

**IN THE SUPREME COURT OF FLORIDA**

Case No. SC 15- \_\_\_\_\_

**ARTHENIA JOYNER, OSCAR BRAYNON, JOSEPH ABRUZZO, MARIA SACHS, DARREN SOTO, CHRISTOPHER SMITH, GERALDINE THOMPSON, JEFF CLEMENS, DWIGHT BULLARD, ELEANOR SOBEL, BILL MONTFORD, AUDREY GIBSON, and JEREMY RING** in their capacity as a members of the Florida Senate,

Petitioners,

vs.

**THE FLORIDA HOUSE OF REPRESENTATIVES and STEVE CRISAFULLI,** in his capacity as the Speaker of the Florida House of Representatives,

Respondents.

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**EMERGENCY PETITION INVOKING JURISDICTION OF THE SUPREME COURT FOR A WRIT OF MANDAMUS TO REQUIRE COMPLIANCE WITH THE REQUIREMENTS OF ARTICLE III, SECTION 3(e), FLORIDA CONSTITUTION**

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Pursuant to Rule 9.100, Florida Rules of Appellate Procedure, Petitioners, Arthenia Joyner, Oscar Braynon, Joseph Abruzzo, Maria Sachs, Darren Soto, Christopher Smith, Geraldine Thompson, Jeff Clemens, Dwight Bullard, Eleanor Sobel, Bill Montford, Audrey Gibson, and Jeremy Ring, respectfully petition this Court for a writ of mandamus compelling the Florida House of Representatives to comply with the requirements of Article III, Section 3(e) of the Florida Constitution, which provides that “[n]either house shall adjourn for more than seventy-two consecutive hours except pursuant to concurrent resolution.”

### **I. BASIS FOR INVOKING JURISDICTION**

This Court has jurisdiction to issue a writ of mandamus under Article V, Section 3(b)(8) of the Florida Constitution and Rule 9.030(b)(3) of the Florida Rules of Appellate Procedure. Mandamus is the proper legal remedy to compel a state officer or a state agency to perform a legal duty required by the Florida Constitution. *Dade County Classroom Teachers Ass’n. V. Legislature*, 269 So. 2d 684 (Fla. 1972).

The jurisdiction of this Court is invoked on an emergency basis due to the fact that the action of the House of Representatives was taken in the final days of the 2015 legislative session and relief is required prior to the conclusion of the

session in order for the Legislature to complete its duties and responsibilities under the Florida Constitution.

## **II. STATEMENT OF THE FACTS**

Article III, Section 3(e) of the Florida Constitution, provides that “[n]either house shall adjourn for more than seventy-two consecutive hours except pursuant to concurrent resolution.” On April 28, 2015, at approximately 1:15 p.m., the Florida House of Representatives adjourned *sine die*. See Appendix Tab 1 (Journal of the House of Representatives, April 28, 2015 at p. 951). Because the 2015 legislative session was scheduled to continue until midnight on May 1, 2015, this action of the House of Representatives constituted an adjournment in excess of seventy-two hours. The House of Representatives took this action unilaterally; it did not adjourn pursuant to a concurrent resolution. Steve Crisafulli, as the Speaker of the House of Representatives, is the presiding officer of the Florida House of Representatives.

To date, the House of Representatives has refused to recognize that it has acted in a manner contrary to the requirements of the Florida Constitution.

## **III. NATURE OF RELIEF SOUGHT**

The nature of the relief sought by this petition is a writ of mandamus which finds that the action of the Florida House of Representatives in unilaterally adjourning *sine die* on April 28, 2014, violated the requirements of Article III,

Section 3(e) of the Florida Constitution, and which compels the House of Representatives to reconvene and continue the 2015 regular legislative session until midnight on May 1, 2015, or any extension thereof which might be agreed to.

#### **IV. ARGUMENT**

Petitioners, as members of the Florida Senate, have taken an oath to faithfully perform their duties as members of the Florida Legislature, and the actions of the Florida House of Representatives, in violation of Article III, Section 3(e) of the Florida Constitution, to unilaterally adjourn *sine die*, preclude them from doing so.

Because the House of Representatives has failed to comply with the mandatory requirements of Article III, Section 3(e) when it adjourned for more than seventy-hours without the concurrence of the Florida Senate, the Legislature – composed of the Florida Senate and the Florida House of Representatives continues to “functus officio as to its lawmaking power” under Article III, Florida Constitution, and thus possesses the power to reassemble as a Legislature. *State ex rel Cunningham v. Davis*, 123 Fla. 41, 166 So. 289 (1936).

#### **V. CONCLUSION**

Because the Florida House of Representatives unilaterally adjourned for more than seventy-two hours contrary to the mandatory requirements Article III,

Section 3(e) of the Florida Constitution, this Court should issue a writ of mandamus declaring that the action of the Florida House of Representatives in unilaterally adjourning *sine die* on April 28, 2014 violated the requirements of Article III, Section 3(e) of the Florida Constitution, and compelling the House of Representatives to reconvene and continue the 2015 regular legislative session until midnight on May 1, 2015, or any extension thereof which might be agreed to.

Respectfully submitted on this 30<sup>th</sup> day of April, 2015 by:

/s/ Mark Herron  
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#### CERTIFICATE OF FONT COMPLIANCE

I HEREBY CERTIFY that the foregoing brief complies with the font requirements of Florida Rule of Appellate Procedure 9.210(a)(2).

/s/ Mark Herron  
Mark Herron

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy has been provided to the following by pursuant to 9.420(c) Florida Rules of Procedure and Rule 2.516(b) Florida Rules of Judicial Administration, by electronic mail and hand delivery on this 30th day of April, 2015 to Matthew J. Carson, [matthew.carson@myfloridahouse.gov](mailto:matthew.carson@myfloridahouse.gov), [betty.money@myfloridahouse.gov](mailto:betty.money@myfloridahouse.gov), Florida House of Representatives, 422 The Capitol, Tallahassee, FL 32399-1300 and Steve Crisafulli, [steve.crisafulli@myfloridahouse.gov](mailto:steve.crisafulli@myfloridahouse.gov), Florida House of Representatives, 420 The Capitol, Tallahassee, FL 32399-1300

\_\_\_\_\_/s/ Mark Herron\_\_\_\_\_  
Mark Herron

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Case No. SC 15- \_\_\_\_\_

**ARTHENIA JOYNER, OSCAR BRAYNON, JOSEPH ABRUZZO, MARIA SACHS, DARREN SOTO, CHRISTOPHER SMITH, GERALDINE THOMPSON, JEFF CLEMENS, DWIGHT BULLARD, ELEANOR SOBEL, BILL MONTFORD, AUDREY GIBSON, and JEREMY RING** in their capacity as a members of the Florida Senate,

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Respondents.

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**APPENDIX TO EMERGENCY PETITION INVOKING  
JURISDICTION OF THE SUPREME COURT FOR A WRIT OF  
MANDAMUS TO REQUIRE COMPLIANCE WITH THE  
REQUIREMENTS OF ARTICLE III, SECTION 3(e), FLORIDA  
CONSTITUTION**

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/s/ Mark Herron  
Mark Herron



## **APPENDIX**

Journal of the House of Representatives, April 28, 2015.....TAB 1

TAB 1



# *The Journal* OF THE *House of Representatives*

Number 39

Tuesday, April 28, 2015

The House was called to order by the Speaker at 11:00 a.m.

## Prayer

The following prayer was offered by the Reverend Louis Murphy of Mount Zion Progressive Missionary Baptist Church of St. Petersburg, upon invitation of Rep. Rouson:

Heavenly Father, Creator of the heavens and the earth, Creator of all mankind, we give praises to Your glorious and righteous name. Thank You for blessing us with life today. Thank You for the privilege of prayer to come before Your holy throne and offer our petitions. Thank You for the blessings and benefits to live in a country and a state that allows prayer to be rendered unto You. A God that is omniscient, omnipresent, and omnipotent. I pray for our leadership in this great state of Florida, the executive branch, the legislative branch, the judicial branch, and all those in their respective places to which govern our state. You have instructed us in Your word to care for the widow, the orphan, the helpless, the homeless, the hungry, the sick, the imprisoned, the poor. You have blessed this nation, this state, with great wealth, with great resources. Thank You. Help us to show our gratitude, our appreciation, and to use our wealth and resources wisely.

I pray for those who have been elected and sworn into office would remember that our government is supposed to be for the people and by the people. Give them wisdom, understanding, patience, insight, foresight, tolerance, and respect for one another as they legislate to make life better for all the people in this great state of Florida. Father, help all of us remember, recite, and rehearse our pledge of allegiance to the flag of the United States of America, and to the republic for which it stands, one nation under god indivisible with liberty and justice for all. I pray for divine intervention that this 87th session since statehood would hear the inaudible, think the unthinkable, do the unimaginable, and believe in the impossible as they carry out their legislative duties our constitution mandates. Lord, God, I humbly beseech You to hear my prayer and enable this gathering to hear my prayer and believe in the power of prayer. It is in Your holy name, I pray and ask it all. Amen.

The following members were recorded present:

Session Vote Sequence: 371

Speaker Crisafulli in the Chair.

Yeas—119

Adkins	Antone	Baxley	Bileca
Ahern	Artiles	Berman	Boyd
Albritton	Avila	Beshears	Bracy

Brodeur	Gaetz	Murphy	Rogers
Broxson	Geller	Narain	Rooney
Burgess	Gonzalez	Nuñez	Rouson
Burton	Goodson	Oliva	Santiago
Caldwell	Grant	O'Toole	Slosberg
Campbell	Hager	Pafford	Smith
Clarke-Reed	Harrell	Passidomo	Spano
Combee	Harrison	Perry	Sprohls
Corcoran	Hill	Peters	Stafford
Cortes, B.	Hudson	Pigman	Stark
Cortes, J.	Ingoglia	Pilon	Steube
Costello	Ingram	Plakon	Stevenson
Crisafulli	Jenne	Plasencia	Stone
Cruz	Jones, M.	Porter	Sullivan
Cummings	Jones, S.	Powell	Taylor
Diaz, J.	Kerner	Pritchett	Tobia
Diaz, M.	La Rosa	Raburn	Torres
Drake	Latvala	Rader	Trujillo
DuBose	Lee	Raschein	Trumbull
Dudley	Magar	Raulerson	Van Zant
Eagle	Mayfield	Ray	Watson, B.
Edwards	McBurney	Rehwinkel	Vasilinda
Eisnaugle	McGhee	Renner	Williams, A.
Fant	Metz	Richardson	Wood
Fitzenhagen	Miller	Roberson, K.	Workman
Fresen	Moraitis	Rodriguez, R.	Young
Fullwood	Moskowitz	Rodriguez, J.	

Nays—None

(A list of excused members appears at the end of the *Journal*.)

A quorum was present.

## Pledge

The members, led by the following, pledged allegiance to the Flag: Drake Davidson of Tallahassee at the invitation of Rep. Raburn; Alexandra Decker of Naples at the invitation of Rep. Beshears; Nestor Galban of Fort Walton Beach at the invitation of Rep. Gaetz; and Yaatia Graham of Miami at the invitation of Rep. Campbell.

## House Physician

The Speaker introduced Dr. Kyle Crofoot of Orlando, who served in the Clinic today upon invitation of Rep. Eisnaugle.

## Correction of the *Journal*

The *Journal* of April 27, 2015, was corrected and approved as corrected.

## Reports of Standing Committees and Subcommittees

### Reports of the Rules, Calendar & Ethics Committee

*The Honorable Steve Crisafulli*  
*Speaker, House of Representatives*

April 27, 2015

*Dear Mr. Speaker:*

Your Rules, Calendar & Ethics Committee herewith submits the Special Order for Tuesday, April 28, 2015. Consideration of the House bills on Special Orders shall include the Senate Companion measures on the House Calendar. The published Special Order Letter will reflect these bills as they appear on Second Reading. Any bills that are not available for Special Order at the time the letter is published will not be reflected on the published Special Order Letter.

#### I. Consideration of the following bills:

CS for CS for SB 564 - Governmental Oversight and Accountability,  
Commerce and Tourism, & others  
Trade Secrets

CS/CS/HB 91 - Judiciary Committee, Criminal Justice Subcommittee,  
& others  
Trade Secrets

CS for CS for CS for SB 566 - Rules, Governmental Oversight and  
Accountability, & others  
Public Records and Meetings/Trade Secrets

CS/CS/HB 93 - Judiciary Committee, Criminal Justice Subcommittee,  
& others  
Pub. Rec./Trade Secrets

SB 462 - Lee  
Family Law

CS/HB 503 - Civil Justice Subcommittee, Spano  
Family Law

CS for CS for CS for SB 736 - Fiscal Policy, Judiciary, & others  
Residential Properties

CS/CS/CS/HB 611 - Judiciary Committee, Business & Professions  
Subcommittee, & others  
Residential Properties

CS for CS for SB 1102 - Appropriations, Communications, Energy,  
and Public Utilities, & others  
Utility Projects

CS/CS/HB 617 - Regulatory Affairs Committee, Finance & Tax  
Committee, & others  
Utility Projects

CS for SB 678 - Banking and Insurance, Diaz de la Portilla  
Reciprocal Insurers

HB 677 - Santiago  
Reciprocal Insurers

CS for CS for SB 798 - Appropriations, Commerce and Tourism, &  
others  
Household Moving Services

CS/CS/HB 765 - Regulatory Affairs Committee, Agriculture &  
Natural Resources Appropriations Subcommittee, & others  
Household Moving Services

CS for SB 568 - Banking and Insurance, Richter  
Family Trust Companies

CS/HB 825 - Insurance & Banking Subcommittee, Roberson, K.  
Family Trust Companies

CS for CS for SB 1048 - Rules, Transportation, & others  
Motor Vehicle Manufacturer Licenses

CS/CS/HB 921 - Judiciary Committee, Business & Professions  
Subcommittee, & others  
Motor Vehicle Manufacturers, Factory Branches, Distributors,  
Importers, & Dealers

CS for CS for SB 1296 - Appropriations, Military and Veterans  
Affairs, Space, and Domestic Security, & others  
Military and Veterans Affairs

CS/HB 1091 - Appropriations Committee, Steube, & others  
Military Affairs

CS for CS for CS for SB 1390 - Fiscal Policy, Regulated Industries, &  
others  
Public Food Service Establishments

CS/HB 1219 - Business & Professions Subcommittee, Raulerson, &  
others  
Public Food Service Establishments

CS for CS for SB 228 - Appropriations, Ethics and Elections, & others  
Online Voter Application

CS for SB 7068 - Children, Families, and Elder Affairs,  
Appropriations  
Mental Health and Substance Abuse

CS/HB 7119 - Health & Human Services Committee, Children,  
Families & Seniors Subcommittee, & others  
Mental Health and Substance Abuse

CS for SB 7078 - Fiscal Policy, Children, Families, and Elder Affairs  
Child Welfare

CS/HB 7121 - Health & Human Services Committee, Children,  
Families & Seniors Subcommittee, & others  
Child Welfare

SB 984 - Braynon  
Exemption from Legislative Lobbying Requirements

HB 599 - Rogers, Clarke-Reed  
Exemption from Legislative Lobbying Requirements

CS for SB 1298 - Appropriations, Simmons  
Minimum Insurance Requirements

CS for SB 1302 - Environmental Preservation and Conservation,  
Evers  
Contaminated Sites

CS/CS/HB 841 - State Affairs Committee, Agriculture & Natural  
Resources Subcommittee, & others  
Contaminated Sites

A quorum was present in person, and a majority of those present agreed to the above Report.

Respectfully submitted,  
*Ritch Workman*, Chair  
 Rules, Calendar & Ethics Committee

On motion by Rep. Workman, the above report was adopted.

## Bills and Joint Resolutions on Third Reading

**HB 7143** was taken up.

THE SPEAKER PRO TEMPORE IN THE CHAIR

On motion by Rep. Caldwell, the rules were waived and the House agreed to substitute CS for CS for SB 228 for HB 7143 and read CS for CS for SB 228 the second time by title. Under Rule 5.13, the House bill was laid on the table.

**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.

—was read the second time by title.

Representative Grant offered the following:

(Amendment Bar Code: 290701)

**Amendment 1 (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.

### TITLE AMENDMENT

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

Rep. Grant moved the adoption of the amendment, which was adopted.

Representative Grant offered the following:

(Amendment Bar Code: 474927)

**Amendment 2**—Remove lines 72-83 and insert:

(6) The supervisor of elections shall publish and maintain an application programming interface, which, at a minimum, is capable of making and receiving the necessary database calls to perform the requirements of this section. The application programming interface described in this subsection shall be published according existing state law.

(7) Except as otherwise provided in this section, the supervisor of elections shall process the application pursuant to s. 97.053.

(8) The online voter registration system must conform to nationally accepted standards for accessibility for individuals with disabilities, including s. 508 of the Rehabilitation Act of 1973, s. 255 of the Telecommunications Act of 1996, and the Web Content Accessibility Guidelines of the World Wide Web Consortium, to ensure equal access for voters with disabilities.

(9) A legal distinction may not be made between online voter registration under this section and voter registration in person, by mail, or by other methods provided by general law.

Rep. Grant moved the adoption of the amendment. Subsequently, **Amendment 2** was withdrawn.

On motion by Rep. Caldwell, the rules were waived and **CS for CS for SB 228** was read the third time by title. On passage the vote was:

Session Vote Sequence: 372

Representative Hudson in the Chair.

Yeas—109

Adkins	Diaz, M.	McBurney	Roberson, K.
Ahern	Drake	McGhee	Rodrigues, R.
Albritton	DuBose	Miller	Rodriguez, J.
Antone	Dudley	Moraitis	Rogers
Artiles	Edwards	Moskowitz	Rooney
Avila	Eisnagle	Murphy	Rouson
Baxley	Fant	Narain	Slosberg
Berman	Fitzenhagen	Nuñez	Smith
Beshears	Fresen	Oliva	Spano
Bileca	Fullwood	O'Toole	Spowls
Boyd	Geller	Pafford	Stafford
Bracy	Gonzalez	Passidomo	Stevenson
Brodeur	Goodson	Perry	Stone
Broxson	Grant	Peters	Sullivan
Burgess	Hager	Pigman	Taylor
Burton	Harrell	Pilon	Torres
Caldwell	Harrison	Plakon	Trujillo
Campbell	Hill	Plasencia	Trumbull
Clarke-Reed	Hudson	Porter	Van Zant
Combee	Ingoglia	Powell	Watson, B.
Corcoran	Jenne	Pritchett	Watson, C.
Cortes, B.	Jones, M.	Raburn	Williams, A.
Cortes, J.	Jones, S.	Rader	Wood
Costello	Kerner	Raschein	Workman
Crisafulli	La Rosa	Raulerson	Young
Cruz	Latvala	Rehwinkel	Vasilinda
Cummings	Lee	Renner	
Diaz, J.	Magar	Richardson	

Nays—9

Eagle	Mayfield	Santiago
Gaetz	Metz	Teube
Ingram	Ray	Tobia

Votes after roll call:

Yeas—Jacobs, Stark

Yeas to Nays—Rodrigues, R.

So the bill passed, as amended, and was immediately certified to the Senate.

Consideration of **CS/CS/HB 817** was temporarily postponed.

Consideration of **SB 728** was temporarily postponed.

Consideration of **CS/CS/HB 1209** was temporarily postponed.

**CS for SB 682**—A bill to be entitled An act relating to transitional living facilities; creating part XI of ch. 400, F.S.; creating s. 400.997, F.S.; providing legislative intent; creating s. 400.9971, F.S.; providing definitions; creating s. 400.9972, F.S.; requiring the licensure of transitional living facilities; providing license fees and application requirements; requiring accreditation of licensed facilities; creating s. 400.9973, F.S.; providing requirements for transitional living facility policies and procedures governing client admission, transfer, and discharge; creating s. 400.9974, F.S.; requiring a comprehensive treatment plan to be developed for each client; providing plan and staffing requirements; requiring certain consent for continued treatment in a transitional living facility; creating s. 400.9975, F.S.; providing licensee responsibilities with respect to each client and specified others and requiring written notice of such responsibilities to be provided; prohibiting a licensee or employee of a facility from serving notice upon a client to leave the premises or taking other retaliatory action under certain circumstances; requiring the client and client's representative to be provided with certain information; requiring the licensee to develop and implement certain policies and procedures governing the release of client information; creating s. 400.9976, F.S.; providing licensee requirements relating to administration of medication; requiring maintenance of medication administration records; providing requirements for the self-administration of medication by clients; creating s. 400.9977, F.S.; providing training and supervision requirements for the administration of medications by unlicensed staff; specifying who may conduct the training; requiring licensees to adopt certain policies and procedures and maintain specified records with respect to the administration of medications by unlicensed staff; requiring the Agency for Health Care Administration to adopt rules; creating s. 400.9978, F.S.; providing requirements for the screening of potential employees and training and monitoring of employees for the protection of clients; requiring licensees to implement certain policies and procedures to protect clients; providing conditions for investigating and reporting incidents of abuse, neglect, mistreatment, or exploitation of clients; creating s. 400.9979, F.S.; providing requirements and limitations for the use of physical restraints, seclusion, and chemical restraint medication on clients; providing a limitation on the duration of an emergency treatment order; requiring notification of certain persons when restraint or seclusion is imposed; authorizing the agency to adopt rules; creating s. 400.998, F.S.; providing background screening requirements for licensee personnel; requiring the licensee to maintain certain personnel records; providing administrative responsibilities for licensees; providing recordkeeping requirements; creating s. 400.9981, F.S.; providing licensee responsibilities with respect to the property and personal affairs of clients; providing requirements for a licensee with respect to obtaining surety bonds; providing recordkeeping requirements relating to the safekeeping of personal effects; providing requirements for trust funds or other property received by a licensee and credited to the client; providing a penalty for certain misuse of a client's personal funds, property, or personal needs allowance; providing criminal penalties for violations; providing for the disposition of property in the event of the death of a client; authorizing the agency to adopt rules; creating s. 400.9982, F.S.; providing legislative intent; authorizing the agency to adopt and enforce rules establishing specified standards for transitional living facilities and personnel thereof; creating s. 400.9983, F.S.; classifying certain violations and providing penalties therefor; providing administrative fines for specified classes of violations; creating s. 400.9984, F.S.; authorizing the agency to apply certain provisions with regard to receivership proceedings; creating s. 400.9985, F.S.; requiring the agency, the Department of Health, the Agency for Persons with Disabilities, and the Department of Children and Families to develop electronic information systems for certain purposes; transferring and renumbering s. 400.805, F.S., as s. 400.9986, F.S.; repealing s. 400.9986, F.S., relating to transitional living facilities, on a specified date; revising the title of part V of ch. 400, F.S.; amending s. 381.745, F.S.; revising the definition of the term "transitional living facility," to conform to changes made by the act; amending s. 381.75, F.S.; revising the duties of the Department of Health and the agency relating to transitional living facilities; amending ss. 381.78, 400.93, 408.802, and 408.820, F.S.; conforming provisions to changes made by the act; reenacting s. 381.79(1), F.S., relating to the Brain and Spinal Cord Injury Program Trust Fund, to incorporate the amendment made by the act to s. 381.75, F.S., in a

reference thereto; providing for the act's applicability to licensed transitional living facilities licensed on specified dates; providing effective dates.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 373

Representative Hudson in the Chair.

Yeas—117

Adkins	DuBose	McBurney	Rodriguez, R.
Ahern	Dudley	McGhee	Rodriguez, J.
Albritton	Eagle	Metz	Rogers
Antone	Edwards	Miller	Rooney
Artiles	Eisnaugle	Moraitis	Rouson
Avila	Fant	Moskowitz	Santiago
Baxley	Fitzenhagen	Murphy	Slosberg
Berman	Fresen	Narain	Smith
Beshears	Fullwood	Nuñez	Spano
Bileca	Gaetz	Oliva	Spowls
Boyd	Geller	O'Toole	Stafford
Bracy	Gonzalez	Pafford	Steube
Brodeur	Goodson	Passidomo	Stevenson
Broxson	Grant	Pery	Stone
Burgess	Hager	Peters	Sullivan
Burton	Harrell	Pigman	Taylor
Caldwell	Harrison	Pilon	Tobia
Campbell	Hill	Plakon	Torres
Clarke-Reed	Hudson	Plasencia	Trujillo
Combee	Ingoglia	Porter	Trumbull
Corcoran	Ingram	Powell	Van Zant
Cortes, B.	Jenne	Pritchett	Watson, B.
Cortes, J.	Jones, M.	Raburn	Watson, C.
Costello	Jones, S.	Rader	Williams, A.
Crisafulli	Kerner	Raschein	Wood
Cruz	La Rosa	Raulerson	Workman
Cummings	Latvala	Ray	Young
Diaz, J.	Lee	Renner	
Diaz, M.	Magar	Richardson	
Drake	Mayfield	Roberson, K.	

Nays—None

Votes after roll call:

Yeas—Jacobs, Stark

So the bill passed and was immediately certified to the Senate.

**CS for CS for SB 908**—A bill to be entitled An act relating to traffic safety; amending s. 316.003, F.S.; providing definitions; amending s. 316.027, F.S.; redefining the term "vulnerable user"; deleting obsolete provisions; amending s. 316.083, F.S.; revising provisions relating to the passing of a vehicle; creating s. 316.0833, F.S.; prohibiting passing and turning in front of a vulnerable user in an unsafe manner; providing penalties; amending s. 316.0875, F.S.; revising exceptions to provisions for designated no-passing zones; amending s. 316.1925, F.S.; revising provisions relating to careless driving; creating s. 318.142, F.S.; providing fines and penalties for specified infractions contributing to bodily injury of a vulnerable user; amending s. 318.19, F.S.; requiring a hearing for specified offenses; amending s. 322.0261, F.S.; conforming a cross-reference; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 374

Representative Hudson in the Chair.

Yeas—116

Adkins	Baxley	Brodeur	Clarke-Reed
Ahern	Berman	Broxson	Combee
Albritton	Beshears	Burgess	Corcoran
Antone	Bileca	Burton	Cortes, B.
Artiles	Boyd	Caldwell	Cortes, J.
Avila	Bracy	Campbell	Costello

Crisafulli	Hudson	Pafford	Rouson
Cruz	Ingoglia	Passidomo	Santiago
Cummings	Ingram	Perry	Slosberg
Diaz, J.	Jenne	Peters	Smith
Diaz, M.	Jones, M.	Pigman	Spano
Drake	Jones, S.	Pilon	Sprowls
DuBose	Kerner	Plakon	Stafford
Dudley	La Rosa	Plasencia	Steube
Eagle	Latvala	Porter	Stevenson
Edwards	Lee	Powell	Stone
Eisnaugle	Magar	Pritchett	Sullivan
Fant	Mayfield	Raburn	Taylor
Fitzenhagen	McBurney	Rader	Tobia
Fresen	McGhee	Raschein	Torres
Fullwood	Metz	Raulerson	Trujillo
Gaetz	Miller	Ray	Trumbull
Geller	Moraitis	Renner	Van Zant
Gonzalez	Moskowitz	Richardson	Watson, B.
Goodson	Murphy	Roberson, K.	Watson, C.
Grant	Narain	Rodriguez, R.	Williams, A.
Hager	Nuñez	Rodriguez, J.	Wood
Harrell	Oliva	Rogers	Workman
Harrison	O'Toole	Rooney	Young

Nays—1  
Hill

Votes after roll call:  
Yeas—Jacobs, Stark

So the bill passed, as amended, and was immediately certified to the Senate.

**CS for CS for SB 596**—A bill to be entitled An act relating to craft distilleries; amending s. 565.03, F.S.; defining the term "branded product"; revising the current limitation on the number of containers that may be sold to consumers by craft distilleries; applying such limitation to individual containers for each branded product; prohibiting a craft distillery from shipping or arranging to ship any of its distilled spirits to consumers; providing an exception; requiring the Department of Transportation to install directional signs at specified locations in accordance with Florida's Highway Guide Sign Program upon the request of a craft distillery licensed in this state; requiring the craft distillery licensed in this state to pay specified costs; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 375

Representative Hudson in the Chair.

Yeas—118

Adkins	Cruz	Ingram	Pigman
Ahern	Cummings	Jenne	Pilon
Albritton	Diaz, J.	Jones, M.	Plakon
Antone	Diaz, M.	Jones, S.	Plasencia
Artiles	Drake	Kerner	Porter
Avila	DuBose	La Rosa	Powell
Baxley	Dudley	Latvala	Pritchett
Berman	Eagle	Lee	Raburn
Beshears	Edwards	Magar	Rader
Bileca	Eisnaugle	Mayfield	Raschein
Boyd	Fant	McBurney	Raulerson
Bracy	Fitzenhagen	McGhee	Ray
Brodeur	Fresen	Metz	Rehwinkel Vasilinda
Broxson	Fullwood	Miller	Renner
Burgess	Gaetz	Moraitis	Richardson
Burton	Geller	Moskowitz	Roberson, K.
Caldwell	Gonzalez	Murphy	Rodriguez, R.
Campbell	Goodson	Narain	Rodriguez, J.
Clarke-Reed	Grant	Nuñez	Rogers
Combee	Hager	Oliva	Rooney
Corcoran	Harrell	O'Toole	Rouson
Cortes, B.	Harrison	Pafford	Santiago
Cortes, J.	Hill	Passidomo	Slosberg
Costello	Hudson	Perry	Smith
Crisafulli	Ingoglia	Peters	Spano

Sprowls	Stone	Trujillo	Wood
Stafford	Sullivan	Trumbull	Workman
Stark	Taylor	Watson, B.	Young
Steube	Tobia	Watson, C.	
Stevenson	Torres	Williams, A.	

Nays—1  
Van Zant

Votes after roll call:  
Yeas—Jacobs

So the bill passed and was immediately certified to the Senate.

Consideration of **CS for SB 954** was temporarily postponed.

**CS for CS for SB 872**—A bill to be entitled An act relating to estates; amending s. 733.106, F.S.; authorizing the court, if costs and attorney fees are to be paid from the estate under specified sections of law, to direct payment from a certain part of the estate or, under specified circumstances, to direct payment from a trust; authorizing costs and fees to be assessed against one or more persons' part of the trust in such proportions as the court finds just and proper; specifying factors that the court may consider in directing the assessment of such costs and fees; authorizing a court to assess costs and fees without finding that the person engaged in specified wrongful acts; amending s. 733.212, F.S.; revising the required content for a notice of administration; revising provisions that require an interested person, who has been served a notice of administration, to file specified objections in an estate matter within 3 months after service of such notice; providing that the 3-month period may only be extended for certain estoppel; providing that objections that are not barred by the 3-month period must be filed no later than a specified date; deleting references to objections based upon the qualifications of a personal representative; amending s. 733.2123, F.S.; conforming provisions to changes made by the act; amending s. 733.3101, F.S.; requiring a personal representative to resign immediately if he or she knows that he or she was not qualified to act at the time of appointment; requiring a personal representative who was qualified to act at such appointment to file a notice if no longer qualified; authorizing an interested person within a specified period to request the removal of a personal representative who files such notice; providing that a personal representative is liable for costs and attorney fees incurred in a removal proceeding if he or she is removed and should have known of the facts supporting the removal; defining the term "qualified"; amending s. 733.504, F.S.; requiring a personal representative to be removed and the letters of administration revoked if he or she was not qualified to act at the time of appointment; amending s. 733.817, F.S.; defining and redefining terms; deleting a provision that exempts an interest in protected homestead from the apportionment of taxes; providing for the payment of taxes on protected homestead family allowance and exempt property by certain other property to the extent such other property is sufficient; revising the allocation of taxes; revising the apportionment of the net tax attributable to specified interests; authorizing a court to assess liability in an equitable manner under certain circumstances; providing that a governing instrument may not direct that taxes be paid from property other than property passing under the governing instrument, except under specified conditions; requiring that direction in a governing instrument be express to apportion taxes under certain circumstances; requiring that the right of recovery provided in the Internal Revenue Code for certain taxes be expressly waived in the decedent's will or revocable trust with certain specificity; specifying the property upon which certain tax is imposed for allocation and apportionment of certain tax; providing that a general statement in the decedent's will or revocable trust waiving all rights of reimbursement or recovery under the Internal Revenue Code is not an express waiver of certain rights of recovery; requiring direction to specifically reference the generation-skipping transfer tax imposed by the Internal Revenue Code to direct its apportionment; authorizing, under certain circumstances, the decedent to direct by will the amount of net tax attributable to property over which the decedent held a general power of appointment under certain circumstances; providing that an express direction in a revocable trust is deemed to be a direction contained in

the decedent's will as well as the revocable trust under certain circumstances; providing that an express direction in the decedent's will to pay tax from the decedent's revocable trust by specific reference to the revocable trust is effective unless a contrary express direction is contained in the revocable trust; revising the resolution of conflicting directions in governing instruments with regard to payment of taxes; providing that the later express direction in the will or other governing instrument controls; providing that the date of an amendment to a will or other governing instrument is the date of the will or trust for conflict resolution only if the codicil or amendment contains an express tax apportionment provision or an express modification of the tax apportionment provision; providing that a will is deemed executed after another governing instrument if the decedent's will and another governing instrument were executed on the same date; providing that an earlier conflicting governing instrument controls as to any tax remaining unpaid after the application of the later conflicting governing instrument; providing that a grant of permission or authority in a governing instrument to request payment of tax from property passing under another governing instrument is not a direction apportioning the tax to the property passing under the other governing instrument; providing a grant of permission or authority in a governing instrument to pay tax attributable to property not passing under the governing instrument is not a direction apportioning the tax to property passing under the governing instrument; providing application; prohibiting the requiring of a personal representative or fiduciary to transfer to a recipient property that may be used for payment of taxes; amending s. 736.1005, F.S.; authorizing the court, if attorney fees are to be paid from the trust under specified sections of law, to direct payment from a certain part of the trust; providing that fees may be assessed against one or more persons' part of the trust in such proportions as the court finds just and proper; specifying factors that the court may consider in directing the assessment of such fees; providing that a court may assess fees without finding that a person engaged specified wrongful acts; amending s. 736.1006, F.S.; authorizing the court, if costs are to be paid from the trust under specified sections of law, to direct payment from a certain part of the trust; providing that costs may be assessed against one or more persons' part of the trust in such proportions as the court finds just and proper; specifying factors that the court may consider in directing the assessment of such costs; providing that specified provisions of the act are remedial and intended to clarify existing law; providing for retroactive and prospective application of specified portions of the act; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 376

Representative Hudson in the Chair.

Yeas—118

Adkins	Cruz	Ingram	Pilon
Ahern	Cummings	Jenne	Plakon
Albritton	Diaz, J.	Jones, M.	Plasencia
Antone	Diaz, M.	Jones, S.	Porter
Artiles	Drake	Kerner	Powell
Avila	DuBose	La Rosa	Pritchett
Baxley	Dudley	Latvala	Raburn
Berman	Eagle	Lee	Rader
Beshears	Edwards	Magar	Raschein
Bileca	Eisnagle	Mayfield	Raulerson
Boyd	Fant	McBurney	Ray
Bracy	Fitzenhagen	McGhee	Rehwinkel Vasilinda
Brodeur	Fresen	Metz	Renner
Broxson	Fullwood	Miller	Richardson
Burgess	Gaetz	Moraitis	Roberson, K.
Burton	Geller	Moskowitz	Rodriguez, R.
Caldwell	Gonzalez	Murphy	Rodriguez, J.
Campbell	Goodson	Narain	Rogers
Clarke-Reed	Grant	Nuñez	Rooney
Combee	Hager	O'Toole	Rouson
Corcoran	Harrell	Pafford	Santiago
Cortes, B.	Harrison	Passidomo	Slosberg
Cortes, J.	Hill	Perry	Smith
Costello	Hudson	Peters	Spano
Crisafulli	Ingolia	Pigman	Sprowls

Stafford	Sullivan	Trumbull	Wood
Stark	Taylor	Van Zant	Workman
Steube	Tobia	Watson, B.	Young
Stevenson	Torres	Watson, C.	
Stone	Trujillo	Williams, A.	

Nays—None

Votes after roll call:

Yeas—Jacobs

So the bill passed and was immediately certified to the Senate.

**CS for SB 954** was taken up, having been temporarily postponed earlier today.

**CS for SB 954**—A bill to be entitled An act relating to involuntary examinations of minors; 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. 394.4599, 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 immediately notify the parent, guardian, caregiver, or guardian advocate of the whereabouts of a minor who is being held for involuntary examination; providing circumstances when notification may be delayed; requiring the receiving facility to make continuous notification attempts; authorizing the receiving facility to seek assistance from law enforcement under certain circumstances; requiring the receiving facility to document notification attempts in the minor's clinical record; amending ss. 1002.20 and 1002.33, F.S.; requiring public school or 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 conditions for delay in notification; requiring district school boards and charter school governing boards to develop notification policies and procedures; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 377

Representative Hudson in the Chair.

Yeas—117

Adkins	Drake	Magar	Renner
Ahern	DuBose	Mayfield	Richardson
Albritton	Dudley	McBurney	Roberson, K.
Antone	Eagle	McGhee	Rodriguez, R.
Artiles	Edwards	Metz	Rodriguez, J.
Avila	Eisnagle	Miller	Rogers
Baxley	Fant	Moraitis	Rooney
Berman	Fitzenhagen	Moskowitz	Santiago
Beshears	Fresen	Murphy	Slosberg
Bileca	Fullwood	Narain	Smith
Boyd	Gaetz	Nuñez	Spano
Bracy	Geller	O'Toole	Sprowls
Brodeur	Gonzalez	Pafford	Stafford
Broxson	Goodson	Passidomo	Stark
Burgess	Grant	Perry	Steube
Burton	Hager	Peters	Stevenson
Caldwell	Harrell	Pigman	Stone
Campbell	Harrison	Pilon	Sullivan
Clarke-Reed	Hill	Plakon	Taylor
Combee	Hudson	Plasencia	Tobia
Corcoran	Ingolia	Porter	Torres
Cortes, B.	Ingram	Powell	Trujillo
Cortes, J.	Jenne	Pritchett	Trumbull
Costello	Jones, M.	Raburn	Van Zant
Crisafulli	Jones, S.	Rader	Watson, B.
Cruz	Kerner	Raschein	Watson, C.
Cummings	La Rosa	Raulerson	Williams, A.
Diaz, J.	Latvala	Ray	Wood
Diaz, M.	Lee	Rehwinkel Vasilinda	Workman



Young

Nays—None

Votes after roll call:

Yeas—Jacobs, Rouson

So the bill passed and was immediately certified to the Senate.

**CS for SB 526**—A bill to be entitled An act relating to notaries public; amending s. 92.525, F.S.; revising the methods available for verifying documents; amending s. 117.10, F.S.; defining the term "reliable electronic means"; authorizing specified officers to administer oaths by reliable electronic means when engaged in the performance of official duties; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 378

Representative Hudson in the Chair.

Yeas—118

Adkins	DuBose	McBurney	Rodriguez, R.
Ahern	Dudley	McGhee	Rodriguez, J.
Albritton	Eagle	Metz	Rogers
Antone	Edwards	Miller	Rooney
Artiles	Eisnaugle	Moraitis	Rouson
Avila	Fant	Moskowitz	Santiago
Baxley	Fitzenhagen	Murphy	Slosberg
Berman	Fresen	Narain	Smith
Beshears	Fullwood	Nuñez	Spano
Bileca	Gaetz	O'Toole	Sprowls
Boyd	Geller	Pafford	Stafford
Bracy	Gonzalez	Passidomo	Stark
Brodeur	Goodson	Perry	Steube
Broxson	Grant	Peters	Stevenson
Burgess	Hager	Pigman	Stone
Burton	Harrell	Pilon	Sullivan
Caldwell	Harrison	Plakon	Taylor
Campbell	Hill	Plasencia	Tobia
Clarke-Reed	Hudson	Porter	Torres
Combee	Ingoglia	Powell	Trujillo
Corcoran	Ingram	Pritchett	Trumbull
Cortes, B.	Jenne	Raburn	Van Zant
Cortes, J.	Jones, M.	Rader	Watson, B.
Costello	Jones, S.	Raschein	Watson, C.
Crisafulli	Kerner	Raulerson	Williams, A.
Cruz	La Rosa	Ray	Wood
Cummings	Latvala	Rehwinkel Vasilinda	Workman
Diaz, J.	Lee	Renner	Young
Diaz, M.	Magar	Richardson	
Drake	Mayfield	Roberson, K.	

Nays—None

Votes after roll call:

Yeas—Jacobs

So the bill passed and was immediately certified to the Senate.

**CS for CS for SB 420**—A bill to be entitled An act relating to animal control; amending s. 588.17, F.S.; providing a procedure for adopting or humanely disposing of impounded stray livestock, except cattle, as an alternative to sale or auction; amending s. 588.18, F.S.; requiring a county animal control center to establish fees and be responsible for damages caused while impounding livestock; amending s. 588.23, F.S.; conforming provisions to changes made by the act; amending s. 828.073, F.S.; conforming provisions to changes made by this act; authorizing certain municipal animal control officers to take custody of an animal found neglected or cruelly treated or to order the owner of such an animal to provide certain care at the owner's expense; authorizing county courts to remand animals to the custody of certain municipalities; authorizing the allocation of auction proceeds to certain animal control officers; amending s. 828.27, F.S.; deleting obsolete

provisions; clarifying that certain provisions relating to local animal control are not the exclusive means of enforcing animal control laws; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 379

Representative Hudson in the Chair.

Yeas—117

Adkins	DuBose	McBurney	Rodriguez, R.
Ahern	Dudley	McGhee	Rodriguez, J.
Albritton	Eagle	Metz	Rogers
Antone	Edwards	Miller	Rooney
Artiles	Eisnaugle	Moraitis	Rouson
Avila	Fant	Moskowitz	Santiago
Baxley	Fitzenhagen	Murphy	Slosberg
Berman	Fresen	Narain	Smith
Beshears	Fullwood	Nuñez	Spano
Bileca	Gaetz	O'Toole	Sprowls
Boyd	Geller	Pafford	Stafford
Bracy	Gonzalez	Passidomo	Stark
Brodeur	Goodson	Perry	Steube
Broxson	Grant	Peters	Stevenson
Burgess	Hager	Pigman	Stone
Burton	Harrell	Pilon	Sullivan
Caldwell	Harrison	Plakon	Taylor
Campbell	Hill	Plasencia	Tobia
Clarke-Reed	Hudson	Porter	Torres
Combee	Ingoglia	Powell	Trujillo
Corcoran	Ingram	Pritchett	Trumbull
Cortes, B.	Jenne	Raburn	Van Zant
Cortes, J.	Jones, M.	Rader	Watson, B.
Costello	Jones, S.	Raschein	Watson, C.
Crisafulli	Kerner	Raulerson	Williams, A.
Cruz	La Rosa	Ray	Wood
Cummings	Latvala	Rehwinkel Vasilinda	Workman
Diaz, J.	Lee	Renner	Young
Diaz, M.	Magar	Richardson	
Drake	Mayfield	Roberson, K.	

Nays—None

Votes after roll call:

Yeas—Jacobs, Watson, B.

So the bill passed and was immediately certified to the Senate.

**CS for CS for SB 766**—A bill to be entitled An act relating to surveillance by a drone; amending s. 934.50, F.S.; defining terms; prohibiting a person, a state agency, or a political subdivision from using a drone to capture an image of privately owned real property or of the owner, tenant, occupant, invitee, or licensee of such property with the intent to conduct surveillance without his or her written consent if a reasonable expectation of privacy exists; specifying when a reasonable expectation of privacy may be presumed; authorizing the use of a drone by a person or entity engaged in a business or profession licensed by the state in certain circumstances; authorizing the use of a drone by an employee or contractor of a property appraiser for the purpose of assessing property for ad valorem taxation; authorizing the use of a drone by or on behalf of certain utilities for specified purposes; authorizing the use of a drone for aerial mapping under certain circumstances; authorizing the use of a drone for delivering cargo under certain circumstances; authorizing the use of a drone to capture certain images under certain circumstances; providing that an owner, tenant, occupant, invitee, or licensee may initiate a civil action for compensatory damages and may seek injunctive relief against a person, a state agency, or a political subdivision that violates the act; providing for construction; providing for the recovery of attorney fees and punitive damages; specifying that remedies provided by the act are cumulative to other remedies; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 380

Representative Hudson in the Chair.

Yeas—117

Adkins	DuBose	McBurney	Rodríguez, J.
Ahern	Dudley	McGhee	Rogers
Albritton	Eagle	Metz	Rooney
Antone	Edwards	Miller	Rouson
Artiles	Eisnaugle	Moraitis	Santiago
Avila	Fant	Moskowitz	Slosberg
Baxley	Fitzenhagen	Murphy	Smith
Berman	Fresen	Narain	Spano
Beshears	Fullwood	Núñez	Sprowls
Bileca	Gaetz	O'Toole	Stafford
Boyd	Geller	Pafford	Stark
Bracy	Gonzalez	Passidomo	Steube
Brodeur	Goodson	Perry	Stevenson
Broxson	Grant	Peters	Stone
Burgess	Hager	Pigman	Sullivan
Burton	Harrell	Pilon	Taylor
Caldwell	Harrison	Plakon	Tobia
Campbell	Hill	Plasencia	Torres
Clarke-Reed	Hudson	Porter	Trujillo
Combee	Ingoglia	Powell	Trumbull
Corcoran	Ingram	Pritchett	Van Zant
Cortes, B.	Jenne	Raburn	Watson, B.
Cortes, J.	Jones, M.	Rader	Watson, C.
Costello	Jones, S.	Raschein	Williams, A.
Crisafulli	Kerner	Raulerson	Wood
Cruz	La Rosa	Ray	Workman
Cummings	Latvala	Rehwinkel Vasilinda	Young
Diaz, J.	Lee	Renner	
Diaz, M.	Magar	Roberson, K.	
Drake	Mayfield	Rodrigues, R.	

Nays—None

Votes after roll call:

Yeas—Jacobs

So the bill passed and was immediately certified to the Senate.

**CS for CS for SB 278**—A bill to be entitled An act relating to downtown development districts; creating s. 189.056, F.S.; providing legislative intent; authorizing municipalities larger than a certain population and located in certain counties to levy an ad valorem tax on real and personal property in downtown development districts; specifying the purpose of such ad valorem tax; limiting the downtown development district's ad valorem millage rate; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 381

Representative Hudson in the Chair.

Yeas—114

Adkins	Cortes, B.	Gonzalez	McGhee
Ahern	Cortes, J.	Goodson	Metz
Albritton	Costello	Grant	Miller
Antone	Crisafulli	Hager	Moraitis
Artiles	Cruz	Harrell	Moskowitz
Avila	Cummings	Harrison	Narain
Baxley	Diaz, J.	Hill	Núñez
Berman	Diaz, M.	Hudson	O'Toole
Beshears	Drake	Ingoglia	Pafford
Bileca	DuBose	Ingram	Passidomo
Boyd	Dudley	Jenne	Perry
Bracy	Eagle	Jones, M.	Peters
Brodeur	Edwards	Jones, S.	Pigman
Broxson	Eisnaugle	Kerner	Pilon
Burgess	Fant	La Rosa	Plakon
Burton	Fitzenhagen	Latvala	Plasencia
Caldwell	Fresen	Lee	Porter
Clarke-Reed	Fullwood	Magar	Powell
Combee	Gaetz	Mayfield	Pritchett
Corcoran	Geller	McBurney	Raburn

Rader	Rodríguez, J.	Stafford	Trumbull
Raschein	Rogers	Stark	Watson, B.
Raulerson	Rooney	Steube	Watson, C.
Ray	Rouson	Stevenson	Williams, A.
Rehwinkel Vasilinda	Santiago	Stone	Wood
Renner	Slosberg	Sullivan	Workman
Richardson	Smith	Taylor	Young
Roberson, K.	Spano	Torres	
Rodrigues, R.	Sprowls	Trujillo	

Nays—4

Campbell	Murphy	Tobia	Van Zant
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Votes after roll call:

Yeas—Jacobs

Nays to Yeas—Campbell, Murphy

So the bill passed and was immediately certified to the Senate.

**CS for SB 904**—A bill to be entitled An act relating to home health services; amending s. 400.462, F.S.; defining a term; amending s. 400.464, F.S.; allowing home health agencies to operate related offices inside of the main office's health service planning district without an additional license; amending s. 400.506, F.S.; providing for the licensure of more than one nurse registry operational site within the same health service planning district; authorizing a licensed nurse registry to operate a satellite office; requiring a nurse registry operational site to keep all original records; requiring a nurse registry to provide notice and certain evidence before it relocates an operational site or opens a satellite office; reenacting ss. 400.497, 817.505(3)(h), 400.506(3), F.S., to incorporate the amendment made to s. 400.506, F.S., in references thereto; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 382

Representative Hudson in the Chair.

Yeas—118

Adkins	DuBose	McBurney	Rodrigues, R.
Ahern	Dudley	McGhee	Rodríguez, J.
Albritton	Eagle	Metz	Rogers
Antone	Edwards	Miller	Rooney
Artiles	Eisnaugle	Moraitis	Rouson
Avila	Fant	Moskowitz	Santiago
Baxley	Fitzenhagen	Murphy	Slosberg
Berman	Fresen	Narain	Smith
Beshears	Fullwood	Núñez	Spano
Bileca	Gaetz	O'Toole	Sprowls
Boyd	Geller	Pafford	Stafford
Bracy	Gonzalez	Passidomo	Stark
Brodeur	Goodson	Perry	Steube
Broxson	Grant	Peters	Stevenson
Burgess	Hager	Pigman	Stone
Burton	Harrell	Pilon	Sullivan
Caldwell	Harrison	Plakon	Taylor
Campbell	Hill	Plasencia	Tobia
Clarke-Reed	Hudson	Porter	Torres
Combee	Ingoglia	Powell	Trujillo
Corcoran	Ingram	Pritchett	Trumbull
Cortes, B.	Jenne	Raburn	Van Zant
Cortes, J.	Jones, M.	Rader	Watson, B.
Costello	Jones, S.	Raschein	Watson, C.
Crisafulli	Kerner	Raulerson	Williams, A.
Cruz	La Rosa	Ray	Wood
Cummings	Latvala	Rehwinkel Vasilinda	Workman
Diaz, J.	Lee	Renner	Young
Diaz, M.	Magar	Richardson	
Drake	Mayfield	Roberson, K.	

Nays—None

Votes after roll call:

Yeas—Jacobs

So the bill passed and was immediately certified to the Senate.

**CS for CS for SB 1024**—A bill to be entitled An act relating to the Central Florida Expressway Authority; amending s. 348.753, F.S.; requiring the chairs of the boards of specified county commissions each to appoint one member from their respective counties who is a commission member or chair or a county mayor to serve on the governing body of the authority; requiring Senate confirmation of members appointed by the Governor; providing that the Senate's refusal or failure to confirm a Governor-appointed member creates a vacancy; specifying that the terms of members appointed by the Governor end on a specified date; removing the requirement that the authority elect one of its members as secretary; amending s. 348.754, F.S.; specifying that the Central Florida Expressway Authority is a party to a certain lease-purchase agreement between the department and the Orlando-Orange County Expressway Authority; amending s. 348.757, F.S.; removing the requirement that title in fee simple absolute to the former Orlando-Orange County Expressway System be transferred to the state upon the completion of the faithful performance and termination of a specified lease-purchase agreement; revising the title of part III of ch. 348, F.S.; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 383

Representative Hudson in the Chair.

Yeas—113

Ahern	Dudley	McBurney	Roberson, K.
Albritton	Eagle	McGhee	Rodriguez, R.
Antone	Edwards	Metz	Rodriguez, J.
Artiles	Eisnaugle	Miller	Rogers
Avila	Fant	Moraitis	Rooney
Baxley	Fitzenhagen	Moskowitz	Rouson
Berman	Fresen	Murphy	Santiago
Beshears	Fullwood	Narain	Slosberg
Bileca	Gaetz	Nuñez	Smith
Boyd	Geller	Oliva	Spano
Bracy	Gonzalez	O'Toole	Sprowls
Brodeur	Goodson	Passidomo	Stark
Broxson	Grant	Perry	Steube
Burgess	Hager	Peters	Stevenson
Burton	Harrell	Pigman	Stone
Caldwell	Harrison	Pilon	Sullivan
Campbell	Hill	Plakon	Taylor
Clarke-Reed	Hudson	Plasencia	Tobia
Combee	Ingoglia	Porter	Torres
Corcoran	Ingram	Powell	Trujillo
Cortes, B.	Jenne	Pritchett	Trumbull
Costello	Jones, M.	Raburn	Van Zant
Crisafulli	Jones, S.	Rader	Watson, B.
Cruz	Kerner	Raschein	Watson, C.
Cummings	La Rosa	Raulerson	Williams, A.
Diaz, J.	Latvala	Ray	Wood
Diaz, M.	Lee	Rehwinkel Vasilinda	Workman
Drake	Magar	Renner	Young
DuBose	Mayfield	Richardson	

Nays—5

Cortes, J.	Stafford	Watson, C.
Pafford	Watson, B.	

Votes after roll call:

Yeas—Adkins, Jacobs

So the bill passed, as amended, and was immediately certified to the Senate.

**CS for CS for SB 7040**—A bill to be entitled An act relating to public records; amending s. 119.0712, F.S.; providing an exemption from public records requirements for e-mail addresses collected by the Department of Highway Safety and Motor Vehicles; providing for future review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 384

Representative Hudson in the Chair.

Yeas—112

Adkins	DuBose	McBurney	Rodriguez, R.
Ahern	Dudley	McGhee	Rodriguez, J.
Albritton	Eagle	Metz	Rogers
Antone	Edwards	Miller	Rooney
Artiles	Eisnaugle	Moraitis	Rouson
Avila	Fant	Moskowitz	Santiago
Baxley	Fitzenhagen	Narain	Slosberg
Beshears	Fresen	Nuñez	Smith
Bileca	Fullwood	Oliva	Spano
Boyd	Gonzalez	O'Toole	Sprowls
Bracy	Goodson	Pafford	Stafford
Brodeur	Grant	Passidomo	Stark
Broxson	Hager	Perry	Steube
Burgess	Harrell	Peters	Stevenson
Burton	Harrison	Pigman	Stone
Caldwell	Hill	Pilon	Sullivan
Campbell	Hudson	Plakon	Taylor
Clarke-Reed	Ingoglia	Plasencia	Tobia
Combee	Ingram	Porter	Torres
Corcoran	Jenne	Powell	Trujillo
Cortes, B.	Jones, M.	Pritchett	Trumbull
Cortes, J.	Jones, S.	Raburn	Van Zant
Costello	Kerner	Rader	Watson, B.
Crisafulli	La Rosa	Raschein	Watson, C.
Cummings	Latvala	Raulerson	Williams, A.
Diaz, J.	Lee	Ray	Wood
Diaz, M.	Magar	Renner	Workman
Drake	Mayfield	Roberson, K.	Young

Nays—4

Berman	Gaetz	Geller	Rehwinkel Vasilinda
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Votes after roll call:

Yeas—Cruz, Jacobs, Murphy

Yeas to Nays—Pafford

So the bill passed by the required constitutional two-thirds vote of the members voting and was immediately certified to the Senate.

## Special Orders

### Motion

On motion by Rep. Workman, the House agreed to temporarily postpone **CS for CS for SB 564, CS/CS/HB 91, CS for CS for CS for SB 566, CS/CS/HB 93, SB 462, CS/HB 503, CS for CS for CS for SB 736, CS/CS/CS/HB 611, CS for CS for SB 1102, CS/CS/HB 617, CS for SB 678, HB 677, CS for CS for SB 798, CS/CS/HB 765, CS for SB 568, CS/HB 825, CS for CS for SB 1048, CS/CS/HB 921, CS for CS for SB 1296, CS/HB 1091, CS for CS for CS for SB 1390 and CS/HB 1219.**

**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 delayed; requiring the receiving facility to make continuous attempts to notify; authorizing the receiving facility to seek assistance 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, 39.4612, 39.495, 39.496, 39.499, 39.467, 39.4674, 39.49085, 39.7311, 39.702, 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.

—was read the second time by title.

On motion by Rep. Harrell, the House agreed to substitute CS for SB 7068 for CS/HB 7119. Under Rule 5.13, the House bill was laid on the table.

Representative Harrell offered the following:

(Amendment Bar Code: 257823)

**Amendment 1 (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 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 ~~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) 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 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 multiregional 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.~~

(e) 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)(e) 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)(e) 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 (e), 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.(~~e~~) 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.

(c)(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.

#### TITLE AMENDMENT

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 postadjudicatory 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

misdeemeanor 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.

Rep. Harrell moved the adoption of the amendment, which was adopted.

On motion by Rep. Harrell, the rules were waived and **CS for SB 7068** was read the third time by title. On passage the vote was:

Session Vote Sequence: 385

Representative Hudson in the Chair.

Yeas—112

Adkins	Diaz, M.	Mayfield	Richardson
Ahern	Drake	McBurney	Roberson, K.
Albritton	DuBose	Metz	Rodriguez, J.
Antone	Eagle	Miller	Rogers
Artiles	Edwards	Moraitis	Rooney
Avila	Eisnagle	Moskowitz	Rouson
Baxley	Fant	Murphy	Santiago
Berman	Fresen	Narain	Slosberg
Beshears	Fullwood	Núñez	Smith
Bileca	Gaetz	Oliva	Sprowls
Boyd	Geller	O'Toole	Stafford
Bracy	Gonzalez	Passidomo	Stark
Brodeur	Goodson	Perry	Steube
Broxson	Grant	Peters	Stevenson
Burgess	Hager	Pigman	Stone
Burton	Harrell	Pilon	Sullivan
Caldwell	Harrison	Plakon	Taylor
Campbell	Hill	Plasencia	Tobia
Clarke-Reed	Hudson	Porter	Torres
Combee	Ingoglia	Powell	Trujillo
Corcoran	Ingram	Pritchett	Trumbull
Cortes, B.	Jenne	Raburn	Van Zant
Cortes, J.	Jones, M.	Rader	Watson, B.
Costello	Jones, S.	Raschein	Watson, C.
Crisafulli	La Rosa	Raulerson	Williams, A.
Cruz	Latvala	Ray	Wood
Cummings	Lee	Rehwinkel	Workman
Diaz, J.	Magar	Renner	Young

Nays—1

Pafford

Votes after roll call:

Yeas—Dudley, Jacobs, Rodrigues, R., Spano

So the bill passed, as amended, and was immediately certified to the Senate.

**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.

—was read the second time by title.

On motion by Rep. Harrell, the House agreed to substitute CS for SB 7078 for CS/HB 7121. Under Rule 5.13, the House bill was laid on the table.

Representative Harrell offered the following:

(Amendment Bar Code: 597643)

**Amendment 1**—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~~ causes 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

Rep. Harrell moved the adoption of the amendment, which was adopted.

Representative Harrell offered the following:

(Amendment Bar Code: 756353)

**Amendment 2**—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~~

Rep. Harrell moved the adoption of the amendment, which was adopted.

Representative Harrell offered the following:

(Amendment Bar Code: 525329)

**Amendment 3**—Remove line 393 and insert:  
prepare and submit a comprehensive statistical report by December

Rep. Harrell moved the adoption of the amendment, which was adopted.

Representative Harrell offered the following:

(Amendment Bar Code: 555083)

**Amendment 4 (with title amendment)**—Remove lines 550-576 and insert:

not be considered child care facilities and, therefore, only child care their personnel as defined in s. 402.302 are ~~shall not be~~ required to be screened, and such screenings must be conducted through the department pursuant to ss. 402.305 and 402.3055.

Section 6. Subsection (3) of section 402.302, Florida Statutes, is amended to read:

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

(3) "Child care personnel" means all owners, operators, employees, and volunteers working in a child care facility. The term does not include persons who work in a child care facility after hours when children are not present or parents of children in a child care facility. For purposes of screening, the term includes any member, over the age of 12 years, of a child care facility operator's family, or person, over the age of 12 years, residing with a child care facility operator if the child care facility is located in or adjacent to the home of the operator or if the family member of, or person residing with, the child care facility operator has any direct contact with the children in the facility during its hours of operation. Members of the operator's family or persons residing with the operator who are between the ages of 12 years and 18 years are not required to be fingerprinted but must be screened for delinquency records. For purposes of screening, the term also includes persons who work in child care programs that provide care for children 15 hours or more each week in public or nonpublic schools, family day care homes, membership organizations under s. 402.301 which operate at least 5 days per week whose primary purpose is the provision of after-school programs, delinquency prevention programs, and activities that contribute to the development of good character and are facility-based or school-based, or

#### TITLE AMENDMENT

Remove lines 34-36 and insert:

402.301, F.S.; requiring certain personnel of specified membership organizations to meet background screening requirements; amending s. 402.302, F.S.; adding certain

Rep. Harrell moved the adoption of the amendment, which failed of adoption.

On motion by Rep. Harrell, the rules were waived and **CS for SB 7078** was read the third time by title. On passage, the vote was:

Session Vote Sequence: 386

Representative Hudson in the Chair.

Yeas—116

Adkins	Boyd	Corcoran	Dudley
Ahern	Bracy	Cortes, B.	Eagle
Albritton	Brodeur	Cortes, J.	Eisnaugle
Antone	Broxson	Costello	Fant
Artiles	Burgess	Crisafulli	Fitzenhagen
Avila	Burton	Cruz	Fresen
Baxley	Caldwell	Cummings	Fullwood
Berman	Campbell	Diaz, M.	Gaetz
Beshears	Clarke-Reed	Drake	Geller
Bileca	Combee	DuBose	Gonzalez

Goodson	McGhee	Powell	Spano
Grant	Metz	Pritchett	Spowls
Hager	Miller	Raburn	Stafford
Harrell	Moraitis	Rader	Stark
Harrison	Moskowitz	Raschein	Steube
Hill	Murphy	Raulerson	Stevenson
Hudson	Narain	Ray	Stone
Ingoglia	Nuñez	Rehwinkel Vasilinda	Sullivan
Ingram	Oliva	Renner	Taylor
Jenne	O'Toole	Richardson	Tobia
Jones, M.	Pafford	Roberson, K.	Torres
Jones, S.	Passidomo	Rodriguez, R.	Trujillo
Kerner	Perry	Rodriguez, J.	Trumbull
La Rosa	Peters	Rogers	Van Zant
Latvala	Pigman	Rooney	Watson, B.
Lee	Pilon	Rouson	Watson, C.
Magar	Plakon	Santiago	Williams, A.
Mayfield	Plasencia	Slosberg	Workman
McBurney	Porter	Smith	Young

Nays—1

Wood

Votes after roll call:

Yeas—Edwards, Jacobs

So the bill passed, as amended, and was immediately certified to the Senate.

**SB 984**—A bill to be entitled An act relating to an exemption from legislative lobbying requirements; amending s. 11.045, F.S.; revising the definition of the term "expenditure"; specifying that the term does not include use of a public facility or public property that is made available by a governmental entity to a legislator for a public purpose, to exempt such use from legislative lobbying requirements; providing an effective date.

—was read the second time by title.

On motion by Rep. Rogers, the House agreed to substitute SB 984 for HB 599. Under Rule 5.13, the House bill was laid on the table.

On motion by Rep. Rogers, the rules were waived and **SB 984** was read the third time by title. On passage, the vote was:

Session Vote Sequence: 387

Representative Hudson in the Chair.

Yeas—119

Adkins	Diaz, M.	Latvala	Raschein
Ahern	Drake	Lee	Raulerson
Albritton	DuBose	Magar	Ray
Antone	Dudley	Mayfield	Rehwinkel Vasilinda
Artiles	Eagle	McBurney	Renner
Avila	Edwards	McGhee	Richardson
Baxley	Eisnaugle	Metz	Roberson, K.
Berman	Fant	Miller	Rodriguez, R.
Beshears	Fitzenhagen	Moraitis	Rodriguez, J.
Bileca	Fresen	Moskowitz	Rogers
Boyd	Fullwood	Murphy	Rooney
Bracy	Gaetz	Narain	Rouson
Brodeur	Geller	Nuñez	Santiago
Broxson	Gonzalez	Oliva	Slosberg
Burgess	Goodson	O'Toole	Smith
Burton	Grant	Pafford	Spano
Caldwell	Hager	Passidomo	Spowls
Campbell	Harrell	Perry	Stafford
Clarke-Reed	Harrison	Peters	Stark
Combee	Hill	Pigman	Steube
Corcoran	Hudson	Pilon	Stevenson
Cortes, B.	Ingoglia	Plakon	Stone
Cortes, J.	Ingram	Plasencia	Sullivan
Costello	Jenne	Porter	Taylor
Crisafulli	Jones, M.	Powell	Tobia
Cruz	Jones, S.	Pritchett	Torres
Cummings	Kerner	Raburn	Trujillo
Diaz, J.	La Rosa	Rader	Trumbull



Van Zant            Watson, C.            Wood            Young  
 Watson, B.        Williams, A.        Workman

Nays—None

Votes after roll call:  
 Yeas—Jacobs

So the bill passed and was immediately certified to the Senate.

### Motion

On motion by Rep. Workman, the House agreed to revert to the order of business of Senate Messages.

### Messages from the Senate

*The Honorable Steve Crisafulli, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for HB 133, with 1 amendment, and requests the concurrence of the House.

*Debbie Brown, Secretary*

**CS/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.

(Amendment Bar Code: 563852)

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

Section 1. This act may be cited as the "43 Days Initiative Act."

Section 2. Subsection (4) of section 741.31, Florida Statutes, is amended to read:

741.31 Violation of an injunction for protection against domestic violence.—

(4)(a) A person who willfully violates an injunction for protection against domestic violence issued pursuant to s. 741.30, or a foreign protection order accorded full faith and credit pursuant to s. 741.315, by:

1. Refusing to vacate the dwelling that the parties share;
2. Going to, or being within 500 feet of, the petitioner's residence, school, place of employment, or a specified place frequented regularly by the petitioner and any named family or household member;
3. Committing an act of domestic violence against the petitioner;
4. Committing any other violation of the injunction through an intentional unlawful threat, word, or act to do violence to the petitioner;
5. Telephoning, contacting, or otherwise communicating with the petitioner directly or indirectly, unless the injunction specifically allows indirect contact through a third party;
6. Knowingly and intentionally coming within 100 feet of the petitioner's motor vehicle, whether or not that vehicle is occupied;
7. Defacing or destroying the petitioner's personal property, including the petitioner's motor vehicle; or
8. Refusing to surrender firearms or ammunition if ordered to do so by the court

commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, except as provided in paragraph (c).

(b)1. It is a violation of s. 790.233, and a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, for a person to violate a final injunction for protection against domestic violence by having in his or her care, custody, possession, or control any firearm or ammunition.

2. It is the intent of the Legislature that the disabilities regarding possession of firearms and ammunition are consistent with federal law.

Accordingly, this paragraph shall not apply to a state or local officer as defined in s. 943.10(14), holding an active certification, who receives or possesses a firearm or ammunition for use in performing official duties on behalf of the officer's employing agency, unless otherwise prohibited by the employing agency.

(c) A person who has two or more prior convictions for violation of an injunction and who commits any third or subsequent violation commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For purposes of this paragraph, the term "conviction" means a determination of guilt that is the result of a plea or a trial, regardless of whether adjudication is withheld or a plea of nolo contendere is entered.

Section 3. Section 784.047, Florida Statutes, is amended to read:

784.047 Penalties for violating protective injunction against violators.—

(1) A person who willfully violates an injunction for protection against repeat violence, sexual violence, or dating violence, issued pursuant to s. 784.046, or a foreign protection order accorded full faith and credit pursuant to s. 741.315 by:

- ~~(a)(1)~~ Refusing to vacate the dwelling that the parties share;
- ~~(b)(2)~~ Going to, or being within 500 feet of, the petitioner's residence, school, place of employment, or a specified place frequented regularly by the petitioner and any named family or household member;
- ~~(c)(3)~~ Committing an act of repeat violence, sexual violence, or dating violence against the petitioner;
- ~~(d)(4)~~ Committing any other violation of the injunction through an intentional unlawful threat, word, or act to do violence to the petitioner;
- ~~(e)(5)~~ Telephoning, contacting, or otherwise communicating with the petitioner directly or indirectly, unless the injunction specifically allows indirect contact through a third party;
- ~~(f)(6)~~ Knowingly and intentionally coming within 100 feet of the petitioner's motor vehicle, whether or not that vehicle is occupied;
- ~~(g)(7)~~ Defacing or destroying the petitioner's personal property, including the petitioner's motor vehicle; or
- ~~(h)(8)~~ Refusing to surrender firearms or ammunition if ordered to do so by the court,

commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, except as provided in subsection (2).

(2) A person who has two or more prior convictions for violation of an injunction and who commits any third or subsequent violation commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For purposes of this subsection, the term "conviction" means a determination of guilt that is the result of a plea or a trial, regardless of whether adjudication is withheld or a plea of nolo contendere is entered.

Section 4. Subsection (4) of section 784.0487, Florida Statutes, is amended to read:

784.0487 Violation of an injunction for protection against stalking or cyberstalking.—

(4)(a) A person who willfully violates an injunction for protection against stalking or cyberstalking issued pursuant to s. 784.0485, or a foreign protection order accorded full faith and credit pursuant to s. 741.315, by:

- ~~1.(a)~~ Going to, or being within 500 feet of, the petitioner's residence, school, place of employment, or a specified place frequented regularly by the petitioner and any named family members or individuals closely associated with the petitioner;
- ~~2.(b)~~ Committing an act of stalking against the petitioner;
- ~~3.(c)~~ Committing any other violation of the injunction through an intentional unlawful threat, word, or act to do violence to the petitioner;
- ~~4.(d)~~ Telephoning, contacting, or otherwise communicating with the petitioner, directly or indirectly, unless the injunction specifically allows indirect contact through a third party;
- ~~5.(e)~~ Knowingly and intentionally coming within 100 feet of the petitioner's motor vehicle, whether or not that vehicle is occupied;
- ~~6.(f)~~ Defacing or destroying the petitioner's personal property, including the petitioner's motor vehicle; or
- ~~7.(g)~~ Refusing to surrender firearms or ammunition if ordered to do so by the court,

commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, except as provided in paragraph (b).

(b) A person who has two or more prior convictions for violation of an injunction and who commits any third or subsequent violation commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For purposes of this paragraph, the term "conviction" means a determination of guilt that is the result of a plea or a trial, regardless of whether adjudication is withheld or a plea of nolo contendere is entered.

Section 5. 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 +8 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 6. 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, and 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, unless a law enforcement officer elects to issue a civil citation as provided in paragraph (3)(a).

(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.

Section 7. Subsection (1) of section 948.11, Florida Statutes, is amended to read:

948.11 Electronic monitoring devices.—

(1) The Department of Corrections or a local law enforcement agency may, at its discretion, electronically monitor an offender sentenced to community control or ordered to comply with house arrest who is wearing electronic monitoring equipment as a condition of bond or pretrial release or who is otherwise wearing electronic monitoring equipment pursuant to a court order for a protective injunction issued for domestic violence as defined in s. 741.30; repeat violence, sexual violence, or dating violence, as defined in s. 784.046; or a stalking injunction as defined in s. 784.048.

Section 8. Subsection (1) of section 985.0301, Florida Statutes, is amended to read:

985.0301 Jurisdiction.—

(1) The circuit court has exclusive original jurisdiction of proceedings in which a child is alleged to have committed:

- (a) to have committed A delinquent act or violation of law.
- (b) A noncriminal violation that has been assigned to juvenile court by law.

Section 9. This act shall take effect July 1, 2015.

#### ===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled

An act relating to criminal justice; providing a short title; amending ss. 741.31, 784.047, and 784.0487, F.S.; providing enhanced criminal penalties for a third or subsequent violation of an injunction for protection against specified acts of violence or a foreign protection order issued under specified provisions; 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; authorizing a law enforcement officer to issue a civil citation in lieu of criminal penalties; 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. 948.11, F.S.; authorizing the Department of Corrections or a local law enforcement agency to electronically monitor an offender under specified circumstances; amending s. 985.0301, F.S.; creating exclusive original jurisdiction in the circuit court when a child is alleged to have committed a noncriminal violation that is assigned to juvenile court; providing an effective date.

Representative Plasencia offered the following:

(Amendment Bar Code: 056723)

**House Amendment 1 to Senate Amendment 1 (with title amendment)**—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~~ 16 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.

#### TITLE AMENDMENT

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.;

Rep. Plasencia moved the adoption of the amendment, which was adopted.

On motion by Rep. Plasencia, the House concurred in **Senate Amendment 1**, as amended.

The question recurred on the passage of **CS/HB 133**. The vote was:

Session Vote Sequence: 388

Representative Hudson in the Chair.

Yeas—117

Adkins	Artiles	Beshears	Brodeur
Ahern	Avila	Bileca	Broxson
Albritton	Baxley	Boyd	Burgess
Antone	Berman	Bracy	Burton

Caldwell	Grant	O'Toole	Santiago
Campbell	Hager	Pafford	Slosberg
Clarke-Reed	Harrell	Passidomo	Smith
Combee	Harrison	Perry	Spano
Corcoran	Hill	Peters	Sprowls
Cortes, B.	Hudson	Pigman	Stafford
Cortes, J.	Ingoglia	Pilon	Stark
Costello	Ingram	Plakon	Steube
Crisafulli	Jenne	Plasencia	Stevenson
Cruz	Jones, S.	Porter	Stone
Diaz, J.	Kerner	Powell	Sullivan
Diaz, M.	La Rosa	Pritchett	Taylor
Drake	Latvala	Raburn	Tobia
DuBose	Lee	Rader	Torres
Dudley	Magar	Raschein	Trujillo
Eagle	Mayfield	Raulerson	Trumbull
Edwards	McBurney	Ray	Van Zant
Eisnaugle	McGhee	Rehwinkel Vasilinda	Watson, B.
Fant	Metz	Renner	Watson, C.
Fitzenhagen	Miller	Richardson	Williams, A.
Fresen	Moraitis	Roberson, K.	Wood
Fullwood	Moskowitz	Rodrigues, R.	Workman
Gaetz	Murphy	Rodriguez, J.	Young
Geller	Narain	Rogers	
Gonzalez	Nuñez	Rooney	
Goodson	Oliva	Rouson	

Nays—1  
Jones, M.

Votes after roll call:

Yeas—Cummings, Jacobs  
Nays to Yeas—Jones, M.

So the bill passed, as amended. The action, together with the bill and the amendment thereto, was immediately certified to the Senate.

*The Honorable Steve Crisafulli, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for HB 145, with 1 amendment, and requests the concurrence of the House.

*Debbie Brown, Secretary*

**CS/HB 145**—A bill to be entitled An act relating to the Commercial Motor Vehicle Review Board; amending s. 316.545, F.S.; providing for an appeal to the board for an excess weight citation under certain circumstances; providing for citation revocation by the board; revising the membership of the board; providing for appointment of additional members by the Governor and the Commissioner of Agriculture; providing for terms of the additional members; providing qualifications for such members; providing for removal of members by the Governor under certain circumstances; providing for action by a quorum of the board; requiring that the additional appointments be made by a specified date; providing effective dates.

(Amendment Bar Code: 551142)

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

Section 1. Subsection (1) and paragraph (a) of subsection (2) of section 316.545, Florida Statutes, are amended to read:

316.545 Weight and load unlawful; special fuel and motor fuel tax enforcement; inspection; penalty; review.—

(1) Any officer of the Florida Highway Patrol having reason to believe that the weight of a vehicle and load is unlawful is authorized to require the driver to stop and submit to a weighing of the same by means of either portable or fixed scales and may require that such vehicle be driven to the nearest weigh station or public scales, provided such a facility is within 5 highway miles. Upon a request by the vehicle driver, the officer shall weigh the vehicle at

fixed scales rather than by portable scales if such a facility is available within 5 highway miles. Anyone who refuses to submit to such weighing obstructs an officer pursuant to s. 843.02 and is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Anyone who knowingly and willfully resists, obstructs, or opposes a weight and safety officer while refusing to submit to such weighing by resisting the officer with violence to the officer's person pursuant to s. 843.01 is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2)(a) Whenever an officer of the Florida Highway Patrol or weight inspector of the Department of Transportation, upon weighing a vehicle or combination of vehicles with load, determines that the axle weight or gross weight is unlawful, the officer may require the driver to stop the vehicle in a suitable place and remain standing until a determination can be made as to the amount of weight thereon and, if overloaded, the amount of penalty to be assessed as provided herein. However, any gross weight over and beyond 6,000 pounds beyond the maximum herein set shall be unloaded and all material so unloaded shall be cared for by the owner or operator of the vehicle at the risk of such owner or operator. Except as otherwise provided in this chapter, to facilitate compliance with and enforcement of the weight limits established in s. 316.535, weight tables published pursuant to s. 316.535(7) shall include a 10-percent scale tolerance and shall thereby reflect the maximum scaled weights allowed any vehicle or combination of vehicles. As used in this section, scale tolerance means the allowable deviation from legal weights established in s. 316.535. Notwithstanding any other provision of the weight law, if a vehicle or combination of vehicles does not exceed the gross, external bridge, or internal bridge weight limits imposed in s. 316.535 and the driver of such vehicle or combination of vehicles can comply with the requirements of this chapter by shifting or equalizing the load on all wheels or axles and does so when requested by the proper authority, the driver shall not be held to be operating in violation of said weight limits. When a driver is issued a citation for exceeding the weight limits established in s. 316.535 as determined by means of portable scales, the driver may request to proceed to the nearest fixed scale at an official weigh station or at a certified public scale for verification of weight. The officer who issued the citation must escort the driver at all times and must attend the reweighing. If the vehicle or combination of vehicles is found to be in compliance with the weight requirements of this chapter at the fixed scale, the citation is void.

Section 2. Effective October 1, 2015, subsection (7) of section 316.545, Florida Statutes, is amended to read:

316.545 Weight and load unlawful; special fuel and motor fuel tax enforcement; inspection; penalty; review.—

(7) There is created within the Department of Transportation the Commercial Motor Vehicle Review Board, consisting of three permanent members who shall be the Secretary of the Department of Transportation, the executive director of the Department of Highway Safety and Motor Vehicles, and the Commissioner of Agriculture, or their authorized representatives, and four additional members appointed pursuant to paragraph (b), which may review any penalty imposed upon any vehicle or person under the provisions of this chapter relating to weights imposed on the highways by the axles and wheels of motor vehicles, to special fuel and motor fuel tax compliance, or to violations of safety regulations.

(a) The Secretary of ~~the Department of~~ Transportation or his or her authorized representative shall be the chair of the review board.

(b) The Governor shall appoint one member from the road construction industry, one member from the trucking industry, and one member with a general business or legal background. The Commissioner of Agriculture shall appoint one member from the agriculture industry. Each member appointed under this paragraph must be a registered voter and resident of the state and must possess business experience in the private sector. Members appointed pursuant to this paragraph shall each serve a 2-year term. A vacancy occurring during the term of a member appointed under this paragraph shall be filled only for the remainder of the unexpired term. Members of the board appointed under this paragraph may be removed from office by the Governor for misconduct, malfeasance, misfeasance, or nonfeasance in office. Each permanent member of the review board may designate one additional person to be a member of the review board.

(c) Each member, before entering upon his or her official duties, shall take and subscribe to an oath before an official authorized by law to administer oaths that he or she will honestly, faithfully, and impartially perform the duties devolving upon him or her in office as a member of the review board and that he or she will not neglect any duties imposed upon him or her by s. 316.3025, s. 316.550, or this section. ~~The review board may execute its responsibilities by meeting as a single group or as subgroups consisting of one authorized representative of each permanent member.~~

(d) The chair of the review board is responsible for the administrative functions of the review board.

(e) Four members of the board constitute a quorum, and the vote of four members shall be necessary for any action taken by the board. A vacancy on the board does not impair the right of a quorum of the board to exercise all of the rights and perform all of the duties of the board.

(f) ~~(e)~~ The review board may hold sessions and conduct proceedings at any place within the state. As an alternative to physical appearance, and in addition to any other method of appearance authorized by rule, the Department of Transportation shall provide space and video conference capability at each district office to enable a person requesting a hearing to appear remotely before the board, regardless of the physical location of the board proceeding.

Section 3. The appointment of additional members to the Commercial Motor Vehicle Review Board in accordance with the changes made by this act to s. 316.545, Florida Statutes, shall be made by September 1, 2015, for terms beginning October 1, 2015.

Section 4. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2015.

#### ===== TITLE AMENDMENT =====

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled

An act relating to the Commercial Motor Vehicle Review Board; amending s. 316.545, F.S.; deleting a provision authorizing any officer of the Florida Highway Patrol to require that a vehicle be driven to the nearest weigh station or public scales under certain circumstances; deleting a provision requiring the officer to weigh the vehicle at fixed scales rather than by portable scales upon a request by the vehicle driver under certain circumstances; authorizing a driver to request to proceed to the nearest fixed scale at an official weigh station or a certified public scale when he or she is issued a citation for exceeding weight limits; requiring the officer issuing the citation to escort the driver and attend the reweighing; voiding the citation if the vehicle or combination of vehicles is found to be in compliance with certain weight requirements; revising the membership of the board; providing for appointment of additional members by the Governor and the Commissioner of Agriculture; providing for terms of the additional members providing qualifications for such members; providing for removal of members by the Governor under certain circumstances; providing for action by a quorum of the board; requiring the Department of Transportation to provide space and video conference capability at each district office to enable a person requesting a hearing to appear remotely before the board; requiring that the additional appointments be made by a specified date; providing effective dates.

On motion by Rep. Beshears, the House concurred in **Senate Amendment 1**.

The question recurred on the passage of **CS/HB 145**. The vote was:

Session Vote Sequence: 389

Representative Hudson in the Chair.

Yeas—116

Adkins	Albritton	Artiles	Baxley
Ahern	Antone	Avila	Berman

Beshears	Fant	Metz	Rodriguez, R.
Bileca	Fitzenhagen	Miller	Rodriguez, J.
Boyd	Fresen	Moraitis	Rogers
Bracy	Fullwood	Moskowitz	Rooney
Brodeur	Gaetz	Murphy	Santiago
Broxson	Geller	Narain	Slosberg
Burgess	Gonzalez	Núñez	Smith
Burton	Goodson	Oliva	Spano
Caldwell	Grant	O'Toole	Sprowls
Campbell	Hager	Pafford	Stafford
Clarke-Reed	Harrell	Passidomo	Stark
Combee	Harrison	Perry	Steube
Corcoran	Hill	Peters	Stevenson
Cortez, B.	Hudson	Pigman	Stone
Cortez, J.	Ingolia	Pilon	Sullivan
Costello	Ingram	Plakon	Taylor
Crisafulli	Jenne	Plasencia	Tobia
Cruz	Jones, M.	Porter	Torres
Cummings	Jones, S.	Powell	Trujillo
Diaz, J.	Kerner	Pritchett	Trumbull
Diaz, M.	La Rosa	Rabun	Van Zant
Drake	Latvala	Raschein	Watson, B.
DuBose	Lee	Raulerson	Watson, C.
Dudley	Magar	Ray	Williams, A.
Eagle	Mayfield	Renner	Wood
Edwards	McBurney	Richardson	Workman
Eisnagle	McGhee	Roberson, K.	Young

Nays—1

Rehwinkel Vasilinda

Votes after roll call:

Yeas—Jacobs

Nays to Yeas—Rehwinkel Vasilinda

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

*The Honorable Steve Crisafulli, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for HB 751, with 1 amendment, and requests the concurrence of the House.

*Debbie Brown, Secretary*

**CS/HB 751**—A bill to be entitled An act relating to emergency treatment for opioid overdose; providing a short title; creating s. 381.887, F.S.; providing definitions; providing purpose; authorizing certain health care practitioners to prescribe an emergency opioid antagonist to a patient or caregiver under certain conditions; authorizing storage, possession, and administration of an emergency opioid antagonist by such patient or caregiver and certain emergency responders; providing immunity from liability; providing immunity from professional sanction or disciplinary action for certain health care practitioners and pharmacists, under certain circumstances; providing applicability; providing an effective date.

(Amendment Bar Code: 547870)

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

Section 1. This act may be cited as the "Emergency Treatment and Recovery Act."

Section 2. Section 381.887, Florida Statutes, is created to read:

381.887 Emergency treatment for suspected opioid overdose.

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

(a) "Administer" or "administration" means to introduce an emergency opioid antagonist into the body of a person.

(b) "Authorized health care practitioner" means a licensed practitioner authorized by the laws of this state to prescribe drugs.

(c) "Caregiver" means a family member, friend, or person in a position to have recurring contact with a person at risk of experiencing an opioid overdose.

(d) "Emergency opioid antagonist" means naloxone hydrochloride or any similarly acting drug that blocks the effects of opioids administered from outside the body and that is approved by the United States Food and Drug Administration for the treatment of an opioid overdose.

(e) "Patient" means a person at risk of experiencing an opioid overdose.

(2) The purpose of this section is to provide for the prescription of an emergency opioid antagonist to patients and caregivers and to encourage the prescription of emergency opioid antagonists by authorized health care practitioners.

(3) An authorized health care practitioner may prescribe and dispense an emergency opioid antagonist to a patient or caregiver for use in accordance with this section, and pharmacists may dispense an emergency opioid antagonist pursuant to a prescription issued in the name of the patient or caregiver, which is appropriately labeled with instructions for use. Such patient or caregiver is authorized to store and possess approved emergency opioid antagonists and, in an emergency situation when a physician is not immediately available, administer the emergency opioid antagonist to a person believed in good faith to be experiencing an opioid overdose, regardless of whether that person has a prescription for an emergency opioid antagonist.

(4) Emergency responders, including, but not limited to, law enforcement officers, paramedics, and emergency medical technicians, are authorized to possess, store, and administer emergency opioid antagonists as clinically indicated.

(5) A person, including, but not limited to, an authorized health care practitioner, a dispensing health care practitioner, or a pharmacist, who possesses, administers, prescribes, dispenses, or stores an approved emergency opioid antagonist in compliance with this section and s. 768.13 is afforded the civil liability immunity protections provided under s. 768.13.

(6)(a) An authorized health care practitioner, acting in good faith and exercising reasonable care, is not subject to discipline or other adverse action under any professional licensure statute or rule and is immune from any civil or criminal liability as a result of prescribing an emergency opioid antagonist in accordance with this section.

(b) A dispensing health care practitioner or pharmacist, acting in good faith and exercising reasonable care, is not subject to discipline or other adverse action under any professional licensure statute or rule and is immune from any civil or criminal liability as a result of dispensing an emergency opioid antagonist in accordance with this section.

(7) This section does not limit any existing immunities for emergency responders or other persons which is provided under this chapter or any other applicable provision of law. This section does not create a duty or standard of care for a person to prescribe or administer an emergency opioid antagonist.

Section 3. This act shall take effect upon becoming a law.

# ===== TITLE AMENDMENT =====

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled

An act relating to emergency treatment for opioid overdose; providing a short title; creating s. 381.887, F.S.; defining terms; providing a purpose; authorizing certain health care practitioners to prescribe and dispense an emergency opioid antagonist to a patient or caregiver under certain conditions; authorizing pharmacists to dispense an emergency opioid antagonist under certain circumstances; authorizing storage, possession, and administration of an emergency opioid antagonist by a patient or caregiver and certain emergency responders; providing immunity from liability; providing immunity from professional sanction or disciplinary action for certain health care practitioners and pharmacists, under certain circumstances; providing applicability; providing that a duty or standard of care is not created by the section; providing an effective date.

On motion by Rep. Gonzalez, the House concurred in **Senate Amendment 1**.

The question recurred on the passage of **CS/HB 751**. The vote was:

Session Vote Sequence: 390

Representative Hudson in the Chair.

Yeas—118

Adkins	DuBose	McBurney	Rodriguez, R.
Ahern	Dudley	McGhee	Rodriguez, J.
Albritton	Eagle	Metz	Rogers
Antone	Edwards	Miller	Rooney
Artiles	Eisnaugle	Moraitis	Rouson
Avila	Fant	Moskowitz	Santiago
Baxley	Fitzenhagen	Murphy	Slosberg
Berman	Fresen	Narain	Smith
Beshears	Fullwood	Nuñez	Spano
Bileca	Gaetz	Oliva	Sprowls
Boyd	Geller	O'Toole	Stafford
Bracy	Gonzalez	Pafford	Stark
Brodeur	Goodson	Passidomo	Steube
Broxson	Grant	Perry	Stevenson
Burgess	Hager	Peters	Stone
Burton	Harrell	Pigman	Sullivan
Caldwell	Harrison	Pilon	Taylor
Campbell	Hill	Plakon	Tobia
Clarke-Reed	Hudson	Plasencia	Torres
Combee	Ingoglia	Porter	Trujillo
Corcoran	Ingram	Powell	Trumbull
Cortes, B.	Jenne	Pritchett	Van Zant
Cortes, J.	Jones, M.	Raburn	Watson, B.
Costello	Jones, S.	Rader	Watson, C.
Crisafulli	Kerner	Raschein	Williams, A.
Cruz	La Rosa	Raulerson	Wood
Cummings	Latvala	Ray	Workman
Diaz, J.	Lee	Renner	Young
Diaz, M.	Magar	Richardson	
Drake	Mayfield	Roberson, K.	

Nays—1

Rehwinkel Vasilinda

Votes after roll call:

Yeas—Jacobs

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

*The Honorable Steve Crisafulli, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for CS for HB 1049, with 1 amendment, and requests the concurrence of the House.

*Debbie Brown, Secretary*

**CS/CS/HB 1049**—A bill to be entitled An act relating to the practice of pharmacy; amending s. 465.0276, F.S.; specifying that the Florida Pharmacy Act and rules adopted thereunder do not prohibit a veterinarian from administering a compounded drug to a patient or dispensing a compounded drug to the patient's owner or caretaker; providing applicability; providing an effective date.

(Amendment Bar Code: 918380)

**Senate Amendment 1 (with title amendment)**—Between lines 20 and 21 insert:

Section 2. Section 465.1862, Florida Statutes, is created to read:

465.1862 Pharmacy benefits manager contracts.—

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

(a) "Maximum allowable cost" means the per-unit amount that a pharmacy benefits manager reimburses a pharmacist for a prescription drug, excluding dispensing fees, prior to the application of copayments, coinsurance, and other cost-sharing charges, if any.

(b) "Pharmacy benefits manager" means a person or entity doing business in this state which contracts to administer or manage prescription drug benefits

on behalf of a health insurance plan, as defined in s. 627.6482, to residents of this state.

(2) Each contract execution or contract renewal between a pharmacy benefits manager and a pharmacy must include requirements that the pharmacy benefits manager:

(a) Update maximum allowable cost pricing information at least every 7 calendar days; and

(b) Maintain a process that will, in a timely manner, eliminate drugs from maximum allowable cost lists or modify drug prices to remain consistent with changes in pricing data used in formulating maximum allowable cost prices and product availability.

# ===== TITLE AMENDMENT =====

And the title is amended as follows:

Delete line 8

and insert:

providing applicability; creating s. 465.1862, F.S.; defining terms; requiring that each contract or contract renewal between a pharmacy benefits manager and a pharmacy require the pharmacy benefits manager to periodically update the maximum allowable cost pricing information and to maintain a procedure to eliminate certain drugs from the list of those subject to maximum allowable cost pricing or modify maximum allowable cost prices to remain consistent with changes in certain pricing data; providing an effective date.

On motion by Rep. Peters, the House concurred in **Senate Amendment 1**.

The question recurred on the passage of **CS/CS/HB 1049**. The vote was:

Session Vote Sequence: 391

Representative Hudson in the Chair.

Yeas—118

Adkins	DuBose	McGhee	Rodriguez, R.
Ahern	Dudley	Metz	Rodriguez, J.
Albritton	Eagle	Miller	Rogers
Antone	Edwards	Moraitis	Rooney
Artiles	Eisnaugle	Moskowitz	Rouson
Avila	Fant	Murphy	Santiago
Baxley	Fitzenhagen	Narain	Slosberg
Berman	Fresen	Nuñez	Smith
Beshears	Fullwood	Oliva	Spano
Bileca	Gaetz	O'Toole	Sprowls
Boyd	Geller	Pafford	Stafford
Bracy	Gonzalez	Passidomo	Stark
Brodeur	Goodson	Perry	Steube
Broxson	Grant	Peters	Stevenson
Burgess	Hager	Pigman	Stone
Burton	Harrell	Pilon	Sullivan
Caldwell	Harrison	Plakon	Taylor
Campbell	Hill	Plasencia	Tobia
Clarke-Reed	Hudson	Porter	Torres
Combee	Ingoglia	Powell	Trujillo
Corcoran	Ingram	Pritchett	Trumbull
Cortes, B.	Jenne	Raburn	Van Zant
Cortes, J.	Jones, M.	Rader	Watson, B.
Costello	Jones, S.	Raschein	Watson, C.
Crisafulli	La Rosa	Raulerson	Williams, A.
Cruz	Latvala	Ray	Wood
Cummings	Lee	Rehwinkel Vasilinda	Workman
Diaz, J.	Magar	Renner	Young
Diaz, M.	Mayfield	Richardson	
Drake	McBurney	Roberson, K.	

Nays—None

Votes after roll call:

Yeas—Jacobs

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

*The Honorable Steve Crisafulli, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for CS for HB 1309, with 2 amendments, and requests the concurrence of the House.

*Debbie Brown, Secretary*

**CS/CS/HB 1309**—A bill to be entitled An act relating to publicly funded retirement plans; amending s. 112.63, F.S.; requiring that actuarial reports for certain retirement plans include mortality tables; specifying requirements; amending s. 112.664, F.S.; revising information to be included in a defined benefit system or plan's annual report to the Department of Management Services; providing a declaration of important state interest; providing effective dates.

(Amendment Bar Code: 276912)

**Senate Amendment 2**—Delete line 68

and insert:

ends on or after December 31, 2015 ~~June 30, 2014~~, and thereafter in each year

On motion by Rep. Drake, the House concurred in **Senate Amendment 2**.

(Amendment Bar Code: 725774)

**Senate Amendment 3**—Delete line 114

and insert:

act, this act shall take effect upon becoming a law.

On motion by Rep. Drake, the House concurred in **Senate Amendment 3**.

The question recurred on the passage of **CS/CS/HB 1309**. The vote was:

Session Vote Sequence: 392

Representative Hudson in the Chair.

Yeas—81

Adkins	Diaz, M.	Mayfield	Roberson, K.
Ahern	Drake	McBurney	Rodriguez, R.
Albritton	Eagle	Metz	Rooney
Artiles	Eisnaugle	Miller	Santiago
Avila	Fant	Moraitis	Smith
Baxley	Fitzenhagen	Nuñez	Spano
Beshears	Fresen	Oliva	Sprowls
Bileca	Gaetz	O'Toole	Steube
Boyd	Gonzalez	Passidomo	Stevenson
Brodeur	Goodson	Perry	Stone
Broxson	Grant	Peters	Sullivan
Burgess	Hager	Pigman	Tobia
Burton	Harrell	Pilon	Trujillo
Caldwell	Harrison	Plakon	Trumbull
Combee	Hill	Plasencia	Van Zant
Corcoran	Hudson	Porter	Wood
Cortes, B.	Ingoglia	Raburn	Workman
Costello	Ingram	Raschein	Young
Crisafulli	La Rosa	Raulerson	
Cummings	Latvala	Ray	
Diaz, J.	Magar	Renner	

Nays—37

Antone	Fullwood	Pafford	Stafford
Berman	Geller	Powell	Stark
Bracy	Jenne	Pritchett	Taylor
Campbell	Jones, M.	Rader	Torres
Clarke-Reed	Jones, S.	Rehwinkel Vasilinda	Watson, B.
Cortes, J.	Kerner	Richardson	Watson, C.
Cruz	Lee	Rodriguez, J.	Williams, A.
DuBose	McGhee	Rogers	
Dudley	Murphy	Rouson	
Edwards	Narain	Slosberg	

Votes after roll call:  
Nays—Jacobs

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

*The Honorable Steve Crisafulli, Speaker*

I am directed to inform the House of Representatives that the Senate has passed HB 7061, with 1 amendment, by the required Constitutional two-thirds vote of all members present and voting, and requests the concurrence of the House.

*Debbie Brown, Secretary*

**HB 7061**—A bill to be entitled An act relating to public records; amending s. 895.06, F.S.; providing an exemption from public records requirements for certain documents and information held by an investigative agency pursuant to an investigation relating to an activity prohibited under the Florida RICO Act; authorizing disclosure of such documents and information under certain conditions; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

(Amendment Bar Code: 135292)

**Senate Amendment 1 (with title amendment)**—Delete lines 64 - 68 and insert:

Section 3. This act shall take effect on July 1, 2015.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete line 11  
and insert:  
necessity; providing an effective date.

On motion by Rep. Passidomo, the House concurred in **Senate Amendment 1**.

The question recurred on the passage of **HB 7061**. The vote was:

Session Vote Sequence: 393

Representative Hudson in the Chair.

Yeas—116

Adkins	Diaz, J.	Kerner	Powell
Ahern	Diaz, M.	La Rosa	Pritchett
Albritton	Drake	Latvala	Raburn
Antone	DuBose	Lee	Rader
Artiles	Dudley	Magar	Raschein
Avila	Eagle	Mayfield	Raulerson
Baxley	Edwards	McBurney	Ray
Berman	Eisnaugle	McGhee	Renner
Beshears	Fant	Metz	Richardson
Bileca	Fitzenhagen	Miller	Roberson, K.
Boyd	Fresen	Moraitis	Rodriguez, R.
Bracy	Fullwood	Moskowitz	Rodriguez, J.
Brodeur	Geller	Murphy	Rogers
Broxson	Gonzalez	Narain	Rooney
Burgess	Goodson	Nuñez	Rouson
Burton	Grant	Oliva	Santiago
Caldwell	Hager	O'Toole	Slosberg
Clarke-Reed	Harrell	Pafford	Smith
Combee	Harrison	Passidomo	Spano
Corcoran	Hill	Perry	Sprows
Cortes, B.	Hudson	Peters	Stafford
Cortes, J.	Ingoglia	Pigman	Stark
Costello	Ingram	Pilon	Steube
Crisafulli	Jenne	Plakon	Stevenson
Cruz	Jones, M.	Plasencia	Stone
Cummings	Jones, S.	Porter	Sullivan

Taylor  
Tobia  
Torres

Trujillo  
Trumbull  
Van Zant

Watson, B.  
Watson, C.  
Williams, A.

Wood  
Workman  
Young

Nays—2

Gaetz

Rehwinkel Vasilinda

Votes after roll call:

Yeas—Campbell, Jacobs

So the bill passed, as amended, by the required constitutional two-thirds vote of the members voting and the action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

*The Honorable Steve Crisafulli, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for HB 7109, with 3 amendments, and requests the concurrence of the House.

*Debbie Brown, Secretary*

**CS/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.

(Amendment Bar Code: 606844)



**Senate Amendment 2 (with directory and title amendments)**—Delete line 77 and insert:

(8) At least every other year, the commission shall hold a customer service meeting, open to the public, in the service territory of each public utility regulated by the commission which supplies electricity.

(9) Each meeting, including each internal affairs meeting.

===== DIRECTORY CLAUSE AMENDMENT =====

And the directory clause is amended as follows:

Delete line 66

and insert:

Statutes, is amended, and subsections (8) and (9) are added to that

===== TITLE AMENDMENT =====

And the title is amended as follows:

Delete line 5

and insert:

date; requiring the commission to hold a customer service meeting at least every other year; requiring that specified meetings, workshops,

On motion by Rep. La Rosa, the House refused to concur in **Senate Amendment 2** and requested the Senate to recede therefrom.

(Amendment Bar Code: 251712)

**Senate Amendment 4**—Delete lines 214 - 233

and insert:

(c) Effective January 1, 2016, a utility may not charge or receive a deposit in excess of the amounts specified in paragraphs 1. and 2.

1. For an existing account, the total deposit may not exceed 2 months of average actual charges, calculated by adding the monthly charges from the 12-month period immediately before the date any change in the deposit amount is sought, dividing this total by 12, and multiplying the result by 2. If the account has less than 12 months of actual charges, the deposit shall be calculated by adding the available monthly charges, dividing this total by the number of months available, and multiplying the result by 2.

2. For a new service request, the total deposit may not exceed 2 months of projected charges, calculated by adding 12 months of projected charges, dividing this total by 12, and multiplying the result by 2.

3. For each new service deposit established under paragraph 2. on or after January 1, 2017, the amount of the deposit shall be recalculated using actual data when the new customer has had continuous service for a 12-month period. If the recalculated amount exceeds the amount of the deposit that was collected from the customer, the customer shall pay that portion of the difference that may be billed by the utility. If the recalculated amount is less than the amount of the deposit collected from the customer, the utility shall credit the difference to the customer.

On motion by Rep. La Rosa, the House refused to concur in **Senate Amendment 4** and requested the Senate to recede therefrom.

(Amendment Bar Code: 927036)

**Senate Amendment 5 (with title amendment)**—Between lines 1080 and 1081 insert:

Section 8. For the 2015-2016 fiscal year, the sums of \$34,338 in recurring and \$13,775 in nonrecurring funds from the General Revenue Fund are appropriated to the Florida Public Service Commission for the purpose of implementing this act.

===== TITLE AMENDMENT =====

And the title is amended as follows:

Delete line 60

and insert:

circumstances; providing penalties; providing an appropriation; providing an

On motion by Rep. La Rosa, the House refused to concur in Senate Amendment 2 and requested the Senate to recede therefrom. The action, together with the bill and amendment thereto, was immediately certified to the Senate.

THE SPEAKER IN THE CHAIR

The absence of a quorum was suggested. A quorum was present [Session Vote Sequence: 394].

## Messages from the Senate

*The Honorable Steve Crisafulli, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for CS for CS for HB 5.

*Debbie Brown, Secretary*

The above bill was ordered enrolled.

*The Honorable Steve Crisafulli, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for HB 7, by the required Constitutional two-thirds vote of all members present and voting.

*Debbie Brown, Secretary*

The above bill was ordered enrolled.

*The Honorable Steve Crisafulli, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for CS for HB 269.

*Debbie Brown, Secretary*

The above bill was ordered enrolled.

*The Honorable Steve Crisafulli, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for HB 359.

*Debbie Brown, Secretary*

The above bill was ordered enrolled.

*The Honorable Steve Crisafulli, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for CS for CS for HB 383.

*Debbie Brown, Secretary*

The above bill was ordered enrolled.

*The Honorable Steve Crisafulli, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for CS for CS for HB 435.

*Debbie Brown, Secretary*

The above bill was ordered enrolled.

*The Honorable Steve Crisafulli, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for HB 541.

*Debbie Brown, Secretary*

The above bill was ordered enrolled.

*The Honorable Steve Crisafulli, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for HB 787.

*Debbie Brown, Secretary*

The above bill was ordered enrolled.

*The Honorable Steve Crisafulli, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for CS for HB 801.

*Debbie Brown, Secretary*

The above bill was ordered enrolled.

*The Honorable Steve Crisafulli, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for CS for HB 1069.

*Debbie Brown, Secretary*

The above bill was ordered enrolled.

*The Honorable Steve Crisafulli, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for CS for HB 1087.

*Debbie Brown, Secretary*

The above bill was ordered enrolled.

*The Honorable Steve Crisafulli, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for HB 3505.

*Debbie Brown, Secretary*

The above bill was ordered enrolled.

*The Honorable Steve Crisafulli, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for HB 3511.

*Debbie Brown, Secretary*

The above bill was ordered enrolled.

*The Honorable Steve Crisafulli, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for HB 3513.

*Debbie Brown, Secretary*

The above bill was ordered enrolled.

*The Honorable Steve Crisafulli, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for HB 3519.

*Debbie Brown, Secretary*

The above bill was ordered enrolled.

*The Honorable Steve Crisafulli, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for HB 3521.

*Debbie Brown, Secretary*

The above bill was ordered enrolled.

*The Honorable Steve Crisafulli, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for HB 3523.

*Debbie Brown, Secretary*

The above bill was ordered enrolled.

*The Honorable Steve Crisafulli, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for HB 3527.

*Debbie Brown, Secretary*

The above bill was ordered enrolled.

*The Honorable Steve Crisafulli, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for HB 3531.

*Debbie Brown, Secretary*

The above bill was ordered enrolled.

*The Honorable Steve Crisafulli, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for HB 3533.

*Debbie Brown, Secretary*

The above bill was ordered enrolled.

*The Honorable Steve Crisafulli, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for HB 3543.

*Debbie Brown, Secretary*

The above bill was ordered enrolled.

*The Honorable Steve Crisafulli, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for HB 3547.

*Debbie Brown, Secretary*

The above bill was ordered enrolled.

*The Honorable Steve Crisafulli, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for HB 3549.

*Debbie Brown, Secretary*

The above bill was ordered enrolled.

*The Honorable Steve Crisafulli, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for HB 3555.

*Debbie Brown, Secretary*

The above bill was ordered enrolled.

*The Honorable Steve Crisafulli, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for HB 3557.

*Debbie Brown, Secretary*

The above bill was ordered enrolled.

*The Honorable Steve Crisafulli, Speaker*

I am directed to inform the House of Representatives that the Senate has passed HB 7023.

*Debbie Brown, Secretary*

The above bill was ordered enrolled.

#### Votes After Roll Call

[Date(s) of Vote(s) and Sequence Number(s)]

Rep. Cruz:

Yeas—April 24: 359, 360, 362, 363, 364

Rep. DuBose:

Yeas to Nays—April 24: 304

Rep. Jenne:

Yeas—April 22: 198; April 24: 363

Nays—April 21: 177

Rep. Pafford:

Yeas to Nays—April 24: 274

Rep. Ray:

Yeas—April 24: 306

Nays—April 23: 256

Rep. R. Rodrigues:

Yeas—April 24: 356

Rep. J. Rodríguez:

Yeas—April 8: 78; April 22: 188, 189, 190, 191, 192, 193, 194, 195, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 210, 211, 212, 213, 214, 215, 217, 218, 219, 221, 222, 223, 224, 225, 227, 228, 229, 230, 231, 232,

233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247; April 23: 250, 257; April 24: 266

Nays—April 22: 187, 197, 209, 216, 220, 226

Yeas to Nays—April 24: 273, 274

Rep. Van Zant:

Yeas—April 24: 265, 268, 309; April 27: 366, 368

Nays—April 27: 367

#### Explanation of Vote for Sequence Number 356

When it comes to public records exemptions and laws relating to privacy and public safety, it is important to write our laws very carefully since drafting errors can have far-reaching negative consequences. CS for CS for CS for SB 248 contains such drafting errors including the following: lines 29, 34 & 58 allow the parent of an ADULT the ability to obtain a recording as of right; lines 47-50 allow law enforcement agencies very broad and ill-defined discretion on how and when to voluntarily disclose recordings that would otherwise be protected; lines 39-46 allow for too much ambiguity in where and when recorded material may be withheld as confidential and exempt to provide for fair, judicious and consistent application; lines 55-57 & 59-61 do not provide sufficient instruction to law enforcement on the release of a recording; and other drafting problems.

*Rep. José Rodríguez  
District 112*

#### First-named Sponsors

CS/CS/HB 791—Fitzenhagen

#### Cosponsors

CS/CS/HB 341—Caldwell

CS/CS/HB 369—DuBose, Plasencia, Torres

CS/CS/HB 515—Campbell

CS/HB 523—Campbell, Pritchett

CS/CS/CS/HB 649—McBurney

CS/HB 7133—Miller, Murphy

HB 7143—Campbell

HR 9089—Ray

#### Withdrawals as Cosponsor

CS/CS/CS/HB 611—Mayfield

#### Excused

Rep. Jacobs

#### Adjourned

On motion by Rep. Corcoran, the House adjourned at 1:15 p.m. *sine die*.

## CHAMBER ACTIONS ON BILLS

Tuesday, April 28, 2015

CS/HB	133	— Amendment 056723 adopted; Concurred in Senate amendment 563852 as amended; CS passed as amended; YEAS 117, NAYS 1	SB	984	— Read 2nd time; Substituted for HB 599; Read 3rd time; Passed; YEAS 119, NAYS 0
CS/HB	145	— Amendment 551142 Concur; CS passed as amended; YEAS 116, NAYS 1	CS for CS for SB	1024	— Read 3rd time; CS passed as amended; YEAS 113, NAYS 5
CS for CS for SB	228	— Substituted for HB 7143; Read 2nd time; Amendment 290701 adopted; Read 3rd time; CS passed as amended; YEAS 109, NAYS 9	CS for CS for SB	1048	— Temporarily postponed, on 2nd Reading
CS for CS for SB	278	— Read 3rd time; CS passed; YEAS 114, NAYS 4	CS/CS/HB	1049	— Amendment 918380 Concur; CS passed as amended; YEAS 118, NAYS 0
CS for CS for SB	420	— Read 3rd time; CS passed; YEAS 117, NAYS 0	CS for CS for SB	1102	— Temporarily postponed, on 2nd Reading
SB	462	— Temporarily postponed, on 2nd Reading	CS/CS/HB	1209	— Temporarily postponed, on 3rd Reading
CS for SB	526	— Read 3rd time; CS passed; YEAS 118, NAYS 0	CS for CS for SB	1296	— Temporarily postponed, on 2nd Reading
CS for CS for SB	564	— Temporarily postponed, on 2nd Reading	CS/CS/HB	1309	— Amendment 276912 Concur; Amendment 725774 Concur; CS passed as amended; YEAS 81, NAYS 37
CS for CS for CS for SB	566	— Temporarily postponed, on 2nd Reading	CS for CS for CS for SB	1390	— Temporarily postponed, on 2nd Reading
CS for SB	568	— Temporarily postponed, on 2nd Reading	CS for CS for SB	7040	— Read 3rd time; CS passed; YEAS 112, NAYS 4
CS for CS for SB	596	— Read 3rd time; CS passed; YEAS 118, NAYS 1	HB	7061	— Amendment 135292 Concur; Passed as amended; YEAS 116, NAYS 2
HB	599	— Substituted SB 984; Laid on Table, refer to SB 984	CS for SB	7068	— Read 2nd time; Substituted for CS/HB 7119; Amendment 257823 adopted; Read 3rd time; CS passed as amended; YEAS 112, NAYS 1
CS for SB	678	— Temporarily postponed, on 2nd Reading	CS for SB	7078	— Read 2nd time; Substituted for CS/HB 7121; Amendment 597643 adopted; Amendment 756353 adopted; Amendment 525329 adopted; Amendment 555083 Failed; Read 3rd time; CS passed as amended; YEAS 116, NAYS 1
CS for SB	682	— Read 3rd time; CS passed; YEAS 117, NAYS 0	CS/HB	7109	— Amendment 606844 Refuse to Concur; Amendment 251712 Refuse to Concur; Amendment 927036 Refuse to Concur; Refused to concur, requested Senate to recede
SB	728	— Temporarily postponed, on 3rd Reading	CS/HB	7119	— Substituted CS/SB 7068; Laid on Table, refer to CS/SB 7068
CS for CS for CS for SB	736	— Temporarily postponed, on 2nd Reading	CS/HB	7121	— Substituted CS/SB 7078; Laid on Table, refer to CS/SB 7078
CS/HB	751	— Amendment 547870 Concur; CS passed as amended; YEAS 118, NAYS 1	HB	7143	— Substituted CS/CS/SB 228; Laid on Table, refer to CS/CS/SB 228
CS for CS for SB	766	— Read 3rd time; CS passed; YEAS 117, NAYS 0			
CS for CS for SB	798	— Temporarily postponed, on 2nd Reading			
CS/CS/HB	817	— Temporarily postponed, on 3rd Reading			
CS for CS for SB	872	— Read 3rd time; CS passed; YEAS 118, NAYS 0			
CS for SB	904	— Read 3rd time; CS passed; YEAS 118, NAYS 0			
CS for CS for SB	908	— Read 3rd time; CS passed as amended; YEAS 116, NAYS 1			
CS for SB	954	— Read 3rd time; CS passed; YEAS 117, NAYS 0			

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