



Journal of the Senate

Number 2—Regular Session

Wednesday, March 8, 2017

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CALL TO ORDER

The Senate was called to order by President Negron at 1:00 p.m. A quorum present—39:

Mr. President	Farmer	Perry
Artiles	Flores	Powell
Baxley	Gainer	Rader
Bean	Galvano	Rodriguez
Benacquisto	Garcia	Rouson
Book	Gibson	Simmons
Bracy	Grimsley	Simpson
Bradley	Hutson	Stargel
Brandes	Latvala	Steube
Braynon	Lee	Stewart
Broxson	Mayfield	Thurston
Campbell	Montford	Torres
Clemens	Passidomo	Young

Excused: Senator Hukill

PRAYER

The following prayer was offered by Associate Pastor Robert Sutton, Winkler Road Baptist Church, Fort Myers:

Dear Heavenly Father, I'm thankful that you're a God that hears and answers prayer. Thank you for this wonderful opportunity to stand in this chamber and call upon your name to bless these servants of the people of the State of Florida.

You've commanded in your word that we are to pray for all those in authority over us that we might lead a quiet and peaceable life. Our Father, I pray that you would grant each one wisdom as they serve this great state. I pray that you would prepare them in minds and hearts to do their public duty. We ask that you give them clean hands, pure hearts, and sound minds to serve you and your people and to make our state a better place for the glory of your name.

Give them peace of soul when their thoughts and their plans are right. Disturb them when they drift from what is best. Lead them in the paths of righteousness and truth that they may do justly, love mercy, and walk humbly with our God.

I pray that you would bless this day, that you'd bless our great state, and God, please bless America.

In Jesus' name we pray. Amen.

PLEDGE

Senate Pages, Kole VanAernam of Cross City; Abigail Farmer of Lighthouse Point; Jacob Sandler of Delray Beach; and Anaysia Williams of Miami, led the Senate in the Pledge of Allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Yan Makeyev of Orange Park, sponsored by Senator Bradley, as the doctor of the day. Dr. Makeyev specializes in hematology/oncology.

SPECIAL ORDER CALENDAR

SB 500—A bill to be entitled An act relating to the Florida Statutes; amending ss. 11.2421, 11.2422, 11.2424, and 11.2425, F.S.; adopting the Florida Statutes 2017 and designating the portions thereof that are to constitute the official law of the state; providing that the Florida Statutes 2017 shall be effective immediately upon publication; providing that general laws enacted during the 2016 regular session and prior thereto and not included in the Florida Statutes 2017 are repealed; providing that general laws enacted after the 2016 regular session are not repealed by this adoption act; providing an effective date.

—was read the second time by title. On motion by Senator Benacquisto, by two-thirds vote, **SB 500** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Farmer	Perry
Artiles	Flores	Powell
Baxley	Gainer	Rader
Bean	Galvano	Rodriguez
Benacquisto	Garcia	Rouson
Book	Gibson	Simmons
Bracy	Grimsley	Simpson
Bradley	Hutson	Stargel
Brandes	Latvala	Steube
Braynon	Lee	Stewart
Broxson	Mayfield	Thurston
Campbell	Montford	Torres
Clemens	Passidomo	Young

Nays—None

SB 502—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 102.031, 106.24, 120.595, 190.046, 212.08, 215.555, 215.619, 215.985, 253.034, 288.9936, 316.003, 316.545, 316.613, 320.08, 322.121, 373.042, 373.414, 373.4592, 373.707, 376.3071, 393.18, 393.501, 394.461, 400.925, 402.3025, 409.9201, 413.207, 413.402, 440.185, 459.022, 491.0046, 497.458, 499.015, 499.036, 499.83, 553.79, 571.24, 625.111, 627.0629, 627.42392, 627.6562, 627.7074, 633.216, 655.960, 744.20041, 790.065, 832.07, 893.0356, 893.13, 921.0022, 932.7055, 1002.385, 1003.42, 1006.195, 1012.796, and 1013.40, F.S.; deleting provisions that have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary

repetition in the statutes; and improving the clarity of the statutes and facilitating their correct interpretation; providing an effective date.

—was read the second time by title. On motion by Senator Benacquisto, by two-thirds vote, **SB 502** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Farmer	Perry
Articles	Flores	Powell
Baxley	Gainer	Rader
Bean	Galvano	Rodriguez
Benacquisto	Garcia	Rouson
Book	Gibson	Simmons
Bracy	Grimsley	Simpson
Bradley	Hutson	Stargel
Brandes	Latvala	Steube
Braynon	Lee	Stewart
Broxson	Mayfield	Thurston
Campbell	Montford	Torres
Clemens	Passidomo	Young

Nays—None

CS for SB 504—A reviser’s bill to be entitled An act relating to the Florida Statutes; repealing ss. 212.08(7)(hhh), 216.292(8), 322.1415, 388.261(4)(b), 400.9986, 403.1832(2), 409.912(1), (3), and (7), and 720.303(13), F.S., amending ss. 20.435 and 320.08058, F.S., to delete provisions which have become inoperative by noncurrent repeal or expiration and, pursuant to s. 11.242(5)(b) and (i), F.S., may be omitted from the 2017 Florida Statutes only through a reviser’s bill duly enacted by the Legislature; amending ss. 213.053, 220.192, 322.21, 377.703, 409.91195, 409.91196, 409.962, 641.19, and 641.386, F.S., to conform cross-references; providing an effective date.

—was read the second time by title. On motion by Senator Benacquisto, by two-thirds vote, **CS for SB 504** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Farmer	Perry
Articles	Flores	Powell
Baxley	Gainer	Rader
Bean	Galvano	Rodriguez
Benacquisto	Garcia	Rouson
Book	Gibson	Simmons
Bracy	Grimsley	Simpson
Bradley	Hutson	Stargel
Brandes	Latvala	Steube
Braynon	Lee	Stewart
Broxson	Mayfield	Thurston
Campbell	Montford	Torres
Clemens	Passidomo	Young

Nays—None

SB 506—A reviser’s bill to be entitled An act relating to the Florida Statutes; amending ss. 73.073, 110.2037, 250.116, 250.40, 257.12, 258.015, 258.15, 261.06, 265.703, 267.075, 267.173, 267.1735, 288.1082, 288.774, 288.776, 311.07, 375.065, and 379.2402, F.S., and repealing s. 217.14, F.S., to conform to the directive of the Legislature in section 9 of chapter 2012-116, Laws of Florida, codified as section 11.242(5)(j), Florida Statutes, to prepare a reviser’s bill to omit all statutes and laws, or parts thereof, which grant duplicative, redundant, or unused rule-making authority; providing an effective date.

—was read the second time by title. On motion by Senator Benacquisto, by two-thirds vote, **SB 506** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Farmer	Perry
Articles	Flores	Powell
Baxley	Gainer	Rader
Bean	Galvano	Rodriguez
Benacquisto	Garcia	Rouson
Book	Gibson	Simmons
Bracy	Grimsley	Simpson
Bradley	Hutson	Stargel
Brandes	Latvala	Steube
Braynon	Lee	Stewart
Broxson	Mayfield	Thurston
Campbell	Montford	Torres
Clemens	Passidomo	Young

Nays—None

SB 480—A bill to be entitled An act relating to transportation facility designations; providing an honorary designation of a certain transportation facility in a specified county; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was read the second time by title. On motion by Senator Simmons, by two-thirds vote, **SB 480** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Farmer	Perry
Articles	Flores	Powell
Baxley	Gainer	Rader
Bean	Galvano	Rodriguez
Benacquisto	Garcia	Rouson
Book	Gibson	Simmons
Bracy	Grimsley	Simpson
Bradley	Hutson	Stargel
Brandes	Latvala	Steube
Braynon	Lee	Stewart
Broxson	Mayfield	Thurston
Campbell	Montford	Torres
Clemens	Passidomo	Young

Nays—None

On motion by Senator Galvano—

CS for CS for SB 2—A bill to be entitled An act relating to higher education; providing a short title; amending s. 1001.66, F.S.; revising requirements for the performance-based metrics used to award Florida College System institutions with performance-based incentives; amending s. 1001.67, F.S.; revising the Distinguished Florida College System Institution Program excellence standards requirements; amending s. 1001.706, F.S.; requiring state universities to use gap analyses to identify internship opportunities in high-demand fields; amending s. 1001.7065, F.S.; revising the preeminent state research universities program graduation rate requirements and funding distributions; deleting the authority for such universities to stipulate a special course requirement for incoming students; requiring the Board of Governors to establish certain standards by a specified date; amending s. 1001.92, F.S.; requiring certain performance-based metrics to include specified graduation rates; creating s. 1004.6497, F.S.; establishing the World Class Faculty and Scholar Program; providing the purpose and intent of the program; authorizing investments in certain faculty retention, recruitment, and recognition activities; specifying funding as provided in the General Appropriations Act; requiring the funds to be used only for authorized purposes and investments; requiring the Board of Governors to submit an annual report to the Governor and the Legislature by a specified date; creating s. 1004.6498, F.S.; establishing the State University Professional and Graduate Degree Excellence Program; providing the purpose of the program; listing the quality improvement efforts that may be used to elevate the prominence of state university medicine, law, and graduate-level business

programs; specifying funding as provided in the General Appropriations Act; requiring the funds to be used only for authorized purposes and investments; requiring the Board of Governors to submit an annual report to the Governor and the Legislature by a specified date; amending s. 1007.23, F.S.; requiring each Florida Community College System institution to execute at least one “2+2” Targeted Pathway articulation agreement by a specified time; providing requirements and student eligibility for the agreements; requiring the State Board of Community Colleges and the Board of Governors to collaborate to eliminate barriers for the agreements; amending s. 1007.27, F.S.; requiring school districts to notify students about certain lists and equivalencies; amending s. 1008.30, F.S.; providing that certain state universities may continue to provide developmental education instruction; amending ss. 1009.22 and 1009.23, F.S.; revising the prohibition on the inclusion of a technology fee in the Florida Bright Futures Scholarship Program award; amending s. 1009.24, F.S.; revising the prohibition on the inclusion of a technology fee in the Florida Bright Futures Scholarship Program award; requiring each state university board of trustees to implement a block tuition policy for specified undergraduate students or undergraduate-level courses by a specified time; revising the conditions for differential tuition; amending s. 1009.53, F.S.; authorizing a student to use funds appropriated in the General Appropriations Act for summer term enrollment for Florida Academic Scholars awards; amending s. 1009.534, F.S.; specifying Florida Academic Scholars award amounts to cover tuition, fees, textbooks, and other college-related expenses; amending s. 1009.701, F.S.; revising the state-to-private match requirement for contributions to the First Generation Matching Grant Program; amending s. 1009.89, F.S.; renaming the Florida Resident Access Grant Program; amending s. 1009.893, F.S.; extending coverage of Benacquisto Scholarships to include tuition and fees for qualified nonresident students; creating s. 1009.894, F.S.; creating the Florida Farmworker Student Scholarship Program; providing a purpose; requiring the Department of Education to administer the scholarship program; providing initial and renewal scholarship student eligibility criteria; specifying award amounts and distributions; requiring the department to issue the awards annually; requiring institutions to certify certain information and remit any remaining funds to the department by a specified timeframe; requiring the department to maintain program data; providing for funding as specified in the General Appropriations Act; amending s. 1009.98, F.S.; providing that certain payments from the Florida Prepaid College Board to a state university on behalf of a qualified beneficiary may not exceed a specified amount; amending s. 1013.79, F.S.; revising the intent of the Alec P. Courtelis University Facility Enhancement Challenge Grant Program; deleting the Alec P. Courtelis Capital Facilities Matching Trust Fund; authorizing the Legislature to prioritize certain funds for the 2017-2018 fiscal year; amending s. 267.062, F.S.; conforming a cross-reference; providing a directive to the Division of Law Revision and Information; providing an effective date.

—was read the second time by title.

Senator Clemens moved the following amendment which failed:

Amendment 1 (424158)—Delete line 118 and insert:

(b) *For the 2017-2018 academic year, a 125 percent-of-normal-time program completion and graduation rate and, for the 2018-2019 academic year, a 100 percent-of-normal-time program completion and*

Senator Farmer moved the following amendments which failed:

Amendment 2 (891426) (with directory and title amendments)—Between lines 147 and 148 insert:

(2) Each fiscal year, the amount of funds available for allocation to the Florida College System institutions based on the performance-based funding model shall consist of the state’s investment in performance funding plus institutional investments consisting of funds to be redistributed from the base funding of the Florida College System Program Fund as determined in the General Appropriations Act. The State Board of Education shall establish minimum performance funding eligibility thresholds for the state’s investment and the institutional investments. *A Florida College System institution that meets the eligibility thresholds for both the state’s investment and the institutional investment shall receive its proportionate share of the state’s performance-based investment based on its ranking among all eligible institutions.* An institution that meets the minimum institutional in-

vestment eligibility threshold, but fails to meet the minimum state investment eligibility threshold, shall have its institutional investment restored but is ineligible for a share of the state’s investment in performance funding. The institutional investment shall be restored for all institutions eligible for the state’s investment under the performance-based funding model.

And the directory clause is amended as follows:

Delete lines 107-108 and insert:

Section 2. Subsections (1) and (2) of section 1001.66, Florida Statutes, are amended to read:

And the title is amended as follows:

Delete line 6 and insert: performance-based incentives; requiring certain institutions to receive a proportionate share of the state’s performance-based investment; amending s. 1001.67,

Amendment 3 (440968)—Delete lines 157-160 and insert:

(a) A ~~125~~ 150 percent-of-normal-time completion rate of 50 percent or higher, as calculated by the Division of Florida Colleges.

(b) A ~~125~~ 150 percent-of-normal-time completion rate for

Amendment 4 (934886) (with title amendment)—Delete line 294 and insert:

University System. The performance-based metrics must include *graduation rates until June 30, 2018, after which time they must instead include 4-*

And the title is amended as follows:

Delete line 20 and insert: specified graduation rates beginning on a specified date; creating s. 1004.6497,

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

Amendment 5 (869454) (with title amendment)—Delete line 298 and insert:

the added value of a baccalaureate degree; access, *with benchmarks that reward institutions with significantly higher access rates*; and other

And the title is amended as follows:

Delete line 20 and insert: specified graduation rates and access benchmarks; creating s. 1004.6497,

Senator Braynon moved the following amendment to **Amendment 5 (869454)** which was adopted:

Amendment 5A (725836)—Delete lines 6-7 and insert: *benchmarks that reward institutions with access rates at or above 50 percent*; and other

Amendment 5 (869454), as amended, was adopted.

Senator Galvano moved the following amendment which was adopted:

Amendment 6 (433696) (with directory and title amendments)—Between lines 555 and 556 insert:

(b) A proposal developed pursuant to paragraph (a) shall be submitted in accordance with *the public notification requirements of subsection (20) and guidelines established by the Board of Governors.* Approval by the Board of Governors of such proposals ~~proposal~~ must be made in accordance with ~~the provisions of this subsection.~~ *By October 1, 2017, each state university board of trustees shall adopt a block tuition and fee policy, pursuant to subparagraph (a)3., for implementation by the fall 2018 academic semester and submit the policy, including, but not limited to, information on the potential impact of the policy on students, to the Board of Governors. By December 1, 2017, the Chancellor of the State University System shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a summary report of such policies, the status of the board’s review and approval of*

such policies, and the board's recommendations for improving block tuition and fee benefits for students.

And the directory clause is amended as follows:

Delete line 520 and insert:

Section 14. Subsection (13), paragraphs (a) and (b) of subsection

And the title is amended as follows:

Delete line 63 and insert: time; requiring the Chancellor of the State University System to submit a report to the Governor and the Legislature by a specified date; revising the conditions for differential

Senator Clemens moved the following amendment which failed:

Amendment 7 (231668) (with title amendment)—Delete lines 671-714 and insert:

burden on the citizens of the state. ~~Because the William L. Boyd, IV, Florida Resident Access Grant Program is not related to a student's financial need or other criteria upon which financial aid programs are based, it is the intent of the Legislature that the William L. Boyd, IV, Florida Resident Access Grant Program not be considered a financial aid program but rather a tuition assistance program for its citizens.~~

(2) The William L. Boyd, IV, *Effective Access to Student Education Florida Resident Access Grant Program* shall be administered by the Department of Education. The State Board of Education shall adopt rules for the administration of the program.

(3) The department shall issue through the program a William L. Boyd, IV, *Effective Access to Student Education Florida resident access grant* to any full-time degree-seeking undergraduate student registered at an independent nonprofit college or university which is located in and chartered by the state; which is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools; which grants baccalaureate degrees; which is not a state university or Florida College System institution; and which has a secular purpose, so long as the receipt of state aid by students at the institution would not have the primary effect of advancing or impeding religion or result in an excessive entanglement between the state and any religious sect. Any independent college or university that was eligible to receive tuition vouchers on January 1, 1989, and which continues to meet the criteria under which its eligibility was established, shall remain eligible to receive William L. Boyd, IV, *Effective Access to Student Education Florida resident access grant* payments.

(4) A person is eligible to receive such William L. Boyd, IV, *Effective Access to Student Education Florida resident access grant* if:

(a) He or she meets the general requirements, including residency, for student eligibility as provided in s. 1009.40, except as otherwise provided in this section; and

(b)1. He or she is enrolled as a full-time undergraduate student at an eligible college or university;

2. He or she is not enrolled in a program of study leading to a degree in theology or divinity; and

3. He or she is making satisfactory academic progress as defined by the college or university in which he or she is enrolled.

Priority in awarding William L. Boyd, IV, Effective Access to Student Education grants must be given to eligible students who demonstrate a financial need.

And the title is amended as follows:

Delete line 74 and insert: Florida Resident Access Grant Program; requiring that students who demonstrate a financial need be given priority in the awarding of grants; amending s.

Senator Farmer moved the following amendment which failed:

Amendment 8 (692246) (with title amendment)—Between lines 1053 and 1054 insert:

Section 25. For the 2017-2018 fiscal year, the sum of \$5.1 million in nonrecurring funds from the General Revenue Fund is appropriated to the Department of Education to expand need-based scholarships and grants for students who attend public postsecondary institutions in this state. These funds shall be divided evenly between students at Florida College System institutions and State University System institutions who are eligible to participate in a need-based program under part III of chapter 1009, Florida Statutes.

And the title is amended as follows:

Delete line 100 and insert: the Division of Law Revision and Information; providing an appropriation;

Pursuant to Rule 4.19, **CS for CS for SB 2**, as amended, was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTIONS

On motion by Senator Benacquisto, by two-thirds vote, **SB 500, SB 502, CS for SB 504, SB 506, and SB 480** were ordered immediately certified to the House.

REPORTS OF COMMITTEES

Pursuant to Rule 4.17(1), the Rules Chair, Majority Leader, and Minority Leader submit the following bills to be placed on the Special Order Calendar for Wednesday, March 8, 2017: SB 500, SB 502, CS for SB 504, SB 506, SB 480, CS for CS for SB 2.

Respectfully submitted,
Lizbeth Benacquisto, Rules Chair
Wilton Simpson, Majority Leader
Oscar Braynon II, Minority Leader

The Committee on Judiciary recommends the following pass: SB 878

The bill was referred to the Appropriations Subcommittee on Criminal and Civil Justice under the original reference.

The Committee on Communications, Energy, and Public Utilities recommends the following pass: SB 678

The Committee on Environmental Preservation and Conservation recommends the following pass: SB 442

The bills contained in the foregoing reports were referred to the Appropriations Subcommittee on the Environment and Natural Resources under the original reference.

The Committee on Ethics and Elections recommends the following pass: SB 914

The bill was referred to the Committee on Community Affairs under the original reference.

The Committee on Ethics and Elections recommends the following pass: SB 954

The bill was referred to the Committee on Judiciary under the original reference.

The Committee on Ethics and Elections recommends the following pass: SJR 882

The bill was referred to the Committee on Rules under the original reference.

The Committee on Criminal Justice recommends a committee substitute for the following: CS for SB 118

The bill with committee substitute attached was referred to the Committee on Appropriations under the original reference.

The Committee on Banking and Insurance recommends committee substitutes for the following: SB 454; SB 730

The bills with committee substitute attached were referred to the Appropriations Subcommittee on General Government under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 430

The bill with committee substitute attached was referred to the Appropriations Subcommittee on Health and Human Services under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 536

The bill with committee substitute attached was referred to the Appropriations Subcommittee on Pre-K - 12 Education under the original reference.

The Committee on Judiciary recommends committee substitutes for the following: SB 24; SB 30

The bills with committee substitute attached were referred to the Committee on Community Affairs under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 738

The bill with committee substitute attached was referred to the Committee on Governmental Oversight and Accountability under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 660

The Committee on Commerce and Tourism recommends committee substitutes for the following: SB 380; SB 498

The Committee on Criminal Justice recommends a committee substitute for the following: SB 624

The bills with committee substitute attached contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.

The Committee on Communications, Energy, and Public Utilities recommends a committee substitute for the following: SB 144

The Committee on Criminal Justice recommends a committee substitute for the following: SB 608

The bills with committee substitute attached contained in the foregoing reports were referred to the Committee on Transportation under the original reference.

REPORTS OF SUBCOMMITTEES

The Appropriations Subcommittee on Criminal and Civil Justice recommends the following pass: SB 350

The Appropriations Subcommittee on Pre-K - 12 Education recommends the following pass: SB 78; SB 376

The Appropriations Subcommittee on Transportation, Tourism, and Economic Development recommends the following pass: CS for SB 164; SB 7010

The bills contained in the foregoing reports were referred to the Committee on Appropriations under the original reference.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Judiciary; and Senator Flores—

CS for SB 24—A bill to be entitled An act for the relief of Altavious Carter by the Palm Beach County School Board; providing an appropriation to compensate Mr. Carter for injuries sustained as a result of the negligence of a bus driver of the Palm Beach County School District; providing a limitation on the payment of fees; providing an effective date.

By the Committee on Judiciary; and Senator Simmons—

CS for SB 30—A bill to be entitled An act for the relief of Erin Joynt by Volusia County; providing for an appropriation to compensate Erin Joynt for injuries sustained as a result of the negligence of an employee of Volusia County; providing that certain payments and the appropriation satisfy all present and future claims related to the negligent act; providing a limitation on the payment of attorney fees; providing an effective date.

By the Committees on Criminal Justice; and Judiciary; and Senator Steube—

CS for CS for SB 118—A bill to be entitled An act relating to criminal history records; prohibiting a person or entity engaged in publishing or disseminating arrest booking photographs from soliciting or accepting a fee or other payment to remove the photograph; requiring a person or entity, within a specified timeframe, to remove an arrest booking photograph after receipt of a written request; authorizing a person to bring a civil action to enjoin such publishing of a photograph; authorizing a court to impose a civil penalty and award attorney fees and court costs; providing applicability; amending s. 943.0585, F.S.; revising the elements that must be attested to by a petitioner in a statement submitted in support of the expunction of criminal history records; revising the circumstances under which the Department of Law Enforcement must issue a certificate of eligibility for expunction of a criminal history record; providing an effective date.

By the Committee on Communications, Energy, and Public Utilities; and Senators Garcia, Campbell, and Perry—

CS for SB 144—A bill to be entitled An act relating to the use of wireless communications devices while driving; amending s. 316.305, F.S.; revising the legislative intent relating to the authorization of law enforcement officers to stop motor vehicles and issue citations to persons who are texting while driving; deleting a provision requiring that enforcement of the Florida Ban on Texting While Driving Law be accomplished only as a secondary action; requiring deposit of fines into the Emergency Medical Services Trust Fund; providing an effective date.

By the Committee on Commerce and Tourism; and Senator Mayfield—

CS for SB 380—A bill to be entitled An act relating to unsafe tires; creating s. 501.977, F.S.; prohibiting the installation, for compensation, of certain tires on specified motor vehicles; specifying what constitutes an unsafe used tire; providing that violations of the act are deceptive and unfair trade practices; providing an effective date.

By the Committee on Banking and Insurance; and Senators Bean and Flores—

CS for SB 430—A bill to be entitled An act relating to discount plan organizations; revising the titles of ch. 636, F.S., and part II of ch. 636, F.S.; amending s. 636.202, F.S.; revising definitions; amending s. 636.204, F.S.; conforming provisions to changes made by the act; requiring third-party entities that contract with providers to administer or provide platforms for discount plans to be licensed as discount plan organizations; amending s. 636.206, F.S.; conforming provisions to changes made by the act; requiring discount plan organizations to maintain, for a specified timeframe, certain records in a form accessible to the Office of Insurance Regulation during an examination or investigation; amending s. 636.208, F.S.; conforming provisions to changes made by the act; specifying periodic charge reimbursement and other requirements for discount plan organizations following membership cancellation requests; amending s. 636.212, F.S.; requiring discount plan organizations and marketers to provide specified disclosures to prospective members before enrollment; authorizing discount plan organizations and marketers to make other disclosures; requiring prospective members to acknowledge acceptance of disclosures before enrollment; specifying requirements for disclosures made in writing or by electronic means; revising requirements for disclosures made by telephone; amending s. 636.214, F.S.; making a technical change; conforming provisions to changes made by the act; amending s. 636.216, F.S.; deleting provisions relating to charge and form filings; conforming a provision to changes made by the act; amending s. 636.228, F.S.; conforming provisions to changes made by the act; authorizing a discount plan organization to delegate functions to its marketers; providing that the discount plan organization is bound by acts of its marketers within the scope of the delegation; amending s. 636.230, F.S.; conforming provisions to changes made by the act; authorizing a marketer or discount plan organization to commingle certain products on a single page of certain documents; deleting a requirement for discount medical plan fees to be provided in writing under certain circumstances; amending s. 636.232, F.S.; conforming a provision to changes made by the act; deleting rulemaking authority of the Financial Services Commission as to the establishment of certain standards; amending ss. 408.9091, 408.910, 627.64731, 636.003, 636.205, 636.207, 636.210, 636.218, 636.220, 636.222, 636.223, 636.224, 636.226, 636.234, 636.236, 636.238, 636.240, and 636.244, F.S.; conforming provisions to changes made by the act; providing an effective date.

By the Committee on Banking and Insurance; and Senator Brandes—

CS for SB 454—A bill to be entitled An act relating to the regulation of insurance companies; amending s. 215.555, F.S.; deleting a future repeal of an exemption of medical malpractice insurance premiums from certain emergency assessments by the State Board of Administration relating to the Florida Hurricane Catastrophe Fund; amending s. 625.012, F.S.; revising the allowable assets of insurers relating to specified levied assessments; amending s. 627.062, F.S.; revising requirements for certain rate filings by medical malpractice insurers; amending s. 627.0645, F.S.; adding certain medical malpractice insurance to casualty insurance excluded from an annual base rate filing requirement for rating organizations; amending s. 627.4035, F.S.; revising the methods of paying premiums for insurance contracts; authorizing an insurer to impose a specified insufficient funds fee if certain premium payment methods are returned, declined, or cannot be processed; amending s. 627.421, F.S.; providing that an electronically delivered document in an insurance policy meets formatting requirements for printed documents under certain conditions; amending s. 627.7295, F.S.; conforming provisions to changes made by the act; providing an effective date.

By the Committee on Commerce and Tourism; and Senator Young—

CS for SB 498—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 288.1175, F.S.; specifying that applications for funding for certain agriculture education and promotion facilities must be postmarked or electronically submitted by a certain date; amending s. 472.003, F.S.; specifying that certain persons under contract with registered or certified surveyors and mappers are not subject to the provisions of ch. 472, F.S.; amending s. 472.005, F.S.; redefining the terms “practice of surveying and mapping” and “subordinate”; amending s. 472.013, F.S.; revising the stan-

dards for when an applicant is eligible to take the licensure examination to practice as a surveyor and mapper; amending s. 472.015, F.S.; revising the qualifications for licensure by endorsement; revising the requirements for a certain notice relating to insurance coverage; amending s. 472.018, F.S.; revising the continuing education requirements for new licensees and license renewal; authorizing the board to provide by rule the method of delivery of, criteria for, and provisions to carryover hours for continuing education requirements; deleting a requirement that the board approve courses; requiring the board to issue cease and desist orders and enact certain penalties for continuing education providers failing to conform to board rules; requiring the department to establish a system for the administration of continuing education requirements adopted by the board; amending s. 472.025, F.S.; deleting a requirement that registrant seals be of impression-type metal; amending s. 472.033, F.S.; specifying that the department may initiate an investigation if it has reasonable cause to believe that a person is engaged in the practice of surveying and mapping without a license; amending s. 472.0351, F.S.; specifying that disciplinary actions may be taken for the unlicensed practice of surveying and mapping; amending s. 472.0366, F.S.; revising the requirements for copies of evaluation certificates that must be submitted to the Division of Emergency Management within the Executive Office of the Governor; requiring that certain copies of evaluation certificates be retained in the surveyor and mapper's records; amending s. 487.2041, F.S.; requiring the department to adopt by rule certain United States Environmental Protection Agency regulations relating to labeling requirements for pesticides and devices; amending s. 493.6101, F.S.; specifying that a manager of a private investigative agency may manage multiple offices; amending s. 493.6105, F.S.; exempting certain partners and corporate officers from fingerprint retention requirements; revising the submission requirements for applications for Class “K” licenses; amending s. 493.6107, F.S.; deleting a specification that license fees are biennial; amending s. 493.6108, F.S.; providing an authorization to the Department of Law Enforcement to release certain mental health and substance abuse history of Class “G” or Class “K” applicants and licensees for the purpose of determining licensure eligibility; requiring licensees to notify their employer of an arrest within a specified period; amending s. 493.6112, F.S.; revising the notification requirements for changes of certain partners, officers, and employees of private investigative, security, and recovery agencies; amending s. 493.6113, F.S.; specifying that Class “G” licensees must complete requalification training for each type and caliber of firearm carried in the course of performing regulated duties; conforming terminology; amending s. 493.6115, F.S.; conforming a cross-reference; revising the circumstances under which certain licensees may carry a concealed firearm; revising the conditions under which the department may issue a temporary Class “G” license; amending s. 493.6118, F.S.; providing that failure of a licensee to timely notify his or her employer of an arrest is grounds for disciplinary action by the department; requiring the department to temporarily suspend specified licenses of a licensee arrested or formally charged with certain crimes until disposition of the case; requiring the department to notify a licensee of administrative hearing rights; specifying that any hearing must be limited to a determination as to whether the licensee has been arrested or charged with a disqualifying crime; providing that the suspension may be lifted under certain circumstances; requiring the department to proceed with revocation under certain circumstances; amending s. 493.6202, F.S.; deleting a specification that license fees are biennial; amending s. 493.6203, F.S.; deleting a requirement that certain training be provided in two parts; amending s. 493.6302, F.S.; deleting a specification that license fees are biennial; amending s. 493.6303, F.S.; deleting a requirement that certain training be provided in two parts; deleting obsolete provisions; making technical changes; deleting a provision requiring that if a license is suspended, revoked, or expired for at least 1 year, that the applicant must submit proof of certain training before issuance of a new license; amending s. 493.6304, F.S.; making technical changes; amending s. 493.6402, F.S.; deleting a specification that license fees are biennial; amending s. 493.6403, F.S.; requiring that applicants for Class “E” and “EE” licenses submit proof of successful completion of certain training, rather than just completion of such training; amending s. 501.013, F.S.; providing that a program or facility offered by an organization for the exclusive use of its employees and their family members is not subject to certain health studio regulations; amending s. 501.059, F.S.; removing a limitation on the length of time for which the department must place certain persons on a no sales solicitation list; amending s. 507.04, F.S.; making a technical change; amending s. 531.37, F.S.; redefining the term “weights and measures” to exclude taximeters and digital networks; amending s.

531.61, F.S.; deleting certain taximeters from a permitting requirements for commercially operated or tested weights or measures instruments or devices; repealing s. 531.63(2)(g), F.S.; relating to maximum permit fees for taximeters; amending s. 534.021, F.S.; specifying that a detailed drawing, rather than a facsimile, of a brand must accompany an application for the recording of certain marks and brands; amending s. 534.041, F.S.; extending the registration and renewal period for certain mark or brand certificates; eliminating a renewal fee; repealing s. 534.061, F.S., relating to the transfer of ownership of cattle; amending s. 573.118, F.S.; specifying that the Division of Fruit and Vegetables, rather than the Division of Marketing and Development, must file a specified certification; amending s. 590.02, F.S.; specifying that the department has exclusive authority to enforce the Florida Building Code as it relates to Florida Forest Service facilities under the jurisdiction of the department; amending s. 597.004, F.S.; authorizing certain saltwater products dealers to sell certain aquaculture products without restriction under a specified circumstance; amending s. 604.16, F.S.; specifying that dealers in agricultural products who pay by credit card are exempt from certain dealer requirements; amending s. 790.06, F.S.; revising the requirements to obtain a license to carry a concealed weapon or firearm; revising the requirements of the application form; revising the license fees to obtain or renew such license; providing an effective date.

By the Committee on Banking and Insurance; and Senator Brandes—

CS for SB 536—A bill to be entitled An act relating to unclaimed funds held by the clerks of court; repealing s. 43.19, F.S., relating to the deposit of unclaimed funds with the Chief Financial Officer to the credit of the State School Fund; amending s. 45.032, F.S.; deleting a definition; requiring the clerk to report as unclaimed property a surplus under certain circumstances; specifying who is entitled to a surplus under certain circumstances; conforming provisions to changes made by the act; amending s. 45.033, F.S.; conforming a provision to changes made by the act; repealing s. 45.034, F.S., relating to qualifications and appointment of a surplus trustee in foreclosure actions; amending s. 45.035, F.S.; revising service charges that a clerk may receive and deduct from surplus; amending ss. 717.124, 717.138, and 717.1401, F.S.; conforming cross-references; providing an effective date.

By the Committee on Criminal Justice; and Senator Clemens—

CS for SB 608—A bill to be entitled An act relating to decreasing penalties for certain criminal acts; amending s. 316.1301, F.S.; deleting a criminal penalty prohibiting a person on a public street or highway from carrying a white or white tipped with red cane or walking stick unless the person is totally or partially blind; amending s. 316.2956, F.S.; decreasing the penalty for a person who sells or installs sun-screening material in violation of specified provisions; amending s. 316.646, F.S.; decreasing the penalty for a person who is required to maintain certain motor vehicle insurance coverage and who presents proof of insurance knowing that such insurance is not currently in force; amending s. 318.14, F.S.; decreasing the penalty for a person who willfully refuses to accept and to sign a citation indicating a promise to appear in a hearing; amending s. 322.03, F.S.; decreasing the penalty for a resident of this state who operates a commercial motor vehicle without possessing a commercial driver license under certain circumstances; amending s. 322.055, F.S.; decreasing the period for revocation or suspension of, or delay of eligibility for, driver licenses or driving privileges for certain persons convicted of certain drug offenses; deleting provisions authorizing a driver to petition the Department of Highway Safety and Motor Vehicles for restoration of his or her driving privilege; amending s. 562.14, F.S.; decreasing the penalty for selling, consuming, serving, or allowing to be served in a place having a license between midnight and 7 a.m. the next day; amending s. 562.50, F.S.; decreasing the penalty for selling, giving away, disposing of, exchanging, or bartering certain beverages or articles with a habitual drunkard after receiving notice from a family member about such person's condition; amending s. 812.014, F.S.; increasing the minimum monetary value of stolen property for the crime of grand theft of the third degree; increasing the maximum monetary value for grand theft of the third degree involving theft of property from a dwelling or its unenclosed curtilage; increasing the maximum value for petit theft of the first degree; revising the list of offenses that make up grand theft of the third degree; deleting a criminal penalty for petit theft by an offender who has two or

more prior theft convictions; amending s. 832.05, F.S.; revising threshold amounts for offenses involving giving worthless checks, drafts, and debit card orders; amending s. 832.062, F.S.; revising the threshold amount for offenses involving payments to the Department of Revenue; amending s. 921.0022, F.S.; conforming provisions to changes made by the act; conforming cross-references; reenacting ss. 318.18(3)(f) and 318.21(4), F.S., relating to amounts of penalties and disposition of civil penalties by county courts, respectively, to incorporate the amendment made to s. 316.1301, F.S., in references thereto; reenacting s. 320.02(5)(a), relating to proof of insurance coverage, to incorporate the amendment made to s. 316.646, F.S., in a reference thereto; reenacting ss. 95.18(10), 373.6055(3)(c), 400.9935(3), 409.910(17)(g), 489.126(4), 538.23(2), 550.6305(10), 634.319(2), 634.421(2), 636.238(3), 642.038(2), 705.102(4), 812.015(2), 812.0155(1) and (2), 812.14(4), (7), and (8), and 893.138(3), F.S., relating to adverse possession without color of title, criminal history checks for certain employees, clinic responsibilities, investigating suspected criminal violations or fraudulent activity related to theft, moneys received by contractors, violations and penalties, theft and penal sanctions for theft, reporting and accounting for funds, penalties for specified violations, reporting lost or abandoned property, second or subsequent conviction for petit theft, suspension of driver license following an adjudication of guilt for theft, theft of utility services, and local administrative action to abate a stolen-property-related public nuisance, respectively, to incorporate the amendment made to s. 812.014, F.S., in references thereto; providing an effective date.

By the Committee on Criminal Justice; and Senator Steube—

CS for SB 624—A bill to be entitled An act relating to body cameras; amending s. 943.1718, F.S.; requiring law enforcement agencies that permit law enforcement officers to wear body cameras to establish policies and procedures that include a provision permitting a law enforcement officer using a body camera to review body camera footage before taking certain actions; providing an effective date.

By the Committee on Banking and Insurance; and Senator Passidomo—

CS for SB 660—A bill to be entitled An act relating to bankruptcy matters in foreclosure proceedings; creating s. 702.12, F.S.; authorizing lienholders to use certain documents as an admission in an action to foreclose a mortgage; providing that submission of certain documents in a foreclosure action creates a rebuttable presumption; authorizing lienholders to make a request for judicial notice of final orders entered in bankruptcy cases; providing construction; providing applicability; providing an effective date.

By the Committee on Banking and Insurance; and Senator Passidomo—

CS for SB 730—A bill to be entitled An act relating to insurer insolvency; amending s. 631.015, F.S.; adding the Insurer Receivership Model Act to a list of acts that extend reciprocity in the treatment of policyholders in receivership if such act is enacted in other states; amending s. 631.021, F.S.; adding the Florida Health Maintenance Organization Consumer Assistance Plan to a list of entities that must be given reasonable written notice by the Department of Financial Services of hearings pertaining to certain insurers; revising the exclusive jurisdiction of the Circuit Court of Leon County, upon issuance of specified orders, of an insurer's assets or property in a delinquency proceeding; providing construction; amending s. 631.031, F.S.; requiring an insurer to file its response and defenses to a certain order within a specified timeframe; requiring that a hearing to determine whether cause exists to appoint the department as receiver must be commenced by a specified time; amending s. 631.041, F.S.; providing an exception for the Office of Insurance Regulation from applicability of a certain application or petition operating as an automatic stay; amending s. 631.141, F.S.; authorizing a receiver to assume or reject an insurer's executory contract or unexpired lease; authorizing the department as domiciliary receiver to pay certain expenses or reject certain contracts; providing that, under certain circumstances, certain persons of an insurer that is under liquidation are permanently discharged and have no further authority over the affairs or assets of the insurer; amending s. 631.152, F.S.; conforming a cross-reference; creating s. 631.1521, F.S.; prohibiting certain defenses in actions by and against a receiver; au-

thorizing certain defenses in actions by and against a receiver; specifying that a principal under a surety bond or surety undertaking, under certain circumstances, is entitled to credit for the value of certain property against a reimbursement obligation to the receiver; limiting admissibility of evidence of fraud in the inducement to evidence contained in insurer records; creating s. 631.1522, F.S.; prohibiting, in a receiver's proceeding or claim, the assertion of defenses or claims by an affiliate or certain persons of an insurer except under certain circumstances; providing construction; amending s. 631.181, F.S.; authorizing a receivership court to allow alternative procedures and requirements for filing proofs of claim or allowing or proving claims; providing construction; prohibiting a receivership court from waiving certain filing requirements; authorizing a receiver to petition the receivership court to set certain deadlines; requiring a receiver to provide notice of filing a certain petition to certain claimants; amending s. 631.191, F.S.; defining terms; providing applicability; requiring that specified large deductible claims under certain workers' compensation policies must be turned over to the applicable responsible guaranty association for handling; providing for construction relating to payment of deductible claims; authorizing receivers to collect reimbursements owed for certain deductible claims; providing requirements for such collections; providing for construction relating to such collections; requiring receivers to use collateral, when available, to secure certain obligations; providing that a guaranty association is entitled to collateral for a certain purpose; providing for construction relating to certain distributions; requiring receivers to draw down collateral under certain circumstances; providing a procedure for payment of claims; authorizing the return of excess collateral under certain circumstances; providing that a receiver is entitled to deduct certain expenses from the collateral or deductible reimbursements; providing for construction; amending s. 631.192, F.S.; prohibiting claims for postjudgment interest accrued after the date of liquidation; amending s. 631.271, F.S.; adding and revising claims to a list that establishes the priority of distribution of claims from an insurer's estate; specifying when interest on claims accrue and the interest rate calculation; amending s. 631.391, F.S.; specifying that certain persons in relation to an insurer who must cooperate with the department or office in certain proceedings or investigations include present or former roles; defining the term "person"; amending s. 631.395, F.S.; requiring an order of liquidation to authorize the release of certain claims files, records, documents, or claims, rather than only copies of the claims files, records, documents, or claims; amending s. 631.397, F.S.; authorizing the department as receiver to apply to the court for approval of a specified proposal, rather than requiring the department to make such application within a specified timeframe; deleting a specified notice requirement of the department; deleting a provision authorizing the court to take action on the application under certain circumstances; providing an effective date.

By the Committee on Banking and Insurance; and Senators Mayfield and Steube—

CS for SB 738—A bill to be entitled An act relating to public records; creating ss. 663.416 and 663.540, F.S.; defining terms; providing exemptions from public records requirements for certain information held by the Office of Financial Regulation relating to international trust company representative offices or limited service affiliates, respectively, and relating to affiliated international trust entities; authorizing the disclosure of the information by the office to specified persons; providing construction; providing criminal penalties; providing future legislative review and repeal of the exemptions; providing statements of public necessity; amending s. 655.057, F.S.; providing that certain exemptions from public records requirements for information relating to investigations; reports of examinations, operations, or condition, including working papers; and certain materials supplied by governmental agencies are exempt from s. 24(a) of Article I of the State Constitution, as a result of the expansion of such exemptions to include the records of international trust entities and limited service affiliates, as made by SB 736, 2017 Regular Session; providing a statement of public necessity; providing a contingent effective date.

ENROLLING REPORTS

SCR 1528 and SCR 1762 have been enrolled, signed by the required constitutional officers, and filed with the Secretary of State on March 8, 2017.

Debbie Brown, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 7 was corrected and approved.

CO-INTRODUCERS

Senators Baxley—SB 1204; Book—SB 442; Braynon—SB 954; Broxson—SB 1536; Campbell—SB 366; Gibson—SB 666, SB 964; Hutson—SB 1536, SB 1590; Mayfield—SB 150, SB 436, SB 580, SJR 910, SB 912, SB 1378, SB 1590; Montford—SB 442; Perry—SB 144; Rodriguez—SB 158, SB 1682; Young—SB 516

ADJOURNMENT

On motion by Senator Benacquisto, the Senate adjourned at 2:46 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 1:00 p.m., Thursday, March 9 or upon call of the President.

JOURNAL OF THE SENATE

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March 8, 2017

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PF — Proposal Failed
PP — Proposal Passed
CO — Co-Introducers
CR — Committee Report

CS — Committee Substitute, First Reading
FR — First Reading
MO — Motion
RC — Reference Change

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