2. Blackwater Heritage Trail.~~

~~3. Tallahassee St. Marks Historic Railroad State Trail.~~

~~4. Nature Coast State Trail.~~

~~5. Withlacoochee State Trail.~~

~~6. General James A. Van Fleet State Trail.~~

~~7. Palatka Lake Butler State Trail.~~

(e)~~(f)~~ The department may enter into commercial sponsorship agreements for other state greenways or trails as authorized in this section. A qualified entity that desires to enter into a commercial sponsorship agreement shall apply to the department on forms adopted by department rule.

(f)~~(g)~~ All costs of a display, including development, construction, installation, operation, maintenance, and removal costs, shall be paid by the concessionaire.

(3) A concession agreement shall be for a minimum of 1 year, but may be for a longer period under a multiyear agreement, and may be terminated for just cause by the department upon 60 days' advance notice. Just cause for termination of a concession agreement includes, but is not limited to, violation of the terms of the concession agreement or any provision of this section.

(4) Commercial sponsorship pursuant to a concession agreement is for public relations or advertising purposes of the not-for-profit entity or private sector business or entity, and may not be construed by that not-for-profit entity or private sector business or entity as having a relationship to any other actions of the department.

(5) This section does not create a proprietary or compensable interest in any sign, display site, or location.

(6) Proceeds from concession agreements shall be distributed as follows:

(a) Eighty-five percent shall be deposited into the appropriate department trust fund that is the source of funding for management and operation of state greenway and trail facilities and properties.

(b) Fifteen percent shall be deposited into the State Transportation Trust Fund for use in the Traffic and Bicycle Safety Education Program and the Safe Paths to School Program administered by the Department of Transportation.

(7) The department may adopt rules to administer this section.

Section 3. Subsections (3) and (4) of section 335.065, Florida Statutes, are amended to read:

335.065 Bicycle and pedestrian ways along state roads and transportation facilities.—

(3) The department, in cooperation with the Department of Environmental Protection, shall establish a statewide integrated system of bicycle and pedestrian ways in such a manner as to take full advantage of any such ways which are maintained by any governmental entity. ~~The department may enter into a concession agreement with a not for profit entity or private sector business or entity for commercial sponsorship displays on multiuse trails and related facilities and use any concession agreement revenues for the maintenance of the multiuse trails and related facilities. Commercial sponsorship displays are subject to the requirements of the Highway Beautification Act of 1965 and all federal laws and agreements, when applicable. For the purposes of this section, bicycle facilities may be established as part of or separate from the actual roadway and may utilize existing road rights of way or other rights of way or easements acquired for public use.~~

~~(a) A concession agreement shall be administered by the department and must include the requirements of this section.~~

~~(b)1. Signage or displays erected under this section shall comply with s. 337.407 and chapter 479 and shall be limited as follows:~~

~~a. One large sign or display, not to exceed 16 square feet in area, may be located at each trailhead or parking area.~~

~~b. One small sign or display, not to exceed 4 square feet in area, may be located at each designated trail public access point.~~

~~2. Before installation, each name or sponsorship display must be approved by the department.~~

~~3. The department shall ensure that the size, color, materials, construction, and location of all signs are consistent with the management plan for the property and the standards of the department, do not intrude on natural and historic settings, and contain only a logo selected by the sponsor and the following sponsorship wording:~~

~~_____ (Name of the sponsor) _____ proudly sponsors the costs of maintaining the _____ (Name of the greenway or trail) _____.~~

~~4. All costs of a display, including development, construction, installation, operation, maintenance, and removal costs, shall be paid by the concessionaire.~~

~~(c) A concession agreement shall be for a minimum of 1 year, but may be for a longer period under a multiyear agreement, and may be terminated for just cause by the department upon 60 days' advance notice. Just cause for termination of a concession agreement includes, but is not limited to, violation of the terms of the concession agreement or this section.~~

~~(4)(a) The department may use appropriated funds to support the establishment of a statewide system of interconnected multiuse trails and to pay the costs of planning, land acquisition, design, and construction of such trails and related facilities. The department shall give funding priority to projects that:~~

~~1. Are identified by the Florida Greenways and Trails Council as a priority within the Florida Greenways and Trails System under chapter 260.~~

~~2. Support the transportation needs of bicyclists and pedestrians.~~

~~3. Have national, statewide, or regional importance.~~

~~4. Facilitate an interconnected system of trails by completing gaps between existing trails.~~

~~(b) A project funded under this subsection shall:~~

~~1. Be included in the department's work program developed in accordance with s. 339.135.~~

~~2. Be operated and maintained by an entity other than the department upon completion of construction. The department is not obligated to provide funds for the operation and maintenance of the project.~~

Section 4. Section 339.81, Florida Statutes, is created to read:

339.81 Florida Shared-Use Nonmotorized Trail Network.—

(1) The Legislature finds that increasing demands continue to be placed on the state's transportation system by a growing economy, continued population growth, and increasing tourism. The Legislature also finds that significant challenges exist in providing additional capacity to the conventional transportation system and enhanced accommodation of alternative travel modes to meet the needs of residents and visitors are required. The Legislature further finds that improving bicyclist and pedestrian safety for both residents and visitors remains a high priority. Therefore, the Legislature declares that the development of a nonmotorized trail network will increase mobility and recreational alternatives for residents and visitors of this state, enhance economic prosperity, enrich quality of life, enhance safety, and reflect responsible environmental stewardship. To that end, it is the intent of the Legislature that the department make use of its expertise in efficiently providing transportation projects and develop the Florida Shared-Use Nonmotorized Trail Network, consisting of a statewide network of nonmotorized trails, which allows nonmotorized vehicles and pedestrians to access a variety of origins and destinations with limited exposure to motorized vehicles.

(2) The Florida Shared-Use Nonmotorized Trail Network is created as a component of the Florida Greenways and Trails System established in chapter 260. The statewide network consists of multiuse trails or shared-use paths physically separated from motor vehicle traffic and constructed with asphalt, concrete, or another hard surface which, by virtue of design, location, extent of connectivity or potential connectivity, and allowable uses, provides nonmotorized transportation opportunities for bicyclists and pedestrians statewide between and within a wide range of points of origin and destinations, including, but not limited to, communities, conservation areas, state parks, beaches, and other natural or cultural attractions for a variety of trip purposes, including work, school, shopping, and other personal business, as well as social, recreational, and personal fitness purposes.

(3) Network components do not include sidewalks, nature trails, loop trails wholly within a single park or natural area, or on-road facilities, such as bicycle lanes or routes other than:

(a) On-road facilities that are no longer than one-half mile connecting two or more nonmotorized trails, if the provision of a nonmotorized trail without the use of the on-road facility is not feasible, and if such on-road facilities are signed and marked for nonmotorized use; or

(b) On-road components of the Florida Keys Overseas Heritage Trail.

(4) The planning, development, operation, and maintenance of the Florida Shared-Use Nonmotorized Trail Network is declared to be a public purpose, and the department, together with other agencies of this state and all counties, municipalities, and special districts of this state, may spend public funds for such purposes and accept gifts and grants of funds, property, or property rights from public or private sources to be used for such purposes.

(5) The department shall include the Florida Shared-Use Nonmotorized Trail Network in its work program developed pursuant to s. 339.135. For purposes of funding and maintaining projects within the network, the department shall allocate in its program and resource plan a minimum of $50 million annually, beginning in the 2015-2016 fiscal year.

(6) The department may enter into a memorandum of agreement with a local government or other agency of the state to transfer maintenance responsibilities of an individual network component. The department may contract with a not-for-profit entity or private sector business or entity to provide maintenance services on an individual network component.

(7) The department may adopt rules to aid in the development and maintenance of components of the network.

Section 5. Section 339.82, Florida Statutes, is created to read:

339.82 Shared-Use Nonmotorized Trail Network Plan.—

(1) The department shall develop a network plan for the Florida Shared-Use Nonmotorized Trail Network in coordination with the Department of Environmental Protection, metropolitan planning organizations, affected local governments and public agencies, and the Florida Greenways and Trails Council. The plan must be consistent with the Florida Greenways and Trails Plan developed under s. 260.014 and must be updated at least once every 5 years.

(2) The network plan must include all of the following:

(a) A needs assessment, including, but not limited to, a comprehensive inventory and analysis of existing trails that may be considered for inclusion in the Florida Shared-Use Nonmotorized Trail Network.

(b) A project prioritization process that includes assigning funding priority to projects that:

1. Are identified by the Florida Greenways and Trails Council as a priority within the Florida Greenways and Trails System under chapter 260;

2. Facilitate an interconnected network of trails by completing gaps between existing facilities; and

3. Maximize use of federal, local, and private funding and support mechanisms, including, but not limited to, donation of funds, real property, and maintenance responsibilities.

(c) A map that illustrates existing and planned facilities and identifies critical gaps between facilities.

(d) A finance plan based on reasonable projections of anticipated revenues, including both 5-year and 10-year cost-feasible components.

(e) Performance measures that include quantifiable increases in trail network access and connectivity.

(f) A timeline for the completion of the base network using new and existing data from the department, the Department of Environmental Protection, and other sources.

(g) A marketing plan prepared in consultation with the Florida Tourism Industry Marketing Corporation.

Section 6. Section 339.83, Florida Statutes, is created to read:

339.83 Sponsorship of Shared-Use Nonmotorized Trails.—

(1) The department may enter into a concession agreement with a not-for-profit entity or private sector business or entity for commercial sponsorship signs, pavement markings, and exhibits on nonmotorized trails and related facilities constructed as part of the Shared-Use Nonmotorized Trail Network. The concession agreement may also provide for recognition of trail sponsors in any brochure, map, or website providing trail information. Trail websites may provide links to sponsors. Revenue from such agreements may be used for the maintenance of the nonmotorized trails and related facilities.

(a) A concession agreement shall be administered by the department.

(b)1. Signage, pavement markings, or exhibits erected pursuant to this section must comply with s. 337.407 and chapter 479 and are limited as follows:

a. One large sign, pavement marking, or exhibit, not to exceed 16 square feet in area, may be located at each trailhead or parking area.

b. One small sign, pavement marking, or exhibit, not to exceed 4 square feet in area, may be located at each designated trail public access point where parking is not provided.

c. Pavement markings denoting specified distances must be located at least 1 mile apart.

2. Before installation, each sign, pavement marking, or exhibit must be approved by the department.

3. The department shall ensure that the size, color, materials, construction, and location of all signs, pavement markings, and exhibits are consistent with the management plan for the property and the standards of the department, do not intrude on natural and historic settings, and contain a logo selected by the sponsor and the following sponsorship wording:

_____ (Name of the sponsor) proudly sponsors the costs of maintaining the _____ (Name of the greenway or trail)

4. Exhibits may provide additional information and materials, including, but not limited to, maps and brochures for trail user services related or proximate to the trail. Pavement markings may display mile marker information.

5. The costs of a sign, pavement marking, or exhibit, including development, construction, installation, operation, maintenance, and removal costs, shall be paid by the concessionaire.

(c) A concession agreement shall be for a minimum of 1 year, but may be for a longer period under a multiyear agreement, and may be terminated for just cause by the department upon 60 days' advance notice. Just cause for termination of a concession agreement includes, but is not limited to, violation of the terms of the concession agreement or this section.

(2) Pursuant to s. 287.057, the department may contract for the provision of services related to the trail sponsorship program, including recruitment and qualification of businesses, review of applications, permit issuance, and fabrication, installation, and maintenance of signs, pavement markings, and exhibits. The department may reject all proposals and seek another request for proposals or otherwise perform the work. The contract may allow the contractor to retain a portion of the annual fees as compensation for its services.

(3) This section does not create a proprietary or compensable interest in any sponsorship site or location for any permittee, and the department may terminate permits or change locations of sponsorship sites as it determines necessary for construction or improvement of facilities.

(4) The department may adopt rules to establish requirements for qualification of businesses, qualification and location of sponsorship sites, and permit applications and processing. The department may adopt rules to establish other criteria necessary to implement this section and to provide for variances when necessary to serve the interest of the public or when required to ensure equitable treatment of program participants.

Section 7. Subsection (24) of section 373.019, Florida Statutes, is amended to read:

373.019 Definitions.—When appearing in this chapter or in any rule, regulation, or order adopted pursuant thereto, the term:

(24) "Water resource development" means the formulation and implementation of regional water resource management strategies, including the collection and evaluation of surface water and groundwater data; structural and nonstructural programs to protect and manage water resources; the development of regional water resource implementation programs; the construction, operation, and maintenance of major public works facilities to provide for flood control, surface and underground water storage, and groundwater recharge augmentation; and related technical assistance to local governments, ~~and to~~ government-owned and privately owned water utilities*, and self-suppliers to the extent assistance to self-suppliers promotes the policies as set forth in s. 373.016*.

Section 8. Paragraph (b) of subsection (7) of section 373.036, Florida Statutes, is amended to read:

373.036 Florida water plan; district water management plans.—

(7) CONSOLIDATED WATER MANAGEMENT DISTRICT ANNUAL REPORT.—

(b) The consolidated annual report shall contain the following elements, as appropriate to that water management district:

1. A district water management plan annual report or the annual work plan report allowed in subparagraph (2)(e)4.

2. The department-approved minimum flows and *minimum water* levels annual priority list and schedule required by *s. 373.042(3)* ~~s. 373.042(2)~~.

3. The annual 5-year capital improvements plan required by s. 373.536(6)(a)3.

4. The alternative water supplies annual report required by s. 373.707(8)(n).

5. The final annual 5-year water resource development work program required by s. 373.536(6)(a)4.

6. The Florida Forever Water Management District Work Plan annual report required by s. 373.199(7).

7. The mitigation donation annual report required by s. 373.414(1)(b) 2.

8. Information on all projects related to water quality or water quantity as part of a 5-year work program, including:

a. A list of all specific projects identified to implement a basin management action plan or a recovery or prevention strategy;

b. A priority ranking for each listed project for which state funding through the water resources work program is requested, which must be made available to the public for comment at least 30 days before submission of the consolidated annual report;

c. The estimated cost for each listed project;

d. The estimated completion date for each listed project;

e. The source and amount of financial assistance to be made available by the department, a water management district, or other entity for each listed project; and

f. A quantitative estimate of each listed project's benefit to the watershed, water body, or water segment in which it is located.

9. A grade for each watershed, water body, or water segment in which a project listed under subparagraph 8. is located representing the level of impairment and violations of adopted minimum flow or minimum water level. The grading system must reflect the severity of the impairment of the watershed, waterbody, or water segment.

Section 9. Section 373.037, Florida Statutes, is created to read:

373.037 Pilot program for alternative water supply development in restricted allocation areas.—

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

(a) "Central Florida Water Initiative Area" means all of Orange, Osceola, Polk, and Seminole Counties, and southern Lake County, as designated by the Central Florida Water Initiative Guiding Document of January 30, 2015.

(b) "Lower East Coast Regional Water Supply Planning Area" means the areas withdrawing surface and groundwater from Water Conservation Areas 1, 2A, 2B, 3A, and 3B, Grassy Waters Preserve/Water Catchment Area, Pal Mar, J.W. Corbett Wildlife Management Area, Loxahatchee Slough, Loxahatchee River, Riverbend Park, Dupuis Reserve, Jonathan Dickinson State Park, Kitching Creek, Moonshine Creek, Cypress Creek, Hobe Grove Ditch, the Holey Land and Rotenberger Wildlife Management Areas, and the freshwater portions of the Everglades National Park, as designated by the South Florida Water Management District.

(c) "Restricted allocation area" means an area within a water supply planning region of the Southwest Florida Water Management District, the South Florida Water Management District, or the St. Johns River Water Management District where the governing board of the water management district has determined that existing sources of water are not adequate to supply water for all existing and future reasonable-beneficial uses and to sustain the water resources and related natural systems for the planning period pursuant to ss. 373.036 and 373.709 and where the governing board of the water management district has applied allocation

restrictions with regard to the use of specific sources of water. For the purposes of this section, the term includes the Central Florida Water Initiative Area, the Lower East Coast Regional Water Supply Planning Area, the Southern Water Use Caution Area, and the Upper East Coast Regional Water Supply Planning Area.

(d) "Southern Water Use Caution Area" means all of Desoto, Hardee, Manatee, and Sarasota Counties and parts of Charlotte, Highlands, Hillsborough, and Polk Counties, as designated by the Southwest Florida Water Management District.

(e) "Upper East Coast Regional Water Supply Planning Area" means the areas withdrawing surface and groundwater from the Central and Southern Florida canals or the Floridan Aquifer, as designated by the South Florida Water Management District.

(2) The Legislature finds that:

(a) Local governments, regional water supply authorities, and government-owned and privately owned water utilities face significant challenges in securing funds for implementing large-scale alternative water supply projects in certain restricted allocation areas due to a variety of factors, such as the magnitude of the water resource challenges, the large number of water users, the difficulty of developing multijurisdictional solutions across district, county, or municipal boundaries, and the expense of developing large-scale alternative water supply projects identified in the regional water supply plans pursuant to s. 373.709.

(b) These factors make it necessary to provide other options for the Southwest Florida Water Management District, the South Florida Water Management District, and the St. Johns River Water Management District to be able to take the lead in developing and implementing one alternative water supply project within a restricted allocation area as a pilot alternative water supply development project.

(c) Each pilot project must provide water supply and environmental benefits. Consideration should be given to projects that provide reductions in damaging discharges to tide or that are part of a recovery or prevention strategy for minimum flows and minimum water levels.

(3) The water management districts specified in paragraph (2)(b) may, at their sole discretion, designate and implement an existing alternative water supply project that is identified in each district's regional water supply plan as its one pilot project or amend their respective regional water supply plans to add a new alternative water supply project as their district pilot project. A pilot project designation made pursuant to this section should be made no later than July 1, 2016, and is not subject to the rulemaking requirements of chapter 120 or subject to legal challenge pursuant to ss. 120.569 and 120.57. A water management district may designate an alternative water supply project located within another water management district if the project is located in a restricted allocation area designated by the other water management district and a substantial quantity of water provided by the alternative water supply project will be used within the designating water management district's boundaries.

(4) In addition to the other powers granted and duties imposed under this chapter, if a district specified in paragraph (2)(b) elects to implement a pilot project pursuant to this section, its governing board has the following powers and is subject to the following restrictions in implementing the pilot project:

(a) The governing board may not develop and implement a pilot project on privately owned land without the voluntary consent of the landowner, which consent may be evidenced by deed, easement, license, contract, or other written legal instrument executed by the landowner after July 1, 2015.

(b) The governing board may not engage in local water supply distribution or sell water to the pilot project participants.

(c) The governing board may join with one or more other water management districts and counties, municipalities, special districts, publicly owned or privately owned water utilities, multijurisdictional water supply entities, regional water supply authorities, self-suppliers, or other entities for the purpose of carrying out its powers, and may contract with any such other entities to finance or otherwise implement acquisitions, construction, and operation and maintenance, if such contracts are consistent with the public interest and based upon independent cost estimates, including comparisons with other alternative water supply projects. The contracts may provide for contributions to be made by each party to the contract for the division and apportionment of resulting costs, including operations and maintenance, benefits, services, and products. The contracts may contain other covenants and agreements necessary and appropriate to accomplish their purposes.

(5) A water management district may provide up to 50 percent of funding assistance for a pilot project.

(6) If a water management district specified in paragraph (2)(b) elects to implement a pilot project, it shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by July 1, 2019, on the effectiveness of its pilot project. The report must include all of the following information:

(a) A description of the alternative water supply project selected as a pilot project, including the quantity of water the project has produced or is expected to produce and the consumptive users who are expected to use the water produced by the pilot project to meet their existing and future reasonable-beneficial uses.

(b) Progress made in developing and implementing the pilot project in comparison to the development and implementation of other alternative water supply projects in the restricted allocation area.

(c) The capital and operating costs to be expended by the water management district in implementing the pilot project in comparison to other alternative water supply projects being developed and implemented in the restricted allocation area.

(d) The source of funds to be used by the water management district in developing and implementing the pilot project.

(e) The benefits to the district's water resources and natural systems from implementation of the pilot project.

(f) A recommendation as to whether the traditional role of water management districts regarding the development and implementation of alternative water supply projects, as specified in ss. 373.705 and 373.707, should be revised and, if so, identification of the statutory changes necessary to expand the scope of the pilot program.

Section 10. Section 373.042, Florida Statutes, is amended to read:

373.042 Minimum flows and *minimum water* levels.—

(1) Within each section, or *within* the water management district as a whole, the department or the governing board shall establish the following:

(a) Minimum flow for all surface watercourses in the area. The minimum flow for a given watercourse *is* ~~shall be~~ the limit at which further withdrawals would be significantly harmful to the water resources or ecology of the area.

(b) Minimum water level. The minimum water level *is* ~~shall be~~ the level of groundwater in an aquifer and the level of surface water at which further withdrawals would be significantly harmful to the water resources *or ecology* of the area.

The minimum flow and minimum water level shall be calculated by the department and the governing board using the best information available. When appropriate, minimum flows and *minimum water* levels may be calculated to reflect seasonal variations. The department and the governing board shall ~~also~~ consider, and at their discretion may provide for, the protection of nonconsumptive uses in the establishment of minimum flows and *minimum water* levels.

(2)(a) If a minimum flow or minimum water level has not been adopted for an Outstanding Florida Spring, a water management district or the department shall use the emergency rulemaking authority provided in paragraph (c) to adopt a minimum flow or minimum water level no later than July 1, 2017, except for the Northwest Florida Water Management District, which shall use such authority to adopt minimum flows and minimum water levels for Outstanding Florida Springs no later than July 1, 2026.

(b) For Outstanding Florida Springs identified on a water management district's priority list developed pursuant to subsection (3) which have the potential to be affected by withdrawals in an adjacent district, the adjacent district or districts and the department shall collaboratively develop and implement a recovery or prevention strategy for an Outstanding Florida Spring not meeting an adopted minimum flow or minimum water level.

(c) The Legislature finds as provided in s. 373.801(3)(b) that the adoption of minimum flows and minimum water levels or recovery or prevention strategies for Outstanding Florida Springs requires immediate action. The department and the districts are authorized, and all conditions are deemed to be met, to use emergency rulemaking provisions pursuant to s. 120.54(4) to adopt minimum flows and minimum water levels pursuant to this subsection and recovery or prevention strategies adopted concurrently with a minimum flow or minimum water level pursuant to s. 373.805(2).

(3)~~(2)~~ By November 15, 1997, and annually thereafter, each water management district shall submit to the department for review and approval a priority list and schedule for the establishment of minimum flows and *minimum water* levels for surface watercourses, aquifers, and surface waters within the district. The priority list and schedule shall identify those listed water bodies for which the district will voluntarily undertake independent scientific peer review; any reservations proposed by the district to be established pursuant to s. 373.223(4); and those listed water bodies that have the potential to be affected by withdrawals in an adjacent district for which the department's adoption of a reservation pursuant to s. 373.223(4) or a minimum flow or *minimum water* level pursuant to subsection (1) may be appropriate. By March 1, 2006, and annually thereafter, each water management district shall include its approved priority list and schedule in the consolidated annual report required by s. 373.036(7). The priority list shall be based upon the importance of the waters to the state or region and the existence of or potential for significant harm to the water resources or ecology of the state or region, and shall include those waters which are experiencing or may reasonably be expected to experience adverse impacts. Each water management district's priority list and schedule shall include all first magnitude springs, and all second magnitude springs within state or federally owned lands purchased for conservation purposes. The specific schedule for establishment of spring minimum flows and *minimum water* levels shall be commensurate with the existing or potential threat to spring flow from consumptive uses. Springs within the Suwannee River Water Management District, or second magnitude springs in other areas of the state, need not be included on the priority list if the water management district submits a report to the Department of Environmental Protection demonstrating that adverse impacts are not now occurring nor are reasonably expected to occur from consumptive uses during the next 20 years. The priority list and schedule is not subject to any proceeding pursuant to chapter 120. Except as provided in subsection *(4)* ~~(3)~~, the development of a priority list and compliance with the schedule for the establishment of minimum flows and *minimum water* levels pursuant to this subsection satisfies the requirements of subsection (1).

(4)~~(3)~~ Minimum flows or *minimum water* levels for priority waters in the counties of Hillsborough, Pasco, and Pinellas shall be established by October 1, 1997. Where a minimum flow or *minimum water* level for the priority waters within those counties has not been established by the applicable deadline, the secretary of the department shall, if requested by the governing body of any local government within whose jurisdiction the affected waters are located, establish the minimum flow or *minimum water* level in accordance with the procedures established by this section. The department's reasonable costs in establishing a minimum flow or *minimum water* level shall, upon request of the secretary, be reimbursed by the district.

(5)~~(4)~~ A water management district shall provide the department with technical information and staff support for the development of a reservation, minimum flow or *minimum water* level, or recovery or prevention strategy to be adopted by the department by rule. A water management district shall apply any reservation, minimum flow or *minimum water* level, or recovery or prevention strategy adopted by the department by rule without the district's adoption by rule of such reservation, minimum flow or *minimum water* level, or recovery or prevention strategy.

(6)~~(5)~~(a) Upon written request to the department or governing board by a substantially affected person, or by decision of the department or governing board, prior to the establishment of a minimum flow or *minimum water* level and prior to the filing of any petition for administrative hearing related to the minimum flow or *minimum water* level, all scientific or technical data, methodologies, and models, including all scientific and technical assumptions employed in each model, used to establish a minimum flow or *minimum water* level shall be subject to independent scientific peer review. Independent scientific peer review means review by a panel of independent, recognized experts in the fields of hydrology, hydrogeology, limnology, biology, and other scientific disciplines, to the extent relevant to the establishment of the minimum flow or *minimum water* level.

(b) If independent scientific peer review is requested, it shall be initiated at an appropriate point agreed upon by the department or governing board and the person or persons requesting the peer review. If no agreement is reached, the department or governing board shall determine the appropriate point at which to initiate peer review. The members of the peer review panel shall be selected within 60 days of the point of initiation by agreement of the department or governing board and the person or persons requesting the peer review. If the panel is not selected within the 60-day period, the time limitation may be waived upon the agreement of all parties. If no waiver occurs, the department or governing board may proceed to select the peer review panel. The cost of the peer review shall be borne equally by the district and each party requesting the peer review, to the extent economically feasible. The panel shall submit a final report to the governing board within 120 days after its selection unless the deadline is waived by agreement of all parties. Initiation of peer review pursuant to this paragraph shall toll any applicable deadline under chapter 120 or other law or district rule regarding permitting, rulemaking, or administrative hearings, until 60 days following submittal of the final report. Any such deadlines shall also be tolled for 60 days following withdrawal of the request or following agreement of the parties that peer review will no longer be pursued. The department or the governing board shall give significant weight to the final report of the peer review panel when establishing the minimum flow or *minimum water* level.

(c) If the final data, methodologies, and models, including all scientific and technical assumptions employed in each model upon which a minimum flow or level is based, have undergone peer review pursuant to this subsection, by request or by decision of the department or governing board, no further peer review shall be required with respect to that minimum flow or *minimum water* level.

(d) No minimum flow or *minimum water* level adopted by rule or formally noticed for adoption on or before May 2, 1997, shall be subject to the peer review provided for in this subsection.

(7)~~(6)~~ If a petition for administrative hearing is filed under chapter 120 challenging the establishment of a minimum flow or *minimum water* level, the report of an independent scientific peer review conducted under subsection *(5)* ~~(4)~~ is admissible as evidence in the final hearing, and the administrative law judge must render the order within 120 days after the filing of the petition. The time limit for rendering the order shall not be extended except by agreement of all the parties. To the extent that the parties agree to the findings of the peer review, they may stipulate that those findings be incorporated as findings of fact in the final order.

(8) The rules adopted pursuant to this section are not subject to s. 120.541(3).

Section 11. Section 373.0421, Florida Statutes, is amended to read:

373.0421 Establishment and implementation of minimum flows and *minimum water* levels.—

(1) ESTABLISHMENT.—

(a) *Considerations.*—When establishing minimum flows and *minimum water* levels pursuant to s. 373.042, the department or governing board shall consider changes and structural alterations to watersheds, surface waters, and aquifers and the effects such changes or alterations have had, and the constraints such changes or alterations have placed, on the hydrology of an affected watershed, surface water, or aquifer,

provided that nothing in this paragraph shall allow significant harm as provided by s. 373.042(1) caused by withdrawals.

(b) *Exclusions.—*

1. The Legislature recognizes that certain water bodies no longer serve their historical hydrologic functions. The Legislature also recognizes that recovery of these water bodies to historical hydrologic conditions may not be economically or technically feasible, and that such recovery effort could cause adverse environmental or hydrologic impacts. Accordingly, the department or governing board may determine that setting a minimum flow or *minimum water* level for such a water body based on its historical condition is not appropriate.

2. The department or the governing board is not required to establish minimum flows or *minimum water* levels pursuant to s. 373.042 for surface water bodies less than 25 acres in area, unless the water body or bodies, individually or cumulatively, have significant economic, environmental, or hydrologic value.

3. The department or the governing board shall not set minimum flows or *minimum water* levels pursuant to s. 373.042 for surface water bodies constructed prior to the requirement for a permit, or pursuant to an exemption, a permit, or a reclamation plan which regulates the size, depth, or function of the surface water body under the provisions of this chapter, chapter 378, or chapter 403, unless the constructed surface water body is of significant hydrologic value or is an essential element of the water resources of the area.

The exclusions of this paragraph shall not apply to the Everglades Protection Area, as defined in s. 373.4592(2)(i).

(2) If the existing flow or *water* level in a water body is below, or is projected to fall within 20 years below, the applicable minimum flow or *minimum water* level established pursuant to s. 373.042, the department or governing board, *concurrent with the adoption of the minimum flow or minimum water level and* as part of the regional water supply plan described in s. 373.709, shall *adopt and* ~~expeditiously~~ implement a recovery or prevention strategy, which includes the development of additional water supplies and other actions, consistent with the authority granted by this chapter, to:

(a) Achieve recovery to the established minimum flow or *minimum water* level as soon as practicable; or

(b) Prevent the existing flow or *water* level from falling below the established minimum flow or *minimum water* level.

The recovery or prevention strategy *must* ~~shall~~ include *a phased-in approach* ~~phasing~~ or a timetable which will allow for the provision of sufficient water supplies for all existing and projected reasonable-beneficial uses, including development of additional water supplies and implementation of conservation and other efficiency measures concurrent with *and*, to the *maximum* extent practical, ~~and~~ to offset~~,~~ reductions in permitted withdrawals, consistent with ~~the provisions of~~ this chapter. *The recovery or prevention strategy may not depend solely on water shortage restrictions declared pursuant to s. 373.175 or s. 373.246.*

(3) In order to ensure that sufficient water is available for all existing and future reasonable-beneficial uses and the natural systems, the applicable regional water supply plan prepared pursuant to s. 373.709 shall be amended to include any water supply development project or water resource development project identified in a recovery or prevention strategy. Such amendment shall be approved concurrently with relevant portions of the recovery or prevention strategy.

(4) The water management district shall notify the department if an application for a water use permit is denied based upon the impact that the use will have on an adopted minimum flow or minimum water level. Upon receipt of such notice, the department shall, as soon as practicable and in cooperation with the water management district, conduct a review of the applicable regional water supply plan prepared pursuant to s. 373.709. Such review shall include an assessment by the department of the adequacy of the plan in addressing the legislative intent of s. 373.705(2)(b) which provides that sufficient water be available for all existing and future reasonable-beneficial uses and natural systems and that the adverse effects of competition for water supplies be avoided. If the department determines, based upon this review, that the regional water supply plan does not adequately address the legislative intent of s. 373.705(2)(b), the water management district shall immediately initiate an update of the plan consistent with s. 373.709.

(5)~~(3)~~ The provisions of this section are supplemental to any other specific requirements or authority provided by law. Minimum flows and *minimum water* levels shall be reevaluated periodically and revised as needed.

Section 12. Section 373.0465, Florida Statutes, is created to read:

373.0465 Central Florida Water Initiative.-

(1) The Legislature finds that:

(a) Historically, the Floridan Aquifer system has supplied the vast majority of the water used in the Central Florida Coordination Area.

(b) Because the boundaries of the St. Johns River Water Management District, the South Florida Water Management District, and the Southwest Florida Water Management District meet within the Central Florida Coordination Area, the three districts and the Department of Environmental Protection have worked cooperatively to determine that the Floridan Aquifer system is locally approaching the sustainable limits of use and are exploring the need to develop sources of water to meet the long-term water needs of the area.

(c) The Central Florida Water Initiative is a collaborative process involving the Department of Environmental Protection, the St. Johns River Water Management District, the South Florida Water Management District, the Southwest Florida Water Management District, the Department of Agriculture and Consumer Services, regional public water supply utilities, and other stakeholders. As set forth in the Central Florida Water Initiative Guiding Document of January 30, 2015, the initiative has developed an initial framework for a unified process to address the current and long-term water supply needs of Central Florida without causing harm to the water resources and associated natural systems.

(d) Developing water sources as an alternative to continued reliance on the Floridan Aquifer will benefit existing and future water users and natural systems within and beyond the boundaries of the Central Florida Water Initiative.

(2)(a) As used in this section, the term "Central Florida Water Initiative Area" means all of Orange, Osceola, Polk, and Seminole Counties, and southern Lake County, as designated by the Central Florida Water Initiative Guiding Document of January 30, 2015.

(b) The department, the St. Johns River Water Management District, the South Florida Water Management District, the Southwest Florida Water Management District, and the Department of Agriculture and Consumer Services shall:

1. Provide for a continuation of the collaborative process in the Central Florida Water Initiative Area among the state agencies, affected water management districts, regional public water supply utilities, and other stakeholders;

2. Build upon the guiding principles and goals set forth in the Central Florida Water Initiative Guiding Document of January 30, 2015, and the work that has already been accomplished by the Central Florida Water Initiative participants;

3. Develop and implement, as set forth in the Central Florida Water Initiative Guiding Document of January 30, 2015, a single multidistrict regional water supply plan, including any needed recovery or prevention strategies and a list of water supply development projects or water resource projects; and

4. Provide for a single hydrologic planning model to assess the availability of groundwater in the Central Florida Water Initiative Area.

(c) In developing the water supply planning program consistent with the goals set forth in this subsection, the department, the St. Johns River Water Management District, the South Florida Water Management District, the Southwest Florida Water Management District, and the Department of Agriculture and Consumer Services shall:

1. Consider limitations on groundwater use together with opportunities for new, increased, or redistributed groundwater uses that are consistent with the conditions established under s. 373.223;

2. Establish a coordinated process for the identification of water resources requiring new or revised conditions consistent with the conditions established under s. 373.223;

3. Consider existing recovery or prevention strategies;

4. Include a list of water supply options sufficient to meet the water needs of all existing and future reasonable-beneficial uses consistent with the conditions established under s. 373.223; and

5. Identify, as necessary, which of the water supply sources are preferred water supply sources pursuant to s. 373.2234.

(d) The department, in consultation with the St. Johns River Water Management District, the South Florida Water Management District, the Southwest Florida Water Management District, and the Department of Agriculture and Consumer Services, shall adopt uniform rules for application within the Central Florida Water Initiative Area that include:

1. A single, uniform definition of "harmful to the water resources" consistent with the term's usage in s. 373.219;

2. A single method for calculating residential per capita water use;

3. A single process for permit reviews;

4. A single, consistent process, as appropriate, to set minimum flows and minimum water levels and water reservations;

5. A goal for residential per capita water use for each consumptive use permit; and

6. An annual conservation goal for each consumptive use permit consistent with the regional water supply plan.

The uniform rules shall include existing recovery strategies within the Central Florida Water Initiative Area adopted before July 1, 2015. The department may grant variances to the uniform rules if there are unique circumstances or hydrogeological factors that make application of the uniform rules unrealistic or impractical.

(e) The department shall initiate rulemaking for the uniform rules by December 31, 2015. The department's uniform rules shall be applied by the water management districts only within the Central Florida Water Initiative Area. Upon adoption of the rules, the water management districts shall implement the rules without further rulemaking pursuant to s. 120.54. The rules adopted by the department pursuant to this section are considered the rules of the water management districts.

(f) Water management district planning programs developed pursuant this subsection shall be approved or adopted as required under this chapter. However, such planning programs may not serve to modify planning programs in areas of the affected districts that are not within the Central Florida Water Initiative Area, but may include interregional projects located outside the Central Florida Water Initiative Area which are consistent with planning and regulatory programs in the areas in which they are located.

Section 13. Subsection (4) of section 373.1501, Florida Statutes, is amended, present subsections (7) and (8) are redesignated as subsections (8) and (9), respectively, and a new subsection (7) is added to that section, to read:

373.1501 South Florida Water Management District as local sponsor.—

(4) The district is authorized to act as local sponsor of the project for those project features within the district as provided in this subsection and subject to the oversight of the department as further provided in s. 373.026. *The district shall exercise the authority of the state to allocate quantities of water within its jurisdiction, including the water supply in relation to the project, and be responsible for allocating water and assigning priorities among the other water uses served by the project pursuant to state law.* The district may:

(a) Act as local sponsor for all project features previously authorized by Congress.~~;~~

(b) Continue data gathering, analysis, research, and design of project components, participate in preconstruction engineering and design documents for project components, and further refine the Comprehensive Plan of the restudy as a guide and framework for identifying other project components.~~;~~

(c) Construct pilot projects that will assist in determining the feasibility of technology included in the Comprehensive Plan of the restudy.~~;~~ ~~and~~

(d) Act as local sponsor for project components.

(7) When developing or implementing water control plans or regulation schedules required for the operation of the project, the district shall provide recommendations to the United States Army Corps of Engineers which are consistent with all district programs and plans.

Section 14. Subsection (3) is added to section 373.219, Florida Statutes, to read:

373.219 Permits required.—

(3) The department shall adopt uniform rules for issuing permits which prevent groundwater withdrawals that are harmful to the water resources and adopt by rule a uniform definition of the term "harmful to the water resources" for Outstanding Florida Springs to provide water management districts with minimum standards necessary to be consistent with the overall water policy of the state. This subsection does not prohibit a water management district from adopting a definition that is more protective of the water resources consistent with local or regional conditions and objectives.

Section 15. Subsection (6) is added to section 373.223, Florida Statutes, to read:

373.223 Conditions for a permit.—

(6) A new, renewal of, or modification to a consumptive use permit authorizing groundwater withdrawals of 100,000 gallons or more per day shall be monitored for water usage at intervals and using methods determined by the applicable water management district, the results of which shall be reported to the water management district at least annually. The water management districts may adopt rules to implement this subsection.

Section 16. Section 373.2234, Florida Statutes, is amended to read:

373.2234 Preferred water supply sources.—

(1) The governing board of a water management district is authorized to adopt rules that identify preferred water supply sources for consumptive uses for which there is sufficient data to establish that a preferred source will provide a substantial new water supply to meet the existing and projected reasonable-beneficial uses of a water supply planning region identified pursuant to s. 373.709(1), while sustaining existing water resources and natural systems. At a minimum, such rules must contain a description of the preferred water supply source and an assessment of the water the preferred source is projected to produce.

(2)(a) If an applicant proposes to use a preferred water supply source, that applicant's proposed water use is subject to s. 373.223(1), except that the proposed use of a preferred water supply source must be considered by a water management district when determining whether a permit applicant's proposed use of water is consistent with the public interest pursuant to s. 373.223(1)(c).

(b) The governing board of a water management district shall consider the identification of preferred water supply sources for water users for whom access to or development of new water supplies is not technically or financially feasible. Identification of preferred water supply sources for such water users must be consistent with s. 373.016.

(c) A consumptive use permit issued for the use of a preferred water supply source must be granted, when requested by the applicant, for at least a 20-year period and may be subject to the compliance reporting provisions of s. 373.236(4).

(3)(a) ~~Nothing in~~ This section *does not:* ~~shall be construed to~~

1. Exempt the use of preferred water supply sources from ~~the provisions of~~ ss. 373.016(4) and 373.223(2) and (3)*;* ~~, or be construed to~~

2. Provide that permits issued for the use of a nonpreferred water supply source must be issued for a duration of less than 20 years or that the use of a nonpreferred water supply source is not consistent with the public interest*; or*~~.~~

3. ~~Additionally, nothing in this section shall be interpreted to~~ Require the use of a preferred water supply source or to restrict or prohibit the use of a nonpreferred water supply source.

(b) Rules adopted by the governing board of a water management district to implement this section shall specify that the use of a preferred water supply source is not required and that the use of a nonpreferred water supply source is not restricted or prohibited.

Section 17. Present subsection (5) of section 373.227, Florida Statutes, is redesignated as subsection (7), and a new subsection (5) and subsection (6) are added to that section, to read:

373.227 Water conservation; legislative findings and intent; objectives; comprehensive statewide water conservation program requirements.—

(5) In order to incentivize water conservation, if actual water use is less than permitted water use due to documented implementation of water conservation measures beyond those required in a consumptive use permit, including, but not limited to, those measures identified in best management practices pursuant to s. 570.93, the permitted allocation may not be modified solely due to such water conservation during the term of the permit. In order to promote water conservation and the implementation of measures that produce significant water savings beyond those required in a consumptive use permit, each water management district shall adopt rules providing water conservation incentives, which may include limited permit extensions.

(6) For consumptive use permits for agricultural irrigation, if actual water use is less than permitted water use due to weather events, crop diseases, nursery stock availability, market conditions, or changes in crop type, a district may not, as a result, reduce permitted allocation amounts during the term of the permit.

Section 18. Subsection (2) of section 373.233, Florida Statutes, is amended to read:

373.233 Competing applications.—

(2)*(a) If* ~~In the event that~~ two or more competing applications qualify equally under ~~the provisions of~~ subsection (1), the governing board or the department shall give preference to a renewal application over an initial application.

(b) If two or more competing applications qualify equally under subsection (1) and none of the competing applications is a renewal application, the governing board or the department shall give preference to the application for the use where the source is nearest to the area of use or application consistent with s. 373.016(4)(a).

Section 19. Section 373.4591, Florida Statutes, is amended to read:

373.4591 Improvements on private agricultural lands.—

(1) The Legislature encourages public-private partnerships to accomplish water storage*, groundwater recharge,* and water quality improvements on private agricultural lands. *Priority consideration shall be given to public-private partnerships that:*

(a) Store or treat water on private lands for purposes of enhancing hydrologic improvement, improving water quality, or assisting in water supply;

(b) Provide critical ground water recharge; or

(c) Provide for changes in land use to activities that minimize nutrient loads and maximize water conservation.

(2)(a) When an agreement is entered into between *the department,* a water management district*,* or the Department *of Agriculture and Consumer Services* and a private landowner to establish ~~such~~ a *public-private* partnership *that may create or impact wetlands or other surface waters*, a baseline condition determining the extent of wetlands and other surface waters on the property shall be established and documented in the agreement before improvements are constructed.

(b) When an agreement is entered into between the Department of Agriculture and Consumer Services and a private landowner to implement best management practices pursuant to s. 403.067(7)(c), a baseline condition determining the extent of wetlands and other surface water on the property may be established at the option and expense of the private landowner and documented in the agreement before improvements are constructed. The Department of Agriculture and Consumer Services shall submit the landowner's proposed baseline condition documentation to the lead agency for review and approval, and the agency shall use its best efforts to complete the review within 45 days.

(3) The Department of Agriculture and Consumer Services, the department, and the water management districts shall provide a process for reviewing these requests in the timeframe specified. The determination of a baseline condition shall be conducted using the methods set forth in the rules adopted pursuant to s. 373.421. The baseline condition documented in an agreement shall be considered the extent of wetlands and other surface waters on the property for the purpose of regulation under this chapter for the duration of the agreement and after its expiration.

Section 20. Paragraph (h) of subsection (1) and subsections (2) through (7) of section 373.4595, Florida Statutes, are amended to read:

373.4595 Northern Everglades and Estuaries Protection Program.—

(1) FINDINGS AND INTENT.—

(h) The Legislature finds that the expeditious implementation of the Lake Okeechobee Watershed Protection *Program, the Caloosahatchee River Watershed Protection Program,* ~~Plan~~ and the *St. Lucie* River Watershed Protection *Program* ~~Plans~~ is needed to improve the quality, quantity, timing, and distribution of water in the northern Everglades ecosystem and that this section, in conjunction with s. 403.067, including the implementation of the plans developed and approved pursuant to subsections (3) and (4), and any related basin management action plan developed and implemented pursuant to s. 403.067(7)(a), provide a reasonable means of achieving the total maximum daily load requirements and achieving and maintaining compliance with state water quality standards.

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

(a) "Best management practice" means a practice or combination of practices determined by the coordinating agencies, based on research, field-testing, and expert review, to be the most effective and practicable on-location means, including economic and technological considerations, for improving water quality in agricultural and urban discharges. Best management practices for agricultural discharges shall reflect a balance between water quality improvements and agricultural productivity.

(b) "Biosolids" means the solid, semisolid, or liquid residue generated during the treatment of domestic wastewater in a domestic wastewater treatment facility, formerly known as "domestic wastewater residuals" or "residuals," and includes products and treated material from biosolids treatment facilities and septage management facilities regulated by the department. The term does not include the treated effluent or reclaimed water from a domestic wastewater treatment facility, solids removed from pump stations and lift stations, screenings and grit removed from the preliminary treatment components of domestic wastewater treatment facilities, or ash generated during the incineration of biosolids.

(c)~~(b)~~ "Caloosahatchee River watershed" means the Caloosahatchee River, its tributaries, its estuary, and the area within Charlotte, Glades, Hendry, and Lee Counties from which surface water flow is directed or drains, naturally or by constructed works, to the river, its tributaries, or its estuary.

(d)~~(c)~~ "Coordinating agencies" means the Department of Agriculture and Consumer Services, the Department of Environmental Protection, and the South Florida Water Management District.

(e)~~(d)~~ "Corps of Engineers" means the United States Army Corps of Engineers.

(f)~~(e)~~ "Department" means the Department of Environmental Protection.

(g)~~(f)~~ "District" means the South Florida Water Management District.

~~(g) "District's WOD program" means the program implemented pursuant to rules adopted as authorized by this section and ss. 373.016, 373.044, 373.085, 373.086, 373.109, 373.113, 373.118, 373.451, and 373.453, entitled "Works of the District Basin."~~

(h) "Lake Okeechobee Watershed Construction Project" means the construction project developed pursuant to *this section* ~~paragraph (3)(b)~~.

(i) "Lake Okeechobee Watershed Protection Plan" means the *Lake Okeechobee Watershed Construction Project and the Lake Okeechobee Watershed Research and Water Quality Monitoring Program* ~~plan developed pursuant to this section and ss. 373.451-373.459~~.

(j) "Lake Okeechobee watershed" means Lake Okeechobee, its tributaries, and the area within which surface water flow is directed or drains, naturally or by constructed works, to the lake or its tributaries.

~~(k) "Lake Okeechobee Watershed Phosphorus Control Program" means the program developed pursuant to paragraph (3)(c).~~

(k)~~(l)~~ "Northern Everglades" means the Lake Okeechobee watershed, the Caloosahatchee River watershed, and the St. Lucie River watershed.

(l)~~(m)~~ "Project component" means any structural or operational change, resulting from the Restudy, to the Central and Southern Florida Project as it existed and was operated as of January 1, 1999.

(m)~~(n)~~ "Restudy" means the Comprehensive Review Study of the Central and Southern Florida Project, for which federal participation was authorized by the Federal Water Resources Development Acts of 1992 and 1996 together with related Congressional resolutions and for which participation by the South Florida Water Management District is authorized by s. 373.1501. The term includes all actions undertaken pursuant to the aforementioned authorizations which will result in recommendations for modifications or additions to the Central and Southern Florida Project.

(n)~~(o)~~ "River Watershed Protection Plans" means the Caloosahatchee River Watershed Protection Plan and the St. Lucie River Watershed Protection Plan developed pursuant to this section.

(o) "Soil amendment" means any substance or mixture of substances sold or offered for sale for soil enriching or corrective purposes, intended or claimed to be effective in promoting or stimulating plant growth, increasing soil or plant productivity, improving the quality of crops, or producing any chemical or physical change in the soil, except amendments, conditioners, additives, and related products that are derived solely from inorganic sources and that contain no recognized plant nutrients.

(p) "St. Lucie River watershed" means the St. Lucie River, its tributaries, its estuary, and the area within Martin, Okeechobee, and St. Lucie Counties from which surface water flow is directed or drains, naturally or by constructed works, to the river, its tributaries, or its estuary.

(q) "Total maximum daily load" means the sum of the individual wasteload allocations for point sources and the load allocations for nonpoint sources and natural background *adopted pursuant to s. 403.067. Before* ~~Prior to~~ determining individual wasteload allocations and load allocations, the maximum amount of a pollutant that a water body or water segment can assimilate from all sources without exceeding water quality standards must first be calculated.

(3) LAKE OKEECHOBEE WATERSHED PROTECTION PROGRAM.—*The Lake Okeechobee Watershed Protection Program shall consist of the Lake Okeechobee Watershed Protection Plan, the Lake Okeechobee Basin Management Action Plan adopted pursuant to s. 403.067, the Lake Okeechobee Exotic Species Control Program, and the Lake Okeechobee Internal Phosphorus Management Program. The Lake Okeechobee Basin Management Action Plan adopted pursuant to s. 403.067 shall be the component of the Lake Okeechobee Watershed Protection* ~~A protection~~ Program ~~for Lake Okeechobee~~ that achieves phosphorus load reductions for Lake Okeechobee ~~shall be immediately implemented as specified in this subsection~~. The *Lake Okeechobee Watershed Protection* 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.

(a) *Lake Okeechobee Watershed Protection Plan.*—In order to protect and restore surface water resources, the district, in cooperation with the other coordinating agencies, shall complete a Lake Okeechobee Watershed Protection Plan in accordance with this section and ss. 373.451-373.459. *Beginning March 1, 2020, and every 5 years thereafter, the district shall update the Lake Okeechobee Watershed Protection Plan to ensure that it is consistent with the Lake Okeechobee Basin Management Action Plan adopted pursuant to s. 403.067.* The *Lake Okeechobee Watershed Protection* Plan shall identify the geographic extent of the watershed, be coordinated with the plans developed pursuant to paragraphs (4)(a) and *(c)* ~~(b)~~, and *include the Lake Okeechobee Watershed Construction Project and the Lake Okeechobee Watershed Research and Water Quality Monitoring Program* ~~contain an implementation schedule for subsequent phases of phosphorus load reduction consistent with the total maximum daily loads established in accordance with s. 403.067~~. The plan shall consider and build upon a review and analysis of ~~the following:~~

~~1.~~ the performance of projects constructed during Phase I and Phase II of the Lake Okeechobee Watershed Construction Project, pursuant to *subparagraph 1.;* ~~paragraph (b).~~

~~2.~~ relevant information resulting from the Lake Okeechobee *Basin Management Action Plan* ~~Watershed Phosphorus Control Program~~, pursuant to paragraph *(b);* ~~(c).~~

~~3.~~ relevant information resulting from the Lake Okeechobee Watershed Research and Water Quality Monitoring Program, pursuant to *subparagraph 2.;* ~~paragraph (d).~~

~~4.~~ relevant information resulting from the Lake Okeechobee Exotic Species Control Program, pursuant to paragraph *(c); and* ~~(e).~~

~~5.~~ relevant information resulting from the Lake Okeechobee Internal Phosphorus Management Program, pursuant to paragraph *(d)* ~~(f)~~.

1.~~(b)~~ Lake Okeechobee Watershed Construction Project.—To improve the hydrology and water quality of Lake Okeechobee and downstream receiving waters, including the Caloosahatchee and St. Lucie Rivers and their estuaries, the district*, in cooperation with the other coordinating agencies,* shall design and construct the Lake Okeechobee Watershed Construction Project. *The project shall include:*

a.~~1.~~ Phase I.—Phase I of the Lake Okeechobee Watershed Construction Project shall consist of a series of project features consistent with the recommendations of the South Florida Ecosystem Restoration Working Group's Lake Okeechobee Action Plan. Priority basins for such projects include S-191, S-154, and Pools D and E in the Lower Kissimmee River. In order to obtain phosphorus load reductions to Lake Okeechobee as soon as possible, the following actions shall be implemented:

(I)~~a.~~ The district shall serve as a full partner with the Corps of Engineers in the design and construction of the Grassy Island Ranch and New Palm Dairy stormwater treatment facilities as components of the Lake Okeechobee Water Retention/Phosphorus Removal Critical Project. The Corps of Engineers shall have the lead in design and construction of these facilities. Should delays be encountered in the implementation of either of these facilities, the district shall notify the department and recommend corrective actions.

(II)~~b.~~ The district shall obtain permits and complete construction of two of the isolated wetland restoration projects that are part of the Lake Okeechobee Water Retention/Phosphorus Removal Critical Project. The additional isolated wetland projects included in this critical project shall further reduce phosphorus loading to Lake Okeechobee.

(III)~~c.~~ The district shall work with the Corps of Engineers to expedite initiation of the design process for the Taylor Creek/Nubbins Slough Reservoir Assisted Stormwater Treatment Area, a project component of the Comprehensive Everglades Restoration Plan. The district shall propose to the Corps of Engineers that the district take the lead in the design and construction of the Reservoir Assisted Stormwater Treatment Area and receive credit towards the local share of the total cost of the Comprehensive Everglades Restoration Plan.

b.~~2.~~ Phase II *technical plan and construction*.~~ By February 1, 2008,~~ The district, in cooperation with the other coordinating agencies, shall develop a detailed technical plan for Phase II of the Lake Okeechobee Watershed Construction Project *which provides the basis for the Lake Okeechobee Basin Management Action Plan adopted by the department pursuant to s. 403.067*. The detailed technical plan shall include measures for the improvement of the quality, quantity, timing, and distribution of water in the northern Everglades ecosystem, including the Lake Okeechobee watershed and the estuaries, and for facilitating the achievement of water quality standards. Use of cost-effective biologically based, hybrid wetland/chemical and other innovative nutrient control technologies shall be incorporated in the plan where appropriate. The detailed technical plan shall also include a Process Development and Engineering component to finalize the detail and design of Phase II projects and identify additional measures needed to increase the certainty that the overall objectives for improving water quality and quantity can be met. Based on information and recommendations from the Process Development and Engineering component, the Phase II detailed technical plan shall be periodically updated. Phase II shall include construction of additional facilities in the priority basins identified in *sub- subparagraph a.* ~~subparagraph 1.~~, as well as facilities for other basins in the Lake Okeechobee watershed. ~~This detailed technical plan will require legislative ratification pursuant to paragraph (i).~~ The technical plan shall:

(I)~~a.~~ Identify Lake Okeechobee Watershed Construction Project facilities designed to contribute to achieving all applicable total maximum daily loads established pursuant to s. 403.067 within the Lake Okeechobee watershed.

(II)~~b.~~ Identify the size and location of all such Lake Okeechobee Watershed Construction Project facilities.

(III)~~c.~~ Provide a construction schedule for all such Lake Okeechobee Watershed Construction Project facilities, including the sequencing and specific timeframe for construction of each Lake Okeechobee Watershed Construction Project facility.

(IV)~~d.~~ Provide a schedule for the acquisition of lands or sufficient interests necessary to achieve the construction schedule.

(V)~~e.~~ Provide a detailed schedule of costs associated with the construction schedule.

(VI)~~f.~~ Identify, to the maximum extent practicable, impacts on wetlands and state-listed species expected to be associated with construction of such facilities, including potential alternatives to minimize and mitigate such impacts, as appropriate.

(VII)~~g.~~ Provide for additional measures, including voluntary water storage and quality improvements on private land, to increase water storage and reduce excess water levels in Lake Okeechobee and to reduce excess discharges to the estuaries.

(VIII) ~~The technical plan shall also~~ Develop the appropriate water quantity storage goal to achieve the desired Lake Okeechobee range of lake levels and inflow volumes to the Caloosahatchee and St. Lucie estuaries while meeting the other water-related needs of the region, including water supply and flood protection.

(IX)~~h.~~ Provide for additional source controls needed to enhance performance of the Lake Okeechobee Watershed Construction Project facilities. Such additional source controls shall be incorporated into the Lake Okeechobee *Basin Management Action Plan* ~~Watershed Phosphorous Control Program~~ pursuant to paragraph *(b)* ~~(c)~~.

c.~~3.~~ Evaluation.—*Within 5 years after the adoption of the Lake Okeechobee Basin Management Action Plan pursuant to s. 403.067 and every 5* ~~By January 1, 2004, and every 3~~ years thereafter, the *department* ~~district~~, in cooperation with the *other* coordinating agencies, shall conduct an evaluation of *the Lake Okeechobee Watershed Construction Project and identify* any further load reductions necessary to achieve compliance with *the* ~~all~~ Lake Okeechobee ~~watershed~~ total maximum daily loads established pursuant to s. 403.067. ~~Additionally,~~ The district shall identify modifications to facilities of the Lake Okeechobee Watershed Construction Project as appropriate to meet the total maximum daily loads. *Modifications to the Lake Okeechobee Watershed Construction Project resulting from this evaluation shall be incorporated into the Lake Okeechobee Basin Management Action Plan and* ~~The evaluation shall be~~ included in the applicable annual progress report submitted pursuant to subsection (6).

d.~~4.~~ Coordination and review.—To ensure the timely implementation of the Lake Okeechobee Watershed Construction Project, the design of project facilities shall be coordinated with the department and other interested parties, including affected local governments, to the maximum extent practicable. Lake Okeechobee Watershed Construction Project facilities shall be reviewed and commented upon by the department *before* ~~prior to~~ the execution of a construction contract by the district for that facility.

2. Lake Okeechobee Watershed Research and Water Quality Monitoring Program.—The coordinating agencies shall implement a Lake Okeechobee Watershed Research and Water Quality Monitoring Program. Results from the program shall be used by the department, in cooperation with the other coordinating agencies, to make modifications to the Lake Okeechobee Basin Management Action Plan adopted pursuant to s. 403.067, as appropriate. The program shall:

a. Evaluate all available existing water quality data concerning total phosphorus in the Lake Okeechobee watershed, develop a water quality baseline to represent existing conditions for total phosphorus, monitor long-term ecological changes, including water quality for total phosphorus, and measure compliance with water quality standards for total phosphorus, including any applicable total maximum daily load for the Lake Okeechobee watershed as established pursuant to s. 403.067. Beginning March 1, 2020, and every 5 years thereafter, the department shall reevaluate water quality and quantity data to ensure that the appropriate projects are being designated and incorporated into the Lake Okeechobee Basin Management Action Plan adopted pursuant to s. 403.067. The district shall implement a total phosphorus monitoring program at appropriate structures owned or operated by the district and within the Lake Okeechobee watershed.

b. Develop a Lake Okeechobee water quality model that reasonably represents the phosphorus dynamics of Lake Okeechobee and incorporates an uncertainty analysis associated with model predictions.

c. Determine the relative contribution of phosphorus from all identifiable sources and all primary and secondary land uses.

d. Conduct an assessment of the sources of phosphorus from the Upper Kissimmee Chain-of-Lakes and Lake Istokpoga, and their relative contribution to the water quality of Lake Okeechobee. The results of this assessment shall be used by the coordinating agencies as part of the Lake Okeechobee Basin Management Action Plan adopted pursuant to s. 403.067 to develop interim measures, best management practices, or regulations, as applicable.

e. Assess current water management practices within the Lake Okeechobee watershed and develop recommendations for structural and operational improvements. Such recommendations shall balance water

supply, flood control, estuarine salinity, maintenance of a healthy lake littoral zone, and water quality considerations.

f. Evaluate the feasibility of alternative nutrient reduction technologies, including sediment traps, canal and ditch maintenance, fish production or other aquaculture, bioenergy conversion processes, and algal or other biological treatment technologies and include any alternative nutrient reduction technologies determined to be feasible in the Lake Okeechobee Basin Management Action Plan adopted pursuant to s. 403.067.

g. Conduct an assessment of the water volumes and timing from the Lake Okeechobee watershed and their relative contribution to the water level changes in Lake Okeechobee and to the timing and volume of water delivered to the estuaries.

(b)~~(c)~~ *Lake Okeechobee Basin Management Action Plan* ~~*Watershed Phosphorus Control Program.*~~—The Lake Okeechobee *Basin Management Action Plan adopted pursuant to s. 403.067 shall be the* watershed phosphorus control *component for Lake Okeechobee. The Lake Okeechobee Basin Management Action Plan shall be* ~~Program is designed to be~~ a multifaceted approach *designed* to *achieve the total maximum daily load* ~~reducing phosphorus loads~~ by improving the management of phosphorus sources within the Lake Okeechobee watershed through implementation of regulations and best management practices, *continued* development and *continued* implementation of improved best management practices, improvement and restoration of the hydrologic function of natural and managed systems, and *use* ~~utilization~~ of alternative technologies for nutrient reduction. *The plan must include an implementation schedule pursuant to this subsection for pollutant load reductions. As provided in s. 403.067(7)(a)6., the Lake Okeechobee Basin Management Action Plan must include milestones for implementation and water quality improvement and an associated water quality monitoring component sufficient to evaluate whether reasonable progress in pollutant load reductions is being achieved over time. The department shall develop a schedule to establish 5-, 10-, and 15-year measurable milestones and a target to achieve the adopted total maximum daily load no more than 20 years after adoption of the plan. The schedule shall be used to provide guidance for planning and funding purposes and is exempt from s. 120.54(1)(a). An assessment of progress toward these milestones shall be conducted every 5 years and revisions to the plan shall be made, as appropriate, as a result of each 5-year review. The assessment shall be provided to the Governor, the President of the Senate, and the Speaker of the House of Representatives. Upon the first 5-year review, the schedule of measurable milestones and a target to achieve water quality improvement consistent with this section shall be adopted into the plan. Revisions to the basin management action plan shall be made by the department in cooperation with the basin stakeholders. Revisions to best management practices or other measures must follow the procedures set forth in s. 403.067(7)(c)4. Revised basin management action plans must be adopted pursuant to s. 403.067(7)(a)5. If achieving the adopted total maximum daily load within 20 years is not practicable, the schedule must contain an explanation of the constraints that prevent the achievement of the total maximum daily load within 20 years, an estimate of the time needed to achieve the total maximum daily load, and additional 5-year measurable milestones, as necessary. The coordinating agencies shall develop an interagency agreement pursuant to ss. 373.046 and 373.406 which is consistent with the department taking the lead on water quality protection measures through the Lake Okeechobee Basin Management Action Plan adopted pursuant to s. 403.067; the district taking the lead on hydrologic improvements pursuant to paragraph (a); and the Department of Agriculture and Consumer Services taking the lead on agricultural interim measures, best management practices, and other measures adopted pursuant to s. 403.067. The interagency agreement must specify how best management practices for nonagricultural nonpoint sources are developed and how all best management practices are implemented and verified consistent with s. 403.067 and this section. The interagency agreement must address measures to be taken by the coordinating agencies during any best management practice reevaluation performed pursuant to subparagraphs 5. and 10. The department shall use best professional judgment in making the initial determination of best management practice effectiveness. The coordinating agencies may develop an intergovernmental agreement with local governments to implement nonagricultural nonpoint source best management practices within their respective geographic boundaries.* 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 *as part of a phased approach of management strategies within the Lake Okeechobee Basin Management Action Plan*, 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.~~

2.~~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 *sub-subparagraph (a)1.a.* ~~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 *agricultural nonpoint source* interim measures *and* ~~or~~ best management practices*. The Department of Agriculture and Consumer Services shall adopt* ~~for the purpose of adoption of~~ such practices by rule. The Department of Agriculture and Consumer Services shall work with the University of *Florida* ~~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.

3.~~b.~~ *As provided in s. 403.067,* 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 *state water quality standards addressed by the Lake Okeechobee Basin Management Action Plan adopted pursuant to s. 403.067* ~~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.~~

4.~~c.~~ The district or department shall conduct monitoring at representative sites to verify the effectiveness of agricultural nonpoint source best management practices.

5.~~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 *shall be conducted pursuant to s. 403.067(7)(c)4. Should the reevaluation determine that the best management practices or other measures require modification, the rule shall be revised to require implementation of the modified practice within a reasonable period as specified in the rule* ~~and make appropriate changes to the rule adopting best management practices~~.

6.~~2.~~ *As provided in s. 403.067,* 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 *as part of a phased approach of management strategies within the Lake Okeechobee Basin Management Action Plan*, 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.~~

7.~~a.~~ The department and the district are directed to work with the University of *Florida* ~~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* ~~s. 403.067(7)(c)~~, the department, in consultation with the district and affected parties, shall develop *nonagricultural nonpoint source* 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 *sub-subparagraph (a)1.a.* ~~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 *and* ~~or~~ best management practices. *The department or the district shall adopt such practices by rule* ~~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.~~

8.~~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.~~

9.~~c.~~ *As provided in s. 403.067,* the district or the department shall conduct monitoring at representative sites to verify the effectiveness of nonagricultural nonpoint source best management practices.

10.~~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 *shall be conducted pursuant to s. 403.067(7)(c)4. Should the reevaluation determine that the best management practices or other measures require modification, the rule shall be revised to require implementation of the modified practice within a reasonable time period as specified in the rule.*

11.~~3.~~ ~~The provisions of~~ Subparagraphs ~~1. and~~ 2. *and 7. do* ~~may~~ 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. *and 7.* are applicable only to the extent that they do not conflict with any rules adopted by the department that are necessary to maintain a federally delegated or approved program.

12. The program of agricultural best management practices set forth in the Everglades Program of the district, meets the requirements of this paragraph and s. 403.067(7) for the Lake Okeechobee watershed. An entity in compliance with best management practices set forth in the Everglades Program of the district, may elect to use that permit in lieu of the requirements of this paragraph. The provisions of s. 373.4595(3)(b)5. apply to this subparagraph. This subparagraph does not alter any requirement under s. 373.4592.

13. 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. 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.

14.~~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.

15.~~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 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.

16.~~6.a.~~ The department shall require all entities disposing of domestic wastewater *biosolids* ~~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 *consistent with the Lake Okeechobee Basin Management Action Plan adopted pursuant to s. 403.067.* ~~By July 1, 2005, phosphorus concentrations originating from these application sites may 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 *biosolids* ~~residuals~~ within the Lake Okeechobee watershed unless the applicant can affirmatively demonstrate that the phosphorus in the *biosolids* ~~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 *biosolids* ~~residuals~~ that are marketed and distributed as fertilizer products in accordance with department rule.

17.~~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 *biosolids* ~~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 *biosolids* ~~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 pursuant to s. 288.0656. This additional line item is an environmental protection disposal fee above the present sewer rate and may 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 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 *biosolids* ~~residuals~~, including any treatment technology that helps reduce the volume of *biosolids* ~~residuals~~ that require final disposal, but such proceeds may not be used for transportation or shipment costs for disposal or any costs relating to the land application of *biosolids* ~~residuals~~ in the Lake Okeechobee watershed.

18.~~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 *subparagraph 17.* ~~sub-sub-paragraph 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.

19.~~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 *consistent with the Lake Okeechobee Basin Management Action Plan adopted pursuant to s. 403.067.* ~~By July 1, 2005, phosphorus concentrations originating from these application sites may not exceed the limits established in the district's WOD program.~~

20.~~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 *shall* ~~may~~ include criteria and thresholds for the requirement to develop a conservation or nutrient management plan, requirements for plan approval, *site inspection requirements,* and recordkeeping requirements.

21. The district shall revise chapter 40E-61, Florida Administrative Code, to be consistent with this section and s. 403.067; provide for a monitoring program for nonpoint source dischargers required to monitor water quality by s. 403.067; and provide for the results of such monitoring to be reported to the coordinating agencies.

~~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.~~

~~(d) *Lake Okeechobee Watershed Research and Water Quality Monitoring Program.* The district, in cooperation with the other coordinating agencies, shall establish a Lake Okeechobee Watershed Research and Water Quality Monitoring Program that builds upon the district's existing Lake Okeechobee research program. The program shall:~~

~~1. Evaluate all available existing water quality data concerning total phosphorus in the Lake Okeechobee watershed, develop a water quality baseline to represent existing conditions for total phosphorus, monitor long-term ecological changes, including water quality for total phosphorus, and measure compliance with water quality standards for total phosphorus, including any applicable total maximum daily load for the Lake Okeechobee watershed as established pursuant to s. 403.067. Every 3 years, the district shall reevaluate water quality and quantity data to ensure that the appropriate projects are being designated and implemented to meet the water quality and storage goals of the plan. The district shall also implement a total phosphorus monitoring program at appropriate structures owned or operated by the South Florida Water Management District and within the Lake Okeechobee watershed.~~

~~2. Develop a Lake Okeechobee water quality model that reasonably represents phosphorus dynamics of the lake and incorporates an uncertainty analysis associated with model predictions.~~

~~3. Determine the relative contribution of phosphorus from all identifiable sources and all primary and secondary land uses.~~

~~4. Conduct an assessment of the sources of phosphorus from the Upper Kissimmee Chain of Lakes and Lake Istokpoga, and their relative contribution to the water quality of Lake Okeechobee. The results of this assessment shall be used by the coordinating agencies to develop interim measures, best management practices, or regulation, as applicable.~~

~~5. Assess current water management practices within the Lake Okeechobee watershed and develop recommendations for structural and operational improvements. Such recommendations shall balance water supply, flood control, estuarine salinity, maintenance of a healthy lake littoral zone, and water quality considerations.~~

~~6. Evaluate the feasibility of alternative nutrient reduction technologies, including sediment traps, canal and ditch maintenance, fish production or other aquaculture, bioenergy conversion processes, and algal or other biological treatment technologies.~~

~~7. Conduct an assessment of the water volumes and timing from the Lake Okeechobee watershed and their relative contribution to the water level changes in Lake Okeechobee and to the timing and volume of water delivered to the estuaries.~~

(c)~~(e)~~ *Lake Okeechobee Exotic Species Control Program.*—The coordinating agencies shall identify the exotic species that threaten the native flora and fauna within the Lake Okeechobee watershed and develop and implement measures to protect the native flora and fauna.

(d)~~(f)~~ *Lake Okeechobee Internal Phosphorus Management Program.*—The district, in cooperation with the other coordinating agencies and interested parties, shall *evaluate the feasibility of* ~~complete a~~ Lake Okeechobee internal phosphorus load removal *projects* ~~feasibility study~~. The *evaluation* ~~feasibility study~~ shall be based on technical feasibility, as well as economic considerations, and *shall consider* ~~address~~ all reasonable methods of phosphorus removal. If *projects* ~~methods~~ are found to be feasible, the district shall immediately pursue the design, funding, and permitting for implementing such *projects* ~~methods~~.

(e)~~(g)~~ *Lake Okeechobee Watershed Protection Program* ~~*Plan*~~ *implementation.*—The coordinating agencies shall be jointly responsible for implementing the Lake Okeechobee Watershed Protection *Program* ~~Plan~~, consistent with the statutory authority and responsibility of each agency. Annual funding priorities shall be jointly established, and the highest priority shall be assigned to programs and projects that address sources that have the highest relative contribution to loading and the greatest potential for reductions needed to meet the total maximum daily loads. In determining funding priorities, the coordinating agencies shall also consider the need for regulatory compliance, the extent to which the program or project is ready to proceed, and the availability of federal matching funds or other nonstate funding, including public-private partnerships. Federal and other nonstate funding shall be maximized to the greatest extent practicable.

(f)~~(h)~~ *Priorities and implementation schedules.*—The coordinating agencies are authorized and directed to establish priorities and implementation schedules for the achievement of total maximum daily loads, compliance with the requirements of s. 403.067, and compliance with applicable water quality standards within the waters and watersheds subject to this section.

~~(i) *Legislative ratification.* The coordinating agencies shall submit the Phase II technical plan developed pursuant to paragraph (b) to the President of the Senate and the Speaker of the House of Representatives prior to the 2008 legislative session for review. If the Legislature takes no action on the plan during the 2008 legislative session, the plan is deemed approved and may be implemented.~~

(4) CALOOSAHATCHEE *RIVER WATERSHED PROTECTION PROGRAM* AND ST. LUCIE RIVER WATERSHED PROTECTION PROGRAM.—A protection program shall be developed and implemented as specified in this subsection. In order to protect and restore surface water resources, the program shall address the reduction of pollutant loadings, restoration of natural hydrology, and compliance with applicable state water quality standards. The program shall be achieved through a phased program of implementation. In addition, pollutant load reductions based upon adopted total maximum daily loads established in accordance with s. 403.067 shall serve as a program objective. In the development and administration of the program, the coordinating agencies shall maximize opportunities provided by federal and local government cost-sharing programs and opportunities for partnerships with the private sector and local government. The *program* ~~plan~~ shall include a goal for salinity envelopes and freshwater inflow targets for the estuaries based upon existing research and documentation. The goal may be revised as new information is available. This goal shall seek to reduce the frequency and duration of undesirable salinity ranges while

meeting the other water-related needs of the region, including water supply and flood protection, while recognizing the extent to which water inflows are within the control and jurisdiction of the district.

(a) *Caloosahatchee River Watershed Protection Plan.*—~~No later than January 1, 2009,~~ The district, in cooperation with the other coordinating agencies, Lee County, and affected counties and municipalities, shall complete a River Watershed Protection Plan in accordance with this subsection. The *Caloosahatchee River Watershed Protection* Plan shall identify the geographic extent of the watershed, be coordinated as needed with the plans developed pursuant to paragraph (3)(a) and paragraph *(c)* ~~(b)~~ of this subsection, and ~~contain an implementation schedule for pollutant load reductions consistent with any adopted total maximum daily loads and compliance with applicable state water quality standards. The plan shall~~ include *the Caloosahatchee River Watershed Construction Project and the Caloosahatchee River Watershed Research and Water Quality Monitoring Program.*~~:~~

1. Caloosahatchee River Watershed Construction Project.—To improve the hydrology, water quality, and aquatic habitats within the watershed, the district shall, no later than January 1, 2012, plan, design, and construct the initial phase of the Watershed Construction Project. In doing so, the district shall:

a. Develop and designate the facilities to be constructed to achieve stated goals and objectives of the Caloosahatchee River Watershed Protection Plan.

b. Conduct scientific studies that are necessary to support the design of the Caloosahatchee River Watershed Construction Project facilities.

c. Identify the size and location of all such facilities.

d. Provide a construction schedule for all such facilities, including the sequencing and specific timeframe for construction of each facility.

e. Provide a schedule for the acquisition of lands or sufficient interests necessary to achieve the construction schedule.

f. Provide a schedule of costs and benefits associated with each construction project and identify funding sources.

g. To ensure timely implementation, coordinate the design, scheduling, and sequencing of project facilities with the coordinating agencies, Lee County, other affected counties and municipalities, and other affected parties.

2. Caloosahatchee River Watershed Research and Water Quality Monitoring Program.—The district, in cooperation with the other coordinating agencies and local governments, shall implement a Caloosahatchee River Watershed Research and Water Quality Monitoring Program that builds upon the district's existing research program and that is sufficient to carry out, comply with, or assess the plans, programs, and other responsibilities created by this subsection. The program shall also conduct an assessment of the water volumes and timing from Lake Okeechobee and the Caloosahatchee River watershed and their relative contributions to the timing and volume of water delivered to the estuary.

(b)~~2.~~ *Caloosahatchee River Watershed Basin Management Action Plans* ~~Pollutant Control Program~~.—*The basin management action plans adopted pursuant to s. 403.067 for the Caloosahatchee River watershed shall be* the Caloosahatchee River Watershed Pollutant Control Program. *The plans shall be* ~~is~~ designed to be a multifaceted approach to reducing pollutant loads by improving the management of pollutant sources within the Caloosahatchee River 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 pollutant reduction, such as cost-effective biologically based, hybrid wetland/chemical and other innovative nutrient control technologies. *The plans must include an implementation schedule pursuant to this subsection for pollutant load reductions. As provided in s. 403.067(7)(a)6., the Caloosahatchee River Watershed Basin Management Action Plan must include milestones for implementation and water quality improvement and an associated water quality monitoring component sufficient to evaluate whether reasonable progress in pollutant load reductions is being achieved over time. The department shall develop a schedule to establish 5-, 10-, and 15-year measurable milestones and a target to achieve the adopted total maximum daily load no more than 20 years after adoption of the plan. The schedule shall be used to provide guidance for planning and funding purposes and is exempt from s. 120.54(1)(a). An assessment of progress toward these milestones shall be conducted every 5 years, and revisions to the plan shall be made, as appropriate, as a result of each 5-year review. The assessment shall be provided to the Governor, the President of the Senate, and the Speaker of the House of Representatives. Upon the first 5-year review, the schedule of measurable milestones and a target to achieve water quality improvement consistent with this section shall be adopted into the plan. Revisions to the basin management action plan shall be made by the department in cooperation with the basin stakeholders. Revisions to best management practices or other measures must follow the procedures set forth in s. 403.067(7)(c)4. Revised basin management action plans must be adopted pursuant to s. 403.067(7)(a)5. If achieving the adopted total maximum daily load within 20 years is not practicable, the schedule must contain an explanation of the constraints that prevent achievement of the total maximum daily load within 20 years, an estimate of the time needed to achieve the total maximum daily load, and additional 5-year measurable milestones, as necessary.* The coordinating agencies shall facilitate the *use* ~~utilization~~ of federal programs that offer opportunities for water quality treatment, including preservation, restoration, or creation of wetlands on agricultural lands.

1.~~a.~~ Nonpoint source best management practices consistent with *s. 403.067* ~~paragraph (3)(c)~~, designed to achieve the objectives of the Caloosahatchee River Watershed Protection Program, shall be implemented on an expedited basis. The coordinating agencies may develop an intergovernmental agreement with local governments to implement the nonagricultural, nonpoint-source best management practices within their respective geographic boundaries.

2.~~b.~~ This subsection does not preclude the department or the district from requiring compliance with water quality standards, adopted total maximum daily loads, or current best management practices requirements set forth in any applicable regulatory program authorized by law for the purpose of protecting water quality. This subsection applies only to the extent that it does not conflict with any rules adopted by the department or district which are necessary to maintain a federally delegated or approved program.

3.~~c.~~ Projects that make use of private lands, or lands held in trust for Indian tribes, to reduce pollutant loadings or concentrations within a basin, or that reduce the volume of harmful discharges 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, or increasing aquifer recharge, are eligible for grants available under this section from the coordinating agencies.

4.~~d.~~ The Caloosahatchee River Watershed *Basin Management Action Plans* ~~Pollutant Control Program~~ shall require assessment of current water management practices within the watershed and shall require development of recommendations for structural, nonstructural, and operational improvements. Such recommendations shall consider and balance water supply, flood control, estuarine salinity, aquatic habitat, and water quality considerations.

5.~~e.~~ ~~After December 31, 2007,~~ The department may not authorize the disposal of domestic wastewater *biosolids* ~~residuals~~ within the Caloosahatchee River watershed unless the applicant can affirmatively demonstrate that the nutrients in the *biosolids* ~~residuals~~ will not add to nutrient loadings in the watershed. This demonstration shall be based on achieving a net balance between nutrient imports relative to exports on the permitted application site. Exports shall include only nutrients removed from the watershed through products generated on the permitted application site. This prohibition does not apply to Class AA *biosolids* ~~residuals~~ that are marketed and distributed as fertilizer products in accordance with department rule.

6.~~f.~~ The Department of Health shall require all entities disposing of septage within the Caloosahatchee River watershed to develop and submit to that agency an agricultural use plan that limits applications based upon nutrient loading *consistent with any basin management action plan adopted pursuant to s. 403.067*. ~~By July 1, 2008, nutrient concentrations originating from these application sites may not exceed the limits established in the district's WOD program.~~

7.~~g.~~ The Department of Agriculture and Consumer Services shall *require* ~~initiate rulemaking requiring~~ entities within the Caloosahatchee River watershed which land-apply animal manure to develop a resource management system level conservation plan, according to United States Department of Agriculture criteria, which limit such application. Such rules *shall* ~~may~~ include criteria and thresholds for the requirement to develop a conservation or nutrient management plan, requirements for plan approval, *site inspection requirements,* and recordkeeping requirements.

8. The district shall initiate rulemaking to provide for a monitoring program for nonpoint source dischargers required to monitor water quality pursuant to s. 403.067(7)(b)2.g. or s. 403.067(7)(c)3. The results of such monitoring must be reported to the coordinating agencies.

~~3. Caloosahatchee River Watershed Research and Water Quality Monitoring Program. The district, in cooperation with the other coordinating agencies and local governments, shall establish a Caloosahatchee River Watershed Research and Water Quality Monitoring Program that builds upon the district's existing research program and that is sufficient to carry out, comply with, or assess the plans, programs, and other responsibilities created by this subsection. The program shall also conduct an assessment of the water volumes and timing from the Lake Okeechobee and Caloosahatchee River watersheds and their relative contributions to the timing and volume of water delivered to the estuary.~~

(c)~~(b)~~ *St. Lucie River Watershed Protection Plan.*—~~No later than January 1, 2009,~~ The district, in cooperation with the other coordinating agencies, Martin County, and affected counties and municipalities shall complete a plan in accordance with this subsection. The *St. Lucie River Watershed Protection* Plan shall identify the geographic extent of the watershed, be coordinated as needed with the plans developed pursuant to paragraph (3)(a) and paragraph (a) of this subsection, and ~~contain an implementation schedule for pollutant load reductions consistent with any adopted total maximum daily loads and compliance with applicable state water quality standards. The plan shall~~ include *the St. Lucie River Watershed Construction Project and St. Lucie River Watershed Research and Water Quality Monitoring Program.*~~:~~

1. St. Lucie River Watershed Construction Project.—To improve the hydrology, water quality, and aquatic habitats within the watershed, the district shall, no later than January 1, 2012, plan, design, and construct the initial phase of the Watershed Construction Project. In doing so, the district shall:

a. Develop and designate the facilities to be constructed to achieve stated goals and objectives of the St. Lucie River Watershed Protection Plan.

b. Identify the size and location of all such facilities.

c. Provide a construction schedule for all such facilities, including the sequencing and specific timeframe for construction of each facility.

d. Provide a schedule for the acquisition of lands or sufficient interests necessary to achieve the construction schedule.

e. Provide a schedule of costs and benefits associated with each construction project and identify funding sources.

f. To ensure timely implementation, coordinate the design, scheduling, and sequencing of project facilities with the coordinating agencies, Martin County, St. Lucie County, other interested parties, and other affected local governments.

2. St. Lucie River Watershed Research and Water Quality Monitoring Program.—The district, in cooperation with the other coordinating agencies and local governments, shall establish a St. Lucie River Watershed Research and Water Quality Monitoring Program that builds upon the district's existing research program and that is sufficient to carry out, comply with, or assess the plans, programs, and other responsibilities created by this subsection. The district shall also conduct an assessment of the water volumes and timing from Lake Okeechobee and the St. Lucie River watershed and their relative contributions to the timing and volume of water delivered to the estuary.

(d)~~2.~~ *St. Lucie River Watershed Basin Management Action Plan* ~~Pollutant Control Program.~~*—Basin management action plan for the St. Lucie River watershed adopted pursuant to s. 403.067 shall be* the St. Lucie River Watershed Pollutant Control Program *and shall be* ~~is~~ designed to be a multifaceted approach to reducing pollutant loads by improving the management of pollutant sources within the St. Lucie River 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 *use* ~~utilization~~ of alternative technologies for pollutant reduction, such as cost-effective biologically based, hybrid wetland/chemical and other innovative nutrient control technologies. *The plan must include an implementation schedule pursuant to this subsection for pollutant load reductions. As provided in s. 403.067(7)(a)6., the St. Lucie Watershed Basin Management Action Plan must include milestones for implementation and water quality improvement and an associated water quality monitoring component sufficient to evaluate whether reasonable progress in pollutant load reductions is being achieved over time. The department shall develop a schedule to establish 5-, 10-, and 15-year measurable milestones and a target to achieve the adopted total maximum daily load no more than 20 years after adoption of the plan. The schedule shall be used to provide guidance for planning and funding purposes and is exempt from s. 120.54(1)(a). An assessment of progress toward these milestones shall be conducted every 5 years, and revisions to the plan shall be made, as appropriate, as a result of each 5-year review. The assessment shall be provided to the Governor, the President of the Senate, and the Speaker of the House of Representatives. Upon the first 5-year review, the schedule of measurable milestones and a target to achieve water quality improvement consistent with this section shall be adopted into the plan. Revisions to the basin management action plan shall be made by the department in cooperation with the basin stakeholders. Revisions to best management practices or other measures must follow the procedures set forth in s. 403.067(7)(c)4. Revised basin management action plans must be adopted pursuant to s. 403.067(7)(a)5. If achieving the adopted total maximum daily load within 20 years is not practicable, the schedule must contain an explanation of the constraints that prevent achievement of the total maximum daily load within 20 years, an estimate of the time needed to achieve the total maximum daily load, and additional 5-year measurable milestones, as necessary.* The coordinating agencies shall facilitate the *use* ~~utilization~~ of federal programs that offer opportunities for water quality treatment, including preservation, restoration, or creation of wetlands on agricultural lands.

1.~~a.~~ Nonpoint source best management practices consistent with *s. 403.067* ~~paragraph (3)(c)~~, designed to achieve the objectives of the St. Lucie River Watershed Protection Program, shall be implemented on an expedited basis. The coordinating agencies may develop an intergovernmental agreement with local governments to implement the nonagricultural nonpoint source best management practices within their respective geographic boundaries.

2.~~b.~~ This subsection does not preclude the department or the district from requiring compliance with water quality standards, adopted total maximum daily loads, or current best management practices requirements set forth in any applicable regulatory program authorized by law for the purpose of protecting water quality. This subsection applies only to the extent that it does not conflict with any rules adopted by the department or district which are necessary to maintain a federally delegated or approved program.

3.~~c.~~ Projects that make use of private lands, or lands held in trust for Indian tribes, to reduce pollutant loadings or concentrations within a basin, or that reduce the volume of harmful discharges 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, or increasing aquifer recharge, are eligible for grants available under this section from the coordinating agencies.

4.~~d.~~ The St. Lucie River Watershed *Basin Management Action Plans* ~~Pollutant Control Program~~ shall require assessment of current water management practices within the watershed and shall require development of recommendations for structural, nonstructural, and operational improvements. Such recommendations shall consider and balance water supply, flood control, estuarine salinity, aquatic habitat, and water quality considerations.

5.~~e.~~ ~~After December 31, 2007,~~ The department may not authorize the disposal of domestic wastewater *biosolids* ~~residuals~~ within the St. Lucie River watershed unless the applicant can affirmatively demonstrate that the nutrients in the *biosolids* ~~residuals~~ will not add to nutrient

loadings in the watershed. This demonstration shall be based on achieving a net balance between nutrient imports relative to exports on the permitted application site. Exports shall include only nutrients removed from the St. Lucie River watershed through products generated on the permitted application site. This prohibition does not apply to Class AA *biosolids* ~~residuals~~ that are marketed and distributed as fertilizer products in accordance with department rule.

6.~~f.~~ The Department of Health shall require all entities disposing of septage within the St. Lucie River watershed to develop and submit to that agency an agricultural use plan that limits applications based upon nutrient loading *consistent with any basin management action plan adopted pursuant to s. 403.067*. ~~By July 1, 2008, nutrient concentrations originating from these application sites may not exceed the limits established in the district's WOD program.~~

7.~~g.~~ The Department of Agriculture and Consumer Services shall initiate rulemaking requiring entities within the St. Lucie River watershed which land-apply animal manure to develop a resource management system level conservation plan, according to United States Department of Agriculture criteria, which limit such application. Such rules *shall* ~~may~~ include criteria and thresholds for the requirement to develop a conservation or nutrient management plan, requirements for plan approval, *site inspection requirements,* and recordkeeping requirements.

8. The district shall initiate rulemaking to provide for a monitoring program for nonpoint source dischargers required to monitor water quality pursuant to s. 403.067(7)(b)2.g. or s. 403.067(7)(c)3. The results of such monitoring must be reported to the coordinating agencies.

~~3. St. Lucie River Watershed Research and Water Quality Monitoring Program. The district, in cooperation with the other coordinating agencies and local governments, shall establish a St. Lucie River Watershed Research and Water Quality Monitoring Program that builds upon the district's existing research program and that is sufficient to carry out, comply with, or assess the plans, programs, and other responsibilities created by this subsection. The program shall also conduct an assessment of the water volumes and timing from the Lake Okeechobee and St. Lucie River watersheds and their relative contributions to the timing and volume of water delivered to the estuary.~~

(e)~~(c)~~ *River Watershed Protection Plan implementation.*—The coordinating agencies shall be jointly responsible for implementing the River Watershed Protection Plans, consistent with the statutory authority and responsibility of each agency. Annual funding priorities shall be jointly established, and the highest priority shall be assigned to programs and projects that have the greatest potential for achieving the goals and objectives of the plans. In determining funding priorities, the coordinating agencies shall also consider the need for regulatory compliance, the extent to which the program or project is ready to proceed, and the availability of federal or local government matching funds. Federal and other nonstate funding shall be maximized to the greatest extent practicable.

(f)~~(d)~~ *Evaluation.—Beginning* ~~By~~ March 1, *2020* ~~2012~~, and every *5* ~~3~~ years thereafter*, concurrent with the updates of the basin management action plans adopted pursuant to s. 403.067*, the *department,* ~~district~~ in cooperation with the *other* coordinating agencies, shall conduct an evaluation of any pollutant load reduction goals, as well as any other specific objectives and goals, as stated in the River Watershed Protection *Programs* ~~Plans~~. ~~Additionally,~~ The district shall identify modifications to facilities of the River Watershed Construction Projects, as appropriate, or any other elements of the River Watershed Protection *Programs* ~~Plans~~. The evaluation shall be included in the annual progress report submitted pursuant to this section.

(g)~~(e)~~ *Priorities and implementation schedules.*—The coordinating agencies are authorized and directed to establish priorities and implementation schedules for the achievement of total maximum daily loads, the requirements of s. 403.067, and compliance with applicable water quality standards within the waters and watersheds subject to this section.

~~(f) *Legislative ratification.* The coordinating agencies shall submit the River Watershed Protection Plans developed pursuant to paragraphs (a) and (b) to the President of the Senate and the Speaker of the House of Representatives prior to the 2009 legislative session for review. If the Legislature takes no action on the plan during the 2009 legislative session, the plan is deemed approved and may be implemented.~~

(5) ADOPTION AND IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS AND DEVELOPMENT OF BASIN MANAGEMENT ACTION PLANS.—The department is directed to expedite development and adoption of total maximum daily loads for the Caloosahatchee River and estuary. The department is further directed to~~, no later than December 31, 2008,~~ propose for final agency action total maximum daily loads for nutrients in the tidal portions of the Caloosahatchee River and estuary. The department shall initiate development of basin management action plans *for Lake Okeechobee, the Caloosahatchee River watershed and estuary, and the St. Lucie River watershed and estuary* as provided in *s. 403.067* ~~s. 403.067(7)(a)~~ as follows:

(a) Basin management action plans shall be developed as soon as practicable as determined necessary by the department to achieve the total maximum daily loads established for the Lake Okeechobee watershed and the estuaries.

(b) The Phase II technical plan development pursuant to paragraph *(3)(a)* ~~(3)(b)~~, and the River Watershed Protection Plans developed pursuant to paragraphs (4)(a) and *(c)*~~(b)~~, shall provide the basis for basin management action plans developed by the department.

(c) As determined necessary by the department in order to achieve the total maximum daily loads, additional or modified projects or programs that complement those in the legislatively ratified plans may be included during the development of the basin management action plan.

(d) As provided in s. 403.067, management strategies and pollution reduction requirements set forth in a basin management action plan subject to permitting by the department under subsection (7) must be completed pursuant to the schedule set forth in the basin management action plan, as amended. The implementation schedule may extend beyond the 5-year permit term.

(e) As provided in s. 403.067, management strategies and pollution reduction requirements set forth in a basin management action plan for a specific pollutant of concern are not subject to challenge under chapter 120 at the time they are incorporated, in an identical form, into a department or district issued permit or a permit modification issued in accordance with subsection (7).

~~(d) Development of basin management action plans that implement the provisions of the legislatively ratified plans shall be initiated by the department no later than September 30 of the year in which the applicable plan is ratified. Where a total maximum daily load has not been established at the time of plan ratification, development of basin management action plans shall be initiated no later than 90 days following adoption of the applicable total maximum daily load.~~

(6) ANNUAL PROGRESS REPORT.—Each March 1 the district*, in cooperation with the other coordinating agencies,* shall report on implementation of this section as part of the consolidated annual report required in s. 373.036(7). The annual report shall include a summary of the conditions of the hydrology, water quality, and aquatic habitat in the northern Everglades based on the results of the Research and Water Quality Monitoring Programs, the status of the Lake Okeechobee Watershed Construction Project, the status of the Caloosahatchee River Watershed Construction Project, and the status of the St. Lucie River Watershed Construction Project. In addition, the report shall contain an annual accounting of the expenditure of funds from the Save Our Everglades Trust Fund. At a minimum, the annual report shall provide detail by program and plan, including specific information concerning the amount and use of funds from federal, state, or local government sources. In detailing the use of these funds, the district shall indicate those designated to meet requirements for matching funds. The district shall prepare the report in cooperation with the other coordinating agencies and affected local governments. *The department shall report on the status of the Lake Okeechobee Basin Management Action Plan, the Caloosahatchee River Watershed Basin Management Action Plan, and the St. Lucie River Watershed Basin Management Action Plan. The Department of Agriculture and Consumer Services shall report on the status of the implementation of the agricultural nonpoint source best management practices, including an implementation assurance report summarizing survey responses and response rates, site inspections, and other methods used to verify implementation of and compliance with best*

management practices in the Lake Okeechobee, Caloosahatchee and St. Lucie watersheds.

(7) LAKE OKEECHOBEE PROTECTION PERMITS.—

(a) The Legislature finds that the Lake Okeechobee *Watershed* Protection Program will benefit Lake Okeechobee and downstream receiving waters and is *in* ~~consistent with~~ the public interest. The Lake Okeechobee *Watershed* Construction Project and structures discharging into or from Lake Okeechobee shall be constructed, operated, and maintained in accordance with this section.

(b) Permits obtained pursuant to this section are in lieu of all other permits under this chapter or chapter 403, except those issued under s. 403.0885, if applicable. ~~No~~ Additional permits are *not* required for the Lake Okeechobee *Watershed* Construction Project*,* or structures discharging into or from Lake Okeechobee, if *such project or structures are* permitted under this section. Construction activities related to implementation of the Lake Okeechobee *Watershed* Construction Project may be initiated *before* ~~prior to~~ final agency action, or notice of intended agency action, on any permit from the department under this section.

(c)*1.* ~~Within 90 days of completion of the diversion plans set forth in Department Consent Orders 91-0694, 91-0707, 91-0706, 91-0705, and RT50-205564,~~ Owners or operators of existing structures which discharge into or from Lake Okeechobee that *were subject to Department Consent Orders 91-0694, 91-0705, 91-0706, 91-0707, and RT50-205564 and that* are subject to ~~the provisions of~~ s. 373.4592(4)(a) *do not require a permit under this section and* shall *be governed by permits issued under* ~~apply for a permit from the department to operate and maintain such structures. By September 1, 2000, owners or operators of all other existing structures which discharge into or from Lake Okeechobee shall apply for a permit from the department to operate and maintain such structures. The department shall issue one or more such permits for a term of 5 years upon the demonstration of reasonable assurance that schedules and strategies to achieve and maintain compliance with water quality standards have been provided for, to the maximum extent practicable, and that operation of the structures otherwise complies with provisions of~~ ss. 373.413 and 373.416 *and the Lake Okeechobee Basin Management Action Plan adopted pursuant to s. 403.067*.

~~1. Permits issued under this paragraph shall also contain reasonable conditions to ensure that discharges of waters through structures:~~

~~a. Are adequately and accurately monitored;~~

~~b. Will not degrade existing Lake Okeechobee water quality and will result in an overall reduction of phosphorus input into Lake Okeechobee, as set forth in the district's Technical Publication 81-2 and the total maximum daily load established in accordance with s. 403.067, to the maximum extent practicable; and~~

~~c. Do not pose a serious danger to public health, safety, or welfare.~~

2. For the purposes of this paragraph, owners and operators of existing structures which are subject to ~~the provisions of~~ s. 373.4592(4)(a) and which discharge into or from Lake Okeechobee shall be deemed in compliance with *this paragraph* ~~the term "maximum extent practicable"~~ if they are in full compliance with the conditions of permits under *chapter* ~~chapters 40E-61 and~~ 40E-63, Florida Administrative Code.

3. By January 1, *2016* ~~2004~~, the district shall submit to the department *a complete application for* a permit modification to the Lake Okeechobee structure permits to incorporate proposed changes necessary to ensure that discharges through the structures covered by this permit *are consistent with the basin management action plan adopted pursuant to* ~~achieve state water quality standards, including the total maximum daily load established in accordance with~~ s. 403.067. ~~These changes shall be designed to achieve such compliance with state water quality standards no later than January 1, 2015.~~

(d) The department shall require permits for *district regional projects that are part of the* Lake Okeechobee *Watershed* Construction Project ~~facilities~~. However, projects ~~identified in sub-subparagraph (3)(b)1.b.~~ that qualify as exempt pursuant to s. 373.406 *do* ~~shall~~ not *require* ~~need~~ permits under this section. Such permits shall be issued for a term of 5 years upon the demonstration of reasonable assurances that:

1. *District regional projects that are part of* the Lake Okeechobee *Watershed* Construction Project *shall* ~~facility, based upon the conceptual design documents and any subsequent detailed design documents developed by the district, will~~ achieve the design objectives for phosphorus required in *subparagraph (3)(a)1.* ~~paragraph (3)(b)~~;

2. For water quality standards other than phosphorus, the quality of water discharged from the facility is of equal or better quality than the inflows;

3. Discharges from the facility do not pose a serious danger to public health, safety, or welfare; and

4. Any impacts on wetlands or state-listed species resulting from implementation of that facility of the Lake Okeechobee Construction Project are minimized and mitigated, as appropriate.

(e) At least 60 days *before* ~~prior to~~ the expiration of any permit issued under this section, the permittee may apply for a renewal thereof for a period of 5 years.

(f) Permits issued under this section may include any standard conditions provided by department rule which are appropriate and consistent with this section.

(g) Permits issued *under* ~~pursuant to~~ this section may be modified, as appropriate, upon review and approval by the department.

Section 21. Paragraph (a) of subsection (1) and subsection (3) of section 373.467, Florida Statutes, are amended, to read:

373.467 The Harris Chain of Lakes Restoration Council.—There is created within the St. Johns River Water Management District, with assistance from the Fish and Wildlife Conservation Commission and the Lake County Water Authority, the Harris Chain of Lakes Restoration Council.

(1)(a) The council shall consist of nine voting members~~,~~ which *shall* include~~:~~ a representative of waterfront property owners, a representative of the sport fishing industry, *a person with experience in* ~~an~~ environmental *science or regulation* ~~engineer~~, a person with training in biology or another scientific discipline, ~~a person with training as~~ an attorney, a physician, ~~a person with training as~~ an engineer, and two residents of the county who *are* ~~do~~ not *required to* meet any *additional* ~~of the other~~ qualifications for membership ~~enumerated in this paragraph~~, each to be appointed by the Lake County legislative delegation. *The Lake County legislative delegation may waive the qualifications for membership on a case-by-case basis if good cause is shown. A* ~~No~~ person serving on the council may *not* be appointed to a council, board, or commission of any council advisory group agency. The council members shall serve as advisors to the governing board of the St. Johns River Water Management District. The council is subject to ~~the provisions of~~ chapters 119 and 120.

(3) The council shall meet at the call of its chair, at the request of six of its members, or at the request of the chair of the governing board of the St. Johns River Water Management District. *Resignation by a council member, or failure by a council member to attend three consecutive meetings without an excuse approved by the chair, results in a vacancy on the council.*

Section 22. Paragraphs (a) and (b) of subsection (6) of section 373.536, Florida Statutes, are amended to read:

373.536 District budget and hearing thereon.—

(6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN; WATER RESOURCE DEVELOPMENT WORK PROGRAM.—

(a) Each district must, by the date specified for each item, furnish copies of the following documents to the Governor, the President of the Senate, the Speaker of the House of Representatives, the chairs of all legislative committees and subcommittees having substantive or fiscal jurisdiction over the districts, as determined by the President of the Senate or the Speaker of the House of Representatives as applicable, the secretary of the department, and the governing board of each county in which the district has jurisdiction or derives any funds for the operations of the district:

1. The adopted budget, to be furnished within 10 days after its adoption.

2. A financial audit of its accounts and records, to be furnished within 10 days after its acceptance by the governing board. The audit must be conducted in accordance with s. 11.45 and the rules adopted thereunder. In addition to the entities named above, the district must provide a copy of the audit to the Auditor General within 10 days after its acceptance by the governing board.

3. A 5-year capital improvements plan, to be included in the consolidated annual report required by s. 373.036(7). The plan must include expected sources of revenue for planned improvements and must be prepared in a manner comparable to the fixed capital outlay format set forth in s. 216.043.

4. A 5-year water resource development work program to be furnished within 30 days after the adoption of the final budget. The program must describe the district's implementation strategy and *include an annual* funding plan for *each of the 5 years included in the plan for* the water resource *and*~~,~~ water supply~~,~~ *development components, including* ~~and~~ alternative water supply development*,* ~~components~~ of each approved regional water supply plan developed or revised under s. 373.709. The work program must address all the elements of the water resource development component in the district's approved regional water supply plans*, as well as the water supply projects proposed for district funding and assistance. The annual funding plan shall identify both anticipated available district funding and additional funding needs for the second through fifth years of the funding plan. Funding requests for projects submitted for consideration for state funding pursuant to s. 403.0616 shall be identified separately. The work program* ~~and~~ must identify projects in the work program which will provide water; explain how each water resource *and*~~,~~ water supply~~, and alternative water supply development~~ project will produce additional water available for consumptive uses; estimate the quantity of water to be produced by each project; ~~and~~ provide an assessment of the contribution of the district's regional water supply plans in *supporting the implementation of minimum flows and minimum water levels and water reservations; and ensure* ~~providing~~ sufficient water *is available* ~~needed~~ to timely meet the water supply needs of existing and future reasonable-beneficial uses for a 1-in-10-year drought event *and to avoid the adverse effects of competition for water supplies*.

(b) Within 30 days after its submittal, the department shall review the proposed work program and submit its findings, questions, and comments to the district. The review must include a written evaluation of the program's consistency with the furtherance of the district's approved regional water supply plans, and the adequacy of proposed expenditures. As part of the review, the department shall *post the work program on its website and* give interested parties the opportunity to provide written comments on each district's proposed work program. Within 45 days after receipt of the department's evaluation, the governing board shall state in writing to the department which of the changes recommended in the evaluation it will incorporate into its work program submitted as part of the March 1 consolidated annual report required by s. 373.036(7) or specify the reasons for not incorporating the changes. The department shall include the district's responses in a final evaluation report and shall submit a copy of the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Section 23. Subsection (9) of section 373.703, Florida Statutes, is amended to read:

373.703 Water production; general powers and duties.—In the performance of, and in conjunction with, its other powers and duties, the governing board of a water management district existing pursuant to this chapter:

(9) May join with one or more other water management districts, counties, municipalities, special districts, publicly owned or privately owned water utilities, multijurisdictional water supply entities, regional water supply authorities, *private landowners,* or self-suppliers for the purpose of carrying out its powers, and may contract with such other entities to finance acquisitions, construction, operation, and maintenance, provided that such contracts are consistent with the public interest. The contract may provide for contributions to be made by each party to the contract for the division and apportionment of the expenses of acquisitions, construction, operation, and maintenance, and for the division and apportionment of resulting benefits, services, and products. The contracts may contain other covenants and agreements necessary and appropriate to accomplish their purposes.

Section 24. Paragraph (b) of subsection (2), subsection (3), and paragraph (b) of subsection (4) of section 373.705, Florida Statutes, are amended, and subsection (5) is added to that section, to read:

373.705 Water resource development; water supply development.—

(2) It is the intent of the Legislature that:

(b) Water management districts take the lead in identifying and implementing water resource development projects, and be responsible for securing necessary funding for regionally significant water resource development projects*, including regionally significant projects that prevent or limit adverse water resource impacts, avoid competition among water users, or support the provision of new water supplies in order to meet a minimum flow or minimum water level or to implement a recovery or prevention strategy or water reservation*.

(3)*(a)* The water management districts shall fund and implement water resource development as defined in s. 373.019. The water management districts are encouraged to implement water resource development as expeditiously as possible in areas subject to regional water supply plans.

(b) Each governing board shall include in its annual budget *submittals required under this chapter:*

1. The amount of funds for each project in the annual funding plan developed pursuant to s. 373.536(6)(a)4.;

2. The *total* amount needed for the fiscal year to implement water resource development projects, as prioritized in its regional water supply plans*; and*

3. The amount of funds requested for each project submitted for consideration for state funding pursuant to s. 403.0616.

(4)

(b) Water supply development projects that meet the criteria in paragraph (a) and that meet one or more of the following additional criteria shall be given first consideration for state or water management district funding assistance:

1. The project brings about replacement of existing sources in order to help implement a minimum flow or *minimum water* level; ~~or~~

2. The project implements reuse that assists in the elimination of domestic wastewater ocean outfalls as provided in s. 403.086(9)*; or*

3. The project reduces or eliminates the adverse effects of competition between legal users and the natural system.

(5) The water management districts shall promote expanded cost-share criteria for additional conservation practices, such as soil and moisture sensors and other irrigation improvements, water-saving equipment and water-saving household fixtures, and software technologies that can achieve verifiable water conservation by providing water use information to utility customers.

Section 25. Paragraph (f) of subsection (3), paragraph (a) of subsection (6), and paragraph (e) of subsection (8) of section 373.707, Florida Statutes, are amended to read:

373.707 Alternative water supply development.—

(3) The primary roles of the water management districts in water resource development as it relates to supporting alternative water supply development are:

(f) The provision of technical and financial assistance to local governments and publicly owned and privately owned water utilities for alternative water supply projects *and for self-suppliers for alternative water supply projects to the extent assistance for self-suppliers promotes the policies in paragraph (1)(f)*.

(6)(a) *If state* ~~The statewide~~ funds *are* provided *through specific appropriation for a priority project of the water resources work program pursuant to s. 403.0616, or* pursuant to the Water Protection and Sustainability Program*, such funds* serve to supplement existing water management district or basin board funding for alternative water supply development assistance and should not result in a reduction of such funding. *For each project identified in the annual funding plans prepared pursuant to s. 373.536(6)(a)4.* ~~Therefore~~, the water management districts shall include in the annual tentative and adopted budget submittals required under this chapter the amount of funds allocated for water resource development that supports alternative water supply development and the funds allocated for alternative water supply projects ~~selected for inclusion in the Water Protection and Sustainability Program~~. It shall be the goal of each water management district and basin boards that the combined funds allocated annually for these purposes be, at a minimum, the equivalent of 100 percent of the state funding provided to the water management district for alternative water supply development. If this goal is not achieved, the water management district shall provide in the budget submittal an explanation of the reasons or constraints that prevent this goal from being met, an explanation of how the goal will be met in future years, and affirmation of match is required during the budget review process as established under s. 373.536(5). The Suwannee River Water Management District and the Northwest Florida Water Management District shall not be required to meet the match requirements of this paragraph; however, they shall try to achieve the match requirement to the greatest extent practicable.

(8)

(e) Applicants for projects that may receive funding assistance pursuant to the Water Protection and Sustainability Program shall, at a minimum, be required to pay 60 percent of the project's construction costs. The water management districts may, at their discretion, totally or partially waive this requirement for projects sponsored by*:*

1. Financially disadvantaged small local governments as defined in former s. 403.885(5)*; or*

2. Water users for projects determined by a water management district governing board to be in the public interest pursuant to paragraph (1)(f), if the projects are not otherwise financially feasible.

The water management districts or basin boards may, at their discretion, use ad valorem or federal revenues to assist a project applicant in meeting the requirements of this paragraph.

Section 26. Paragraph (a) of subsection (2) and paragraphs (a) and (e) of subsection (6) of section 373.709, Florida Statutes, are amended to read:

373.709 Regional water supply planning.—

(2) Each regional water supply plan must be based on at least a 20-year planning period and must include, but need not be limited to:

(a) A water supply development component for each water supply planning region identified by the district which includes:

1. A quantification of the water supply needs for all existing and future reasonable-beneficial uses within the planning horizon. The level-of-certainty planning goal associated with identifying the water supply needs of existing and future reasonable-beneficial uses must be based upon meeting those needs for a 1-in-10-year drought event.

a. Population projections used for determining public water supply needs must be based upon the best available data. In determining the best available data, the district shall consider the University of *Florida* ~~Florida's~~ Bureau of Economic and Business Research (BEBR) medium population projections and population projection data and analysis submitted by a local government pursuant to the public workshop described in subsection (1) if the data and analysis support the local government's comprehensive plan. Any adjustment of or deviation from the BEBR projections must be fully described, and the original BEBR data must be presented along with the adjusted data.

b. Agricultural demand projections used for determining the needs of agricultural self-suppliers must be based upon the best available data. In determining the best available data for agricultural self-supplied water needs, the district shall consider the data indicative of future water supply demands provided by the Department of Agriculture and Consumer Services pursuant to s. 570.93 and agricultural demand projection data and analysis submitted by a local government pursuant to the public workshop described in subsection (1), if the data and analysis support the local government's comprehensive plan. Any adjustment of or deviation from the data provided by the Department of Agriculture and Consumer Services must be fully described, and the original data must be presented along with the adjusted data.

2. A list of water supply development project options, including traditional and alternative water supply project options *that are technically and financially feasible*, from which local government, government-owned and privately owned utilities, regional water supply authorities, multijurisdictional water supply entities, self-suppliers, and others may choose for water supply development. In addition to projects listed by the district, such users may propose specific projects for inclusion in the list of alternative water supply projects. If such users propose a project to be listed as an alternative water supply project, the district shall determine whether it meets the goals of the plan, and, if so, it shall be included in the list. The total capacity of the projects included in the plan must exceed the needs identified in subparagraph 1. and take into account water conservation and other demand management measures, as well as water resources constraints, including adopted minimum flows and *minimum water* levels and water reservations. Where the district determines it is appropriate, the plan should specifically identify the need for multijurisdictional approaches to project options that, based on planning level analysis, are appropriate to supply the intended uses and that, based on such analysis, appear to be permittable and financially and technically feasible. The list of water supply development options must contain provisions that recognize that alternative water supply options for agricultural self-suppliers are limited.

3. For each project option identified in subparagraph 2., the following must be provided:

a. An estimate of the amount of water to become available through the project.

b. The timeframe in which the project option should be implemented and the estimated planning-level costs for capital investment and operating and maintaining the project.

c. An analysis of funding needs and sources of possible funding options. For alternative water supply projects, the water management districts shall provide funding assistance pursuant to s. 373.707(8).

d. Identification of the entity that should implement each project option and the current status of project implementation.

(6) Annually and in conjunction with the reporting requirements of s. 373.536(6)(a)4., the department shall submit to the Governor and the Legislature a report on the status of regional water supply planning in each district. The report shall include:

(a) A compilation of the estimated costs ~~of~~ and *an analysis of the sufficiency of* potential sources of funding *from all sources* for water resource development and water supply development projects as identified in the water management district regional water supply plans.

(e) An overall assessment of the progress being made to develop water supply in each district, including, but not limited to, an explanation of how each project *in the 5-year water resource development work program developed pursuant to s. 373.536(6)(a)4.*, either alternative or traditional, will produce, contribute to, or account for additional water being made available for consumptive uses, *minimum flows and minimum water levels, or water reservations;* an estimate of the quantity of water to be produced by each project*;*~~,~~ and an assessment of the contribution of the district's regional water supply plan in providing sufficient water to meet the needs of existing and future reasonable-beneficial uses for a 1-in-10-year drought event, as well as the needs of the natural systems.

Section 27. *Part VIII of chapter 373, Florida Statutes, consisting of sections 373.801, 373.802, 373.803, 373.805, 373.807, 373.811, and 373.813, Florida Statutes, is created and entitled the "Florida Springs and Aquifer Protection Act."*

Section 28. Section 373.801, Florida Statutes, is created to read:

373.801 Legislative findings and intent.—

(1) The Legislature finds that springs are a unique part of this state's scenic beauty. Springs provide critical habitat for plants and animals, including many endangered or threatened species. Springs also provide immeasurable natural, recreational, economic, and inherent value. Springs are of great scientific importance in understanding the diverse functions of aquatic ecosystems. Water quality of springs is an indicator of local conditions of the Floridan Aquifer, which is a source of drinking water for many residents of this state. Water flows in springs may reflect regional aquifer conditions. In addition, springs provide recreational opportunities for swimming, canoeing, wildlife watching, fishing, cave diving, and many other activities in this state. These recreational opportunities and the accompanying tourism they provide are a benefit to local economies and the economy of the state as a whole.

(2) The Legislature finds that the water quantity and water quality in springs may be related. For regulatory purposes, the department has primary responsibility for water quality; the water management districts have primary responsibility for water quantity; and the Department of Agriculture and Consumer Services has primary responsibility for the development and implementation of agricultural best management practices. Local governments have primary responsibility for providing domestic wastewater collection and treatment services and stormwater management. The foregoing responsible entities must coordinate to restore and maintain the water quantity and water quality of the Outstanding Florida Springs.

(3) The Legislature recognizes that:

(a) A spring is only as healthy as its aquifer system. The groundwater that supplies springs is derived from water that recharges the aquifer system in the form of seepage from the land surface and through direct conduits, such as sinkholes. Springs may be adversely affected by polluted runoff from urban and agricultural lands; discharges resulting from inadequate wastewater and stormwater management practices; stormwater runoff; and reduced water levels of the Floridan Aquifer. As a result, the hydrologic and environmental conditions of a spring or spring run are directly influenced by activities and land uses within a springshed and by water withdrawals from the Floridan Aquifer.

(b) Springs, whether found in urban or rural settings, or on public or private lands, may be threatened by actual or potential flow reductions and declining water quality. Many of this state's springs are demonstrating signs of significant ecological imbalance, increased nutrient loading, and declining flow. Without effective remedial action, further declines in water quality and water quantity may occur.

(c) Springshed boundaries and areas of high vulnerability within a springshed need to be identified and delineated using the best available data.

(d) Springsheds typically cross water management district boundaries and local government jurisdictional boundaries, so a coordinated statewide springs protection plan is needed.

(e) The aquifers and springs of this state are complex systems affected by many variables and influences.

(4) The Legislature recognizes that action is urgently needed and, as additional data is acquired, action must be modified.

Section 29. Section 373.802, Florida Statutes, is created to read:

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

(1) "Department" means the Department of Environmental Protection, which includes the Florida Geological Survey or its successor agencies.

(2) "Local government" means a county or municipal government the jurisdictional boundaries of which include an Outstanding Florida Spring or any part of a springshed or delineated priority focus area of an Outstanding Florida Spring.

(3) "Onsite sewage treatment and disposal system" means a system that contains a standard subsurface, filled, or mound drainfield system; an aerobic treatment unit; a graywater system tank; a laundry wastewater system tank; a septic tank; a grease interceptor; a pump tank; a solids or effluent pump; a waterless, incinerating, or organic waste-composting toilet; or a sanitary pit privy that is installed or proposed to be installed beyond the building sewer on land of the owner or on other land on which the owner has the legal right to install such system. The term includes any item placed within, or intended to be used as a part of or in conjunction with, the system. The term does not include package sewage treatment facilities and other treatment works regulated under chapter 403.

(4) "Outstanding Florida Spring" includes all historic first magnitude springs, including their associated spring runs, as determined by the department using the most recent Florida Geological Survey springs bulletin, and the following additional springs, including their associated spring runs:

(a) De Leon Springs;

(b) Peacock Springs;

(c) Poe Springs;

(d) Rock Springs;

(e) Wekiwa Springs; and

(f) Gemini Springs.

The term does not include submarine springs or river rises.

(5) "Priority focus area" means the area or areas of a basin where the Floridan Aquifer is generally most vulnerable to pollutant inputs where there is a known connectivity between groundwater pathways and an Outstanding Florida Spring, as determined by the department in consultation with the appropriate water management districts, and delineated in a basin management action plan.

(6) "Springshed" means the areas within the groundwater and surface water basins which contribute, based upon all relevant facts, circumstances, and data, to the discharge of a spring as defined by potentiometric surface maps and surface watershed boundaries.

(7) "Spring run" means a body of flowing water that originates from a spring or whose primary source of water is a spring or springs under average rainfall conditions.

(8) "Spring vent" means a location where groundwater flows out of a natural, discernible opening in the ground onto the land surface or into a predominantly fresh surface water body.

Section 30. Section 373.803, Florida Statutes, is created to read:

373.803 Delineation of priority focus areas for Outstanding Florida Springs.—Using the best data available from the water management districts and other credible sources, the department, in coordination with the water management districts, shall delineate priority focus areas for each Outstanding Florida Spring or group of springs that contains one or more Outstanding Florida Springs and is identified as impaired in accordance with s. 373.807. In delineating priority focus areas, the department shall consider groundwater travel time to the spring, hydrogeology, nutrient load, and any other factors that may lead to degradation of an Outstanding Florida Spring. The delineation of priority focus areas must be completed by July 1, 2018, shall use understood and identifiable boundaries such as roads or political jurisdictions for ease of implementation, and is effective upon incorporation in a basin management action plan.

Section 31. Section 373.805, Florida Statutes, is created to read:

373.805 Minimum flows and minimum water levels for Outstanding Florida Springs.—

(1) At the time a minimum flow or minimum water level is adopted pursuant to s. 373.042 for an Outstanding Florida Spring, if the spring is below or is projected within 20 years to fall below the minimum flow or minimum water level, a water management district or the department shall concurrently adopt a recovery or prevention strategy.

(2) When a minimum flow or minimum water level for an Outstanding Florida Spring is revised pursuant to s. 373.0421(3), if the spring is below or is projected within 20 years to fall below the minimum

flow or minimum water level, a water management district or the department shall concurrently adopt a recovery or prevention strategy or modify an existing recovery or prevention strategy. A district or the department may adopt the revised minimum flow or minimum water level before the adoption of a recovery or prevention strategy if the revised minimum flow or minimum water level is less constraining on existing or projected future consumptive uses.

(3) For an Outstanding Florida Spring without an adopted recovery or prevention strategy, if a district or the department determines the spring has fallen below, or is projected within 20 years to fall below, the adopted minimum flow or minimum water level, a water management district or the department shall expeditiously adopt a recovery or prevention strategy.

(4) The recovery or prevention strategy for each Outstanding Florida Spring must, at a minimum, include:

(a) A listing of all specific projects identified for implementation of the plan;

(b) A priority listing of each project;

(c) For each listed project, the estimated cost of and the estimated date of completion;

(d) The source and amount of financial assistance to be made available by the water management district for each listed project, which may not be less than 25 percent of the total project cost unless a specific funding source or sources are identified which will provide more than 75 percent of the total project cost. The Northwest Florida Water Management District and the Suwannee River Water Management District are not required to meet the minimum requirement to receive financial assistance pursuant to this paragraph;

(e) An estimate of each listed project's benefit to an Outstanding Florida Spring; and

(f) An implementation plan designed with a target to achieve the adopted minimum flow or minimum water level no more than 20 years after the adoption of a recovery or prevention strategy. The implementation plan must include a schedule of 5-, 10-, and 15-year measureable milestones intended to achieve the adopted minimum flow or minimum water level. The schedule is not a rule but is intended to provide guidance for planning and funding purposes and is exempt from s. 120.54(1)(a).

(5) A local government may apply to the department for a single extension of up to 5 years for any project in an adopted recovery or prevention strategy. The department may grant the extension if the local government provides to the department sufficient evidence that an extension is in the best interest of the public. For a local government in a rural area of opportunity, as defined in s. 288.0656, the department may grant a single extension of up to 10 years.

Section 32. Section 373.807, Florida Statutes, is created to read:

373.807 Protection of water quality in Outstanding Florida Springs.—By July 1, 2015, the department shall initiate assessment, pursuant to s. 403.067(3), of each Outstanding Florida Spring for which an impairment determination has not been made under the numeric nutrient standards in effect for spring vents. Assessments must be completed by July 1, 2018.

(1)(a) Concurrent with the adoption of a nutrient total maximum daily load for an Outstanding Florida Spring, the department, or the department in conjunction with a water management district, shall initiate development of a basin management action plan, as specified in s. 403.067. For an Outstanding Florida Spring with a nutrient total maximum daily load adopted before July 1, 2015, the department, or the department in conjunction with a water management district, shall initiate development of a basin management action plan by July 1, 2015. During the development of a basin management action plan, if the department identifies onsite sewage treatment and disposal systems as contributors of at least 20 percent of nonpoint source nitrogen pollution or if the department determines remediation is necessary to achieve the total maximum daily load, the basin management action plan shall include an onsite sewage treatment and disposal system remediation plan pursuant to subsection (3) for those systems identified as requiring remediation.

(b) A basin management action plan for an Outstanding Florida Spring shall be adopted within 2 years after its initiation and must include, at a minimum:

1. A list of all specific projects and programs identified to implement a nutrient total maximum daily load;

2. A list of all specific projects identified in any incorporated onsite sewage treatment and disposal system remediation plan, if applicable;

3. A priority rank for each listed project;

4. For each listed project, a planning level cost estimate and the estimated date of completion;

5. The source and amount of financial assistance to be made available by the department, a water management district, or other entity for each listed project;

6. An estimate of each listed project's nutrient load reduction;

7. Identification of each point source or category of nonpoint sources, including, but not limited to, urban turf fertilizer, sports turf fertilizer, agricultural fertilizer, onsite sewage treatment and disposal systems, wastewater treatment facilities, animal wastes, and stormwater facilities. An estimated allocation of the pollutant load must be provided for each point source or category of nonpoint sources; and

8. An implementation plan designed with a target to achieve the adopted nutrient total maximum daily load no more than 20 years after the adoption of a basin management action plan. The plan must include a schedule of 5-, 10-, and 15-year measureable milestones intended to achieve the adopted nutrient total maximum daily load. The schedule is not a rule but is intended to provide guidance for planning and funding purposes and is exempt from s. 120.54(1)(a).

(c) For a basin management action plan adopted before July 1, 2015, which addresses an Outstanding Florida Spring, the department or the department in conjunction with a water management district must revise the plan if necessary to comply with this section by July 1, 2018.

(d) A local government may apply to the department for a single extension of up to 5 years for any project in an adopted basin management action plan. A local government in a rural area of opportunity, as defined in s. 288.0656, may apply for a single extension of up to 10 years for such a project. The department may grant the extension if the local government provides to the department sufficient evidence that an extension is in the best interest of the public.

(2) By July 1, 2016, each local government, as defined in s. 373.802(2), that has not adopted an ordinance pursuant to s. 403.9337, shall develop, enact, and implement an ordinance pursuant to that section. It is the intent of the Legislature that ordinances required to be adopted under this subsection reflect the latest scientific information, advancements, and technological improvements in the industry.

(3) As part of a basin management action plan that includes an Outstanding Florida Spring, the department, in consultation with the Department of Health, relevant local governments, and relevant local public and private wastewater utilities, shall develop an onsite sewage treatment and disposal system remediation plan for a spring if the department determines onsite sewage treatment and disposal systems within a priority focus area contribute at least 20 percent of nonpoint source nitrogen pollution or if the department determines remediation is necessary to achieve the total daily maximum load. This plan shall be completed and adopted as part of the basin management action plan no later than the first 5-year milestone required by subparagraph (1)(b)8. In preparing this plan, the department shall:

(a) Collect and evaluate credible scientific information on the effect of nutrients, particularly forms of nitrogen, on springs and springs systems;

(b) Develop a public education plan to provide area residents with reliable, understandable information about onsite sewage treatment and disposal systems and springs; and

(c) Identify projects necessary to reduce the nutrient impacts from onsite sewage treatment and disposal systems.

In addition to the requirements in s. 403.067, the plan shall include options for repair, upgrade, replacement, drainfield modification, addition of effective nitrogen reducing features, connection to a central sewerage system, or other action for an onsite sewage treatment and disposal system or group of systems within a priority focus area that contribute at least 20 percent of nonpoint source nitrogen pollution or if the department determines remediation is necessary to achieve a total maximum daily load. For these systems, the department shall include in the plan a priority ranking for each system or group of systems that requires remediation and shall award funds to implement the remediation projects contingent on an appropriation in the General Appropriations Act, which may include all or part of the costs necessary for repair, upgrade, replacement, drainfield modification, addition of effective nitrogen reducing features, initial connection to a central sewerage system, or other action. In awarding funds, the department may consider expected nutrient reduction benefit per unit cost, size and scope of project, relative local financial contribution to the project, financial impact on property owners and the community. The department may waive matching funding requirements for proposed projects within an area designated as a rural area of opportunity under s. 288.0656.

(4) The department shall provide notice to a local government of all permit applicants under s. 403.814(12) in a priority focus area of an Outstanding Florida Spring over which the local government has full or partial jurisdiction.

Section 33. Section 373.811, Florida Statutes, is created to read:

373.811 Prohibited activities within a priority focus area.—The following activities are prohibited within a priority focus area in effect for an Outstanding Florida Spring:

(1) New domestic wastewater disposal facilities, including rapid infiltration basins, with permitted capacities of 100,000 gallons per day or more, except for those facilities that meet an advanced wastewater treatment standard of no more than 3 mg/l total nitrogen, expressed as N, on an annual permitted basis, or a more stringent treatment standard if the department determines the more stringent standard is necessary to attain a total maximum daily load for the Outstanding Florida Spring.

(2) New onsite sewage treatment and disposal systems on lots of less than 1 acre, if the addition of the specific systems conflicts with an onsite treatment and disposal system remediation plan incorporated into a basin management action plan in accordance with s. 373.807(3).

(3) New facilities for the disposal of hazardous waste.

(4) The land application of Class A or Class B domestic wastewater biosolids not in accordance with a department approved nutrient management plan establishing the rate at which all biosolids, soil amendments, and sources of nutrients at the land application site can be applied to the land for crop production while minimizing the amount of pollutants and nutrients discharged to groundwater or waters of the state.

(5) New agriculture operations that do not implement best management practices, measures necessary to achieve pollution reduction levels established by the department, or groundwater monitoring plans approved by a water management district or the department.

Section 34. Section 373.813, Florida Statutes, is created to read:

373.813 Rules.—

(1) The department shall adopt rules to improve water quantity and water quality to administer this part, as applicable.

(2)(a) The Department of Agriculture and Consumer Services is the lead agency coordinating the reduction of agricultural nonpoint sources of pollution for the protection of Outstanding Florida Springs. The Department of Agriculture and Consumer Services and the department, pursuant to s. 403.067(7)(c)4., shall study new or revised agricultural best management practices for improving and protecting Outstanding Florida Springs and, if necessary, in cooperation with applicable local governments and stakeholders, initiate rulemaking to require the implementation of such practices within a reasonable period.

(b) The department, the Department of Agriculture and Consumer Services, and the University of Florida Institute of Food and Agricultural Sciences shall cooperate in conducting the necessary research and demonstration projects to develop improved or additional nutrient management tools, including the use of controlled release fertilizer that can be used by agricultural producers as part of an agricultural best management practices program. The development of such tools must reflect a balance between water quality improvement and agricultural productivity and, if applicable, must be incorporated into the revised agricultural best management practices adopted by rule by the Department of Agriculture and Consumer Services.

Section 35. Subsections (25) and (29) of section 403.061, Florida Statutes, are amended, and subsection (45) is added to that section, to read:

403.061 Department; powers and duties.—The department shall have the power and the duty to control and prohibit pollution of air and water in accordance with the law and rules adopted and promulgated by it and, for this purpose, to:

(25)*(a)* Establish and administer a program for the restoration and preservation of bodies of water within the state. The department shall have the power to acquire lands, to cooperate with other applicable state or local agencies to enhance existing public access to such bodies of water, and to adopt all rules necessary to accomplish this purpose.

(b) Create a consolidated water resources work plan, in consultation with state agencies, water management districts, regional water supply authorities, and local governments, which provides a geographic depiction of the total inventory of water resources projects and regionally significant water supply projects currently under construction, completed in the previous 5 years, or planned to begin construction in the next 5 years. The consolidated work plan must include for each project a description of the project, the total cost of the project, and identification of the governmental entity financing the project. This information together with the information provided pursuant to paragraph (45)(a) is intended to facilitate the ability of the Florida Water Resources Advisory Council, the Legislature, and the public to consider the projects contained in the tentative water resources work program developed pursuant to s. 403.0616 in relation to all projects undertaken within a 10-year period and the existing condition of water resources in the project area and in the state as a whole. The department may adopt rules to accomplish this purpose.

(29)*(a)* Adopt by rule special criteria to protect Class II and Class III shellfish harvesting waters. Such rules may include special criteria for approving docking facilities that have 10 or fewer slips if the construction and operation of such facilities will not result in the closure of shellfish waters.

(b) Adopt by rule a specific surface water classification to protect surface waters used for treated potable water supply. These designated surface waters shall have the same water quality criteria protections as waters designated for fish consumption, recreation, and the propagation and maintenance of a healthy, well-balanced population of fish and wildlife, and shall be free from discharged substances at a concentration that, alone or in combination with other discharged substances, would require significant alteration of permitted treatment processes at the permitted treatment facility or that would otherwise prevent compliance with applicable state drinking water standards in the treated water. Notwithstanding this classification or the inclusion of treated water supply as a designated use of a surface water, a surface water used for treated potable water supply may be reclassified to the potable water supply classification.

(45)(a) Create and maintain a web-based, interactive map that includes, at a minimum:

1. All watersheds and each water body within those watersheds;

2. The county or counties in which the watershed or water body is located;

3. The water management district or districts in which the watershed or water body is located;

4. Whether, if applicable, a minimum flow or minimum water level has been adopted for the water body and if such minimum flow or

minimum water level has not been adopted, the anticipated adoption date;

5. Whether, if applicable, a recovery or prevention strategy has been adopted for the watershed or water body and, if such a plan has not been adopted, the anticipated adoption date;

6. The impairment status of each water body;

7. Whether, if applicable, a total maximum daily load has been adopted if the water body is listed as impaired and, if such total maximum daily load has not been adopted, the anticipated adoption date;

8. Whether, if applicable, a basin management action plan has been adopted for the watershed and, if such a plan has not been adopted, the anticipated adoption date;

9. Each project listed on the 5-year water resources work program developed pursuant to s. 373.036(7);

10. The agency or agencies and local sponsor, if any, responsible for overseeing the project;

11. The total or estimated cost and completion date of each project and the financial contribution of each entity;

12. The estimated quantitative benefit to the watershed or water body; and

13. The water projects completed within the last 5 years within the watershed or water body.

(b) The department and each water management district shall prominently display on their respective websites a hyperlink to the interactive map required by this subsection.

The department shall implement such programs in conjunction with its other powers and duties and shall place special emphasis on reducing and eliminating contamination that presents a threat to humans, animals or plants, or to the environment.

Section 36. Section 403.0616, Florida Statutes, is created to read:

403.0616 Florida Water Resources Advisory Council.—

(1) The Florida Water Resources Advisory Council is hereby created within the department for the purpose of reviewing, evaluating, and recommending water resource projects prioritized and submitted by state agencies, water management districts, regional water supply authorities, or local governments for funding from the Land Acquisition Trust Fund created within the department. Water resource projects recommended by the council must be eligible for state funding pursuant to s. 28, Article X of the State Constitution and be of statewide, regional, or critical importance under this chapter or chapter 373.

(2) The council is also responsible for submitting a prioritization of pilot projects, eligible for funding from the Land Acquisition Trust Fund, which test the effectiveness of innovative or existing nutrient reduction or water conservation technologies or practices designed to minimize nutrient pollution or restore flows in the water bodies of the state as provided in s. 403.0617.

(3) The Florida Water Resources Advisory Council consists of five voting members, the Secretary of Environmental Protection, who shall serve as chair of the council; the Commissioner of Agriculture; the executive director of the Fish and Wildlife Conservation Commission; one member with expertise in a scientific discipline related to water resources, appointed by the President of the Senate; and one member with expertise in a scientific discipline related to water resources, appointed by the Speaker of the House of Representatives.

(4) Members appointed by the President of the Senate and Speaker of the House of Representatives shall serve 2-year terms, but may not serve more than a total of 6 years. The President of the Senate and the Speaker of the House of Representatives may fill a vacancy at any time for an unexpired term of an appointed member.

(5) If a member of the council is disqualified from serving because he or she no longer holds the position required to serve under this section, the interim head of the agency shall serve as the agency representative.

(6) The two appointed council members shall receive reimbursement for expenses and per diem for travel to attend council meetings authorized pursuant to s. 112.061 while in the performance of their duties.

(7) The executive directors of each of the five water management districts, or their respective designees, shall be represented at and must participate in meetings of the council, but are not members of the council.

(8) The council shall hold periodic meetings at the request of the chair but must hold at least two public meetings, separately noticed, each year at which the public has the opportunity to participate and comment. Unless otherwise provided by law, notice for each meeting must be published in a newspaper of general circulation in the area where the meeting is to be held at least 5 days but no more than 15 days before the meeting date. Notice of the meetings shall also be posted on the department's and each water management district's website for at least 30 days in advance of the meeting.

(a) Beginning July 15, 2016, and on or before July 15 of each year thereafter, the council shall release tentative recommendations for water resource projects pursuant to this section. The public has 30 days to submit comments regarding the tentative recommendations.

(b) The council shall, after receiving public comment, adopt final recommendations for submission to the Governor, the President of the Senate, and the Speaker of the House of Representatives by August 31, 2016, and on or before August 31 of each year thereafter. An affirmative vote of three members of the council is required to adopt the final recommendations.

(9) The department shall provide primary staff support to the council and shall ensure that council meetings are electronically recorded. Such recordings must be preserved pursuant to chapters 119 and 257.

(10) The council shall recommend rules for adoption by the department to competitively evaluate, select, and prioritize projects. The council shall develop specific criteria for the evaluation, selection, and prioritization of projects, including a preference for projects that will have a significant, measurable impact on improving water quantity or water quality; projects in areas of greatest impairment; projects recommended by multiple districts or multiple local governments cooperatively; projects that implement adopted basin management plans; projects that implement adopted recovery or prevention strategies; projects with a significant monetary commitment by the local project sponsor or sponsors; projects in rural areas of opportunity as defined in s. 288.0656; projects that may be funded through appropriate loan programs; and projects that have significant private contributions of time or money.

(11) The council shall designate the projects as high, medium, or low priority within the following categories:

(a) Projects that address water quality;

(b) Projects that address water quantity;

(c) Projects that address water resources in specific areas of concern as provided in chapter 373; and

(d) Innovative Nutrient and Sediment Reduction and Conservation Pilot Projects.

(12) The council may also separately recommend specific projects that, in its independent judgment, stand out as significant projects for consideration by the Legislature. The council shall provide an explanation of why such project or projects should be considered despite their overall relative prioritization.

(13) The department, in consultation with the Department of Agriculture and Consumer Services, the Fish and Wildlife Conservation Commission, and the water management districts, shall adopt rules to implement this section.

Section 37. Section 403.0617, Florida Statutes, is created to read:

403.0617 Innovative nutrient and sediment reduction and conservation pilot project program.—

(1) By October 1, 2015, the department shall propose rules for adoption to competitively evaluate and rank projects for selection and prioritization by the Water Resources Advisory Council, pursuant to s. 403.0616, for submission to the Legislature for funding. These pilot projects are intended to test the effectiveness of innovative or existing nutrient reduction or water conservation technologies, programs or practices designed to minimize nutrient pollution or restore flows in the water bodies of the state. The department must include in the evaluation criteria a determination by the department that the pilot project will not be harmful to the ecological resources in the study area.

(2) In developing these rules, the department shall give preference to the projects that will result in the greatest improvement to water quality and water quantity for the dollars to be expended for the project. At a minimum, the department shall consider all of the following:

(a) The level of nutrient impairment of the waterbody, watershed, or water segment in which the project is located.

(b) The quantity of nutrients the project is estimated to remove from a water body, watershed, or water segment with an adopted nutrient total maximum daily load.

(c) The potential for the project to provide a cost- effective solution to pollution, including pollution caused by onsite sewage treatment and disposal systems.

(d) The anticipated impact the project will have on restoring or increasing flow or water level.

(e) The amount of matching funds for the project which will be provided by the entities responsible for implementing the project.

(f) Whether the project is located in a rural area of opportunity, as defined in s. 288.0656, with preference given to the local government responsible for implementing the project.

(g) For multiple-year projects, whether the project has funding sources that are identified and assured through the expected completion date of the project.

(h) The cost of the project and the length of time it will take to complete relative to its expected benefits.

(i) Whether the entities responsible for implementing the project have used their own funds for projects to improve water quality or conserve water use with preference given to those entities that have expended such funds.

Section 38. Section 403.0623, Florida Statutes, is amended to read:

403.0623 Environmental data; quality assurance.—

(1) The department must establish, by rule, appropriate quality assurance requirements for environmental data submitted to the department and the criteria by which environmental data may be rejected by the department. The department may adopt and enforce rules to establish data quality objectives and specify requirements for training of laboratory and field staff, sample collection methodology, proficiency testing, and audits of laboratory and field sampling activities. Such rules may be in addition to any laboratory certification provisions under ss. 403.0625 and 403.863.

(2)(a) The department, in coordination with the water management districts, regional water supply authorities, and the Department of Agriculture and Consumer Services shall establish standards for the collection and analysis of water quantity, water quality, and related data to ensure quality, reliability, and validity of the data and testing results.

(b) To the extent practicable, the department shall coordinate with federal agencies to ensure that its collection and analysis of water quality, water quantity, and related data, which may be used by any state agency, water management district, or local government, is consistent with this subsection.

(c) In order to receive state funds for the acquisition of lands or the financing of a water resource project, state agencies and water management districts must show that they followed the department's collection and analysis standards, if available, as a prerequisite for any such request for funding.

(d) The department and the water management districts may adopt rules to implement this subsection.

Section 39. Subsection (7) of section 403.067, Florida Statutes, is amended to read:

403.067 Establishment and implementation of total maximum daily loads.—

(7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

(a) *Basin management action plans.—*

1. In developing and implementing the total maximum daily load for a water body, the department, or the department in conjunction with a water management district, may develop a basin management action plan that addresses some or all of the watersheds and basins tributary to the water body. Such plan must integrate the appropriate management strategies available to the state through existing water quality protection programs to achieve the total maximum daily loads and may provide for phased implementation of these management strategies to promote timely, cost-effective actions as provided for in s. 403.151. The plan must establish a schedule implementing the management strategies, establish a basis for evaluating the plan's effectiveness, and identify feasible funding strategies for implementing the plan's management strategies. The management strategies may include regional treatment systems or other public works, where appropriate, and voluntary trading of water quality credits to achieve the needed pollutant load reductions.

2. A basin management action plan must equitably allocate, pursuant to paragraph (6)(b), pollutant reductions to individual basins, as a whole to all basins, or to each identified point source or category of nonpoint sources, as appropriate. For nonpoint sources for which best management practices have been adopted, the initial requirement specified by the plan must be those practices developed pursuant to paragraph (c). Where appropriate, the plan may take into account the benefits of pollutant load reduction achieved by point or nonpoint sources that have implemented management strategies to reduce pollutant loads, including best management practices, before the development of the basin management action plan. The plan must also identify the mechanisms that will address potential future increases in pollutant loading.

3. The basin management action planning process is intended to involve the broadest possible range of interested parties, with the objective of encouraging the greatest amount of cooperation and consensus possible. In developing a basin management action plan, the department shall assure that key stakeholders, including, but not limited to, applicable local governments, water management districts, the Department of Agriculture and Consumer Services, other appropriate state agencies, local soil and water conservation districts, environmental groups, regulated interests, and affected pollution sources, are invited to participate in the process. The department shall hold at least one public meeting in the vicinity of the watershed or basin to discuss and receive comments during the planning process and shall otherwise encourage public participation to the greatest practicable extent. Notice of the public meeting must be published in a newspaper of general circulation in each county in which the watershed or basin lies not less than 5 days nor more than 15 days before the public meeting. A basin management action plan does not supplant or otherwise alter any assessment made under subsection (3) or subsection (4) or any calculation or initial allocation.

4. Each new or revised basin management action plan shall include:

a. The appropriate management strategies available through existing water quality protection programs to achieve total maximum daily loads, which may provide for phased implementation to promote timely, cost-effective actions as provided for in s. 403.151;

b. A description of best management practices adopted by rule;

c. A list of projects in priority ranking with a planning-level cost estimate and estimated date of completion for each listed project;

d. The source and amount of financial assistance to be made available by the department, a water management district, or other entity for each listed project, if applicable; and

e. A planning-level estimate of each listed project's expected load reduction, if applicable.

5.~~4.~~ The department shall adopt all or any part of a basin management action plan and any amendment to such plan by secretarial order pursuant to chapter 120 to implement the provisions of this section.

6.~~5.~~ The basin management action plan must include milestones for implementation and water quality improvement, and an associated water quality monitoring component sufficient to evaluate whether reasonable progress in pollutant load reductions is being achieved over time. An assessment of progress toward these milestones shall be conducted every 5 years, and revisions to the plan shall be made as appropriate. Revisions to the basin management action plan shall be made by the department in cooperation with basin stakeholders. Revisions to the management strategies required for nonpoint sources must follow the procedures set forth in subparagraph (c)4. Revised basin management action plans must be adopted pursuant to subparagraph *5.* ~~4~~.

7.~~6.~~ In accordance with procedures adopted by rule under paragraph (9)(c), basin management action plans, and other pollution control programs under local, state, or federal authority as provided in subsection (4), may allow point or nonpoint sources that will achieve greater pollutant reductions than required by an adopted total maximum load or wasteload allocation to generate, register, and trade water quality credits for the excess reductions to enable other sources to achieve their allocation; however, the generation of water quality credits does not remove the obligation of a source or activity to meet applicable technology requirements or adopted best management practices. Such plans must allow trading between NPDES permittees, and trading that may or may not involve NPDES permittees, where the generation or use of the credits involve an entity or activity not subject to department water discharge permits whose owner voluntarily elects to obtain department authorization for the generation and sale of credits.

8.~~7.~~ The provisions of the department's rule relating to the equitable abatement of pollutants into surface waters do not apply to water bodies or water body segments for which a basin management plan that takes into account future new or expanded activities or discharges has been adopted under this section.

(b) *Total maximum daily load implementation.*—

1. The department shall be the lead agency in coordinating the implementation of the total maximum daily loads through existing water quality protection programs. Application of a total maximum daily load by a water management district must be consistent with this section and does not require the issuance of an order or a separate action pursuant to s. 120.536(1) or s. 120.54 for the adoption of the calculation and allocation previously established by the department. Such programs may include, but are not limited to:

a. Permitting and other existing regulatory programs, including water-quality-based effluent limitations;

b. Nonregulatory and incentive-based programs, including best management practices, cost sharing, waste minimization, pollution prevention, agreements established pursuant to s. 403.061(21), and public education;

c. Other water quality management and restoration activities, for example surface water improvement and management plans approved by water management districts or basin management action plans developed pursuant to this subsection;

d. Trading of water quality credits or other equitable economically based agreements;

e. Public works including capital facilities; or

f. Land acquisition.

2. For a basin management action plan adopted pursuant to paragraph (a), any management strategies and pollutant reduction requirements associated with a pollutant of concern for which a total maximum daily load has been developed, including effluent limits set forth for a discharger subject to NPDES permitting, if any, must be included in a timely manner in subsequent NPDES permits or permit modifications for that discharger. The department may not impose limits or conditions implementing an adopted total maximum daily load in an NPDES permit until the permit expires, the discharge is modified, or the permit is reopened pursuant to an adopted basin management action plan.

a. Absent a detailed allocation, total maximum daily loads must be implemented through NPDES permit conditions that provide for a compliance schedule. In such instances, a facility's NPDES permit must allow time for the issuance of an order adopting the basin management action plan. The time allowed for the issuance of an order adopting the plan may not exceed 5 years. Upon issuance of an order adopting the plan, the permit must be reopened or renewed, as necessary, and permit conditions consistent with the plan must be established. Notwithstanding the other provisions of this subparagraph, upon request by an NPDES permittee, the department as part of a permit issuance, renewal, or modification may establish individual allocations before the adoption of a basin management action plan.

b. For holders of NPDES municipal separate storm sewer system permits and other stormwater sources, implementation of a total maximum daily load or basin management action plan must be achieved, to the maximum extent practicable, through the use of best management practices or other management measures.

c. The basin management action plan does not relieve the discharger from any requirement to obtain, renew, or modify an NPDES permit or to abide by other requirements of the permit.

d. Management strategies set forth in a basin management action plan to be implemented by a discharger subject to permitting by the department must be completed pursuant to the schedule set forth in the basin management action plan. This implementation schedule may extend beyond the 5-year term of an NPDES permit.

e. Management strategies and pollution reduction requirements set forth in a basin management action plan for a specific pollutant of concern are not subject to challenge under chapter 120 at the time they are incorporated, in an identical form, into a subsequent NPDES permit or permit modification.

f. For nonagricultural pollutant sources not subject to NPDES permitting but permitted pursuant to other state, regional, or local water quality programs, the pollutant reduction actions adopted in a basin management action plan must be implemented to the maximum extent practicable as part of those permitting programs.

g. A nonpoint source discharger included in a basin management action plan must demonstrate compliance with the pollutant reductions established under subsection (6) by implementing the appropriate best management practices established pursuant to paragraph (c) or conducting water quality monitoring prescribed by the department or a water management district. A nonpoint source discharger may, in accordance with department rules, supplement the implementation of best management practices with water quality credit trades in order to demonstrate compliance with the pollutant reductions established under subsection (6).

h. A nonpoint source discharger included in a basin management action plan may be subject to enforcement action by the department or a water management district based upon a failure to implement the responsibilities set forth in sub-subparagraph g.

i. A landowner, discharger, or other responsible person who is implementing applicable management strategies specified in an adopted basin management action plan may not be required by permit, enforcement action, or otherwise to implement additional management strategies, including water quality credit trading, to reduce pollutant loads to attain the pollutant reductions established pursuant to subsection (6) and shall be deemed to be in compliance with this section. This subparagraph does not limit the authority of the department to amend a basin management action plan as specified in subparagraph *(a) 6.* ~~(a)5.~~

(c) *Best management practices.—*

1. The department, in cooperation with the water management districts and other interested parties, as appropriate, may develop suitable interim measures, best management practices, or other measures necessary to achieve the level of pollution reduction established by the department for nonagricultural nonpoint pollutant sources in allocations developed pursuant to subsection (6) and this subsection. These practices and measures may be adopted by rule by the department and the water management districts and, where adopted by rule, shall be implemented by those parties responsible for nonagricultural nonpoint source pollution.

2. The Department of Agriculture and Consumer Services may develop and adopt by rule pursuant to ss. 120.536(1) and 120.54 suitable interim measures, best management practices, or other measures necessary to achieve the level of pollution reduction established by the department for agricultural pollutant sources in allocations developed pursuant to subsection (6) and this subsection or for programs implemented pursuant to paragraph *(12)(b)* ~~(13)(b)~~. These practices and measures may be implemented by those parties responsible for agricultural pollutant sources and the department, the water management districts, and the Department of Agriculture and Consumer Services shall assist with implementation. In the process of developing and adopting rules for interim measures, best management practices, or other measures, the Department of Agriculture and Consumer Services shall consult with the department, the Department of Health, the water management districts, representatives from affected farming groups, and environmental group representatives. Such rules must also incorporate provisions for a notice of intent to implement the practices and a system to assure the implementation of the practices, including *site inspection and* recordkeeping requirements.

3. Where interim measures, best management practices, or other measures are adopted by rule, the effectiveness of such practices in achieving the levels of pollution reduction established in allocations developed by the department pursuant to subsection (6) and this subsection or in programs implemented pursuant to paragraph *(12)(b)* ~~(13)(b)~~ must be verified at representative sites by the department. The department shall use best professional judgment in making the initial verification that the best management practices are reasonably expected to be effective and, where applicable, must notify the appropriate water management district or the Department of Agriculture and Consumer Services of its initial verification before the adoption of a rule proposed pursuant to this paragraph. Implementation, in accordance with rules adopted under this paragraph, of practices that have been initially verified to be effective, or verified to be effective by monitoring at representative sites, by the department, shall provide a presumption of compliance with state water quality standards and release from the provisions of s. 376.307(5) for those pollutants addressed by the practices, and the department is not authorized to institute proceedings against the owner of the source of pollution to recover costs or damages associated with the contamination of surface water or groundwater caused by those pollutants. Research projects funded by the department, a water management district, or the Department of Agriculture and Consumer Services to develop or demonstrate interim measures or best management practices shall be granted a presumption of compliance with state water quality standards and a release from the provisions of s. 376.307(5). The presumption of compliance and release is limited to the research site and only for those pollutants addressed by the interim measures or best management practices. Eligibility for the presumption of compliance and release is limited to research projects on sites where the owner or operator of the research site and the department, a water management district, or the Department of Agriculture and Consumer Services have entered into a contract or other agreement that, at a minimum, specifies the research objectives, the cost-share responsibilities of the parties, and a schedule that details the beginning and ending dates of the project.

4. Where water quality problems are demonstrated, despite the appropriate implementation, operation, and maintenance of best management practices and other measures required by rules adopted under this paragraph, the department, a water management district, or the Department of Agriculture and Consumer Services, in consultation with the department, shall institute a reevaluation of the best management practice or other measure. Should the reevaluation determine that the best management practice or other measure requires modification, the department, a water management district, or the Department of Agriculture and Consumer Services, as appropriate, shall revise the rule to require implementation of the modified practice within a reasonable time period as specified in the rule.

5. Agricultural records relating to processes or methods of production, costs of production, profits, or other financial information held by the Department of Agriculture and Consumer Services pursuant to subparagraphs 3. and 4. or pursuant to any rule adopted pursuant to subparagraph 2. are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Upon request, records made confidential and exempt pursuant to this subparagraph shall be released to the department or any water management district provided that the confidentiality specified by this subparagraph for such records is maintained.

6. The provisions of subparagraphs 1. and 2. do not preclude the department or water management district from requiring compliance with water quality standards or with current best management practice 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 by the department that are necessary to maintain a federally delegated or approved program.

(d) Enforcement and verification of basin management action plans and management strategies.—

1. Basin management action plans are enforceable pursuant to this section and ss. 403.121, 403.141, and 403.161. Management strategies, including best management practices and water quality monitoring, are enforceable under this chapter.

2. No later than January 1, 2016:

a. The department, in consultation with the water management districts and the Department of Agriculture and Consumer Services, shall initiate rulemaking to adopt procedures to verify implementation of water quality monitoring required in lieu of implementation of best management practices or other measures pursuant to s. 403.067(7)(b)2.g.;

b. The department, in consultation with the water management districts and the Department of Agriculture and Consumer Services, shall initiate rulemaking to adopt procedures to verify implementation of nonagricultural interim measures, best management practices, or other measures adopted by rule pursuant to s. 403.067(7)(c)1.; and

c. The Department of Agriculture and Consumer Services, in consultation with the water management districts and the department, shall initiate rulemaking to adopt procedures to verify implementation of agricultural interim measures, best management practices, or other measures adopted by rule pursuant to s. 403.067(7)(c)2.

The above rules shall include enforcement procedures applicable to the landowner, discharger, or other responsible person required to implement applicable management strategies, including best management practices, or water quality monitoring as a result of noncompliance.

Section 40. Section 403.0675, Florida Statutes, is created to read:

403.0675 Progress reports.—On or before July 1, beginning July 1, 2017:

(1) The department, in conjunction with the water management districts, shall post on its website and submit electronically an annual progress report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the status of each total maximum daily load, basin management action plan, minimum flow or minimum water level, and recovery or prevention strategy adopted pursuant to s. 403.067 or parts I and VIII of chapter 373. The report must include the status of each project identified to achieve an adopted total maximum daily load or an adopted minimum flow or minimum water level, as applicable. If a report indicates that any of the 5-, 10-, or 15-year milestones, or the 20-year target date, if applicable, for achieving a total maximum daily load or a minimum flow or minimum water level will not be met, the report must include an explanation of the possible causes and potential solutions. If applicable, the report must include project descriptions, estimated costs, proposed priority ranking for project implementation, and funding needed to achieve the total maximum daily load or the minimum

flow or minimum water level by the target date. Each water management district shall post the department's report on its website.

(2) The Department of Agriculture and Consumer Services shall post on its website and submit electronically an annual progress report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the status of the implementation of the agricultural nonpoint source best management practices including an implementation assurance report summarizing survey responses and response rates, site inspections and other methods used to verify implementation of and compliance with best management practices pursuant to basin management action plans.

Section 41. Subsection (21) is added to section 403.861, Florida Statutes, to read:

403.861 Department; powers and duties.—The department shall have the power and the duty to carry out the provisions and purposes of this act and, for this purpose, to:

(21)(a) Upon issuance of a construction permit to construct a new public water system drinking water treatment facility to provide potable water supply using a surface water of the state that, at the time of the permit application, is not being used as a potable water supply, and the classification of which does not include potable water supply as a designated use, the department shall add treated potable water supply as a designated use of the surface water segment in accordance with s. 403.061(29)(b).

(b) For existing public water system drinking water treatment facilities that use a surface water of the state as a treated potable water supply, which surface water classification does not include potable water as a designated use, the department shall add treated potable water supply as a designated use of the surface water segment in accordance with s. 403.061(29)(b).

Section 42. This act shall take effect July 1, 2015.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to environmental resources; amending s. 259.032, F.S.; requiring the Department of Environmental Protection to publish, update, and maintain a database of conservation lands; requiring the department to submit a report by a certain date each year to the Governor and the Legislature identifying the percentage of such lands which the public has access to and the efforts the department has undertaken to increase public access; amending ss. 260.0144 and 335.065, F.S.; conforming provisions to changes made by the act; creating s. 339.81, F.S.; creating the Florida Shared-Use Nonmotorized Trail Network; specifying the composition of the network; requiring the network to be included in the Department of Transportation's work program; declaring the planning, development, operation, and maintenance of the network to be a public purpose; authorizing the department to transfer maintenance responsibilities to certain state agencies and contract with not-for-profit or private sector entities to provide maintenance services; authorizing the department to adopt rules; providing an appropriation; creating s. 339.82, F.S.; requiring the department to develop a network plan for the Florida Shared-Use Nonmotorized Trail Network; creating s. 339.83, F.S.; authorizing the department to enter into concession agreements with not-for-profit or private sector entities for certain commercial sponsorship signs, markings, and exhibits; authorizing the department to contract for the provision of certain services related to the trail sponsorship program; authorizing the department to adopt rules; amending s. 373.019, F.S.; revising the definition of the term "water resource development" to include technical assistance to self-suppliers under certain circumstances; amending s. 373.036, F.S.; requiring certain information to be included in the consolidated annual report for all projects related to water quality or water quantity; creating s. 373.037, F.S.; defining terms; providing legislative findings; authorizing certain water management districts to designate and implement pilot projects; providing powers and limitations for the governing boards of such water management districts; requiring a participating water management district to submit a report to the Governor and the Legislature on the effectiveness of its pilot project by a certain date; amending s. 373.042, F.S.; requiring the Department of Environmental Protection or the governing board of a water management district to adopt a minimum flow or minimum water level for an Outstanding Florida Spring using emergency rulemaking authority under certain circumstances; requiring collaboration in the development and implementation of recovery or prevention strategies under certain circumstances; authorizing the department to use emergency rulemaking procedures under certain circumstances; amending s. 373.0421, F.S.; directing the department or the water management district governing boards to adopt and implement certain recovery or prevention strategies concurrent with the adoption of minimum flows and minimum water levels; providing criteria for such recovery or prevention strategies; requiring certain amendments to regional water supply plans to be concurrent with relevant portions of the recovery or prevention strategy; directing water management districts to notify the department when water use permit applications are denied for a specified reason; providing for the review and update of regional water supply plans in such cases; creating s. 373.0465, F.S.; providing legislative intent; defining the term "Central Florida Water Initiative Area"; requiring the department, the St. Johns River Water Management District, the South Florida Water Management District, the Southwest Florida Water Management District, and the Department of Agriculture and Consumer Services to develop and implement a multidistrict regional water supply plan; providing plan criteria and requirements; providing applicability; requiring the department to adopt rules; amending s. 373.1501, F.S.; specifying authority of the South Florida Water Management District to allocate quantities of, and assign priorities for the use of, water within its jurisdiction; directing the district to provide recommendations to the United States Army Corps of Engineers when developing or implementing certain water control plans or regulation schedules; amending s. 373.219, F.S.; requiring the department to adopt certain uniform rules; amending s. 373.223, F.S.; requiring consumptive use permits authorizing over a certain amount to be monitored on a specified basis; amending s. 373.2234, F.S.; directing water management district governing boards to consider the identification of preferred water supply sources for certain water users; amending s. 373.227, F.S.; prohibiting water management districts from modifying permitted allocation amounts under certain circumstances; requiring the water management districts to adopt rules to promote water conservation incentives; amending s. 373.233, F.S.; providing conditions under which the department and water management district governing boards are directed to give preference to certain applications; amending s. 373.4591, F.S.; providing priority consideration to certain public-private partnerships for water storage, groundwater recharge, and water quality improvements on private agricultural lands; amending s. 373.4595, F.S.; revising and providing definitions relating to the Northern Everglades and Estuaries Protection Program; clarifying provisions of the Lake Okeechobee Watershed Protection Program; directing the South Florida Water Management District to revise certain rules and provide for a watershed research and water quality monitoring program; revising provisions for the Caloosahatchee River Watershed Protection Program and the St. Lucie River Watershed Protection Program; revising permitting and annual reporting requirements relating to the Northern Everglades and Estuaries Protection Program; revising requirements for certain basin management action plans; amending s. 373.467, F.S.; revising the qualifications for membership on the Harris Chain of Lakes Restoration Council; authorizing the Lake County legislative delegation to waive such membership qualifications for good cause; providing for council vacancies; amending s. 373.536, F.S.; requiring a water management district to include an annual funding plan in the water resource development work program; directing the department to post the work program on its website; amending s. 373.703, F.S.; authorizing water management districts to join with private landowners for the purpose of carrying out their powers; amending s. 373.705, F.S.; revising legislative intent; requiring water management district governing boards to include certain information in their annual budget submittals; requiring water management districts to promote expanded cost-share criteria for additional conservation practices; amending s. 373.707, F.S.; authorizing water management districts to provide technical and financial assistance to certain self-suppliers and to waive certain construction costs of alternative water supply development projects sponsored by certain water users; amending s. 373.709, F.S.; requiring regional water supply plans to include traditional and alternative water supply project options that are technically and financially feasible; directing the department to include certain funding analyses and project explanations in regional water supply planning reports; creating part VIII of ch. 373, F.S., entitled the "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 to delineate a priority focus area for each Outstanding

Florida Spring by a certain date; creating s. 373.805, F.S.; requiring a water management district or the department to adopt or revise various recovery or prevention strategies under certain circumstances; providing minimum requirements for recovery or prevention strategies for Outstanding Florida Springs; authorizing local governments to apply for an extension for projects in an adopted recovery or prevention strategy; creating s. 373.807, F.S.; requiring the department to initiate assessments of Outstanding Florida Springs by a certain date; requiring the department to develop basin management action plans; authorizing local governments to apply for an extension for projects in an adopted basin management action plan; requiring certain local governments to develop, enact, and implement an urban fertilizer ordinance by a certain date; requiring the department in consultation with the Department of Health and relevant local governments and utilities, to develop onsite sewage treatment and disposal system remediation plans under certain circumstances; creating s. 373.811, F.S.; specifying prohibited activities within a priority focus area of an Outstanding Florida Spring; creating s. 373.813, F.S.; providing rulemaking authority; amending s. 403.061, F.S.; requiring the department to create a consolidated water resources work plan; directing the department to adopt by rule a specific surface water classification to protect surface waters used for treated potable water supply; providing criteria for such rule; authorizing the reclassification of surface waters used for treated potable water supply notwithstanding such rule; requiring the department to create and maintain a web-based interactive map; creating s. 403.0616, F.S.; creating the Florida Water Resources Advisory Council to provide the Legislature with recommendations for projects submitted by governmental entities; requiring the department to adopt rules; creating s. 403.0617, F.S.; requiring the department to propose for adoption rules to competitively evaluate and rank projects for selection and prioritization by the Water Resources Advisory Council by a certain date; amending s. 403.0623, F.S.; requiring the department to establish certain standards; requiring state agencies and water management districts to show that they followed the department's standards in order to receive certain funding; amending s. 403.067, F.S.; providing requirements for new or revised best management action plans; requiring the department adopt rules relating to the enforcement and verification of best management action plans and management strategies; creating s. 403.0675, F.S.; requiring the department and the Department of Agriculture and Consumer Services to post annual progress reports on their websites and to submit such reports to the Governor and the Legislature; requiring each water management district to post the Department of Environmental Protection's report on its website; amending s. 403.861, F.S.; directing the department to add treated potable water supply as a designated use of a surface water segment under certain circumstances; providing an effective date.

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

Senator Montford moved the following amendment to **Amendment 1 (250624)** which was adopted:

Amendment 1A (529256) (with title amendment)—Between lines 4002 and 4003 insert:

Section 42. *Jerry Edward Brooks Environmental Laboratory designated.—*

(1) The laboratory building within the Bob Martinez Center, the facility for the Department of Environmental Protection, located at the site at 2600 Blair Stone Road in Tallahassee, is designated as the "Jerry Edward Brooks Environmental Laboratory."

(2) The Department of Management Services is directed to erect suitable markers designating the Jerry Edward Brooks Environmental Laboratory as described in subsection (1).

And the title is amended as follows:

Delete line 4224 and insert: under certain circumstances; designating the laboratory building within the facility for the Department of Environmental Protection as the "Jerry Edward Brooks Environmental Laboratory"; directing the Department of Management Services to erect suitable markers; providing an effective

Amendment 1 (250624) as amended was adopted.

On motion by Senator Dean, by two-thirds vote **CS for HB 7003** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—1

Negron

Consideration of **CS for CS for CS for SB 532** and **CS for SB 1214** was deferred.

CS for SB 7072—A bill to be entitled An act relating to specialty license plates; amending s. 320.08053, F.S., relating to requirements for requests to establish a specialty license plate; deleting application requirements; revising presale requirements; providing an exception to the presale requirements for certain specialty plates; amending s. 320.08056, F.S.; authorizing a request for a specialty plate to be made annually to an authorized agent serving on behalf of the Department of Highway Safety and Motor Vehicles; deleting certain specialty license plates from the list of license plates for which an annual use fee must be collected; revising the minimum requirements to continue issuance of certain specialty plates; providing an exception to the minimum requirements for certain specialty plates; conforming cross-references; amending s. 320.08058, F.S.; deleting specified specialty license plates; revising provisions relating to specified specialty license plates; conforming cross-references; amending ss. 320.08056 and 320.08058, F.S.; directing the Department of Highway Safety and Motor Vehicles to develop certain specialty license plates; establishing an annual use fee for the plates; providing for distribution and use of fees collected from the sale of the plates; providing effective dates.

—was read the second time by title.

Pending further consideration of **CS for SB 7072**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 7055** was withdrawn from the Committees on Transportation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; and Fiscal Policy.

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

CS for HB 7055—A bill to be entitled An act relating to highway safety and motor vehicles; amending s. 112.19, F.S.; authorizing an employing agency to pay a certain amount of funeral expenses for certain officers killed in the line of duty; amending s. 316.212, F.S.; authorizing municipalities to permit golf carts to be operated on certain roads; amending s. 316.228, F.S.; revising requirements for a flag displayed when a load extends beyond a vehicle; amending s. 316.515, F.S.; authorizing the Department of Transportation to permit transport of multiple sections or single units on an overlength trailer of no more than a specified length under certain circumstances; amending s. 318.18, F.S.; revising a penalty for a violation of specified provisions prohibiting parking a motor vehicle in certain locations to display the vehicle for sale, hire, or rent; amending s. 319.141, F.S.; defining the term "rebuilt inspection services"; directing the Department of Highway Safety and Motor Vehicles to oversee a pilot program in Miami-Dade County to evaluate alternatives for certain rebuilt inspection services by a specified date; revising the minimum criteria an applicant must meet before he or she is approved as a rebuilt motor vehicle inspection facility operator;

requiring that program participants maintain records of each rebuilt vehicle examination processed at such facility for a specified period; requiring the department to terminate any operator from the program under certain circumstances; requiring a current operator to give the department written notice of an intended sale within a specified period; requiring a prospective owner to meet specified requirements and execute a certain memorandum; deleting a provision requiring the department to submit a report to the Legislature; revising a scheduled repeal date; amending s. 319.20, F.S.; providing applicability; requiring that a residential manufactured building placed on a mobile home lot be treated as a mobile home for certain purposes; amending s. 320.02, F.S.; requiring the motor vehicle registration form and registration renewal form to include an option to make a voluntary contribution to the Florida Breast Cancer Foundation; amending s. 320.03, F.S.; directing certain agents of the Department of Highway Safety and Motor Vehicles to provide certain applicants with the option to register contact information and the option to be contacted with information regarding certain benefits; amending s. 320.08053, F.S.; revising requirements for establishing a specialty license plate; amending ss. 320.08056 and 320.08058, F.S.; providing for an authorized agent of the department to receive requests for a specialty license plate; revising provisions for Florida Professional Sports Team license plates; revising the definition of the term "major sports events" for purposes of distribution of specialty license plate annual use fees; removing provisions for issuance of certain specialty license plates and annual use fees for such plates; amending s. 320.086, F.S.; revising provisions for issuance of special license plates for specified ancient and antique motor vehicles; amending s. 322.08, F.S.; requiring the application form for a driver license to provide applicants with the option to register contact information and the option to be contacted with information regarding certain benefits; requiring the application form for an original, renewal, or replacement driver license or identification card to include an option to make a voluntary contribution to the Florida Breast Cancer Foundation; providing that contributions received are not income of a revenue nature; amending s. 324.242, F.S.; revising conditions under which the department is required to release certain policy numbers; requiring the department to provide personal injury protection and property damage liability insurance policy numbers to department-approved third parties under certain circumstances; providing requirements to obtain specified policy information; authorizing the disclosure of certain confidential and exempt information to governmental entities under certain circumstances; providing a definition; amending s. 381.88, F.S.; revising the Emergency Allergy Treatment Act; revising the definition of the term "authorized health care practitioner"; providing that a certificate of training may be given to a certified emergency medical technician with certain training that authorizes the technician to receive, possess, and administer a prescribed epinephrine auto-injector under certain circumstances; reenacting ss. 319.23(3)(c) and 320.08(2)(a) and (3)(e), F.S., relating to motor vehicle certificates of title and motor vehicle license taxes, respectively, to incorporate the amendments made by the act to s. 320.086, F.S., in references thereto; providing an effective date.

—a companion measure, was substituted for **CS for SB 7072** and read the second time by title.

By direction of the President, further consideration of **CS for HB 7055** was deferred.

Consideration of **CS for HB 733** and **CS for CS for SB 7070** was deferred.

The Senate resumed consideration of—

CS for CS for CS for HB 1205—A bill to be entitled An act relating to the regulation of oil and gas resources; amending s. 377.19, F.S.; applying the definitions of certain terms to additional sections of chapter 377, F.S.; revising the definition of the term "division"; conforming a cross-reference; defining the term "high-pressure well stimulation"; amending s. 377.22, F.S.; revising the rulemaking authority of the Department of Environmental Protection; amending s. 377.24, F.S.; requiring that a permit be obtained before the performance of a high-pressure well stimulation; specifying that a permit may authorize single or multiple activities; prohibiting the department from approving permits for high-pressure well stimulation until certain rulemaking is complete; amending s. 377.241, F.S.; requiring the Division of Water Resource Management to give consideration to and be guided by certain additional criteria when issuing permits; amending s. 377.242, F.S.; authorizing the department to issue permits for the performance of a high-pressure well stimulation; revising permit requirements that permitholders agree not to prevent division inspections; prohibiting a county, municipality, or other political subdivision of the state from adopting or establishing permitting programs for certain oil and gas activities; amending s. 377.2425, F.S.; requiring an applicant or operator to provide surety that performance of a high-pressure well stimulation will be conducted in a safe and environmentally compatible manner; creating s. 377.2436, F.S.; directing the department to conduct a study on high-pressure well stimulation; providing study criteria; requiring the study to be submitted to the Governor and Legislature; amending s. 377.37, F.S.; increasing the maximum amount of a civil penalty; creating s. 377.45, F.S.; requiring the department to designate the national chemical registry as the state's registry; requiring service providers, vendors, and well owners or operators to report certain information to the department; providing applicability; requiring the department to adopt rules; amending ss. 377.07, 377.10, 377.243, and 377.244, F.S.; conforming provisions; providing an appropriation; providing an effective date.

—which was previously considered April 28 with pending **Amendment 1 (568124)** by Senator Soto.

SENATOR BEAN PRESIDING

On motion by Senator Richter, further consideration of **CS for CS for CS for HB 1205** with pending **Amendment 1 (568124)** was deferred.

Consideration of **SB 1582** and **CS for CS for SB 7066** was deferred.

ADOPTION OF RESOLUTIONS

THE PRESIDENT PRESIDING

On motion by Senator Latvala—

By Senator Latvala—

SR 1674—A resolution expressing the heartfelt appreciation of the members of the Florida Senate to Donald Severance for his more than 15 years of service as Sergeant at Arms and nearly 40 years of total service to the Senate, and wishing Sergeant Severance and his family every happiness in his retirement.

WHEREAS, Donald Severance was born on September 24, 1954, in Live Oak and is a 1972 graduate of Suwannee High School, and

WHEREAS, Donald Severance attended Tallahassee Community College and the former Lively Law Enforcement Academy and received additional training in the United States Marshals Service State and Local Court program, at the noncommissioned officer's school of the Florida National Guard, and at the Pat Thomas Law Enforcement Academy, where he was commissioned as a law enforcement officer, and

WHEREAS, Donald Severance is a veteran of the First Gulf War, having served during Operation Desert Shield and Operation Desert Storm, and

WHEREAS, from 1972 to 1994, Donald Severance was a member of the Florida National Guard Rifle and Pistol Team, and retired from the Florida National Guard with a record of distinguished service to the State of Florida and the United States, and,

WHEREAS, Donald Severance continues his longstanding service as a member of the Florida Highway Patrol Auxiliary, where he is frequently called upon to aid his fellow citizens, and

WHEREAS, Donald Severance began his distinguished service as an employee of the Florida Senate in April 1976 as Assistant Sergeant at Arms and subsequently served as an automated text editor, a support services assistant, and a senior support services assistant, and

WHEREAS, in February 1998, Donald Severance was named Deputy Sergeant at Arms, serving under Sergeant at Arms Wayne W. Todd, Jr., and

WHEREAS, in August 1999, Donald Severance was appointed by then-Senate President Toni Jennings as Sergeant at Arms, a position in which he has served with integrity and distinction for more than 15 years, the third-longest tenure in the history of the position, and

WHEREAS, Donald Severance has honorably served under 21 Senate Presidents, serving 9 as Sergeant at Arms, and

WHEREAS, as Sergeant of Arms, Donald Severance has ensured the security of the chamber, committee rooms, and the gallery of the Senate and has overseen the management of the property of the Senate, and

WHEREAS, Donald Severance treats everyone he meets with kindness and respect and he will be greatly missed by the members of this body and his extended Legislative family, NOW, THEREFORE,

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

That we express the heartfelt appreciation of the members of the Florida Senate to Donald Severance for his more than 15 years of service as Sergeant at Arms and nearly 40 years of total service to the Senate, and wish him, his wife, Sherry, and their daughter, Chelsey, every happiness in his retirement.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Sergeant at Arms Donald Severance as a tangible token of the sentiments of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Latvala, **SR 1674** was read the second time in full and adopted.

SPECIAL RECOGNITION

Senator Latvala, along with several other Senators, recognized Sergeant at Arms Donald Severance and thanked him for his service to the Florida Senate. Senator Latvala introduced Sergeant Severance's wife, Sherry, and his daughter, Chelsey, who were present in the chamber. The President congratulated Sergeant Severance on his retirement and thanked him for his nearly 40 years of service in the Senate.

At the request of Senator Bullard—

By Senator Bullard—

SR 1572—A resolution recognizing March 10, 2015, as "Correctional Officers Day" in Florida.

WHEREAS, Florida's 17,000 correctional officers and correctional probation officers are a vital, often unrecognized component of this state's law enforcement system, and

WHEREAS, these hard-working individuals help oversee and care for more than 100,000 inmates in Florida prisons and supervise more than 145,000 offenders in the community, and

WHEREAS, the mission of correctional officers is to promote the safety of the public, prison staff, and inmates by providing security, supervision, and care; offering opportunities to inmates for successful reentry into society; and engaging in partnerships that enhance the quality of life of all Floridians, and

WHEREAS, correctional probation officers protect the public by monitoring offenders while they are under community supervision to ensure that these individuals are complying with the conditions of their release, and by timely reporting noncompliance to the court or releasing authority, and

WHEREAS, correctional officers and correctional probation officers strive to help offenders transition back into our communities by giving them the supervision and tools they need to become productive citizens through a variety of programs, and

WHEREAS, the efforts of correctional officers and correctional probation officers on behalf of inmates and those under community supervision serve our communities, our families, and our state, NOW, THEREFORE,

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

That we recognize March 10, 2015, as "Correctional Officers Day" in Florida.

—was introduced, read and adopted by publication.

At the request of Senator Richter—

By Senator Richter—

SR 1576—A resolution recognizing April 2015 as "Volunteer Month" in Florida.

WHEREAS, volunteers serve every day in this state, making our communities safer, stronger, and healthier, and

WHEREAS, volunteers improve the lives of our most vulnerable citizens, including seniors, children, and those with unique abilities, and

WHEREAS, volunteers help Florida job seekers by providing job coaching and professional development skills, creating a significant economic development impact, and

WHEREAS, state and local government leaders are increasingly turning to volunteers as a cost-effective solution to local challenges, while also saving taxpayer dollars, and

WHEREAS, volunteering can increase an individual's employment prospects by helping the job seeker to learn new skills, expand his or her professional network, and prepare for leadership roles, and

WHEREAS, volunteers in Florida serve as tutors and mentors at schools, helping students achieve academic success and preparing them for the workforce, and

WHEREAS, volunteers in this state support veterans by providing job training and engaging them in community service, and

WHEREAS, volunteers in Florida are critical to our state's emergency management efforts, responding to floods, hurricanes, fires, tornadoes, and other disasters, and

WHEREAS, volunteers in Florida work to protect and restore our precious natural resources, from beaches and rivers to forests, lakes, and other sensitive habitats, and

WHEREAS, Volunteer Florida serves as the lead agency for service and volunteerism in Florida, administering millions of dollars in funding to grant recipients across this state and promoting volunteerism by mobilizing Floridians to serve, NOW, THEREFORE,

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

That April 2015 is recognized as "Volunteer Month" in Florida.

—was introduced, read and adopted by publication.

At the request of Senator Bullard—

By Senator Bullard—

SR 1654—A resolution recognizing May 11, 2015, as "Child Welfare Professionals Recognition Day" in Florida.

WHEREAS, children are this state's most precious resource and our promise for a bright future, and

WHEREAS, Florida's child welfare professionals are responsible for ensuring that our children live free from maltreatment; enjoy long-term, secure relationships within strong families and communities; and are physically and emotionally healthy and socially competent, and that families nurture, protect, and meet the needs of their children and ensure that children are well-integrated into their communities, and

WHEREAS, Florida's child welfare professionals build rapport and trust with families and those who know and support them; empower family members by identifying their strengths and the resources that are available to assist them; and demonstrate respect for each family in the context of its social network, community, and culture, and

WHEREAS, Florida's child welfare professionals form supportive partnerships with family members, relative caregivers, and foster and adoptive parents to achieve optimum communication, clear roles and responsibilities, and mutual accountability, while including parents and other caregivers in case decisionmaking, and

WHEREAS, Florida's child welfare professionals make invaluable contributions to the safety and quality of life of families and are sincerely dedicated to improving the lives of all children, NOW, THEREFORE,

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

That May 11, 2015, is recognized as "Child Welfare Professionals Recognition Day" in Florida.

—was introduced, read and adopted by publication.

At the request of Senator Joyner—

By Senator Joyner—

SR 1672—A resolution honoring the service of Andy Ford and commending him for his dedication to the enrichment of public education in Florida.

WHEREAS, a native of Princeton, New Jersey, Andy Ford earned a Bachelor of Arts degree from Flagler College in St. Augustine, and

WHEREAS, Andy Ford taught in a Catholic school in Trenton, New Jersey, and in urban public elementary schools in Jacksonville, and

WHEREAS, Andy Ford has held many positions as an education leader, including president of the Duval Teachers United in Jacksonville, vice president of the American Federation of Teachers, and vice president and president of the Florida Education Association (FEA), where he currently holds the distinction of being the longest-serving president of the organization, and

WHEREAS, Andy Ford was instrumental in merging the state's teachers unions into a single, unified voice for excellence in public education in Florida, and

WHEREAS, as FEA president, Andy Ford represents more than 140,000 school employees in Florida's public schools, community colleges, and universities, including teachers, education staff professionals, higher education faculty, graduate assistants, retired members, and other staff, and

WHEREAS, Andy Ford has focused his efforts on high-quality public schools for every student, dignity and justice for all workers, equal opportunities regardless of race or gender, and furthering of education as a means for individuals to achieve the great American dream, and

WHEREAS, Andy Ford continues to work tirelessly to build a stronger public education system in this state by working to move FEA's education issues forward, and mobilizing members to strengthen the FEA's voice on important education matters, and

WHEREAS, in commemoration of his final session as FEA president, Andy Ford will be remembered as a thoughtful, purposeful, and stalwart advocate for Florida's public school students and those who work in our public schools, NOW, THEREFORE,

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

That we recognize the contributions and services of Andy Ford and commend him for his lifelong dedication to the preservation and advancement of public education in Florida.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Andy Ford as a tangible token of the sentiments of the Florida Senate.

—was introduced, read and adopted by publication.

OBJECTION TO SENATE RESOLUTION 1672

Debbie Brown May 4, 2015
Secretary of the Senate

Dear Secretary Brown:

Senate Resolution 1672 recognizes Andy Ford for his lifetime of achievements and his leadership of the Florida Education Association (FEA). Mr. Ford is commended for his advancement of public education in Florida and championing "education as a means for individuals to achieve the great American dream…"

Yet, Mr. Ford and the FEA filed a lawsuit against the Tax Credit Scholarships that benefit more than 70,000 underprivileged students throughout Florida. These students, whose household incomes are only 5% above the poverty level, two-thirds of whom are black or Hispanic, and the majority of whom live in single-parent homes, are succeeding by every objective measure.

These students are often among the lowest performers at their original public schools. Now, with the assistance of tax credit scholarships, they have closed that achievement gap. In fact, for six consecutive years, Florida's scholarship recipients have attained the same standardized test score gains as students of all income levels across the country.

Due to the lawsuit against more than 70,000 low-income students, I cannot support SR 1672. The Tax Credit Scholarships are helping these students achieve their American dream. Your recording of this objection is greatly appreciated.

Senator John Legg, 17th District

RECESS

The President declared the Senate in recess at 12:20 p.m. to reconvene at 1:15 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 1:15 p.m. A quorum present—40:

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

SPECIAL ORDER CALENDAR

The Senate resumed consideration of—

CS for HB 7055—A bill to be entitled An act relating to highway safety and motor vehicles; amending s. 112.19, F.S.; authorizing an employing agency to pay a certain amount of funeral expenses for certain officers killed in the line of duty; amending s. 316.212, F.S.; authorizing municipalities to permit golf carts to be operated on certain roads; amending s. 316.228, F.S.; revising requirements for a flag displayed when a load extends beyond a vehicle; amending s. 316.515, F.S.; authorizing the Department of Transportation to permit transport of multiple sections or single units on an overlength trailer of no more than a specified length under certain circumstances; amending s. 318.18, F.S.; revising a penalty for a violation of specified provisions prohibiting parking a motor vehicle in certain locations to display the vehicle for sale, hire, or rent; amending s. 319.141, F.S.; defining the term "rebuilt

inspection services"; directing the Department of Highway Safety and Motor Vehicles to oversee a pilot program in Miami-Dade County to evaluate alternatives for certain rebuilt inspection services by a specified date; revising the minimum criteria an applicant must meet before he or she is approved as a rebuilt motor vehicle inspection facility operator; requiring that program participants maintain records of each rebuilt vehicle examination processed at such facility for a specified period; requiring the department to terminate any operator from the program under certain circumstances; requiring a current operator to give the department written notice of an intended sale within a specified period; requiring a prospective owner to meet specified requirements and execute a certain memorandum; deleting a provision requiring the department to submit a report to the Legislature; revising a scheduled repeal date; amending s. 319.20, F.S.; providing applicability; requiring that a residential manufactured building placed on a mobile home lot be treated as a mobile home for certain purposes; amending s. 320.02, F.S.; requiring the motor vehicle registration form and registration renewal form to include an option to make a voluntary contribution to the Florida Breast Cancer Foundation; amending s. 320.03, F.S.; directing certain agents of the Department of Highway Safety and Motor Vehicles to provide certain applicants with the option to register contact information and the option to be contacted with information regarding certain benefits; amending s. 320.08053, F.S.; revising requirements for establishing a specialty license plate; amending ss. 320.08056 and 320.08058, F.S.; providing for an authorized agent of the department to receive requests for a specialty license plate; revising provisions for Florida Professional Sports Team license plates; revising the definition of the term "major sports events" for purposes of distribution of specialty license plate annual use fees; removing provisions for issuance of certain specialty license plates and annual use fees for such plates; amending s. 320.086, F.S.; revising provisions for issuance of special license plates for specified ancient and antique motor vehicles; amending s. 322.08, F.S.; requiring the application form for a driver license to provide applicants with the option to register contact information and the option to be contacted with information regarding certain benefits; requiring the application form for an original, renewal, or replacement driver license or identification card to include an option to make a voluntary contribution to the Florida Breast Cancer Foundation; providing that contributions received are not income of a revenue nature; amending s. 324.242, F.S.; revising conditions under which the department is required to release certain policy numbers; requiring the department to provide personal injury protection and property damage liability insurance policy numbers to department-approved third parties under certain circumstances; providing requirements to obtain specified policy information; authorizing the disclosure of certain confidential and exempt information to governmental entities under certain circumstances; providing a definition; amending s. 381.88, F.S.; revising the Emergency Allergy Treatment Act; revising the definition of the term "authorized health care practitioner"; providing that a certificate of training may be given to a certified emergency medical technician with certain training that authorizes the technician to receive, possess, and administer a prescribed epinephrine auto-injector under certain circumstances; reenacting ss. 319.23(3)(c) and 320.08(2)(a) and (3)(e), F.S., relating to motor vehicle certificates of title and motor vehicle license taxes, respectively, to incorporate the amendments made by the act to s. 320.086, F.S., in references thereto; providing an effective date.

—which was previously considered this day.

On motion by Senator Brandes, by two-thirds vote **CS for HB 7055** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Andy Gardiner, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment 1, concurred in the same as amended, and passed CS/HB 133 as further amended, and requests the concurrence of the Senate.

Bob Ward, Clerk

CS for HB 133—A bill to be entitled An act relating to sexual offenses; providing a short title; amending s. 775.15, F.S.; revising time limitations for the criminal prosecution of specified sexual battery offenses if the victim is 16 years of age or older; providing applicability; providing an effective date.

House Amendment 1 (056723) (with title amendment) to Senate Amendment 1 (563852)—Remove lines 7-252 of the amendment and insert:

Section 2. Paragraph (b) of subsection (13) of section 775.15, Florida Statutes, is republished, and subsection (14) of that section is amended, to read:

775.15 Time limitations; general time limitations; exceptions.—

(13)

(b) If the offense is a first degree felony violation of s. 794.011 and the victim was under 18 years of age at the time the offense was committed, a prosecution of the offense may be commenced at any time. This paragraph applies to any such offense except an offense the prosecution of which would have been barred by subsection (2) on or before October 1, 2003.

(14)*(a)* A prosecution for a first or second degree felony violation of s. 794.011, if the victim is *16* ~~18~~ years of age or older at the time of the offense and the offense is reported to a law enforcement agency within 72 hours after commission of the offense, may be commenced at any time. ~~If the offense is not reported within 72 hours after the commission of the offense, the prosecution must be commenced within the time periods prescribed in subsection (2).~~

(b) Except as provided in paragraph (a) or paragraph (13)(b), a prosecution for a first or second degree felony violation of s. 794.011, if the victim is 16 years of age or older at the time of the offense, must be commenced within 8 years after the violation is committed. This paragraph applies to any such offense except an offense the prosecution of which would have been barred by subsection (2) on or before July 1, 2015.

Section 3. Subsections (3) and (5) of section 847.0141, Florida Statutes, are amended, and subsection (6) is added to that section, to read:

847.0141 Sexting; prohibited acts; penalties.—

(3) A minor who violates subsection (1):

(a) Commits a noncriminal violation for a first violation~~, punishable by 8 hours of community service or, if ordered by the court in lieu of community service, a $60 fine. The court may also order the minor to participate in suitable training or instruction in lieu of, or in addition to, community service or a fine~~. *The minor must sign and accept a citation indicating a promise to appear before the juvenile court. In lieu of appearing in court, the minor may complete 8 hours of community service work, pay a $60 civil penalty, or participate in a cyber-safety program if such a program is locally available. The minor must satisfy any penalty within 30 days after receipt of the citation.*

1. A citation issued to a minor under this subsection must be in a form prescribed by the issuing law enforcement agency, must be signed by the minor, and must contain all of the following:

a. The date and time of issuance.

b. The name and address of the minor to whom the citation is issued.

c. A thumbprint of the minor to whom the citation is issued.

d. Identification of the noncriminal violation and the time it was committed.

e. The facts constituting reasonable cause.

f. The specific section of law violated.

g. The name and authority of the citing officer.

h. The procedures that the minor must follow to contest the citation, perform the required community service, pay the civil penalty, or participate in a cyber-safety program.

2. If the citation is contested and the court determines that the minor committed a noncriminal violation under this section, the court may order the minor to perform 8 hours of community service, pay a $60 civil penalty, or participate in a cyber-safety program, or any combination thereof.

3. A minor who fails to comply with the citation waives his or her right to contest it, and the court may impose any of the penalties identified in subparagraph 2. or issue an order to show cause. Upon a finding of contempt, the court may impose additional age-appropriate penalties, which may include issuance of an order to the Department of Highway Safety and Motor Vehicles to withhold issuance of, or suspend the driver license or driving privilege of, the minor for 30 consecutive days. However, the court may not impose incarceration.

(b) Commits a misdemeanor of the first degree for a violation that occurs after *the minor has been* ~~being~~ found to have committed a noncriminal violation for sexting *or has satisfied the penalty imposed in lieu of a court appearance as provided in paragraph (a)*, punishable as provided in s. 775.082 or s. 775.083.

(c) Commits a felony of the third degree for a violation that occurs after *the minor has been* ~~being~~ found to have committed a misdemeanor of the first degree for sexting, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) As used in this section, the term "found to have committed" means a determination of guilt that is the result of a plea or trial, or a finding of delinquency that is the result of a plea or an adjudicatory hearing, regardless of whether adjudication is withheld.

(6) Eighty percent of all civil penalties received by a juvenile court pursuant to this section shall be remitted by the clerk of the court to the county commission to provide training on cyber-safety for minors. The remaining 20 percent shall remain with the clerk of the court to defray administrative costs.

And the title is amended as follows:

Remove lines 268-305 of the amendment and insert: An act relating to sexual offenses; providing a short title; amending s. 775.15, F.S.; revising time limitations for the criminal prosecution of specified sexual battery offenses if the victim is 16 years of age or older; providing applicability; amending s. 847.0141, F.S.; removing the court's discretion to impose a specified penalty for a first violation of sexting; requiring a minor cited for a first violation to sign and accept a citation to appear before juvenile court or, in lieu of appearing in court, to complete community service work, pay a civil penalty, or participate in a cyber-safety program within a certain period of time, if such program is locally available; requiring the citation to be in a form prescribed by the issuing law enforcement agency; requiring such citation to include certain information; authorizing a court to order certain penalties under certain circumstances; authorizing a court to order specified additional penalties in certain circumstances; prohibiting the court from imposing incarceration; conforming provisions to changes made by the act; requiring that a specified percentage of civil penalties received by a juvenile court be remitted by the clerk of court to the county commission to provide cyber-safety training for minors; requiring that the remaining percentage remain with the clerk of the court to cover administrative costs; amending s. 985.0301, F.S.;

On motion by Senator Soto, the Senate concurred in **House Amendment 1 (056723) to Senate Amendment 1 (563852)**.

CS for HB 133 passed, as amended, and the action of the Senate was certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Detert, Richter

The Honorable Andy Gardiner, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 396, with 1 amendment, and requests the concurrence of the Senate.

Bob Ward, Clerk

CS for CS for SB 396—A bill to be entitled An act relating to the Florida Historic Capitol; amending s. 272.129, F.S.; removing references to the Legislative Research Center and Museum at the Historic Capitol; removing provisions authorizing establishment of a citizen support organization to support the Legislative Research Center and Museum; creating s. 272.131, F.S.; creating the Florida Historic Capitol Museum Council; providing for the appointment and qualifications of council members; prescribing duties and responsibilities for the council and individual council members; amending s. 272.135, F.S.; renaming the position of Capitol Curator as the Florida Historic Capitol Museum Director; conforming provisions; amending s. 272.136, F.S.; revising the composition of the board of directors governing the Florida Historic Capitol Museum's direct-support organization; providing that per diem and travel expenses must be paid from direct-support organization funds; conforming provisions; amending s. 320.0807, F.S.; redirecting a portion of the proceeds from the fee for special license plates for former federal or state legislators to the Florida Historic Capitol Museum's direct-support organization; providing an effective date.

House Amendment 1 (702515) (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Section 272.129, Florida Statutes, is amended to read:

272.129 Florida Historic Capitol; space allocation; maintenance, repair, and security.—

(1) The Legislature shall ensure that all space in the Florida Historic Capitol is restored in a manner consistent with the 1902 form and made available for allocation. Notwithstanding the provisions of ss. 255.249 and 272.04 that relate to space allocation in state-owned buildings, the President of the Senate and the Speaker of the House of Representatives shall have responsibility and authority for the allocation of all space in the restored Florida Historic Capitol, provided:

(a) The rotunda, corridors, Senate chamber, House of Representatives chamber, and Supreme Court chamber *may* ~~shall~~ not be used as office space.

(b) The Legislature shall be allocated sufficient space for program and administrative functions relating to the preservation, museum, and cultural programs of the Legislature.

(2) The Florida Historic Capitol shall be maintained in accordance with good historic preservation practices as specified in the National Park Service Preservation Briefs and the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

(3) Custodial and preventive maintenance and repair of the entire *Florida* Historic Capitol and the grounds located adjacent thereto shall be the responsibility of the Department of Management Services, subject to the special requirements of the building as determined by the *Florida Historic* Capitol *Museum Director* ~~Curator~~.

~~(4)(a) The Legislative Research Center and Museum at the Historic Capitol, hereinafter referred to as "center," may support the establishment of a citizen support organization to provide assistance, funding, and promotional support for the center. For the purposes of this subsection, "citizen support organization" means an organization that is:~~

~~1. A Florida corporation not for profit incorporated under the provisions of chapter 617 and approved by the Department of State.~~

~~2. Organized and operated to conduct programs and activities; raise funds; request and receive grants, gifts, and bequests of money; acquire, receive, hold, invest, and administer in its own name securities, funds, objects of value, or other real and personal property; and make expenditures to or for the direct or indirect benefit of the center.~~

~~3. Determined by the center to be consistent with the goals of the center and in the best interests of the state.~~

~~4. Annually approved in writing by the center to operate for the direct or indirect benefit of the center. Such approval shall be given in a letter of agreement from the center.~~

~~(b)1. The Legislative Research Center and Museum at the Historic Capitol may permit, without charge, appropriate use of fixed property and facilities of the center by the citizen support organization, subject to the provisions of this subsection. Such use must be directly in keeping with the approved purposes of the citizen support organization and may not be made at times or places that would unreasonably interfere with normal operations of the center.~~

~~2. The center may prescribe by rule any condition with which the citizen support organization must comply in order to use fixed property or facilities of the center.~~

~~3. The center may not permit the use of any fixed property or facilities by any citizen support organization if such organization does not provide equal membership and employment opportunities to all persons regardless of race, color, religion, gender, age, or national origin.~~

~~(c) A citizen support organization shall provide for an annual financial audit in accordance with s. 215.981.~~

~~(d) All records of a citizen support organization constitute public records for the purposes of chapter 119.~~

~~(e) The citizen support organization for the Legislative Research Center and Museum at the Historic Capitol is authorized to collect rental fees, apply for and receive grants, and receive gifts and donations for the direct or indirect benefit of the center.~~

~~(f) All funds obtained through rental fees, grants, gifts, and donations to the citizen support organization shall be deposited into the account of the citizen support organization and used for the direct or indirect benefit of the Legislative Research Center and Museum at the Historic Capitol unless the citizen support organization is no longer authorized as required by this subsection, fails to comply with the requirements of this subsection, fails to maintain its tax exempt status pursuant to s. 501(c)(3) of the Internal Revenue Code, or ceases to exist. If the citizen support organization is no longer authorized as required by this subsection, fails to comply with the requirements of this subsection, fails to maintain its tax exempt status pursuant to s. 501(c)(3) of the Internal Revenue Code, or ceases to exist, all funds obtained through rental fees, grants, gifts, and donations in the citizen support organization account shall revert to the state and be deposited into an account designated by the Legislature.~~

Section 2. Section 272.131, Florida Statutes, is created to read:

272.131 Florida Historic Capitol Museum Council.—The Florida Historic Capitol Museum Council is created within the legislative branch of state government.

(1) The council is composed of 13 members. Council members shall be selected based on their dedication to preserving the Florida Historic Capitol and advancing the mission of the Florida Historic Capitol Museum. Council members must demonstrate an interest in documenting the institutional knowledge and historic traditions of state governance with an emphasis on legislative history, the advancement of civics education, and the encouragement of residents of this state to engage with state government. To serve on the council, prospective members should be experts in, or hold credentials in, the fields most directly related to the mission of the Florida Historic Capitol Museum, including, but not limited to, history, education, historic preservation, legal history, or political science, or be leaders in their respective communities or statewide, with demonstrated success in building community support for cultural institutions. The council consists of the following members:

(a) The Secretary of the Senate.

(b) The Clerk of the House of Representatives.

(c) The Sergeants at Arms of both houses of the Legislature.

(d) The President of the Senate and the Speaker of the House of Representatives shall each appoint three members, two of whom must be former legislators or officers of the Legislature and one of whom must be a representative of the general public.

(e) The board of directors of the Florida Historic Capitol Museum's direct-support organization shall appoint three members from its membership.

(2) A council member shall:

(a) Serve without compensation, except that he or she is entitled to receive reimbursement for per diem and travel expenses in accordance with s. 112.061. Such expenses must be paid out of funds of the Florida Historic Capitol Museum's direct-support organization.

(b) Attend a majority of the council's quarterly meetings.

(c) Serve as an advocate and ambassador for the museum.

(d) Lend expertise for the advancement of the museum.

(e) Participate in key museum events.

(f) Become a member of the museum.

(3) The council shall:

(a) Designate a chair.

(b) Provide guidance and support to assist the Florida Historic Capitol Museum Director and staff in developing a strategic plan to guide the activities of the museum.

(c) Periodically review the museum's strategic plan.

(d) Ensure that the museum retains an emphasis on preserving legislative history and traditions by cultivating relationships with current and former legislators, collecting historic materials, and encouraging public participation in the museum's programs.

(e) Ensure that the museum operates as a public trust in accordance with the Ethics, Standards, and Best Practices and the Code of Ethics for Museums adopted by the American Alliance of Museums.

(f) Meet annually with the board of directors of the Florida Historic Capitol Museum's direct-support organization to jointly review the museum's strategic plan before it is presented to the President of the Senate and the Speaker of the House of Representatives and evaluate the direct-support organization's long-term development goals and near-term strategies.

(g) Assist museum staff in planning the Biennial Joint Legislative Reunion.

Section 3. Section 272.135, Florida Statutes, is amended to read:

272.135 Florida Historic Capitol *Museum Director* ~~Curator~~.—

(1) The position of *Florida Historic Capitol Museum Director* ~~Capitol Curator~~ is created within the Legislature, which shall establish the qualifications for the position. The *director* ~~curator~~ shall be appointed by and serve at the pleasure of the President of the Senate and the Speaker of the House of Representatives.

(2) The *director* ~~Capitol Curator~~ shall:

(a) Promote and encourage throughout the state knowledge and appreciation of the Florida Historic Capitol.

(b) Collect, research, exhibit, interpret, preserve, and protect the history, artifacts, objects, furnishings, and other materials related to the Florida Historic Capitol, except for archaeological research and resources.

(c) Develop, direct, supervise, and maintain the interior design and furnishings of all space within the Florida Historic Capitol in a manner consistent with the restoration of the Florida Historic Capitol in its 1902 form.

(d) Propose a strategic plan to the President of the Senate and the Speaker of the House of Representatives by May 1 of each year in which a general election is held and shall propose an annual operating plan.

(3) In conjunction with ~~the Legislative Research Center and Museum at~~ the *Florida* Historic Capitol *Museum Council*, the *director* ~~Capitol Curator~~ may assist the Florida Historic Capitol *Museum* in the performance of its mission by:

(a) Raising money.~~;~~

(b) Submitting requests for and receiving grants.~~;~~

(c) Receiving, holding, investing, and administering in the name of the *Florida* Historic Capitol *Museum* ~~and the Legislative Research Center and Museum~~ securities, funds, objects of value, or other real and personal property.~~;~~

(d) Receiving gifts and donations for the direct or indirect benefit of the *Florida* Historic Capitol.~~; and~~

(e) Making expenditures to or for the direct or indirect benefit of the *Florida* Historic Capitol.

Section 4. Section 272.136, Florida Statutes, is amended to read:

272.136 Direct-support organization.—The ~~Legislative Research Center and Museum at the~~ *Florida* Historic Capitol *Museum Council* and the *Florida Historic Capitol Museum Director* ~~Capitol Curator~~ may establish a direct-support organization to provide assistance and promotional support through fundraising for the Florida Historic Capitol *Museum* ~~and the Legislative Research Center and Museum~~, including, but not limited to, *its* ~~their~~ educational programs and initiatives.

(1) The direct-support organization shall be governed by a board of directors*. Board members must demonstrate* ~~who have demonstrated~~ a capacity for supporting the mission of the *Florida* Historic Capitol.

(a) Initial appointments to the board shall be made by the President of the Senate and the Speaker of the House of Representatives at the recommendation of the *council* ~~center~~ and the *director* ~~curator~~. Appointments to the board shall thereafter be made by the board.

(b) The initial board shall consist of nine members who shall be appointed to 3-year terms, except that the terms of *such* ~~the initial~~ appointees shall be *designated* ~~accomplished~~ so that three members are appointed for 1 year, three members are appointed for 2 years, and three members are appointed for 3 years, in order to achieve staggered terms, as determined by the presiding officers.

(c) *Effective July 1, 2015,* the board may add up to *12* ~~two~~ additional members *to be appointed for 3-year terms*.

(d) ~~The~~ Board members shall serve without compensation, *but* ~~except that they~~ are entitled to receive reimbursement for per diem and travel expenses in accordance with s. 112.061. *Such expenses must be paid out of funds of the direct-support organization.*

(e) The board may use the fixed property and facilities of the *Florida* Historic Capitol, subject to the provisions of this subsection. Such use must be directly in keeping with the approved purposes of the direct-support organization and may not be made at times or places that would unreasonably interfere with the normal operations of the *Florida* Historic Capitol.

(2) The direct-support organization must be a Florida corporation, not for profit, incorporated under chapter 617~~,~~ and approved by the Department of State.

(3) The *director and council* ~~curator and center~~ may prescribe any condition with which the direct-support organization must comply.

(4) The *director* ~~curator and the center~~ may not *authorize* ~~permit~~ the use of any fixed property or facilities by the direct-support organization if the organization does not provide equal membership and employment opportunities to all persons regardless of race, color, religion, gender, age, or national origin.

(5) The direct-support organization shall provide for an annual financial audit in accordance with s. 215.981.

(6) If the direct-support organization is no longer authorized by this section, fails to comply with the requirements of this section, fails to maintain its tax-exempt status pursuant to s. 501(c)(3) of the Internal Revenue Code, or ceases to exist, all funds obtained through grants, gifts, and donations in the direct-support organization account shall revert to the state and be deposited into an account designated by the Legislature for the support of the *Florida* Historic Capitol, provided that donations made for specific purposes in an original donor agreement shall be applied only to those purposes.

(7)(a) The identity of a donor or prospective donor to the direct-support organization who desires to remain anonymous*,* and all information identifying such donor or prospective donor*,* is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such anonymity shall be maintained in any auditor's report created pursuant to the annual financial audit required under subsection (5).

(b) This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2017, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 5. Paragraph (c) of subsection (6) of section 320.0807, Florida Statutes, is amended to read:

320.0807 Special license plates for Governor and federal and state legislators.—

(6)

(c) Four hundred fifty dollars of the one-time fee collected under paragraph (a) shall be distributed to the account of the *direct-support organization established pursuant to s. 272.136* ~~citizen support organization established pursuant to s. 272.129~~ and used for the benefit of the *Florida Historic Capitol Museum* ~~Legislative Research Center and Museum at the Historic Capitol~~, and the remaining $50 shall be deposited into the Highway Safety Operating Trust Fund.

Section 6. This act shall take effect July 1, 2015.

And the title is amended as follows:

Remove everything before the enacting clause and insert: A bill to be entitled An act relating to the Florida Historic Capitol; amending s. 272.129, F.S.; removing references to the Legislative Research Center and Museum at the Historic Capitol; removing provisions authorizing establishment of a citizen support organization to support the Legislative Research Center and Museum; creating s. 272.131, F.S.; creating the Florida Historic Capitol Museum Council; providing for the appointment and qualifications of council members; prescribing duties and responsibilities for the council and individual council members; amending s. 272.135, F.S.; renaming the position of Capitol Curator as the Florida Historic Capitol Museum Director; conforming provisions; amending s. 272.136, F.S.; revising the composition of the board of directors governing the Florida Historic Capitol Museum's direct-support organization; providing that per diem and travel expenses must be paid from direct-support organization funds; conforming provisions; amending s. 320.0807, F.S.; redirecting a portion of the proceeds from the fee for special license plates for former federal or state legislators to the Florida Historic Capitol Museum's direct-support organization; providing an effective date.

On motion by Senator Detert, the Senate concurred in **House Amendment 1 (702515)**.

CS for CS for SB 396 passed, as amended, was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

The Honorable Andy Gardiner, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment 1, concurred in the same as amended, and passed CS/CS/HB 369 as further amended, and requests the concurrence of the Senate.

Bob Ward, Clerk

CS for CS for HB 369—A bill to be entitled An act relating to human trafficking; creating s. 787.08, F.S.; providing legislative findings; requiring the Department of Transportation to display human trafficking public awareness signs at specified locations; providing the form and content of such signs; providing a limit on expenditures; providing an effective date.

House Amendment 1 (922237) (with title amendment) to Senate Amendment 1 (163134)—Remove lines 13-50 of the amendment and insert:

(2) Emergency rooms shall display a public awareness sign developed under subsection (4) in the emergency rooms at general acute care hospitals.

(3) The employer at each of the following establishments shall display a public awareness sign developed under subsection (4) in a conspicuous location that is clearly visible to the public and employees of the establishment:

(a) A strip club or other adult entertainment establishment.

(b) A business or establishment that offers massage or bodywork services for compensation that is not owned by a health care profession regulated pursuant to chapter 456 and defined in s. 456.001.

(4) The required public awareness sign must be at least 8.5 inches by 11 inches in size, must be printed in at least a 16-point type, and must state substantially the following in English and Spanish:

"If you or someone you know is being forced to engage in an activity and cannot leave—whether it is prostitution, housework, farm work, factory work, retail work, restaurant work, or any other activity—call the National Human Trafficking Resource Center at 1-888-373-7888 or text INFO or HELP to 233-733 to access help and services. Victims of slavery and human trafficking are protected under United States and Florida law."

(5) The county commission may adopt an ordinance to enforce subsection (3). A violation of subsection (3) is a noncriminal violation and punishable by a fine only as provided in s. 775.083.

And the title is amended as follows:

Remove lines 64-65 of the amendment and insert: providing a penalty; providing an effective date.

On motion by Senator Latvala, the Senate concurred in **House Amendment 1 (922237) to Senate Amendment 1 (163134)**.

CS for CS for HB 369 passed, as amended, and the action of the Senate was certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

The Honorable Andy Gardiner, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 228, with 1 amendment, and requests the concurrence of the Senate.

Bob Ward, Clerk

CS for CS for SB 228—A bill to be entitled An act relating to online voter registration; creating s. 97.0525, F.S.; requiring the Division of Elections of the Department of State to develop an online voter registration system; providing application and security requirements; requiring the system to compare information submitted online with Department of Highway Safety and Motor Vehicles records; providing for the disposition of voter registration applications; requiring system compliance with federal accessibility provisions; providing for construction; requiring the division to report to the Legislature regarding online voter registration implementation by a specified date; providing an appropriation; providing an effective date.

House Amendment 1 (290701) (with title amendment)—Remove lines 26-38 and insert:

that safeguards an applicant's information to ensure data integrity and permits an applicant to:

(a) Submit a voter registration application, including first-time voter registration applications and updates to current voter registration records.

(b) Submit information necessary to establish an applicant's eligibility to vote, pursuant to s. 97.041, which includes the information required for the uniform statewide voter registration application pursuant to s. 97.052(2).

(c) Swear to the oath required pursuant to s. 97.051.

(3)(a) The online voter registration system shall comply with the information technology security provisions of s. 282.318 and shall use a unique identifier for each applicant to prevent unauthorized persons from altering a voter's registration information.

(b) The division shall conduct a comprehensive risk assessment of the online voter registration system before making the system publicly available and every 2 years thereafter. The comprehensive risk assessment must comply with the risk assessment methodology developed by the Agency for State Technology for identifying security risks, determining the magnitude of such risks, and identifying areas that require safeguards.

And the title is amended as follows:

Remove line 6 and insert: security requirements; requiring the division to conduct a comprehensive risk assessment of the online voter registration system; requiring the system to compare

On motion by Senator Clemens, the Senate concurred in **House Amendment 1 (290701)**.

CS for CS for SB 228 passed, as amended, was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—37

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

Nays—3

Hukill	Hutson	Negron

The Honorable Andy Gardiner, President

I am directed to inform the Senate that the House of Representatives has passed CS/SB 7078, with 3 amendments, and requests the concurrence of the Senate.

Bob Ward, Clerk

CS for SB 7078—A bill to be entitled An act relating to child welfare; amending s. 39.2015, F.S.; authorizing critical incident rapid response teams to review cases of child deaths occurring during an open investigation; requiring the advisory committee to meet quarterly and submit quarterly reports; amending s. 39.3068, F.S.; requiring case staffing when medical neglect is substantiated; amending s. 125.901, F.S.; revising the schedule for a county's governing body to submit a general election ballot question on whether to retain a children's services district with voter-approved taxing authority; amending s. 383.402, F.S.; requiring an epidemiological child abuse death assessment and prevention system; providing intent for the operation of and interaction between the state and local death review committees; limiting members of the state committee to terms of 2 years, not to exceed three consecutive terms; requiring the committee to elect a chairperson and authorizing specified duties of the chairperson; providing for per diem and reimbursement of expenses; specifying duties of the state committee; deleting obsolete provisions; providing for the convening of county or multicounty local review committees and support by the county health department directors; specifying membership and duties of local review committees; requiring the state review committee to submit an annual statistical report to the Governor and the Legislature; identifying the required content for the report; specifying that certain responsibilities of the Department of Children and Families are to be administered at the regional level, rather than at the district level; amending s. 402.301, F.S.; requiring personnel of specified membership organizations to meet background screening requirements; amending s. 402.302, F.S.; adding personnel of specified membership organizations to the definition of the term child care personnel; amending s. 409.977, F.S.; authorizing Medicaid managed care specialty plans to serve specified children; amending s. 409.986, F.S.; revising legislative intent to require community-based care lead agencies to give priority to the use of evidence-based and trauma-informed services; amending s. 409.988; requiring lead agencies to give priority to the use of evidence-based and trauma-informed services; amending s. 435.02, F.S.; redefining a term; amending s. 1006.061, F.S.; requiring each district school board, charter school, and certain private schools to post in each school a poster with specified information; providing criteria for the poster; requiring the Department of Education to develop and publish a sample notice on its Internet website; providing an effective date.

House Amendment 1 (597643)—Remove lines 191-206 and insert:
level. The purpose of the *state and local* review *system is* ~~shall be~~ to:

(a) Achieve a greater understanding of the causes and contributing factors of deaths resulting from child abuse.

(b) Whenever possible, develop a communitywide approach to address such *causes* ~~cases~~ and contributing factors.

(c) Identify any gaps, deficiencies, or problems in the delivery of services to children and their families by public and private agencies which may be related to deaths that are the result of child abuse.

(d) *Recommend* ~~Make and implement recommendations for~~ changes in law, rules, and policies *at the state and local levels*, as well as develop practice standards that support the safe and healthy development of children and reduce preventable child abuse deaths.

(e) Implement such recommendations, to the extent

House Amendment 2 (756353)—Remove lines 338-340 and insert:

(a) Membership.—The local death review committees shall include, at a minimum, the following organizations' representatives, appointed by the county health department directors in consultation with those organizations:

1. The state attorney's office. ~~Each local committee must include a local state attorney, or~~

House Amendment 3 (525329)—Remove line 393 and insert:
prepare and submit a comprehensive statistical report by December

On motion by Senator Sobel, the Senate concurred in **House Amendments 1 (597643), 2 (756353),** and **3 (525329)**.

On motion by Senator Sobel, further consideration of **CS for SB 7078** as amended was deferred.

The Honorable Andy Gardiner, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 538, with 1 amendment, and requests the concurrence of the Senate.

Bob Ward, Clerk

CS for CS for SB 538—A bill to be entitled An act relating to the disclosure of sexually explicit images; creating s. 847.0136, F.S.; providing definitions; prohibiting an individual from electronically disclos-

ing a sexually explicit image of an identifiable person with the intent to harass such person if the individual knows or should have known that such person did not consent to the disclosure; providing criminal penalties; providing for jurisdiction; providing exceptions; providing civil remedies; exempting providers of specified services; amending s. 921.244, F.S.; requiring a court to order that a person convicted of such offense be prohibited from having contact with the victim; providing criminal penalties for a violation of such order; providing that criminal penalties for certain offenses run consecutively with a sentence imposed for a violation of s. 847.0136, F.S.; reenacting s. 784.048(7), F.S., to incorporate the amendment made to s. 921.244, F.S., in a reference thereto; providing an effective date.

House Amendment 1 (067405) (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Section 784.049, Florida Statutes, is created to read:

784.049 Sexual cyberharassment.—

(1) The Legislature finds that:

(a) A person depicted in a sexually explicit image taken with the person's consent has a reasonable expectation that the image will remain private.

(b) It is becoming a common practice for persons to publish a sexually explicit image of another to Internet websites without the depicted person's consent, for no legitimate purpose, with the intent of causing substantial emotional distress to the depicted person.

(c) When such images are published on Internet websites, they are able to be viewed indefinitely by persons worldwide and are able to be easily reproduced and shared.

(d) The publication of such images on Internet websites creates a permanent record of the depicted person's private nudity or private sexually explicit conduct.

(e) The existence of such images on Internet websites causes those depicted in such images significant psychological harm.

(f) Safeguarding the psychological well-being of persons depicted in such images is compelling.

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

(a) "Image" includes, but is not limited to, any photograph, picture, motion picture, film, video, or representation.

(b) "Personal identification information" has the same meaning as provided in s. 817.568.

(c) "Sexually cyberharass" means to publish a sexually explicit image of a person that contains or conveys the personal identification information of the depicted person to an Internet website without the depicted person's consent, for no legitimate purpose, with the intent of causing substantial emotional distress to the depicted person.

(d) "Sexually explicit image" means any image depicting nudity, as defined in s. 847.001, or depicting a person engaging in sexual conduct, as defined in s. 847.001.

(3)(a) Except as provided in paragraph (b), a person who willfully and maliciously sexually cyberharasses another person commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) A person who has one prior conviction for sexual cyberharassment and who commits a second or subsequent sexual cyberharassment commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4)(a) A law enforcement officer may arrest, without a warrant, any person that he or she has probable cause to believe has violated this section.

(b) Upon proper affidavits being made, a search warrant may be issued to further investigate violations of this section, including warrants issued to search a private dwelling.

(5) An aggrieved person may initiate a civil action against a person who violates this section to obtain all appropriate relief in order to prevent or remedy a violation of this section, including the following:

(a) Injunctive relief.

(b) Monetary damages to include $5,000 or actual damages incurred as a result of a violation of this section, whichever is greater.

(c) Reasonable attorney fees and costs.

(6) The criminal and civil penalties of this section do not apply to:

(a) A provider of an interactive computer service as defined in 47 U.S.C. s. 230(f), information service as defined in 47 U.S.C. s. 153, or communications service as defined in s. 202.11, that provides the transmission, storage, or caching of electronic communications or messages of others; other related telecommunications or commercial mobile radio service; or content provided by another person; or

(b) A law enforcement officer, as defined in s. 943.10, or any local, state, federal, or military law enforcement agency, that publishes a sexually explicit image in connection with the performance of his or her duties as a law enforcement officer, or law enforcement agency.

(7) A violation of this section is committed within this state if any conduct that is an element of the offense, or any harm to the depicted person resulting from the offense, occurs within this state.

Section 2. Subsection (16) is added to section 901.15, Florida Statutes, to read:

901.15 When arrest by officer without warrant is lawful.—A law enforcement officer may arrest a person without a warrant when:

(16) There is probable cause to believe that the person has committed a criminal act of sexual cyberharassment as described in s. 784.049.

Section 3. Subsections (9) and (10) of section 933.18, Florida Statutes, are amended, and subsection (11) is added to that section, to read:

933.18 When warrant may be issued for search of private dwelling.—No search warrant shall issue under this chapter or under any other law of this state to search any private dwelling occupied as such unless:

(9) It is being used for the unlawful sale, possession, or purchase of wildlife, saltwater products, or freshwater fish being unlawfully kept therein; ~~or~~

(10) The laws in relation to cruelty to animals, as provided in chapter 828, have been or are being violated therein*; or*

(11) An instrumentality or means by which sexual cyberharassment has been committed in violation of s. 784.049, or evidence relevant to proving that sexual cyberharassment has been committed in violation of s. 784.049, is contained therein.

If, during a search pursuant to a warrant issued under this section, a child is discovered and appears to be in imminent danger, the law enforcement officer conducting such search may remove the child from the private dwelling and take the child into protective custody pursuant to chapter 39. The term "private dwelling" shall be construed to include the room or rooms used and occupied, not transiently but solely as a residence, in an apartment house, hotel, boardinghouse, or lodginghouse. No warrant shall be issued for the search of any private dwelling under any of the conditions hereinabove mentioned except on sworn proof by affidavit of some creditable witness that he or she has reason to believe that one of said conditions exists, which affidavit shall set forth the facts on which such reason for belief is based.

Section 4. This act shall take effect October 1, 2015.

And the title is amended as follows:

Remove everything before the enacting clause and insert: A bill to be entitled An act relating to sexual cyberharassment; creating s. 784.049, F.S.; providing legislative findings; providing definitions; prohibiting a person from willfully and maliciously sexually cyberharassing another person; providing penalties; authorizing a law enforcement officer to arrest, without a warrant, any person that he or she has probable cause to believe has committed sexual cyberharassment; authorizing a search warrant to be issued in specified instances; providing civil remedies; providing exceptions; specifying the circumstances in which a violation occurs in this state; amending s. 901.15, F.S.; authorizing a law enforcement officer to arrest, without a warrant, any person that he or she has probable cause to believe has committed sexual cyberharassment; amending s. 933.18, F.S.; providing an exception to the prohibition on search warrants being issued to search private dwellings; providing an effective date.

On motion by Senator Simmons, the Senate concurred in **House Amendment 1 (067405)**.

CS for CS for SB 538 passed, as amended, was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

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

Nays—2

Garcia	Latvala

The Senate resumed consideration of—

CS for SB 7078—A bill to be entitled An act relating to child welfare; amending s. 39.2015, F.S.; authorizing critical incident rapid response teams to review cases of child deaths occurring during an open investigation; requiring the advisory committee to meet quarterly and submit quarterly reports; amending s. 39.3068, F.S.; requiring case staffing when medical neglect is substantiated; amending s. 125.901, F.S.; revising the schedule for a county's governing body to submit a general election ballot question on whether to retain a children's services district with voter-approved taxing authority; amending s. 383.402, F.S.; requiring an epidemiological child abuse death assessment and prevention system; providing intent for the operation of and interaction between the state and local death review committees; limiting members of the state committee to terms of 2 years, not to exceed three consecutive terms; requiring the committee to elect a chairperson and authorizing specified duties of the chairperson; providing for per diem and reimbursement of expenses; specifying duties of the state committee; deleting obsolete provisions; providing for the convening of county or multicounty local review committees and support by the county health department directors; specifying membership and duties of local review committees; requiring the state review committee to submit an annual statistical report to the Governor and the Legislature; identifying the required content for the report; specifying that certain responsibilities of the Department of Children and Families are to be administered at the regional level, rather than at the district level; amending s. 402.301, F.S.; requiring personnel of specified membership organizations to meet background screening requirements; amending s. 402.302, F.S.; adding personnel of specified membership organizations to the definition of the term child care personnel; amending s. 409.977, F.S.; authorizing Medicaid managed care specialty plans to serve specified children; amending s. 409.986, F.S.; revising legislative intent to require community-based care lead agencies to give priority to the use of evidence-based and trauma-informed services; amending s. 409.988; requiring lead agencies to give priority to the use of evidence-based and trauma-informed services; amending s. 435.02, F.S.; redefining a term; amending s. 1006.061, F.S.; requiring each district school board, charter school, and certain private schools to post in each school a poster with specified information; providing criteria for the poster; requiring the Department of Education to develop and publish a sample notice on its Internet website; providing an effective date.

—which was previously considered and amended this day.

SENATOR GAETZ PRESIDING

CS for SB 7078 passed, as amended, was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Legg

The Honorable Andy Gardiner, President

I am directed to inform the Senate that the House of Representatives has passed SB 446, with 1 amendment, and requests the concurrence of the Senate.

Bob Ward, Clerk

SB 446—A bill to be entitled An act relating to Florida College System boards of trustees; amending s. 1001.61, F.S.; revising the membership requirements for the Florida College System institution boards of trustees; requiring the St. Johns River State College board to have a specified number of trustees; providing for staggered terms of board members; providing an effective date.

House Amendment 1 (585925) (with title amendment)—Remove lines 22-23 and insert:
district contains two or more school board districts, as provided by rules of the State Board of Education. However,

And the title is amended as follows:

Remove line 3 and insert: trustees; amending s. 1001.61, F.S., relating to the

On motion by Senator Bradley, the Senate concurred in **House Amendment 1 (585925)**.

SB 446 passed, as amended, was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Abruzzo	Bean	Bradley
Altman	Benacquisto	Brandes

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

Nays—None

Vote after roll call:

Yea—Evers

The Honorable Andy Gardiner, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendments 2, 4, and 5 to CS/HB 7109 and requests the Senate to recede.

Bob Ward, Clerk

CS for HB 7109—A bill to be entitled An act relating to the Florida Public Service Commission; amending s. 350.01, F.S.; providing term limits for commissioners appointed after a specified date; requiring that specified meetings, workshops, hearings, or proceedings of the commission be streamed live and recorded copies be made available on the commission's website; amending s. 350.031, F.S.; requiring a person who lobbies a member of the Florida Public Service Commission Nominating Council to register as a lobbyist; requiring implementation by joint rule; amending s. 350.041, F.S.; requiring public service commissioners to annually complete ethics training; amending s. 350.042, F.S.; revising the prohibition against ex parte communications to include any matter that a commissioner knows or reasonably expects will be filed within a certain timeframe; providing legislative intent; defining terms; applying the prohibition against ex parte communications to specified meetings; specifying conditions under which the Governor must remove from office any commissioner found to have willfully and knowingly violated the ex parte communications law; amending s. 366.05, F.S.; limiting the use of tiered rates in conjunction with extended billing periods; limiting deposit amounts; requiring a utility to notify each customer if it has more than one rate for any customer class; requiring the utility to provide good faith assistance to the customer in determining the best rate; assigning responsibility to the customer for the rate selection; requiring the commission to approve new tariffs and certain changes to existing tariffs; amending s. 366.82, F.S.; requiring that money received by a utility for the development of demand-side renewable energy systems be used solely for that purpose; creating s. 366.95, F.S.; defining terms; authorizing electric utilities to petition the commission for certain financing orders that authorize the issuance of nuclear asset-recovery bonds, authorize the imposition, collection, and periodic adjustments of nuclear asset-recovery charges, and authorize the creation of nuclear asset-recovery property; providing requirements; providing exceptions to the commission's jurisdiction for certain aspects of financing orders; specifying duties of electric utilities that have obtained a financing order and issued nuclear asset-recovery bonds; specifying properties, requirements, and limitations relating to nuclear asset-recovery property; providing requirements as to the sufficiency of the description of certain nuclear asset-recovery property; subjecting financing statements to the Uniform Commercial Code; providing an exception; specifying that nuclear asset-recovery bonds are not public debt; specifying certain state pledges relating to bondholders; declaring that certain entities are not electric utilities under certain circumstances; specifying effect of certain provisions in situations of conflict; providing for protecting validity of certain bonds under certain circumstances; providing penalties; providing an effective date.

On motion by Senator Latvala, the Senate receded from **Senate Amendments 2 (606844), 4 (251712),** and **5 (927036)**.

CS for HB 7109 passed and the action of the Senate was certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

THE PRESIDENT PRESIDING

The Honorable Andy Gardiner, President

I am directed to inform the Senate that the House of Representatives has passed CS/SB 7068, with 1 amendment, and requests the concurrence of the Senate.

Bob Ward, Clerk

CS for SB 7068—A bill to be entitled An act relating to mental health and substance abuse; providing a directive to the Division of Law Revision and Information; amending ss. 29.004, 39.001, 39.507, and 39.521, F.S.; conforming provisions to changes made by the act; amending s. 381.0056, F.S.; revising the definition of the term "emergency health needs"; requiring school health services plans to include notification requirements when a student is removed from school, school transportation, or a school-sponsored activity for involuntary examination; amending s. 394.453, F.S.; providing legislative intent regarding the development of programs related to substance abuse impairment by the Department of Children and Families; expanding legislative intent related to a guarantee of dignity and human rights to all individuals who are admitted to substance abuse treatment facilities; amending s. 394.455, F.S.; defining and redefining terms; deleting terms; amending s. 394.457, F.S.; adding substance abuse services as a program focus for which the Department of Children and Families is responsible; deleting a requirement that the department establish minimum standards for personnel employed in mental health programs and provide orientation and training materials; amending s. 394.4573, F.S.; deleting a term; adding substance abuse care as an element of the continuity of care management system that the department must establish; deleting duties and measures of performance of the department regarding the continuity of care management system; amending s. 394.459, F.S.; extending a right to dignity to all individuals held for examination or admitted for mental health or substance abuse treatment; providing procedural requirements that must be followed to detain without consent an individual who has a substance abuse impairment but who has not been charged with a criminal offense; providing that individuals held for examination or admitted for treatment at a facility have a right to certain evaluation and treatment procedures; removing provisions regarding express and informed consent for medical procedures requiring the use of a general anesthetic or electroconvulsive treatment; requiring facilities to have written procedures for reporting events that place individuals receiving services at risk of harm; requiring service providers to provide information concerning advance directives to individuals receiving services; amending s. 394.4597, F.S.; specifying certain persons who are prohibited from being selected as an individual's representative; providing certain rights to representatives; amending s. 394.4598, F.S.; specifying certain persons who are prohibited from being appointed as an individual's guardian advocate; providing guidelines for decisions of guardian advocates; amending s. 394.4599, F.S.; including health care surrogates and proxies as individuals who may act on behalf of an individual involuntarily admitted to a facility; requiring a receiving facility to give notice immediately of the whereabouts of a minor who is being held involuntarily to the minor's parent, guardian, caregiver, or guardian advocate; providing circumstances when notification may be de-

layed; requiring the receiving facility to make continuous attempts to notify; authorizing the receiving facility to seek assistant from law enforcement under certain circumstances; requiring the receiving facility to document notification attempts in the minor's clinical record; amending s. 394.4615, F.S.; adding a condition under which the clinical record of an individual must be released to the state attorney; providing for the release of information from the clinical record to law enforcement agencies under certain circumstances; amending s. 394.462, F.S.; providing that a person in custody for a felony other than a forcible felony must be transported to the nearest receiving facility for examination; providing that a law enforcement officer may transport an individual meeting the criteria for voluntary admission to a mental health receiving facility, addictions receiving facility, or detoxification facility at the individual's request; amending s. 394.4625, F.S.; providing criteria for the examination and treatment of an individual who is voluntarily admitted to a facility; providing criteria for the release or discharge of the individual; providing that a voluntarily admitted individual who is released or discharged and who is currently charged with a crime shall be returned to the custody of a law enforcement officer; providing procedures for transferring an individual to voluntary status and involuntary status; amending s. 394.463, F.S.; providing for the involuntary examination of a person for a substance abuse impairment; providing for the transportation of an individual for an involuntary examination; providing that a certificate for an involuntary examination must contain certain information; providing criteria and procedures for the release of an individual held for involuntary examination from receiving or treatment facilities; amending s. 394.4655, F.S.; adding substance abuse impairment as a condition to which criteria for involuntary outpatient placement apply; requiring the court to appoint the office of criminal conflict and civil regional counsel under certain circumstances; providing guidelines for an attorney representing an individual subject to proceedings for involuntary outpatient placement; providing guidelines for the state attorney in prosecuting a petition for involuntary placement; requiring the court to consider certain information when determining whether to appoint a guardian advocate for the individual; requiring the court to inform the individual and his or her representatives of the individual's right to an independent expert examination with regard to proceedings for involuntary outpatient placement; amending s. 394.467, F.S.; adding substance abuse impairment as a condition to which criteria for involuntary inpatient placement apply; adding addictions receiving facilities and detoxification facilities as identified receiving facilities; providing for first and second medical opinions in proceedings for placement for treatment of substance abuse impairment; requiring the court to appoint the office of criminal conflict and civil regional counsel under certain circumstances; providing guidelines for attorney representation of an individual subject to proceedings for involuntary inpatient placement; providing guidelines for the state attorney in prosecuting a petition for involuntary placement; setting standards for the court to accept a waiver of the individual's rights; requiring the court to consider certain testimony regarding the individual's prior history in proceedings; requiring the Division of Administrative Hearings to inform the individual and his or her representatives of the right to an independent expert examination; amending s. 394.4672, F.S.; providing authority of facilities of the United States Department of Veterans Affairs to conduct certain examinations and provide certain treatments; amending s. 394.47891, F.S.; expanding eligibility criteria for military veterans' and servicemembers' court programs; creating s. 394.47892, F.S.; authorizing counties to fund treatment-based mental health court programs; providing legislative intent; providing that pretrial program participation is voluntary; specifying criteria that a court must consider before sentencing a person to a postadjudicatory treatment-based mental health court program; requiring a judge presiding over a postadjudicatory treatment-based mental health court program to hear a violation of probation or community control under certain circumstances; providing that treatment-based mental health court programs may include specified programs; requiring a judicial circuit with a treatment-based mental health court program to establish a coordinator position, subject to annual appropriation by the Legislature; providing county funding requirements for treatment-based mental health court programs; authorizing the chief judge of a judicial circuit to appoint an advisory committee for the treatment-based mental health court program; specifying membership of the committee; amending s. 394.656, F.S.; renaming the Criminal Justice, Mental Health, and Substance Abuse Statewide Grant Review Committee as the Criminal Justice, Mental Health, and Substance Abuse Statewide Grant Policy Committee; providing additional members of the committee; providing duties of the committee; providing additional qualifications for committee members; directing the Department of Children and Families to create a grant review and selection committee; providing duties of the committee; authorizing a designated not-for-profit community provider, managing entity, or coordinated care organization to apply for certain grants; providing eligibility requirements; defining the term "sequential intercept mapping"; removing provisions relating to applications for certain planning grants; amending s. 394.875, F.S.; removing a limitation on the number of beds in crisis stabilization units; creating s. 765.4015, F.S.; providing a short title; creating s. 765.402, F.S.; providing legislative findings; creating s. 765.403, F.S.; defining terms; creating s. 765.405, F.S.; authorizing an adult with capacity to execute a mental health or substance abuse treatment advance directive; providing a presumption of validity if certain requirements are met; specifying provisions that an advance directive may include; creating s. 765.406, F.S.; providing for execution of the mental health or substance abuse treatment advance directive; establishing requirements for a valid mental health or substance abuse treatment advance directive; providing that a mental health or substance abuse treatment advance directive is valid upon execution even if a part of the advance directive takes effect at a later date; allowing a mental health or substance abuse treatment advance directive to be revoked, in whole or in part, or to expire under its own terms; specifying that a mental health or substance abuse treatment advance directive does not or may not serve specified purposes; creating s. 765.407, F.S.; providing circumstances under which a mental health or substance abuse treatment advance directive may be revoked; providing circumstances under which a principal may waive specific directive provisions without revoking the advance directive; creating s. 765.410, F.S.; prohibiting criminal prosecution of a health care facility, provider, or surrogate who acts pursuant to a mental health or substance abuse treatment decision; providing applicability; creating s. 765.411, F.S.; providing for recognition of a mental health and substance abuse treatment advance directive executed in another state if it complies with the laws of this state; amending s. 910.035, F.S.; defining the term "problem-solving court"; authorizing a person eligible for participation in a problem-solving court to transfer his or her case to another county's problem-solving court under certain circumstances; making technical changes; amending s. 916.106, F.S.; redefining the term "court" to include county courts in certain circumstances; amending s. 916.17, F.S.; authorizing a county court to order the conditional release of a defendant for the provision of outpatient care and treatment; creating s. 916.185, F.S.; providing legislative findings and intent; defining terms; creating the Forensic Hospital Diversion Pilot Program; requiring the Department of Children and Families to implement a Forensic Hospital Diversion Pilot Program in five specified judicial circuits; providing eligibility criteria for participation in the pilot program; providing legislative intent concerning the training of judges; authorizing the department to adopt rules; directing the Office of Program Policy Analysis and Government Accountability to submit a report to the Governor and the Legislature by a certain date; creating s. 944.805, F.S.; defining the terms "department" and "nonviolent offender"; requiring the Department of Corrections to develop and administer a reentry program for nonviolent offenders which is intended to divert nonviolent offenders from long periods of incarceration; requiring that the program include intensive substance abuse treatment and rehabilitation programs; providing for the minimum length of service in the program; providing that any portion of a sentence before placement in the program does not count as progress toward program completion; identifying permissible locations for the operation of a reentry program; specifying eligibility criteria for a nonviolent offender's participation in the reentry program; requiring the department to screen and select eligible offenders for the program based on specified considerations; requiring the department to notify a nonviolent offender's sentencing court to obtain approval before the nonviolent offender is placed in the reentry program; requiring the department to notify the state attorney that an offender is being considered for placement in the program; authorizing the state attorney to file objections to placing the offender in the reentry program within a specified period; authorizing the sentencing court to consider certain factors when deciding whether to approve an offender for placement in a reentry program; requiring the sentencing court to notify the department of the court's decision to approve or disapprove the requested placement within a specified period; requiring a nonviolent offender to undergo an educational assessment and a complete substance abuse assessment if admitted into the reentry program; requiring an offender to be enrolled in an adult education program in specified circumstances; requiring that assessments of vocational skills and future career education be provided to an offender; requiring that certain reevaluation be made periodically; providing that a participating nonviolent offender is

subject to the disciplinary rules of the department; specifying the reasons for which an offender may be terminated from the reentry program; requiring that the department submit a report to the sentencing court at least 30 days before a nonviolent offender is scheduled to complete the reentry program; specifying the issues to be addressed in the report; authorizing a court to schedule a hearing to consider any modification to an imposed sentence; requiring the sentencing court to issue an order modifying the sentence imposed and placing a nonviolent offender on drug offender probation if the nonviolent offender's performance is satisfactory; authorizing the court to revoke probation and impose the original sentence in specified circumstances; authorizing the court to require an offender to complete a postadjudicatory drug court program in specified circumstances; directing the department to implement the reentry program using available resources; authorizing the department to enter into contracts with qualified individuals, agencies, or corporations for services for the reentry program; requiring offenders to abide by department conduct rules; authorizing the department to impose administrative or protective confinement as necessary; providing that the section does not create a right to placement in the reentry program or any right to placement or early release under supervision of any type; providing that the section does not create a cause of action related to the program; authorizing the department to establish a system of incentives within the reentry program which the department may use to promote participation in rehabilitative programs and the orderly operation of institutions and facilities; requiring the department to develop a system for tracking recidivism, including, but not limited to, rearrests and recommitment of nonviolent offenders who successfully complete the reentry program, and to report on recidivism in an annual report; requiring the department to submit an annual report to the Governor and Legislature detailing the extent of implementation of the reentry program, specifying requirements for the report; requiring the department to adopt rules; providing that specified provisions are not severable; amending s. 948.08, F.S.; expanding the definition of the term "veteran" for purposes of eligibility requirements for a pretrial intervention program; amending s. 948.16, F.S.; expanding the definition of the term "veteran" for purposes of eligibility requirements for a misdemeanor pretrial veterans' treatment intervention program; amending s. 948.21, F.S.; authorizing a court to impose certain conditions on certain probationers or community controllees; amending ss. 1002.20 and 1002.33, F.S.; requiring public school and charter school principals or their designees to provide notice of the whereabouts of a student removed from school, school transportation, or a school-sponsored activity for involuntary examination; providing circumstances under which notification may be delayed; requiring district school boards and charter school governing boards to develop notification policies and procedures; amending ss. 39.407, 394.4612, 394.495, 394.496, 394.499, 394.67, 394.674, 394.9085, 397.311, 397.702, 402.3057, 409.1757, 409.972, 744.704, and 790.065, F.S.; conforming cross-references; repealing s. 397.601, F.S., relating to voluntary admissions; repealing s. 397.675, F.S., relating to criteria for involuntary admissions, including protective custody, emergency admission, and other involuntary assessment, involuntary treatment, and alternative involuntary assessment for minors, for purposes of assessment and stabilization, and for involuntary treatment; repealing s. 397.6751, F.S., relating to service provider responsibilities regarding involuntary admissions; repealing s. 397.6752, F.S., relating to referral of involuntarily admitted individual for voluntary treatment; repealing s. 397.6758, F.S., relating to release of individual from protective custody, emergency admission, involuntary assessment, involuntary treatment, and alternative involuntary assessment of a minor; repealing s. 397.6759, F.S., relating to parental participation in treatment; repealing s. 397.677, F.S., relating to protective custody; circumstances justifying; repealing s. 397.6771, F.S., relating to protective custody with consent; repealing s. 397.6772, F.S., relating to protective custody without consent; repealing s. 397.6773, F.S., relating to dispositional alternatives after protective custody; repealing s. 397.6774, F.S., relating to department to maintain lists of licensed facilities; repealing s. 397.6775, F.S., relating to immunity from liability; repealing s. 397.679, F.S., relating to emergency admission; circumstances justifying; repealing s. 397.6791, F.S., relating to emergency admission; persons who may initiate; repealing s. 397.6793, F.S., relating to physician's certificate for emergency admission; repealing s. 397.6795, F.S., relating to transportation-assisted delivery of persons for emergency assessment; repealing s. 397.6797, F.S., relating to dispositional alternatives after emergency admission; repealing s. 397.6798, F.S., relating to alternative involuntary assessment procedure for minors; repealing s. 397.6799, F.S., relating to disposition of minor upon completion of alternative involuntary assessment; repealing s. 397.681, F.S., relating to involuntary petitions; general provisions; court jurisdiction and right to counsel; repealing s. 397.6811, F.S., relating to involuntary assessment and stabilization; repealing s. 397.6814, F.S., relating to involuntary assessment and stabilization; contents of petition; repealing s. 397.6815, F.S., relating to involuntary assessment and stabilization; procedure; repealing s. 397.6818, F.S., relating to court determination; repealing s. 397.6819, F.S., relating to involuntary assessment and stabilization; responsibility of licensed service provider; repealing s. 397.6821, F.S., relating to extension of time for completion of involuntary assessment and stabilization; repealing s. 397.6822, F.S., relating to disposition of individual after involuntary assessment; repealing s. 397.693, F.S., relating to involuntary treatment; repealing s. 397.695, F.S., relating to involuntary treatment; persons who may petition; repealing s. 397.6951, F.S., relating to contents of petition for involuntary treatment; repealing s. 397.6955, F.S., relating to duties of court upon filing of petition for involuntary treatment; repealing s. 397.6957, F.S., relating to hearing on petition for involuntary treatment; repealing s. 397.697, F.S., relating to court determination; effect of court order for involuntary substance abuse treatment; repealing s. 397.6971, F.S., relating to early release from involuntary substance abuse treatment; repealing s. 397.6975, F.S., relating to extension of involuntary substance abuse treatment period; repealing s. 397.6977, F.S., relating to disposition of individual upon completion of involuntary substance abuse treatment; reenacting ss. 394.4685(1) and 394.469(2), F.S., to incorporate the amendment made to s. 394.4599, F.S., in references thereto; amending s. 394.492, F.S.; redefining terms; creating s. 394.761, F.S.; requiring the Agency for Health Care Administration and the Department of Children and Families to develop a plan to obtain federal approval for increasing the availability of federal Medicaid funding for behavioral health care; establishing improved integration of behavioral health and primary care services through the development and effective implementation of coordinated care organizations as the primary goal of obtaining the additional funds; requiring the agency and the department to submit the written plan, which must include certain information, to the Legislature by a specified date; requiring the agency to submit an Excellence in Mental Health Act grant application to the United States Department of Health and Human Services; amending s. 394.9082, F.S.; revising legislative findings and intent; redefining terms; requiring the managing entities, rather than the department, to contract with community based organizations to serve as managing entities; deleting provisions providing for contracting for services; providing contractual responsibilities of a managing entity; requiring the Department of Children and Families to revise contracts with all managing entities by a certain date; providing contractual terms and requirements; providing for termination of a contract with a managing entity under certain circumstances; providing how the department will choose a managing entity and the factors it must consider; requiring the department to develop and incorporate measurable outcome standards while addressing specified goals; providing that managing entities may earn designation as coordinated care organizations by developing and implementing a plan that achieves a certain goal; providing requirements for the plan; providing for earning and maintaining the designation of a managing entity as a coordinated care organization; requiring the department to seek input from certain entities and persons before designating a managing entity as a coordinated care organization; providing that a comprehensive range of services includes specified elements; revising the criteria for which the department may adopt rules and contractual standards related to the qualification and operation of managing entities; deleting certain departmental responsibilities; deleting a provision requiring an annual report to the Legislature; authorizing, rather than requiring, the department to adopt rules; defining the term "public receiving facility"; requiring the department to establish specified standards and protocols with respect to the administration of the crisis stabilization services utilization database; directing managing entities to require public receiving facilities to submit utilization data on a periodic basis; providing requirements for the data; requiring managing entities to periodically submit aggregate data to the department; requiring the department to adopt rules; requiring the department to annually submit a report to the Governor and the Legislature; prescribing report requirements; providing an appropriation to implement the database; creating s. 397.402, F.S.; requiring that the department and the agency submit a plan to the Governor and Legislature by a specified date with options for modifying certain licensure rules and procedures to provide for a single, consolidated license for providers that offer multiple types of mental health and substance abuse services; amending s. 409.967, F.S.; requiring that certain plans or contracts include specified requirements; amending s. 409.973, F.S.; requiring each

plan operating in the managed medical assistance program to work with the managing entity to establish specific organizational supports and service protocols; repealing s. 394.4674, F.S., relating to a plan and report; repealing s. 394.4985, F.S., relating to districtwide information and referral network and implementation; repealing s. 394.745, F.S., relating to an annual report and compliance of providers under contract with the department; repealing s. 397.331, F.S., relating to definitions; repealing s. 397.333, F.S., relating to the Statewide Drug Policy Advisory Council; repealing s. 397.801, F.S., relating to substance abuse impairment coordination; repealing s. 397.811, F.S., relating to juvenile substance abuse impairment coordination; repealing s. 397.821, F.S., relating to juvenile substance abuse impairment prevention and early intervention councils; repealing s. 397.901, F.S., relating to prototype juvenile addictions receiving facilities; repealing s. 397.93, F.S., relating to children's substance abuse services and target populations; repealing s. 397.94, F.S., relating to children's substance abuse services and the information and referral network; repealing s. 397.951, F.S., relating to treatment and sanctions; repealing s. 397.97, F.S., relating to children's substance abuse services and demonstration models; amending s. 491.0045, F.S.; limiting an intern registration to 5 years; providing timelines for expiration of certain intern registrations; providing requirements for issuance of subsequent registrations; prohibiting an individual who held a provisional license from the board from applying for an intern registration in the same profession; amending ss. 397.321, 397.98, 409.966, 943.031, and 943.042, F.S.; conforming provisions and cross-references to changes made by the act; reenacting ss. 39.407(6)(a), 394.67(21), 394.674(1)(b), 394.676(1), 409.1676(2)(c), and 409.1677(1)(b), F.S., relating to the term "suitable for residential treatment" or "suitability," the term "residential treatment center for children and adolescents," children's mental health services, the indigent psychiatric medication program, and the term "serious behavioral problems," respectively, to incorporate the amendment made to s. 394.492, F.S., in references thereto; providing effective dates.

House Amendment 1 (257823) (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Paragraph (e) is added to subsection (10) of section 29.004, Florida Statutes, to read:

29.004 State courts system.—For purposes of implementing s. 14, Art. V of the State Constitution, the elements of the state courts system to be provided from state revenues appropriated by general law are as follows:

(10) Case management. Case management includes:

(e) Service referral, coordination, monitoring, and tracking for treatment-based mental health court programs under s. 394.47892.

Case management may not include costs associated with the application of therapeutic jurisprudence principles by the courts. Case management also may not include case intake and records management conducted by the clerk of court.

Section 2. Subsection (6) of section 39.001, Florida Statutes, is amended to read:

39.001 Purposes and intent; personnel standards and screening.—

(6) *MENTAL HEALTH AND* SUBSTANCE ABUSE SERVICES.—

(a) The Legislature recognizes that early referral and comprehensive treatment can help combat *mental illnesses and* substance abuse *disorders* in families and that treatment is cost-effective.

(b) The Legislature establishes the following goals for the state related to *mental illness and* substance abuse treatment services in the dependency process:

1. To ensure the safety of children.

2. To prevent and remediate the consequences of *mental illnesses and* substance abuse *disorders* on families involved in protective supervision or foster care and reduce *the occurrences of mental illnesses and* substance abuse *disorders*, including alcohol abuse *or related disorders*, for families who are at risk of being involved in protective supervision or foster care.

3. To expedite permanency for children and reunify healthy, intact families, when appropriate.

4. To support families in recovery.

(c) The Legislature finds that children in the care of the state's dependency system need appropriate health care services, that the impact of *mental illnesses and* substance abuse *disorders* on health indicates the need for health care services to include *treatment for mental health and* substance abuse *disorders for* ~~services to~~ children and parents where appropriate, and that it is in the state's best interest that such children be provided the services they need to enable them to become and remain independent of state care. In order to provide these services, the state's dependency system must have the ability to identify and provide appropriate intervention and treatment for children with personal or family-related *mental illness and* substance abuse problems.

(d) It is the intent of the Legislature to encourage the use of the *treatment-based mental health court program model established under s. 394.47892 and the* drug court program model established *under* ~~by~~ s. 397.334 and authorize courts to assess children and persons who have custody or are requesting custody of children where good cause is shown to identify and address *mental illnesses and* substance abuse *disorders* ~~problems~~ as the court deems appropriate at every stage of the dependency process. Participation in treatment, including *a treatment-based mental health court program or* a treatment-based drug court program, may be required by the court following adjudication. Participation in assessment and treatment *before* ~~prior to~~ adjudication *is* ~~shall be~~ voluntary, except as provided in s. 39.407(16).

(e) It is therefore the purpose of the Legislature to provide authority for the state to contract with *mental health service providers and* community substance abuse treatment providers for the development and operation of specialized support and overlay services for the dependency system, which will be fully implemented and used as resources permit.

(f) Participation in *a treatment-based mental health court program or a* ~~the~~ treatment-based drug court program does not divest any public or private agency of its responsibility for a child or adult, but is intended to enable these agencies to better meet their needs through shared responsibility and resources.

Section 3. Subsection (10) of section 39.507, Florida Statutes, is amended to read:

39.507 Adjudicatory hearings; orders of adjudication.—

(10) After an adjudication of dependency, or a finding of dependency where adjudication is withheld, the court may order a person who has custody or is requesting custody of the child to submit to a *mental health or* substance abuse *disorder* assessment or evaluation. The assessment or evaluation must be administered by a qualified professional, as defined in s. 397.311. The court may also require such person to participate in and comply with treatment and services identified as necessary, including, when appropriate and available, participation in and compliance with a *treatment-based mental health court program established under s. 394.47892 or a* treatment-based drug court program established under s. 397.334. In addition to supervision by the department, the court, including the *treatment-based mental health court program or* treatment-based drug court program, may oversee the progress and compliance with treatment by a person who has custody or is requesting custody of the child. The court may impose appropriate available sanctions for noncompliance upon a person who has custody or is requesting custody of the child or make a finding of noncompliance for consideration in determining whether an alternative placement of the child is in the child's best interests. Any order entered under this subsection may be made only upon good cause shown. This subsection does not authorize placement of a child with a person seeking custody, other than the parent or legal custodian, who requires *mental health or* substance abuse *disorder* treatment.

Section 4. Paragraph (b) of subsection (1) of section 39.521, Florida Statutes, is amended to read:

39.521 Disposition hearings; powers of disposition.—

(1) A disposition hearing shall be conducted by the court, if the court finds that the facts alleged in the petition for dependency were proven in

the adjudicatory hearing, or if the parents or legal custodians have consented to the finding of dependency or admitted the allegations in the petition, have failed to appear for the arraignment hearing after proper notice, or have not been located despite a diligent search having been conducted.

(b) When any child is adjudicated by a court to be dependent, the court having jurisdiction of the child has the power by order to:

1. Require the parent and, when appropriate, the legal custodian and the child to participate in treatment and services identified as necessary. The court may require the person who has custody or who is requesting custody of the child to submit to a *mental health or* substance abuse *disorder* assessment or evaluation. The assessment or evaluation must be administered by a qualified professional, as defined in s. 397.311. The court may also require such person to participate in and comply with treatment and services identified as necessary, including, when appropriate and available, participation in and compliance with a *treatment-based mental health court program established under s. 394.47892 or a* treatment-based drug court program established under s. 397.334. In addition to supervision by the department, the court, including the *treatment-based mental health court program or the* treatment-based drug court program, may oversee the progress and compliance with treatment by a person who has custody or is requesting custody of the child. The court may impose appropriate available sanctions for noncompliance upon a person who has custody or is requesting custody of the child or make a finding of noncompliance for consideration in determining whether an alternative placement of the child is in the child's best interests. Any order entered under this subparagraph may be made only upon good cause shown. This subparagraph does not authorize placement of a child with a person seeking custody of the child, other than the child's parent or legal custodian, who requires *mental health or* substance abuse *disorder* treatment.

2. Require, if the court deems necessary, the parties to participate in dependency mediation.

3. Require placement of the child either under the protective supervision of an authorized agent of the department in the home of one or both of the child's parents or in the home of a relative of the child or another adult approved by the court, or in the custody of the department. Protective supervision continues until the court terminates it or until the child reaches the age of 18, whichever date is first. Protective supervision shall be terminated by the court whenever the court determines that permanency has been achieved for the child, whether with a parent, another relative, or a legal custodian, and that protective supervision is no longer needed. The termination of supervision may be with or without retaining jurisdiction, at the court's discretion, and shall in either case be considered a permanency option for the child. The order terminating supervision by the department shall set forth the powers of the custodian of the child and shall include the powers ordinarily granted to a guardian of the person of a minor unless otherwise specified. Upon the court's termination of supervision by the department, no further judicial reviews are required, so long as permanency has been established for the child.

Section 5. Section 394.4597, Florida Statutes, is amended to read:

394.4597 Persons to be notified; *appointment of a* patient's representative.—

(1) VOLUNTARY PATIENTS.— At the time a patient is voluntarily admitted to a receiving or treatment facility, *the patient shall be asked to identify a person to be notified in case of an emergency, and* the identity and contact information of *that* ~~a~~ person ~~to be notified in case of an emergency~~ shall be entered in the patient's clinical record.

(2) INVOLUNTARY PATIENTS.—

(a) At the time a patient is admitted to a facility for involuntary examination or placement, or when a petition for involuntary placement is filed, the names, addresses, and telephone numbers of the patient's guardian or guardian advocate, or representative if the patient has no guardian, and the patient's attorney shall be entered in the patient's clinical record.

(b) If the patient has no guardian, the patient shall be asked to designate a representative. If the patient is unable or unwilling to designate a representative, the facility shall select a representative.

(c) The patient shall be consulted with regard to the selection of a representative by the receiving or treatment facility and shall have authority to request that any such representative be replaced.

(d) *If* ~~When~~ the receiving or treatment facility selects a representative, first preference shall be given to a health care surrogate, if one has been previously selected by the patient. If the patient has not previously selected a health care surrogate, the selection, except for good cause documented in the patient's clinical record, shall be made from the following list in the order of listing:

1. The patient's spouse.

2. An adult child of the patient.

3. A parent of the patient.

4. The adult next of kin of the patient.

5. An adult friend of the patient.

6. The appropriate Florida local advocacy council as provided in s. 402.166.

(e) The following persons are prohibited from selection as a patient's representative:

1. A professional providing clinical services to the patient under this part;

2. The licensed professional who initiated the involuntary examination of the patient, if the examination was initiated by professional certificate;

3. An employee, administrator, or board member of the facility providing the examination of the patient;

4. An employee, administrator, or board member of a treatment facility providing treatment of the patient;

5. A person providing any substantial professional services to the patient, including clinical and nonclinical services;

6. A creditor of the patient;

7. A person subject to an injunction for protection against domestic violence under s. 741.30, whether the order of injunction is temporary or final, and for which the patient was the petitioner; and

8. A person subject to an injunction for protection against repeat violence, sexual violence, or dating violence under s. 784.046, whether the order of injunction is temporary or final, and for which the patient was the petitioner.

~~(e) A licensed professional providing services to the patient under this part, an employee of a facility providing direct services to the patient under this part, a department employee, a person providing other substantial services to the patient in a professional or business capacity, or a creditor of the patient shall not be appointed as the patient's representative.~~

(f) The representative selected by the patient or designated by the facility has the right to:

1. Receive notice of the patient's admission;

2. Receive notice of proceedings affecting the patient;

3. Have immediate access to the patient unless such access is documented to be detrimental to the patient;

4. Receive notice of any restriction of the patient's right to communicate or receive visitors;

5. Receive a copy of the inventory of personal effects upon the patient's admission and to request an amendment to the inventory at any time;

6. Receive disposition of the patient's clothing and personal effects if not returned to the patient, or to approve an alternate plan;

7. Petition on behalf of the patient for a writ of habeas corpus to question the cause and legality of the patient's detention or to allege that the patient is being unjustly denied a right or privilege granted under this part, or that a procedure authorized under this part is being abused;

8. Apply for a change of venue for the patient's involuntary placement hearing for the convenience of the parties or witnesses or because of the patient's condition;

9. Receive written notice of any restriction of the patient's right to inspect his or her clinical record;

10. Receive notice of the release of the patient from a receiving facility where an involuntary examination was performed;

11. Receive a copy of any petition for the patient's involuntary placement filed with the court; and

12. Be informed by the court of the patient's right to an independent expert evaluation pursuant to involuntary placement procedures.

Section 6. Subsection (1) of section 394.4598, Florida Statutes, is amended, subsections (2) through (7) are renumbered as subsections (3) through (8), respectively, and a new subsection (2) is added to that section, to read:

394.4598 Guardian advocate.—

(1) The administrator*, a family member of the patient, or an interested party* may petition the court for the appointment of a guardian advocate based upon the opinion of a psychiatrist that the patient is incompetent to consent to treatment. If the court finds that a patient is incompetent to consent to treatment and has not been adjudicated incapacitated and a guardian with the authority to consent to mental health treatment *has not been* appointed, it shall appoint a guardian advocate. The patient has the right to have an attorney represent him or her at the hearing. If the person is indigent, the court shall appoint the office of the public defender to represent him or her at the hearing. The patient has the right to testify, cross-examine witnesses, and present witnesses. The proceeding shall be recorded either electronically or stenographically, and testimony shall be provided under oath. One of the professionals authorized to give an opinion in support of a petition for involuntary placement, as described in s. 394.4655 or s. 394.467, must testify. A guardian advocate must meet the qualifications of a guardian *pursuant to* ~~contained in~~ part IV of chapter 744~~, except that a professional referred to in this part, an employee of the facility providing direct services to the patient under this part, a departmental employee, a facility administrator, or member of the Florida local advocacy council shall not be appointed~~. A person *may not be appointed as a guardian advocate unless he or she agrees* ~~who is appointed as a guardian advocate must agree~~ to the appointment.

(2) The following persons are prohibited from being appointed as a patient's guardian advocate:

(a) A professional providing clinical services to the patient under this part;

(b) The licensed professional who initiated the involuntary examination of the patient, if the examination was initiated by professional certificate;

(c) An employee, administrator, or board member of the facility providing the examination of the patient;

(d) An employee, administrator, or board member of a treatment facility providing treatment of the patient;

(e) A person providing any substantial professional services to the patient, including clinical and nonclinical services;

(f) A creditor of the patient;

(g) A person subject to an injunction for protection against domestic violence under s. 741.30, whether the order of injunction is temporary or final, and for which the patient was the petitioner; and

(h) A person subject to an injunction for protection against repeat violence, sexual violence, or dating violence under s. 784.046, whether the order of injunction is temporary or final, and for which the patient was the petitioner.

Section 7. Subsection (6) of section 394.467, Florida Statutes, is amended to read:

394.467 Involuntary inpatient placement.—

(6) HEARING ON INVOLUNTARY INPATIENT PLACEMENT.—

(a)1. The court shall hold the hearing on involuntary inpatient placement within 5 days, unless a continuance is granted. The hearing shall be held in the county where the patient is located and shall be as convenient to the patient as may be consistent with orderly procedure and shall be conducted in physical settings not likely to be injurious to the patient's condition. If the court finds that the patient's attendance at the hearing is not consistent with the best interests of the patient, and the patient's counsel does not object, the court may waive the presence of the patient from all or any portion of the hearing. The state attorney for the circuit in which the patient is located shall represent the state, rather than the petitioning facility administrator, as the real party in interest in the proceeding.

2. The court may appoint a general or special magistrate to preside at the hearing. One of the professionals who executed the involuntary inpatient placement certificate shall be a witness. The patient and the patient's guardian or representative shall be informed by the court of the right to an independent expert examination. If the patient cannot afford such an examination, the court shall provide for one. The independent expert's report shall be confidential and not discoverable, unless the expert is to be called as a witness for the patient at the hearing. The testimony in the hearing must be given under oath, and the proceedings must be recorded. The patient may refuse to testify at the hearing.

(b) If the court concludes that the patient meets the criteria for involuntary inpatient placement, it shall order that the patient be transferred to a treatment facility or, if the patient is at a treatment facility, that the patient be retained there or be treated at any other appropriate receiving or treatment facility, or that the patient receive services from a receiving or treatment facility, on an involuntary basis, for a period of up to 6 months. The order shall specify the nature and extent of the patient's mental illness. *The court may not order an individual with traumatic brain injury or dementia who lacks a co-occurring mental illness to be involuntarily placed in a state treatment facility.* The facility shall discharge a patient any time the patient no longer meets the criteria for involuntary inpatient placement, unless the patient has transferred to voluntary status.

(c) If at any time prior to the conclusion of the hearing on involuntary inpatient placement it appears to the court that the person does not meet the criteria for involuntary inpatient placement under this section, but instead meets the criteria for involuntary outpatient placement, the court may order the person evaluated for involuntary outpatient placement pursuant to s. 394.4655. The petition and hearing procedures set forth in s. 394.4655 shall apply. If the person instead meets the criteria for involuntary assessment, protective custody, or involuntary admission pursuant to s. 397.675, then the court may order the person to be admitted for involuntary assessment for a period of 5 days pursuant to s. 397.6811. Thereafter, all proceedings shall be governed by chapter 397.

(d) At the hearing on involuntary inpatient placement, the court shall consider testimony and evidence regarding the patient's competence to consent to treatment. If the court finds that the patient is incompetent to consent to treatment, it shall appoint a guardian advocate as provided in s. 394.4598.

(e) The administrator of the receiving facility shall provide a copy of the court order and adequate documentation of a patient's mental illness to the administrator of a treatment facility whenever a patient is ordered for involuntary inpatient placement, whether by civil or criminal court. The documentation shall include any advance directives made by the patient, a psychiatric evaluation of the patient, and any evaluations of the patient performed by a clinical psychologist, a marriage and family therapist, a mental health counselor, or a clinical social worker. The administrator of a treatment facility may refuse admission to any patient directed to its facilities on an involuntary basis, whether by civil or

criminal court order, who is not accompanied at the same time by adequate orders and documentation.

Section 8. Section 394.47891, Florida Statutes, is amended to read:

394.47891 Military veterans and servicemembers court programs.—The chief judge of each judicial circuit may establish a Military Veterans and Servicemembers Court Program under which veterans, as defined in s. 1.01, *including veterans who were discharged or released under a general discharge,* and servicemembers, as defined in s. 250.01, who are *charged or* convicted of a criminal offense and who suffer from a military-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem can be sentenced in accordance with chapter 921 in a manner that appropriately addresses the severity of the mental illness, traumatic brain injury, substance abuse disorder, or psychological problem through services tailored to the individual needs of the participant. Entry into any Military Veterans and Servicemembers Court Program must be based upon the sentencing court's assessment of the defendant's criminal history, military service, substance abuse treatment needs, mental health treatment needs, amenability to the services of the program, the recommendation of the state attorney and the victim, if any, and the defendant's agreement to enter the program.

Section 9. Section 394.47892, Florida Statutes, is created to read:

394.47892 Treatment-based mental health court programs.—

(1) Each county may fund a treatment-based mental health court program under which defendants in the justice system assessed with a mental illness shall be processed in such a manner as to appropriately address the severity of the identified mental illness through treatment services tailored to the individual needs of the participant. The Legislature intends to encourage the Department of Corrections, the Department of Children and Families, the Department of Juvenile Justice, the Department of Health, the Department of Law Enforcement, the Department of Education, and other such agencies, local governments, law enforcement agencies, interested public or private entities, and individuals to support the creation and establishment of problem-solving court programs. Participation in treatment-based mental health court programs does not relieve a public or private agency of its responsibility for a child or an adult, but enables these agencies to better meet the child's or adult's needs through shared responsibility and resources.

(2) Treatment-based mental health court programs may include pretrial intervention programs as provided in ss. 948.08, 948.16, and 985.345, postadjudicatory treatment-based mental health court programs as provided in ss. 948.01 and 948.06, and review of the status of compliance or noncompliance of sentenced defendants through a treatment-based mental health court program.

(3) Entry into a pretrial treatment-based mental health court program is voluntary.

(4)(a) Entry into a postadjudicatory treatment-based mental health court program as a condition of probation or community control pursuant to s. 948.01 or s. 948.06 must be based upon the sentencing court's assessment of the defendant's criminal history, mental health screening outcome, amenability to the services of the program, and total sentence points; the recommendation of the state attorney and the victim, if any; and the defendant's agreement to enter the program.

(b) A defendant who is sentenced to a postadjudicatory mental health court program and who, while a mental health court participant, is the subject of a violation of probation or community control under s. 948.06 shall have the violation of probation or community control heard by the judge presiding over the postadjudicatory mental health court program. After a hearing on or admission of the violation, the judge shall dispose of any such violation as he or she deems appropriate if the resulting sentence or conditions are lawful.

(5)(a) Contingent upon an annual appropriation by the Legislature, each judicial circuit shall establish, at a minimum, one coordinator position for the treatment-based mental health court program within the state courts system to coordinate the responsibilities of the participating agencies and service providers. Each coordinator shall provide direct support to the treatment-based mental health court program by providing coordination between the multidisciplinary team and the judiciary, providing case management, monitoring compliance of the participants in the treatment-based mental health court program with court requirements, and providing program evaluation and accountability.

(b) Each circuit shall report sufficient client-level and programmatic data to the Office of the State Courts Administrator annually for purposes of program evaluation. Client-level data shall include primary offenses that resulted in the mental health court referral or sentence, treatment compliance, completion status and reasons for failure to complete, offenses committed during treatment and the sanctions imposed, frequency of court appearances, and units of service. Programmatic data shall include referral and screening procedures, eligibility criteria, type and duration of treatment offered, and residential treatment resources.

(6) If a county chooses to fund a treatment-based mental health court program, the county must secure funding from sources other than the state for those costs not otherwise assumed by the state pursuant to s. 29.004. However, this subsection does not preclude counties from using funds for treatment and other services provided through state executive branch agencies. Counties may provide, by interlocal agreement, for the collective funding of these programs.

(7) The chief judge of each judicial circuit may appoint an advisory committee for the treatment-based mental health court program. The committee shall be composed of the chief judge, or his or her designee, who shall serve as chair; the judge of the treatment-based mental health court program, if not otherwise designated by the chief judge as his or her designee; the state attorney, or his or her designee; the public defender, or his or her designee; the treatment-based mental health court program coordinators; community representatives; treatment representatives; and any other persons that the chair deems appropriate.

Section 10. Subsections (1), (4), (5), and (6) of section 394.492, Florida Statutes, are amended to read:

394.492 Definitions.—As used in ss. 394.490-394.497, the term:

(1) "Adolescent" means a person who is at least 13 years of age but under *21* ~~18~~ years of age.

(4) "Child or adolescent at risk of emotional disturbance" means a person under *21* ~~18~~ years of age who has an increased likelihood of becoming emotionally disturbed because of risk factors that include, but are not limited to:

(a) Being homeless.

(b) Having a family history of mental illness.

(c) Being physically or sexually abused or neglected.

(d) Abusing alcohol or other substances.

(e) Being infected with human immunodeficiency virus (HIV).

(f) Having a chronic and serious physical illness.

(g) Having been exposed to domestic violence.

(h) Having multiple out-of-home placements.

(5) "Child or adolescent who has an emotional disturbance" means a person under *21* ~~18~~ years of age who is diagnosed with a mental, emotional, or behavioral disorder of sufficient duration to meet one of the diagnostic categories specified in the most recent edition of the Diagnostic and Statistical Manual of the American Psychiatric Association, but who does not exhibit behaviors that substantially interfere with or limit his or her role or ability to function in the family, school, or community. The emotional disturbance must not be considered to be a temporary response to a stressful situation. The term does not include a child or adolescent who meets the criteria for involuntary placement under s. 394.467(1).

(6) "Child or adolescent who has a serious emotional disturbance or mental illness" means a person under *21* ~~18~~ years of age who:

(a) Is diagnosed as having a mental, emotional, or behavioral disorder that meets one of the diagnostic categories specified in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association; and

(b) Exhibits behaviors that substantially interfere with or limit his or her role or ability to function in the family, school, or community, which behaviors are not considered to be a temporary response to a stressful situation.

The term includes a child or adolescent who meets the criteria for involuntary placement under s. 394.467(1).

Section 11. Section 394.656, Florida Statutes, is amended to read:

394.656 Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant Program.—

(1) There is created within the Department of Children and Families the Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant Program. The purpose of the program is to provide funding to counties with which they can plan, implement, or expand initiatives that increase public safety, avert increased spending on criminal justice, and improve the accessibility and effectiveness of treatment services for adults and juveniles who have a mental illness, substance abuse disorder, or co-occurring mental health and substance abuse disorders and who are in, or at risk of entering, the criminal or juvenile justice systems.

(2) The department shall establish a Criminal Justice, Mental Health, and Substance Abuse Statewide Grant *Policy* ~~Review~~ Committee. The committee shall include:

(a) One representative of the Department of Children and Families;

(b) One representative of the Department of Corrections;

(c) One representative of the Department of Juvenile Justice;

(d) One representative of the Department of Elderly Affairs; ~~and~~

(e) One representative of the Office of the State Courts Administrator*;*

(f) One representative of the Department of Veterans' Affairs;

(g) One representative of the Florida Sheriffs Association;

(h) One representative of the Florida Police Chiefs Association;

(i) One representative of the Florida Association of Counties;

(j) One representative of the Florida Alcohol and Drug Abuse Association;

(k) One representative of the Florida Association of Managing Entities;

(l) One representative of the Florida Council for Community Mental Health; and

(m) One administrator of a state-licensed limited mental health assisted living facility.

(3) The committee shall serve as the advisory body to review policy and funding issues that help reduce the impact of persons with mental illnesses and substance use disorders on communities, criminal justice agencies, and the court system. The committee shall advise the department in selecting priorities for grants and investing awarded grant moneys.

(4) The department shall create a grant review and selection committee that has experience in substance use and mental health disorders, community corrections, and law enforcement. To the extent possible, the ~~members of the~~ committee shall have expertise in ~~grant writing,~~ grant reviewing~~,~~ and grant application scoring.

(5)~~(3)~~(a) A county*, or not-for-profit community provider or managing entity designated by the county planning council or committee, as described in s. 394.657,* may apply for a 1-year planning grant or a 3-year implementation or expansion grant. The purpose of the grants is to demonstrate that investment in treatment efforts related to mental illness, substance abuse disorders, or co-occurring mental health and substance abuse disorders results in a reduced demand on the resources of the judicial, corrections, juvenile detention, and health and social services systems.

(b) To be eligible to receive a 1-year planning grant or a 3-year implementation or expansion grant.~~,~~

1. A county applicant must have a ~~county~~ planning council or committee that is in compliance with the membership requirements set forth in this section.

2. A not-for-profit community provider or managing entity must be designated by the county planning council or committee and have written authorization to submit an application. A not-for-profit community provider or managing entity must have written authorization for each application it submits.

(c) The department may award a 3-year implementation or expansion grant to an applicant who has not received a 1-year planning grant.

(d) The department may require an applicant to conduct sequential intercept mapping for a project. For purposes of this paragraph, the term "sequential intercept mapping" means a process for reviewing a local community's mental health, substance abuse, criminal justice, and related systems and identifying points of interceptions where interventions may be made to prevent an individual with a substance use disorder or mental illness from deeper involvement in the criminal justice system.

(6)~~(4)~~ The grant review *and selection* committee shall *select the grant recipients and* notify the department ~~of Children and Families~~ in writing of the *recipients'* names ~~of the applicants who have been selected by the committee to receive a grant~~. Contingent upon the availability of funds and upon notification by the review committee of those applicants approved to receive planning, implementation, or expansion grants, the department ~~of Children and Families~~ may transfer funds appropriated for the grant program to *a selected grant recipient* ~~any county awarded a grant~~.

Section 12. Section 394.761, Florida Statutes, is created to read:

394.761 Revenue maximization.—The agency and the department shall develop a plan to obtain federal approval for increasing the availability of federal Medicaid funding for behavioral health care. Increased funding will be used to advance the goal of improved integration of behavioral health and primary care services for individuals eligible for Medicaid through development and effective implementation of coordinated care organizations as described in s. 394.9082. The agency and the department shall submit the written plan to the President of the Senate and the Speaker of the House of Representatives by November 1, 2015. The plan shall identify the amount of general revenue funding appropriated for mental health and substance abuse services which is eligible to be used as state Medicaid match. The plan must evaluate alternative uses of increased Medicaid funding, including seeking Medicaid eligibility for the severely and persistently mentally ill, increased reimbursement rates for behavioral health services, adjustments to the capitation rate for Medicaid enrollees with chronic mental illness and substance use disorders, supplemental payments to mental health and substance abuse providers through a designated state health program or other mechanisms, and innovative programs to provide incentives for improved outcomes for behavioral health conditions. The plan shall identify the advantages and disadvantages of each alternative and assess the potential of each for achieving improved integration of services. The plan shall identify the types of federal approvals necessary to implement each alternative and project a timeline for implementation.

Section 13. Paragraph (a) of subsection (1) of section 394.875, Florida Statutes, is amended to read:

394.875 Crisis stabilization units, residential treatment facilities, and residential treatment centers for children and adolescents; authorized services; license required.—

(1)(a) The purpose of a crisis stabilization unit is to stabilize and redirect a client to the most appropriate and least restrictive community setting available, consistent with the client's needs. Crisis stabilization units may screen, assess, and admit for stabilization persons who present themselves to the unit and persons who are brought to the unit under s. 394.463. Clients may be provided 24-hour observation, medication prescribed by a physician or psychiatrist, and other appropriate services. Crisis stabilization units shall provide services regardless of the client's ability to pay ~~and shall be limited in size to a maximum of 30 beds~~.

Section 14. Effective upon this act becoming a law, section 394.9082, Florida Statutes, is amended to read:

394.9082 Behavioral health managing entities.—

(1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds that untreated behavioral health disorders constitute major health problems for residents of this state, are a major economic burden to the citizens of this state, and substantially increase demands on the state's juvenile and adult criminal justice systems, the child welfare system, and health care systems. The Legislature finds that behavioral health disorders respond to appropriate treatment, rehabilitation, and supportive intervention. The Legislature finds that *the state's return on its* ~~it has made a substantial long-term~~ investment in the funding of the community-based behavioral health prevention and treatment service systems and facilities *can be enhanced for individuals also served by Medicaid through integration of these services with primary care and for individuals not served by Medicaid through coordination of these services with primary care* ~~in order to provide critical emergency, acute care, residential, outpatient, and rehabilitative and recovery based services~~. The Legislature finds that local communities have also made substantial investments in behavioral health services, contracting with safety net providers who by mandate and mission provide specialized services to vulnerable and hard-to-serve populations and have strong ties to local public health and public safety agencies. The Legislature finds that a *regional* management structure that *facilitates a comprehensive and cohesive system of coordinated care for* ~~places the responsibility for publicly financed~~ behavioral health treatment and prevention services ~~within a single private, nonprofit entity at the local level~~ will *improve* ~~promote improved~~ access to care, promote service continuity, and provide for more efficient and effective delivery of substance abuse and mental health services. The Legislature finds that streamlining administrative processes will create cost efficiencies and provide flexibility to better match available services to consumers' identified needs.

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

(a) "Behavioral health services" means mental health services and substance abuse prevention and treatment services as defined in this chapter and chapter 397 which are provided using state and federal funds.

(b) *"Coordinated care organization" means a managing entity that has earned designation by the department as having achieved the standards required in subsection (5).* ~~"Decisionmaking model" means a comprehensive management information system needed to answer the following management questions at the federal, state, regional, circuit, and local provider levels: who receives what services from which providers with what outcomes and at what costs?~~

(c) "Geographic area" means *one or more contiguous counties, circuits* ~~a county, circuit, regional~~, or *regions as described in s. 409.966* ~~multi-regional area in this state~~.

(d) "Managed behavioral health organization" means a Medicaid managed care organization currently under contract with the Medicaid managed medical assistance program in this state pursuant to part IV of chapter 409, including a managed care organization operating as a behavioral health specialty plan.

(e)~~(d)~~ "Managing entity" means a corporation that is *selected by* ~~organized in this state, is designated or filed as a nonprofit organization under s. 501(c)(3) of the Internal Revenue Code, and is under contract to~~ the department to *execute the administrative duties specified in subsection (5) to facilitate the* ~~manage the day-to-day operational~~ delivery of behavioral health services through *a coordinated* ~~an organized~~ system of care.

(f)~~(e)~~ "Provider networks" mean the direct service agencies ~~that are~~ under contract with a managing entity *to provide behavioral health services. The provider network may also include noncontracted providers as partners in the delivery of coordinated care* and ~~that together constitute~~ a comprehensive array of emergency, acute care, residential, outpatient, recovery support, and consumer support services.

~~(3) SERVICE DELIVERY STRATEGIES. The department may work through managing entities to develop service delivery strategies that will improve the coordination, integration, and management of the delivery of behavioral health services to people who have mental or substance use disorders. It is the intent of the Legislature that a well-managed service delivery system will increase access for those in need of care, improve the coordination and continuity of care for vulnerable and high risk populations, and redirect service dollars from restrictive care settings to community based recovery services.~~

(3)~~(4)~~ CONTRACT FOR SERVICES.—

(a)*1.* The department *shall* ~~may~~ contract ~~for the purchase and management of behavioral health services~~ with *not-for-profit* community-based *organizations with competence in managing networks of providers serving persons with mental health and substance use disorders to serve as* managing entities. *However, if fewer than two responsive bids are received to a solicitation for a managing entity contract, the department shall reissue the solicitation and managed behavioral health organizations shall also be eligible to bid.* ~~The department may require a managing entity to contract for specialized services that are not currently part of the managing entity's network if the department determines that to do so is in the best interests of consumers of services. The secretary shall determine the schedule for phasing in contracts with managing entities. The managing entities shall, at a minimum, be accountable for the operational oversight of the delivery of behavioral health services funded by the department and for the collection and submission of the required data pertaining to these contracted services.~~

2. The department shall require all contractors serving as managing entities to operate under the same data reporting, administrative, and administrative rate requirements, regardless of whether the managing entity is for profit or not for profit.

(b) A managing entity shall serve a geographic area designated by the department. The geographic area must be of sufficient size in population*, funding, and services* ~~and have enough public funds for behavioral health services~~ to allow for flexibility and ~~maximum~~ efficiency.

~~(b) The operating costs of the managing entity contract shall be funded through funds from the department and any savings and efficiencies achieved through the implementation of managing entities when realized by their participating provider network agencies. The department recognizes that managing entities will have infrastructure development costs during start-up so that any efficiencies to be realized by providers from consolidation of management functions, and the resulting savings, will not be achieved during the early years of operation. The department shall negotiate a reasonable and appropriate administrative cost rate with the managing entity. The Legislature intends that reduced local and state contract management and other administrative duties passed on to the managing entity allows funds previously allocated for these purposes to be proportionately reduced and the savings used to purchase the administrative functions of the managing entity. Policies and procedures of the department for monitoring contracts with managing entities shall include provisions for eliminating duplication of the department's and the managing entities' contract management and other administrative activities in order to achieve the goals of cost-effectiveness and regulatory relief. To the maximum extent possible, provider monitoring activities shall be assigned to the managing entity.~~

~~(c) Contracting and payment mechanisms for services must promote clinical and financial flexibility and responsiveness and must allow different categorical funds to be integrated at the point of service. The contracted service array must be determined by using public input, needs assessment, and evidence-based and promising best practice models. The department may employ care management methodologies, prepaid capitation, and case rate or other methods of payment which promote flexibility, efficiency, and accountability.~~

(c) Duties of the managing entity include:

1. Assessing community needs for behavioral health services and determining the optimal array of services to meet those needs within available resources, including, but not limited to, those services provided in subsection (6);

2. Contracting with providers to provide services to address community needs;

3. Monitoring provider performance through application of nationally recognized standards;

4. Collecting and reporting data, including use of a unique identifier developed by the department to facilitate consumer care coordination, and using such data to continually improve the system of care;

5. Facilitating effective provider relationships and arrangements that support coordinated service delivery and continuity of care, including relationships and arrangements with those other systems with which individuals with behavioral health needs interact;

6. Continually working independently and in collaboration with stakeholders, including, but not limited to, local government, to improve access to and effectiveness, quality, and outcomes of safety-net behavioral health services and the managing entity system of care, through means, including, but not limited to, facilitating the dissemination and use of evidence-informed practices;

7. Securing local matching funds; and

8. Administrative and fiscal management duties necessary to comply with federal requirements for the Substance Abuse and Mental Health Services grant.

(d) No later than July 1, 2016, the department shall revise contracts with all current managing entities. The revised contract shall be for a term of 5 years with an option to renew for an additional 5 years. The revised contract will be performance-based, which means the contract establishes a limited number of measurable outcomes, sets timelines for achievement of those outcomes that are characterized by specific milestones, and establishes a schedule of penalties scaled to the nature and significance of the performance failure. The contract shall provide specific milestones that managing entities must meet to ensure that they timely earn the coordinated care organization designation pursuant to subsection (5) and shall require managing entities to be evaluated at least annually to determine their compliance with these milestones. Such penalties may include a corrective action plan, liquidated damages, or termination of the contract.

(e) The revised contract must establish a clear and consistent framework for managing limited resources to serve priority populations identified in federal regulations and state law.

(f) In developing the revised contract, the department must consult with current managing entities and behavioral health service providers.

(g) The revised contract must incorporate a plan prepared by the managing entity that describes how the managing entity and the provider network in the region will earn, no later than July 1, 2019, the designation of coordinated care organization pursuant to subsection (5). The department may terminate a contract with a managing entity for causes specified in the contract and shall terminate a contract for the managing entity's failure to earn designation as a coordinated care organization in accordance with the plan approved by the department.

(h) The contract terms shall require that when the contractor serving as the managing entity changes, the department shall develop and implement a transition plan that ensures continuity of care for patients receiving behavioral health services.

(i) When necessary due to contract termination or the expiration of the allowable contract term, the department shall issue an invitation to negotiate in order to select an organization to serve as a managing entity pursuant to paragraph (a). The department shall consider the input and recommendations of the provider network and community stakeholders when selecting a new contractor. The invitation to negotiate shall specify the criteria and the relative weight of the criteria that will be used in selecting the new contractor. The department must consider all of the following factors:

1. Experience serving persons with mental health and substance use disorders.

2. Establishment of community partnerships with behavioral health providers.

3. Demonstrated organizational capabilities for network management functions.

4. Capability to coordinate behavioral health with primary care services.

(4)~~(5)~~ GOALS.—The *department must develop and incorporate into the revised contract with the managing entities, measureable outcome standards that address the following goals* ~~goal of the service delivery strategies is to provide a design for an effective coordination, integration, and management approach for delivering effective behavioral health services to persons who are experiencing a mental health or substance abuse crisis, who have a disabling mental illness or a substance use or co-occurring disorder, and require extended services in order to recover from their illness, or who need brief treatment or longer-term supportive interventions to avoid a crisis or disability. Other goals include~~:

(a) The provider network in the region delivers effective, quality services that are evidence-informed, coordinated, and integrated with programs such as vocational rehabilitation, education, child welfare, juvenile justice, and criminal justice, and coordinated with primary care services.

(b)~~(a)~~ *Behavioral health services supported with public funds are accountable to the public and responsive to local needs* ~~Improving accountability for a local system of behavioral health care services to meet performance outcomes and standards through the use of reliable and timely data~~.

(c)~~(b)~~ *Interactions and relationships among members of the provider network are supported and facilitated by the managing entity through such means as the sharing of data and information in order to effectively coordinate services and provide continuity of care for priority populations* ~~Enhancing the continuity of care for all children, adolescents, and adults who enter the publicly funded behavioral health service system~~.

~~(c) Preserving the "safety net" of publicly funded behavioral health services and providers, and recognizing and ensuring continued local contributions to these services, by establishing locally designed and community monitored systems of care.~~

~~(d) Providing early diagnosis and treatment interventions to enhance recovery and prevent hospitalization.~~

~~(e) Improving the assessment of local needs for behavioral health services.~~

~~(f) Improving the overall quality of behavioral health services through the use of evidence-based, best practice, and promising practice models.~~

~~(g) Demonstrating improved service integration between behavioral health programs and other programs, such as vocational rehabilitation, education, child welfare, primary health care, emergency services, juvenile justice, and criminal justice.~~

~~(h) Providing for additional testing of creative and flexible strategies for financing behavioral health services to enhance individualized treatment and support services.~~

~~(i) Promoting cost effective quality care.~~

~~(j) Working with the state to coordinate admissions and discharges from state civil and forensic hospitals and coordinating admissions and discharges from residential treatment centers.~~

~~(k) Improving the integration, accessibility, and dissemination of behavioral health data for planning and monitoring purposes.~~

~~(l) Promoting specialized behavioral health services to residents of assisted living facilities.~~

~~(m) Working with the state and other stakeholders to reduce the admissions and the length of stay for dependent children in residential treatment centers.~~

~~(n) Providing services to adults and children with co-occurring disorders of mental illnesses and substance abuse problems.~~

~~(o) Providing services to elder adults in crisis or at risk for placement in a more restrictive setting due to a serious mental illness or substance abuse.~~

(5) COORDINATED CARE ORGANIZATION DESIGNATION.—

(a) Managing entities earn the coordinated care organization designation by developing and implementing a plan that enables the members of the provider network, including those under contract to the managing entity as well as other noncontracted community service providers, to work together with each other and with systems such as the child welfare system, criminal justice system, and Medicaid system, to improve outcomes for individuals with mental health and substance use disorders. The plan must:

1. Assess working relationships among providers of a comprehensive range of services as described in subsection (6) and the nature and degree of coordination with other major systems with which individuals with behavioral health needs interact, and propose strategies for improving access to care for priority populations;

2. Identify gaps in the current system of care and propose methods for improving continuity and effectiveness of care;

3. Assess current methods and capabilities for consumer care coordination and propose enhancements to increase the number of individuals served and the effectiveness of care coordination services; and

4. Result from a collaborative effort of providers in the region which is facilitated and documented by the managing entity and includes stakeholder input.

(b) In order to earn the coordinated care organization designation, the managing entity must document working relationships among providers established through written coordination agreements that define common protocols for intake and assessment, create methods of data sharing, institute joint operational procedures, provide for integrated care planning and case management, and initiate cooperative evaluation procedures.

(c) Before designating a managing entity as a coordinated care organization, the department must seek input from the providers and other community stakeholders to assess the effectiveness of entity's coordination efforts.

(d) After earning the coordinated care organization designation, the managing entity must maintain coordinated care organization status by documenting the ongoing use and continuous improvement of the coordination methods specified in the written agreements.

(6) ESSENTIAL ELEMENTS.~~ It is the intent of the Legislature that the department may plan for and enter into contracts with managing entities to manage care in geographical areas throughout the state.~~

(a) *A comprehensive range of services includes the following essential elements:*

1. A centralized receiving facility or a coordinated receiving system consisting of written agreements and operational policies that support efficient methods of triaging patients to appropriate providers. A coordinated receiving system must be developed with input from community providers of behavioral health, including, but not limited to, inpatient psychiatric care providers.

2. Crisis services, including, at a minimum, crisis stabilization units.

3. Case management and consumer care coordination. To the extent allowed by available resources, the managing entity shall provide for consumer care coordination to facilitate the appropriate delivery of behavioral health care services in the least restrictive setting based on standardized level of care determinations, recommendations by a treating practitioner, and the needs of the consumer and his or her family, as appropriate. In addition to treatment services, consumer care coordination shall address the recovery support needs of the consumer and shall involve coordination with other local systems and entities, public and private, which are involved with the consumer, such as primary health care, child welfare, behavioral health care, and criminal and juvenile justice organizations. Consumer care coordination shall be provided to populations in the following order of priority:

a.(I) Individuals with serious mental illness or substance use disorders who have experienced multiple arrests, involuntary commitments, admittances to a state mental health treatment facility, or episodes of incarceration or have been placed on conditional release for a felony or violated a condition of probation multiple times as a result of their behavioral health condition.

(II) Individuals in state treatment facilities who are on the wait list for community-based care.

b.(I) Individuals in receiving facilities or crisis stabilization units who are on the wait list for a state treatment facility.

(II) Children who are involved in the child welfare system but are not in out-of-home care, except that the community-based care lead agency shall remain responsible for services required pursuant to s. 409.988.

(III) Parents or caretakers of children who are involved in the child welfare system and individuals who account for a disproportionate amount of behavioral health expenditures.

c. Other individuals eligible for services.

4. Outpatient services.

5. Residential services.

6. Hospital inpatient care.

7. Aftercare and other postdischarge services.

8. Recovery support, including, but not limited to, support for competitive employment, educational attainment, independent living skills development, family support and education, wellness management and self-care, and assistance in obtaining housing that meets the individual's needs. Such housing includes mental health residential treatment facilities, limited mental health assisted living facilities, adult family care homes, and supportive housing. Housing provided using state funds must provide a safe and decent environment free from abuse and neglect. The care plan shall assign specific responsibility for initial and ongoing evaluation of the supervision and support needs of the individual and the identification of housing that meets such needs. For purposes of this subparagraph, the term "supervision" means oversight of and assistance with compliance with the clinical aspects of an individual's care plan.

9. Medical services necessary for coordination of behavioral health services with primary care.

10. Prevention and outreach services.

11. Medication-assisted treatment.

12. Detoxification services. ~~The managing entity must demonstrate the ability of its network of providers to comply with the pertinent provisions of this chapter and chapter 397 and to ensure the provision of comprehensive behavioral health services. The network of providers must include, but need not be limited to, community mental health agencies, substance abuse treatment providers, and best practice consumer services providers.~~

~~(b) The department shall terminate its mental health or substance abuse provider contracts for services to be provided by the managing entity at the same time it contracts with the managing entity.~~

~~(c) The managing entity shall ensure that its provider network is broadly conceived. All mental health or substance abuse treatment providers currently under contract with the department shall be offered a contract by the managing entity.~~

~~(d) The department may contract with managing entities to provide the following core functions:~~

~~1. Financial accountability.~~

~~2. Allocation of funds to network providers in a manner that reflects the department's strategic direction and plans.~~

~~3. Provider monitoring to ensure compliance with federal and state laws, rules, and regulations.~~

~~4. Data collection, reporting, and analysis.~~

~~5. Operational plans to implement objectives of the department's strategic plan.~~

~~6. Contract compliance.~~

~~7. Performance management.~~

~~8. Collaboration with community stakeholders, including local government.~~

~~9. System of care through network development.~~

~~10. Consumer care coordination.~~

~~11. Continuous quality improvement.~~

~~12. Timely access to appropriate services.~~

~~13. Cost-effectiveness and system improvements.~~

~~14. Assistance in the development of the department's strategic plan.~~

~~15. Participation in community, circuit, regional, and state planning.~~

~~16. Resource management and maximization, including pursuit of third-party payments and grant applications.~~

~~17. Incentives for providers to improve quality and access.~~

~~18. Liaison with consumers.~~

~~19. Community needs assessment.~~

~~20. Securing local matching funds.~~

(b)~~(c)~~ The managing entity shall ensure that written cooperative agreements are developed and implemented among the criminal and juvenile justice systems, the local community-based care network, and the local behavioral health providers in the geographic area which define strategies and alternatives for diverting people who have mental illness and substance abuse problems from the criminal justice system to the community. These agreements must also address the provision of appropriate services to persons who have behavioral health problems and leave the criminal justice system. *The managing entity shall work with the civil court system to develop procedures for the evaluation and use of involuntary outpatient placement for individuals as a strategy for diverting future admissions to acute levels of care, jails, prisons, and forensic facilities, subject to the availability of funding for services.*

(c)~~(f)~~ Managing entities must collect and submit data to the department regarding persons served, outcomes of persons served, ~~and the~~ costs of services provided through the department's contract*, and other data as required by the department*. The department shall evaluate managing entity services based on consumer-centered outcome measures that reflect national standards that can dependably be measured. The department shall work with managing entities to establish performance standards related to:

1. The extent to which individuals in the community receive services.

2. *The improvement in the overall behavioral health of a community.*

3. The improvement *in functioning or progress in the recovery of individuals served through care coordination, as determined using person-centered measures tailored to the population* ~~of quality of care for individuals served~~.

4.~~3.~~ The success of strategies to divert *admissions to acute levels of care, jails, prisons, and forensic facilities as measured by, at a minimum, the total number and percentage of clients who, during a specified period, experience multiple admissions to acute levels of care, jails, prisons, or forensic facilities* ~~jail, prison, and forensic facility admissions~~.

5.~~4.~~ Consumer and family satisfaction.

6.~~5.~~ The satisfaction of key community constituents such as law enforcement agencies, juvenile justice agencies, the courts, the schools, local government entities, hospitals, and others as appropriate for the geographical area of the managing entity.

~~(g) The Agency for Health Care Administration may establish a certified match program, which must be voluntary. Under a certified match program, reimbursement is limited to the federal Medicaid share to Medicaid enrolled strategy participants. The agency may take no action to implement a certified match program unless the consultation provisions of chapter 216 have been met. The agency may seek federal waivers that are necessary to implement the behavioral health service delivery strategies.~~

(7) MANAGING ENTITY REQUIREMENTS.—The department may adopt rules and *contractual* standards *related to* ~~and a process for~~ the qualification and operation of managing entities which are based, in part, on the following criteria:

(a) *By the date of execution of the revised contract, the department must verify:*

1. If the managing entity is not a managed behavioral health organization, that the governing board meets the following requirements: ~~A managing entity's governance structure shall be representative and shall, at a minimum, include consumers and family members, appropriate community stakeholders and organizations, and providers of substance abuse and mental health services as defined in this chapter and chapter 397. If there are one or more private receiving facilities in the geographic coverage area of a managing entity, the managing entity shall have one representative for the private receiving facilities as an ex officio member of its board of directors.~~

a. The composition of the governing board must be broadly representative of the community and include consumers and family members, community organizations that do not contract with the managing entity, local governments, area law enforcement agencies, business leaders, community-based care lead agency representatives, health care professionals, and representatives of health care facilities. Representatives of local governments, including counties, school boards, sheriffs, and independent hospital taxing districts may, however, serve as voting members even if they contract with the managing entity. The managing entity must create a transparent process for nomination and selection of board members and must adopt a procedure for establishing staggered term limits which ensures that no individual serves more than 8 consecutive years on the board.

b. The managing entity must establish a technical advisory panel consisting of providers of mental health and substance abuse services under contract with the managing entity that selects at least one member to serve ex officio as a member of the governing board.

2. If the managing entity is a managed behavioral health organization, it must establish an advisory board and a technical advisory panel that meet the same requirements as the governing board and technical advisory panel in subparagraph 1. The duties of the advisory board and technical advisory panel shall include, but are not limited to, making recommendations to the department about the renewal of the managing contract or the award of a new contract to the managing entity.

~~(b) A managing entity that was originally formed primarily by substance abuse or mental health providers must present and demonstrate a detailed, consensus approach to expanding its provider network and governance to include both substance abuse and mental health providers.~~

(b)~~(c)~~ A managing entity must submit a network management plan and budget in a form and manner determined by the department. ~~The plan must detail the means for implementing the duties to be contracted to the managing entity and the efficiencies to be anticipated by the department as a result of executing the contract.~~ The department may require modifications to the plan and must approve the plan before contracting with a managing entity.

1. Provider participation in the network is subject to credentials and performance standards set by the managing entity. The department may not require the managing entity to conduct provider network procurements in order to select providers. However, the managing entity or coordinated care organization shall have a process for publicizing opportunities to participate in its network, evaluating new participants for inclusion in its network, and evaluating current providers to determine whether they should remain network participants. This process shall be posted on the managing entity's website.

2. The network management plan and provider contracts, at a minimum, shall provide for managing entity and provider involvement to ensure continuity of care for clients if a provider ceases to provide a service or leaves the network. ~~The department may contract with a managing~~

~~entity that demonstrates readiness to assume core functions, and may continue to add functions and responsibilities to the managing entity's contract over time as additional competencies are developed as identified in paragraph (g). Notwithstanding other provisions of this section, the department may continue and expand managing entity contracts if the department determines that the managing entity meets the requirements specified in this section.~~

~~(d) Notwithstanding paragraphs (b) and (c), a managing entity that is currently a fully integrated system providing mental health and substance abuse services, Medicaid, and child welfare services is permitted to continue operating under its current governance structure as long as the managing entity can demonstrate to the department that consumers, other stakeholders, and network providers are included in the planning process.~~

(c)~~(e)~~ Managing entities shall operate in a transparent manner, providing public access to information, notice of meetings, and opportunities for broad public participation in decisionmaking. The managing entity's network management plan must detail policies and procedures that ensure transparency.

(d)~~(f)~~ Before contracting with a managing entity, the department must perform an onsite readiness review of a managing entity to determine its operational capacity to satisfactorily perform the duties to be contracted.

(e)~~(g)~~ The department shall engage community stakeholders, including providers and managing entities under contract with the department, in the development of objective standards to measure the competencies of managing entities and their readiness to assume the responsibilities described in this section, and the outcomes to hold them accountable.

~~(8) DEPARTMENT RESPONSIBILITIES.—With the introduction of managing entities to monitor department contracted providers' day to day operations, the department and its regional and circuit offices will have increased ability to focus on broad systemic substance abuse and mental health issues. After the department enters into a managing entity contract in a geographic area, the regional and circuit offices of the department in that area shall direct their efforts primarily to monitoring the managing entity contract, including negotiation of system quality improvement goals each contract year, and review of the managing entity's plans to execute department strategic plans; carrying out statutorily mandated licensure functions; conducting community and regional substance abuse and mental health planning; communicating to the department the local needs assessed by the managing entity; preparing department strategic plans; coordinating with other state and local agencies; assisting the department in assessing local trends and issues and advising departmental headquarters on local priorities; and providing leadership in disaster planning and preparation.~~

(8)~~(9)~~ FUNDING FOR MANAGING ENTITIES.—

(a) A contract established between the department and a managing entity under this section shall be funded by general revenue, other applicable state funds, or applicable federal funding sources. A managing entity may carry forward documented unexpended state funds from one fiscal year to the next; however, the cumulative amount carried forward may not exceed 8 percent of the total contract. Any unexpended state funds in excess of that percentage must be returned to the department. The funds carried forward may not be used in a way that would create increased recurring future obligations or for any program or service that is not currently authorized under the existing contract with the department. Expenditures of funds carried forward must be separately reported to the department. Any unexpended funds that remain at the end of the contract period shall be returned to the department. Funds carried forward may be retained through contract renewals and new procurements as long as the same managing entity is retained by the department.

(b) The method of payment for a fixed-price contract with a managing entity must provide for a 2-month advance payment at the beginning of each fiscal year and equal monthly payments thereafter.

~~(10) REPORTING.—Reports of the department's activities, progress, and needs in achieving the goal of contracting with managing entities in each circuit and region statewide must be submitted to the appropriate substantive and appropriations committees in the Senate and the House of Representatives on January 1 and July 1 of each year until the full transition to managing entities has been accomplished statewide.~~

(9)~~(11)~~ RULES.—The department *may* ~~shall~~ adopt rules to administer this section ~~and, as necessary, to further specify requirements of managing entities~~.

Section 15. Section 397.402, Florida Statutes, is created to read:

397.402 Single, consolidated licensure.— The department and the Agency for Health Care Administration shall develop a plan for modifying licensure statutes and rules to provide options for a single, consolidated license for a provider that offers multiple types of mental health and substance abuse services regulated under chapters 394 and 397. The plan shall identify options for license consolidation within the department and within the agency, and shall identify interagency license consolidation options. The department and the agency shall submit the plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 1, 2015.

Section 16. Paragraphs (d) through (m) of subsection (2) of section 409.967, Florida Statutes, are redesignated as paragraphs (e) through (n), respectively, and a new paragraph (d) is added to that subsection, 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:

(d) Quality care.—Managed care plans shall provide, or contract for the provision of, care coordination to facilitate the appropriate delivery of behavioral health care services in the least restrictive setting with treatment and recovery capabilities that address the needs of the patient. Services shall be provided in a manner that integrates behavioral health services and primary care. Plans shall be required to achieve specific behavioral health outcome standards, established by the agency in consultation with the Department of Children and Families.

Section 17. Subsection (5) is added to section 409.973, Florida Statutes, to read:

409.973 Benefits.—

(5) INTEGRATED BEHAVIORAL HEALTH INITIATIVE.—Each plan operating in the managed medical assistance program shall work with the managing entity in its service area to establish specific organizational supports and service protocols that enhance the integration and coordination of primary care and behavioral health services for Medicaid recipients. Progress in this initiative will be measured using the integration framework and core measures developed by the Agency for Healthcare Research and Quality.

Section 18. Section 491.0045, Florida Statutes is amended to read:

491.0045 Intern registration; requirements.—

(1) ~~Effective January 1, 1998,~~ An individual who *has not satisfied* ~~intends to practice in Florida to satisfy~~ the postgraduate or post-master's level experience requirements, as specified in s. 491.005(1)(c), (3)(c), or (4)(c), must register as an intern in the profession for which he or she is seeking licensure prior to commencing the post-master's experience requirement or an individual who intends to satisfy part of the required graduate-level practicum, internship, or field experience, outside the academic arena for any profession, must register as an intern in the profession for which he or she is seeking licensure prior to commencing the practicum, internship, or field experience.

(2) The department shall register as a clinical social worker intern, marriage and family therapist intern, or mental health counselor intern each applicant who the board certifies has:

(a) Completed the application form and remitted a nonrefundable application fee not to exceed $200, as set by board rule;

(b)1. Completed the education requirements as specified in s. 491.005(1)(c), (3)(c), or (4)(c) for the profession for which he or she is applying for licensure, if needed; and

2. Submitted an acceptable supervision plan, as determined by the board, for meeting the practicum, internship, or field work required for licensure that was not satisfied in his or her graduate program.

(c) Identified a qualified supervisor.

(3) An individual registered under this section must remain under supervision *while practicing under registered intern status* ~~until he or she is in receipt of a license or a letter from the department stating that he or she is licensed to practice the profession for which he or she applied~~.

~~(4) An individual who has applied for intern registration on or before December 31, 2001, and has satisfied the education requirements of s. 491.005 that are in effect through December 31, 2000, will have met the educational requirements for licensure for the profession for which he or she has applied.~~

(4)~~(5)~~ *An individual who fails* ~~Individuals who have commenced the experience requirement as specified in s. 491.005(1)(c), (3)(c), or (4)(c) but failed to register as required by subsection (1) shall register with the department before January 1, 2000. Individuals who fail~~ to comply with this *section may* ~~subsection shall~~ not be granted a license *under this chapter*, and any time spent by the individual completing the experience requirement *as specified in s. 491.005(1)(c), (3)(c), or (4)(c) before* ~~prior to~~ registering as an intern *does* ~~shall~~ not count toward completion of *the* ~~such~~ requirement.

(5) An intern registration is valid for 5 years.

(6) Any registration issued on or before March 31, 2016, expires March 31, 2021, and may not be renewed or reissued. Any registration issued after March 31, 2016, expires 60 months after the date it is issued. A subsequent intern registration may not be issued unless the candidate has passed the theory and practice examination described in s. 491.005(1)(d), (3)(d), and (4)(d).

(7) An individual who has held a provisional license issued by the board may not apply for an intern registration in the same profession.

Section 19. *Section 394.4674, Florida Statutes, is repealed.*

Section 20. *Section 394.4985, Florida Statutes, is repealed.*

Section 21. *Section 394.745, Florida Statutes, is repealed.*

Section 22. *Section 397.331, Florida Statutes, is repealed.*

Section 23. *Section 397.333, Florida Statutes, is repealed.*

Section 24. *Section 397.801, Florida Statutes, is repealed.*

Section 25. *Section 397.811, Florida Statutes, is repealed.*

Section 26. *Section 397.821, Florida Statutes, is repealed.*

Section 27. *Section 397.901, Florida Statutes, is repealed.*

Section 28. *Section 397.93, Florida Statutes, is repealed.*

Section 29. *Section 397.94, Florida Statutes, is repealed.*

Section 30. *Section 397.951, Florida Statutes, is repealed.*

Section 31. *Section 397.97, Florida Statutes, is repealed.*

Section 32. *Section 397.98, Florida Statutes, is repealed.*

Section 33. Subsection (15) of section 397.321, Florida Statutes, is amended to read:

397.321 Duties of the department.—The department shall:

~~(15) Appoint a substance abuse impairment coordinator to represent the department in efforts initiated by the statewide substance abuse impairment prevention and treatment coordinator established in s. 397.801 and to assist the statewide coordinator in fulfilling the responsibilities of that position.~~

Section 34. Paragraph (e) of subsection (3) of section 409.966, Florida Statutes, is amended to read:

409.966 Eligible plans; selection.—

(3) QUALITY SELECTION CRITERIA.—

(e) To ensure managed care plan participation in Regions 1 and 2, the agency shall award an additional contract to each plan with a contract award in Region 1 or Region 2. Such contract shall be in any other region in which the plan submitted a responsive bid and negotiates a rate acceptable to the agency. If a plan that is awarded an additional contract pursuant to this paragraph is subject to penalties pursuant to s. *409.967(2)(i)* ~~409.967(2)(h)~~ for activities in Region 1 or Region 2, the additional contract is automatically terminated 180 days after the imposition of the penalties. The plan must reimburse the agency for the cost of enrollment changes and other transition activities.

Section 35. Subsection (1) of section 765.110, Florida Statutes, is amended to read:

765.11 Health care facilities and providers; discipline.—

(1) A health care facility, pursuant to Pub. L. No. 101-508, ss. 4206 and 4751, shall provide to each patient written information concerning the individual's rights concerning advance directives*, including advance directives providing for mental health treatment,* and the health care facility's policies respecting the implementation of such rights, and shall document in the patient's medical records whether or not the individual has executed an advance directive.

Section 36. *Part V of chapter 765, Florida Statutes, is redesignated as part VI, and a new part V of chapter 765, Florida Statutes, consisting of ss. 765.501-765.509, is created and entitled "Mental Health and Substance Abuse Advance Directives."*

Section 37. Section 765.501, Florida Statutes, is created to read:

765.501 Short title.—Sections 765.502-765.509 may be cited as the "Jennifer Act".

Section 38. Section 765.502, Florida Statutes, is created to read:

765.502 Legislative findings.—

(1) The Legislature recognizes that an individual with capacity has the ability to control decisions relating to his or her own mental health care or substance abuse treatment. The Legislature finds that:

(a) Substance abuse and some mental illnesses cause individuals to fluctuate between capacity and incapacity;

(b) During periods when an individual's capacity is unclear, the individual may be unable to provide informed consent necessary to access needed treatment;

(c) Early treatment may prevent an individual from becoming so ill that involuntary treatment is necessary; and

(d) Individuals with substance abuse impairment or mental illness need an established procedure to express their instructions and preferences for treatment and provide advance consent to or refusal of treatment. This procedure should be less expensive and less restrictive than guardianship.

(2) The Legislature further recognizes that:

(a) A mental health or substance abuse treatment advance directive must provide the individual with a full range of choices.

(b) For a mental health or substance abuse directive to be an effective tool, individuals must be able to choose how they want their directives to be applied during periods when they are incompetent to consent to treatment.

(c) There must be a clear process so that treatment providers can abide by an individual's treatment choices.

Section 39. Section 765.503, Florida Statutes, is created to read:

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

(1) "Adult" means any individual who has attained the age of majority or is an emancipated minor.

(2) "Capacity" means that an adult has not been found to be incapacitated pursuant to s. 394.463.

(3) "Health care facility" means a hospital, nursing home, hospice, home health agency, or health maintenance organization licensed in this state, or any facility subject to part I of chapter 394.

(4) "Incapacity" or "incompetent" means an adult who is:

(a) Unable to understand the nature, character, and anticipated results of proposed treatment or alternatives or the recognized serious possible risks, complications, and anticipated benefits of treatments and alternatives, including nontreatment;

(b) Physically or mentally unable to communicate a willful and knowing decision about mental health care or substance abuse treatment;

(c) Unable to communicate his or her understanding or treatment decisions; or

(d) Determined incompetent pursuant to s. 394.463.

(5) "Informed consent" means consent voluntarily given by a person after a sufficient explanation and disclosure of the subject matter involved to enable that person to have a general understanding of the treatment or procedure and the medically acceptable alternatives, including the substantial risks and hazards inherent in the proposed treatment or procedures or nontreatment, and to make knowing mental health care or substance abuse treatment decisions without coercion or undue influence.

(6) "Interested person" means, for the purposes of this chapter, any person who may reasonably be expected to be affected by the outcome of the particular proceeding involved, including anyone interested in the welfare of an incapacitated person.

(7) "Mental health or substance abuse treatment advance directive" means a written document in which the principal makes a declaration of instructions or preferences or appoints a surrogate to make decisions on behalf of the principal regarding the principal's mental health or substance abuse treatment, or both.

(8) "Mental health professional" means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals licensed pursuant to chapter 458, chapter 459, chapter 464, chapter 490, or chapter 491.

(9) "Principal" means a competent adult who executes a mental health or substance abuse treatment advance directive and on whose behalf mental health care or substance abuse treatment decisions are to be made.

(10) "Service provider" means a mental health receiving facility, a facility licensed under chapter 397, a treatment facility, an entity under contract with the department to provide mental health or substance abuse services, a community mental health center or clinic, a psychologist, a clinical social worker, a marriage and family therapist, a mental health counselor, a physician, a psychiatrist, an advanced registered nurse practitioner, or a psychiatric nurse.

(11) "Surrogate" means any competent adult expressly designated by a principal to make mental health care or substance abuse treatment decisions on behalf of the principal as set forth in the principal's mental health or substance abuse treatment advance directive created pursuant to this part.

Section 40. Section 765.504, Florida Statutes, is created to read:

765.504 Mental health or substance abuse treatment advance directive; execution; allowable provisions.—

(1) An adult with capacity may execute a mental health or substance abuse treatment advance directive.

(2) A directive executed in accordance with this section is presumed to be valid. The inability to honor one or more provisions of a directive does not affect the validity of the remaining provisions.

(3) A directive may include any provision relating to mental health or substance abuse treatment or the care of the principal. Without limitation, a directive may include:

(a) The principal's preferences and instructions for mental health or substance abuse treatment.

(b) Consent to specific types of mental health or substance abuse treatment.

(c) Refusal to consent to specific types of mental health or substance abuse treatment.

(d) Descriptions of situations that may cause the principal to experience a mental health or substance abuse crisis.

(e) Suggested alternative responses that may supplement or be in lieu of direct mental health or substance abuse treatment, such as treatment approaches from other providers.

(f) The principal's nomination of a guardian, limited guardian, or guardian advocate as provided chapter 744.

(4) A directive may be combined with or be independent of a nomination of a guardian, a durable power of attorney, or other advance directive.

Section 41. Section 765.505, Florida Statutes, is created to read:

765.505 Execution of a mental health or substance abuse advance directive; effective date; expiration.—

(1) A directive must:

(a) Be in writing.

(b) Contain language that clearly indicates that the principal intends to create a directive pursuant to this part.

(c) Be dated and signed by the principal or, if the principal is unable to sign, at the principal's direction in the principal's presence.

(d) Be witnessed by two adults, each of whom must declare that he or she personally knows the principal and was present when the principal dated and signed the directive, and that the principal did not appear to be incapacitated or acting under fraud, undue influence, or duress. The person designated as the surrogate may not act as a witness to the execution of the document designating the mental health or substance abuse care treatment surrogate. At least one person who acts as a witness must be neither the principal's spouse nor his or her blood relative.

(2) A directive is valid upon execution, but all or part of the directive may take effect at a later date as designated by the principal in the directive.

(3) A directive may:

(a) Be revoked, in whole or in part, pursuant to s. 765.506; or

(b) Expire under its own terms.

(4) A directive does not or may not:

(a) Create an entitlement to mental health, substance abuse, or medical treatment or supersede a determination of medical necessity.

(b) Obligate any health care provider, professional person, or health care facility to pay the costs associated with the treatment requested.

(c) Obligate a health care provider, professional person, or health care facility to be responsible for the nontreatment or personal care of the principal or the principal's personal affairs outside the scope of services the facility normally provides.

(d) Replace or supersede any will or testamentary document or supersede the provision of intestate succession.

Section 42. Section 765.506, Florida Statutes, is created to read:

765.506 Revocation; waiver.—

(1) A principal with capacity may, by written statement of the principal or at the principal's direction in the principal's presence, revoke a directive in whole or in part.

(2) The principal shall provide a copy of his or her written statement of revocation to his or her agent, if any, and to each health care provider, professional person, or health care facility that received a copy of the directive from the principal.

(3) The written statement of revocation is effective as to a health care provider, professional person, or health care facility upon receipt. The professional person, health care provider, or health care facility, or persons acting under their direction, shall make the statement of revocation part of the principal's medical record.

(4) A directive also may:

(a) Be revoked, in whole or in part, expressly or to the extent of any inconsistency, by a subsequent directive; or

(b) Be superseded or revoked by a court order, including any order entered in a criminal matter. The individual's family, the health care facility, the attending physician, or any other interested person who may be directly affected by the surrogate's decision concerning any health care may seek expedited judicial intervention pursuant to rule 5.900 of the Florida Probate Rules, if that person believes:

1. The surrogate's decision is not in accord with the individual's known desires;

2. The advance directive is ambiguous, or the individual has changed his or her mind after execution of the advance directive;

3. The surrogate was improperly designated or appointed, or the designation of the surrogate is no longer effective or has been revoked;

4. The surrogate has failed to discharge duties, or incapacity or illness renders the surrogate incapable of discharging duties;

5. The surrogate has abused powers; or

6. The individual has sufficient capacity to make his or her own health care decisions.

(5) A directive that would have otherwise expired but is effective because the principal is incapacitated remains effective until the principal is no longer incapacitated unless the principal elected to be able to revoke while incapacitated and has revoked the directive.

(6) When a principal with capacity consents to treatment that differs from, or refuses treatment consented to in, his or her directive, the consent or refusal constitutes a waiver of a particular provision and does not constitute a revocation of the provision or the directive unless that principal also revokes the provision or directive.

Section 43. Section 765.507, Florida Statutes, is created to read:

765.507 Immunity from liability; weight of proof; presumption.—

(1) A health care facility, provider, or other person who acts under the direction of a health care facility or provider is not subject to criminal prosecution or civil liability, and may not be deemed to have engaged in unprofessional conduct, as a result of carrying out a mental health care or substance abuse treatment decision made in accordance with this section. The surrogate who makes a mental health care or substance abuse treatment decision on a principal's behalf, pursuant to this section, is not subject to criminal prosecution or civil liability for such action.

(2) This section applies unless it is shown by a preponderance of the evidence that the person authorizing or carrying out a mental health or substance abuse treatment decision did not exercise reasonable care or, in good faith, comply with ss. 765.502-765.509.

Section 44. Section 765.508, Florida Statutes, is created to read:

765.508 Recognition of mental health and substance abuse treatment advance directive executed in another state.—A mental health or substance abuse treatment advance directive executed in another state in compliance with the law of that state is validly executed for the purposes of this chapter.

Section 45. Section 765.509, Florida Statutes, is created to read:

765.509 Service providers.—

(1) All service providers shall provide information concerning mental health and substance abuse advance directives to a patient and assist any patient who is competent and willing to complete a mental health or substance abuse advance directive.

(2) A service provider may not require a patient to execute a mental health or substance abuse advance directive or to execute a new mental health or substance abuse advance directive using the service provider's forms. The patient's mental health and substance abuse advance directives shall travel with the patient as part of the patient's medical record.

(3) The Department of Children and Families shall develop, and publish on its website, information on the creation, execution, and purpose of mental health and substance abuse advance directives and the distinction between mental health advance directives created under this part and those created under part I of this chapter. The Department of Children and Families shall also develop, and publish on its website, a mental health advance directive form and a substance abuse advance directive form that may be used by an individual to direct future care.

Section 46. Subsection (5) of section 910.035, Florida Statutes, is amended to read:

910.035 Transfer from county for plea*,* ~~and~~ sentence*, or participation in a problem-solving court*.—

(5) *PROBLEM-SOLVING COURTS.—*

(a) As used in this subsection, the term "problem-solving court" means a drug court pursuant to s. 948.01, s. 948.06, s. 948.08, s. 948.16, or s. 948.20; a military veterans and servicemembers court pursuant to s. 394.47891, s. 948.08, s. 948.16, or s. 948.21; a mental health court pursuant to s. 394.47892, s. 948.01, s. 948.06, s. 948.08, or s. 948.16; or a delinquency pretrial intervention court program pursuant to s. 985.345.

(b) Any person eligible for participation in a *problem-solving* ~~drug~~ court *shall, upon request by the person or a court,* ~~treatment program pursuant to s. 948.08(6) may be eligible to~~ have the case transferred to a county other than that in which the charge arose if *the person agrees to the transfer and* ~~the drug court program agrees and if the following conditions are met:~~

~~(a)~~ the authorized representative of the *trial* ~~drug~~ court *consults* ~~program of the county requesting to transfer the case shall consult~~ with the authorized representative of the *problem-solving* ~~drug~~ court ~~program~~ in the county to which transfer is desired*, and both representatives agree to the transfer*.

(c)~~(b)~~ If *all parties agree to the transfer as required by paragraph (b),* ~~approval for transfer is received from all parties,~~ the trial court shall ~~accept a plea of nolo contendere and~~ enter a transfer order directing the clerk to transfer the case to the county *that* ~~which~~ has accepted the defendant into its *problem-solving* ~~drug~~ court ~~program~~.

(d)1.~~(c)~~ *When transferring a pretrial problem-solving court case,* the transfer order shall include a copy of the probable cause affidavit; any charging documents in the case; all reports, witness statements, test results, evidence lists, and other documents in the case; the defendant's mailing address and phone number; and the defendant's written consent to abide by the rules and procedures of the receiving county's *problem-solving* ~~drug~~ court ~~program~~.

2. When transferring a postadjudicatory problem-solving court case, the transfer order shall include a copy of the charging documents in the case; the final disposition; all reports, test results, and other documents in the case; the defendant's mailing address and telephone number; and the defendant's written consent to abide by the rules and procedures of the receiving county's problem-solving court.

(e)~~(d)~~ After the transfer takes place, the *receiving* clerk shall set the matter for a hearing before the *problem-solving* ~~drug~~ court *in the receiving jurisdiction to* ~~program judge and the court shall~~ ensure the defendant's entry into the *problem-solving* ~~drug~~ court ~~program~~.

(f)~~(e)~~ Upon successful completion of the *problem-solving* ~~drug~~ court program, the jurisdiction to which the case has been transferred shall dispose of the case ~~pursuant to s. 948.08(6)~~. If the defendant does not complete the *problem-solving* ~~drug~~ court program successfully, the jurisdiction to which the case has been transferred shall dispose of the case within the guidelines of the Criminal Punishment Code.

Section 47. Subsection (5) of section 916.106, Florida Statutes, is amended to read:

916.106 Definitions.—For the purposes of this chapter, the term:

(5) "Court" means the circuit court *and a county court ordering the conditional release of a defendant as provided in s. 916.17*.

Section 48. Subsection (1) of section 916.17, Florida Statutes, is amended to read:

916.17 Conditional release.—

(1) Except for an inmate currently serving a prison sentence, the committing court may order a conditional release of any defendant in lieu of an involuntary commitment to a facility pursuant to s. 916.13 or s. 916.15 based upon an approved plan for providing appropriate outpatient care and treatment. *A county court may order the conditional release of a defendant for purposes of the provision of outpatient care and treatment only.* Upon a recommendation that outpatient treatment of the defendant is appropriate, a written plan for outpatient treatment, including recommendations from qualified professionals, must be filed with the court, with copies to all parties. Such a plan may also be submitted by the defendant and filed with the court with copies to all parties. The plan shall include:

(a) Special provisions for residential care or adequate supervision of the defendant.

(b) Provisions for outpatient mental health services.

(c) If appropriate, recommendations for auxiliary services such as vocational training, educational services, or special medical care.

In its order of conditional release, the court shall specify the conditions of release based upon the release plan and shall direct the appropriate agencies or persons to submit periodic reports to the court regarding the defendant's compliance with the conditions of the release and progress in treatment, with copies to all parties.

Section 49. Section 916.185, Florida Statutes, is created to read:

916.185 Forensic Hospital Diversion Pilot Program.—

(1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds that many jail inmates who have serious mental illnesses and who are committed to state forensic mental health treatment facilities for restoration of competency to proceed could be served more effectively and at less cost in community-based alternative programs. The Legislature further finds that many people who have serious mental illnesses and who have been discharged from state forensic mental health treatment facilities could avoid returning to the criminal justice and forensic mental health systems if they received specialized treatment in the community. Therefore, it is the intent of the Legislature to create the Forensic Hospital Diversion Pilot Program to serve offenders who have mental illnesses or co-occurring mental illnesses and substance use disorders and who are involved in or at risk of entering state forensic mental health treatment facilities, prisons, jails, or state civil mental health treatment facilities.

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

(a) "Best practices" means treatment services that incorporate the most effective and acceptable interventions available in the care and treatment of offenders who are diagnosed as having mental illnesses or co-occurring mental illnesses and substance use disorders.

(b) "Community forensic system" means the community mental health and substance use forensic treatment system, including the comprehensive set of services and supports provided to offenders involved in or at risk of becoming involved in the criminal justice system.

(c) "Evidence-based practices" means interventions and strategies that, based on the best available empirical research, demonstrate effective and efficient outcomes in the care and treatment of offenders who are diagnosed as having mental illnesses or co-occurring mental illnesses and substance use disorders.

(3) CREATION.—There is created a Forensic Hospital Diversion Pilot Program to provide competency-restoration and community-reintegration services in either a locked residential treatment facility when appropriate or a community-based facility based on considerations of public safety, the needs of the individual, and available resources.

(a) The department may implement a Forensic Hospital Diversion Pilot Program in Alachua, Broward, Escambia, Hillsborough, and Miami-Dade Counties, in conjunction with the Eighth Judicial Circuit, the Seventeenth Judicial Circuit, the First Judicial Circuit, the Thirteenth Judicial Circuit, and the Eleventh Judicial Circuit, respectively, which shall be modeled after the Miami-Dade Forensic Alternative Center, taking into account local needs and resources.

(b) If the department elects to create and implement the program, the department shall include a comprehensive continuum of care and services that use evidence-based practices and best practices to treat offenders who have mental health and co-occurring substance use disorders.

(c) The department and the corresponding judicial circuits may implement this section if existing resources are available to do so on a recurring basis. The department may request budget amendments pursuant to chapter 216 to realign funds between mental health services and community substance abuse and mental health services in order to implement this pilot program.

(4) ELIGIBILITY.—Participation in the Forensic Hospital Diversion Pilot Program is limited to offenders who:

(a) Are 18 years of age or older.

(b) Are charged with a felony of the second degree or a felony of the third degree.

(c) Do not have a significant history of violent criminal offenses.

(d) Are adjudicated incompetent to proceed to trial or not guilty by reason of insanity pursuant to this part.

(e) Meet public safety and treatment criteria established by the department for placement in a community setting.

(f) Otherwise would be admitted to a state mental health treatment facility.

(5) TRAINING.—The Legislature encourages the Florida Supreme Court, in consultation and cooperation with the Florida Supreme Court Task Force on Substance Abuse and Mental Health Issues in the Courts, to develop educational training for judges in the pilot program areas which focuses on the community forensic system.

(6) RULEMAKING.—The department may adopt rules to administer this section.

Section 50. Subsection (8) is added to section 948.01, Florida Statutes, to read:

948.01 When court may place defendant on probation or into community control.—

(8)(a) Notwithstanding s. 921.0024 and effective for offenses committed on or after July 1, 2015, the sentencing court may place the defendant into a postadjudicatory treatment-based mental health court program if the offense is a nonviolent felony, the defendant is amenable to mental health treatment, including taking prescribed medications, and the defendant is otherwise qualified under s. 394.47892(4). The satisfactory completion of the program must be a condition of the defendant's probation or community control. As used in this subsection, the term

"nonviolent felony" means a third degree felony violation under chapter 810 or any other felony offense that is not a forcible felony as defined in s. 776.08. Defendants charged with resisting an officer with violence under s. 843.01, battery on a law enforcement officer under s. 784.07, or aggravated assault may participate in the mental health court program if the court so orders after the victim is given his or her right to provide testimony or written statement to the court as provided in s. 921.143.

(b) The defendant must be fully advised of the purpose of the program and the defendant must agree to enter the program. The original sentencing court shall relinquish jurisdiction of the defendant's case to the postadjudicatory treatment-based mental health court program until the defendant is no longer active in the program, the case is returned to the sentencing court due to the defendant's termination from the program for failure to comply with the terms thereof, or the defendant's sentence is completed.

(c) The Department of Corrections may establish designated mental health probation officers to support individuals under supervision of the mental health court.

Section 51. Paragraph (j) is added to subsection (2) of section 948.06, Florida Statutes, to read:

948.06 Violation of probation or community control; revocation; modification; continuance; failure to pay restitution or cost of supervision.—

(2)

(j)1. Notwithstanding s. 921.0024 and effective for offenses committed on or after July 1, 2015, the court may order the offender to successfully complete a postadjudicatory treatment-based mental health court program under s. 394.47892 or a military veterans and servicemembers court program under s. 394.47891 if:

a. The court finds or the offender admits that the offender has violated his or her community control or probation.

b. The underlying offense is a nonviolent felony. As used in this subsection, the term "nonviolent felony" means a third degree felony violation under chapter 810 or any other felony offense that is not a forcible felony as defined in s. 776.08. Offenders charged with resisting an officer with violence under s. 843.01, battery on a law enforcement officer under s. 784.07, or aggravated assault may participate in the mental health court program if the court so orders after the victim is given his or her right to provide testimony or written statement to the court as provided in s. 921.143.

c. The court determines that the offender is amenable to the services of a postadjudicatory treatment-based mental health court program, including taking prescribed medications, or a military veterans and servicemembers court program.

d. The court explains the purpose of the program to the offender and the offender agrees to participate.

e. The offender is otherwise qualified to participate in a postadjudicatory treatment-based mental health court program under s. 394.47892(4) or a military veterans and servicemembers court program under s. 394.47891.

2. After the court orders the modification of community control or probation, the original sentencing court shall relinquish jurisdiction of the offender's case to the postadjudicatory treatment-based mental health court program until the offender is no longer active in the program, the case is returned to the sentencing court due to the offender's termination from the program for failure to comply with the terms thereof, or the offender's sentence is completed.

Section 52. Subsection (8) of section 948.08, Florida Statutes, is renumbered as subsection (9), paragraph (a) of subsection (7) is amended, and a new subsection (8) is added to that section, to read:

948.08 Pretrial intervention program.—

(7)(a) Notwithstanding any provision of this section, a person who is charged with a felony, other than a felony listed in s. 948.06(8)(c), and identified as a veteran, as defined in s. 1.01, *including veterans who were discharged or released under a general discharge,* or servicemember, as defined in s. 250.01, who suffers from a military service-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem, is eligible for voluntary admission into a pretrial veterans' treatment intervention program approved by the chief judge of the circuit, upon motion of either party or the court's own motion, except:

1. If a defendant was previously offered admission to a pretrial veterans' treatment intervention program at any time before trial and the defendant rejected that offer on the record, the court may deny the defendant's admission to such a program.

2. If a defendant previously entered a court-ordered veterans' treatment program, the court may deny the defendant's admission into the pretrial veterans' treatment program.

(8)(a) Notwithstanding any provision of this section, a defendant identified as having a mental illness and who has not been convicted of a felony and is charged with:

1. A nonviolent felony that includes a third degree felony violation of chapter 810 or any other felony offense that is not a forcible felony as defined in s. 776.08;

2. Resisting an officer with violence under s. 843.01, if the law enforcement officer and state attorney consent to the defendant's participation;

3. Battery on a law enforcement officer under s. 784.07, if the law enforcement officer and state attorney consent to the defendant's participation; or

4. Aggravated assault where the victim and state attorney consent to the defendant's participation,

is eligible for voluntary admission into a pretrial mental health court program, established pursuant to s. 394.47892, and approved by the chief judge of the circuit, for a period to be determined by the risk and needs assessment of the defendant, upon motion of either party or the court's own motion.

(b) At the end of the pretrial intervention period, the court shall consider the recommendation of the treatment provider and the recommendation of the state attorney as to disposition of the pending charges. The court shall determine, by written finding, whether the defendant has successfully completed the pretrial intervention program. If the court finds that the defendant has not successfully completed the pretrial intervention program, the court may order the person to continue in education and treatment, which may include a mental health program offered by a licensed service provider, as defined in s. 394.455, or order that the charges revert to normal channels for prosecution. The court shall dismiss the charges upon a finding that the defendant has successfully completed the pretrial intervention program.

Section 53. Subsections (3) and (4) of section 948.16, Florida Statutes, are renumbered as subsections (4) and (5), respectively, paragraph (a) of subsection (2) and present subsection (4) are amended, and a new subsection (3) is added to that section, to read:

948.16 Misdemeanor pretrial substance abuse education and treatment intervention program; misdemeanor pretrial veterans' treatment intervention program*; misdemeanor pretrial mental health court program*.—

(2)(a) A veteran, as defined in s. 1.01, *including veterans who were discharged or released under a general discharge,* or servicemember, as defined in s. 250.01, who suffers from a military service-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem, and who is charged with a misdemeanor is eligible for voluntary admission into a misdemeanor pretrial veterans' treatment intervention program approved by the chief judge of the circuit, for a period based on the program's requirements and the treatment plan for the offender, upon motion of either party or the court's own motion. However, the court may deny the defendant admission into a misdemeanor pretrial veterans' treatment intervention program if the defendant has previously entered a court-ordered veterans' treatment program.

(3) A defendant who is charged with a misdemeanor and identified as having a mental illness is eligible for voluntary admission into a misdemeanor pretrial mental health court program established pursuant to s. 394.47892, approved by the chief judge of the circuit, for a period to be determined by the risk and needs assessment of the defendant, upon motion of either party or the court's own motion.

(5)~~(4)~~ Any public or private entity providing a pretrial substance abuse education and treatment program *or mental health program* under this section shall contract with the county or appropriate governmental entity. The terms of the contract shall include, but not be limited to, the requirements established for private entities under s. 948.15(3). This requirement does not apply to services provided by the Department of Veterans' Affairs or the United States Department of Veterans Affairs.

Section 54. Section 948.21, Florida Statutes, is amended to read:

948.21 Condition of probation or community control; military servicemembers and veterans.—

(1) Effective for a probationer or community controllee whose crime was committed on or after July 1, 2012, and who is a veteran, as defined in s. 1.01, or servicemember, as defined in s. 250.01, who suffers from a military service-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem, the court may, in addition to any other conditions imposed, impose a condition requiring the probationer or community controllee to participate in a treatment program capable of treating the probationer or community controllee's mental illness, traumatic brain injury, substance abuse disorder, or psychological problem.

(2) Effective for a probationer or community controllee whose crime is committed on or after July 1, 2015, and who is a veteran, as defined in s. 1.01, including veterans who were discharged or released under a general discharge, or servicemember, as defined in s. 250.01, who suffers from a military service-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem, the court may, in addition to any other conditions imposed, impose a condition requiring the probationer or community controllee to participate in a treatment program capable of treating the probationer or community controllee's mental illness, traumatic brain injury, substance abuse disorder, or psychological problem.

(3) The court shall give preference to treatment programs for which the probationer or community controllee is eligible through the United States Department of Veterans Affairs or the Florida Department of Veterans' Affairs. The Department of Corrections is not required to spend state funds to implement this section.

Section 55. Subsection (4) of section 985.345, Florida Statutes, is renumbered as subsection (7) and amended, and new subsections (4) through (6) are added to that section, to read:

985.345 Delinquency pretrial intervention program.—

(4) Notwithstanding any other provision of law, a child is eligible for voluntary admission into a delinquency pretrial mental health court program, established pursuant to s. 394.47892, approved by the chief judge of the circuit, for a period based on the program requirements and the treatment services that are suitable for the child, upon motion of either party or the court's own motion if the child is charged with:

(a) A misdemeanor;

(b) A nonviolent felony; for purposes of this subsection, the term "nonviolent felony" means a third degree felony violation of chapter 810 or any other felony offense that is not a forcible felony as defined in s. 776.08;

(c) Resisting an officer with violence under s. 843.01, if the law enforcement officer and state attorney consent to the child's participation;

(d) Battery on a law enforcement officer under 784.07, if the law enforcement officer and state attorney consent to the child's participation; or

(e) Aggravated assault, if the victim and state attorney consent to the child's participation,

and the child is identified as having a mental illness and has not been previously adjudicated for a felony.

(5) At the end of the delinquency pretrial intervention period, the court shall consider the recommendation of the state attorney and the program administrator as to disposition of the pending charges. The court shall determine, by written finding, whether the child has successfully completed the delinquency pretrial intervention program. If the court finds that the child has not successfully completed the delinquency pretrial intervention program, the court may order the child to continue in an education, treatment, or monitoring program if resources and funding are available or order that the charges revert to normal channels for prosecution. The court may dismiss the charges upon a finding that the child has successfully completed the delinquency pretrial intervention program.

(6) A child whose charges are dismissed after successful completion of the mental health court program, if otherwise eligible, may have his or her arrest record and plea of nolo contendere to the dismissed charges expunged under s. 943.0585.

(7)~~(4)~~ Any entity, whether public or private, providing pretrial substance abuse education, treatment intervention, ~~and~~ a urine monitoring program*, or a mental health program* under this section must contract with the county or appropriate governmental entity, and the terms of the contract must include, but need not be limited to, the requirements established for private entities under s. 948.15(3). It is the intent of the Legislature that public or private entities providing substance abuse education and treatment intervention programs involve the active participation of parents, schools, churches, businesses, law enforcement agencies, and the department or its contract providers.

Section 56. For the purpose of incorporating the amendment made by this act to section 394.492, Florida Statutes, in a reference thereto, paragraph (a) of subsection (6) of section 39.407, Florida Statutes, is reenacted to read:

39.407 Medical, psychiatric, and psychological examination and treatment of child; physical, mental, or substance abuse examination of person with or requesting child custody.—

(6) Children who are in the legal custody of the department may be placed by the department, without prior approval of the court, in a residential treatment center licensed under s. 394.875 or a hospital licensed under chapter 395 for residential mental health treatment only pursuant to this section or may be placed by the court in accordance with an order of involuntary examination or involuntary placement entered pursuant to s. 394.463 or s. 394.467. All children placed in a residential treatment program under this subsection must have a guardian ad litem appointed.

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

1. "Residential treatment" means placement for observation, diagnosis, or treatment of an emotional disturbance in a residential treatment center licensed under s. 394.875 or a hospital licensed under chapter 395.

2. "Least restrictive alternative" means the treatment and conditions of treatment that, separately and in combination, are no more intrusive or restrictive of freedom than reasonably necessary to achieve a substantial therapeutic benefit or to protect the child or adolescent or others from physical injury.

3. "Suitable for residential treatment" or "suitability" means a determination concerning a child or adolescent with an emotional disturbance as defined in s. 394.492(5) or a serious emotional disturbance as defined in s. 394.492(6) that each of the following criteria is met:

a. The child requires residential treatment.

b. The child is in need of a residential treatment program and is expected to benefit from mental health treatment.

c. An appropriate, less restrictive alternative to residential treatment is unavailable.

Section 57. For the purpose of incorporating the amendment made by this act to section 394.492, Florida Statutes, in a reference thereto, subsection (21) of section 394.67, Florida Statutes, is reenacted to read:

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

(21) "Residential treatment center for children and adolescents" means a 24-hour residential program, including a therapeutic group home, which provides mental health services to emotionally disturbed children or adolescents as defined in s. 394.492(5) or (6) and which is a private for-profit or not-for-profit corporation licensed by the agency which offers a variety of treatment modalities in a more restrictive setting.

Section 58. For the purpose of incorporating the amendment made by this act to section 394.492, Florida Statutes, in a reference thereto, paragraph (b) of subsection (1) of section 394.674, Florida Statutes, is reenacted to read:

394.674 Eligibility for publicly funded substance abuse and mental health services; fee collection requirements.—

(1) To be eligible to receive substance abuse and mental health services funded by the department, an individual must be a member of at least one of the department's priority populations approved by the Legislature. The priority populations include:

(b) For children's mental health services:

1. Children who are at risk of emotional disturbance as defined in s. 394.492(4).

2. Children who have an emotional disturbance as defined in s. 394.492(5).

3. Children who have a serious emotional disturbance as defined in s. 394.492(6).

4. Children diagnosed as having a co-occurring substance abuse and emotional disturbance or serious emotional disturbance.

Section 59. For the purpose of incorporating the amendment made by this act to section 394.492, Florida Statutes, in a reference thereto, subsection (1) of section 394.676, Florida Statutes, is reenacted to read:

394.676 Indigent psychiatric medication program.—

(1) Within legislative appropriations, the department may establish the indigent psychiatric medication program to purchase psychiatric medications for persons as defined in s. 394.492(5) or (6) or pursuant to s. 394.674(1), who do not reside in a state mental health treatment facility or an inpatient unit.

Section 60. For the purpose of incorporating the amendment made by this act to section 394.492, Florida Statutes, in a reference thereto, paragraph (c) of subsection (2) of section 409.1676, Florida Statutes, is reenacted to read:

409.1676 Comprehensive residential group care services to children who have extraordinary needs.—

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

(c) "Serious behavioral problems" means behaviors of children who have been assessed by a licensed master's-level human-services professional to need at a minimum intensive services but who do not meet the criteria of s. 394.492(7). A child with an emotional disturbance as defined in s. 394.492(5) or (6) may be served in residential group care unless a determination is made by a mental health professional that such a setting is inappropriate. A child having a serious behavioral problem must have been determined in the assessment to have at least one of the following risk factors:

1. An adjudication of delinquency and be on conditional release status with the Department of Juvenile Justice.

2. A history of physical aggression or violent behavior toward self or others, animals, or property within the past year.

3. A history of setting fires within the past year.

4. A history of multiple episodes of running away from home or placements within the past year.

5. A history of sexual aggression toward other youth.

Section 61. For the purpose of incorporating the amendment made by this act to section 394.492, Florida Statutes, in a reference thereto, paragraph (b) of subsection (1) of section 409.1677, Florida Statutes, is reenacted to read:

409.1677 Model comprehensive residential services programs.—

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

(b) "Serious behavioral problems" means behaviors of children who have been assessed by a licensed master's-level human-services professional to need at a minimum intensive services but who do not meet the criteria of s. 394.492(6) or (7). A child with an emotional disturbance as defined in s. 394.492(5) may be served in residential group care unless a determination is made by a mental health professional that such a setting is inappropriate.

Section 62. Paragraph (a) of subsection (5) of section 943.031, Florida Statutes, is amended to read:

943.031 Florida Violent Crime and Drug Control Council.—

(5) DUTIES OF COUNCIL.—Subject to funding provided to the department by the Legislature, the council shall provide advice and make recommendations, as necessary, to the executive director of the department.

(a) The council may advise the executive director on the feasibility of undertaking initiatives which include, but are not limited to, the following:

1. Establishing a program that provides grants to criminal justice agencies that develop and implement effective violent crime prevention and investigative programs and which provides grants to law enforcement agencies for the purpose of drug control, criminal gang, and illicit money laundering investigative efforts or task force efforts that are determined by the council to significantly contribute to achieving the state's goal of reducing drug-related crime, that represent significant criminal gang investigative efforts, *or* that represent a significant illicit money laundering investigative effort~~, or that otherwise significantly support statewide strategies developed by the Statewide Drug Policy Advisory Council established under s. 397.333~~, subject to the limitations provided in this section. The grant program may include an innovations grant program to provide startup funding for new initiatives by local and state law enforcement agencies to combat violent crime or to implement drug control, criminal gang, or illicit money laundering investigative efforts or task force efforts by law enforcement agencies, including, but not limited to, initiatives such as:

a. Providing enhanced community-oriented policing.

b. Providing additional undercover officers and other investigative officers to assist with violent crime investigations in emergency situations.

c. Providing funding for multiagency or statewide drug control, criminal gang, or illicit money laundering investigative efforts or task force efforts that cannot be reasonably funded completely by alternative sources and that significantly contribute to achieving the state's goal of reducing drug-related crime, that represent significant criminal gang investigative efforts, *or* that represent a significant illicit money laundering investigative effort~~, or that otherwise significantly support statewide strategies developed by the Statewide Drug Policy Advisory Council established under s. 397.333~~.

2. Expanding the use of automated biometric identification systems at the state and local levels.

3. Identifying methods to prevent violent crime.

4. Identifying methods to enhance multiagency or statewide drug control, criminal gang, or illicit money laundering investigative efforts or task force efforts that significantly contribute to achieving the state's goal of reducing drug-related crime, that represent significant criminal gang investigative efforts, *or* that represent a significant illicit money laundering investigative effort~~, or that otherwise significantly support~~

~~statewide strategies developed by the Statewide Drug Policy Advisory Council established under s. 397.333~~.

5. Enhancing criminal justice training programs that address violent crime, drug control, illicit money laundering investigative techniques, or efforts to control and eliminate criminal gangs.

6. Developing and promoting crime prevention services and educational programs that serve the public, including, but not limited to:

a. Enhanced victim and witness counseling services that also provide crisis intervention, information referral, transportation, and emergency financial assistance.

b. A well-publicized rewards program for the apprehension and conviction of criminals who perpetrate violent crimes.

7. Enhancing information sharing and assistance in the criminal justice community by expanding the use of community partnerships and community policing programs. Such expansion may include the use of civilian employees or volunteers to relieve law enforcement officers of clerical work in order to enable the officers to concentrate on street visibility within the community.

Section 63. Subsection (1) of section 943.042, Florida Statutes, is amended to read:

943.042 Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account.—

(1) There is created a Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account within the Department of Law Enforcement Operating Trust Fund. The account shall be used to provide emergency supplemental funds to:

(a) State and local law enforcement agencies that are involved in complex and lengthy violent crime investigations, or matching funding to multiagency or statewide drug control or illicit money laundering investigative efforts or task force efforts that significantly contribute to achieving the state's goal of reducing drug-related crime, *or* that represent a significant illicit money laundering investigative effort~~, or that otherwise significantly support statewide strategies developed by the Statewide Drug Policy Advisory Council established under s. 397.333~~;

(b) State and local law enforcement agencies that are involved in violent crime investigations which constitute a significant emergency within the state; or

(c) Counties that demonstrate a significant hardship or an inability to cover extraordinary expenses associated with a violent crime trial.

Section 64. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2015.

And the title is amended as follows:

Remove everything before the enacting clause and insert: A bill to be entitled An act relating to mental health and substance abuse; amending ss. 29.004, 39.001, 39.507, and 39.521, F.S.; conforming provisions to changes made by the act; amending s. 394.4597, F.S.; specifying certain persons who are prohibited from being selected as an individual's representative; amending s. 394.4598, F.S.; specifying certain persons who are prohibited from being appointed as an individual's guardian advocate; providing guidelines for decisions of guardian advocates; amending 394.467, F.S.; prohibiting a court from ordering an individual with traumatic brain injury or dementia, who lacks a co-occurring mental illness, to be involuntarily placed in a state treatment facility; amending s. 394.47891, F.S.; expanding eligibility for military veterans and servicemembers court programs; creating s. 394.47892, F.S.; authorizing the creation of treatment-based mental health court programs; providing for eligibility; providing program requirements; providing for an advisory committee; amending s. 394.492, F.S.; revising the definitions of the terms "adolescent," "child or adolescent at risk of emotional disturbance," and "child or adolescent who has a serious emotional disturbance or mental illness" for purposes of the Comprehensive Child and Adolescent Mental Health Services Act; amending s. 394.656, F.S.; renaming the Criminal Justice, Mental Health, and Substance Abuse Statewide Grant Review Committee as the Criminal Justice, Mental Health, and Substance Abuse Statewide Grant Policy Committee; providing additional members of the committee; providing duties of the committee; providing additional qualifications for committee members; directing the Department of Children and Families to create a grant review and selection committee; providing duties of the committee; authorizing a designated not-for-profit community provider, managing entity, or coordinated care organization to apply for certain grants; providing eligibility requirements; defining the term "sequential intercept mapping"; removing provisions relating to applications for certain planning grants; creating s. 394.761, F.S.; requiring the Agency for Health Care Administration and the department to develop a plan to obtain federal approval for increasing the availability of federal Medicaid funding for behavioral health care; requiring the agency and the department to submit a written plan that contains certain information to the Legislature by a specified date; amending s. 394.875, F.S.; removing a limitation on the number of beds in crisis stabilization units; amending s. 394.9082, F.S.; revising legislative findings and intent; redefining terms; requiring the managing entities, rather than the department, to contract with community-based organizations to serve as managing entities; deleting provisions providing for contracting for services; providing contractual responsibilities of a managing entity; requiring the department to revise contracts with all managing entities by a certain date; providing contractual terms and requirements; providing for termination of a contract with a managing entity under certain circumstances; providing protocols for the department to select a managing entity; requiring the department to develop and incorporate measurable outcome standards while addressing specified goals; providing that managing entities may earn designation as coordinated care organizations by developing and implementing a plan that achieves a certain goal; providing requirements for the plan; providing for earning and maintaining the designation of a managing entity as a coordinated care organization; requiring the department to seek input from certain entities and persons before designating a managing entity as a coordinated care organization; providing that a comprehensive range of services includes specified elements; revising the criteria for which the department may adopt rules and contractual standards related to the qualification and operation of managing entities; deleting certain departmental responsibilities; deleting a provision requiring an annual report to the Legislature; authorizing, rather than requiring, the department to adopt rules; creating s. 397.402, F.S.; requiring that the department and the agency submit a plan to the Governor and Legislature by a specified date with options for modifying certain licensure rules and procedures to provide for a single, consolidated license for providers that offer multiple types of mental health and substance abuse services; repealing s. 394.4674, F.S., relating to a plan and report; repealing s. 394.4985, F.S., relating to districtwide information and referral network and implementation; repealing s. 394.745, F.S., relating to an annual report and compliance of providers under contract with the department; repealing s. 397.331, F.S., relating to definitions; repealing s. 397.333, F.S., relating to the Statewide Drug Policy Advisory Council; repealing s. 397.801, F.S., relating to substance abuse impairment coordination; repealing s. 397.811, F.S., relating to juvenile substance abuse impairment coordination; repealing s. 397.821, F.S., relating to juvenile substance abuse impairment prevention and early intervention councils; repealing s. 397.901, F.S., relating to prototype juvenile addictions receiving facilities; repealing s. 397.93, F.S., relating to children's substance abuse services and target populations; repealing s. 397.94, F.S., relating to children's substance abuse services and the information and referral network; repealing s. 397.951, F.S., relating to treatment and sanctions; repealing s. 397.97, F.S., relating to children's substance abuse services and demonstration models; repealing s. 397.98, F.S., relating to children's substance abuse services and utilization management; amending ss. 397.321, 409.966, 943.031, and 943.042, F.S.; conforming provisions and cross-references to changes made by the act; amending s. 409.967, F.S.; requiring that certain plans or contracts include specified requirements; amending s. 409.973, F.S.; requiring each plan operating in the managed medical assistance program to work with the managing entity to establish specific organizational supports and service protocols; amending s. 491.0045, F.S.; limiting an intern registration to 5 years; providing timelines for expiration of certain intern registrations; providing requirements for issuance of subsequent registrations; prohibiting an individual who held a provisional license from the board from

applying for an intern registration in the same profession; amending s. 765.11, F.S.; requiring health care facilities to provide patients with written information about advance directives providing for mental health treatment; creating part V of chapter 765, F.S.; creating s. 765.501, F.S.; providing a short title; creating s. 765.502, F.S.; providing legislative findings; creating s. 765.503, F.S.; providing definitions; creating s. 765.504, F.S.; authorizing an adult with capacity to execute a mental health or substance abuse treatment advance directive; providing a presumption of validity if certain requirements are met; specifying provisions that an advance directive may include; creating s. 765.505, F.S.; providing for execution of the mental health or substance abuse treatment advance directive; establishing requirements for a valid mental health or substance abuse treatment advance directive; providing that a mental health or substance abuse treatment advance directive is valid upon execution even if a part of the advance directive takes effect at a later date; allowing a mental health or substance abuse treatment advance directive to be revoked, in whole or in part, or to expire under its own terms; specifying that a mental health or substance abuse treatment advance directive does not or may not serve specified purposes; creating s. 765.506, F.S.; providing circumstances under which a mental health or substance abuse treatment advance directive may be revoked; providing circumstances under which a principal may waive specific directive provisions without revoking the advance directive; creating s. 765.507, F.S.; prohibiting criminal prosecution of a health care facility, provider, or surrogate who acts pursuant to a mental health or substance abuse treatment decision; providing applicability; creating s. 765.508, F.S.; providing for recognition of a mental health and substance abuse treatment advance directive executed in another state if it complies with the laws of this state; creating s. 765.509, F.S.; requiring service providers to provide patients with information concerning mental health and substance abuse advance directives; requiring service providers to assist any patient who is competent and willing to complete a mental health or substance abuse advance directive; requiring the department to develop, and publish on its website, information on mental health and substance abuse advance directives; requiring the department to develop, and publish on its website, a mental health advance directive form; amending s. 910.035, F.S.; defining the term "problem-solving court"; authorizing a person eligible for participation in a problem-solving court to transfer his or her case to another county's problem-solving court under certain circumstances; making technical changes; amending s. 916.106, F.S.; redefining the term "court" to include county courts in certain circumstances; amending s. 916.17, F.S.; authorizing a county court to order the conditional release of a defendant for the provision of outpatient care and treatment; creating s. 916.185, F.S.; creating the Forensic Hospital Diversion Pilot Program; providing legislative findings and intent; providing definitions; authorizing the Department of Children and Families to implement a Forensic Hospital Diversion Pilot Program in specified judicial circuits; providing for eligibility for the program; providing legislative intent concerning training; authorizing rulemaking; amending ss. 948.01 and 948.06, F.S.; providing for courts to order certain defendants on probation or community control to post-adjudicatory mental health court programs; amending s. 948.08, F.S.; expanding eligibility requirements for certain pretrial intervention programs; providing for voluntary admission into pretrial mental health court program; amending s. 948.16, F.S.; expanding eligibility of veterans for a misdemeanor pretrial veterans' treatment intervention program; providing eligibility of misdemeanor defendants for a misdemeanor pretrial mental health court program; amending s. 948.21, F.S.; expanding veterans' eligibility for participating in treatment programs while on court-ordered probation or community control; amending s. 985.345, F.S.; authorizing pretrial mental health court programs for certain juvenile offenders; providing for disposition of pending charges after completion of the pretrial intervention program; reenacting ss. 39.407(6)(a), 394.67(21), 394.674(1)(b), 394.676(1), 409.1676(2)(c), and 409.1677(1)(b), F.S., relating to the term "suitable for residential treatment" or "suitability," the term "residential treatment center for children and adolescents," children's mental health services, the indigent psychiatric medication program, and the term "serious behavioral problems," respectively, to incorporate the amendment made by the act to s. 394.492, F.S., in references thereto; amending ss. 943.031 and 943.042, F.S.; conforming provisions and cross-references to changes made by the act; providing effective dates.

On motion by Senator Garcia, the Senate refused to concur in **House Amendment 1 (257823)** to **CS for SB 7068** and the House was requested to recede. The action of the Senate was certified to the House.

The Honorable Andy Gardiner, President

I am directed to inform the Senate that the House of Representatives has passed CS/SB 7020, with 1 amendment, and requests the concurrence of the Senate.

Bob Ward, Clerk

CS for SB 7020—A bill to be entitled An act relating to corrections; amending s. 110.205, F.S.; specifying employees and officers of the Corrections Commission are exempt from career service; amending s. 20.315, F.S.; revising the method of appointment for the Secretary of Corrections; creating the Florida Corrections Commission within the Justice Administrative Commission; specifying that the Corrections Commission shall not be subject to the control or direction of the Justice Administrative Commission but the employees shall be governed by the classification plan and salary and benefits plan approved by the Justice Administrative Commission; providing for membership and terms of appointment for commission members; prescribing duties and responsibilities of the commission; prohibiting the commission from entering into the department's operation; establishing meeting and notice requirements; requiring the commission to appoint an executive director; authorizing reimbursement of per diem and travel expenses for commission members; prohibiting certain conflicts of interest among commission members; providing for applicability; amending s. 216.136, F.S.; requiring the Criminal Justice Estimating Conference to develop projections of prison admissions and populations for elderly felony offenders; amending s. 43.16, F.S.; clarifying the duties of the Justice Administrative Commission in the operations of the Corrections Commission; amending s. 921.0021, F.S.; revising the definition of "victim injury" by removing a prohibition on assessing certain victim injury sentence points for sexual misconduct by an employee of the Department of Corrections or a private correctional facility with an inmate or an offender supervised by the department; conforming a provision to changes made by the act; amending s. 944.151, F.S.; expanding the department's security review committee functions; ensuring physical inspections of state and private buildings and structures and prioritizing institutions for inspection that meet certain criteria; amending s. 944.275, F.S.; prohibiting an inmate from receiving incentive gain-time credits for completing the requirements for and receiving a general educational development certificate or vocational certificate if the inmate was convicted of a specified offense on or after a specified date; amending s. 944.31, F.S.; requiring that a copy of a written memorandum of understanding for notification and investigation of certain events between the Department of Corrections and the Department of Law Enforcement be provided in a timely manner to the Governor, the President of the Senate, and the Speaker of the House of Representatives; requiring specialized training in certain circumstances; amending s. 944.331, F.S.; requiring the Department of Corrections to provide multiple private, internal avenues for the reporting by inmates of sexual abuse and sexual harassment; requiring the department, in consultation with the Correctional Medical Authority, to review inmate health care grievance procedures at each correctional institution and private correctional facility; requiring the department to review inmate grievance procedures at each correctional institution and private correctional facility; amending s. 944.35, F.S.; requiring that correctional officers have specialized training in the effective, nonforceful management of mentally ill inmates who may exhibit erratic behavior; requiring each institution to create and maintain a system to track the use of force episodes to determine if inmates need subsequent physical or mental health treatment; requiring annual reporting of use of force on the agency website; requiring that reports of physical force be signed under oath; prohibiting employees with notations regarding incidents involving the inappropriate use of force from being assigned to transitional care, crisis stabilization, or corrections mental health treatment facility housing; providing an exception; expanding applicability of a current felony offense to include certain employees of private providers and private correctional facilities; creating criminal penalties for employees who willfully or by culpable negligence withhold food and water and other essential services; providing for anonymous reporting of inmate abuse directly to the department's Office of Inspector General; requiring that instruction on communication techniques related to crisis stabilization to avoid use of force be included in the correctional officer training

program; directing the department to establish policies to protect inmates and employees from retaliation; requiring the department to establish policies relating to the use of chemical agents; requiring all nonreactionary use of force incidents using chemical agents be videotaped; amending s. 944.8041, F.S.; requiring the department to report health care costs for elderly inmates in its annual report; creating s. 944.805, F.S.; providing legislative intent relating to specialized programs for veterans; requiring the department to measure recidivism and report its finding in that regard; amending s. 945.10, F.S.; authorizing the release of certain confidential and exempt information to the Florida Corrections Commission; amending s. 945.215, F.S.; requiring that specified proceeds and certain funds be deposited in the State Operated Institutions Inmate Welfare Trust Fund; providing that the State Operated Institutions Inmate Welfare Trust Fund is a trust held by the Department of Corrections for the benefit and welfare of certain inmates; prohibiting deposits into the trust fund from exceeding $5 million per fiscal year; requiring that deposits in excess of that amount be deposited into the General Revenue Fund; requiring that funds of the trust fund be used exclusively for specified purposes at correctional facilities operated by the department; requiring that funds from the trust fund only be expended pursuant to legislative appropriations; requiring the department to annually compile a report, at the statewide and institutional level documenting trust fund receipts and expenditures; requiring that the report be submitted by September 1 for the previous fiscal year to specified offices of the Legislature and to the Executive Office of the Governor; prohibiting the purchase of weight-training equipment; providing a contingent effective date; amending s. 945.48, F.S.; specifying correctional officer staffing requirements pertaining to inmates housed in mental health treatment facilities; amending s. 945.6031, F.S.; changing the frequency of required surveys; amending s. 945.6033, F.S.; providing for damages in inmate health care contracts; amending s. 945.6034, F.S.; requiring the department to consider the needs of inmates over 50 years of age and adopt health care standards for that population; creating s. 945.6039, F.S.; allowing an inmate's family, lawyer, and other interested parties to hire and pay for an independent medical evaluation; specifying the purpose for outside evaluations; requiring the department to provide reasonable and timely access to the inmate; amending s. 947.149, F.S.; defining the term "elderly and infirm inmate"; expanding eligibility for conditional medical release to include elderly and infirm inmates; amending ss. 948.10 and 951.221, F.S.; conforming cross-references to changes made by the act; providing for applicability; reenacting ss. 435.04(2)(uu) and 921.0022(3)(f), F.S., relating to level 2 screening standards and the Criminal Punishment Code and offense severity ranking chart, respectively, to incorporate the amendment made to s. 944.35, F.S., in references thereto; reenacting ss. 944.72(1), 945.21501(1), and 945.2151, F.S., relating to the Privately Operated Institutions Inmate Welfare Trust Fund, the Employee Benefit Trust Fund, and the verification of social security numbers, respectively, to incorporate the amendment made to s. 945.215, F.S., in references thereto; providing for appropriations to the Corrections Commission; providing for appropriations to the Correctional Medical Authority; providing for appropriations to the Department of Corrections; providing effective dates.

House Amendment 1 (142575) (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Subsection (4) of section 20.315, Florida Statutes, is amended to read:

20.315 Department of Corrections.—There is created a Department of Corrections.

(4) REGIONS.—

(a) The department shall plan and administer its program of services for community corrections~~, security, and institutional operations~~ through regions.

(b) The department shall plan and administer its program of services for security and institutional operations through four geographical regions. The secretary shall appoint a director for each of the four regions. A person may serve as the director for a specific region for up to 4 consecutive years. The directors must:

1. Ensure the policies of the department, particularly those policies associated with inmate grievances, the care of inmates, and contact with inmates, are appropriately implemented and enforced at each correctional facility within the director's assigned region.

2. Review, recommend, and hold subordinate chain-of-command staff responsible for appropriate and measured disciplinary decisions.

3. Ensure that each correctional facility in the director's assigned region maintains a retaliation-free work environment.

4. Ensure each correctional facility in the director's assigned region maintains a retaliation-free custody environment for all inmates.

5. Make at least two unannounced visits to each correctional facility within the director's assigned region on a quarterly basis.

6. Meet quarterly to review statistics and trends related to uses of force, inmate grievances, employee discipline reports, and calls received from the department's Office of Citizens' Services involving inmate abuse.

Section 2. *For the 2015-2016 fiscal year, the sums of $1,258,256 in recurring funds and $206,388 in nonrecurring funds are appropriated from the General Revenue Fund to the Department of Corrections, and ten full-time equivalent positions with 717,800 in salary rate are authorized, for staffing and all operating expenses associated with establishing the additional regional headquarters required by this act. The Department of Corrections may submit budget amendments pursuant to chapter 216, Florida Statutes, to reallocate existing resources to support the additional regional headquarters.*

Section 3. Paragraph (m) of subsection (2) of section 110.205, Florida Statutes, is amended to read:

110.205 Career service; exemptions.—

(2) EXEMPT POSITIONS.—The exempt positions that are not covered by this part include the following:

(m) All assistant division director, deputy division director, and bureau chief positions in any department, and those positions determined by the department to have managerial responsibilities comparable to such positions, which include, but are not limited to:

1. Positions in the Department of Health and the Department of Children and Families which are assigned primary duties of serving as the superintendent or assistant superintendent of an institution.

2. Positions in the Department of Corrections which are assigned primary duties of serving as the warden, assistant warden, colonel, or major of an institution or that are assigned primary duties of serving as the circuit administrator or deputy circuit administrator *and all positions assigned to the office of inspector general*.

3. Positions in the Department of Transportation which are assigned primary duties of serving as regional toll managers and managers of offices, as specified in s. 20.23(3)(b) and (4)(c).

4. Positions in the Department of Environmental Protection which are assigned the duty of an Environmental Administrator or program administrator.

5. Positions in the Department of Health which are assigned the duties of Environmental Administrator, Assistant County Health Department Director, and County Health Department Financial Administrator.

6. Positions in the Department of Highway Safety and Motor Vehicles which are assigned primary duties of serving as captains in the Florida Highway Patrol.

Unless otherwise fixed by law, the department shall set the salary and benefits of the positions listed in this paragraph in accordance with the rules established for the Selected Exempt Service.

Section 4. *For the 2015-2016 fiscal year, the sum of $180,000 in recurring funds is appropriated from the General Revenue Fund to the Department of Corrections to set the salary and benefits of set positions assigned to the department's office of inspector general in accordance with rules of the Selected Exempt Service.*

Section 5. Paragraph (d) is added to subsection (5) of section 216.136, Florida Statutes, to read:

216.136 Consensus estimating conferences; duties and principals.—

(5) CRIMINAL JUSTICE ESTIMATING CONFERENCE.—The Criminal Justice Estimating Conference shall:

(d) Develop projections of prison admissions and populations for elderly felony offenders.

Section 6. Subsection (7) of section 921.0021, Florida Statutes, is amended to read:

921.0021 Definitions.—As used in this chapter, for any felony offense, except any capital felony, committed on or after October 1, 1998, the term:

(7)(a) "Victim injury" means the physical injury or death suffered by a person as a direct result of the primary offense, or any additional offense, for which an offender is convicted and which is pending before the court for sentencing at the time of the primary offense.

(b) Except as provided in paragraph (c)*:* ~~or paragraph (d),~~

1. If the conviction is for an offense involving sexual contact that includes sexual penetration, the sexual penetration must be scored in accordance with the sentence points provided under s. 921.0024 for sexual penetration, regardless of whether there is evidence of any physical injury.

2. If the conviction is for an offense involving sexual contact that does not include sexual penetration, the sexual contact must be scored in accordance with the sentence points provided under s. 921.0024 for sexual contact, regardless of whether there is evidence of any physical injury.

If the victim of an offense involving sexual contact suffers any physical injury as a direct result of the primary offense or any additional offense committed by the offender resulting in conviction, such physical injury must be scored separately and in addition to the points scored for the sexual contact or the sexual penetration.

~~(c) The sentence points provided under s. 921.0024 for sexual contact or sexual penetration may not be assessed for a violation of s. 944.35(3)(b)2.~~

(c)~~(d)~~ If the conviction is for the offense described in s. 872.06, the sentence points provided under s. 921.0024 for sexual contact or sexual penetration may not be assessed.

(d)~~(e)~~ Notwithstanding paragraph (a), if the conviction is for an offense described in s. 316.027 and the court finds that the offender caused victim injury, sentence points for victim injury may be assessed against the offender.

Section 7. Section 944.151, Florida Statutes, is amended to read:

944.151 *Safety and* security of correctional institutions and facilities.—It is the intent of the Legislature that the Department of Corrections ~~shall~~ be responsible for the *safe operation and* security of the correctional institutions and facilities. The *safe operation and* security of the state's correctional institutions and facilities *are* ~~is~~ critical to ensure public safety *and the safety of department employees and offenders* and to contain violent and chronic offenders until offenders are otherwise released from the department's custody pursuant to law. The Secretary of Corrections shall, at a minimum:

(1) Appoint *and designate select staff to the safety and* ~~a~~ security review committee ~~which shall, at a minimum, be composed of: the inspector general, the statewide security coordinator, the regional security coordinators, and three wardens and one correctional officer~~. The *safety and* security review committee shall *evaluate new safety and security technology, review and discuss current issues impacting correctional facilities, and review and discuss other issues as requested by management.*~~:~~

(2)~~(a)~~ *Ensure that appropriate staff establishes* ~~Establish~~ a periodic schedule for the physical inspection of buildings and structures of each state and private correctional institution *and facility* to determine *safety and* security deficiencies. In scheduling the inspections, priority shall be given to older institutions, institutions that house a large proportion of violent offenders, *institutions with a high level of inappropriate incidents of use of force on inmates, assaults on employees, or inmate sexual abuse,* and institutions that have experienced a significant number of escapes or escape attempts in the past.

(3)~~(b)~~ *Ensure that appropriate staff conducts* ~~Conduct~~ or *causes* ~~cause~~ to be conducted announced and unannounced comprehensive *safety and* security audits of all state and private correctional institutions. In conducting the *safety and* security audits, priority shall be given to older institutions, institutions that house a large proportion of violent offenders, *institutions with a high level of inappropriate incidents of use of force on inmates, assaults on employees, or inmate sexual abuse,* and institutions that have experienced a history of escapes or escape attempts. At a minimum, the audit shall include an evaluation of the physical plant, *which shall include the identification of blind spots or areas where staff or inmates may be isolated and the deployment of audio and video monitoring systems and other monitoring technologies in such areas;* landscaping, fencing, security alarms, and perimeter lighting~~;~~, and *confinement, arsenal, key and lock, and entrance and exit* ~~inmate classification and staffing~~ policies. Each correctional institution shall be audited at least annually. ~~The secretary shall~~

(4) Report the general survey findings annually to the Governor and the Legislature.

(5) Ensure that appropriate staff investigates and evaluates the usefulness and dependability of existing safety and security technology at the institutions and new technology and video monitoring systems available and makes periodic written recommendations to the secretary on the discontinuation or purchase of various safety and security devices.

(6) Contract, if deemed necessary, with security personnel, consulting engineers, architects, or other safety and security experts that the department deems necessary for safety and security consultant services.

(7) Ensure that appropriate staff, in conjunction with the regional offices, establishes a periodic schedule for conducting announced and unannounced escape simulation drills.

(8) Adopt, enforce, and annually cause the evaluation of emergency escape response procedures, which shall, at a minimum, include the immediate notification and inclusion of local and state law enforcement through mutual aid agreements.

(9) Ensure that appropriate staff reviews staffing policies, classification, and practices as needed.

(10)~~(c)~~ Adopt and enforce minimum *safety and* security standards and policies that include, but are not limited to:

(a)~~1.~~ Random monitoring of outgoing telephone calls by inmates.

(b)~~2.~~ Maintenance of current photographs of all inmates.

(c)~~3.~~ Daily inmate counts at varied intervals.

(d)~~4.~~ Use of canine units, where appropriate.

(e)~~5.~~ Use of escape alarms and perimeter lighting.

(f)~~6.~~ Florida Crime Information Center/National Crime Information Center capabilities.

(g)~~7.~~ Employment background investigations.

~~(d) Annually make written prioritized budget recommendations to the secretary that identify critical security deficiencies at major correctional institutions.~~

~~(e) Investigate and evaluate the usefulness and dependability of existing security technology at the institutions and new technology available and make periodic written recommendations to the secretary on the discontinuation or purchase of various security devices.~~

~~(f) Contract, if deemed necessary, with security personnel, consulting engineers, architects, or other security experts the committee deems necessary for security audits and security consultant services.~~

~~(g) Establish a periodic schedule for conducting announced and unannounced escape simulation drills.~~

(11)~~(2)~~ *Direct staff to* maintain and produce quarterly reports with accurate escape statistics. For the purposes of these reports, "escape" includes all possible types of escape, regardless of prosecution by the state attorney, and *includes* ~~including~~ offenders who walk away from nonsecure community facilities.

~~(3) Adopt, enforce, and annually evaluate the emergency escape response procedures, which shall at a minimum include the immediate notification and inclusion of local and state law enforcement through a mutual aid agreement.~~

(12)~~(4)~~ *Direct staff to* submit in the annual legislative budget request a prioritized summary of critical *safety and security deficiencies and* repair and renovation ~~security~~ needs.

Section 8. Section 944.31, Florida Statutes, is amended to read:

944.31 Inspector general; inspectors; power and duties.—

(1) The inspector general shall be responsible for prison inspection and investigation, internal affairs investigations, and management reviews. The office of the inspector general shall be charged with the duty of inspecting the penal and correctional systems of the state. The office of the inspector general shall inspect each correctional institution or any place in which state prisoners are housed, worked, or kept within the state, with reference to its physical conditions, cleanliness, sanitation, safety, and comfort; the quality and supply of all bedding; the quality, quantity, and diversity of food served and the manner in which it is served; the number and condition of the prisoners confined therein; and the general conditions of each institution. The office of inspector general shall see that all the rules and regulations issued by the department are strictly observed and followed by all persons connected with the correctional systems of the state. The office of the inspector general shall coordinate and supervise the work of inspectors throughout the state. The inspector general and inspectors may enter any place where prisoners in this state are kept and shall be immediately admitted to such place as they desire and may consult and confer with any prisoner privately and without molestation. The inspector general and inspectors shall be responsible for criminal and administrative investigation of matters relating to the Department of Corrections. The secretary may designate persons within the office of the inspector general as law enforcement officers to conduct any criminal investigation that occurs on property owned or leased by the department or involves matters over which the department has jurisdiction. A person designated as a law enforcement officer must be certified pursuant to s. 943.1395 and must have a minimum of 3 years' experience as an inspector in the inspector general's office or as a law enforcement officer.

(2) The department shall maintain a *written* memorandum of understanding with the Department of Law Enforcement for the notification and investigation of mutually agreed-upon predicate events that shall include, but are not limited to, suspicious deaths and organized criminal activity. *A copy of an active memorandum of understanding shall be provided in a timely manner to the Governor, the President of the Senate, and the Speaker of the House of Representatives.*

(3) During investigations, the inspector general and inspectors may consult and confer with any prisoner or staff member privately and without molestation and persons designated as law enforcement officers under this section shall have the authority to arrest, with or without a warrant, any prisoner of or visitor to a state correctional institution for a violation of the criminal laws of the state involving an offense classified as a felony that occurs on property owned or leased by the department and may arrest offenders who have escaped or absconded from custody. Persons designated as law enforcement officers have the authority to arrest with or without a warrant a staff member of the department, including any contract employee, for a violation of the criminal laws of the state involving an offense classified as a felony under this chapter or chapter 893 on property owned or leased by the department. A person designated as a law enforcement officer under this section may make arrests of persons against whom arrest warrants have been issued, including arrests of offenders who have escaped or absconded from custody. The arrested person shall be surrendered without delay to the sheriff of the county in which the arrest is made, with a formal complaint subsequently made against her or him in accordance with law.

(4) The inspector general, and inspectors who conduct sexual abuse investigations in confinement settings, shall receive specialized training in conducting such investigations. The department is responsible for providing the specialized training. Specialized training shall include, but need not be limited to, techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution.

Section 9. Paragraph (a) of subsection (1) and subsections (2) and (3) of section 944.35, Florida Statutes, are amended, and subsection (5) is added to that section, to read:

944.35 Authorized use of force; malicious battery and sexual misconduct prohibited; reporting required; penalties.—

(1)(a) An employee of the department is authorized to apply physical force upon an inmate only when and to the extent that it reasonably appears necessary:

1. To defend himself or herself or another against such other imminent use of unlawful force;

2. To prevent a person from escaping from a state correctional institution when the officer reasonably believes that person is lawfully detained in such institution;

3. To prevent damage to property;

4. To quell a disturbance;

5. To overcome physical resistance to a lawful command; or

6. To administer medical treatment only by or under the supervision of a physician or his or her designee and only:

a. When treatment is necessary to protect the health of other persons, as in the case of contagious or venereal diseases; or

b. When treatment is offered in satisfaction of a duty to protect the inmate against self-inflicted injury or death.

As part of the correctional officer training program, the Criminal Justice Standards and Training Commission shall develop a course specifically designed to explain the parameters of this subsection and to teach the proper methods and techniques in applying authorized physical force upon an inmate. *Effective October 1, 2015, this course shall include specialized training for effectively managing in nonforceful ways mentally ill inmates who may exhibit erratic behavior.*

(2) Each employee of the department who either applies physical force or was responsible for making the decision to apply physical force upon an inmate or an offender supervised by the department in the community pursuant to this subsection shall prepare, date, and sign *under oath* an independent report within 1 working day *after* ~~of~~ the incident. The report shall be delivered to the warden or the circuit administrator, who shall forward the report with all appropriate documentation to the office of the inspector general. The inspector general shall conduct a review and make recommendations regarding the appropriateness or inappropriateness of the use of force. If the inspector general finds that the use of force was appropriate, the employee's report, together with the inspector general's written determination of the appropriateness of the force used and the reasons therefor, shall be forwarded to the circuit administrator or warden upon completion of the review. If the inspector general finds that the use of force was inappropriate, the inspector general shall conduct a complete investigation into the incident and forward the findings of fact to the appropriate regional director for further action. Copies of the employee's report and the inspector general's review shall be kept in the files of the inmate or the offender supervised by the department in the community. A notation of each incident involving use of force and the outcome based on the inspector general's evaluation shall be kept in the employee's file.

(3)(a)1. Any employee of the department*, private provider, or private correctional facility* who, with malicious intent, commits a battery upon an inmate or an offender supervised by the department in the community, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

2. Any employee of the department, *private provider, or private correctional facility* who, with malicious intent, commits a battery or inflicts cruel or inhuman treatment by neglect or otherwise, and in so doing causes great bodily harm, permanent disability, or permanent disfigurement to an inmate or an offender supervised by the department in the community, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) An employee of the department, private provider, or private correctional facility commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if such employee:

1. Knowingly, and with the intent to cause an inmate great bodily harm, permanent disability, or permanent disfigurement, withholds food, water, clothing, shelter, supervision, medicine, or medical services from an inmate; and

2. Causes the inmate to suffer great bodily harm, permanent disability, or permanent disfigurement by such action.

(c)~~(b)~~1. As used in this paragraph, the term "sexual misconduct" means the oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object, but does not include an act done for a bona fide medical purpose or an internal search conducted in the lawful performance of the employee's duty.

2. Any employee of the department or a private correctional facility as defined in s. 944.710 who engages in sexual misconduct with an inmate or an offender supervised by the department in the community, without committing the crime of sexual battery, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. The consent of the inmate or offender supervised by the department in the community to any act of sexual misconduct may not be raised as a defense to a prosecution under this paragraph.

4. This paragraph does not apply to any employee of the department or any employee of a private correctional facility who is legally married to an inmate or an offender supervised by the department in the community, nor does it apply to any employee who has no knowledge, and would have no reason to believe, that the person with whom the employee has engaged in sexual misconduct is an inmate or an offender under community supervision of the department.

(d)~~(c)~~ Notwithstanding prosecution, any violation of the provisions of this subsection, as determined by the Public Employees Relations Commission, shall constitute sufficient cause under s. 110.227 for dismissal from employment with the department, and such person shall not again be employed in any capacity in connection with the correctional system.

(e)~~(d)~~ Each employee who witnesses, or has reasonable cause to suspect, that an inmate or an offender under the supervision of the department in the community has been unlawfully abused or is the subject of sexual misconduct pursuant to this subsection shall immediately prepare, date, and sign an independent report specifically describing the nature of the force used or the nature of the sexual misconduct, the location and time of the incident, and the persons involved. The report shall be delivered to the inspector general of the department with a copy to be delivered to the warden of the institution or the regional administrator. The inspector general shall immediately conduct an appropriate investigation, and, if probable cause is determined that a violation of this subsection has occurred, the respective state attorney in the circuit in which the incident occurred shall be notified.

(5) The department shall establish a usage and inventory policy to track, by institution, the use of chemical agents and the disposal of expired, used, or damaged canisters of chemical agents. The policy shall include, but not be limited to, a requirement that a numbered seal be affixed to each chemical agent canister in such a manner that the canister cannot be removed from the carrier without breaking the seal. All canisters in the carriers shall be checked out at the beginning of each shift and checked back in at the end of that shift. Shift supervisors shall verify the condition of the numbered seals and periodically weigh random canisters to ensure that they have not been used without the required documentation. All nonreactionary use-of-force incidents using chemical agents shall be video recorded.

Section 10. Section 944.805, Florida Statutes, is created to read:

944.805 Veterans programs in state and private correctional institutions.—

(1) The Legislature finds and declares that specialized programs for veterans offered in state and private correctional institutions have the potential to facilitate inmate institutional adjustment, help inmates assume personal responsibility, and ease community reentry through the availability of expanded community resources.

(2) The department shall measure recidivism rates for veterans who have participated in specialized dormitories and for veterans who have received special assistance in community reentry. The findings shall be included in the annual report required under s. 20.315.

Section 11. Section 945.6033, Florida Statutes, is amended to read:

945.6033 Continuing contracts with health care providers.—

(1) The Department of Corrections may enter into continuing contracts with licensed health care providers, including hospitals and health maintenance organizations, for the provision of inmate health care services which the department is unable to provide in its facilities.

(2) The Department of Corrections, in negotiating contracts for the delivery of inmate health care, may only enter into contracts that contain damage provisions.

Section 12. Paragraph (a) of subsection (2) of section 947.1405, Florida Statutes, is amended to read:

947.1405 Conditional release program.—

(2) Any inmate who:

(a) Is convicted of a crime committed on or after October 1, 1988, and before January 1, 1994, and any inmate who is convicted of a crime committed on or after January 1, 1994, which crime is or was contained in category 1, category 2, category 3, or category 4 of Rule 3.701 and Rule 3.988, Florida Rules of Criminal Procedure (1993), and who has served at least one prior felony commitment at a state or federal correctional institution *or a sentence of more than 364 days in county jail*; shall, upon reaching the tentative release date or provisional release date, whichever is earlier, as established by the Department of Corrections, be released under supervision subject to specified terms and conditions, including payment of the cost of supervision pursuant to s. 948.09. Such supervision shall be applicable to all sentences within the overall term of sentences if an inmate's overall term of sentences includes one or more sentences that are eligible for conditional release supervision as provided herein. Effective July 1, 1994, and applicable for offenses committed on or after that date, the commission may require, as a condition of conditional release, that the releasee make payment of the debt due and owing to a county or municipal detention facility under s. 951.032 for medical care, treatment, hospitalization, or transportation received by the releasee while in that detention facility. The commission, in determining whether to order such repayment and the amount of such repayment, shall consider the amount of the debt, whether there was any fault of the institution for the medical expenses incurred, the financial resources of the releasee, the present and potential future financial needs and earning ability of the releasee, and dependents, and other appropriate factors. If any inmate placed on conditional release supervision is also subject to probation or community control, resulting from a probationary or community control split sentence within the overall term of sentences, the Department of Corrections shall supervise such person according to the conditions imposed by the court and the commission shall defer to such supervision. If the court revokes probation or community control and resentences the offender to a term of incarceration, such revocation also constitutes a sufficient basis for the revocation of the conditional release supervision on any nonprobationary or noncommunity control sentence without further hearing by the commission. If any such supervision on any nonprobationary or noncommunity control sentence is revoked, such revocation may result in a forfeiture of all gain-time, and the commission may revoke the resulting deferred conditional release supervision or take other action it considers appropriate. If the term of conditional release supervision exceeds that

of the probation or community control, then, upon expiration of the probation or community control, authority for the supervision shall revert to the commission and the supervision shall be subject to the conditions imposed by the commission. A panel of no fewer than two commissioners shall establish the terms and conditions of any such release. If the offense was a controlled substance violation, the conditions shall include a requirement that the offender submit to random substance abuse testing intermittently throughout the term of conditional release supervision, upon the direction of the correctional probation officer as defined in s. 943.10(3). The commission shall also determine whether the terms and conditions of such release have been violated and whether such violation warrants revocation of the conditional release.

Section 13. Section 950.021, Florida Statutes, is created to read:

950.021 Sentencing of offenders to county jail.—

(1) Notwithstanding s. 921.0024 or any other provision of law, and effective for offenses committed on or after July 1, 2015, a court may sentence an offender to a term in the county jail under the custody of the chief correctional officer in the county where the offense was committed for up to 24 months if the offender meets all of the following criteria:

(a) The offender's total sentence points score, as provided in s. 921.0024, is more than 44 points but no more than 60 points.

(b) The offender's primary offense is not a forcible felony as defined in s. 776.08; however, an offender whose primary offense is a third degree felony under chapter 810 is not ineligible to be sentenced to a county jail under this paragraph.

(c) The offender's primary offense is not punishable by a minimum mandatory sentence of more than 24 months.

(d) Offenders sentenced under this section must serve a minimum of 85 percent of their sentences.

(2)(a) The court may only sentence an offender to a county jail pursuant to this section if there is a contractual agreement between the chief correctional officer of that county and the Department of Corrections.

(b) If the chief correctional officer of a county requests the Department of Corrections to enter into a contract that allows offenders to be sentenced to the county jail pursuant to subsection (1), subject to the restrictions of this paragraph and subsections (3) and (6), the Department of Corrections must enter into such a contract. The contract shall specifically establish the maximum number of beds and the validated per diem rate. The contract shall provide for per diem reimbursement for occupied inmate days based on the contracting county's most recent annual adult male custody or adult female custody per diem rates, not to exceed $60 per inmate.

(3) A contract under this section is contingent upon a specific appropriation in the General Appropriations Act. Contracts shall be awarded by the Department of Corrections on a first-come, first-served basis up to the maximum appropriation allowable in the General Appropriations Act for this purpose. The maximum appropriation allowable consists of funds appropriated in or transferred to the specific appropriation in the Inmates Sentenced to County Jail appropriation category. Before any transferred appropriation under this section, the Inmates Sentenced to County Jail appropriation category provides for estimated incremental appropriation for county jail beds contracted under this section in excess of the Department of Corrections' per diem for adult male and female inmates.

(4) The Department of Corrections shall transfer funds pursuant to s. 216.177 from other appropriation categories within the Adult Male Custody Operations or Adult and Youthful Offender Female Custody Operations budget entities to the Inmates Sentenced to County Jail appropriation category in an amount necessary to satisfy the requirements of each executed contract but not to exceed the Department of Corrections' average total per diem published for the preceding fiscal year for adult male custody or adult and youthful offender female custody inmates for each county jail bed contracted.

(5) The Department of Corrections shall assume maximum annual value of each contract when determining the full use of funds appropriated and to ensure that the maximum appropriation allowable is not exceeded.

(6) All contractual per diem rates under this section as well as the per diem rates used by the Department of Corrections must be validated by the Auditor General before payments are made.

Section 14. *Body camera pilot program.—The Department of Corrections shall implement a pilot program in which correctional officers who work in the mental health units at Union Correctional Institution are equipped with body cameras. The pilot program shall expire June 30, 2016. The Department of Corrections shall submit a report by January 1, 2017, to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must compare the number of use-of-force incidents that occur in the mental health units at Union Correctional Institution while the pilot program is in effect with:*

(1) The number of use-of-force incidents that occurred in the mental health units at Union Correctional Institution during the preceding 5 years; and

(2) The number of use-of-force incidents that occur in the mental health units of other correctional institutions while the pilot program is in effect.

Section 15. *For the 2015-2016 fiscal year, the sum of $121,110 in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Corrections for a body camera pilot program in the mental health units at Union Correctional Institution as required by this act.*

Section 16. Section 951.22, Florida Statutes, is amended to read:

951.22 County detention facilities; contraband articles.—

(1) It is unlawful, except through regular channels as duly authorized by the sheriff or officer in charge, to introduce into or possess upon the grounds of any county detention facility as defined in s. 951.23 or to give to or receive from any inmate of any such facility wherever said inmate is located at the time or to take or to attempt to take or send therefrom any of the following articles which are hereby declared to be contraband for the purposes of this act, to wit: Any written or recorded communication; any currency or coin; any article of food or clothing; any tobacco products as defined in s. 210.25(11); any cigarette as defined in s. 210.01(1); any cigar; any intoxicating beverage or beverage which causes or may cause an intoxicating effect; any narcotic, hypnotic, or excitative drug or drug of any kind or nature, including nasal inhalators, sleeping pills, barbiturates, and controlled substances as defined in s. 893.02(4); any firearm or any instrumentality customarily used or which is intended to be used as a dangerous weapon; *any cellular telephone or other portable communication device, as defined in s. 944.47;* and any instrumentality of any nature that may be or is intended to be used as an aid in effecting or attempting to effect an escape from a county facility.

(2) Whoever violates subsection (1) shall be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 17. Subsection (1) of section 951.221, Florida Statutes, is amended to read:

951.221 Sexual misconduct between detention facility employees and inmates; penalties.—

(1) Any employee of a county or municipal detention facility or of a private detention facility under contract with a county commission who engages in sexual misconduct, as defined in s. *944.35(3)(c)1.* ~~944.35(3)(b)1.~~, with an inmate or an offender supervised by the facility without committing the crime of sexual battery commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. The consent of an inmate to any act of sexual misconduct may not be raised as a defense to prosecution under this section.

Section 18. For the purpose of incorporating the amendment made by this act to section 944.35, Florida Statutes, in a reference thereto, paragraph (uu) of subsection (2) of section 435.04, Florida Statutes, is reenacted to read:

435.04 Level 2 screening standards.—

(2) The security background investigations under this section must ensure that no persons subject to the provisions of this section have been arrested for and are awaiting final disposition of, have been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or have been adjudicated delinquent and the record has not been sealed or expunged for, any offense prohibited under any of the following provisions of state law or similar law of another jurisdiction:

(uu) Section 944.35(3), relating to inflicting cruel or inhuman treatment on an inmate resulting in great bodily harm.

Section 19. For the purpose of incorporating the amendment made by this act to section 944.35, Florida Statutes, in a reference thereto, paragraph (f) of subsection (3) of section 921.0022, Florida Statutes, is reenacted to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(f) LEVEL 6

Florida Statute	Felony Degree	Description
316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
499.0051(3)	2nd	Knowing forgery of pedigree papers.
499.0051(4)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
499.0051(5)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
775.0875(1)	3rd	Taking firearm from law enforcement officer.
784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
784.041	3rd	Felony battery; domestic battery by strangulation.
784.048(3)	3rd	Aggravated stalking; credible threat.
784.048(5)	3rd	Aggravated stalking of person under 16.
784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.
784.074(1)(b)	2nd	Aggravated assault on sexually violent predators facility staff.
784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.
784.081(2)	2nd	Aggravated assault on specified official or employee.
784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.
784.083(2)	2nd	Aggravated assault on code inspector.
787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
790.115(2)(d)	2nd	Discharging firearm or weapon on school property.
790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
790.164(1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
794.05(1)	2nd	Unlawful sexual activity with specified minor.
800.04(5)(d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years of age; offender less than 18 years.
800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
810.145(8)(b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
812.014(2)(b)1.	2nd	Property stolen $20,000 or more, but less than $100,000, grand theft in 2nd degree.
812.014(6)	2nd	Theft; property stolen $3,000 or more; coordination of others.
812.015(9)(a)	2nd	Retail theft; property stolen $300 or more; second or subsequent conviction.
812.015(9)(b)	2nd	Retail theft; property stolen $3,000 or more; coordination of others.
812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
825.102(1)	3rd	Abuse of an elderly person or disabled adult.
825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
825.103(3)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than $10,000.
827.03(2)(c)	3rd	Abuse of a child.
827.03(2)(d)	3rd	Neglect of a child.
827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
836.05	2nd	Threats; extortion.
836.10	2nd	Written threats to kill or do bodily injury.

843.12	3rd	Aids or assists person to escape.
847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
944.40	2nd	Escapes.
944.46	3rd	Harboring, concealing, aiding escaped prisoners.
944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
951.22(1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.

Section 20. This act shall take effect July 1, 2015.

And the title is amended as follows:

Remove everything before the enacting clause and insert: A bill to be entitled An act relating to corrections; amending s. 20.315, F.S.; requiring the Department of Corrections to plan and administer its program of services for security and institutional operations through four regions; requiring the Secretary of Corrections to appoint a director for each region; requiring each director to perform specified functions; providing an appropriation and authorizing positions; amending s. 110.205, F.S.; exempting all positions assigned to the department's office of inspector general from the Career Service System; providing an appropriation; amending s. 216.136, F.S.; requiring the Criminal Justice Estimating Conference to develop projections of prison admissions and populations for elderly felony offenders; amending s. 921.0021, F.S.; revising the definition of the term "victim injury" by removing a prohibition on assessing certain victim injury sentence points for sexual misconduct by certain correctional employees with inmates or offenders; amending s. 944.151, F.S.; revising legislative intent concerning safety and security; expanding the department's security review committee functions to include functions related to safe operation of institutions and facilities; revising provisions relating to physical inspections of state and private buildings and structures and prioritizing institutions for inspection that meet certain criteria; revising provisions relating to duties of staff concerning safety and security; amending s. 944.31, F.S.; requiring that a copy of a written memorandum of understanding for notification and investigation of certain events between the Department of Corrections and the Department of Law Enforcement be provided to the Governor, the President of the Senate, and the Speaker of the House of Representatives; requiring specialized training for inspectors in certain circumstances; amending s. 944.35, F.S.; requiring the Criminal Justice Standards and Training Commission to include specialized training for management of mentally ill inmates in the correctional officer training program; requiring certain reports to be signed under oath; expanding applicability of a current felony offense to include certain employees of private providers and private correctional facilities; creating criminal penalties for employees who knowingly, and with intent to cause specified harm, withhold food and water and essential services; requiring the Department of Corrections to establish policies relating to the use of chemical agents; requiring all nonreactionary use-of-force incidents using chemical agents to be video recorded; creating s. 944.805, F.S.; providing legislative intent relating to specialized programs for veterans; requiring the department to measure recidivism; requiring reporting; amending s. 945.6033, F.S.; requiring damage provisions in inmate health care contracts; amending s. 947.1405, F.S.; conforming provisions to changes made by the act; creating s. 950.021, F.S.; authorizing a court to sentence certain offenders to a county jail for up to 24 months if the county has a contract with the department; providing contractual requirements; requiring and providing for specific appropriations; requiring validation of per diem rates; requiring the department to implement a body camera pilot program at Union Correctional Institution; requiring the department to submit a report to the Governor and Legislature; providing an appropriation; amending s. 951.22, F.S.; including cellular telephones and portable communication devices as contraband for purposes of county detention facilities; providing criminal penalties for introduction of such contraband; amending s. 951.221, F.S.; conforming a cross-reference; reenacting ss. 435.04(2)(uu) and 921.0022(3)(f), F.S., relating to level 2 screening standards and the Criminal Punishment Code and offense severity ranking chart, respectively, to incorporate the amendment made to s. 944.35, F.S., in references thereto; providing an effective date.

On motion by Senator Evers, the Senate refused to concur in **House Amendment 1 (142575)** to **CS for SB 7020** and the House was requested to recede. The action of the Senate was certified to the House.

The Honorable Andy Gardiner, President

I am directed to inform the Senate that the House of Representatives has passed CS/SB 602, with 1 amendment, and requests the concurrence of the Senate.

Bob Ward, Clerk

CS for SB 602—A bill to be entitled An act relating to students with disabilities; amending s. 1002.385, F.S.; revising definitions applicable to the Florida Personal Learning Scholarship Accounts Program; revising scholarship application deadlines and guidelines; revising provisions to conform to the designation of eligible nonprofit scholarship-funding organizations; requiring authorized program funds to support the student's educational needs; requiring the Florida Prepaid College Board to create certain procedures; authorizing part-time private tutoring services by persons meeting certain requirements; authorizing program funds to be spent for specified education programs and services; revising the conditions under which a student's personal learning scholarship account must be closed; revising the responsibilities for school districts; revising requirements for a private school's eligibility to participate in the program; revising responsibilities of the Department of Education and the Commissioner of Education with respect to program administration; revising responsibilities for parents and students to participate in the program; requiring a parent to affirm that program funds are used only for authorized purposes that serve the student's educational needs; revising responsibilities of an organization pertaining to the administration of personal learning scholarship accounts; revising the wait list and priority of approving renewal and new applications; revising the notice requirement of an organization; authorizing accrued interest to be used for authorized expenditures; requiring accrued interest to be reverted as a part of reverted scholarship funds; revising taxable income requirements; removing obsolete audit requirements; requiring the Auditor General to provide a copy of each annual operational audit performed to the Commissioner of Education within a specified timeframe; requiring the department to provide an annual report to the Governor and the Legislature regarding the program; prescribing report requirements; providing for future repeal of provisions pertaining to an implementation schedule of notification and eligibility timelines; amending s. 1002.395, F.S.; revising the use of eligible contributions by eligible nonprofit scholarship-funding organizations; revising the surety bond requirements for nonprofit scholarship-funding organizations submitting initial and renewal scholarship program participation applications; amending s. 1009.971, F.S.; revising the powers and duties of the Florida Prepaid College Board to include specified rulemaking authority; amending ss. 1009.98 and 1009.981, F.S.; authorizing a prepaid college plan or a college savings plan to be purchased, accounted for, used, and terminated under certain circumstances; specifying rulemaking requirements applicable to the department; providing an effective date.

House Amendment 1 (103497) (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Section 1002.385, Florida Statutes, is amended to read:

1002.385 Florida personal learning scholarship accounts.—

(1) ESTABLISHMENT OF PROGRAM.—The Florida Personal Learning Scholarship Accounts Program is established to provide the option for a parent to better meet the individual educational needs of his or her eligible child.

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

(a) "Approved provider" means a provider approved by the Agency for Persons with Disabilities, a health care practitioner as defined in s. 456.001(4), or a provider approved by the department pursuant to s. 1002.66.

(b) "Curriculum" means a complete course of study for a particular content area or grade level, including any required supplemental materials.

(c) "Department" means the Department of Education.

(d) "Disability" means, for a *child who has reached 3 or 4 years of age, or for a* student in kindergarten to grade 12, autism *spectrum disorder*, as defined in *the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association* ~~s. 393.063(3)~~, cerebral palsy, as defined in s. 393.063(4); Down syndrome, as defined in s. 393.063(13); an intellectual disability, as defined in s. 393.063(21); Prader-Willi syndrome, as defined in s. 393.063(25); ~~or~~ spina bifida, as defined in s. 393.063(36); for a student in kindergarten, being a high-risk child, as defined in s. 393.063(20)(a); ~~and~~ Williams syndrome*; or muscular dystrophy*.

(e) "Eligible nonprofit scholarship-funding organization" or "organization" has the same meaning as in s. 1002.395.

(f) "Eligible postsecondary educational institution" means a Florida College System institution, a state university, a school district technical center, a school district adult general education center, *an institution that is eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant Program under s. 1009.89,* or an accredited *independent* ~~nonpublic~~ postsecondary educational institution, as defined in s. 1005.02, which is licensed to operate in the state pursuant to requirements specified in part III of chapter 1005.

(g) "Eligible private school" means a private school, as defined in s. 1002.01, which is located in this state, which offers an education to students in any grade from kindergarten to grade 12, and which meets requirements of:

1. Sections 1002.42 and 1002.421; and

2. A scholarship program under s. 1002.39 or s. 1002.395~~, as applicable, if the private school participates in a scholarship program under s. 1002.39 or s. 1002.395~~.

(h) "IEP" means individual education plan.

(i) "Parent" means a resident of this state who is a parent, as defined in s. 1000.21.

(j) "Program" means the Florida Personal Learning Scholarship Accounts Program established in this section.

(3) PROGRAM ELIGIBILITY.—A parent of a student with a disability may request and receive from the state a Florida personal learning scholarship account for the purposes specified in subsection (5) if:

(a) The student:

1. Is a resident of this state;

2. Is *or will be 3 or 4 years of age on or before September 1 of the year in which the student applies for program participation or is* eligible to enroll in kindergarten through grade 12 in a public school in this state;

3. Has a disability as defined in paragraph (2)(d); and

4. Is the subject of an IEP written in accordance with rules of the State Board of Education or has received a diagnosis of a disability as defined in subsection (2) from a physician who is licensed under chapter 458 or chapter 459 or a psychologist who is licensed *under chapter 490* ~~in this state~~.

(b) ~~Beginning January 2015,~~ The parent has applied to an eligible nonprofit scholarship-funding organization to participate in the program by February 1 before the school year in which the student will participate or an alternative date as set by the organization for any vacant, funded slots. The request must be communicated directly to the organization in a manner that creates a written or electronic record of the request and the date of receipt of the request. The organization shall notify the district and the department of the parent's intent upon receipt of the parent's request.

(4) PROGRAM PROHIBITIONS.—

(a) A student is not eligible for the program while he or she is:

1. Enrolled in a public school, including, but not limited to, the Florida School for the Deaf and the Blind; the Florida Virtual School; the College-Preparatory Boarding Academy; a developmental research school authorized under s. 1002.32; a charter school authorized under s. 1002.33, s. 1002.331, or s. 1002.332; or a virtual education program authorized under s. 1002.45;

2. Enrolled in the Voluntary Prekindergarten Education Program authorized under part V of this chapter;

3.~~2.~~ Enrolled in a school operating for the purpose of providing educational services to youth in the Department of Juvenile Justice commitment programs;

4.~~3.~~ Receiving a scholarship pursuant to the Florida Tax Credit Scholarship Program under s. 1002.395 or the John M. McKay Scholarships for Students with Disabilities Program under s. 1002.39; or

5.~~4.~~ Receiving any other educational scholarship pursuant to this chapter.

For purposes of subparagraph 1., a child who is 3 or 4 years of age who receives services funded through the Florida Education Finance Program is considered a student enrolled in a public school.

(b) A student is not eligible for the program if:

1. The student or student's parent has accepted any payment, refund, or rebate, in any manner, from a provider of any services received pursuant to subsection (5);

2. The student's participation in the program*, or the receipt or expenditure of program funds,* has been denied or revoked by the Commissioner of Education pursuant to subsection (10); or

3. The student's parent has forfeited participation in the program for failure to comply with requirements pursuant to subsection (11).

(5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds *must be used to meet the individual educational needs of an eligible student and* may be spent for the following purposes:

(a) Instructional materials, including digital devices, digital periphery devices, and assistive technology devices that allow a student to access instruction or instructional content.

(b) Curriculum as defined in paragraph (2)(b).

(c) Specialized services by approved providers that are selected by the parent. These specialized services may include, but are not limited to:

1. Applied behavior analysis services as provided in ss. 627.6686 and 641.31098.

2. Services provided by speech-language pathologists as defined in s. 468.1125.

3. Occupational therapy services as defined in s. 468.203.

4. Services provided by physical therapists as defined in s. 486.021.

5. Services provided by listening and spoken language specialists and an appropriate acoustical environment for a child who is deaf or hard of hearing and who has received an implant or assistive hearing device.

(d) Enrollment in, or tuition or fees associated with enrollment in, an eligible private school, an eligible postsecondary educational institution *or a program offered by an eligible postsecondary educational institution*, a private tutoring program authorized under s. 1002.43, a virtual program offered by a department-approved private online provider that meets the provider qualifications specified in s. 1002.45(2)(a), the Florida Virtual School as a private paying student, or an approved online course offered pursuant to s. 1003.499 or s. 1004.0961.

(e) Fees for nationally standardized, norm-referenced achievement tests, Advanced Placement Examinations, industry certification examinations, assessments related to postsecondary education, or other assessments.

(f) Contributions to the Stanley G. Tate Florida Prepaid College Program pursuant to s. 1009.98 *or the Florida College Savings Program pursuant to s. 1009.981*, for the benefit of the eligible student.

(g) Contracted services provided by a public school or school district, including classes. A student who receives services under a contract under this paragraph is not considered enrolled in a public school for eligibility purposes as specified in subsection (4).

(h) Tuition and fees for part-time tutoring services provided by a person who holds a valid Florida educator's certificate pursuant to s. 1012.56, a person who holds an adjunct teaching certificate pursuant to s. 1012.57, or a person who has demonstrated a mastery of subject area knowledge pursuant to s. 1012.56(5). For purposes of this paragraph, the term "part-time tutoring services" does not satisfy regular school attendance as defined in s. 1003.01(13)(e).

(i) Fees for an annual evaluation of educational progress under s. 1002.41(1)(c).

(j) Fees associated with the use of an electronic payment system under paragraph (13)(c).

A specialized service provider, eligible private school, eligible postsecondary educational institution, private tutoring program provider, online or virtual program provider, public school, school district, or other entity receiving payments pursuant to this subsection may not share, refund, or rebate any moneys from the Florida Personal learning scholarship account with the parent or participating student in any manner.

(6) TERM OF THE PROGRAM.—For purposes of continuity of educational choice *and program integrity:*~~,~~

(a) The program payments made *by the state to an organization for a personal learning scholarship account* under this section shall *continue* ~~remain in force~~ until *the parent does not renew program eligibility; the eligible nonprofit scholarship-funding organization determines that a student is not eligible for program renewal; the Commissioner of Education denies, suspends, or revokes program participation or the use of funds; or* a student participating in the program participates in any of the prohibited activities specified in subsection (4), ~~has funds revoked by the Commissioner of Education pursuant to subsection (10),~~ returns to a public school, graduates from high school, or attains 22 years of age, whichever occurs first. A participating student who enrolls in a public school or public school program is considered to have returned to a public school for the purpose of determining the end of the program's term.

(b) Payments for program expenditures by a parent from the account may continue until a student's personal learning scholarship account is closed pursuant to paragraph (c).

(c) A student's personal learning scholarship account shall be closed, and any remaining funds, including contributions made to the Stanley G. Tate Florida Prepaid College Program or the Florida College Savings Program using program funds pursuant to paragraph (5)(f), shall revert to the state if:

1. The student's program eligibility is denied or revoked;

2. The eligible nonprofit scholarship-funding organization denies the student's application;

3. The student does not enroll in an eligible postsecondary education institution within 4 years after high school graduation or completion;

4. The student is no longer enrolled in an eligible postsecondary educational institution or a program offered by the institution; or

5. The student graduates from an eligible postsecondary educational institution.

The eligible nonprofit scholarship-funding organization must notify a parent when a personal learning scholarship account is closed.

(7) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—

(a)1. For a student with a disability who does not have *an IEP in accordance with subparagraph (3)(a)4.,* ~~a matrix of services under s. 1011.62(1)(c) and for whom~~ the parent *may request an IEP meeting and evaluation from the school district. The school district shall conduct a meeting and develop an IEP in accordance with rules of the State Board of Education. Upon completion of the IEP* ~~requests a matrix of services~~, the school district must complete a matrix that assigns the student to one of the levels of service as they existed before the 2000-2001 school year.

~~2.a. Within 10 school days after a school district receives notification of a parent's request for completion of a matrix of services, the school district must notify the student's parent if the matrix of services has not been completed and inform the parent that the district is required to complete the matrix within 30 days after receiving notice of the parent's request for the matrix of services. This notice must include the required completion date for the matrix.~~

a.~~b.~~ The school district shall complete the matrix of services for a student whose parent has made a request. The school district must provide the student's parent with the student's matrix level within 10 school days after its completion.

b.~~c.~~ The department shall notify the parent and the eligible nonprofit scholarship-funding organization of the amount of the funds awarded within 10 days after receiving the school district's notification of the student's matrix level.

c.~~d.~~ A school district may change a matrix of services only if the change is to correct a technical, typographical, or calculation error.

(b) For each student participating in the program who chooses to participate in statewide, standardized assessments under s. 1008.22 or the Florida Alternate Assessment, the school district in which the student resides must notify the student and his or her parent about the locations and times to take all statewide, standardized assessments.

~~(c) For each student participating in the program, a school district shall notify the parent about the availability of a reevaluation at least every 3 years.~~

(8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible private school may be sectarian or nonsectarian and shall:

(a) Comply with all requirements for private schools participating in state school choice scholarship programs pursuant to s. 1002.421. *A private school must register its intent to participate in the program and complete all required documentation pursuant to ss. 1002.39 and 1002.395 and rules of the State Board of Education.*

(b) Provide to the eligible nonprofit scholarship-funding organization, upon request, all documentation required for the student's participation, including the private school's and student's fee schedules.

(c) Be academically accountable to the parent for meeting the educational needs of the student by:

1. At a minimum, annually providing to the parent a written explanation of the student's progress.

2. Annually administering or making provision for students participating in the program in grades 3 through 10 to take one of the nationally norm-referenced tests identified by the Department of Education or the statewide assessments pursuant to s. 1008.22. Students with disabilities for whom standardized testing is not appropriate are exempt from this requirement. A participating private school shall report a student's scores to the parent.

3. Cooperating with the scholarship student whose parent chooses to have the student participate in the statewide assessments pursuant to s. 1008.22 or, if a private school chooses to offer the statewide assessments, administering the assessments at the school.

a. A participating private school may choose to offer and administer the statewide assessments to all students who attend the private school in grades 3 through 10.

b. A participating private school shall submit a request in writing to the Department of Education by March 1 of each year in order to administer the statewide assessments in the subsequent school year.

(d) Employ or contract with teachers who have regular and direct contact with each student receiving a scholarship under this section at the school's physical location.

(e) Annually contract with an independent certified public accountant to perform the agreed-upon procedures developed under s. *1002.395(6)(o)* ~~1002.395(6)(n)~~ and produce a report of the results if the private school receives more than $250,000 in funds from scholarships awarded under this section in the 2014-2015 state fiscal year or a state fiscal year thereafter. A private school subject to this paragraph must submit the report by September 15, 2015, and annually thereafter to the *eligible nonprofit* scholarship-funding organization that awarded the majority of the school's scholarship funds. The agreed-upon procedures must be conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants.

The inability of a private school to meet the requirements of this subsection constitutes a basis for the ineligibility of the private school to participate in the program as determined by the department.

(9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department shall:

(a) Maintain a list of approved providers.

(b) Require each eligible nonprofit scholarship-funding organization to verify eligible expenditures *made pursuant to subsection (5)* before *reimbursement* ~~the distribution of funds for any expenditures made pursuant to paragraphs (5)(a) and (b). Review of expenditures made for services in paragraphs (5)(c) (g) may be completed after the payment has been made.~~

(c) Investigate any written complaint of a violation of this section in accordance with the process established by s. 1002.395(9)(f).

(d) Require quarterly reports by an eligible nonprofit scholarship-funding organization regarding the number of students participating in the program, the providers of services to students, and other information deemed necessary by the department.

(e) Compare the list of students participating in the program with the public school enrollment lists *and the list of students participating in school choice scholarship programs established pursuant to this chapter throughout the school year* ~~before each program payment~~ to avoid duplicate payments *and confirm program eligibility*.

(10) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—

(a) The Commissioner of Education:

1. Shall deny, suspend, or revoke a student's participation in the program if the health, safety, or welfare of the student is threatened or fraud is suspected.

2. Shall deny, suspend, or revoke an authorized use of program funds if the health, safety, or welfare of the student is threatened or fraud is suspected.

3. May ~~deny,~~ suspend~~, or revoke~~ an authorized use of program funds for material failure to comply with this section and applicable *State Board of Education* ~~department~~ rules if the noncompliance is correctable within a reasonable period of time. Otherwise, the commissioner shall deny~~, suspend,~~ or revoke an authorized use for failure to materially comply with the law and rules adopted under this section.

4. Shall require compliance by the appropriate party by a date certain for all nonmaterial failures to comply with this section and applicable *State Board of Education* ~~department~~ rules.

5. Notwithstanding any other provision of this section, ~~The commissioner~~ may deny, suspend, or revoke program participation *or the use of program funds by the student or the participation or eligibility of an organization, eligible private school, eligible postsecondary educational institution, approved provider, or other appropriate party for a violation of this section. The commissioner may determine the length of, and conditions for lifting, a suspension or revocation specified in this paragraph* ~~under this section thereafter~~.

6. Shall deny or revoke a student's participation in the program upon forfeiture of a personal learning scholarship account pursuant to subsection (11).

(b) In determining whether to deny, suspend, ~~or~~ revoke*, or lift a suspension or revocation* in accordance with this subsection, the commissioner may consider factors that include, but are not limited to, acts or omissions *that* ~~by a participating entity which~~ led to a previous denial*, suspension,* or revocation of participation in *a state or federal program or* an education scholarship program; failure to reimburse the eligible nonprofit scholarship-funding organization for program funds improperly received or retained by the entity; imposition of a prior criminal sanction related to the *person or* entity or its officers or employees; imposition of a civil fine or administrative fine, license revocation or suspension, or program eligibility suspension, termination, or revocation related to *a person's or* an entity's management or operation; or other types of criminal proceedings in which the *person or* entity or its officers or employees were found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense involving fraud, deceit, dishonesty, or moral turpitude.

(11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM PARTICIPATION.—A parent who applies for program participation under this section is exercising his or her parental option to determine the appropriate placement or the services that best meet the needs of his or her child. The scholarship award for a student is based on a matrix that assigns the student to support Level III services. If a parent chooses to request and receive an IEP and a matrix of services from the school district, the amount of the payment shall be adjusted as needed, when the school district completes the matrix.

(a) To *satisfy and maintain program eligibility* ~~enroll an eligible student in the program~~, the parent must sign an agreement with the eligible nonprofit scholarship-funding organization and annually submit a notarized, sworn compliance statement to the organization to:

1. Affirm that the student is enrolled in a program that meets regular school attendance requirements as provided in s. *1003.01(13)(b)-(e)* ~~1003.01(13)(b)-(d)~~.

2. *Affirm that* ~~Use~~ the program funds *are used* only for authorized purposes *serving the student's educational needs*, as described in subsection (5).

3. Affirm that the student takes all appropriate standardized assessments as specified in this section.

a. If the parent enrolls the child in an eligible private school, the student must take an assessment selected by the private school pursuant to s. 1002.395(7)(e) *or, if requested by the parent, the statewide, standardized assessments pursuant to s. 1002.39(8)(c)2. and (9)(e)*.

b. If the parent enrolls the child in a home education program, the parent may choose to participate in an assessment as part of the annual evaluation provided for in s. 1002.41(1)(c).

4. Notify the school district that the student is participating in the Personal Learning Scholarship Accounts if the parent chooses to enroll in a home education program as provided in s. 1002.41.

5. Request participation in the program by the date established by the eligible nonprofit scholarship-funding organization.

6. Affirm that the student remains in good standing with the provider or school if those options are selected by the parent.

7. Apply for admission of his or her child if the private school option is selected by the parent.

8. Annually renew participation in the program. Notwithstanding any changes to the student's IEP, a student who was previously eligible for participation in the program shall remain eligible to apply for renewal ~~as provided in subsection (6)~~. *However, in order for a high-risk child to continue to participate in the program in the school year after he or she reaches 6 years of age, the child's application for renewal of program participation must contain documentation that the child has a disability as defined in paragraph (2)(d) other than high-risk status.*

9. Affirm that the parent will *comply with the rules of the Florida Prepaid College Board relating to the contribution and use of program funds* ~~not transfer any college savings funds to another beneficiary~~.

10. Affirm that the parent will not take possession of any funding provided by the state for the Florida Personal Learning Scholarship Accounts.

11. *If a parent chooses to enroll the child in a home education program pursuant to s. 1002.41, affirm that the parent complies with all home education requirements* ~~Maintain a portfolio of records and materials which must be preserved by the parent for 2 years and be made available for inspection by the district school superintendent or the superintendent's designee upon 15 days' written notice. This paragraph does not require the superintendent to inspect the portfolio. The portfolio of records and materials must consist of:~~

~~a. A log of educational instruction and services which is made contemporaneously with delivery of the instruction and services and which designates by title any reading materials used; and~~

~~b. Samples of any writings, worksheets, workbooks, or creative materials used or developed by the student.~~

(b) The parent is responsible for procuring the services necessary to educate the student. When the student receives a personal learning scholarship account, the district school board is not obligated to provide the student with a free appropriate public education. For purposes of s. 1003.57 and the Individuals with Disabilities in Education Act, a participating student has only those rights that apply to all other unilaterally parentally placed students, except that, when requested by the parent, school district personnel must develop an individual education plan or matrix level of services.

(c) The parent is responsible for the payment of all eligible expenses in excess of the amount of the personal learning scholarship account in accordance with the terms agreed to between the parent and the providers.

A parent who fails to comply with this subsection forfeits the personal learning scholarship account.

(12) ADMINISTRATION OF PERSONAL LEARNING SCHOLARSHIP ACCOUNTS.—An eligible nonprofit scholarship-funding organization participating in the Florida Tax Credit Scholarship Program established under s. 1002.395 may establish personal learning scholarship accounts for eligible students by:

(a) Receiving applications and determining student eligibility in accordance with the requirements of this section. The organization shall notify the department of the applicants for the program by March 1 before the school year in which the student intends to participate. When an application is received, the *eligible nonprofit scholarship-funding* ~~scholarship funding~~ organization must provide the department with information on the student ~~to enable the department to report the student for funding in accordance with subsection (13)~~.

(b) Notifying parents of their receipt of a scholarship on a first-come, first-served basis based upon the funds provided for this program in the General Appropriations Act. *However, first priority must be given to eligible students who receive a personal learning scholarship during the previous school year and apply for renewal.*

(c) Establishing a date by which a parent must confirm initial or continuing participation in the program and confirm the establishment or continuance of a personal learning scholarship account.

(d) Establishing a date and process by which students on the wait list or late-filing applicants may be allowed to participate in the program during the school year, within the amount of funds provided for this program in the General Appropriations Act.

(e) Establishing and maintaining separate accounts for each eligible student. *For each account, the organization must maintain a record of accrued interest that is retained in the student's account and available only for authorized program expenditures.*

(f) Verifying qualifying expenditures pursuant to ~~the requirements of~~ paragraph *(9)(b)* ~~(8)(b)~~.

(g) Returning any unused funds to the department when the student is no longer eligible for a personal *learning* scholarship ~~learning~~ account *pursuant to paragraph (6)(c)*.

(h) Entering into an agreement with the Florida Prepaid College Board pursuant to s. 1009.971(z)1. to enable participants to contribute program funds to the Stanley G. Tate Florida Prepaid College Program or the Florida College Savings Program.

(13) FUNDING AND PAYMENT.—

(a)1. The maximum funding amount granted for an eligible student with a disability, pursuant to subsection (3), shall be equivalent to the base student allocation in the Florida Education Finance Program multiplied by the appropriate cost factor for the educational program which would have been provided for the student in the district school to which he or she would have been assigned, multiplied by the district cost differential.

2. In addition, an amount equivalent to a share of the guaranteed allocation for exceptional students in the Florida Education Finance Program shall be determined and added to the amount in subparagraph 1. The calculation shall be based on the methodology and the data used to calculate the guaranteed allocation for exceptional students for each district in chapter 2000-166, Laws of Florida. Except as provided in subparagraph 3., the calculation shall be based on the student's grade, the matrix level of services, and the difference between the 2000-2001 basic program and the appropriate level of services cost factor, multiplied by the 2000-2001 base student allocation and the 2000-2001 district cost differential for the sending district. The calculated amount must also include an amount equivalent to the per-student share of supplemental academic instruction funds, instructional materials funds, technology funds, and other categorical funds as provided in the General Appropriations Act.

3. Except as otherwise provided, the calculation for all students participating in the program shall be based on the matrix that assigns the student to support Level III of services. If a parent *requests* ~~chooses to request~~ and *receives* ~~receive~~ a matrix of services from the school district, when the school district completes the matrix, the amount of the payment shall be adjusted as needed.

4.~~(b)~~ The amount of the awarded funds shall be 90 percent of the calculated amount.

(b) One hundred percent of the funds appropriated for the program shall be released to the department at the beginning of the first quarter of each fiscal year.

~~(c) Upon an eligible student's graduation from an eligible postsecondary educational institution or after any period of 4 consecutive years after high school graduation in which the student is not enrolled in an eligible postsecondary educational institution, the student's personal learning scholarship account shall be closed, and any remaining funds shall revert to the state.~~

(c)~~(d)~~ The eligible nonprofit scholarship-funding organization shall develop a system for payment of benefits by electronic funds transfer, including, but not limited to, debit cards, electronic payment cards, or

any other means of electronic payment that the department deems to be commercially viable or cost-effective. Commodities or services related to the development of such a system shall be procured by competitive solicitation unless they are purchased from a state term contract pursuant to s. 287.056.

(d) An eligible nonprofit scholarship-funding organization may use up to 3 percent of the total amount of payments received during the state fiscal year for administrative expenses if the organization has operated as an nonprofit scholarship-funding organization for at least 3 fiscal years and did not have any findings of material weakness or material noncompliance in its most recent audit under s. 1002.395(6)(m). Such administrative expenses must be reasonable and necessary for the organization's management and distribution of scholarships under this section. No funds authorized under this paragraph shall be used for lobbying or political activity or expenses related to lobbying or political activity. If an eligible nonprofit scholarship-funding organization charges an application fee for a scholarship, the application fee must be immediately refunded to the person who paid the fee if the student is determined ineligible for the program.

(e) Moneys received pursuant to this section do not constitute taxable income to the parent of the qualified student.

(14) OBLIGATIONS OF THE AUDITOR GENERAL.—

(a) The Auditor General shall conduct an annual ~~financial and~~ operational audit of accounts and records of each eligible *nonprofit* scholarship-funding organization that participates in the program. As part of this audit, the Auditor General shall verify, at a minimum, the total amount of students served and eligibility of reimbursements made by each eligible nonprofit scholarship-funding organization ~~and transmit that information to the department~~. *The Auditor General shall provide the Commissioner of Education with a copy of each annual operational audit performed pursuant to this paragraph within 10 days after each audit is finalized.*

(b) The Auditor General shall notify the department of any eligible nonprofit scholarship-funding organization that fails to comply with a request for information.

(15) OBLIGATIONS RELATED TO APPROVED PROVIDERS.—The Department of Health, the Agency for Persons with Disabilities, and the Department of Education shall work with an eligible nonprofit scholarship-funding organization for easy or automated access to lists of licensed providers of services specified in paragraph (5)(c) to ensure efficient administration of the program.

(16) LIABILITY.—The state is not liable for the award or any use of awarded funds under this section.

(17) SCOPE OF AUTHORITY.—This section does not expand the regulatory authority of this state, its officers, or any school district to impose additional regulation on participating private schools, *independent* ~~nonpublic~~ postsecondary educational institutions, and private providers beyond those reasonably necessary to enforce requirements expressly set forth in this section.

(18) RULES.—The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section.

~~(19) IMPLEMENTATION SCHEDULE FOR THE 2014-2015 SCHOOL YEAR. Notwithstanding the provisions of this section related to notification and eligibility timelines, an eligible nonprofit scholarship-funding organization may enroll parents on a rolling schedule on a first-come, first-served basis, within the amount of funds provided in the General Appropriations Act.~~

Section 2. Paragraphs (j) and (l) of subsection (6) and paragraphs (a), (b), and (f) of subsection (16) of section 1002.395, Florida Statutes, are amended to read:

1002.395 Florida Tax Credit Scholarship Program.—

(6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS.—An eligible nonprofit scholarship-funding organization:

(j)1. May use up to 3 percent of eligible contributions received during the state fiscal year in which such contributions are collected for administrative expenses if the organization has operated *as an eligible nonprofit scholarship-funding organization* ~~under this section~~ for at least 3 ~~state~~ fiscal years and did not have any ~~negative financial~~ findings *of material weakness or material noncompliance* in its most recent audit under paragraph (m). Such administrative expenses must be reasonable and necessary for the organization's management and distribution of eligible contributions under this section. No funds authorized under this subparagraph shall be used for lobbying or political activity or expenses related to lobbying or political activity. Up to one-third of the funds authorized for administrative expenses under this subparagraph may be used for expenses related to the recruitment of contributions from taxpayers. If an eligible nonprofit scholarship-funding organization charges an application fee for a scholarship, the application fee must be immediately refunded to the person that paid the fee if the student is not enrolled in a participating school within 12 months.

2. Must expend for annual or partial-year scholarships an amount equal to or greater than 75 percent of the net eligible contributions remaining after administrative expenses during the state fiscal year in which such contributions are collected. No more than 25 percent of such net eligible contributions may be carried forward to the following state fiscal year. All amounts carried forward, for audit purposes, must be specifically identified for particular students, by student name and the name of the school to which the student is admitted, subject to the requirements of ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, and the applicable rules and regulations issued pursuant thereto. Any amounts carried forward shall be expended for annual or partial-year scholarships in the following state fiscal year. ~~Net eligible contributions remaining on June 30 of each year that are in excess of the 25 percent that may be carried forward shall be returned to the State Treasury for deposit in the General Revenue Fund.~~

3. Must, before granting a scholarship for an academic year, document each scholarship student's eligibility for that academic year. *An eligible nonprofit* ~~A~~ scholarship-funding organization may not grant multiyear scholarships in one approval process.

(l) With the prior approval of the Department of Education, may transfer funds to another eligible nonprofit scholarship-funding organization if additional funds are required to meet scholarship demand at the receiving *eligible* nonprofit scholarship-funding organization. A transfer is limited to the greater of $500,000 or 20 percent of the total contributions received by the *eligible* nonprofit scholarship-funding organization making the transfer. All transferred funds must be deposited by the receiving *eligible* nonprofit scholarship-funding organization into its scholarship accounts. All transferred amounts received by any *eligible* nonprofit scholarship-funding organization must be separately disclosed in the annual financial ~~and compliance~~ audit required in this section.

Information and documentation provided to the Department of Education and the Auditor General relating to the identity of a taxpayer that provides an eligible contribution under this section shall remain confidential at all times in accordance with s. 213.053.

(16) NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS; APPLICATION.—In order to participate in the scholarship program created under this section, a charitable organization that seeks to be a nonprofit scholarship-funding organization must submit an application for initial approval or renewal to the Office of Independent Education and Parental Choice no later than September 1 of each year before the school year for which the organization intends to offer scholarships.

(a) An application for initial approval must include:

1. A copy of the organization's incorporation documents and registration with the Division of Corporations of the Department of State.

2. A copy of the organization's Internal Revenue Service determination letter as a s. 501(c)(3) not-for-profit organization.

3. A description of the organization's financial plan that demonstrates sufficient funds to operate throughout the school year.

4. A description of the geographic region that the organization intends to serve and an analysis of the demand and unmet need for eligible students in that area.

5. The organization's organizational chart.

6. A description of the criteria and methodology that the organization will use to evaluate scholarship eligibility.

7. A description of the application process, including deadlines and any associated fees.

8. A description of the deadlines for attendance verification and scholarship payments.

9. A copy of the organization's policies on conflict of interest and whistleblowers.

10. A copy of a surety bond or letter of credit in an amount equal to 25 percent of the scholarship funds anticipated for each school year or $100,000, whichever is greater*, to secure the faithful performance of the obligations of the eligible nonprofit scholarship-funding organization in accordance with this section. The surety bond or letter of credit must specify that any claim against the bond or letter of credit may only be made by an eligible nonprofit scholarship-funding organization to provide scholarships to and on behalf of students who transferred from the ineligible nonprofit scholarship-funding organization*.

(b) In addition to the information required by subparagraphs (a)1.-9., an application for renewal must include:

1. A surety bond or letter of credit equal to the amount of undisbursed donations held by the organization based on the annual report submitted pursuant to paragraph (6)(m). The amount of the surety bond or letter of credit must be at least $100,000, but not more than $25 million*, to secure the faithful performance of the obligations of the nonprofit scholarship-funding organization in accordance with this section. The surety bond or letter of credit must specify that any claim against the bond or letter of credit may only be made by an eligible nonprofit scholarship-funding organization to provide scholarships to and on behalf of students who transferred from the ineligible nonprofit scholarship-funding organization*.

2. The organization's completed Internal Revenue Service Form 990 submitted no later than November 30 of the year before the school year that the organization intends to offer the scholarships, notwithstanding the September 1 application deadline.

3. A copy of the *most recently available financial* ~~statutorily required~~ audit *conducted pursuant to paragraph (6)(m) and submitted* to the Department of Education and Auditor General.

4. An annual report that includes:

a. The number of students who completed applications, by county and by grade.

b. The number of students who were approved for scholarships, by county and by grade.

c. The number of students who received funding for scholarships within each funding category, by county and by grade.

d. The amount of funds received, the amount of funds distributed in scholarships, and an accounting of remaining funds and the obligation of those funds.

e. A detailed accounting of how the organization spent the administrative funds allowable under paragraph (6)(j).

(f) All remaining funds held by a nonprofit scholarship-funding organization that is disapproved for participation *shall be transferred* ~~must revert to the Department of Revenue for redistribution~~ to other eligible nonprofit scholarship-funding organizations *to provide scholarships for eligible students. All transferred funds must be deposited by each eligible nonprofit scholarship-funding organization receiving such funds into its scholarship account. All transferred amounts received by any eligible nonprofit scholarship-funding organization must be separately disclosed in the annual financial audit required under subsection (6)*.

Section 3. Paragraph (z) is added to subsection (4) of section 1009.971, Florida Statutes, to read:

1009.971 Florida Prepaid College Board.—

(4) FLORIDA PREPAID COLLEGE BOARD; POWERS AND DUTIES.—The board shall have the powers and duties necessary or proper to carry out the provisions of ss. 1009.97-1009.984, including, but not limited to, the power and duty to:

(z) Adopt rules governing the contribution and use of funds from the Florida Personal Learning Scholarship Accounts Program pursuant to s. 1002.385(5)(f) for the Stanley G. Tate Florida Prepaid College Program and the Florida College Savings Program. The rules, at a minimum, shall provide for the:

1. Development of a written agreement to be signed with an eligible nonprofit scholarship-funding organization which shall include, at a minimum, the direct transfer of program funds between an eligible nonprofit scholarship-funding organization and the Florida Prepaid College Board;

2. Development of a written agreement that defines the owner and beneficiary of an account and outlines responsibilities for the use of the advance payment contract funds or savings program funds;

3. Development of procedures and mechanisms to account for and track scholarship funds separately from other contributions to the advance payment contract or savings program;

4. Reversion of scholarship funds pursuant to s. 1002.385(6)(c), including any earnings from contributions to the Florida College Savings Plan; and

5. Use of private payments from the advance payment contract or the savings program before the use of scholarship funds.

Section 4. This act shall take effect July 1, 2015.

And the title is amended as follows:

Remove everything before the enacting clause and insert: A bill to be entitled An act relating to Florida personal learning scholarship accounts; amending s. 1002.385, F.S., relating to the Florida Personal Learning Scholarship Accounts Program; revising definitions of the terms "disability," "eligible postsecondary educational institution," and "eligible private school" to revise eligibility for the program; revising requirements for the authorized uses of program funds; revising provisions relating to the term of the program; authorizing payments for program expenditures by a parent to continue until the account is closed; providing criteria for account closure; requiring remaining funds to revert to the state; requiring notice to a parent upon the closure of the account; providing that parents of certain students may request an individual education plan (IEP) meeting and evaluation from the school district under certain circumstances; requiring the school district to conduct the meeting and develop an IEP; deleting certain school district notification requirements; requiring the Department of Education to compare specified lists throughout the school year for certain purposes; revising authority of the Commissioner of Education to deny, suspend, or revoke program participation or use of program funds; revising parent responsibilities for program participation; requiring the provision of certain documentation for a high-risk child to remain eligible for program participation upon attaining a certain age; deleting a requirement for a parent to maintain certain records and materials for a specified period; requiring priority to be given to certain students for participation in the program; requiring scholarship-funding organizations to maintain records of accrued interest in scholarship accounts; requiring program funds to be released during the first quarter of each fiscal year; authorizing the use of certain funds for administrative expenses by eligible nonprofit scholarship-funding organizations; prohibiting the use of such funds for lobbying or political activity; providing for the refund of an application fee under certain circumstances; deleting a requirement for a financial audit; requiring the Auditor General to provide the Commissioner of Education with certain information; deleting obsolete provisions; amending s. 1002.395, F.S., relating to the Florida Tax Credit Scholarship Program; revising eligibility for using certain funds for administrative expenses for a scholarship-funding organization; revising the contents of an application for initial approval and renewal; providing for the transfer of certain funds to provide scholarships for certain students; providing for the deposit of transferred funds; requiring that transferred funds be disclosed separately in a specific audit; requiring

that the results of certain audits be submitted to the department and Auditor General; amending s. 1009.971, F.S.; requiring the Florida Prepaid College Board to develop rules governing the contribution and use of funds from the Florida Personal Learning Scholarship Accounts Program; providing an effective date.

Senator Gaetz moved the following amendment which was adopted:

Senate Amendment 1 (896550) (with title amendment) to House Amendment 1 (103497)—Delete lines 5-833 and insert:

Section 1. Subsections (2), (4), (5), (6), and (9) of section 446.021, Florida Statutes, are amended to read:

446.021 Definitions of terms used in ss. 446.011-446.092.—As used in ss. 446.011-446.092, the term:

(2) "Apprentice" means a person at least 16 years of age who is engaged in learning a recognized skilled trade through actual work experience under the supervision of *journeyworker* ~~journeymen~~ craftsmen, which training should be combined with properly coordinated studies of related technical and supplementary subjects, and who has entered into a written agreement, which may be cited as an apprentice agreement, with a registered apprenticeship sponsor who may be ~~either~~ an employer, an association of employers, or a local joint apprenticeship committee.

(4) *"Journeyworker"* ~~"Journeyman"~~ means *a worker who has attained certain skills, abilities, and competencies and who is recognized within an industry as having mastered the skills and competencies required for the occupation, including, but not limited to, attainment of a nationally recognized industry certification. The term includes a mentor, technician, specialist, or other skilled worker who has documented sufficient skills and knowledge of an occupation, through formal apprenticeship, attainment of a nationally recognized industry certification, or through practical, on-the-job experience or formal training* ~~a person working in an apprenticeable occupation who has successfully completed a registered apprenticeship program or who has worked the number of years required by established industry practices for the particular trade or occupation~~.

(5) "Preapprenticeship program" means an organized course of instruction*, including, but not limited to, industry certifications identified under s. 1008.44,* in the public school system or elsewhere, which course is designed to prepare a person 16 years of age or older to become an apprentice and which course is approved by and registered with the department and sponsored by a registered apprenticeship program.

(6) "Apprenticeship program" means an organized course of instruction*, including, but not limited to, industry certifications identified under s. 1008.44*, registered and approved by the department, which course shall contain all terms and conditions for the qualifications, recruitment, selection, employment, and training of apprentices including such matters as the requirements for a written apprenticeship agreement.

(9) "Related instruction" means an organized and systematic form of instruction designed to provide the apprentice with knowledge of the theoretical *and technical* subjects related to a specific trade or occupation. *Such instruction may be given in a classroom, through occupational or industrial courses, or by correspondence courses of equivalent value, including electronic media or other forms of self-study instruction approved by the department.*

Section 2. Section 446.032, Florida Statutes, is amended to read:

446.032 General duties of the department for apprenticeship training.—The department shall:

(1) Establish uniform minimum standards and policies governing apprentice programs and agreements. The standards and policies shall govern the terms and conditions of the apprentice's employment and training, including the quality training of the apprentice for, but not limited to, such matters as ratios of apprentices to *journeyworkers* ~~journeymen~~, safety, related instruction, and on-the-job training; but these standards and policies may not include rules, standards, or guidelines that require the use of apprentices and job trainees on state, county, or municipal contracts. The department may adopt rules necessary to administer the standards and policies.

(2) Establish procedures to be used by the State Apprenticeship Advisory Council.

(3) Collaborate with the Department of Economic Opportunity to identify, develop, and register apprenticeship programs that are aligned with statewide demand for a skilled labor force in high-demand occupations and with regional workforce needs. Beginning in the 2015-2016 fiscal year, the department shall annually, by December 31, submit an accountability report, which must include information related to program usage, student demographics and performance outcomes, and program requirements for the existing apprenticeship and preapprenticeship programs and the development of new programs. The report must include regional information about program and student performance outcomes. The report must be submitted to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Higher Education Coordinating Council.

(4) Post on its Internet website information regarding apprenticeship programs, which must, at a minimum, include:

(a) Program admission requirements;

(b) Program standards and training requirements; and

(c) A summary of program and student performance outcomes.

Section 3. Paragraph (b) of subsection (2) of section 446.045, Florida Statutes, is amended to read:

446.045 State Apprenticeship Advisory Council.—

(2)

(b) The Commissioner of Education or the commissioner's designee shall serve ex officio as chair of the State Apprenticeship Advisory Council, but may not vote. The state director of the Office of Apprenticeship of the United States Department of Labor shall serve ex officio as a nonvoting member of the council. The Governor shall appoint to the council four members representing employee organizations and four members representing employer organizations. Each of these eight members shall represent industries that have registered apprenticeship programs. The Governor shall also appoint two public members who are knowledgeable about registered apprenticeship and apprenticeable occupations, *who are independent of any joint or nonjoint organization* ~~one of whom shall be recommended by joint organizations, and one of whom shall be recommended by nonjoint organizations~~. Members shall be appointed for 4-year staggered terms. A vacancy shall be filled for the remainder of the unexpired term.

Section 4. Subsections (5) and (6) are added to section 446.052, Florida Statutes, to read:

446.052 Preapprenticeship program.—

(5) The department shall collaborate with the Department of Economic Opportunity to identify, develop, and register preapprenticeship programs that are aligned with statewide demand for a skilled labor force in high-demand occupations and with regional workforce needs. Beginning in the 2015-2016 fiscal year, the department shall annually, by December 31, submit an accountability report, which must include information related to program usage, student demographics and performance outcomes, and program requirements for the existing apprenticeship and preapprenticeship programs and the development of new programs. The report must include regional information about program and student performance outcomes. The report must be submitted to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Higher Education Coordinating Council.

(6) The department shall post on its Internet website information regarding preapprenticeship programs, which must, at a minimum, include:

(a) Program admission requirements;

(b) Program standards and training requirements; and

(c) A summary of program and student performance outcomes.

Section 5. *Preapprenticeship and apprenticeship operational report.—(1) By December 31, 2015, the Department of Education, in collaboration with the Department of Economic Opportunity and CareerSource Florida, Inc., shall submit an operational report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Higher Education Coordinating Council providing:*

(a) A summary of the activities and coordination between the two agencies to identify, develop, register, and administer preapprenticeship and apprenticeship programs over the last 5 years.

(b) The strategies employed by the two agencies to engage school districts, Florida College System institutions, technical centers, businesses, and other stakeholders as partners in the workforce system to expand employment opportunities for individuals, including, but not limited to, those individuals with unique abilities, which must include work-based learning experiences, such as preapprenticeships and apprenticeships.

(c) Recommendations to maximize the resources of the two agencies to gain efficiency in program development, administration, and funding and make program governance changes to improve the delivery and management of preapprenticeship and apprenticeship programs based on workforce demands. These recommendations must take into account federal resources and must include any necessary or suggested changes to the programs ensuing from implementation of the Workforce Innovation and Opportunity Act of 2014 and related regulations.

(d) Recommendations and strategies for the two agencies to communicate effectively with employers in this state and ensure that employers have access to information and consultative services, at no cost to the employers, regarding sponsorship of demand-driven, registered preapprenticeship and apprenticeship programs and information about the availability of program students for employment.

(e) An evaluation of the feasibility of linking or incorporating, and of the resources necessary to link or incorporate, the Department of Education's website information on preapprenticeship and apprenticeship programs with the Department of Economic Opportunity and CareerSource Florida, Inc., workforce information system required under chapter 445, Florida Statutes.

(2) This section expires on July 1, 2016.

Section 6. Subsection (4) is added to section 446.081, Florida Statutes, to read:

446.081 Limitation.—

(4) Nothing in ss. 446.011-446.092 or the implementing rules in these sections shall operate to invalidate any special provision for veterans, minority persons, or women in the standards, qualifications, or operation of the apprenticeship program or in the apprenticeship agreement which is not otherwise prohibited by law, executive order, or authorized regulation.

Section 7. Section 446.091, Florida Statutes, is amended to read:

446.091 On-the-job training program.—All provisions of ss. 446.011-446.092 relating to apprenticeship and preapprenticeship, including, but not limited to, programs, agreements, standards, administration, procedures, definitions, expenditures, local committees, powers and duties, limitations, grievances, and ratios of apprentices and job trainees to *journeyworkers* ~~journeymen~~ on state, county, and municipal contracts, shall be appropriately adapted and made applicable to a program of on-the-job training authorized under those provisions for persons other than apprentices.

Section 8. Section 446.092, Florida Statutes, is amended to read:

446.092 Criteria for apprenticeship occupations.—An apprenticeable occupation is a skilled trade which possesses all of the following characteristics:

(1) It is customarily learned in a practical way through a structured, systematic program of on-the-job, supervised training.

(2) It is *clearly identified and* commonly recognized throughout *an* ~~the~~ industry*, and may be associated with a nationally recognized industry certification* ~~or recognized with a positive view towards changing technology~~.

(3) It involves manual, mechanical, or technical skills and knowledge which*, in accordance with the industry standard for the occupation,* require a minimum of 2,000 hours of *on-the-job* ~~work and~~ training, which hours are excluded from the time spent at related instruction.

(4) It requires related instruction to supplement on-the-job training. Such instruction may be given in a classroom*, through occupational or industrial courses,* or through correspondence courses *of equivalent value, including electronic media or other forms of self-study instruction approved by the department*.

~~(5) It involves the development of skill sufficiently broad to be applicable in like occupations throughout an industry, rather than of restricted application to the products or services of any one company.~~

~~(6) It does not fall into any of the following categories:~~

~~(a) Selling, retailing, or similar occupations in the distributive field.~~

~~(b) Managerial occupations.~~

~~(c) Professional and scientific vocations for which entrance requirements customarily require an academic degree.~~

Section 9. Section 1001.92, Florida Statutes, is created to read:

1001.92 State University System Performance-Based Incentive.—

(1) The State University System Performance-Based Incentive must be based on indicators of institutional attainment of performance metrics adopted by the Board of Governors. The performance-based funding metrics must include metrics that measure graduation and retention rates; degree production; affordability; postgraduation employment, salaries, or further education; student loan default rates; access; and any other metrics approved by the board.

(2) The Board of Governors shall evaluate the institutions' performance on the metrics based on benchmarks adopted by the board which measure the achievement of institutional excellence or improvement. The amount of funds available for allocation to the institutions each fiscal year based on the performance funding model is composed of the state investment in performance funding, plus an institutional investment consisting of funds to be redistributed from the base funding of the State University System, as determined in the General Appropriations Act. The state investment shall be distributed in accordance with the performance funding model. The institutional investment shall be restored for all institutions that meet the board's minimum performance threshold under the performance funding model. An institution that is one of the bottom three institutions is not eligible for the state investment. An institution that fails to meet the board's minimum performance funding threshold is not eligible for the state investment, shall have a portion of its institutional investment withheld, and shall submit an improvement plan to the board which specifies the activities and strategies for improving the institution's performance. The board shall review the improvement plan, and if approved, monitor the institution's progress in implementing the activities and strategies specified in the improvement plan. The Chancellor of the State University System shall withhold disbursement of the institutional investment until such time as the monitoring report for the institution is approved by the board. Any institution that fails to make satisfactory progress may not have its full institutional investment restored. If all funds are not restored, any remaining funds shall be redistributed to the top three scorers in accordance with the board's performance funding model. The ability of an institution to submit an improvement plan to the board is limited to 1 fiscal year. If an institution subject to an improvement plan fails to meet the board's minimum performance funding threshold during any future fiscal year, the institution's institutional investment will be withheld by the board and redistributed to the top three scorers in accordance with the board's performance funding model.

(3) By October 1 of each year, the Board of Governors shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report on the previous year's performance funding allocation which reflects the rankings and award distributions.

(4) The Board of Governors shall adopt a regulation to implement this section.

Section 10. Section 1002.385, Florida Statutes, is amended to read:

1002.385 Florida personal learning scholarship accounts.—

(1) ESTABLISHMENT OF PROGRAM.—The Florida Personal Learning Scholarship Accounts Program is established to provide the option for a parent to better meet the individual educational needs of his or her eligible child.

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

(a) "Approved provider" means a provider approved by the Agency for Persons with Disabilities, a health care practitioner as defined in s. 456.001(4), or a provider approved by the department pursuant to s. 1002.66. *The term also includes providers outside this state which are subject to similar regulation or approval requirements.*

(b) "Curriculum" means a complete course of study for a particular content area or grade level, including any required supplemental materials.

(c) "Department" means the Department of Education.

(d) "Disability" means, for a *3- or 4-year-old child or for a* student in kindergarten to grade 12, autism *spectrum disorder, as defined in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition*~~, as defined in s. 393.063(3)~~; cerebral palsy, as defined in s. 393.063(4); Down syndrome, as defined in s. 393.063(13); an intellectual disability, as defined in s. 393.063(21); Prader-Willi syndrome, as defined in s. 393.063(25); or spina bifida, as defined in s. 393.063(36); for a student in kindergarten, being a high-risk child, as defined in s. 393.063(20)(a); *muscular dystrophy;* and Williams syndrome.

(e) "Eligible nonprofit scholarship-funding organization" or "organization" *means a nonprofit scholarship-funding organization that is approved pursuant to s. 1002.395(2)(f). The organization must have a copy of its annual operational audit provided to the Commissioner of Education as required by this section* ~~has the same meaning as in s. 1002.395~~.

(f) "Eligible postsecondary educational institution" means a Florida College System institution*;*~~,~~ a state university*;*~~,~~ a school district technical center*;*~~,~~ a school district adult general education center*; an independent college or university that is eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant Program under s. 1009.89;*~~,~~ or an accredited *independent* ~~nonpublic~~ postsecondary educational institution, as defined in s. 1005.02, which is licensed to operate in the state pursuant to requirements specified in part III of chapter 1005.

(g) "Eligible private school" means a private school, as defined in s. 1002.01, which is located in this state, which offers an education to students in any grade from kindergarten to grade 12, and which meets *the* requirements of:

1. Sections 1002.42 and 1002.421; and

2. A scholarship program under s. 1002.39 or s. 1002.395~~, as applicable, if the private school participates in a scholarship program under s. 1002.39 or s. 1002.395~~.

(h) "IEP" means individual education plan.

(i) "Parent" means a resident of this state who is a parent, as defined in s. 1000.21.

(j) "Program" means the Florida Personal Learning Scholarship Accounts Program established in this section.

(3) PROGRAM ELIGIBILITY.—A parent of a student with a disability may request and receive from the state a Florida personal learning scholarship account for the purposes specified in subsection (5) if:

(a) The student:

1. Is a resident of this state;

2. Is *or will be 3 or 4 years old on or before September 1 of the year in which the student applies for program participation, or is* eligible to enroll in kindergarten through grade 12 in a public school in this state;

3. Has a disability as defined in paragraph (2)(d); and

4. Is the subject of an IEP written in accordance with rules of the State Board of Education or has received a diagnosis of a disability ~~as defined in subsection (2)~~ from a physician who is licensed under chapter 458 or chapter 459 or a psychologist who is licensed *under chapter 490* ~~in this state~~.

(b) Beginning January 2015, *and each year thereafter, the following application deadlines and guidelines are met:*

1. The parent of a student seeking program renewal must submit a completed application to an organization for renewal by February 1 before the school year in which the student wishes to participate.

2. The parent of a student seeking initial approval to participate in the program must submit a completed application to an organization by June 30 before the school year in which the student wishes to participate.

3. The parent of a student seeking approval to participate in the program who does not comply with the requirements of subparagraph 1. or subparagraph 2. may late file a completed application by August 15 before the school year in which the student wishes to participate.

4. A parent must submit final verification to the organization before the organization opens a personal learning scholarship account for the student. The final verification must consist of only the following items that apply to the student:

a. A completed withdrawal form from the school district if the student was enrolled in a public school before the determination of program eligibility;

b. A letter of admission or enrollment from an eligible private school for the school year in which the student wishes to participate;

c. A copy of the notice of the parent's intent to establish and maintain a home education program required by s. 1002.41(1)(a), or a copy of the district school superintendent's review of the annual educational evaluation of the student in a home education program required by s. 1002.41(2); or

d. A copy of notification from a private school that the student has withdrawn from the John M. McKay Scholarships for Students with Disabilities Program or the Florida Tax Credit Scholarship Program.

5. A parent's completed application and final verification submitted pursuant to this paragraph ~~the parent has applied to an eligible nonprofit scholarship-funding organization to participate in the program by February 1 before the school year in which the student will participate or an alternative date as set by the organization for any vacant, funded slots. The request~~ must be communicated directly to the organization in a manner that creates a written or electronic record *including* ~~of the request and~~ the date of receipt ~~of the request~~. The organization shall notify the district and the department of the parent's intent upon receipt of the parent's *completed application and final verification* ~~request~~. *The completed application must include, but is not limited to, an application; required documentation and forms; an initial or revised matrix of services, if requested; and any additional information or documentation required by the organization or by State Board of Education rule.*

(4) PROGRAM PROHIBITIONS.—

(a) A student is not eligible for the program while he or she is:

1. Enrolled in a public school, including, but not limited to, the Florida School for the Deaf and the Blind; the Florida Virtual School; the College-Preparatory Boarding Academy; a developmental research school authorized under s. 1002.32; a charter school authorized under s. 1002.33, s. 1002.331, or s. 1002.332; or a virtual education program authorized under s. 1002.45;

2. *Enrolled in the Voluntary Prekindergarten Education Program authorized under part V of this chapter;*

3. Enrolled in a school operating for the purpose of providing educational services to youth in the Department of Juvenile Justice commitment programs;

4.~~3.~~ Receiving a scholarship pursuant to the Florida Tax Credit Scholarship Program under s. 1002.395 or the John M. McKay Scholarships for Students with Disabilities Program under s. 1002.39; or

5.~~4.~~ Receiving any other educational scholarship pursuant to this chapter.

For purposes of subparagraph 1., a 3- or 4-year-old child who receives services that are funded through the Florida Education Finance Program is considered to be a student enrolled in a public school.

(b) A student is not eligible for the program if:

1. The student or student's parent has accepted any payment, refund, or rebate, in any manner, from a provider of any services received pursuant to subsection (5);

2. The student's participation in the program*, or receipt or expenditure of program funds,* has been denied or revoked by the commissioner ~~of Education pursuant to subsection (10)~~; ~~or~~

3. The student's parent has forfeited participation in the program for failure to comply with requirements pursuant to subsection (11)*; or*

4. The student's application for program eligibility has been denied by an organization.

(5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds may be spent *if used to support the student's educational needs,* for the following purposes:

(a) Instructional materials, including digital devices, digital periphery devices, and assistive technology devices that allow a student to access instruction or instructional content *and training on the use of and maintenance agreements for these devices*.

(b) Curriculum as defined in paragraph (2)(b).

(c) Specialized services by approved providers that are selected by the parent. These specialized services may include, but are not limited to:

1. Applied behavior analysis services as provided in ss. 627.6686 and 641.31098.

2. Services provided by speech-language pathologists as defined in s. 468.1125.

3. Occupational therapy services as defined in s. 468.203.

4. Services provided by physical therapists as defined in s. 486.021.

5. Services provided by listening and spoken language specialists and an appropriate acoustical environment for a child who is deaf or hard of hearing and who has received an implant or assistive hearing device.

Specialized services outside this state are authorized under this paragraph if the services are subject to similar regulation or approval requirements.

(d) Enrollment in, or tuition or fees associated with enrollment in, an eligible private school, an eligible postsecondary educational institution *or a program offered by the institution*, a private tutoring program authorized under s. 1002.43, a virtual program offered by a department-approved private online provider that meets the provider qualifications specified in s. 1002.45(2)(a), the Florida Virtual School as a private paying student, or an approved online course offered pursuant to s. 1003.499 or s. 1004.0961.

(e) Fees for nationally standardized, norm-referenced achievement tests, Advanced Placement Examinations, industry certification examinations, assessments related to postsecondary education, or other assessments.

(f) Contributions to the Stanley G. Tate Florida Prepaid College Program pursuant to s. 1009.98 *or the Florida College Savings Program pursuant to s. 1009.981*, for the benefit of the eligible student. *The Florida Prepaid College Board shall, by the dates specified in ss. 1009.98 and 1009.981, create and have effective procedures to allow program funds to be used in conjunction with other funds used by the parent in the purchase of a prepaid college plan or a college savings plan; require program funds to be tracked and accounted for separately from other funds contributed to a prepaid college plan or a college savings plan; require program funds and associated interest to be reverted as specified in this section; and require program funds to be used only after private payments have been used for prepaid college plan or college savings plan expenditures. The organization shall enter into a contract with the Florida Prepaid College Board to enable the board to establish mechanisms to implement this section, including, but not limited to, identifying the source of funds being deposited in these plans. A qualified or designated beneficiary may not be changed while these plans contain funds contributed from this section.*

(g) Contracted services provided by a public school or school district, including classes. A student who receives services under a contract under this paragraph is not considered enrolled in a public school for eligibility purposes as specified in subsection (4).

(h) Tuition and fees for part-time tutoring services provided by a person who holds a valid Florida educator's certificate pursuant to s. 1012.56; a person who holds an adjunct teaching certificate pursuant to s. 1012.57; or a person who has demonstrated a mastery of subject area knowledge pursuant to s. 1012.56(5). The term "part-time tutoring services" as used in this paragraph does not meet the definition of the term "regular school attendance" in s. 1003.01(13)(e).

(i) Fees for specialized summer education programs.

(j) Fees for specialized after-school education programs.

(k) Transition services provided by job coaches.

(l) Fees for an annual evaluation of educational progress by a state-certified teacher, if this option is chosen for a home education student pursuant to s. 1002.41(1)(c)1.

A specialized service provider, eligible private school, eligible postsecondary educational institution, private tutoring program provider, online or virtual program provider, public school, school district, or other entity receiving payments pursuant to this subsection may not share, refund, or rebate any moneys from the Florida personal learning scholarship account with the parent or participating student in any manner.

(6) TERM OF THE PROGRAM.—For purposes of continuity of educational choice *and program integrity:*~~,~~

(a) The program payments made *by the state to an organization for a personal learning scholarship account* under this section shall *continue* ~~remain in force~~ until *the parent does not renew program eligibility; the organization determines a student is not eligible for program renewal; the commissioner denies, suspends, or revokes program participation or use of funds; or* a student *enrolls in* ~~participating in the program participates in any of the prohibited activities specified in subsection (4), has funds revoked by the Commissioner of Education pursuant to subsection (10), returns to~~ a public school *or in the Voluntary Prekindergarten Education Program*, graduates from high school, or attains 22 years of age, whichever occurs first. ~~A participating student who enrolls in a public school or public school program is considered to have returned to a public school for the purpose of determining the end of the program's term.~~

(b) Program expenditures by the parent from the program account are authorized until a student's personal learning scholarship account is closed pursuant to paragraph (c).

(c) A student's personal learning scholarship account shall be closed, and any remaining funds, including accrued interest or contributions made using program funds pursuant to paragraph (5)(f), shall revert to the state upon:

1. The eligible student no longer being enrolled in an eligible postsecondary educational institution or a program offered by the institution;

2. Denial or revocation of program eligibility by the commissioner;

3. Denial of program application by an organization; or

4. After any period of 4 consecutive years after high school completion or graduation in which the student is not enrolled in an eligible postsecondary educational institution or a program offered by the institution.

The commissioner must notify the parent and organization of any reversion determination.

(7) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—

(a)1. For a student with a disability who does not have a matrix of services under s. 1011.62(1)(e)*, or who wants a revised matrix of services,* and for whom the parent requests a *new or revised* matrix of services, the school district must complete a matrix that assigns the student to one of the levels of service as they existed before the 2000-2001 school year.

2.a. Within 10 *calendar* ~~school~~ days after a school district receives notification of a parent's request for completion of a matrix of services, the school district must notify the student's parent if the matrix of services has not been completed and inform the parent that the district is required to complete the matrix within 30 days after receiving notice of the parent's request for the matrix of services. This notice must include the required completion date for the matrix.

b. The school district shall complete the matrix of services for a student whose parent has made a request. The school district must provide the student's parent*, the organization, and the department* with the student's matrix level within 10 *calendar* ~~school~~ days after its completion.

c. The department shall notify the parent and the ~~eligible nonprofit scholarship funding~~ organization of the amount of the funds awarded within 10 days after receiving the school district's notification of the student's matrix level.

d. A school district may change a matrix of services only if the change is to correct a technical, typographical, or calculation error*, except that a parent may annually request a matrix reevaluation for each student participating in the program pursuant to paragraph (12)(h)*.

(b) For each student participating in the program who chooses to participate in statewide, standardized assessments under s. 1008.22 or the Florida Alternate Assessment, the school district in which the student resides must notify the student and his or her parent about the locations and times to take all statewide, standardized assessments.

~~(c) For each student participating in the program, a school district shall notify the parent about the availability of a reevaluation at least every 3 years.~~

(8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible private school may be sectarian or nonsectarian and shall:

(a) Comply with all requirements for private schools participating in state school choice scholarship programs pursuant to s. 1002.421. *To participate in the program, a private school must submit to the department a notification for eligibility to participate in its application for the John M. McKay Scholarships for Students with Disabilities and Florida Tax Credit Scholarship programs identified in ss. 1002.39 and 1002.395.*

(b) Provide to the *department and* ~~eligible nonprofit scholarship funding~~ organization, upon request, all documentation required for the student's participation, including the private school's and student's fee schedules.

(c) Be academically accountable to the parent for meeting the educational needs of the student by:

1. At a minimum, annually providing to the parent a written explanation of the student's progress.

2. Annually administering or making provision for students participating in the program in grades 3 through 10 to take one of the nationally norm-referenced tests identified by the *State Board* ~~Department~~ of Education or the statewide assessments pursuant to s. 1008.22. Students with disabilities for whom standardized testing is not appropriate are exempt from this requirement. A participating private school shall report a student's scores to the parent.

3. Cooperating with the scholarship student whose parent chooses to have the student participate in the statewide assessments pursuant to s. 1008.22 or, if a private school chooses to offer the statewide assessments, administering the assessments at the school.

a. A participating private school may choose to offer and administer the statewide assessments to all students who attend the private school in grades 3 through 10.

b. A participating private school shall submit a request in writing to the Department of Education by March 1 of each year in order to administer the statewide assessments in the subsequent school year.

(d) Employ or contract with teachers who have regular and direct contact with each student receiving a scholarship under this section at the school's physical location.

(e) Annually contract with an independent certified public accountant to perform the agreed-upon procedures developed under *s. 1002.395(6)(o)* ~~s. 1002.395(6)(n)~~ and produce a report of the results if the private school receives more than $250,000 in funds from scholarships awarded under this section in the 2014-2015 state fiscal year or a state fiscal year thereafter. A private school subject to this paragraph must submit the report by September 15, 2015, and annually thereafter to the ~~scholarship funding~~ organization that awarded the majority of the school's scholarship funds. The agreed-upon procedures must be conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants.

The inability of a private school to meet the requirements of this subsection constitutes a basis for the ineligibility of the private school to participate in the program as determined by the *commissioner* ~~department~~.

(9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department shall:

(a) Maintain a list of approved providers *pursuant to s. 1002.66, and eligible postsecondary educational institutions, eligible private schools, and organizations on its website. The department may identify or provide links to lists of other approved providers on its website*.

(b) Require each ~~eligible nonprofit scholarship funding~~ organization to *preapprove* ~~verify eligible~~ expenditures *to be* ~~before the distribution of funds for any expenditures~~ made pursuant to paragraphs (5)(a) and (b). Review of expenditures made for services in paragraphs *(5)(c)-(h) must* ~~(5)(c) (g) may~~ be completed after the *purchase* ~~payment~~ has been made.

(c) Investigate any written complaint of a violation of this section *by a parent, student, private school, public school or school district, organization, provider, or other appropriate party* in accordance with the process established by s. 1002.395(9)(f).

(d) Require *annually by December 1* ~~quarterly~~ reports by an ~~eligible nonprofit scholarship funding~~ organization*, which must include, but need not be limited to,* ~~regarding~~ the number of students participating in the program, *demographics of program participants; disability category; matrix level of services, if known; award amount per student; total expenditures for the categories in subsection (5); and* the *types of* providers of services to students~~, and other information deemed necessary by the department~~.

(e) Compare the list of students participating in the program with the public school *student* enrollment lists *and the list of students participating in school choice scholarship programs established pursuant to this chapter, throughout the school year,* ~~before each program payment~~ to avoid duplicate payments *and confirm program eligibility*.

(10) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—

(a) The Commissioner of Education:

1. Shall deny, suspend, or revoke a student's participation in the program if the health, safety, or welfare of the student is threatened or fraud is suspected.

2. Shall deny, suspend, or revoke an authorized use of program funds if the health, safety, or welfare of the student is threatened or fraud is suspected.

3. May ~~deny,~~ suspend~~, or revoke an~~ authorized use of program funds for material failure to comply with this section and applicable *State Board of Education* ~~department~~ rules if the noncompliance is correctable within a reasonable period of time. Otherwise, the commissioner shall deny~~, suspend,~~ or revoke ~~an~~ authorized use for failure to materially comply with the law and rules adopted under this section.

4. Shall require compliance by the appropriate party by a date certain for all nonmaterial failures to comply with this section and applicable *State Board of Education* ~~department~~ rules.

5. Notwithstanding the other provisions of this section, the commissioner may deny, suspend, or revoke program participation *or use of program funds by the student; or participation or eligibility of an organization, eligible private school, eligible postsecondary educational institution, approved provider, or other appropriate party for a violation of this section. The commissioner may determine the length of, and conditions for lifting, the suspension or revocation specified in this paragraph. The length of suspension or revocation may not exceed 5 years, except for instances of fraud, in which case the length of suspension or revocation may not exceed 10 years. The commissioner may employ mechanisms allowed by law to recover unexpended program funds or withhold payment of an equal amount of program funds to recover program funds that were not authorized for use* ~~under this section thereafter~~.

6. Shall deny or terminate program participation upon a parent's forfeiture of a personal learning scholarship account pursuant to subsection (11).

(b) In determining whether to deny, suspend, ~~or~~ revoke*, or lift a suspension or revocation,* in accordance with this subsection, the commissioner may consider factors that include, but are not limited to, acts or omissions *that* ~~by a participating entity which~~ led to a previous denial*, suspension,* or revocation of participation in *a state or federal program or* an education scholarship program; failure to reimburse the ~~eligible nonprofit scholarship-funding~~ organization for ~~program~~ funds improperly received or retained ~~by the entity~~; *failure to reimburse government funds improperly received or retained;* imposition of a prior criminal sanction related to the *person or* entity or its officers or employees; imposition of a civil fine or administrative fine, license revocation or suspension, or program eligibility suspension, termination, or revocation related to *a person's or* ~~an~~ entity's management or operation; or other types of criminal proceedings in which *the person or* ~~the~~ entity or its officers or employees were found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense involving fraud, deceit, dishonesty, or moral turpitude.

(11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM PARTICIPATION.—A parent who applies for program participation under this section is exercising his or her parental option to determine the appropriate placement or the services that best meet the needs of his or her child. The scholarship award for a student is based on a matrix that assigns the student to support Level III services. If a parent chooses to request and receive an IEP and a matrix of services from the school district, the amount of the payment shall be adjusted as needed, when the school district completes the matrix.

(a) To *satisfy or maintain program eligibility, including, but not limited to, eligibility to receive program payments and expend program payments* ~~enroll an eligible student in the program~~, the parent must sign an agreement with the ~~eligible nonprofit scholarship-funding~~ organization and annually submit a notarized, sworn compliance statement to the organization to:

1. Affirm that the student is enrolled in a program that meets regular school attendance requirements as provided in s. 1003.01(13)(b)-(d).

2. *Affirm that* ~~Use~~ the program funds *are used* only for authorized purposes *serving the student's educational needs*, as described in subsection (5).

3. Affirm that the student takes all appropriate standardized assessments as specified in this section.

a. If the parent enrolls the child in an eligible private school, the student must take an assessment selected by the private school pursuant to s. 1002.395(7)(e) *or, if requested by the parent, the statewide, standardized assessments pursuant to s. 1002.39(8)(c)2. and (9)(e)*.

b. If the parent enrolls the child in a home education program, the parent may choose to participate in an assessment as part of the annual evaluation provided for in s. 1002.41(1)(c).

4. Notify the school district that the student is participating in the *program* ~~Personal Learning Scholarship Accounts~~ if the parent chooses to enroll in a home education program as provided in s. 1002.41.

5. *File a completed application for initial program participation with an organization* ~~Request participation in the program~~ by the *dates* ~~date~~ established *pursuant to this section* ~~by the eligible nonprofit scholarship-funding organization~~.

6. Affirm that the student remains in good standing with the *entities identified in paragraph (5)(d), paragraph (5)(g), or paragraph (5)(h)* ~~provider or school~~ if those options are selected by the parent.

7. Apply for admission of his or her child if the private school option is selected by the parent.

8. Annually *file a completed application to* renew participation in the program *if renewal is desired by the parent*. Notwithstanding any changes to the student's IEP, a student who was previously eligible for participation in the program shall remain eligible to apply for renewal ~~as provided in subsection (6)~~. *However, in order for a high-risk child to continue to participate in the program in the school year after he or she reaches 6 years of age, the child's completed application for renewal of program participation must contain documentation that the child has a disability defined in paragraph (2)(d) other than high-risk status.*

9. Affirm that the parent *is prohibited from transferring and* will not transfer any *prepaid* college *plan or college* savings *plan* funds *contributed pursuant to paragraph (5)(f)* to another beneficiary *while the plan contains funds contributed pursuant to this section*.

10. Affirm that the parent will not take possession of any funding provided by the state for the *program* ~~Florida Personal Learning Scholarship Accounts~~.

11. *Affirm that the parent will* maintain a portfolio of records and materials which must be preserved ~~by the parent~~ for 2 years and be made available for inspection by the *organization, the department, or the* district school superintendent or the superintendent's designee upon 15 days' written notice. This paragraph does not require *inspection of* ~~the superintendent to inspect~~ the portfolio. The portfolio of records and materials must consist of:

a. A log of educational instruction and services which is made contemporaneously with delivery of the instruction and services and which designates by title any reading materials used; ~~and~~

b. Samples of any writings, worksheets, workbooks, or creative materials used or developed by the student*; and*

c. Other records, documents, or materials required by the organization or specified by the department in rule, to facilitate program implementation.

(b) The parent is responsible for procuring the services necessary to educate the student. When the student receives a personal learning scholarship account, the district school board is not obligated to provide the student with a free appropriate public education. For purposes of s. 1003.57 and the Individuals with Disabilities in Education Act, a participating student has only those rights that apply to all other unilaterally parentally placed students, except that, when requested by the parent, school district personnel must develop an individual education plan or matrix level of services.

(c) The parent is responsible for ~~the payment of~~ all eligible expenses in excess of the amount of the personal learning scholarship account ~~in accordance with the terms agreed to between the parent and the providers~~.

A parent who fails to comply with this subsection forfeits the personal learning scholarship account.

(12) ADMINISTRATION OF PERSONAL LEARNING SCHOLARSHIP ACCOUNTS.—An ~~eligible nonprofit scholarship-funding~~ organization ~~participating in the Florida Tax Credit Scholarship Program established under s. 1002.395~~ may establish personal learning scholarship accounts for eligible students*, in accordance with the deadlines established in this section,* by:

(a) Receiving *completed* applications and *final verification and* determining student eligibility in accordance with the requirements of this section. *For initial program participation, preference must first be provided to students retained on a wait list created by the organization in the order that completed applications are approved* ~~The organization shall notify the department of the applicants for the program by March 1 before the school year in which the student intends to participate~~. When *a completed* ~~an~~ application *and final verification are* ~~is~~ received *and approved*, the ~~scholarship-funding~~ organization must provide the department with information on the student to enable the department to report the student for funding in *an amount determined in* accordance with subsection (13).

(b) Notifying parents of their receipt of a scholarship on a first-come, first-served basis*, after approving the completed application and confirming receipt of the parent's final verification,* based upon the funds provided for this program in the General Appropriations Act.

(c) Establishing a date *pursuant to paragraph (3)(b)* by which a parent must confirm initial or continuing participation in the program and confirm the establishment or continuance of a personal learning scholarship account.

(d) Establishing a date and process *pursuant to paragraph (3)(b)* by which *completed applications may be approved and* students on the wait list or late-filing applicants may be allowed to participate in the program during the school year, within the amount of funds provided for this program in the General Appropriations Act*. The process must allow timely filed completed applications to take precedence before late-filed completed applications for purposes of creating a wait list for participation in the program*.

(e) Establishing and maintaining separate accounts for each eligible student*. For each account, the organization must maintain a record of interest accrued that is retained in the student's account and available only for authorized program expenditures*.

(f) Verifying qualifying *educational* expenditures pursuant to the requirements of *subsection (5)* ~~paragraph (8)(b)~~.

(g) Returning any *remaining program* ~~unused~~ funds *pursuant to paragraph (6)(c)* to the department when the student is no longer *authorized to expend program funds. The organization may reimburse a parent for authorized program expenditures made during the fiscal year before funds are deposited in the student's* ~~eligible for a personal scholarship learning~~ account.

(h) Annually notifying the parent about the availability of and the requirements associated with requesting an initial matrix or matrix reevaluation annually for each student participating in the program.

(13) FUNDING AND PAYMENT.—

(a)1. The maximum funding amount granted for an eligible student with a disability, pursuant to *this section* ~~subsection (3)~~, shall be equivalent to the base student allocation in the Florida Education Finance Program multiplied by the appropriate cost factor for the educational program which would have been provided for the student in the district school to which he or she would have been assigned, multiplied by the district cost differential.

2. In addition, an amount equivalent to a share of the guaranteed allocation for exceptional students in the Florida Education Finance Program shall be determined and added to the amount in subparagraph 1. The calculation shall be based on the methodology and the data used to calculate the guaranteed allocation for exceptional students for each district in chapter 2000-166, Laws of Florida. Except as provided in subparagraph 3., the calculation shall be based on the student's grade, the matrix level of services, and the difference between the 2000-2001 basic program and the appropriate level of services cost factor, multiplied by the 2000-2001 base student allocation and the 2000-2001 district cost differential for the sending district. The calculated amount must also include an amount equivalent to the per-student share of supplemental academic instruction funds, instructional materials funds, technology funds, and other categorical funds as provided in the General Appropriations Act.

3. Except as otherwise provided, the calculation for all students participating in the program shall be based on the matrix that assigns the student to support Level III of services. If a parent chooses to request and receive a matrix of services from the school district, when the school district completes the matrix, the amount of the payment shall be adjusted as needed.

(b) The amount of the awarded funds shall be 90 percent of the calculated amount. *One hundred percent of the funds appropriated for this program shall be released in the first quarter of each fiscal year. Accrued interest is in addition to, and not part of, the awarded funds. Program funds include both the awarded funds and the accrued interest.*

~~(c) Upon an eligible student's graduation from an eligible postsecondary educational institution or after any period of 4 consecutive years after high school graduation in which the student is not enrolled in an eligible postsecondary educational institution, the student's personal learning scholarship account shall be closed, and any remaining funds shall revert to the state.~~

(c)~~(d)~~ The ~~eligible nonprofit scholarship-funding~~ organization shall develop a system for payment of benefits by ~~electronic~~ funds transfer, including, but not limited to, debit cards, electronic payment cards, or any other means of ~~electronic~~ payment that the department deems to be commercially viable or cost-effective. Commodities or services related to the development of such a system shall be procured by competitive solicitation unless they are purchased from a state term contract pursuant to s. 287.056.

(d) An eligible nonprofit scholarship-funding organization may use up to 3 percent of the total amount of payments received during the state fiscal year for administrative expenses if the organization has operated as an nonprofit scholarship-funding organization for at least 3 fiscal years and did not have any findings of material weakness or material noncompliance in its most recent audit under s. 1002.395(6)(m). Such administrative expenses must be reasonable and necessary for the organization's management and distribution of scholarships under this section. Funds authorized under this paragraph may not be used for lobbying or political activity or expenses related to lobbying or political activity. If an eligible nonprofit scholarship-funding organization charges an application fee for a scholarship, the application fee must be immediately refunded to the person who paid the fee if the student is determined ineligible for the program or placed on a wait list. The administrative fee may not be deducted from any scholarship funds, but may be provided for in the General Appropriations Act. An application fee may not be deducted from any scholarship funds.

(e) Moneys received pursuant to this section do not constitute taxable income to the *student or* parent of the qualified student.

(14) OBLIGATIONS OF THE AUDITOR GENERAL.—

(a) The Auditor General shall conduct an annual ~~financial and~~ operational audit of accounts and records of each ~~eligible scholarship-funding~~ organization that participates in the program. As part of this audit, the Auditor General shall verify, at a minimum, the total amount of students served and eligibility of reimbursements made by each ~~eligible nonprofit scholarship-funding~~ organization and transmit that information to the department.

(b) The Auditor General shall notify the department of any ~~eligible nonprofit scholarship-funding~~ organization that fails to comply with a request for information.

(c) The Auditor General shall provide the Commissioner of Education with a copy of each annual operational audit performed pursuant to this subsection within 10 days after each audit is finalized.

(15) OBLIGATIONS RELATED TO APPROVED PROVIDERS.—The Department of Health, the Agency for Persons with Disabilities, and

the Department of Education shall work with an ~~eligible nonprofit scholarship-funding~~ organization for easy or automated access to lists of licensed providers of services specified in paragraph (5)(c) to ensure efficient administration of the program.

(16) LIABILITY.—The state is not liable for the award or any use of awarded funds under this section.

(17) SCOPE OF AUTHORITY.—This section does not expand the regulatory authority of this state, its officers, or any school district to impose additional regulation on participating private schools, *independent* ~~nonpublic~~ postsecondary educational institutions, and private providers beyond those reasonably necessary to enforce requirements expressly set forth in this section.

(18) REPORTS.—The department shall, by February 1 of each year, provide an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives regarding the effectiveness of the Florida Personal Learning Scholarship Accounts Program. The report must address the scope and size of the program, with regard to participation and other related data, and analyze the effectiveness of the program pertaining to cost, education, and therapeutic services.

(19)~~(18)~~ RULES.—The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section.

(20)~~(19)~~ IMPLEMENTATION SCHEDULE FOR THE 2014-2015 SCHOOL YEAR.—Notwithstanding the provisions of this section related to notification and eligibility timelines, an ~~eligible nonprofit scholarship-funding~~ organization may enroll parents on a rolling schedule on a first-come, first-served basis, within the amount of funds provided in the General Appropriations Act. *This subsection is repealed July 1, 2015*.

Section 11. Paragraph (j) of subsection (6) and paragraphs (a) and (b) of subsection (16) of section 1002.395, Florida Statutes, are amended to read:

1002.395 Florida Tax Credit Scholarship Program.—

(6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS.—An eligible nonprofit scholarship-funding organization:

(j)1. May use up to 3 percent of eligible contributions received during the state fiscal year in which such contributions are collected for administrative expenses if the organization has operated *as an eligible nonprofit scholarship-funding organization* ~~under this section~~ for at least 3 ~~state~~ fiscal years and did not have any ~~negative financial~~ findings *of material weakness or material noncompliance* in its most recent audit under paragraph (m). Such administrative expenses must be reasonable and necessary for the organization's management and distribution of eligible contributions under this section. No funds authorized under this subparagraph shall be used for lobbying or political activity or expenses related to lobbying or political activity. Up to one-third of the funds authorized for administrative expenses under this subparagraph may be used for expenses related to the recruitment of contributions from taxpayers. If an eligible nonprofit scholarship-funding organization charges an application fee for a scholarship, the application fee must be immediately refunded to the person that paid the fee if the student is not enrolled in a participating school within 12 months.

2. Must expend for annual or partial-year scholarships an amount equal to or greater than 75 percent of the net eligible contributions remaining after administrative expenses during the state fiscal year in which such contributions are collected. No more than 25 percent of such net eligible contributions may be carried forward to the following state fiscal year. All amounts carried forward, for audit purposes, must be specifically identified for particular students, by student name and the name of the school to which the student is admitted, subject to the requirements of ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, and the applicable rules and regulations issued pursuant thereto. Any amounts carried forward shall be expended for annual or partial-year scholarships in the following state fiscal year. Net eligible contributions remaining on June 30 of each year that are in excess of the 25 percent that may be carried forward shall be returned to the State Treasury for deposit in the General Revenue Fund.

3. Must, before granting a scholarship for an academic year, document each scholarship student's eligibility for that academic year. A scholarship-funding organization may not grant multiyear scholarships in one approval process.

Information and documentation provided to the Department of Education and the Auditor General relating to the identity of a taxpayer that provides an eligible contribution under this section shall remain confidential at all times in accordance with s. 213.053.

(16) NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS; APPLICATION.—In order to participate in the scholarship program created under this section, a charitable organization that seeks to be a nonprofit scholarship-funding organization must submit an application for initial approval or renewal to the Office of Independent Education and Parental Choice no later than September 1 of each year before the school year for which the organization intends to offer scholarships.

(a) An application for initial approval must include:

1. A copy of the organization's incorporation documents and registration with the Division of Corporations of the Department of State.

2. A copy of the organization's Internal Revenue Service determination letter as a s. 501(c)(3) not-for-profit organization.

3. A description of the organization's financial plan that demonstrates sufficient funds to operate throughout the school year.

4. A description of the geographic region that the organization intends to serve and an analysis of the demand and unmet need for eligible students in that area.

5. The organization's organizational chart.

6. A description of the criteria and methodology that the organization will use to evaluate scholarship eligibility.

7. A description of the application process, including deadlines and any associated fees.

8. A description of the deadlines for attendance verification and scholarship payments.

9. A copy of the organization's policies on conflict of interest and whistleblowers.

10. A copy of a surety bond or letter of credit in an amount equal to 25 percent of the scholarship funds anticipated for each school year or $100,000, whichever is greater*, specifying that any claim against the bond or letter of credit may be made only by an eligible nonprofit scholarship-funding organization to provide scholarships to and on behalf of students who would have had scholarships funded but for the diversion of funds giving rise to the claim against the bond or letter of credit*.

(b) In addition to the information required by subparagraphs (a)1.-9., an application for renewal must include:

1. A surety bond or letter of credit equal to the amount of undisbursed donations held by the organization based on the annual report submitted pursuant to paragraph (6)(m). The amount of the surety bond or letter of credit must be at least $100,000, but not more than $25 million*, specifying that any claim against the bond or letter of credit may be made only by an eligible nonprofit scholarship-funding organization to provide scholarships to and on behalf of students who would have had scholarships funded but for the diversion of funds giving rise to the claim against the bond or letter of credit*.

2. The organization's completed Internal Revenue Service Form 990 submitted no later than November 30 of the year before the school year that the organization intends to offer the scholarships, notwithstanding the September 1 application deadline.

3. A copy of the statutorily required audit to the Department of Education and Auditor General.

4. An annual report that includes:

a. The number of students who completed applications, by county and by grade.

b. The number of students who were approved for scholarships, by county and by grade.

c. The number of students who received funding for scholarships within each funding category, by county and by grade.

d. The amount of funds received, the amount of funds distributed in scholarships, and an accounting of remaining funds and the obligation of those funds.

e. A detailed accounting of how the organization spent the administrative funds allowable under paragraph (6)(j).

Section 12. Paragraph (z) is added to subsection (4) of section 1009.971, Florida Statutes, to read:

1009.971 Florida Prepaid College Board.—

(4) FLORIDA PREPAID COLLEGE BOARD; POWERS AND DUTIES.—The board shall have the powers and duties necessary or proper to carry out the provisions of ss. 1009.97-1009.984, including, but not limited to, the power and duty to:

(z) Adopt rules governing:

1. The purchase and use of a prepaid college plan authorized under s. 1009.98 or a college savings plan authorized under s. 1009.981 for the Florida Personal Learning Scholarship Accounts Program pursuant to ss. 1002.385, 1009.98, and 1009.981.

2. The use of a prepaid college plan authorized under s. 1009.98 or a college savings plan authorized under s. 1009.981 for postsecondary education programs for students with disabilities.

Section 13. Subsection (11) is added to section 1009.98, Florida Statutes, to read:

1009.98 Stanley G. Tate Florida Prepaid College Program.—

(11) IMPLEMENTATION PROCEDURES.—

(a) Notwithstanding any other provision in this section, a prepaid college plan may be purchased, accounted for, used, and terminated as provided in s. 1002.385. By September 1, 2015, the board shall develop procedures, contracts, and any other required forms or documentation necessary to fully implement this subsection. The board shall enter into a contract with an organization pursuant to s. 1002.385 to enable the board to establish mechanisms to implement this subsection, including, but not limited to, identifying the source of funds being deposited into a prepaid college plan. A qualified beneficiary may not be changed while a prepaid college plan contains funds contributed from s. 1002.385.

(b) A qualified beneficiary may apply the benefits of an advance payment contract toward the program fees of a program designed for students with disabilities conducted by a state postsecondary institution. A transfer authorized under this subsection may not exceed the redemption value of the advance payment contract at a state postsecondary institution or the number of semester credit hours contracted on behalf of a qualified beneficiary.

Section 14. Subsection (10) is added to section 1009.981, Florida Statutes, to read:

1009.981 Florida College Savings Program.—

(10) IMPLEMENTATION PROCEDURES.—

(a) Notwithstanding any other provision in this section, a college savings plan may be purchased, accounted for, used, and terminated as provided in s. 1002.385. By September 1, 2015, the board shall develop procedures, contracts, and any other required forms or documentation necessary to fully implement this subsection. The board shall enter into a contract with an organization pursuant to s. 1002.385 to enable the board to establish mechanisms to implement this subsection, including, but not limited to, identifying the source of funds being deposited into a college savings plan. A designated beneficiary may not be changed while a college savings plan contains funds contributed from s. 1002.385.

(b) A designated beneficiary may apply the benefits of a participation agreement toward the program fees of a program designed for students with disabilities conducted by a state postsecondary institution.

Section 15. *The Department of Education shall adopt rules to implement s. 1002.385, Florida Statutes.*

(1) Such rules must be effective by August 1, 2015, and must include, but need not be limited to:

(a) Establishing procedures concerning the student, organization, eligible private school, eligible postsecondary educational institution, or other appropriate party to participate in the program, including approval, suspension, and termination of eligibility;

(b) Establishing uniform forms for use by organizations for parents and students;

(c) Approving providers pertaining to the Florida K-20 Education Code;

(d) Incorporating program participation in existing private school scholarship program applications, including, but not limited to, ensuring that the process for obtaining eligibility under s. 1002.385, Florida Statutes, is as administratively convenient as possible for a private school;

(e) Establishing a matrix of services calculations and timelines, so that the initial and revised matrix is completed by a school district in time to be included in the completed application;

(f) Establishing a deadline for an organization to provide annual notice of the ability for a parent to request an initial or revised matrix of services, which must enable the initial or revised matrix to be included in the completed application;

(g) Establishing additional records, documents, or materials a parent must collect and retain in the student's portfolio;

(h) Establishing preliminary timelines and procedures that enable a parent to submit a completed application to the organization, and for the organization to review and approve the completed application; and

(i) Defining terms, including, but not limited to, the terms "participating student," "new student," "eligible student," "award letter," "program funds," "associated interest," "program payments," "program expenditures," "initial program participation," "program renewal," "wait list," "timely filed application," and "late-filed application."

(2) Such rules should maximize flexibility and ease of program use for the parent and student.

Section 16. Section 1004.084, Florida Statutes, is created to read:

1004.084 College affordability.—

(1) The Board of Governors and the State Board of Education shall annually identify strategies to promote college affordability for all Floridians by evaluating, at a minimum, the impact of:

(a) Tuition and fees on undergraduate, graduate, and professional students at public colleges and universities and graduate assistants employed by public universities.

(b) Federal, state, and institutional financial aid policies on the actual cost of attendance for students and their families.

(c) The costs of textbooks and instructional materials.

(2) By December 31 of each year, beginning in 2015, the Board of Governors and the State Board of Education shall submit a report on their respective college affordability initiatives to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Section 17. Section 1004.085, Florida Statutes, is amended to read:

1004.085 Textbook *and instructional materials* affordability.—

(1) As used in this section, the term "instructional materials" means educational materials for use within a course which may be available in printed or digital format.

(2)~~(1)~~ *An* ~~No~~ employee of a Florida College System institution or state university may *not* demand or receive any payment, loan, subscription, advance, deposit of money, service, or anything of value, present or promised, in exchange for requiring students to purchase a specific textbook *or instructional material* for coursework or instruction.

(3)~~(2)~~ An employee may receive:

(a) Sample copies, instructor copies, or instructional materials. These materials may not be sold for any type of compensation if they are specifically marked as free samples not for resale.

(b) Royalties or other compensation from sales of textbooks *or instructional materials* that include the instructor's own writing or work.

(c) Honoraria for academic peer review of course materials.

(d) Fees associated with activities such as reviewing, critiquing, or preparing support materials for textbooks *or instructional materials* pursuant to guidelines adopted by the State Board of Education or the Board of Governors.

(e) Training in the use of course materials and learning technologies.

(4) Each Florida College System institution and state university board of trustees shall, each semester, examine the cost of textbooks and instructional materials by course and course section for all general education courses offered at the institution to identify any variance in the cost of textbooks and instructional materials among different sections of the same course and the percentage of textbooks and instructional materials that remain in use for more than one term. Courses that have a wide variance in costs among sections or that have frequent changes in textbook and instructional material selections shall be identified and sent to the appropriate academic department chair for review. This subsection is repealed July 1, 2017, unless reviewed and saved from repeal through reenactment by the Legislature.

(5)~~(3)~~ *Each* Florida College System *institution* ~~institutions~~ and state *university* ~~universities~~ shall post *prominently in the course registration system and on its website* ~~on their websites~~, as early as is feasible, but *at least 45* ~~not less than 30~~ days *before* ~~prior to~~ the first day of class for each term, a *hyperlink to lists* ~~list~~ of ~~each textbook~~ required *and recommended textbooks and instructional materials* for *at least 95 percent of all courses and* ~~each~~ course *sections* offered at the institution during the upcoming term. The *lists* ~~posted list~~ must include the International Standard Book Number (ISBN) for each required *and recommended* textbook *and instructional material* or other identifying information, which must include, at a minimum, all of the following: the title, all authors listed, publishers, edition number, copyright date, published date, and other relevant information necessary to identify the specific ~~textbook or~~ textbooks *or instructional materials* required *and recommended* for each course. The State Board of Education and the Board of Governors shall include in the policies, procedures, and guidelines adopted under subsection *(6)* ~~(4)~~ certain limited exceptions to this notification requirement for classes added after the notification deadline.

(6)~~(4)~~ *After receiving input from students, faculty, bookstores, and publishers,* the State Board of Education and the Board of Governors each shall adopt *textbook and instructional material affordability* policies, procedures, and guidelines for implementation by Florida College System institutions and state universities, respectively, that further efforts to minimize the cost of textbooks *and instructional materials* for students attending such institutions while maintaining the quality of education and academic freedom. The policies, procedures, and guidelines shall *address* ~~provide for the following~~:

(a) *The establishment of deadlines for an instructor or department to notify the bookstore of required and recommended textbooks and instructional materials so that a bookstore may verify availability, source lower cost options when practicable, explore alternatives with faculty when academically appropriate, and maximize availability of used textbooks and instructional materials* ~~That textbook adoptions are made with sufficient lead time to bookstores so as to confirm availability of the requested materials and, where possible, ensure maximum availability of used books~~.

(b) *Confirmation by the course instructor or academic department offering the course, before the textbook or instructional material adoption is finalized* ~~That, in the textbook adoption process~~, *of* the intent to use all items ordered, particularly each individual item sold as part of a bundled package~~, is confirmed by the course instructor or the academic department offering the course before the adoption is finalized~~.

(c) *Determination by* ~~That~~ a course instructor or the academic department offering the course ~~determines~~, before a textbook *or instructional material* is adopted, *of* the extent to which a new edition differs significantly and substantively from earlier versions and the value *to the student* of changing to a new edition or the extent to which an open-access textbook *or instructional material is available* ~~may exist and be used~~.

(d) ~~That the establishment of policies shall address~~ The availability of required *and recommended* textbooks *and instructional materials* to students otherwise unable to afford the cost, including consideration of the extent to which an open-access textbook *or instructional material* may be used.

(e) *Participation by* ~~That~~ course instructors and academic departments ~~are encouraged to participate~~ in the development, adaptation, and review of open-access textbooks *and instructional materials* and, in particular, open-access textbooks *and instructional materials* for high-demand general education courses.

(f) Consultation with school districts to identify practices that impact the cost of dual enrollment textbooks and instructional materials to school districts, including but not limited to, the length of time that textbooks or instructional materials remain in use.

(g) Selection of textbooks and instructional materials through cost-benefit analyses that enable students to obtain the highest-quality product at the lowest available price, by considering:

1. Purchasing digital textbooks in bulk.

2. Expanding the use of open-access textbooks and instructional materials.

3. Providing rental options for textbooks and instructional materials.

4. Increasing the availability and use of affordable digital textbooks and learning objects.

5. Developing mechanisms to assist in buying, renting, selling, and sharing textbooks and instructional materials.

6. The length of time that textbooks and instructional materials remain in use.

(7) The board of trustees of each Florida College System institution and state university shall report, by September 30 of each year, beginning in 2015, to the Chancellor of the Florida College System or the Chancellor of the State University System, as applicable, the textbook and instructional material selection process for general education courses with a wide cost variance identified pursuant to subsection (4) and high-enrollment courses; specific initiatives of the institution designed to reduce the costs of textbooks and instructional materials; policies implemented in accordance with subsection (6); the number of courses and course sections that were not able to meet the textbook and instructional materials posting deadline for the previous academic year; and any additional information determined by the chancellors. By November 1 of each year, beginning in 2015, each chancellor shall provide a summary of the information provided by institutions to the State Board of Education and the Board of Governors, as applicable.

Section 18. Present subsections (5) and (6) of section 1006.735, Florida Statutes, are redesignated as subsections (6) and (7), respectively, and a new subsection (5) is added to that section, to read:

1006.735 Complete Florida Plus Program.—The Complete Florida Plus Program is created at the University of West Florida.

(5) RAPID RESPONSE EDUCATION AND TRAINING PROGRAM.—The Rapid Response Education and Training Program is established within the Complete Florida Plus Program. Under this education and training program, the Complete Florida Plus Program shall work directly with Enterprise Florida, Inc., in project-specific industry recruitment and retention efforts to offer credible education and training commitments to businesses.

(a) The Rapid Response Education and Training Program must:

1. Issue challenge grants through requests for proposals that are open to all education and training providers, public or private. These grants match state dollars with education and training provider dollars to implement particular education and training programs.

2. Generate periodic reports from an independent forensic accounting or auditing entity to ensure transparency of the program. These periodic reports must be submitted to the President of the Senate and the Speaker of the House of Representatives.

3. Keep administrative costs to a minimum through the use of existing organizational structures.

4. Work directly with businesses to recruit individuals for education and training.

5. Be able to terminate an education and training program by giving 30 days' notice.

6. Survey employers after completion of an education and training program to ascertain the effectiveness of the program.

(b) The Division of Career and Adult Education within the Department of Education shall conduct an analysis and assessment of the effectiveness of the education and training programs under this section in meeting labor market and occupational trends and gaps.

Section 19. Paragraph (d) of subsection (3) of section 1009.22, Florida Statutes, is amended to read:

1009.22 Workforce education postsecondary student fees.—

(3)

(d) Each district school board and each Florida College System institution board of trustees may adopt tuition and out-of-state fees that vary ~~no more than 5 percent~~ below or *no more than* 5 percent above the combined total of the standard tuition and out-of-state fees established in paragraph (c).

Section 20. Paragraph (b) of subsection (3) and subsection (4) of section 1009.23, Florida Statutes, are amended, and subsection (20) is added to that section, to read:

1009.23 Florida College System institution student fees.—

(3)

(b) ~~Effective July 1, 2014,~~ For baccalaureate degree programs, the following tuition and fee rates shall apply:

1. The tuition *may not exceed* ~~shall be~~ $91.79 per credit hour for students who are residents for tuition purposes.

2. The sum of the tuition and *the* ~~he~~ 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.

(4) Each Florida College System institution board of trustees shall establish tuition and out-of-state fees, which may vary ~~no more than 10 percent~~ below and *no more than* 15 percent above the combined total of the standard tuition and fees established in subsection (3).

(20) Each Florida College System institution shall notice to the public and to all enrolled students any board of trustees meeting that votes on proposed increases in tuition or fees. The noticed meeting must allow for public comment on the proposed increase and must:

(a) Be posted 28 days before the board of trustees meeting takes place.

(b) Include the date and time of the meeting.

(c) Be clear and specifically outline the details of the original tuition or fee, the rationale for the proposed increase, and what the proposed increase will fund.

(d) Be posted on the institution's website homepage and issued in a press release.

Section 21. Paragraphs (a) and (b) of subsection (4) of section 1009.24, Florida Statutes, are amended, present subsection (19) of that section is redesignated as subsection (20), and a new subsection (19) is added to that section, to read:

1009.24 State university student fees.—

(4)(a) ~~Effective July 1, 2014,~~ The resident undergraduate tuition for lower-level and upper-level coursework *may not exceed* ~~shall be~~ $105.07 per credit hour.

(b) 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. *Adjustments to the resident tuition for graduate programs and professional programs may not exceed the tuition amount set on July 1, 2015.*

(19) Each university shall publicly notice to the public and to all enrolled students any board of trustees meeting that votes on proposed increases in tuition or fees. The noticed meeting must allow for public comment on the proposed increase and must:

(a) Be posted 28 days before the board of trustees meeting takes place.

(b) Include the date and time of the meeting.

(c) Be clear and specifically outline the details of the original tuition or fee, the rationale for the proposed increase, and what the proposed increase will fund.

(d) Be posted on the institution's website homepage and issued in a press release.

Section 22. Section 1004.6501, Florida Statutes, is created to read:

1004.6501 Florida Postsecondary Comprehensive Transition Program and the Florida Center for Students with Unique Abilities.—

(1) SHORT TITLE.—This section shall be known and may be cited as the "Florida Postsecondary Comprehensive Transition Program Act."

(2) PURPOSE AND LEGISLATIVE INTENT.—The purpose of this section is to increase independent living, inclusive and experiential postsecondary education, and employment opportunities for students with intellectual disabilities through degree, certificate, or nondegree programs and to establish statewide coordination of the dissemination of information regarding programs and services for students with disabilities. It is the intent of the Legislature that students with intellectual disabilities and students with disabilities have access to meaningful postsecondary education credentials and a meaningful campus experience.

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

(a) "Center" means the Florida Center for Students with Unique Abilities established under subsection (5).

(b) "Director" means the director of the center.

(c) "Eligible institution" means a state university; a Florida College System institution; a career center; a charter technical career center; or an independent college or university that is located and chartered in this state, is not for profit, is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools, and is eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant Program.

(d) "Florida Postsecondary Comprehensive Transition Program Scholarship" or "scholarship" means the scholarship established under this section to provide state financial assistance awards to students who meet the student eligibility requirements specified in subsection (4) and are enrolled in an FPCTP.

(e) "FPCTP" means a Florida Postsecondary Comprehensive Transition Program that is approved pursuant to paragraph (5)(b) and offered by an eligible institution.

(f) "Transitional student" means a student who is 18 to 26 years of age and meets the student eligibility requirements specified in subsection (4).

(4) STUDENT ELIGIBILITY.—To be eligible to enroll in an FPCTP at an eligible institution, a student must, as determined by the institution, based on guidelines established by the center:

(a) Be a "student with an intellectual disability" as that term is defined in 20 U.S.C. s. 1140(2), including, but not limited to, a transitional student.

(b) Physically attend the eligible institution.

(c) Submit to the eligible institution documentation regarding his or her intellectual disability. Such documentation may include, but not be limited to, a current individualized plan for employment associated with an evaluation completed pursuant to s. 413.20(3) or a diagnosis from a physician who is licensed under chapter 458 or chapter 459 or a psychologist licensed under chapter 490.

(5) CENTER RESPONSIBILITIES.—The Florida Center for Students with Unique Abilities is established within the University of Central Florida. At a minimum, the center shall:

(a) Disseminate information to students with disabilities and their parents, including, but not limited to:

1. Education programs, services, and resources that are available at eligible institutions.

2. Supports, accommodations, technical assistance, or training provided by eligible institutions, the advisory council established pursuant to s. 383.141, and regional autism centers established pursuant to s. 1004.55.

3. Mentoring, networking, and employment opportunities.

(b) Coordinate and facilitate the statewide implementation of this section. The director of the center shall oversee the approval of the comprehensive transition programs. Notwithstanding the program approval requirements of s. 1004.03, the director shall review applications for the initial approval of an application for, or renewal of approval of, a comprehensive transition program proposed by an eligible institution. Within 30 days after receipt of an application, the director shall issue his or her recommendation regarding approval to the Chancellor of the State University System or the Commissioner of Education, as applicable, or shall give written notice to the applicant of any deficiencies in the application, which the eligible institution must be given an opportunity to correct. Within 15 days after receipt of a notice of deficiencies, the eligible institution shall, if the eligible institution seeks program approval, correct the application deficiencies and return the application to the center. Within 30 days after receipt of a revised application, the director shall recommend approval or disapproval of the revised application to the chancellor or the commissioner, as applicable. Within 15 days after receipt of the director's recommendation for approval or disapproval, the chancellor or the commissioner shall approve or disapprove the recommendation. If the chancellor or the commissioner does not take action on the director's recommendation within 15 days after receipt of such recommendation, the comprehensive transition program proposed by the institution shall be considered an FPCTP by default. Additionally, the director shall:

1. Consult and collaborate with the National Center and the Coordinating Center, as identified in 20 U.S.C. s. 1140q, regarding guidelines established by the center for effective implementation of the programs for students with disabilities and for students with intellectual disabilities which align with the federal requirements and standards, quality indicators, and benchmarks identified by the National Center and the Coordinating Center.

2. Consult and collaborate with the Higher Education Coordinating Council to identify meaningful credentials for FPCTPs and to engage businesses and stakeholders to promote experiential training and employment opportunities for students with intellectual disabilities.

3. Create the application for the initial approval and renewal of approval as an FPCTP for use by an eligible institution which, at a minimum, must align with the federal comprehensive transition and postsecondary program application requirements.

4. Establish requirements and timelines for the:

a. Submission and review of an application.

b. Approval or disapproval of an initial or renewal application. Initial approval of an application for an FPCTP that meets the requirements of subsection (6) is valid for the 3 academic years immediately following the academic year during which the approval is granted. An eligible institution may submit an application to the center requesting that the initial approval be renewed. If the approval is granted and the FPCTP continues to meet the requirements of this section, including, but not limited to, program and student performance outcomes, and federal requirements, a renewal is valid for the 5 academic years immediately following the academic year during which the renewal is initially granted.

c. Implementation of an FPCTP, beginning no later than the academic year immediately following the academic year during which the approval is granted.

5. Administer scholarship funds.

6. Oversee and report on the implementation and administration of this section by planning, advising, and evaluating approved degree, certificate, and nondegree programs and the performance of students and programs pursuant to subsection (8).

(c) Provide technical assistance regarding programs and services for students with intellectual disabilities to administrators, instructors, staff, and others, as applicable, at eligible institutions by:

1. Holding meetings and annual workshops to share successful practices and to address issues or concerns.

2. Facilitating collaboration between eligible institutions and school districts, private schools pursuant to s. 1002.42, and parents of students enrolled in home education programs pursuant to s. 1002.41 in assisting students with intellectual disabilities and their parents to plan for the transition of such students into an FPCTP or another program at an eligible institution.

3. Assisting eligible institutions with state FPCTP and federal comprehensive transition and postsecondary program applications.

4. Assisting eligible institutions with the identification of funding sources for an FPCTP and for student financial assistance for students enrolled in an FPCTP.

5. Monitoring federal and state law relating to the comprehensive transition program and notifying the Legislature, the Governor, the Board of Governors, and the State Board of Education of any change in law which may impact the implementation of this section.

(6) INSTITUTION ELIGIBILITY AND RESPONSIBILITIES.—

(a) To offer an FPCTP, the president or executive director of an eligible institution, as applicable, must submit to the center, by a date established by the center, the following:

1. An application for approval of a comprehensive transition program proposed by the eligible institution which must be approved by the institution's governing board and must address the requirements of the federal comprehensive transition and postsecondary program under 20 U.S.C. s. 1140 and the requirements of this section, including, but not limited to:

a. Identification of a credential associated with the proposed program, which is awarded to a student with an intellectual disability who

meets the student eligibility requirements specified in subsection (4) upon completion of the FPCTP.

b. The program length and design, including, at a minimum, inclusive and successful experiential education practices relating to curricular, assessment, and advising structure and internship and employment opportunities which must support students with intellectual disabilities who are seeking to continue academic, career and technical, and independent living instruction at an eligible institution, including, but not limited to, opportunities to earn industry certifications, to prepare students for gainful employment. If offering a college credit-bearing degree program, an institution shall be responsible for maintaining the rigor and effectiveness of a comprehensive transition degree program at the same level as another comparable degree program offered by the institution pursuant to the applicable accreditation standards.

c. The plan for students with intellectual disabilities to be integrated socially and academically with nondisabled students, to the maximum extent possible, and to participate on not less than a half-time basis, as determined by the eligible institution, with such participation focusing on academic components and occurring through one or more of the following activities with nondisabled students:

(I) Regular enrollment in credit-bearing courses offered by the institution.

(II) Auditing or participating in courses offered by the institution for which the student does not receive academic credit.

(III) Enrollment in noncredit-bearing, nondegree courses.

(IV) Participation in internships or work-based training.

d. The plan for partnerships with businesses to promote experiential training and employment opportunities for students with intellectual disabilities.

e. Performance indicators pursuant to subsection (8) and other requirements identified by the center.

f. A 5-year plan incorporating enrollment and operational expectations for the program.

2. Documented evidence of a federally approved comprehensive transition and postsecondary program that is determined to be an eligible program for the federal student aid programs and is currently offered at the institution, documented evidence of the submission of an application for such federal approval of a comprehensive transition and postsecondary program proposed by the institution, or documentation demonstrating the commitment of the institution's governing board to submit an application within the subsequent academic year for federal approval of a comprehensive transition and postsecondary program proposed by the institution pursuant to 20 U.S.C. s. 1140.

(b) An eligible institution may submit an application to the center for approval pursuant to the requirements of this section for implementation of the FPCTP no later than the academic year immediately following the academic year during which the approval is granted. An eligible institution must submit a renewal application to the center no later than 3 years following the year during which the approval is initially granted.

(c) By August 1 of each year, an eligible institution that has an FPCTP shall submit an annual report to the center which, at minimum, for the prior academic year, addresses the following performance indicators:

1. Efforts to recruit students in the FPCTP and the number of students enrolled in the program.

2. Efforts to retain students in the FPCTP and the retention rate of students in the program.

3. The completion rate of students enrolled in the FPCTP and courses, as applicable.

4. Transition success of students who complete an FPCTP, as measured by employment rates and salary levels at 1 year and 5 years after completion.

5. Other performance indicators identified by the center pursuant to subsection (8).

(d) An eligible institution shall notify students with intellectual disabilities and their parents of the student eligibility requirements specified in subsection (4) and the scholarship requirements and eligibility requirements specified in subsection (7).

(7) FLORIDA POSTSECONDRY COMPREHENSIVE TRANSITION PROGRAM SCHOLARSHIP.—

(a) Beginning in the 2015-2016 academic year, the Florida Postsecondary Comprehensive Transition Program Scholarship is established for students who meet the student eligibility requirements specified in subsection (4), are enrolled in an FPCTP, and are not receiving services that are funded through the Florida Education Finance Program or a scholarship under part III of chapter 1002.

(b) To maintain eligibility to receive a scholarship, a student must continue to meet the requirements of paragraph (a) and must demonstrate satisfactory academic progress in the FPCTP, as determined by the eligible institution that the student attends, based on the indicators identified by the center pursuant to subsection (8).

(c) Payment of scholarship funds shall be transmitted to the director of the center, or to his or her designee, in advance of the registration period. The director, or his or her designee, shall disburse the scholarship funds to the eligible institutions that are responsible for awarding the scholarship to students who meet the requirements of paragraphs (a) and (b).

(d) During each academic term, by a date established by the center, an eligible institution shall report to the center the number and value of all scholarships awarded under this subsection. Each eligible institution shall also report to the center necessary demographic and eligibility data and other data requested by the center for students who received the scholarship awards.

(e) By a date annually established by the center, each eligible institution shall certify to the center the amount of funds disbursed to each student and shall remit to the center any undisbursed advances by June 1 of each year.

(f) Funding for the scholarship and the maximum allowable award shall be as provided annually in the General Appropriations Act. If funds appropriated are not adequate to provide the maximum allowable award to each eligible student, the awards may be prorated.

(8) ACCOUNTABILITY.—

(a) The center, in collaboration with the Board of Governors and the State Board of Education, shall identify indicators for the satisfactory progress of a student in an FPCTP and for the performance of such programs. Each eligible institution must address the indicators identified by the center in its application for the approval of a proposed FPCTP and for the renewal of an FPCTP and in the annual report that the institution submits to the center.

(b) By October 1 of each year, the center shall provide to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Chancellor of the State University System, and the Commissioner of Education, a summary of information including, but not limited to:

1. The status of the statewide coordination of FPCTPs and the implementation of FPCTPs at eligible institutions including, but not limited to:

a. The number of applications approved and disapproved and the reasons for each disapproval and no action taken by the chancellor or the commissioner.

b. The number and value of all scholarships awarded to students and undisbursed advances remitted to the center pursuant to subsection (7).

2. Indicators identified by the center pursuant to paragraph (a) and the performance of each eligible institution based on the indicators identified in paragraph (6)(c).

3. The projected number of students with intellectual disabilities who may be eligible to enroll in the FPCTPs within the next academic year.

4. Education programs and services for students with intellectual disabilities which are available at an eligible institution.

(c) Beginning in the 2015-2016 fiscal year, the center, in collaboration with the Board of Governors, State Board of Education, Higher Education Coordinating Council, and other stakeholders, by December 1 each year, shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives statutory or budget recommendations for improving the implementation and delivery of FPCTPs and other education programs and services for students with disabilities.

(9) RULES.—The Board of Governors and the State Board of Education, in consultation with the center, shall expeditiously adopt the necessary regulations and rules, as applicable, to allow the center to perform its responsibilities pursuant to this section beginning in the 2015-2016 fiscal year.

Section 23. Effective January 1, 2016, section 17.68, Florida Statutes, is created to read:

17.68 Financial Literacy Program for Individuals with Developmental Disabilities.—

(1) The Legislature finds that the state has a compelling interest in promoting the economic independence and successful employment of individuals with developmental disabilities as defined in s. 393.063. In comparison with the general population, individuals with developmental disabilities experience lower rates of educational achievement, employment, and annual earnings and are more likely to live in poverty. Additionally, such individuals must navigate a complex network of federal and state programs in order to be eligible for financial and health benefits. Thus, it is essential that these individuals have sufficient financial management knowledge and skills to be able to comply with the benefit eligibility processes and make informed decisions regarding financial services and products provided by financial institutions. Enhancing the financial literacy of such individuals will provide a pathway for economic independence and successful employment.

(2) The Financial Literacy Program for Individuals with Developmental Disabilities is established within the Department of Financial Services. The department, in consultation with public and private stakeholders, shall develop and implement the program, which shall be designed to promote the economic independence and successful employment of individuals with developmental disabilities. Banks, credit unions, savings associations, and savings banks will be key participants in the development and promotion of the program. The program must provide information, resources, outreach, and education on the following issues:

(a) For individuals with developmental disabilities:

1. Financial education, including instruction on money management skills and the effective use of financial services and products, to promote income preservation and asset development.

2. Identification of available financial and health benefit programs and services.

3. Job training programs and employment opportunities, including work incentives and state and local workforce development programs.

4. The impact of earnings and assets on federal and state financial and health benefit programs and options to manage such impact.

(b) For employers in this state, strategies to make program information and educational materials available to their employees with developmental disabilities.

(3) The department shall:

(a) Establish on its website a clearinghouse for information regarding the program and other resources available for individuals with developmental disabilities and their employers.

(b) Publish a brochure that describes the program and is accessible on its website.

(4) Within 90 days after the department establishes its website and publishes its brochure, each bank, savings association, and savings bank that is a qualified public depository as defined in s. 280.02 shall:

(a) Make copies of the department's brochures available, upon the request of the consumer, at its principal place of business and each branch office located in this state which has in-person teller services by having copies of the brochure available or having the capability to print a copy of the brochure from the department's website. Upon request, the department shall provide copies of the brochure to a bank, savings association, or savings bank.

(b) Provide on its website a hyperlink to the department's website for the program. If the department changes its website address for the program, the bank, savings association, or savings bank must update the hyperlink within 90 days after notification by the department of such change.

Section 24. Section 110.107, Florida Statutes, is reordered and amended to read:

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

(5)~~(1)~~ "Department" means the Department of Management Services.

(28)~~(2)~~ "Secretary" means the Secretary of Management Services.

(11)~~(3)~~ "Furlough" means a temporary reduction in the regular hours of employment in a pay period, or temporary leave without pay for one or more pay periods, with a commensurate reduction in pay, *which is* necessitated by a projected deficit in any fund that supports salary and benefit appropriations. The deficit must be projected by the Revenue Estimating Conference pursuant to s. 216.136(3).

(30)~~(4)~~ "State agency" or "agency" means any official, officer, commission, board, authority, council, committee, or department of the executive branch or the judicial branch of state government as defined in chapter 216.

(21)~~(5)~~ "Position" means the work, consisting of duties and responsibilities, assigned to be performed by an officer or employee.

(10)~~(6)~~ "Full-time position" means a position authorized for the entire normally established work period, *whether* daily, weekly, monthly, or annually.

(18)~~(7)~~ "Part-time position" means a position authorized for less than the entire normally established work period, *whether* daily, weekly, monthly, or annually.

(16)~~(8)~~ "Occupation" means all positions *that* ~~which~~ are sufficiently similar in knowledge, skills, ~~and~~ abilities, and *the* ~~sufficiently similar as to~~ kind or subject matter of work.

(17)~~(9)~~ "Occupational group" means a group of occupations *that* ~~which~~ are sufficiently similar in *the* kind of work performed to warrant the use of the same performance factors in determining the level of complexity for all occupations in that occupational group.

(3)~~(10)~~ "Classification plan" means a formal description of the concepts, rules, job family definitions, occupational group characteristics, and occupational profiles used in the classification of positions.

(20)~~(11)~~ "Pay plan" means a formal description of the philosophy, methods, procedures, and salary schedules for competitively compensating employees at market-based rates for work performed.

(27)~~(12)~~ "Salary schedule" means an official document *that* ~~which~~ contains a complete list of occupation titles, broadband level codes, and pay bands.

(1)~~(13)~~ "Authorized position" means a position included in an approved budget. In counting the number of authorized positions, part-time positions may be converted to full-time equivalents.

(8)~~(14)~~ "Established position" means an authorized position *that* ~~which~~ has been classified in accordance with a classification and pay plan as provided by law.

(22)~~(15)~~ "Position number" means the identification number assigned to an established position.

(26)~~(16)~~ "Reclassification" means *the* changing *of* an established position in one broadband level in an occupational group to a higher or lower broadband level in the same occupational group or to a broadband level in a different occupational group.

(24)~~(17)~~ "Promotion" means *the* changing *of* the classification of an employee to a broadband level having a higher maximum salary; or the changing of the classification of an employee to a broadband level having the same or a lower maximum salary but a higher level of responsibility.

(4)~~(18)~~ "Demotion" means *the* changing *of* the classification of an employee to a broadband level having a lower maximum salary; or the changing of the classification of an employee to a broadband level having the same or a higher maximum salary but a lower level of responsibility.

(32)~~(19)~~ "Transfer" means moving an employee from one geographic location of the state to a different geographic location *more than* ~~in excess of~~ 50 miles from the employee's current work location.

(25)~~(20)~~ "Reassignment" means moving an employee from a position in one broadband level to a different position in the same broadband level or to a different broadband level having the same maximum salary.

(6)~~(21)~~ "Dismissal" means a disciplinary action taken by an agency pursuant to s. 110.227 against an employee *which results* ~~resulting~~ in *the* termination of his or her employment.

(31)~~(22)~~ "Suspension" means a disciplinary action taken by an agency pursuant to s. 110.227 against an employee *which* ~~to~~ temporarily *relieves* ~~relieve~~ the employee of his or her duties and *places* ~~place~~ him or her on leave without pay.

(15)~~(23)~~ "Layoff" means termination of employment due to a shortage of funds or work, or a material change in the duties or organization of an agency, including the outsourcing or privatization of an activity or function previously performed by career service employees.

(7)~~(24)~~ "Employing agency" means any agency authorized to employ personnel to carry out the responsibilities of the agency under the provisions of chapter 20 or other *law* ~~statutory authority~~.

(29)~~(25)~~ "Shared employment" means part-time career employment *in which* ~~whereby~~ the duties and responsibilities of a full-time position in the career service are divided among part-time employees who are eligible for the position and who receive career service benefits and wages pro rata. *The term* ~~In no case shall~~ "shared employment" *does not* include the employment of persons paid from other-personal-services funds.

(9)~~(26)~~ "Firefighter" means a firefighter certified under chapter 633.

(14)~~(27)~~ "Law enforcement or correctional officer" means a law enforcement officer, special agent, correctional officer, correctional probation officer, or institutional security specialist ~~required to be~~ certified under chapter 943.

(23)~~(28)~~ "Professional health care provider" means registered nurses, physician's assistants, dentists, psychologists, nutritionists or dietitians, pharmacists, psychological specialists, physical therapists, and speech and hearing therapists.

(13)~~(29)~~ "Job family" means a defined grouping of one or more occupational groups.

(19)~~(30)~~ "Pay band" means the minimum salary, the maximum salary, and intermediate rates *that* ~~which~~ are payable for work in a specific broadband level.

(2)~~(31)~~ "Broadband level" means all positions *that* ~~which~~ are sufficiently similar in knowledge, skills, and abilities*; the*~~, and sufficiently similar as to~~ kind or subject matter of work*; the*~~,~~ level of difficulty or *the level of* responsibilities~~,~~; and *the* qualification requirements of the work *so as* to warrant the same treatment *with respect* ~~as~~ to title, pay band, and other personnel transactions.

(12) "Individual who has a disability" means a person who has a physical or intellectual impairment that substantially limits one or more major life activities; a person who has a history or record of such an impairment; or a person who is perceived by others as having such an impairment.

Section 25. Subsections (1) and (2) of section 110.112, Florida Statutes, are amended, present subsections (3) through (6) of that section are redesignated as subsections (4) through (7), respectively, and a new subsection (3) is added to that section, to read:

110.112 Affirmative action; equal employment opportunity.—

(1) It *is* ~~shall be~~ the policy of *this* ~~the~~ state to assist in providing the assurance of equal employment opportunity through programs of affirmative and positive action that will allow full utilization of women*,* ~~and~~ minorities*, and individuals who have a disability*.

(2)(a) The head of each executive agency shall develop and implement an affirmative action plan in accordance with rules adopted by the department and approved by a majority vote of the Administration Commission before their adoption.

(b) Each executive agency shall establish annual goals for ensuring full utilization of groups underrepresented in *the agency's* ~~its~~ workforce*, including women, minorities, and individuals who have a disability,* as compared to the relevant labor market, as defined by the agency. Each executive agency shall design its affirmative action plan to meet its established goals.

(c) Each executive agency shall annually report to the department regarding the agency's progress toward increasing employment among women, minorities, and individuals who have a disability.

(d)~~(c)~~ An affirmative action-equal employment opportunity officer shall be appointed by the head of each executive agency. The affirmative action-equal employment opportunity officer's responsibilities must include determining annual goals, monitoring agency compliance, and providing consultation to managers regarding progress, deficiencies, and appropriate corrective action.

(e)~~(d)~~ The department shall report information in its annual workforce report relating to the implementation, continuance, updating, and results of each executive agency's affirmative action plan for the previous fiscal year. *The annual workforce report must also include data for each executive agency relating to employment levels among women, minorities, and individuals who have a disability.*

(f)~~(e)~~ The department shall provide to all supervisory personnel of the executive agencies training in the principles of equal employment opportunity and affirmative action, the development and implementation of affirmative action plans, and the establishment of annual affirmative action goals. The department may contract for training services, and each participating agency shall reimburse the department for costs incurred through such contract. After the department approves the contents of the training program for the agencies, the department may delegate this training to the executive agencies.

(3)(a) The department, in consultation with the Agency for Persons with Disabilities, the Division of Vocational Rehabilitation and the Division of Blind Services of the Department of Education, the Department of Economic Opportunity, and the Executive Office of the Governor, shall develop and implement programs that incorporate internships, mentoring, on-the-job training, unpaid work experience, situational assessments, and other innovative strategies that are specifically geared toward individuals who have a disability.

(b) By January 1, 2016, the department shall develop mandatory training programs for human resources personnel and hiring managers of executive agencies which support the employment of individuals who have a disability.

(c)1. By January 1, 2016, each executive agency shall develop an agency-specific plan that addresses how to promote employment opportunities for individuals who have a disability.

2. The department shall assist executive agencies in the implementation of agency-specific plans. The department shall regularly report to the Governor, the President of the Senate, and the Speaker of the House of Representatives the progress of executive agencies in implementing these plans. Such reports shall be made at least biannually.

(d) The department shall compile data regarding the hiring practices of executive agencies with regard to individuals who have a disability and make such data available on its website.

(e) The department shall assist executive agencies in identifying and implementing strategies for retaining employees who have a disability which include, but are not limited to, training programs, funding reasonable accommodations, increasing access to appropriate technologies, and ensuring accessibility of physical and virtual workplaces.

(f) The department shall adopt rules relating to forms that provide for the voluntary self-identification of individuals who have a disability who are employed by an executive agency.

(g) This subsection does not create any substantive or procedural right or benefit enforceable at law or in equity against the state or a state agency, or an officer, employee, or agent thereof.

Section 26. Effective January 1, 2016, paragraph (e) is added to subsection (1) of section 280.16, Florida Statutes, to read:

280.16 Requirements of qualified public depositories; confidentiality.—

(1) In addition to any other requirements specified in this chapter, qualified public depositories shall:

(e) Participate in the Financial Literacy Program for Individuals with Developmental Disabilities as required under s. 17.68.

Section 27. Subsection (9) of section 393.063, Florida Statutes, is amended to read:

393.063 Definitions.—For the purposes of this chapter, the term:

(9) "Developmental disability" means a disorder or syndrome that is attributable to intellectual disability, cerebral palsy, autism, *Down syndrome,* spina bifida, or Prader-Willi syndrome; that manifests before the age of 18; and that constitutes a substantial handicap that can reasonably be expected to continue indefinitely.

Section 28. *Employment First Act.—*

(1) SHORT TITLE.—This section may be cited as the "Employment First Act."

(2) LEGISLATIVE INTENT.—The Legislature finds that employment is the most direct and cost-effective means to assist an individual in achieving independence and fulfillment; however, individuals with disabilities are confronted by unique barriers to employment that inhibit their opportunities to compete fairly in the labor force. It is the intent of the Legislature to provide a framework for a long-term commitment to improving employment outcomes for individuals with disabilities in this state through the implementation of the Employment First Act.

(3) PURPOSE.—The purpose of the Employment First Act is to prioritize employment of individuals with disabilities and to change the employment system to better integrate individuals with disabilities into the workforce. The Employment First Act encourages a collaborative effort between state agencies and organizations to achieve better employment outcomes for individuals with disabilities.

(4) INTERAGENCY COOPERATIVE AGREEMENT.—The following state agencies and organizations shall develop an interagency cooperative agreement to implement the Employment First Act:

(a) The Division of Vocational Rehabilitation of the Department of Education.

(b) The Division of Blind Services of the Department of Education.

(c) The Bureau of Exceptional Education and Student Services of the Department of Education.

(d) The Agency for Persons with Disabilities.

(e) The Substance Abuse and Mental Health Program of the Department of Children and Families.

(f) The Department of Economic Opportunity.

(g) CareerSource Florida, Inc.

(h) The Florida Developmental Disabilities Council.

(i) Florida Association of Rehabilitation Facilities.

(j) Other appropriate organizations.

(5) ROLES AND RESPONSIBILITIES.—The interagency cooperative agreement shall outline the roles and responsibilities of the state agencies and organizations identified in subsection (4). The objectives of the interagency cooperative agreement must include all of the following:

(a) Establishing a commitment by leadership of the state agencies and organizations to maximize the resources and coordination to improve employment outcomes for individuals with disabilities who seek publicly funded services.

(b) Developing strategic goals and benchmarks to assist the state agencies and organizations in the implementation of this agreement.

(c) Identifying financing and contracting methods that will help to prioritize employment for individuals with disabilities by state agencies and organizations.

(d) Establishing training methods to better integrate individuals with disabilities into the workforce.

(e) Ensuring collaborative efforts between multiple agencies to achieve the purposes of this act.

(f) Promoting service innovations to better assist individuals with disabilities in the workplace.

(g) Identifying accountability measures to ensure the sustainability of this agreement.

Section 29. *Florida Unique Abilities Partner program.—*

(1) CREATION AND PURPOSE.—The Department of Economic Opportunity shall establish the Florida Unique Abilities Partner program to designate a business entity as a Florida Unique Abilities Partner if the business entity demonstrates commitment, through employment or support, to the independence of individuals who have a disability. The department shall consult with the Agency for Persons with Disabilities, the Division of Vocational Rehabilitation of the Department of Education, the Division of Blind Services of the Department of Education, and CareerSource Florida, Inc., in creating the program.

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

(a) "Department" means the Department of Economic Opportunity.

(b) "Individuals who have a disability" means persons who have a physical or intellectual impairment that substantially limits one or more major life activities; persons who have a history or record of such an impairment; or persons who are perceived by others as having such an impairment.

(3) DESIGNATION.—

(a) A business entity may apply to the department to be designated as a Florida Unique Abilities Partner, based on the business entity's achievements in at least one of the following categories:

1. Employment of individuals who have a disability.

2. Contributions to local or national disability organizations.

3. Contributions to or the establishment of a program that contributes to the independence of individuals who have a disability.

(b) As an alternative to application by a business entity, the department must consider nominations from members of the community where the business entity is located. The nomination must identify the business entity's achievements in at least one of the categories provided in paragraph (a).

(c) The name, location, and contact information of the business entity must be included in the business entity's application or nomination.

(d) The department shall adopt procedures for the application, nomination, and designation processes for the Florida Unique Abilities Partner program. Designation as a Florida Unique Abilities Partner does not establish or involve licensure, does not affect the substantial interests of a party, and does not constitute a final agency action. The Florida Unique Abilities Partner program and designation are not subject to chapter 120, Florida Statutes.

(4) ELIGIBILITY AND AWARD.—In determining the eligibility for the designation of a business entity as a Florida Unique Abilities Partner, the department shall consider, at a minimum, the following criteria:

(a) For a designation based on an application by a business:

1. A business entity must certify that it employs at least one individual who has a disability. Such employees must be residents of this state and must have been employed by the business entity for at least 9 months before the business entity's application for the designation. The department may not require the employer to provide personally identifiable information about its employees;

2. A business entity must certify that it has made contributions to local and national disability organizations or contributions in support of individuals who have a disability. Contributions may be accomplished through financial or in-kind contributions, including employee volunteer hours. Contributions must be documented by providing copies of written receipts or letters of acknowledgment from recipients or donees. A business entity with 100 or fewer employees must make a financial or in-kind contribution of at least $1,000, and a business entity with more than 100 employees must make a financial or in-kind contribution of at least $5,000; or

3. A business entity must certify that it has established, or has contributed to the establishment of, a program that contributes to the independence of individuals who have a disability. Contributions must be documented by providing copies of written receipts, a summary of the program, program materials, or letters of acknowledgment from program participants or volunteers. A business entity with 100 or fewer employees must make a financial or in-kind contribution of at least $1,000 in the program, and a business entity with more than 100 employees must make a financial or in-kind contribution of at least $5,000.

A business entity that applies to the department to be designated as a Florida Unique Abilities Partner shall be awarded the designation upon meeting the requirements of this section.

(b) For a designation based upon receipt of a nomination of a business entity:

1. The department shall determine whether the nominee, based on the information provided by the nominating person or entity, meets the requirements of paragraph (a). The department may request additional information from the nominee.

2. If the nominee meets the requirements, the department shall provide notice, including the qualification criteria provided in the nomination, to the nominee regarding the nominee's eligibility to be awarded a designation as a Florida Unique Abilities Partner.

3. The nominee shall be provided 30 days from the receipt of the notice to certify that the information in the notice is true and accurate and accept the nomination; or to decline the nomination. After 30 days, if the nomination has not been accepted, the department may not award the designation. If the nominee accepts the nomination, the department shall award the designation. If the nominee declines the nomination, the department may not award the designation.

(5) ANNUAL CERTIFICATION.—After an initial designation as a Florida Unique Abilities Partner, a business entity must certify each year that it continues to meet the criteria for the designation. If a business entity does not submit the yearly certification of continued eligibility, the department shall remove the designation. A business entity may elect to discontinue its use of the designation at any time by notifying the department of such decision.

(6) LOGO DEVELOPMENT.—

(a) The department, in consultation with members of the disability community, shall develop a logo that identifies a business entity that is designated as a Florida Unique Abilities Partner.

(b) The department shall adopt guidelines and requirements for use of the logo, including how the logo may be used in advertising. The department may allow a business entity to display a Florida Unique Abilities Partner logo upon designation. A business entity that has not been designated as a Florida Unique Abilities Partner or has elected to discontinue its designated status may not display the logo.

(7) WEBSITE.—The department shall maintain a website for the program. At a minimum, the website must provide: a list of business entities, by county, that currently have the Florida Unique Abilities Partner designation, updated quarterly; information regarding the eligibility requirements for the designation and the method of application or nomination; and best practices for business entities to facilitate the inclusion of individuals who have a disability, updated annually. The website may provide links to the websites of organizations or other resources that will aid business entities to employ or support individuals who have a disability.

(8) INTERAGENCY COLLABORATION.—

(a) The Agency for Persons with Disabilities shall provide a link on its website to the department's website for the Florida Unique Abilities Partner program.

(b) On a quarterly basis, the department shall provide the Florida Tourism Industry Marketing Corporation with a current list of all businesses that are designated as Florida Unique Abilities Partners. The Florida Tourism Industry Marketing Corporation must consider the Florida Unique Abilities Partner program in the development of marketing campaigns, and specifically in any targeted marketing campaign for individuals who have a disability or their families.

(c) The department and CareerSource Florida, Inc., shall identify employment opportunities posted by business entities that currently have the Florida Unique Abilities Partner designation on the workforce information system under s. 445.011, Florida Statutes.

(9) REPORT.—

(a) By January 1, 2016, the department shall provide a report to the President of the Senate and the Speaker of the House of Representatives on the status of the implementation of this section, including the adoption of rules, development of the logo, and development of application procedures.

(b) Beginning in 2016 and each year thereafter, the department's annual report required under s. 20.60, Florida Statutes, must describe in detail the progress and use of the program. At a minimum, the report must include the following information for the most recent year: the number of applications and nominations received; the number of nominations accepted and declined; designations awarded; annual certifications; use of information provided under subsection (8); and any other information deemed necessary to evaluate the program.

(10) RULES.—The department shall adopt rules to administer this section.

Section 30. *For the 2015-2016 fiscal year, the sums of $100,000 in recurring funds and $100,000 in nonrecurring funds from the Special Employment Security Administration Trust Fund are appropriated to the Department of Economic Opportunity for the purpose of funding the development, implementation, and administration of the Florida Unique Abilities Partner program created by this act.*

Section 31. *For the 2015-2016 fiscal year, the sums of $63,664 in recurring funds and $73,570 in nonrecurring funds from the Insurance Regulatory Trust Fund are appropriated to the Consumer Assistance Program within the Department of Financial Services, and one full-time equivalent position with associated salary rate of 41,114 is authorized for the program for the purpose of implementing the Financial Literacy Program for Individuals with Developmental Disabilities created by this act.*

Section 32. *For the 2015-2016 fiscal year, the following sums are appropriated for the purpose of implementing the amendments made by*

this act to s. 110.112, Florida Statutes, relating to the employment of individuals who have a disability:

(1) The sums of $138,692 in recurring funds and $26,264 in nonrecurring funds are appropriated from the State Personnel System Trust Fund to the Department of Management Services, and two full-time equivalent positions with associated salary rate of 92,762 are authorized.

(2) The sum of $88,285 from the General Revenue Fund and the sum of $76,671 from trust funds within the Human Resource Services appropriation category are appropriated to Administered Funds.

Section 33. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2015.

And the title is amended as follows:

Delete lines 839-899 and insert: An act relating to education; amending s. 446.021, F.S.; revising terms; amending s. 446.032, F.S.; conforming a provision to changes made by the act; requiring the Department of Education, in collaboration with the Department of Economic Opportunity, to identify, develop, and register specified apprenticeship programs; requiring the department to annually submit an accountability report with specified requirements to the Governor, the Legislature, and the Higher Education Coordinating Council; requiring the department to post on its Internet website specified information regarding apprenticeship programs; amending s. 446.045, F.S.; clarifying State Apprenticeship Advisory Council membership; amending s. 446.052, F.S.; requiring the Department of Education, in collaboration with the Department of Economic Opportunity, to identify, develop, and register specified preapprenticeship programs; requiring the department to annually submit an accountability report with specified requirements to the Governor, the Legislature, and the Higher Education Coordinating Council; requiring the department to post on its Internet website specified information regarding preapprenticeship programs; requiring the Department of Education, in collaboration with the Department of Economic Opportunity and CareerSource Florida, Inc., to submit an operational report to the Governor, the Legislature, and the Higher Education Coordinating Council with specified information; providing for expiration; amending s. 446.081, F.S.; clarifying the limitations of certain provisions; amending s. 446.091, F.S.; conforming a provision to a change made by the act; amending s. 446.092, F.S.; revising characteristics of an apprenticeable occupation; creating s. 1001.92, F.S.; requiring the Board of Governors to base state performance funds for the State University System on specified metrics adopted by the board; specifying allocation of the funds; requiring certain funds to be withheld from an institution based on specified performance; requiring the board to submit a report by a specified time to the Governor and the Legislature; requiring the board to adopt rules; amending s. 1002.385, F.S.; revising definitions applicable to the Florida Personal Learning Scholarship Accounts Program; revising scholarship application deadlines and guidelines; revising provisions to conform to the designation of eligible nonprofit scholarship-funding organizations; requiring authorized program funds to support the student's educational needs; requiring the Florida Prepaid College Board to create certain procedures; authorizing part-time private tutoring services by persons meeting certain requirements; authorizing program funds to be spent for specified education programs and services; revising the conditions under which a student's personal learning scholarship account must be closed; revising the responsibilities for school districts; revising requirements for a private school's eligibility to participate in the program; revising responsibilities of the Department of Education and the Commissioner of Education with respect to program administration; revising responsibilities for parents and students to participate in the program; requiring a parent to affirm that program funds are used only for authorized purposes that serve the student's educational needs; revising responsibilities of an organization pertaining to the administration of personal learning scholarship accounts; revising the wait list and priority of approving renewal and new applications; revising the notice requirement of an organization; authorizing accrued interest to be used for authorized expenditures; requiring accrued interest to be reverted as a part of reverted scholarship funds; revising taxable income requirements; removing obsolete audit requirements; requiring the Auditor General to provide a copy of each annual operational audit performed to the Commissioner of Education within a specified timeframe; requiring the department to provide an annual report to the Governor and the Legislature regarding the program; prescribing report requirements; providing for future repeal of provisions pertaining to an implementation schedule of notification and eligibility timelines; amending s. 1002.395, F.S.; revising the use of eligible contributions by eligible nonprofit scholarship-funding organizations; revising the surety bond requirements for nonprofit scholarship-funding organizations submitting initial and renewal scholarship program participation applications; amending s. 1009.971, F.S.; revising the powers and duties of the Florida Prepaid College Board to include specified rulemaking authority; amending ss. 1009.98 and 1009.981, F.S.; authorizing a prepaid college plan or a college savings plan to be purchased, accounted for, used, and terminated under certain circumstances; specifying rulemaking requirements applicable to the department; creating s. 1004.084, F.S.; requiring the Board of Governors of the State University System and the State Board of Education to submit annual reports to the Governor and Legislature relating to college affordability; amending s. 1004.085, F.S.; revising provisions relating to textbook affordability to include instructional materials; defining the term "instructional materials"; requiring Florida College System institution and state university boards of trustees to identify wide variances in the costs of, and in the frequency of changes in the selection of, textbooks and instructional materials for certain courses; requiring the boards of trustees to send identified courses to the academic department chairs for review; providing for legislative review and repeal of specified provisions; requiring postsecondary institutions to consult with certain school districts to identify certain practices; requiring cost-benefit analyses relating to textbooks and instructional materials; providing reporting requirements; amending s. 1006.735, F.S.; establishing the Rapid Response Education and Training Program within the Complete Florida Plus Program; requiring the Complete Florida Plus Program to work with Enterprise Florida, Inc., to offer certain education and training commitments to businesses; specifying the duties of the program; requiring reports to the Legislature; requiring the Division of Career and Adult Education within the Department of Education to conduct an analysis and assessment of the effectiveness of the education and training programs; amending s. 1009.22, F.S.; revising the amount by which tuition may vary for the combined total of the standard tuition and out-of-state fees; amending s. 1009.23, F.S.; prohibiting resident tuition at a Florida College System institution from exceeding a specified amount per credit hour; revising the amount by which tuition may vary for the combined total of the standard tuition and out-of-state fees; requiring a Florida College System institution to publicly notice meetings at which votes on proposed tuition or fee increases are scheduled; amending s. 1009.24, F.S.; prohibiting resident undergraduate tuition at a state university from exceeding a specified amount per credit hour; removing authority for a designee of the Board of Governors to establish graduate and professional tuition and out-of-state fees; prohibiting graduate and professional program tuition from exceeding a specified amount; requiring a state university to publicly notice meetings at which votes on proposed tuition or fee increases are scheduled; creating s. 1004.6501, F.S.; providing a short title; providing purposes and legislative intent; defining terms; establishing eligibility requirements for enrollment in the Florida Postsecondary Comprehensive Transition Program; requiring eligible institutions to make student eligibility determinations; establishing the Florida Center for Students with Unique Abilities; specifying the duties of the center and the center director; specifying application requirements for initial approval and renewal of approval; requiring an eligible institution with an approved program to submit an annual report to the center by a specified date; establishing a Florida Postsecondary Comprehensive Transition Program Scholarship for certain qualified students; specifying the requirements for a student to maintain eligibility for the scholarship; providing for the distribution of scholarship funds; requiring an eligible institution to report certain data and information to the center; requiring an eligible institution to certify and report the amount of funds disbursed and undisbursed advances to the center by a specified date; requiring the center, with the Board of Governors and the State Board of Education, to identify program progress and performance indicators; requiring an annual report to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Chancellor of the State University System, and the Commissioner of Education by a specified date; requiring the center, with other stakeholders, to submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives statutory or budget recommendations for the program; requiring the Board of Governors and the State Board of Education, in consultation with the center, to adopt regulations and rules; creating s. 17.68, F.S.; providing legislative findings; establishing the Financial Literacy Program for Individuals with Developmental Disabilities within the Department of Financial Services; requiring the department to develop and implement the program in consultation with specified stakeholders; providing for

the participation of banks, credit unions, savings associations, and savings banks; requiring the program to provide information and other offerings on specified issues to individuals with developmental disabilities and employers in this state; requiring the department to establish on its website a clearinghouse for information regarding the program and to publish a brochure describing the program; requiring, by a specified date, qualified public depositories to make copies of the department's brochure available and provide a hyperlink on their websites to the department's website for the program; reordering and amending s. 110.107, F.S.; revising definitions and defining the term "individual who has a disability"; amending s. 110.112, F.S.; revising the state's equal employment opportunity policy to include individuals who have a disability; requiring each executive agency to annually report to the Department of Management Services regarding the agency's progress in increasing employment among certain underrepresented groups; revising the required content of the department's annual workforce report; requiring the department to develop and implement certain programs geared toward individuals who have a disability; requiring the department to develop training programs by a specified date; requiring each executive agency to develop a plan regarding the employment of individuals who have a disability by a specified date; requiring the department to report to the Governor and the Legislature regarding implementation; requiring the department to compile and post data regarding the hiring practices of executive agencies regarding the employment of individuals who have a disability; requiring the department to assist executive agencies in identifying strategies to retain employees who have a disability; requiring the department to adopt certain rules; specifying that the act does not create any enforceable right or benefit; amending s. 280.16, F.S.; requiring a qualified public depository to participate in the Financial Literacy Program for Individuals with Developmental Disabilities; amending s. 393.063, F.S.; revising the definition of the term "developmental disability" to include Down syndrome; creating the "Employment First Act"; providing legislative intent; providing a purpose; requiring specified state agencies and organizations to develop and implement an interagency cooperative agreement; requiring the interagency cooperative agreement to provide the roles, responsibilities, and objectives of state agencies and organizations; requiring the Department of Economic Opportunity, in consultation with other organizations, to create the Florida Unique Abilities Partner program; defining terms; authorizing a business entity to apply to the department for designation; requiring the department to consider nominations of business entities for designation; requiring the department to adopt procedures for application and designation processes; establishing criteria for a business entity to be designated as a Florida Unique Abilities Partner; requiring a business entity to certify that it continues to meet the established criteria for designation each year; requiring the department to remove the designation if a business entity does not submit yearly certification of continued eligibility; authorizing a business entity to discontinue its use of the designation; requiring the department, in consultation with the disability community, to develop a logo for business entities designated as Florida Unique Abilities Program Partners; requiring the department to adopt guidelines and requirements for use of the logo; authorizing the department to allow a designated business entity to display a logo; prohibiting the use of a logo if a business entity does not have a current designation; requiring the department to maintain a website with specified information; requiring the Agency for Persons with Disabilities to provide a link on its website to the department's website for the Florida Unique Abilities Partner program; requiring the department to provide the Florida Tourism Industry Marketing Corporation with certain information; requiring the department and CareerSource Florida, Inc., to identify employment opportunities posted by employers that receive the Florida Unique Abilities Partner designation on the workforce information system; providing report requirements; requiring the department to adopt rules; providing appropriations; providing effective dates.

On motion by Senator Gaetz, the Senate concurred in **House Amendment 1 (103497)** as amended by **Senate Amendment 1 (896550)**.

CS for SB 602 passed, as amended, and the action of the Senate was certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

MOTION

On motion by Senator Simmons, by two-thirds vote the following remarks and letter by the President were ordered spread upon the Journal.

REMARKS

President Gardiner: Senators, I appreciate everyone being in their seat. This last series of bills, as well as the water bill, are back in the House. The Department of Corrections bill with its oversight is back in the House. The package for individuals with unique abilities is back in the House. Every major piece of legislation, if we had been in a process where we were negotiating and working together, would not die in the Florida House. Having said that, I've asked the Secretary to read a letter that was just delivered to the Speaker of the House and to the Governor.

By direction of the President, the Secretary read the following letter:

COMMUNICATION

The Honorable Steve Crisafulli, Speaker April 29, 2015
The Florida House of Representatives

Mr. Speaker,

On Tuesday, April 28, 2015, you adjourned the Florida House of Representatives in contravention of express provisions of the Florida Constitution. Accordingly, I respectfully request that you reconvene your chamber to finish the important work of the people of Florida.

Article III, section 3 of the Florida Constitution, plainly states: "Neither house shall adjourn for more than seventy-two consecutive hours except pursuant to concurrent resolution." Further support for this reading is found in the following subsection of Article III, section 3, granting the Governor the authority to adjourn a session, including the adjournment sine die. This framework, modeled after the United States Constitution, sets up a constitutional framework encouraging cooperation between our chambers and designating the Governor to resolve disputes when our chambers cannot agree on a time to adjourn.

This constitutional parliamentary requirement could not be clearer and trumps our own respective chamber's parliamentary rules. The course of action you have taken is not only unconstitutional; it is unprecedented under our present state constitution. In fact, the last time there was a disagreement between the chambers on when to adjourn, it was resolved by Governor LeRoy Collins in 1956.

While our current parliamentary practices may gloss over this requirement where consent of the other chamber is taken for granted, such consent should never be assumed, particularly where one chamber transmits their bills and abruptly adjourns more than three days early in the 60 day regular session, effectively depriving the other chamber of providing meaningful legislative consent and dialogue.

Your own rules do not support the unilateral actions you have taken. House Rule 13.1 cites Mason's Manual of Legislative Procedure as highly influential in interpreting the House's rules. Section 204-3 of Mason's provides "[n]either the senate nor the house can constitutionally adjourn sine die without the other."

The Senate will remain available to conduct business upon the call of the President until the scheduled expiration of the 2015 Regular Session at 11:59 p.m. on Friday, May 1, 2015. Thank you for your prompt attention to this critical constitutional issue.

Respectfully,
Andy Gardiner, President
The Florida Senate

REMARKS

President Gardiner: The reason we believe that they have violated the Constitution will be debated for many, many years after all of us are gone. What is important for us, as a State, is to understand what the roles of the Senate and the House are. This is not how I expected to spend my first session. Each of you came up here with ideas. I said when you allowed me to be President that I truly believe that I'm looking at the greatest minds that have ever been brought together in one chamber: Republican and Democrat. For the House to do what they did, to essentially say, "It's our way or the highway, and we're going to take our ball and go home, because we're not getting our way," is wrong. It's wrong for the Senate; it's wrong for the State of Florida. Look at the number of bills that will not make it unless the House comes back by 1:30 p.m. on Friday and takes them up. We'll stay here until 11:59 p.m. or 12 o'clock Friday night. The people of this great State expect it. They expect it, and they deserve it. So we're going to adjourn for the day here in a little bit. It's been sent over; we'll see what they do. I know we'll be ready. If they want to come in, Republicans and Democrats can start at 1:30 p.m. on Friday. Come back in and take up these bills, and let's start talking. I've said it many times, and I believe it: don't fear the debate. Never fear the debate. We don't. So we'll be here, we'll be ready. I'm proud of the Senate.

REPORTS OF COMMITTEES

Pursuant to Rule 4.18 the Rules Chair submits the following bills to be placed on the Local Bill Calendar for Wednesday, April 29, 2015: HB 485, CS for HB 593, HB 647, HB 691, CS for HB 725, HB 851, CS for HB 859, CS for HB 861, HB 871, CS for CS for HB 899, HB 969, CS for HB 983, CS for HB 1093, CS for CS for HB 1167, HB 1201, CS for CS for CS for HB 1203, HB 1213, HB 1215, HB 1217, HB 1253, HB 1327, HB 1329, HB 1331, CS for HB 1333, HB 1337, CS for CS for HB 1255.

Respectfully submitted,
David Simmons, Rules Chair

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 29, 2015: SB 7060, SB 7062, CS for SB 594, CS for SB 932, SB 1040, CS for CS for CS for SB 1232, CS for CS for SB 918, CS for CS for CS for SB 532, CS for SB 1214, CS for SB 7072.

Respectfully submitted,
David Simmons, Rules Chair
Bill Galvano, Majority Leader
Arthenia L. Joyner, Minority Leader

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

EXECUTIVE APPOINTMENTS SUBJECT TO CONFIRMATION BY THE SENATE:

The Secretary of State has certified that pursuant to the provisions of section 114.05, Florida Statutes, certificates subject to confirmation by the Senate have been prepared for the following:

Office and Appointment		*For Term Ending*
Board of Professional Geologists		
Appointee:	Meeks, Norman R., Valrico	10/31/2018
Board of Orthotists and Prosthetists		
Appointee:	Cheong, David, Tampa	10/31/2017

Referred to the Committee on Ethics and Elections.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 28 was corrected and approved.

CO-INTRODUCERS

Senator Altman—SB 380

ADJOURNMENT

On motion by Senator Simmons, the Senate adjourned at 3:12 p.m. to reconvene upon call of the President.