Journal of the Senate

Number 21—Regular Session **Tuesday, May 2, 2000**

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CALL TO ORDER

The Senate was called to order by President Jennings at 9:30 a.m. A quorum present—40:

Madam President	Dawson	Jones	Mitchell
Bronson	Diaz de la Portilla	King	Myers
Brown-Waite	Diaz-Balart	Kirkpatrick	Rossin
Burt	Dyer	Klein	Saunders
Campbell	Forman	Kurth	Scott
Carlton	Geller	Latvala	Sebesta
Casas	Grant	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

PRAYER

The following prayer was offered by Rabbi Yisroel Spalter, Chabad of Weston:

Almighty God, master of the universe, my fellow citizens and I convene here today to fulfill what you, Almighty God, instructed Adam and Eve at the time of their creation—to govern by just laws.

At the dawn of civilization, as related in the Holy Bible and its sacred commentaries, you issued the following laws which came to be known as the seven Noahide Laws: to worship you alone and no other; not to murder; not to commit adultery; not to steal, lie or cheat; not to be cruel to any living creature; and that just laws govern every society, steeped in recognition and acknowledgment of you, God, as the sovereign ruler of all people and all nations.

We, the citizens of this blessed country, proudly proclaim this in our pledge of allegiance—"one nation under God, with liberty and justice for all."

Almighty God, grant wisdom and knowledge to our esteemed elected representatives. Imbue their hearts with purity and good will to successfully continue leading this great state of Florida and all its citizens.

As thousands of communities around the globe celebrate a year of friendship, goodness and kindness in honor of the jubilee fiftieth year of the leadership of the Lubavitcher Rebbe, Rabbi Menachem Schneerson, may we all follow the example of so many people and increase our own acts of goodness and kindness.

May we witness the fulfillment of the biblical promise of a world of redemption where we will all live in harmony when, as Isaiah prophesized, the entire world will be filled with the knowledge of God. May we experience this in our lifetime now, and I conclude with a prayer that millions say daily—may he who makes peace on high bestow peace upon us and on all the peoples of the world and let us say, Amen.

PLEDGE

Senate Pages Abbey Lundy of Perry and Ronald Rivero of Hialeah, led the Senate in the pledge of allegiance to the flag of the United States of America.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator McKay, by two-thirds vote **CS for SB 804**, **SB 874**, **CS for SB 1458**, **CS for SB 1604** and **SB 2618** were withdrawn from the Committee on Commerce and Economic Opportunities; and **SB 2252** was withdrawn from the Committee on Rules and Calendar.

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

SPECIAL ORDER CALENDAR

Consideration of **CS for SB 1680**, **CS for CS for SB 1694** and **SB 1696** was deferred.

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

CS for SB 780—A bill to be entitled An act relating to the operation of vehicles and vessels; amending s. 213.053, F.S.; authorizing the exchange of certain information between the Department of Revenue and the Department of Highway Safety and Motor Vehicles; amending s. 234.02, F.S.; updating the current allowable exception to the use of a school bus; amending s. 316.193, F.S.; revising penalties for subsequent convictions of driving under the influence; amending s. 316.1936, F.S.; defining the term "road"; revising provisions relating to the possession of open containers of alcoholic beverages in vehicles; providing penalties; amending s. 316.212, F.S.; providing that a person under the age of 14 may not operate a golf cart on public roads; amending s. 316.2125, F.S.; providing restrictions on the operation of golf carts in retirement communities; amending s. 316.613, F.S.; authorizing the expenditure of certain funds for safety and public awareness campaigns; amending s. 318.1451, F.S.; eliminating a reference to traffic law and substance abuse education courses; amending s. 319.17, F.S.; providing for the use of electronic records; amending s. 319.24; revising record-retention requirements; amending s. 320.031, F.S.; providing for the deposit of certain fees into the Highway Safety Operating Trust Fund; amending s. 320.04; providing for the deposit of certain funds into the Highway Safety Operating Trust Fund; amending s. 320.05, F.S.; providing for the use of electronic records; amending s. 320.0605, F.S.; providing for the issuance of a temporary receipt for electronic registration renewal via the Internet; amending s. 320.08058, F.S.; revising provisions relating to the United States Marine Corp License Plate; amending s. 320.833, F.S.; providing for the electronic retention of records; amending s. 320.865, F.S.; providing for the electronic retention of certain records; amending s. 322.051, F.S.; providing conditions for the issuance of identification cards; amending s. 322.08, F.S.; providing for proof of identity for the issuance of driver's licenses; amending s. 328.15, F.S.; revising records-retention requirements; amending s. 328.40, F.S.; providing for electronic retention of records; providing an effective date.

—which was previously considered April 27. The pending point of order by Senator Webster was withdrawn. Consideration of pending **Amendment 1** by Senator Grant was deferred.

RECONSIDERATION OF AMENDMENT

On motion by Senator Webster, the Senate reconsidered the vote by which **Amendment 2 (312762)** was adopted.

Senator King moved the following substitute amendment which was adopted:

Amendment 3 (901564)—On page 10, line 28, after the period (.) insert: *Notwithstanding the prohibition contained in this section, passengers in vehicles designed, maintained, and used primarily for the transportation of persons for compensation and in motor homes are exempt.*

Senator Saunders moved the following amendment which was adopted:

Amendment 4 (840508)(with title amendment)—On page 23, between lines 9 and 10, insert:

Section 22. Effective upon this act becoming a law, subsection (1) of section 715.05, Florida Statutes, as amended by section 318 of chapter 99-248, Laws of Florida, is amended to read:

715.05 Reporting of unclaimed motor vehicles.—

(1) Whenever any law enforcement agency authorizes the removal of a vehicle or whenever any towing service, garage, repair shop, or automotive service, storage, or parking place notifies the law enforcement agency of possession of a vehicle pursuant to s. 715.07(2)(a)2., the applicable law enforcement agency shall contact the Department of Highway Safety and Motor Vehicles, or the appropriate agency of the state of registration, if known, within 24 hours through the medium of electronic communications giving the full description of the vehicle. Upon receipt of the full description of the vehicle, the department shall search its files to determine the owner's name~~, the name of the insurance company insuring the vehicle,~~ and whether any person has filed a lien upon the vehicle as provided in s. 319.27(2) and (3) and notify the applicable law enforcement agency within 72 hours. The person in charge of the towing service, garage, repair shop, or automotive service, storage, or parking place shall obtain such information from the applicable law enforcement agency within 5 days from the date of storage and shall, by certified mail, return receipt requested, notify the owner~~, the insurer,~~ and all lienholders of the location of the vehicle and of the fact that it is unclaimed. Such notice shall be given within 7 days, excluding Saturday and Sunday, from the date of storage and shall be complete upon mailing; however, if the state of registration is unknown, the person in charge of the towing service, garage, repair shop, or automotive service, storage, or parking place shall make a good faith best effort in so notifying the owner~~, the insurer,~~ and any lienholders, and such notice shall be given within a reasonable period of time from the date of storage.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 20, after the semicolon (;) insert: amending s. 715.05, F.S.; deleting requirements that notices of unclaimed motor vehicles be submitted to insurance companies;

Senator Saunders moved the following amendment:

Amendment 5 (670160)(with title amendment)—On page 23, between lines 9 and 10, insert:

Section 22. Effective July 1, 2000, subsection (3) of section 316.211, Florida Statutes, is amended to read:

316.211 Equipment for motorcycle and moped riders.—

(3)*(a)* This section does not apply to persons riding within an enclosed cab or to any person 16 years of age or older who is operating or riding upon a motorcycle powered by a motor with a displacement of 50 cubic centimeters or less or is rated not in excess of 2 brake horsepower and which is not capable of propelling such motorcycle at a speed greater than 30 miles per hour on level ground.

(b) Notwithstanding subsection (1), a person over 21 years of age may operate or ride upon a motorcycle without wearing protective headgear securely fastened upon his or her head if such person is covered by an insurance policy providing for at least $10,000 in medical benefits for injuries incurred as a result of a crash while operating or riding on a motorcycle.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 20, following the semicolon (;) insert: amending s. 316.211, F.S.; exempting persons of a specified age from certain motorcycle safety equipment requirements;

Senator Campbell moved the following amendment to **Amendment 5** which failed:

Amendment 5A (270264)—On page 1, line 31, delete "*$10,000*" and insert: *$100,000*

The question recurred on **Amendment 5** which was adopted. The vote was:

Yeas—20

Madam President	Clary	Hargrett	Lee
Bronson	Cowin	Horne	Meek
Brown-Waite	Dawson	Jones	Saunders
Casas	Diaz-Balart	King	Scott
Childers	Dyer	Laurent	Webster

Nays—13

Campbell	Grant	Kurth	Rossin
Carlton	Holzendorf	Mitchell	Sebesta
Diaz de la Portilla	Klein	Myers	Sullivan
Forman			

The Senate resumed consideration of pending **Amendment 1 (533356)** by Senator Grant which was subsequently withdrawn.

MOTION

On motion by Senator Latvala, by two-thirds vote debate on all amendments to **CS for SB 780** was limited to 5 minutes per side.

Senator Grant moved the following amendment:

Amendment 6 (053072)(with title amendment)—On page 23, between lines 9 and 10, insert:

Section 22. Subsection (8) of section 316.614, Florida Statutes, is amended to read:

316.614 Safety belt usage.—

(8) Any person who violates the provisions of this section commits a nonmoving violation, punishable as provided in chapter 318. *A law enforcement officer may not search or inspect a motor vehicle, its contents, the driver, or a passenger solely because of a violation of this section.* ~~However, except for violations of s. 316.613, enforcement of this section by state or local law enforcement agencies must be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of another section of this chapter, chapter 320, or chapter 322.~~

Section 23. *(1) Notwithstanding anything in s. 627.062, s. 627.0651, or the Florida Insurance Code to the contrary, the Department of Insurance shall not approve a rate to be charged in a motor vehicle insurance policy that is issued or renewed on or after the effective date of this act unless that rate includes a reduction based upon the projected savings to the insurer as a result of the "primary enforcement" of Florida's seat-belt law implemented by section 22 of this act. The amount of the reduction shall be separately stated in the rate filing made by the insurer with the department and the reduction shall be documented and supported by actuarial data and analysis. A rate which includes a reduction less that 10 percent for personal injury protection, medical payments, uninsured motorist, and bodily injury liability coverages, shall be presumed to be an excessive or unfairly discriminatory rate, unless the insurer demonstrates by appropriate actuarial data as part of the rate filing process in s. 627.062 or s. 627.0651 that a lower reduction is warranted.*

(2) This section shall take effect upon becoming law and shall apply only to motor vehicle insurance policies issued or renewed on or after the effective date of this act.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 20, after the semicolon (;) insert: amending s. 316.614, F.S.; providing restrictions on authority to search a motor vehicle, its contents, the driver, or a passenger based on a safety belt violation; deleting a provision that requires enforcement of the act only as a secondary action; requiring motor vehicle insurers to reduce rates for certain motor vehicle insurance coverages;

Senator Grant moved the following amendment to **Amendment 6** which failed:

Amendment 6A (352734)(with title amendment)—On page 1, line 31 through page 2, line 21, delete those lines

And the title is amended as follows:

On page 3, lines 6-8, delete those lines

The question recurred on **Amendment 6** which failed. The vote was:

Yeas—15

Madam President	Dyer	Klein	Rossin
Carlton	Forman	Kurth	Saunders
Casas	Grant	Meek	Sullivan
Dawson	Horne	Mitchell	

Nays—23

Bronson	Diaz de la Portilla	King	Scott
Brown-Waite	Diaz-Balart	Kirkpatrick	Sebesta
Campbell	Geller	Latvala	Silver
Childers	Hargrett	Laurent	Thomas
Clary	Holzendorf	Lee	Webster
Cowin	Jones	McKay	

Pursuant to Rule 4.19, **CS for SB 780** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **SB 1692**, **SB 2566**, **CS for CS for SB 2324**, **CS for SB 238**, **CS for CS for SB 1730**, **CS for SB 1028**, **CS for SB 2448**, **CS for SB 346** and **CS for SB 316** was deferred.

On motion by Senator Geller—

CS for SB's 1530 and 1456—A bill to be entitled An act relating to motor vehicles; amending s. 316.614, F.S.; requiring specified passengers to wear safety belts; amending s. 322.05, F.S.; increasing the required time period to hold a learner's driver's license prior to issuance of a regular license; providing additional requirements with respect to the issuance of a driver's license; providing an effective date.

—was read the second time by title.

Senator Geller moved the following amendment which was adopted:

Amendment 1 (795042)—On page 4, lines 12-19, delete those lines and insert:

Section 4. *Notwithstanding section 322.05(2) and (3), Florida Statutes, a person who is at least 16 years of age but who is under 18 years of age who meets the requirements of section 322.091, Florida Statutes, and has been issued a valid learner's license prior to October 1, 2000 and has held such license for at least 6 months, may be issued a driver's license by the Division of Driver Licenses of the Department of Highway Safety and Motor Vehicles.*

On motion by Senator Dyer, by two-thirds vote **CS for SB's 1530 and 1456** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

Madam President	Dawson	Jones	Mitchell
Bronson	Diaz de la Portilla	King	Myers
Brown-Waite	Diaz-Balart	Kirkpatrick	Rossin
Burt	Dyer	Klein	Saunders
Campbell	Forman	Kurth	Scott
Carlton	Geller	Latvala	Sebesta
Casas	Grant	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

Nays—None

CS for CS for SB 1730—A bill to be entitled An act relating to deferred presentments; amending s. 560.103, F.S.; revising definitions; amending s. 560.114, F.S.; providing additional grounds for disciplinary action; providing for continuation of certain administrative proceedings under certain circumstances; 560.118, F.S.; eliminating the authority to assess examination fees; amending s. 560.119, F.S.; revising the deposit of fees and assessments; amending s. 560.205, F.S.; adding a fee for authorized vendor or branch locations; amending 560.206, F.S.; amending the registration period; amending s. 560.207, F.S.; conforming and clarifying the fee for late renewals; amending the renewal application fee; amending s. 560.208, F.S.; requiring notification of vendor or branch locations; requiring a nonrefundable fee and financial statement; amending s. 560.307, F.S.; applying the investigation fee to check cashers and foreign currency exchanges and adding a fee for authorized vendors or branch locations; requiring notification of vendor or branch locations; amending s. 560.308, F.S.; increasing the registration and renewal fee for each registrant; clarifying the fee to be charged for late renewal; creating part IV, ch. 560, F.S., consisting of ss. 560.401, 560.402, 560.403, 560.404, 560.405, 560.406, and 560.407, F.S.; providing a short title; providing definitions; providing registration requirements for deferred presentment transactions; providing for filing fees; providing limitations; specifying requirements and limitations for engaging in deferred presentment transactions; providing prohibitions; providing for fees; providing limitations; requiring certain notice; specifying criteria and requirements for deposit and redemption of a drawer's check; providing procedures for recovering damages for worthless checks; requiring maintenance of records for a time certain; providing an appropriation; providing effective dates.

—was read the second time by title.

Senator Campbell moved the following amendment:

Amendment 1 (525126)(with title amendment)—On page 2, line 31, insert:

Section 2. Subsection (4) is added to section 560.111, Florida Statutes, to read:

560.111 Prohibited acts and practices.—

(4) Any person who is not a registered money transmitter and who violates, or any registered money transmitter who willfully violates, any provision of s. 560.403, s. 560.404, s. 560.405, or s. 560.407 commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 4, following the first semicolon (;) insert: amending s. 560.111, F.S.; providing penalties for specified violations of the deferred presentment act;

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

Amendment 1A (315498)—On page 1, line 21, after "*transmitter*" insert: *and is not otherwise exempt from this code*

Amendment 1 as amended was adopted.

Senator Campbell moved the following amendments which were adopted:

Amendment 2 (603624)—On page 16, lines 9-11, delete those lines and insert: *term in excess of 31 days or less than 7 days.*

Amendment 3 (535160)—On page 16, line 11, delete "*14*" and insert: *7*

Amendment 4 (844910)—On page 17, line 2, following "*same*" insert: *or an affiliated*

Amendment 5 (920298)—On page 17, between lines 25 and 26, insert:

YOU CANNOT BE PROSECUTED IN CRIMINAL COURT FOR A CHECK WRITTEN UNDER THIS AGREEMENT, BUT ALL LEGALLY AVAILABLE CIVIL MEANS TO ENFORCE THE DEBT MAY BE PURSUED AGAINST YOU. STATE LAW PROHIBITS A REGISTRANT FROM ALLOWING YOU TO ROLL-OVER YOUR DEFERRED PRESENTMENT TRANSACTION WITH THE REGISTRANT. THIS MEANS THAT YOU CANNOT BE ASKED OR REQUIRED TO PAY AN ADDITIONAL FEE IN ORDER TO FURTHER DELAY THE DEPOSIT OR PRESENTMENT OF YOUR CHECK FOR PAYMENT. STATE LAW PROHIBITS THIS REGISTRANT FROM ENTERING INTO ANOTHER DEFERRED PRESENTMENT TRANSACTION WITH YOU UNTIL AT LEAST 48 HOURS AFTER THE CLOSING OF THIS TRANSACTION.

Amendment 6 (294112)—On page 12, lines 2-5, delete those lines and insert: *time prior to presentment, deposit, or redemption.*

Amendment 7 (783844)—On page 12, lines 14-16, delete those lines and insert:

(10) "Fee" means the fee authorized for the deferral of the presentation of a check pursuant to this part.

Amendment 8 (981790)(with title amendment)—On page 21, between lines 4 and 5, insert:

560.408 Legislative intent; report.—

(1) It is the intent of the Legislature to provide for the regulation of deferred presentment transactions. It is further the intent of the Legislature to prevent fraud, abuse, and other unlawful activity associated with deferred presentment transactions in part by:

(a) Providing for sufficient regulatory authority and resources to monitor deferred presentment transactions.

(b) Preventing rollovers; and

(c) Regulating the allowable fees charged in connection with a deferred presentment transaction.

(2) The Comptroller must submit a report to the President of the Senate and the Speaker of the House of Representatives on January 1, 2002, and January 1, 2003, containing findings and conclusions concerning the effectiveness of this act in preventing fraud, abuse, and other unlawful activity associated with deferred presentment transactions. The report may contain legislative recommendations addressing the prevention of fraud, abuse, and other unlawful activity associated with deferred presentment transactions. Prior to filing the report, the Comptroller shall consult with the Attorney General for the purpose of including any recommendations or concerns expressed by the Attorney General.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 30 through page 2, line 13, delete those lines and insert: 560.403, 560.404, 560.405, 560.406, 560.407, and 560.408, F.S.; providing a short title; providing definitions; providing registration requirements for deferred presentment transactions; providing for filing fees; providing limitations; specifying requirements and limitations for engaging in deferred presentment transactions; providing prohibitions; providing for fees; providing limitations; requiring certain notice; specifying criteria and requirements for deposit and redemption of a drawer's check; providing procedures for recovering damages for worthless checks; requiring maintenance of records for a time certain; providing legislative intent; requiring the Comptroller to submit a report to the President of the Senate and the Speaker of the House of Representatives concerning the effectiveness of this act; providing an

Amendment 9 (373514)—On page 11, line 1, delete "and 560.407" and insert: 560.407, and 560.408,

Senator Meek moved the following amendment:

Amendment 10 (694846)—On page 21, between lines 4 and 5, insert:

560.408 Local ordinances.—This act does not preclude a county or municipality from adopting an ordinance more restrictive than the provisions of this act.

On motion by Senator Campbell, further consideration of **CS for CS for SB 1730** with pending **Amendment 10** was deferred.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator McKay, by two-thirds vote **SB 1092** and **CS for CS for SB 1450** were withdrawn from the Committee on Fiscal Resource; **CS for SB 1660** was withdrawn from the Committee on Fiscal Policy; and **CS for SB 1872** was withdrawn from the Committee on Rules and Calendar.

RECESS

On motion by Senator McKay, the rules were waived and the Senate recessed at 12:02 p.m. to reconvene at 1:15 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 1:33 p.m. A quorum present—40:

Madam President	Dawson	Jones	Mitchell
Bronson	Diaz de la Portilla	King	Myers
Brown-Waite	Diaz-Balart	Kirkpatrick	Rossin
Burt	Dyer	Klein	Saunders
Campbell	Forman	Kurth	Scott
Carlton	Geller	Latvala	Sebesta
Casas	Grant	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

SPECIAL ORDER CALENDAR, continued

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

CS for CS for SB 1730—A bill to be entitled An act relating to deferred presentments; amending s. 560.103, F.S.; revising definitions; amending s. 560.114, F.S.; providing additional grounds for disciplinary action; providing for continuation of certain administrative proceedings under certain circumstances; 560.118, F.S.; eliminating the authority to assess examination fees; amending s. 560.119, F.S.; revising the deposit of fees and assessments; amending s. 560.205, F.S.; adding a fee for authorized vendor or branch locations; amending 560.206, F.S.; amending the registration period; amending s. 560.207, F.S.; conforming and clarifying the fee for late renewals; amending the renewal application fee; amending s. 560.208, F.S.; requiring notification of vendor or branch locations; requiring a nonrefundable fee and financial statement; amending s. 560.307, F.S.; applying the investigation fee to check cashers and foreign currency exchanges and adding a fee for authorized vendors or branch locations; requiring notification of vendor or branch locations; amending s. 560.308, F.S.; increasing the registration and renewal fee for each registrant; clarifying the fee to be charged for late renewal; creating part IV, ch. 560, F.S., consisting of ss. 560.401, 560.402, 560.403, 560.404, 560.405, 560.406, and 560.407, F.S.; providing a short title; providing definitions; providing registration requirements for deferred presentment transactions; providing for filing fees; providing limitations; specifying requirements and limitations for engaging in deferred presentment transactions; providing prohibitions;

providing for fees; providing limitations; requiring certain notice; specifying criteria and requirements for deposit and redemption of a drawer's check; providing procedures for recovering damages for worthless checks; requiring maintenance of records for a time certain; providing an appropriation; providing effective dates.

—which was previously considered and amended this day. Consideration of pending **Amendment 10** by Senator Meek was deferred.

RECONSIDERATION OF AMENDMENT

On motion by Senator Campbell, the Senate reconsidered the votes by which **Amendment 2** and **Amendment 3** were adopted. The amendments were withdrawn.

Senator Campbell moved the following amendment which was adopted:

Amendment 11 (241184)—On page 16, lines 9-11, delete those lines and insert: *term in excess of 21 days or less than 14 days.*

The Senate resumed consideration of pending **Amendment 10** by Senator Meek which was subsequently withdrawn.

Pursuant to Rule 4.19, **CS for CS for SB 1730** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTIONS

On motions by Senator King, by two-thirds vote **HB 2375** was withdrawn from the Committee on Fiscal Policy, the rules were waived and by two-thirds vote was placed on the Special Order Calendar. Further consideration of **HB 2375** was deferred.

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

BILLS ON THIRD READING

HB 1553—A bill to be entitled An act relating to Palm Beach County; providing for the relief of Elizabeth Menendez; providing for an appropriation to compensate Elizabeth Menendez for injuries and damages sustained as a result of the negligence of the Palm Beach County Sheriff's Department; providing an effective date.

—was read the third time by title.

On motion by Senator Dawson, **HB 1553** was passed and certified to the House. The vote on passage was:

Yeas—37

Madam President	Dawson	Jones	Saunders
Bronson	Diaz de la Portilla	Kurth	Scott
Brown-Waite	Diaz-Balart	Latvala	Sebesta
Burt	Dyer	Laurent	Silver
Campbell	Forman	Lee	Sullivan
Carlton	Geller	McKay	Thomas
Casas	Grant	Meek	Webster
Childers	Hargrett	Mitchell	
Clary	Holzendorf	Myers	
Cowin	Horne	Rossin	

Nays—1

King

SB 18—A bill to be entitled An act relating to the City of Hallandale; providing for the relief of Lawrence Gizzi for injuries and damages resulting from the negligence of the city; providing an effective date.

—as amended April 26 was read the third time by title.

On motion by Senator Meek, **SB 18** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Madam President	Dawson	Jones	Rossin
Bronson	Diaz de la Portilla	Kirkpatrick	Saunders
Brown-Waite	Diaz-Balart	Klein	Scott
Burt	Dyer	Kurth	Sebesta
Campbell	Forman	Latvala	Silver
Carlton	Geller	Laurent	Sullivan
Casas	Grant	Lee	Thomas
Childers	Hargrett	McKay	
Clary	Holzendorf	Meek	
Cowin	Horne	Mitchell	

Nays—2

King	Webster

HB 1501—A bill to be entitled An act relating to the North Broward Hospital District; providing for the relief of Virgilio Chavez and Anagely Chavez, a minor, for injuries and damages sustained as a result of the death of Cruz Chavez due to inappropriate treatment by the Broward General Medical Center; providing an effective date.

—was read the third time by title.

On motion by Senator Forman, **HB 1501** was passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Dawson	Jones	Myers
Bronson	Diaz de la Portilla	Kirkpatrick	Rossin
Brown-Waite	Diaz-Balart	Klein	Saunders
Burt	Dyer	Kurth	Scott
Campbell	Forman	Latvala	Sebesta
Carlton	Geller	Laurent	Silver
Casas	Grant	Lee	Sullivan
Childers	Hargrett	McKay	Thomas
Clary	Holzendorf	Meek	
Cowin	Horne	Mitchell	

Nays—2

King	Webster

HB 1555—A bill to be entitled An act relating to the South Broward Hospital District; providing for the relief of Clarice Holland, individually as surviving spouse of Sidney Holland, Jr., deceased, and as Personal Representative of the Estate of Sidney Holland, Jr., deceased; providing for an appropriation to compensate them for losses sustained as a result of the negligence of South Broward Hospital District, d.b.a. Memorial Regional Hospital, which resulted in the death of Sidney Holland, Jr.; providing an effective date.

—was read the third time by title.

On motion by Senator Silver, **HB 1555** was passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Dawson	Jones	Myers
Bronson	Diaz de la Portilla	Kirkpatrick	Rossin
Brown-Waite	Diaz-Balart	Klein	Saunders
Burt	Dyer	Kurth	Scott
Campbell	Forman	Latvala	Sebesta
Carlton	Geller	Laurent	Silver
Casas	Grant	Lee	Sullivan
Childers	Hargrett	McKay	Thomas
Clary	Holzendorf	Meek	
Cowin	Horne	Mitchell	

Nays—2

King	Webster

HB 2277—A bill to be entitled An act relating to the City of Fort Lauderdale; providing for the relief of Earl Spencer and his children, Sheryl Spencer, Zico Spencer, Kimberly Spencer, Djaniela Spencer, and Jamaria Spencer; providing for an appropriation to compensate them for personal injuries suffered due to the negligence of the City of Fort Lauderdale; providing an effective date.

—was read the third time by title.

On motion by Senator Geller, **HB 2277** was passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Dawson	Jones	Myers
Bronson	Diaz de la Portilla	Kirkpatrick	Rossin
Brown-Waite	Diaz-Balart	Klein	Saunders
Burt	Dyer	Kurth	Scott
Campbell	Forman	Latvala	Sebesta
Carlton	Geller	Laurent	Silver
Casas	Grant	Lee	Sullivan
Childers	Hargrett	McKay	Thomas
Clary	Holzendorf	Meek	
Cowin	Horne	Mitchell	

Nays—2

King	Webster

SB 32—A bill to be entitled An act relating to the City of Port St. Lucie; providing for the relief of J. C. Wendehake; providing for an appropriation to compensate him for injuries sustained as a result of the negligence of the City of Port St. Lucie; providing an effective date.

—as amended April 26 was read the third time by title.

On motion by Senator Dawson, **SB 32** as amended was passed and certified to the House. The vote on passage was:

Yeas—23

Brown-Waite	Diaz de la Portilla	Jones	Rossin
Campbell	Dyer	Klein	Scott
Carlton	Forman	Kurth	Silver
Casas	Geller	Lee	Sullivan
Childers	Grant	Meek	Thomas
Dawson	Holzendorf	Mitchell	

Nays—14

Madam President	Cowin	Latvala	Sebesta
Bronson	Diaz-Balart	Laurent	Webster
Burt	Horne	Myers	
Clary	King	Saunders	

HB 1557—A bill to be entitled An act relating to the City of Tallahassee; providing for the relief of Jason Crosby and Donna Crosby, mother of Jason Crosby; providing for an appropriation to compensate them for injuries and damages sustained as a result of an automobile accident involving Jason Crosby, a minor, and police officers employed by the City of Tallahassee; providing an effective date.

—was read the third time by title.

On motion by Senator Mitchell, **HB 1557** was passed and certified to the House. The vote on passage was:

Yeas—35

Madam President	Brown-Waite	Campbell	Casas
Bronson	Burt	Carlton	Childers
Clary	Grant	Latvala	Saunders
Cowin	Hargrett	Laurent	Scott
Dawson	Holzendorf	Lee	Sebesta
Diaz de la Portilla	Horne	Meek	Silver
Diaz-Balart	Jones	Mitchell	Sullivan
Forman	Klein	Myers	Thomas
Geller	Kurth	Rossin	

Nays—2

King	Webster

SPECIAL ORDER CALENDAR, continued

On motion by Senator King, by unanimous consent—

HB 2375—A bill to be entitled An act relating to trust funds; amending s. 20.435, F.S.; creating the Biomedical Research Trust Fund within the Department of Health; providing for sources of moneys and purposes; providing for exemption from the general revenue service charges; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was taken up out of order and read the second time by title. On motion by Senator King, by two-thirds vote **HB 2375** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—40

Madam President	Dawson	Jones	Mitchell
Bronson	Diaz de la Portilla	King	Myers
Brown-Waite	Diaz-Balart	Kirkpatrick	Rossin
Burt	Dyer	Klein	Saunders
Campbell	Forman	Kurth	Scott
Carlton	Geller	Latvala	Sebesta
Casas	Grant	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

Nays—None

On motion by Senator Bronson, the rules were waived and the Senate reverted to—

BILLS ON THIRD READING

SB 668—A bill to be entitled An act relating to rulemaking authority regarding seawalls (RAB); amending s. 403.813, F.S.; limiting a permit exemption for the construction of seawalls in specified circumstances; providing an effective date.

—as amended April 26 was read the third time by title.

On motion by Senator Bronson, **SB 668** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Dawson	Jones	Mitchell
Bronson	Diaz de la Portilla	King	Myers
Brown-Waite	Diaz-Balart	Kirkpatrick	Rossin
Burt	Dyer	Klein	Saunders
Campbell	Forman	Kurth	Scott
Carlton	Geller	Latvala	Sebesta
Casas	Grant	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

Nays—None

HB 2071—A bill to be entitled An act relating to rulemaking authority of water management districts; amending s. 373.118, F.S.; authorizing

water management district governing boards to delegate powers and duties pertaining to general permits to their executive directors; providing for execution of such delegated authority; providing for referral of certain denials to the governing board for final action; providing an effective date.

—was read the third time by title.

On motion by Senator Bronson, **HB 2071** was passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Diaz de la Portilla	King	Myers
Bronson	Diaz-Balart	Kirkpatrick	Rossin
Burt	Dyer	Klein	Saunders
Campbell	Forman	Kurth	Sebesta
Carlton	Geller	Latvala	Silver
Casas	Grant	Laurent	Sullivan
Childers	Hargrett	Lee	Thomas
Clary	Holzendorf	McKay	Webster
Cowin	Horne	Meek	
Dawson	Jones	Mitchell	

Nays—None

HB 2055—A bill to be entitled An act relating to rulemaking authority for coordinated agency review of projects in the Florida Keys area of critical state concern; amending s. 380.051, F.S.; authorizing state and regional agencies to adopt rules to implement the procedures for such review; providing an effective date.

—was read the third time by title.

On motion by Senator Bronson, **HB 2055** was passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Dawson	Jones	Mitchell
Bronson	Diaz de la Portilla	King	Myers
Brown-Waite	Diaz-Balart	Kirkpatrick	Rossin
Burt	Dyer	Klein	Saunders
Campbell	Forman	Kurth	Scott
Carlton	Geller	Latvala	Sebesta
Casas	Grant	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

Nays—None

SB 674—A bill to be entitled An act relating to rulemaking authority regarding aquatic plants (RAB); amending s. 369.25, F.S.; authorizing the Department of Environmental Protection to adopt rules requiring revegetation in specified circumstances; providing an effective date.

—as amended April 26 was read the third time by title.

On motion by Senator Bronson, **SB 674** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Clary	Grant	Kurth
Bronson	Cowin	Hargrett	Latvala
Brown-Waite	Dawson	Holzendorf	Laurent
Burt	Diaz de la Portilla	Horne	Lee
Campbell	Diaz-Balart	Jones	McKay
Carlton	Dyer	King	Meek
Casas	Forman	Kirkpatrick	Mitchell
Childers	Geller	Klein	Myers
Rossin	Sebesta	Sullivan	Webster
Saunders	Silver	Thomas	

Nays—None

SB 766—A bill to be entitled An act relating to tax deeds; amending s. 197.502, F.S.; authorizing the tax collector to contract with a title or abstract company to provide information concerning property described in a tax certificate; authorizing the tax collector to pay a reasonable fee for this information; providing that the amount of any fee paid for this information must be added to the opening bid for a tax deed for the property; providing an effective date.

—was read the third time by title.

On motion by Senator Horne, **SB 766** was passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Dawson	Jones	Mitchell
Bronson	Diaz de la Portilla	King	Myers
Brown-Waite	Diaz-Balart	Kirkpatrick	Rossin
Burt	Dyer	Klein	Saunders
Campbell	Forman	Kurth	Scott
Carlton	Geller	Latvala	Sebesta
Casas	Grant	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

Nays—None

CS for SB 772—A bill to be entitled An act relating to rulemaking authority regarding transportation (RAB); amending s. 20.23, F.S.; authorizing the Florida Department of Transportation to adopt rules for the delegation of authority beyond the assistant secretaries; amending s. 334.187, F.S.; authorizing the Florida Department of Transportation to adopt rules relating to the use of prepaid escrow accounts; amending s. 334.044, F.S.; authorizing the Florida Department of Transportation to adopt rules relating to approval of aggregate and other material sources; amending s. 337.18, F.S.; authorizing the Florida Department of Transportation to adopt rules related to surety bonds; amending s. 338.155, F.S.; authorizing the Florida Department of Transportation to adopt rules relating to guaranteed toll accounts; amending s. 339.09, F.S.; authorizing the Florida Department of Transportation to adopt rules related to the expenditure of transportation revenues; amending s. 427.013, F.S.; authorizing the Commission for the Transportation Disadvantaged to adopt rules related to developing operational standards; amending s. 427.0135, F.S.; granting authority for rules adopted by the Commission for the Transportation Disadvantaged related to member departments; amending s. 427.015, F.S.; granting authority for rules adopted by the Commission for the Transportation Disadvantaged related to community transportation coordinators; providing an effective date.

—was read the third time by title.

On motion by Senator Webster, **CS for SB 772** was passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Clary	Grant	Kurth
Bronson	Cowin	Hargrett	Latvala
Brown-Waite	Dawson	Holzendorf	Laurent
Burt	Diaz de la Portilla	Horne	Lee
Campbell	Diaz-Balart	Jones	McKay
Carlton	Dyer	King	Meek
Casas	Forman	Kirkpatrick	Mitchell
Childers	Geller	Klein	Myers

Rossin	Scott	Silver	Thomas
Saunders	Sebesta	Sullivan	Webster

Nays—None

HB 2111—A bill to be entitled An act relating to rulemaking; amending ss. 316.1932, 322.63, and 327.352, F.S.; specifying the responsibilities of the Alcohol Testing Program of the Department of Law Enforcement with respect to breath test instruments, persons who operate, inspect, and instruct on such instruments, and blood analysts who conduct blood testing, in connection with testing pursuant to the driving or boating under the influence provisions of chapters 316, 322, and 327, F.S., and providing for rules with respect thereto; removing references to department authority and rulemaking with respect to such testing; amending s. 943.03, F.S.; revising the department's rulemaking authority; authorizing rules relating to employee misconduct and discipline; amending s. 943.131, F.S.; directing the Criminal Justice Standards and Training Commission to adopt rules relating to determination of an applicant's eligibility for exemption from completing the basic recruit training program; amending s. 943.14, F.S.; directing the commission to establish procedures for discipline of criminal justice training school instructors by rule; providing an effective date.

—was read the third time by title.

On motion by Senator Brown-Waite, **HB 2111** was passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Dawson	Jones	Mitchell
Bronson	Diaz de la Portilla	King	Myers
Brown-Waite	Diaz-Balart	Kirkpatrick	Rossin
Burt	Dyer	Klein	Saunders
Campbell	Forman	Kurth	Scott
Carlton	Geller	Latvala	Sebesta
Casas	Grant	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

Nays—None

SB 1870—A bill to be entitled An act relating to rulemaking authority with respect to education (RAB); amending s. 229.555, F.S.; authorizing the State Board of Education to adopt rules to administer the educational planning and information system of the Department of Education; amending s. 229.565, F.S.; authorizing the State Board of Education to establish course requirements for specified courses; amending s. 232.0225, F.S.; requiring that a school board's policy authorizing absences for religious instruction or holidays be in accordance with rules of the State Board of Education; amending s. 236.081, F.S.; authorizing the State Board of Education to adopt rules for certain programs and courses; amending s. 240.1201, F.S.; requiring the State Board of Education to designate by rule classifications of students for tuition purposes; amending s. 295.01, F.S.; authorizing the State Board of Education to adopt rules for certain educational programs for children of deceased or disabled veterans; providing an effective date.

—as amended April 26 was read the third time by title.

On motion by Senator Cowin, **SB 1870** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Cowin	Hargrett	Latvala
Bronson	Dawson	Holzendorf	Laurent
Burt	Diaz de la Portilla	Horne	Lee
Campbell	Diaz-Balart	Jones	McKay
Carlton	Dyer	King	Meek
Casas	Forman	Kirkpatrick	Mitchell
Childers	Geller	Klein	Myers
Clary	Grant	Kurth	Rossin
Saunders	Sebesta	Sullivan	Webster
Scott	Silver	Thomas	

Nays—None

On motion by Senator Horne, by two-thirds vote **CS for CS for HB 1567** was withdrawn from the Committee on Education.

On motion by Senator Horne, by two-thirds vote—

CS for CS for HB 1567—A bill to be entitled An act relating to rulemaking authority within the State University System; amending s. 240.209, F.S.; revising language; clarifying the authority of the Board of Regents to establish certain fees, delegate authority to the Chancellor or the universities, allow the waiver of certain fees, manage systemwide enrollment, govern the admission of students into the State University System, establish policies relating to credit and noncredit offerings, and establish and regulate faculty practice plans for the academic health science centers; providing and clarifying authority to adopt rules to implement such powers and duties; correcting an obsolete cross reference; deleting unnecessary cross references; amending s. 240.227, F.S.; clarifying the rulemaking authority of university presidents regarding conditions of employment of university personnel and the management of property and financial resources of the university; providing rulemaking authority regarding internal procedures of student governments, the use and protection of data and technology, and compliance with federal laws; amending s. 240.229, F.S., relating to the powers of the university with regard to patents, copyrights, and trademarks; authorizing the adoption of rules; amending s. 240.233, F.S., relating to university admission of students; authorizing the adoption of rules by the university president; revising requirements for minimum standards for undergraduate admission relating to foreign language and requiring submission of a test score; prohibiting university admission standards for limiting the ability of high school students to choose electives; amending s. 240.241, F.S., relating to divisions of sponsored research at state universities; authorizing the adoption of rules by the university president; amending s. 240.261, F.S.; clarifying the rulemaking authority of universities with regard to student and employee conduct; amending s. 240.291, F.S.; providing rulemaking authority regarding delinquent accounts; providing an effective date.

—a companion measure, was substituted for **CS for SB 2062** as amended and by two-thirds vote read the second time by title.

Senator Horne moved the following amendment which was adopted:

Amendment 1 (524252)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 240.209, Florida Statutes, is amended to read:

240.209 Board of Regents; powers and duties.—

(1) The Board of Regents is *authorized to adopt* ~~primarily responsible for adopting~~ systemwide rules pursuant to ss. 120.536(1) and 120.54 to implement provisions of law conferring duties upon it; *to plan* ~~planning~~ for the future needs of the State University System; *to plan* ~~planning~~ the programmatic, financial, and physical development of the system; *to review* ~~reviewing~~ and *evaluate* ~~evaluating~~ the instructional, research, and service programs at the universities; *to coordinate* ~~coordinating~~ program development among the universities; and *to monitor* ~~monitoring~~ the fiscal performance of the universities.

(2) The Board of Regents shall appoint a Chancellor to serve at its pleasure who shall perform such duties as are assigned to him or her by the board. The board shall fix the compensation and other conditions of employment for the Chancellor. The board shall also provide for the compensation and other conditions of employment for employees necessary to assist the board and the Chancellor in the performance of their duties. The Chancellor shall be the chief administrative officer of the board and shall be responsible for appointing all employees of the board who shall serve under his or her direction and control. The Chancellor must be qualified by training and experience to understand the problems and needs of the state in the field of postsecondary education. Search committee activities for the selection of the Chancellor up to the point of transmitting a list of nominees to the Board of Regents shall be confidential and exempt from the provisions of ss. 119.07(1) and 286.011.

(3) The board shall:

(a) Develop a plan for the future expansion of the State University System and recommend the establishment of new universities consistent with the criteria adopted by the State Board of Education pursuant to s. 229.053. The plan must include a procedure for the periodic assessment of the need for a new state university and specific standards for the minimum acreage, building space, staffing, and programmatic mix of state universities.

(b) Appoint or remove the president of each university in accordance with procedures and rules adopted by the Board of Regents. The board may appoint a search committee to assist in evaluating presidential candidates. Each appointment of a university president shall be conducted in accordance with the provisions of ss. 119.07 and 286.011. The board shall determine the compensation and other conditions of employment for each president.

(c) Approve new degree programs for all state universities. In so doing, the board shall be mindful of the differentiated missions of the several universities. New colleges, schools, or functional equivalents of any program leading to a degree which is offered as a credential for a specific license granted under the Florida Statutes or the State Constitution shall not be established without the specific approval of the Legislature.

(d) Prepare the legislative budget requests, including fixed capital outlay requests, in accordance with chapter 216 and s. 235.41. The board shall provide to the individual universities fiscal policy guidelines, formats, and instructions for the development of individual university budget requests.

(e) Establish student fees.

1. By no later than December 1 of each year, the board shall raise the systemwide standard for resident undergraduate matriculation and financial aid fees for the subsequent fall term, up to but no more than 25 percent of the prior year's cost of undergraduate programs. In implementing this paragraph, fees charged for graduate, medical, veterinary, and dental programs may be increased by the Board of Regents in the same percentage as the increase in fees for resident undergraduates. However, in the absence of legislative action to the contrary in an appropriations act, the board may not approve annual fee increases for resident students in excess of 10 percent. The sum of nonresident student matriculation and tuition fees must be sufficient to defray the full cost of undergraduate education. Graduate, medical, veterinary, and dental fees charged to nonresidents may be increased by the board in the same percentage as the increase in fees for nonresident undergraduates. However, in implementing this policy and in the absence of legislative action to the contrary in an appropriations act, annual fee increases for nonresident students may not exceed 25 percent. In the absence of legislative action to the contrary in the General Appropriations Act, the fees shall go into effect for the following fall term.

2. When the appropriations act requires a new fee schedule, the board shall establish a systemwide standard fee schedule required to produce the total fee revenue established in the appropriations act based on the product of the assigned enrollment and the fee schedule. The board may approve the expenditure of any fee revenues resulting from the product of the fee schedule adopted pursuant to this section and the assigned enrollment.

3. Upon provision of authority in a General Appropriations Act to spend revenue raised pursuant to this section, the board shall approve a university request to implement a matriculation and out-of-state tuition fee schedule which is calculated to generate revenue which varies no more than 10 percent from the standard fee revenues authorized through an appropriations act. In implementing an alternative fee schedule, the increase in cost to a student taking 15 hours in one term shall be limited to 5 percent. Matriculation and out-of-state tuition fee revenues generated as a result of this provision are to be expended for implementing a plan for achieving accountability goals adopted pursuant to s. 240.214 and for implementing a Board of Regents-approved plan to contain student costs by reducing the time necessary for graduation without reducing the quality of instruction. The plans shall be recommended by a universitywide committee, at least one-half of whom are students appointed by the student body president. A chairperson, appointed jointly by the university president and the student body president, shall vote only in the case of a tie.

4. The board may implement individual university plans for a differential out-of-state tuition fee for universities that have a service area that borders another state.

5.~~4.~~ The board is authorized to collect for financial aid purposes an amount not to exceed 5 percent of the student tuition and matriculation fee per credit hour. The revenues from fees are to remain at each campus and replace existing financial aid fees. Such funds shall be disbursed to students as quickly as possible. The board shall specify specific limits on the percent of the fees collected in a fiscal year which may be carried forward unexpended to the following fiscal year. A minimum of 50 percent of funds from the student financial aid fee shall be used to provide financial aid based on absolute need. A student who has received an award prior to July 1, 1984, shall have his or her eligibility assessed on the same criteria that was used at the time of his or her original award.

6.~~5.~~ The board may recommend to the Legislature an appropriate systemwide standard matriculation and tuition fee schedule.

7.~~6.~~ The Education and General Student and Other Fees Trust Fund is hereby created, to be administered by the Department of Education. Funds shall be credited to the trust fund from student fee collections and other miscellaneous fees and receipts. The purpose of the trust fund is to support the instruction and research missions of the State University System. Notwithstanding the provisions of s. 216.301, and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain in the trust fund and shall be available for carrying out the purposes of the trust fund.

8. The board is further authorized to establish the following fees:

a. A nonrefundable application fee in an amount not to exceed $30.

b. An admissions deposit fee for the University of Florida College of Dentistry in an amount not to exceed $200.

c. An orientation fee in an amount not to exceed $35.

d. A fee for security, access, or identification cards. The annual fee for such a card may not exceed $10 per card. The maximum amount charged for a replacement card may not exceed $15.

e. Registration fees for audit and zero-hours registration; a service charge, which may not exceed $15, for the payment of tuition in installments; and a late-registration fee in an amount not less than $50 nor more than $100 to be imposed on students who fail to initiate registration during the regular registration period.

f. A late-payment fee in an amount not less than $50 nor more than $100 to be imposed on students who fail to pay or fail to make appropriate arrangements to pay (by means of installment payment, deferment, or third-party billing) tuition by the deadline set by each university. Each university may adopt specific procedures or policies for waiving the late-payment fee for minor underpayments.

g. A fee for miscellaneous health-related charges for services provided at cost by the university health center which are not covered by the health fee set under s. 240.235(1).

h. Materials and supplies fees to offset the cost of materials or supplies that are consumed in the course of the student's instructional activities, excluding the cost of equipment replacement, repairs, and maintenance.

i. Housing rental rates and miscellaneous housing charges for services provided by the university at the request of the student.

j. A charge representing the reasonable cost of efforts to collect payment of overdue accounts.

k. A service charge on university loans in lieu of interest and administrative handling charges.

l. A fee for off-campus course offerings when the location results in specific, identifiable increased costs to the university.

m. Library fees and fines, including charges for damaged and lost library materials, overdue reserve library books, interlibrary loans, and literature searches.

n. Fees relating to duplicating, photocopying, binding, and microfilming; copyright services; and standardized testing. These fees may be charged only to those who receive the services.

o. Fees and fines relating to the use, late return, and loss and damage of facilities and equipment.

p. A returned-check fee as authorized by s. 832.07(1) for unpaid checks returned to the university.

q. Traffic and parking fines, charges for parking decals, and transportation access fees.

r. An Educational Research Center for Child Development fee for child care and services offered by the center.

s. Fees for transcripts and diploma replacement, not to exceed $10 per item.

(f) Establish and maintain systemwide personnel programs for all State University System employees, including a systemwide personnel classification and pay plan, notwithstanding provisions of law that grant authority to the Department of Management Services over such programs for state employees. The board shall consult with the legislative appropriations committees regarding any major policy changes related to classification and pay which are in conflict with those policies in effect for career service employees with similar job classifications and responsibilities. The board may adopt rules *relating to the appointment, employment, and removal of personnel which delegate* ~~delegating~~ its authority to the Chancellor or the universities. The board shall submit, in a manner prescribed by law, any reports concerning State University System personnel programs as shall be required of the Department of Management Services for other state employees. The Department of Management Services shall retain authority over State University System employees for programs established in ss. 110.116, 110.123, 110.1232, 110.1234, 110.1235, and 110.1238 and in chapters 121, 122, and 238. The board shall adopt ~~only those~~ rules ~~necessary~~ to provide for a coordinated, efficient systemwide program and shall delegate to the universities ~~all~~ authority ~~necessary~~ for *implementing* ~~implementation of~~ the program consistent with these coordinating rules so adopted and applicable collective bargaining agreements. Notwithstanding the provisions of s. 216.181(7), the salary rate controls for positions in budgets under the Board of Regents shall separately delineate the general faculty and all other categories.

(g) Develop a plan, to be mutually agreed upon by applicable bargaining units, for the transfer of employees from career service status provisions of chapter 110. Subject to the approval of the President of the Senate and the Speaker of the House of Representatives, the plan shall become effective July 1, 1986.

(h) Recommend to the Legislature any proposed changes in the Capital Improvement Trust Fund and building fees. The Capital Improvement Trust Fund fee is established as $2.44 per credit hour per semester. The building fee is established as $2.32 per credit hour per semester.

(i) Terminate programs at the state universities pursuant to findings of reviews and evaluations of instructional, research, and service programs at the universities.

(j) After consultation with the university presidents, adopt a systemwide strategic plan which specifies goals and objectives for the State University System. In developing this plan, the board shall consider the role of individual public and independent institutions within the state. The plan shall provide for the roles of the universities to be coordinated to best meet state needs and reflect cost-effective use of state resources. The strategic plan shall clarify mission statements and identify degree programs to be offered at each university in accordance with the objectives provided herein. The systemwide strategic plan shall be for a period of 5 years with modification of the program lists after 2 years. Development of each 5-year plan shall be coordinated with and initiated subsequent to completion of the master plan specified in s. 240.147. The Board of Regents shall submit a report to the Speaker of the House of Representatives and the President of the Senate upon modification of the system plan.

(k) Seek the cooperation and advice of the officers and trustees of both public and private institutions of higher education in the state in performing its duties and making its plans, studies, and recommendations.

(l) Coordinate and provide for educational television in the State University System.

(m) Establish and maintain an effective information system which will provide composite data about the university system and assure that special analyses and studies of the universities are conducted, as necessary, for provision of accurate and cost-effective information about the universities and about the system as a whole.

(n) Seek the cooperation and advice of superintendents and board members of local school districts in the state in performing its duties and making its plans, studies, and recommendations. The systemwide and university strategic plans shall specifically include programs and procedures for responding to the educational needs of teachers and students in the public schools of this state.

(o) Submit to the State Board of Education, for approval, all new campuses and instructional centers approved by the board.

(p) ~~Notwithstanding the provisions of ss. 216.044, 255.248, 255.249, 255.25, 255.28, 255.29, and 287.055, adopt rules to~~ Administer a program for the maintenance and construction of facilities in the State University System and to secure, or otherwise provide as a self-insurer pursuant to s. 440.38(6), workers' compensation coverage for contractors and subcontractors, or each of them, employed by or on behalf of the Board of Regents when performing work on or adjacent to property owned or used by the Board of Regents or the State University System.

(q) ~~Adopt rules to~~ Ensure compliance with the provisions of *s. 287.09451* ~~s. 287.0945~~, for all State University System procurement, and additionally, ss. 255.101 and 255.102, for construction contracts, and rules adopted pursuant thereto, relating to the utilization of minority business enterprises, except that procurements costing less than the amount provided for in CATEGORY FIVE as provided in s. 287.017 shall not be subject to *s. 287.09451* ~~s. 287.0945(7)(a)~~.

(r) ~~Adopt rules pursuant to ss. 120.536(1) and 120.54 to implement provisions of law conferring duties upon it, including, but not limited to, procedures to~~ Administer an acquisition program for the purchase or lease of real and personal property and contractual services pursuant to s. 240.205(6).

(s) Monitor the extent of limited access programs within the state universities and report to the State Board of Education and the Legislature admissions and enrollment data for limited access programs. Such report shall be submitted by December 1, 1991, and annually thereafter, and shall assist in determining the potential need for academic program contracts with independent institutions pursuant to s. 229.053. The report shall include, for each limited access program within each institution, the following categories, by race and gender:

1. The number of applicants.

2. The number of applicants granted admission.

3. The number of applicants who are granted admission and enroll.

4. The number of applicants denied admission.

5. The number of applicants neither granted admission nor denied admission.

Each category shall be reported for each term. Each category shall be reported by type of student, including the following subcategories: native student, community college associate in arts degree transfer student, and other student. Each category and subcategory shall further be reported according to the number of students who meet or exceed the minimum eligibility requirements for admission to the program and the number of students who do not meet or exceed the minimum eligibility requirements for admission to the program.

(t) *Require* ~~Adopt rules providing that~~ each state university *to* ~~shall~~ advise students who meet the minimum requirements for admission to the upper division of a state university, but are denied admission to limited access programs, of the availability of similar programs at other State University System institutions and the admissions requirements of such programs.

(u) Allow the waiver of any or all application, course registration, and related fees for persons who supervise student interns for institutions in the State University System.

(v) Manage systemwide enrollment.

(w) Establish policies relating to credit and non-credit education offerings by universities in the State University System.

(x) Establish and regulate faculty practice plans for the academic health science centers.

(4) Any powers not specifically delegated to the universities by this act shall be retained by the Board of Regents unless further delegated by action of the board.

(5) The Board of Regents is responsible for:

(a) Maintaining access to state universities by qualified students regardless of financial need.

(b) Coordinating with the Postsecondary Education Planning Commission the programs, including doctoral programs, to be reviewed every 5 years or whenever the board determines that the effectiveness or efficiency of a program is jeopardized. The board shall define the indicators of quality and the criteria for program review for every program. Such indicators shall include need, student demand, and resources available to support continuation. The results of the program reviews shall be tied to the university budget requests.

(c) Coordinating the roles of the universities in order to best meet state needs and reflect cost-effective use of state resources.

(d) Advising the Legislature concerning opportunities for bonding university revenues, including certificate of participation bonds.

(e) Reviewing and approving or disapproving baccalaureate degree programs that exceed 120 semester hours, after consideration of accreditation requirements, employment and earnings of graduates, comparative program lengths nationally, and comparisons of similar programs offered by independent institutions. A two-thirds affirmative vote of the members of the Board of Regents must approve a request. By December 31 of each year, the Board of Regents must report to the Legislature any degrees in the State University System which require more than 120 hours, along with appropriate evidence of need. At least every 5 years, the Board of Regents must determine whether the programs still require more than the standard length of 120 hours.

(f) Reviewing and approving or disapproving degree programs identified by the Articulation Coordinating Committee as unique pursuant to s. 229.551(1)(f)5. The Board of Regents shall ensure that university students are aware of unique program prerequisites.

(g) Ensuring that at least half of the required coursework for any baccalaureate degree in the system is offered at the lower-division level, except in program areas approved by the Board of Regents pursuant to paragraph (e).

(h) Recommending to the Legislature a plan for the implementation of an increased matriculation charge for students taking coursework in excess of degree requirements.

(i) Recommending to the Legislature a plan for the implementation of block tuition programs and other incentives to encourage students to graduate in 4 years.

(6) Notwithstanding the provisions of s. 216.262(1), the Board of Regents may authorize the rent or lease of parking facilities provided that such facilities are funded through parking fees or parking fines imposed by a university. The board may authorize a university to charge fees for parking at such rented or leased parking facilities.

(7) The Board of Regents is authorized to permit full-time State University System employees who meet academic requirements to enroll for up to 6 credit hours of tuition-free courses per term on a space-available basis.

(8) Notwithstanding the provisions of s. 283.33, books published by the State University System press shall not be subject to the bid requirements provided in s. 287.017.

(9) Notwithstanding the provisions of s. 253.025, the Board of Regents may, with the consent of the Board of Trustees of the Internal Improvement Trust Fund, sell, convey, transfer, exchange, trade, or purchase real property and related improvements necessary and desirable to serve the needs and purposes of a university in the State University System.

(a) The board may secure appraisals and surveys. The board shall comply with the rules of the Board of Trustees of the Internal Improvement Trust Fund in securing appraisals. Whenever the board finds it necessary for timely property acquisition, it may contract, without the need for competitive selection, with one or more appraisers whose names are contained on the list of approved appraisers maintained by the Division of State Lands in the Department of Environmental Protection.

(b) The board may negotiate and enter into an option contract before an appraisal is obtained. The option contract must state that the final purchase price may not exceed the maximum value allowed by law. The consideration for such an option contract may not exceed 10 percent of the estimate obtained by the board or 10 percent of the value of the parcel, whichever is greater, unless otherwise authorized by the board.

(c) This subsection is not intended to abrogate in any manner the authority delegated to the Board of Trustees of the Internal Improvement Trust Fund or the Division of State Lands to approve a contract for purchase of state lands or to require policies and procedures to obtain clear legal title to parcels purchased for state purposes. Title to property acquired by the board shall vest in the Board of Trustees of the Internal Improvement Trust Fund.

(10) No school, college, or center at a state university shall be named for a living person unless approved by the Board of Regents.

(11) The board is authorized to adopt rules, as necessary, to administer this section.

Section 2. Section 240.227, Florida Statutes, is amended to read:

240.227 University presidents; powers and duties.—The president is the chief administrative officer of the university and is responsible for the operation and administration of the university. Each university president shall:

(1) *Have the authority to* adopt rules pursuant to ss. 120.536(1) and 120.54 to implement provisions of law governing the operation and administration of the university*, which shall include the specific powers and duties enumerated in this section*. Such rules shall be consistent with the mission of the university and statewide rules and policies and shall assist in the development of the university in a manner which will complement the missions and activities of the other universities for the overall purpose of achieving the highest quality of education for the citizens of the state.

(2) Prepare a budget request to be transmitted to the Board of Regents. Such request shall be prepared in accordance with the fiscal policy guidelines, formats, and instructions prescribed by the Board of Regents.

(3) Develop an operating budget.

(4) Conduct biennially a space utilization study to support the university budget request for capital outlay.

(5) Appoint university personnel and provide for the compensation and other conditions of employment *such as recruitment, nonreappointment, benefits and hours of work, evaluation, recognition, inventions and works, learning opportunities, academic freedom and responsibility, promotion, assignment, demotion, transfer, tenure and permanent status, ethical obligations and conflicts of interest, restrictive covenants, disciplinary actions, complaints, appeals and grievance procedures, and separation and termination from employment,* consistent with applicable *law,* collective bargaining agreements, and the Board of Regents *rules* ~~rule for university personnel who are exempt from chapter 110~~.

(6) Certify annually to the Board of Regents the actual classroom contact hours conducted by each faculty member.

(7) Maintain all data and information pertaining to the operation of the university.

(8) Govern admissions, subject to rules of the Board of Regents and as provided in s. 240.233.

(9) Develop a program of continuing education and establish, pursuant to rules and guidelines adopted by the Board of Regents, fees for continuing education activities within the university service area when there is a demonstrated and justified need. The university is authorized to cooperate with any public utility, any other governmental entity or private individual, or any type of profit or nonprofit legal entity in connection with the establishment and operation of such a continuing education program, including the acceptance of money and other things of value.

(10) Provide and coordinate credit and noncredit extension courses in all fields which the university considers necessary to improve and maintain the educational standards of the university service area.

(11) *Establish and maintain* ~~Make rules necessary for the establishment and maintenance of~~ a personnel exchange program, by which persons employed within the university as instructional and research faculty and comparable administrative and professional staff may be exchanged with persons employed in like capacities by institutions of higher learning which are not under the jurisdiction of the university, by units of government either within or without this state, or by private industry. The salary and benefits of State University System and state personnel participating in the exchange program shall be continued during the period of time they participate in the exchange program, and such personnel shall be deemed to have no break in creditable or continuous state service or employment during the period of time in which they participate in the exchange program. The salary and benefits of persons participating in the personnel exchange program who are employed by institutions of higher learning which are not under the jurisdiction of the university, by units of government either within or without this state, or by private industry shall be paid by the originating employers of those participants. The duties and responsibilities of a person participating in the exchange program shall be the same as those of the person he or she replaces.

(12) Approve and execute contracts for the acquisition of commodities, goods, equipment, services, leases of real and personal property, and construction to be rendered to or by the university, provided such contracts are made pursuant to rules of the Board of Regents, are for the implementation of approved programs of the university, and do not require expenditures in excess of $1 million. The acquisition may be made by installment or lease-purchase contract. Such contracts may provide for the payment of interest on the unpaid portion of the purchase price. Notwithstanding any other provisions of this subsection, university presidents shall comply with the provisions of s. 287.055 for the procurement of professional services and may approve and execute all contracts for planning, construction, and equipment for projects with building programs and construction budgets approved by the Board of Regents. For the purposes of a university president's contracting authority, a "continuing contract" for professional services under the provisions of s. 287.055 is one in which construction costs do not exceed $1 million or the fee for study activity does not exceed $100,000.

(13) *Use, maintain, protect, and control university-owned or university-controlled buildings and grounds, property and equipment, name, and trademarks and other proprietary marks, and the financial and other resources of the university. Such authority may include placing restrictions on commercial activity and on access to facilities, firearms, food, tobacco, alcoholic beverages, distribution of printed materials, animals, and sound. The authority vested in the university president under this subsection includes the authority to prioritize the use of university space, property, equipment, and resources and the authority to impose charges for the use of those items. Furthermore, each university president has* ~~Manage the property and financial resources of the university, including, but not limited to, having~~ the authority to adjust property records and dispose of state-owned tangible personal property in the university's custody in accordance with procedures established by the Board of Regents. Notwithstanding the provisions of s. 273.055(5), all moneys received from the disposition of state-owned tangible personal property shall be retained by the university and disbursed for the acquisition of tangible personal property and for all necessary operating expenditures. The university shall maintain records of the accounts into which such moneys are deposited.

(14) Establish the internal academic calendar of the university within general guidelines of the Board of Regents.

(15) Administer the university's program of intercollegiate athletics.

(16) Recommend to the Board of Regents the establishment and termination of degree programs within the approved role and scope of the university.

(17) Award degrees.

(18) Supervise all construction contracts.

~~(19) Administer personnel programs established by the Board of Regents and any applicable collective bargaining agreements under the supervision of the Board of Regents.~~

(19)~~(20)~~ Recommend to the Board of Regents any fees applicable to the university and not otherwise prescribed by law.

(20)~~(21)~~ Organize the university to efficiently and effectively achieve the goals of the university; however, any reorganization which increases the number of administrators or their level of compensation shall be reviewed and approved by the Board of Regents.

(21)~~(22)~~ Review periodically the operations of the university in order to determine whether the rules and policies of the Board of Regents and the universities are being followed and to determine how effectively and efficiently the university is being administered.

(22)~~(23)~~ Otherwise provide for the effective operation of the university in the achievement of the goals established for it in the strategic plan adopted by the Board of Regents.

(23)~~(24)~~ ~~Adopt rules and~~ Enter into agreements for student exchange programs which involve students at the university and students in institutions of higher learning, either within or without the state, which are not in the State University System. Such agreements may provide that the tuition and fees of a student who is enrolled in a university in the State University System and who is participating in an exchange program shall be paid to the state university during the period of time he or she is participating in the exchange program. Such agreements may also provide that the tuition and fees of a student who is enrolled in an institution which is not in the State University System and who is participating in an exchange program shall be paid to the nonstate institution in which he or she is enrolled.

(24) Approve the internal procedures of student government and provide purchasing, contracting, and budgetary-review processes.

(25) Provide for the use and protection of data and technology, including information systems, communication systems, computer hardware and software, and networks.

(26) Ensure compliance with federal laws, regulations, and other requirements that are applicable to the university.

(27) Each university president is authorized to adopt rules to implement the provisions of this section.

Section 3. Subsection (6) of section 240.229, Florida Statutes, is amended to read:

240.229 Universities; powers; patents, copyrights, and trademarks.—Any other law to the contrary notwithstanding, each university is authorized, in its own name, to:

(6) Do all other acts necessary and proper for the execution of powers and duties herein conferred upon the university, *including adopting rules, as necessary, in order to administer this section*. Any proceeds therefrom shall be deposited and expended in accordance with s. 240.241. Any action taken by the university in securing or exploiting such trademarks, copyrights, or patents shall, within 30 days, be reported in writing by the president to the Department of State.

Section 4. Section 240.233, Florida Statutes, is amended to read:

240.233 Universities; admissions of students.—Each university *is authorized to adopt rules governing the admission of students* ~~shall govern admissions of students~~, subject to this section and rules of the Board of Regents.

(1) Minimum academic standards for undergraduate admission to a university must include the requirements that:

(a) Each student have received a high school diploma pursuant to s. 232.246, or its equivalent, except as provided in s. 240.116(2) and (3).

(b) Each student have *successfully completed a college-preparatory curriculum of nineteen credits, as defined in rules of the Board of Regents, including at least* ~~earned~~ two credits of sequential foreign language at the secondary level or the equivalent of such instruction at the postsecondary level. A student whose native language is not English is exempt from this admissions requirement, provided that the student demonstrates proficiency in the native language. If a standardized test is not available in the student's native language for the demonstration of proficiency, the university may provide an alternative method of assessment. The State Board of Education shall adopt rules for the articulation of foreign language competency and equivalency between secondary and postsecondary institutions. A student who received an associate in arts degree prior to September 1, 1989, or who enrolled in a program of studies leading to an associate degree from a Florida community college prior to August 1, 1989, and maintains continuous enrollment shall be exempt from this admissions requirement.

(c) Each student have submitted a test score from the Scholastic Assessment Test of the College Entrance Examination Board or the American College Testing Program.

(2) The minimum admission standards adopted by the Board of Regents or a state university must permit a student to earn at least four of the nineteen credits constituting the college-preparatory curriculum required for admission as electives in any one of the following manners:

(a) Successful completion of any course identified in the Department of Education course code directory as level two or higher in one or more of the following subject areas: English, mathematics, natural science, social science, and foreign language;

(b) Successful completion of any course identified in the Department of Education course code directory as level three in the same or related disciplines;

(c) Any combination of the courses identified in paragraphs (a) and (b); or

(d) Successful completion of two credits from the courses identified in paragraph (a), plus no more than two total credits from the following categories of courses:

1. Courses identified in the Department of Education course code directory as ROTC and military training;

2. Courses identified in the Department of Education corse code directory as level two in art-visual arts, dance, drama-theatre arts, language arts, or music; or

3. Any additional courses determined to be equivalent by the Articulation Coordinating Committee.

(3)~~(2)~~ The Board of Regents shall adopt rules which provide for a limited number of students to be admitted to the State University System, notwithstanding the admission requirements of paragraph (1)(b) *relating to credits in foreign language*, if there is evidence that the applicant is expected to do successful academic work at the admitting university. The number of applicants admitted under this subsection may not exceed 5 percent of the total number of freshmen who entered the State University System the prior year. Any lower-division student admitted without meeting the foreign language requirement must earn such credits prior to admission to the upper division of a state university. Any associate in arts admission to the upper division of a state university. Any associate in arts degree graduate from a public community college or university in Florida, or other upper-division transfer student, admitted without meeting the foreign language requirement, must earn such credits prior to graduation from a state university. Students shall be exempt from the provisions of this subsection if they can demonstrate proficiency in American sign language equivalent to that of students who have completed two credits of such instruction in high school.

(4)~~(3)~~(a) Nonresident students may be admitted to the university upon such terms as the university may establish. However, such terms shall include, but shall not be limited to: completion of a secondary school curriculum which includes 4 years of English; 3 years each of mathematics, science, and social sciences; and 2 years of a foreign language.

(b) Within the admission standards provided for in subsection (1), the Board of Regents shall develop procedures for weighting courses which are necessary to meet the requirements of a college-preparatory curriculum at a higher value than less rigorous courses. Credits received in such courses shall be given greater value in determining admission by universities than cumulative grade point averages in high school.

(5)~~(4)~~ Consideration shall be given to the past actions of any person applying for admission as a student to any state university, either as a new applicant, an applicant for continuation of studies, or a transfer student, when such actions have been found to disrupt or interfere with the orderly conduct, processes, functions, or programs of any other university, college, or community college.

(6)~~(5)~~ In any application for admission by a student as a citizen of the state, the applicant, if 18 years of age, or, if a minor, his or her parents or guardian shall make and file with such application a written statement under oath that such applicant is a citizen and resident of the state and entitled, as such, to admission upon the terms and conditions prescribed for citizens and residents of the state.

(7)~~(6)~~ Rules of the State Board of Education shall require the use of scores on tests of college-level communication and computation skills provided in s. 229.551 as a condition for admission of students to upper-division instructional programs from community colleges, including those who have been awarded associate in arts degrees. Use of such test scores as an admission requirement shall extend equally and uniformly to students enrolled in lower divisions in the State University System and to transfer students from other colleges and universities. The tests shall be required for community college students seeking associate in arts degrees and students seeking admission to upper-division instructional programs in the State University System. The use of test scores prior to August 1, 1984, shall be limited to student counseling and curriculum improvement.

(8)~~(7)~~ For the purposes of this section, American sign language constitutes a foreign language. Florida high schools may offer American sign language as a for-credit elective or as a substitute for any already authorized foreign language requirement.

(9)~~(8)~~ A Florida resident who is denied admission as an undergraduate to a state university for failure to meet the high school grade point average requirement may appeal the decision to the university and request a recalculation of the grade point average including in the revised calculation the grades earned in up to three credits of advanced fine arts courses. The university shall provide the student with a description of the appeals process at the same time as notification of the admissions decision. The university shall recalculate the student's grade point average using the additional courses and advise the student of any changes in the student's admission status. For purposes of this section, fine arts courses include courses in music, drama, painting, sculpture, speech, debate, or a course in any art form that requires manual dexterity. Advanced level fine arts courses include fine arts courses identified in the course code directory as Advanced Placement, pre-International Baccalaureate, or International Baccalaureate, or fine arts courses taken in the third or fourth year of a fine arts curriculum.

Section 5. Subsection (17) is added to section 240.241, Florida Statutes, to read:

240.241 Divisions of sponsored research at state universities.—

(17) Each university president is authorized to adopt rules, as necessary, to administer this section.

Section 6. Section 240.261, Florida Statutes, is amended to read:

240.261 *Codes of conduct;* disciplinary *measures; rulemaking authority* ~~rules~~.—

(1) Each university may adopt, by rule, *codes of conduct and* ~~a uniform code of~~ appropriate penalties for violations of rules by students and employees, to be administered by the ~~president of each~~ university. Such penalties, unless otherwise provided by law, may include*: reprimand;*

restitution; fines;~~, the~~ withholding of diplomas or transcripts pending compliance with rules, *completion of any student judicial process or sanction,* or payment of fines*; restrictions on the use of or removal from university facilities; community service; educational requirements;*~~,~~ and the imposition of probation, suspension, ~~or~~ dismissal, *or expulsion*.

(2) Each university may adopt, by rule, a code of conduct and appropriate penalties for violations of rules by student organizations, to be administered by the university. Such penalties, unless otherwise provided by law, may include: reprimand; restitution; suspension, cancellation, or revocation of the registration or official recognition of a student organization; and restrictions on the use of, or removal from, university facilities.

(3) Sanctions authorized by university codes of conduct may be imposed only for acts or omissions in violation of rules adopted by the university, including rules adopted under this section, rules of the Board of Regents, county and municipal ordinances, and the laws of this state, the United States, or any other state.

(4) Each university may establish and adopt, by rule, codes of appropriate penalties for violations of rules governing student academic honesty. Such penalties, unless otherwise provided by law, may include: reprimand; reduction of grade; denial of academic credit; invalidation of university credit or of the degree based upon such credit; probation; suspension; dismissal; or expulsion. In addition to any other penalties that may be imposed, an individual may be denied admission or further registration, and the university may invalidate academic credit for work done by a student and may invalidate or revoke the degree based upon such credit if it is determined that the student has made false, fraudulent, or incomplete statements in the application, residence affidavit, or accompanying documents or statements in connection with, or supplemental to, the application for admission to or graduation from the university.

(5)~~(2)~~ The university shall adopt rules for the lawful discipline of any student, faculty member, or member of the administrative staff who intentionally acts to impair, interfere with, or obstruct the orderly conduct, processes, and functions of a state university. Said rules may apply to acts conducted on or off campus when relevant to such orderly conduct, processes, and functions.

Section 7. Subsection (4) is added to section 240.291, Florida Statutes, to read:

240.291 Delinquent accounts.—

(4) Each university is authorized to adopt rules, as necessary, to implement the provisions of this section, including setoff procedures, payroll deductions, and restrictions on release of transcripts, awarding of diplomas, and access to other university resources and services.

Section 8. This act shall take effect July 1, 2000.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to rulemaking authority for the State University System (RAB); amending s. 240.209, F.S.; authorizing the Board of Regents to adopt certain systemwide rules; authorizing the Board of Regents to implement a differential out-of-state tuition fee for certain universities; amending s. 240.227, F.S.; authorizing each university president to adopt rules implementing provisions of law governing the operation and administration of the university; providing for specific areas in which such authority is to be exercised; amending s. 240.229, F.S., relating to patents, copyrights, and trademarks; authorizing each university to adopt rules, as necessary, to carry out the powers and duties enumerated in this section; amending s. 240.233, F.S.; authorizing each university to adopt rules governing the admission of students; revising requirements for minimum standards for undergraduate admission relating to foreign language; allowing students to use up to two credits in art, music, drama, speech, debate, humanities, or military science courses to count towards the admission requirements; requiring submission of a test score; amending s. 240.241, F.S., relating to divisions of sponsored research at state universities; authorizing each university president to adopt rules to implement this section; amending s. 240.261, F.S.; authorizing universities to adopt rules pertaining to codes of conduct, and penalties for violating such codes, for students and university employees; providing for rules and penalties relating to student academic honesty; amending s. 240.291, F.S., relating to delinquent accounts; providing for each university to adopt rules to implement this section; providing an effective date.

On motion by Senator Horne, by two-thirds vote **CS for CS for HB 1567** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Dawson	Jones	Myers
Bronson	Diaz de la Portilla	King	Rossin
Brown-Waite	Diaz-Balart	Klein	Saunders
Burt	Dyer	Kurth	Scott
Campbell	Forman	Latvala	Sebesta
Carlton	Geller	Laurent	Silver
Casas	Grant	Lee	Sullivan
Childers	Hargrett	McKay	Webster
Clary	Holzendorf	Meek	
Cowin	Horne	Mitchell	

Nays—None

SB 2084—A bill to be entitled An act relating to rulemaking authority of the Division of Workers' Compensation of the Department of Labor and Employment Security (RAB); amending s. 440.38, F.S.; authorizing the division to specify by rule the amount of the security deposit and net worth required for an employer to obtain authorization to self-insure; requiring that the division provide by rule for suspending or revoking an employer's authorization to self-insure; providing an effective date.

—as amended April 26 was read the third time by title.

On motion by Senator King, **SB 2084** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Madam President	Dawson	Jones	Rossin
Bronson	Diaz de la Portilla	King	Saunders
Brown-Waite	Diaz-Balart	Klein	Scott
Burt	Dyer	Kurth	Sebesta
Campbell	Forman	Laurent	Silver
Carlton	Geller	Lee	Sullivan
Casas	Grant	McKay	Webster
Childers	Hargrett	Meek	
Clary	Holzendorf	Mitchell	
Cowin	Horne	Myers	

Nays—None

HB 2019—A bill to be entitled An act relating to veterans' affairs; amending s. 296.06, F.S.; providing an additional eligibility requirement for residency in the Veterans' Domiciliary Home of Florida; amending s. 296.36, F.S.; providing additional eligibility requirements for residency in the Veterans' Nursing Home of Florida; providing an effective date.

—was read the third time by title.

On motion by Senator Carlton, **HB 2019** was passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Clary	Grant	Kurth
Bronson	Cowin	Hargrett	Latvala
Brown-Waite	Dawson	Holzendorf	Laurent
Burt	Diaz de la Portilla	Horne	Lee
Campbell	Diaz-Balart	Jones	McKay
Carlton	Dyer	King	Meek
Casas	Forman	Kirkpatrick	Mitchell
Childers	Geller	Klein	Myers

Rossin	Scott	Silver	Thomas
Saunders	Sebesta	Sullivan	Webster

Nays—None

On motion by Senator Scott, by two-thirds vote **HB 2067** was withdrawn from the Committees on Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Scott—

HB 2067—A bill to be entitled An act relating to rulemaking authority of the Department of State; amending s. 120.54, F.S.; authorizing the department to adopt rules for incorporating materials by reference; amending s. 106.23, F.S.; requiring advisory opinions to be submitted in accordance with rules adopted by the department; amending s. 106.22, F.S.; authorizing the department to adopt rules for the filing and investigation of voter fraud complaints; amending s. 106.07, F.S.; authorizing the department to prescribe by rule the requirements for the filing of campaign treasurer's reports; amending s. 101.62, F.S.; authorizing the department to adopt rules for the preparation and mailing of absentee ballots to overseas electors; amending s. 101.161, F.S.; requiring the designating number for constitutional amendments to be in accordance with rules adopted by the department; amending s. 99.061, F.S.; authorizing the department to prescribe by rule the requirements for filing candidate qualifying papers; providing legislative intent; providing an effective date.

—a companion measure, was substituted for **SB 2172** and read the second time by title.

Senator Scott moved the following amendment which was adopted:

Amendment 1 (115118)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (3) is added to section 20.10, Florida Statutes, to read:

20.10 Department of State.—There is created a Department of State.

(3) The Department of State may adopt rules pursuant to ss. 120.536(1) and 120.54 to administer the provisions of law conferring duties upon the department.

Section 2. Subsection (9) is added to section 99.061, Florida Statutes, to read:

99.061 Method of qualifying for nomination or election to federal, state, county, or district office.—

(9) The Department of State may prescribe by rule requirements for filing papers to qualify as a candidate under this section.

Section 3. Subsection (2) of section 101.161, Florida Statutes, is amended to read:

101.161 Referenda; ballots.—

(2) The substance and ballot title of a constitutional amendment proposed by initiative shall be prepared by the sponsor and approved by the Secretary of State in accordance with rules adopted pursuant to s. 120.54. The Department of State shall give each proposed constitutional amendment a designating number for convenient reference. This number designation shall appear on the ballot. Designating numbers shall be assigned in the order of filing or certification *and in accordance with rules adopted by the Department of State* ~~of the amendments~~. The Department of State shall furnish the designating number, the ballot title, and the substance of each amendment to the supervisor of elections of each county in which such amendment is to be voted on.

Section 4. Paragraph (a) of subsection (4) of section 101.62, Florida Statutes, is amended to read:

101.62 Request for absentee ballots.—

(4)(a) To each absent qualified elector overseas who has requested an absentee ballot, the supervisor of elections shall, not fewer than 35 days before the first primary election, mail an absentee ballot. Not fewer than 45 days before the second primary and general election, the supervisor of elections shall mail an advance absentee ballot to those persons requesting ballots for such elections. The advance absentee ballot for the second primary shall be the same as the first primary absentee ballot as to the names of candidates, except that for any offices where there are only two candidates, those offices and all political party executive committee offices shall be omitted. Except as provided in s. 99.063(4), the advance absentee ballot for the general election shall be as specified in s. 101.151, except that in the case of candidates of political parties where nominations were not made in the first primary, the names of the candidates placing first and second in the first primary election shall be printed on the advance absentee ballot. The advance absentee ballot or advance absentee ballot information booklet shall be of a different color for each election and also a different color from the absentee ballots for the first primary, second primary, and general election. The supervisor shall mail an advance absentee ballot for the second primary and general election to each qualified absent elector for whom a request is received until the absentee ballots are printed. The supervisor shall enclose with the advance second primary absentee ballot and advance general election absentee ballot an explanation stating that the absentee ballot for the election will be mailed as soon as it is printed; and, if both the advance absentee ballot and the absentee ballot for the election are returned in time to be counted, only the absentee ballot will be counted. *The Department of State may prescribe by rule the requirements for preparing and mailing absentee ballots to absent qualified electors overseas.*

Section 5. Subsection (9) is added to section 106.07, Florida Statutes, to read:

106.07 Reports; certification and filing.—

(9) The Department of State may prescribe by rule the requirements for filing campaign treasurers' reports as set forth in this chapter.

Section 6. Subsection (11) of section 106.22, Florida Statutes, is amended to read:

106.22 Duties of the Division of Elections.—It is the duty of the Division of Elections to:

(11) Conduct preliminary investigations into any irregularities or fraud involving voter registration or voting and report its findings to the state attorney for the judicial circuit in which the alleged violation occurred for prosecution, where warranted. *The Department of State may prescribe by rule requirements for filing a complaint of voter fraud and for investigating any such complaint.*

Section 7. Subsection (2) of section 106.23, Florida Statutes, is amended to read:

106.23 Powers of the Division of Elections.—

(2) The Division of Elections shall provide advisory opinions when requested by any supervisor of elections, candidate, local officer having election-related duties, political party, political committee, committee of continuous existence, or other person or organization engaged in political activity, relating to any provisions or possible violations of Florida election laws with respect to actions such supervisor, candidate, local officer having election-related duties, political party, committee, person, or organization has taken or proposes to take. *Requests for advisory opinions must be submitted in accordance with rules adopted by the Department of State.* A written record of all such opinions issued by the division, sequentially numbered, dated, and indexed by subject matter, shall be retained. A copy shall be sent to said person or organization upon request. Any such person or organization, acting in good faith upon such an advisory opinion, shall not be subject to any criminal penalty provided for in this chapter. The opinion, until amended or revoked, shall be binding on any person or organization who sought the opinion or with reference to whom the opinion was sought, unless material facts were omitted or misstated in the request for the advisory opinion.

Section 8. Paragraph (i) of subsection (1) of section 120.54, Florida Statutes, is amended to read:

120.54 Rulemaking.—

(1) GENERAL PROVISIONS APPLICABLE TO ALL RULES OTHER THAN EMERGENCY RULES.—

(i) A rule may incorporate material by reference but only as the material exists on the date the rule is adopted. For purposes of the rule, changes in the material are not effective unless the rule is amended to incorporate the changes. *A* ~~No~~ rule may *not* be amended by reference only. Amendments must set out the amended rule in full in the same manner as required by the State Constitution for laws. *The Department of State may prescribe by rule requirements for incorporating materials by reference pursuant to this paragraph.*

Section 9. Paragraph (p) is added to subsection (3) of section 267.061, Florida Statutes, to read:

267.061 Historic properties; state policy, responsibilities.—

(3) DIVISION RESPONSIBILITY.—It is the responsibility of the division to:

(p) Protect and administer historical resources abandoned on state-owned lands or on state-owned sovereignty submerged lands. The division may issue permits for survey and exploration activities to identify historical resources and may issue permits for excavation and salvage activities to recover historical resources. The division may issue permits for archaeological excavation for scientific or educational purposes on state-owned lands or on state-owned sovereignty submerged lands. The division may also issue permits for exploration and salvage of historic shipwreck sites by commercial salvors on state-owned sovereignty submerged lands. The division shall adopt rules to administer the issuance of permits for all such activities. In addition, the division shall adopt rules to administer the transfer of objects recovered by commercial salvors under permit in exchange for recovery services provided to the state.

Section 10. Subsection (11) is added to section 872.05, Florida Statutes, to read:

872.05 Unmarked human burials.—

(11) RULES.—The Department of State may prescribe by rule procedures for reporting an unmarked human burial and for determining jurisdiction over the burial.

Section 11. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to rulemaking authority of the Department of State (RAB); amending s. 20.10, F.S.; authorizing the department to adopt rules to administer laws conferring duties upon it; amending s. 99.061, F.S.; authorizing the department to prescribe rules for filing papers to qualify as a candidate for federal, state, county, or district office; amending s. 101.161, F.S.; providing for ballot initiatives to be numbered in the order of filing or certification and as provided by department rule; amending s. 101.62, F.S.; authorizing the department to adopt rules for preparing and mailing absentee ballots to electors who are overseas; amending s. 106.07, F.S.; authorizing the department to adopt requirements for filing campaign treasurers' reports; amending s. 106.22, F.S.; providing for rules prescribing requirements for filing complaints of voter fraud and for investigating those complaints; amending s. 106.23, F.S.; requiring that requests for advisory opinions by the Division of Elections be submitted in accordance with department rule; amending s. 120.54, F.S.; authorizing the department to prescribe rules under which a state agency may incorporate materials by reference in adopting an agency rule; amending s. 267.061, F.S.; providing additional duties of the Division of Historical Resources with respect to protecting and administering historical resources; authorizing the division to issue certain permits; requiring that the division adopt rules for issuing permits and administering the transfer of certain objects; amending s. 872.05, F.S.; authorizing the department to adopt procedures for reporting an unmarked human burial and determining jurisdiction of the burial; providing an effective date.

On motion by Senator Scott, by two-thirds vote **HB 2067** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Brown-Waite	Campbell	Casas
Bronson	Burt	Carlton	Childers
Clary	Grant	Kurth	Saunders
Cowin	Hargrett	Latvala	Scott
Dawson	Holzendorf	Lee	Sebesta
Diaz de la Portilla	Horne	McKay	Silver
Diaz-Balart	Jones	Meek	Sullivan
Dyer	King	Mitchell	Thomas
Forman	Kirkpatrick	Myers	Webster
Geller	Klein	Rossin	

Nays—None

CS for SB 2478—A bill to be entitled An act relating to rulemaking authority of state agencies (RAB); amending s. 386.205, F.S.; authorizing state agencies to adopt rules to designate smoking areas; amending s. 554.115, F.S.; providing additional circumstances under which the Department of Insurance may suspend or revoke a certificate of compliance to operate a boiler; requiring that certain violations be reported to the state attorney; providing for administrative actions; creating s. 624.4135, F.S.; requiring that the department adopt rules governing applications by foreign insurers for a certificate of authority as a domestic insurer; amending s. 625.305, F.S.; establishing limitations relating to certain investments by domestic life insurers; creating s. 625.765, F.S.; exempting specified transactions from requirements that a domestic stock insurer file statements and recover certain profits; creating s. 626.2817, F.S.; providing for the regulation of course providers, instructors, and other groups involved in prelicensure education for insurance agents and other licensees; amending s. 626.7353, F.S.; requiring that the Department of Insurance adopt rules governing the appointment of customer representatives; amending s. 627.062, F.S.; providing for the availability of water supplies to be considered by insurers or rating organizations in establishing rates; amending s. 627.429, F.S.; providing that certain limitations on the use of medical tests for human immunodeficiency virus infection and acquired immune deficiency syndrome apply to insurance provided by prepaid limited health organizations; amending s. 627.481, F.S.; requiring that the department adopt rules governing certain annuity agreements; creating s. 627.7276, F.S.; providing notice requirements for motor vehicle policies that do not provide coverage for bodily injury and property damage liability; amending s. 627.7282, F.S.; authorizing the Department of Insurance to adopt rules governing the format of the notice of additional premiums; creating s. 627.796, F.S.; requiring that a title insurer obtain a minimum amount of errors and omissions coverage for persons performing title searches; creating s. 627.797, F.S.; requiring that insurers file with the department a list of agents who are exempt from licensure; creating s. 627.798, F.S.; requiring that the Department of Insurance adopt forms for notifying the mortgagor of certain provisions in a title policy; amending ss. 627.8405, 627.848, F.S.; requiring that the Department of Insurance adopt forms for disclosing coverages financed with personal injury protection and for cancelling certain policies; creating s. 627.955, F.S.; prohibiting certain deductibles that are applicable to the insured group as a whole; amending s. 635.071, F.S.; prohibiting insurance on mortgages that are offered for sale based on certain advertisements; amending s. 648.4425, F.S.; requiring the Department of Insurance to prescribe forms for use by bail bond agents in issuing bonds; amending s. 791.015, F.S.; authorizing the State Fire Marshal to adopt by rule registration forms for manufacturers, distributors, wholesalers, and retailers of sparklers; providing an effective date.

—was read the third time by title.

On motion by Senator Geller, **CS for SB 2478** was passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Clary	Grant	Kurth
Bronson	Cowin	Hargrett	Latvala
Brown-Waite	Dawson	Holzendorf	Laurent
Burt	Diaz de la Portilla	Horne	Lee
Campbell	Diaz-Balart	Jones	Meek
Carlton	Dyer	King	Mitchell
Casas	Forman	Kirkpatrick	Myers
Childers	Geller	Klein	Rossin

Saunders	Sebesta	Sullivan	Webster
Scott	Silver	Thomas	

Nays—None

SB 2510—A bill to be entitled An act relating to rulemaking authority of the Department of Children and Family Services (RAB); amending s. 409.919, F.S.; requiring that the department adopt rules to administer provisions governing medical assistance; creating s. 409.953, F.S.; requiring the department to adopt rules to administer the refugee assistance program; amending ss. 414.085, 414.095, F.S.; authorizing the department to adopt rules for determining a person's eligibility for the WAGES Program; amending s. 414.13, F.S.; providing for rules to allow exceptions to the requirements that a child receive certain immunizations; amending s. 414.15, F.S.; authorizing the department to adopt rules for administering diversion services; providing an effective date.

—as amended April 26 was read the third time by title.

On motion by Senator Diaz-Balart, **SB 2510** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Dawson	Jones	Myers
Bronson	Diaz de la Portilla	King	Rossin
Brown-Waite	Diaz-Balart	Kirkpatrick	Saunders
Burt	Dyer	Klein	Scott
Campbell	Forman	Kurth	Sebesta
Carlton	Geller	Latvala	Silver
Casas	Grant	Laurent	Sullivan
Childers	Hargrett	Lee	Thomas
Clary	Holzendorf	Meek	Webster
Cowin	Horne	Mitchell	

Nays—None

HB 2099—A bill to be entitled An act relating to rulemaking authority of the Department of Management Services; amending s. 112.362, F.S., relating to the minimum benefit adjustment; providing for refusal; amending s. 121.021, F.S.; revising and adding definitions; amending s. 121.051, F.S.; providing for rules relating to the submission of documents required for proper application by municipalities and special districts for Florida Retirement System participation; clarifying retention of Florida Retirement System membership for certain members; providing for furnishing of employee information upon enrollment in the Florida Retirement System; amending s. 121.0515, F.S., relating to Special Risk Class membership; providing for definitions; clarifying provisions relating to upgrading of past service to creditable service under the Special Risk Class; clarifying circumstances for retroactive coverage for Special Risk Administrative Support Class members; amending s. 121.081, F.S., relating to past service and prior service; providing for matters related to past service credit and prior service credit; creating s. 121.085, F.S., relating to claiming of creditable service; providing for submission of required information or evidence to establish a claim; providing a restriction with respect to unclaimed service; amending s. 121.091, F.S., relating to retirement benefits payable under the system; providing for retention of service credit upon termination; restricting payment of retirement benefits potentially subject to forfeiture; providing for payment of retirement benefits directly to a beneficiary, rather than a trust, in certain cases; providing requirements relative to payment of retirement benefits; amending s. 121.121, F.S., relating to authorized leaves of absence; providing that leaves under the Family Medical Leave Act are included in this provision; amending s. 287.16, F.S., relating to the acquisition, operation, and disposal of watercraft; providing legislative intent; providing an effective date.

—was read the third time by title.

On motion by Senator Scott, **HB 2099** was passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Brown-Waite	Campbell	Casas
Bronson	Burt	Carlton	Childers
Clary	Grant	Kurth	Rossin
Cowin	Hargrett	Latvala	Saunders
Dawson	Holzendorf	Laurent	Scott
Diaz de la Portilla	Horne	Lee	Sebesta
Diaz-Balart	Jones	McKay	Silver
Dyer	King	Meek	Sullivan
Forman	Kirkpatrick	Mitchell	Thomas
Geller	Klein	Myers	Webster

Nays—None

CS for SB 2628—A bill to be entitled An act relating to rulemaking authority of the Department of Health (RAB); amending s. 154.011, F.S., relating to primary care services; requiring the department to adopt certain rules developed by the State Health Officer; amending s. 154.06, F.S.; requiring the adoption of rules with respect to fees for services rendered through county health departments; amending s. 381.003, F.S., relating to prevention and control of communicable diseases and acquired immune deficiency syndrome; authorizing rules governing procedures for managing diseases; amending s. 381.004, F.S., relating to testing for human immunodeficiency virus; providing additional rulemaking authority; amending s. 381.0051, F.S., relating to family planning services; providing for rules administering the provision of such services; amending s. 381.0056, F.S., relating to the school health services program; authorizing the department to adopt rules in cooperation with the Department of Education; amending s. 381.0057, F.S.; providing requirements for the services provided by school health programs; amending s. 381.006, F.S., relating to public health; providing additional rulemaking authority; amending s. 381.0062, F.S., relating to the regulation of water systems; providing additional requirements for obtaining an exemption from the department; amending s. 381.0065, F.S.; redefining the term "onsite sewage treatment and disposal system"; providing additional rulemaking authority; revising requirements for sewage treatment and disposal systems; amending s. 381.0072, F.S.; requiring the department to adopt additional rules with respect to food service protection; amending s. 381.0086, F.S.; requiring the department to adopt additional rules with respect to the health and safety of migrant farm workers; amending s. 381.0098, F.S.; prohibiting the transfer of a permit for a biomedical waste facility or a biomedical waste transporter; providing requirements for a permit application; amending s. 381.0101, F.S., relating to environmental health professionals; providing additional rulemaking authority with respect to standards for certification; amending s. 381.0203, F.S.; authorizing the department to adopt rules governing pharmacy services; amending s. 381.89, F.S.; authorizing the department to issue a stop-use order against a tanning facility; amending s. 383.011, F.S., relating to maternal and child health programs; providing additional rulemaking authority; amending s. 383.14, F.S.; providing for rules governing screening for metabolic disorders, hereditary disorders, and environmental risk factors; amending s. 383.19, F.S.; providing for rules governing perinatal intensive care centers; amending s. 383.216, F.S.; revising requirements for prenatal and infant health care coalitions; providing additional rulemaking authority; amending s. 384.33, F.S.; authorizing rules governing screenings and investigations to control the spread of sexually transmitted diseases; amending s. 385.207, F.S., relating to care and assistance of persons with epilepsy; providing additional rulemaking authority; amending s. 391.026, F.S., relating to the Children's Medical Services Act; requiring the department to adopt rules to administer the act; amending s. 392.66, F.S.; requiring the department to adopt rules to administer the Tuberculosis Control Act; amending ss. 395.401, 395.402, F.S.; requiring the department to adopt rules governing the procedures for establishing a trauma agency and for performance evaluations; requiring the department to establish the number of trauma centers within each service area; amending s. 401.35, F.S.; requiring the department to adopt rules governing medical transportation services; amending s. 403.862, F.S.; authorizing the department to adopt rules governing water systems; amending s. 404.056, F.S., relating to environmental radiation standards and programs; providing additional rulemaking authority; amending s. 404.22, F.S.; authorizing the department to adopt rules governing the operation of radiation machines and components; amending s. 489.553, F.S., relating to septic tank contracting; providing additional rulemaking authority; amending ss. 491.006, 491.0145, F.S., relating to clinical, counseling, and psychotherapy services; providing for nonrefundable application fees; amending s. 499.003, F.S.; defining the terms "distribute or distribution" for purposes of ch. 499, F.S., relating to the Florida Drug and Cosmetic Act; amending s. 499.005, F.S.; prohibiting

charging certain fees or dispensing certain drugs; amending s. 499.0054, F.S.; prohibiting certain labels or advertisements; amending s. 499.01, F.S.; providing additional requirements for closing an establishment permitted under the Florida Drug and Cosmetic Act; amending s. 499.0121, F.S.; providing additional requirements for a vehicle that contains prescription drugs; amending s. 499.0122, F.S., relating to medical oxygen and veterinary legend drugs; providing additional rulemaking authority; amending s. 499.013, F.S., relating to manufacturers of drugs, devices, and cosmetics; exempting manufacturers of a device for a specific patient from certain requirements; requiring that manufacturers maintain certain records; amending ss. 499.015, 499.024, 499.03, F.S.; providing certain limitations on the registration of products or drugs; conforming cross-references to changes made by the act; amending s. 499.05, F.S.; requiring the department to adopt additional rules to administer the Florida Drug and Cosmetic Act; amending s. 499.701, F.S., relating to the regulation of ether; providing additional rulemaking authority; amending s. 501.122, F.S.; requiring the department to adopt rules governing radiation surveys; amending s. 513.05, F.S., relating to mobile home and recreational vehicle parks; providing additional rulemaking authority; amending s. 514.021, F.S.; authorizing the department to adopt rules governing public swimming and bathing facilities; amending s. 766.1115, F.S., relating to the Access to Health Care Act; providing for rules governing services and procedures; providing an effective date.

—as amended April 26 was read the third time by title.

On motion by Senator Myers, **CS for SB 2628** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Dawson	Jones	Mitchell
Bronson	Diaz de la Portilla	King	Myers
Brown-Waite	Diaz-Balart	Kirkpatrick	Rossin
Burt	Dyer	Klein	Saunders
Campbell	Forman	Kurth	Scott
Carlton	Geller	Latvala	Sebesta
Casas	Grant	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Webster
Cowin	Horne	Meek	

Nays—None

On motion by Senator Clary, consideration of **CS for CS for SB's 4 and 380** was deferred.

CS for SB 1212—A bill to be entitled An act relating to the judiciary; providing intent; providing a basis for funding the court system, the public defender's offices, the state attorneys' offices, and the court-related functions of the clerks of the court; providing a phase-in schedule; defining the essential elements of the court system; defining the essential elements of the state attorneys' offices; defining the essential elements of the public defenders' offices; defining the essential elements of court-appointed counsel; providing definitions for county funding responsibilities; creating the Article V Financial Accountability and Efficiency Workgroup; providing for membership; providing responsibilities; creating a process for certain counties to cover extraordinary criminal case-related costs; providing for the establishment of pilot projects in three counties to fund costs of conflict counsel; requiring clerks to provide specified information to the Legislature; creating the Joint Legislative Committee on Article V; providing for membership and duties; providing appropriations; providing a limitation on funding; amending ss. 216.001, 216.011, F.S.; redefining the term "state agency"; amending s. 216.0172, F.S.; requiring the judicial branch to submit a performance-based program budget; amending s. 216.023, F.S.; excepting the judicial branch from submitting final legislative budget requests to the Governor; amending s. 216.0235, F.S.; excepting the judicial branch from submitting final legislative program budget requests; creating the Supreme Court Workload Study Commission; providing members; providing duties; providing staffing; requiring a report; amending s. 216.0166, F.S.; providing requirements for performance-based program budgeting for the judicial branch; providing an effective date.

—as amended April 27 was read the third time by title.

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

Amendment 1 (470280)—On page 17, lines 25-28, delete all of said lines and insert: *Florida Statutes, and notwithstanding section 925.037, Florida Statutes, the Legislature creates pilot projects to reimburse three counties for reasonable and necessary conflict counsel fees, expenses, and costs. The counties designated for the pilot projects must institute cost containment and accountability*

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

Amendment 2 (510216)—On page 24, lines 9-22, delete those lines and insert:

(a) The Speaker of the House of Representatives shall appoint three members. Two of the members must be members in good standing of The Florida Bar. One of the members must be a layperson.

(b) The President of the Senate shall appoint three members. Two of the members must be members in good standing of The Florida Bar. One of the members must be a layperson.

(c) The Chief Justice of the Florida Supreme Court shall appoint three members. One of the members must have served on the Supreme Court but is not presently serving. That person shall serve as chair. One of the members must be a member in good standing of The Florida Bar. One of the members must be a layperson.

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

Amendment 3 (704572)—On page 27, lines 14 and 15, delete those lines and insert:

Section 22. This act shall take effect upon becoming a law, except for section 8 of this act, which shall take effect July 1, 2001.

Senator Horne offered the following amendment which was moved by Senator Laurent and adopted by two-thirds vote:

Amendment 4 (175440)(with title amendment)—On page 27, between lines 11 and 12, insert:

Section 22. Subsection (2) of section 35.05, Florida Statutes, is amended to read:

35.05 Headquarters.—

(2) *A* ~~The Second~~ District Court of Appeal may designate other locations within its district as branch headquarters for the conduct of the business of the court in special or regular term and as the official headquarters of its officers or employees pursuant to s. 112.061.

And the title is amended as follows:

On page 2, line 11, after the semicolon (;) insert: amending s. 35.05, F.S.; authorizing branch district courts of appeal;

On motion by Senator Laurent, **CS for SB 1212** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

Madam President	Clary	Grant	Kurth
Bronson	Cowin	Hargrett	Latvala
Brown-Waite	Dawson	Holzendorf	Laurent
Burt	Diaz de la Portilla	Horne	Lee
Campbell	Diaz-Balart	Jones	McKay
Carlton	Dyer	King	Meek
Casas	Forman	Kirkpatrick	Mitchell
Childers	Geller	Klein	Myers

Rossin	Scott	Silver	Thomas
Saunders	Sebesta	Sullivan	Webster

Nays—None

On motion by Senator Burt, consideration of **CS for SB 1466** was deferred.

CS for HB 301—A bill to be entitled An act relating to title loan transactions; creating the "Florida Title Loan Act"; providing legislative intent; providing definitions; requiring licensure by the Department of Banking and Finance to act as a title loan lender; providing for application for licensure; requiring a bond, a nonrefundable application fee, a nonrefundable investigation fee, and fingerprinting; providing for waiver of fingerprinting; providing for inactive licenses; providing for renewal and reactivation of licenses; providing for a renewal fee and a reactivation fee; providing for disposition of certain moneys; providing for acquisition of an interest in a licensee under certain circumstance; providing for denial, suspension, or revocation of license; specifying acts which constitute violations for which certain disciplinary actions may be taken; providing a fine; providing remedies for title loans made or serviced without licensure; providing for a title loan agreement; providing requirements; providing for reclaiming a repossessed motor vehicle under certain circumstances; providing entitlement to certain excess proceeds of a sale or disposal of a motor vehicle; providing for recordkeeping and reporting and safekeeping of property; providing for title loan interest rates; providing requirements and limitations; providing for extensions; providing for return of principal and interest to the borrower under certain circumstance; providing a holding period when there is a failure to reclaim; providing for the disposal of pledged property; providing for disposition of excess proceeds; prohibiting certain acts; providing for the right to reclaim; providing for lost title loan agreements; providing for a title loan lenders lien; providing for criminal penalties; providing for subpoenas, enforcement of actions, and rules; providing for investigations and complaints; authorizing the department to adopt rules; amending ss. 538.03 and 538.16, F.S.; deleting provisions relating to title loan transactions; providing for more restrictive local ordinances; providing an appropriation; repealing ss. 538.03(1)(i), 538.06(5), and 538.15(4) and (5), F.S., relating to title loan transactions by secondhand dealers; providing severability; providing effective dates.

—was read the third time by title.

On motion by Senator Latvala, **CS for HB 301** was passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Dawson	Jones	Myers
Bronson	Diaz de la Portilla	King	Rossin
Brown-Waite	Diaz-Balart	Klein	Saunders
Burt	Dyer	Kurth	Scott
Campbell	Forman	Latvala	Sebesta
Carlton	Geller	Laurent	Silver
Casas	Grant	Lee	Sullivan
Childers	Hargrett	McKay	Thomas
Clary	Holzendorf	Meek	Webster
Cowin	Horne	Mitchell	

Nays—None

CS for CS for SB 1368—A bill to be entitled An act relating to the Department of Transportation; amending s. 20.23, F.S.; providing for a change in administrative duties; providing for an additional district office; providing additional responsibilities of the Transportation Commission; amending s. 206.8745, F.S.; providing for a refund of tax paid on undyed diesel fuel consumed by the engine of a qualified motor coach during idle time for certain purposes; defining "motor coach"; providing restrictions on refunds; providing for proper documentation; granting the Department of Revenue authority to adopt rules; creating s. 215.617, F.S.; providing for the issuance of bonds by the Division of Bond Finance; amending s. 311.07, F.S.; expanding the use of certain seaport funds; providing for a final audit of funds; amending s. 311.09, F.S.; providing overrule authority to certain state agencies; providing voting membership to certain state agencies; providing requirements for the procurement of professional services; amending s. 320.20, F.S.; providing certain projects are fixed capital outlay projects; providing bonding authority; providing a timeframe for bond maturity; amending s. 316.06, F.S.; authorizing local governments to agree to provide for the installation of multiparty stop signs on certain roads; providing guidelines for the installation of such signage; amending ss. 316.302, 316.516, 316.545, F.S.; updating cross-references to the current federal safety regulations; deleting references to weight and safety officers; amending s. 316.515, F.S.; deleting a reference to an automobile transporter height limit; repealing s. 316.610(3), F.S., relating to commercial motor vehicle inspections; amending s. 330.30, F.S.; removing the requirement for joint submission of applications for airport site approval and for an airport license; amending s. 332.004, F.S.; expanding the definition of the term "airport or aviation development project" to include off-site airport noise mitigation projects; amending s. 20.23, F.S.; authorizing the Florida Department of Transportation to adopt rules for the delegation of authority beyond the assistant secretaries; amending s. 334.187, F.S.; authorizing the Florida Department of Transportation to adopt rules relating to the use of prepaid escrow accounts; amending s. 334.044, F.S.; authorizing the department to purchase promotional items for use in certain public awareness campaigns; authorizing the Florida Department of Transportation to adopt rules relating to approval of aggregate and other material sources; amending s. 337.18, F.S.; authorizing the Florida Department of Transportation to adopt rules related to surety bonds; amending s. 338.155, F.S.; authorizing the Florida Department of Transportation to adopt rules relating to guaranteed toll accounts; amending s. 339.09, F.S.; authorizing the Florida Department of Transportation to adopt rules related to the expenditure of transportation revenues; amending s. 427.013, F.S.; authorizing the Commission for the Transportation Disadvantaged to adopt rules related to developing operational standards; amending s. 427.0135, F.S.; granting authority for rules adopted by the Commission for the Transportation Disadvantaged related to member departments; amending s. 427.015, F.S.; granting authority for rules adopted by the Commission for the Transportation Disadvantaged related to community transportation coordinators; amending s. 335.02, F.S.; providing a maximum-lane policy; amending ss. 335.141, 341.302, F.S.; repealing the department's authority to regulate train operating speeds; amending ss. 336.41, 336.44, 255.20, 337.14, F.S.; providing that any contractor prequalified by the State of Florida is presumed qualified to bid on projects in excess of $250,000 for county and expressway authority projects; amending s. 336.025, F.S.; expanding the authorized uses of the local option fuel tax; amending s. 337.025, F.S.; authorizing highway maintenance projects to be included in the innovative highway program; amending s. 337.11, F.S.; authorizing the department to combine the right-of-way phase of certain projects into a single contract; amending s. 337.14, F.S.; extending the period of validity of contractor prequalification; amending s. 337.175, F.S.; providing for retainage flexibility; amending s. 338.161, F.S.; authorizing the department to promote the use of toll facilities; amending s. 338.165, F.S.; providing an exemption for high-occupancy toll lanes; amending s. 339.12, F.S.; increasing the current cap on the local government advance reimbursement program; amending s. 339.135, F.S.; deleting an obsolete requirement for identification of advanced right-of-way acquisition projects in the tentative work program; amending ss. 334.035, 334.046, F.S.; providing prevailing principles for planning and developing transportation systems; amending s. 339.155, F.S.; clarifying the public participation process in transportation planning; conforming provisions to federal requirements; providing prevailing principles; deleting certain planning factors; amending s. 339.175, F.S.; providing duties of the metropolitan planning Technical Advisory Committee; providing for a coordinating committee in certain M.P.O.s; providing prevailing principles for planning and developing transportation systems for metropolitan planning organizations; deleting certain planning factors; amending s. 341.051, F.S.; deleting an obsolete provision for public transit capital projects; amending s. 343.56, F.S.; authorizing the use of certain federal funds to pay principal and interest on bonds; amending s. 373.4137, F.S.; providing a technical correction; amending s. 332.007, F.S.; allowing the reimbursement period for certain airports to be extended; amending s. 479.15, F.S.; revising guidelines on local government removal of signs along highways and roads; requiring a study by the Office of Program Policy Analysis and Government Accountability; providing an effective date.

—as amended April 27 was read the third time by title.

Senator Grant moved the following amendments which were adopted by two-thirds vote:

Amendment 1 (104224)—On page 98, line 5, delete "Subsection" and insert: Effective July 1, 2001, subsection

Amendment 2 (585146)—On page 99, line 26, delete "*in existence on July 1, 2001,*"

Senator Laurent moved the following amendments which were adopted by two-thirds vote:

Amendment 3 (141738)(with title amendment)—On page 99, line 30 through page 100, line 5, delete those lines and insert:

(8)~~(6)~~ The provisions of subsections ~~(3), (4), and~~ (5), *(6), and (7)* of this section shall not apply within the jurisdiction of any municipality which is engaged in any litigation concerning its sign ordinance on April 23, 1999, nor shall such provisions apply to any municipality whose boundaries are identical to the county within which said municipality is located.

Section 49. *The amendment to section 479.15(2), Florida Statutes as provided in this act shall not apply within the jurisdiction of any municipality which is engaged in any litigation concerning its sign ordinance on April 23, 1999.*

And the title is amended as follows:

On page 5, line 13, after the semicolon (;) insert: providing certain amendments to this act are not applicable under certain circumstances;

Amendment 4 (751072)(with title amendment)—On page 99, line 30 through page 100, line 5, delete those lines and insert:

(8)~~(6)~~ The provisions of subsections ~~(3), (4), and~~ (5), *(6), and (7)* of this section shall not apply within the jurisdiction of any municipality which is engaged in any litigation concerning its sign ordinance on April 23, 1999, nor shall such provisions apply to any municipality whose boundaries are identical to the county within which said municipality is located.

Section 49. *The amendment to section 479.15(2), Florida Statutes, as provided in this act shall not apply within the jurisdiction of any municipality that, as of April 23, 1999, was engaged in litigation regarding the enforceability of the amortization provisions of its sign ordinance.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 13, after the semicolon (;) insert: providing certain amendments to this act are not applicable under certain circumstances;

On motion by Senator Webster, **CS for CS for SB 1368** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Madam President	Diaz de la Portilla	Klein	Saunders
Bronson	Diaz-Balart	Kurth	Scott
Brown-Waite	Dyer	Latvala	Sebesta
Burt	Geller	Laurent	Silver
Carlton	Grant	Lee	Sullivan
Casas	Hargrett	McKay	Thomas
Childers	Holzendorf	Meek	Webster
Clary	Horne	Mitchell	
Cowin	Jones	Myers	
Dawson	King	Rossin	

Nays—2

Campbell	Forman

HB 2301—A bill to be entitled An act relating to telecommunications; amending s. 364.025, F.S.; extending certain time periods for provision of universal service obligations; providing an effective date.

—was read the third time by title.

On motion by Senator Lee, **HB 2301** was passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Dawson	Jones	Myers
Bronson	Diaz de la Portilla	King	Rossin
Brown-Waite	Diaz-Balart	Klein	Saunders
Burt	Dyer	Kurth	Scott
Campbell	Forman	Latvala	Sebesta
Carlton	Geller	Laurent	Silver
Casas	Grant	Lee	Sullivan
Childers	Hargrett	McKay	Thomas
Clary	Holzendorf	Meek	Webster
Cowin	Horne	Mitchell	

Nays—None

CS for SB 1956—A bill to be entitled An act relating to viatical settlements; amending s. 626.9911, F.S.; redefining the terms "viatical settlement contract," "viatical settlement provider," "viator," "related provider trust," and "viatical settlement purchaser"; defining the terms "viaticated policy," "related form," "special purpose entity," and "financing entity"; amending s. 626.9912, F.S.; requiring additional information for license applications; amending s. 626.9921, F.S.; providing for additional forms; amending s. 626.9922, F.S.; revising recordkeeping time requirements; defining the term "home office"; providing that records be made available; creating s. 626.99236, F.S.; providing for disclosure to viatical settlement purchasers; providing for rescission of agreements; amending s. 626.9924, F.S.; providing for notice of viaticated policies; requiring notice of transfer of ownership or change in beneficiary within a specified period of time; creating s. 626.99245, F.S.; providing for the regulation of interstate conflicts; amending s. 626.9925, F.S.; providing additional rulemaking authority; amending s. 626.99275, F.S.; providing criminal penalties; creating s. 626.99278, F.S.; requiring the adoption of an anti-fraud plan; creating s. 626.99285, F.S.; providing for the applicability of the Insurance Code; creating s. 626.99287, F.S.; providing for the contestability of viaticated policies; creating 626.99295, F.S.; providing for a grace period for unlicensed viatical settlement providers and viatical settlement brokers; amending s. 626.9915, F.S.; allowing a provider whose license is suspended or revoked to continue to maintain and service viaticated policies if the department approves; providing an appropriation; providing an effective date.

—as amended April 27 was read the third time by title.

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

Amendment 1 (213104)—On page 5, delete line 17 and insert: as consideration for a life insurance policy or an *equitable or legal* interest in

On motion by Senator Lee, **CS for SB 1956** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

Madam President	Dawson	Jones	Mitchell
Bronson	Diaz de la Portilla	King	Myers
Brown-Waite	Diaz-Balart	Kirkpatrick	Rossin
Burt	Dyer	Klein	Saunders
Campbell	Forman	Kurth	Scott
Carlton	Geller	Latvala	Sebesta
Casas	Grant	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

Nays—None

CS for CS for SB 730—A bill to be entitled An act relating to child welfare; amending s. 20.19, F.S.; modifying the certification program for family safety and preservation employees and agents; amending s. 39.201, F.S.; providing for the release of abuse hotlines recordings to specified persons and entities; providing circumstances in which an officer or employee of the judicial branch is not required to report child

abuse, abandonment, or neglect; revising procedures; amending s. 39.202, F.S.; specifying persons to whom the names of persons reporting child abuse, abandonment, or neglect may be released; amending s. 39.205, F.S.; exempting judges from prosecution for failure to report; amending s. 39.301, F.S.; clarifying provisions relating to initiation of protective investigations and criminal investigations; clarifying that the age of parents shall be factored into risk assessments; changing certain time requirements; amending s. 39.303, F.S.; revising provisions governing the composition, qualifications, training, and duties of child protection teams; prescribing circumstances under which face-to-face medical evaluations are necessary and procedures for determining whether they are necessary; providing for collaboration by agency quality assurance programs; amending s. 39.304, F.S.; revising provisions governing the use of photographs taken by child protection team; amending s. 383.402, F.S.; deleting reference to the Kayla McKean Child Protection Act; amending s. 383.402, F.S.; revising duties of local child abuse death review committees and of district child abuse death review coordinators; amending s. 409.145, F.S.; authorizing the Department of Children and Family Services to provide additional assistance for certain individuals leaving foster care; amending s. 409.1671, F.S.; deleting requirement that the case-transfer process for contracts with community-based agencies for provision of foster care and related services identify closure of protective investigations; prescribing times when summaries of investigations must be provided to the community-based agency; amending s. 409.175, F.S.; requiring a plan for streamlining foster parent training; requiring that certain information be provided to licensed foster homes; creating s. 409.1753, F.S.; specifying duties of the Department of Children and Family Services or its agents regarding foster care; providing for dependency court pilot programs; requiring a report; prohibiting position-lapse adjustments for certain positions; establishing a work group within the Department of Children and Family Services; providing duties; requiring reports; amending s. 39.402; clarifying that the court must be informed of identified case plans at shelter hearings; repealing s. 1, ch. 99-168, Laws of Florida, which provides the short title for the Kayla McKean Child Protection Act; providing an effective date.

—as amended April 27 was read the third time by title.

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

Amendment 1 (760722)(with title amendment)—On page 23, between lines 15 and 16, insert:

Section 11. Present paragraph (c) of subsection (13) of section 409.175, Florida Statutes, is redesignated as paragraph (d) and a new paragraph (c) is added to that subsection to read:

409.175 Licensure of family foster homes, residential child-caring agencies, and child-placing agencies.—

(13)

(c) In consultation with foster parents, each district or lead agency shall develop a plan for making the completion of the required training as convenient as possible for potential foster parents and emergency-shelter parents. The plan should include, without limitation, such strategies as providing training in nontraditional locations and at nontraditional times. The plan must be revised at least annually and must be included in the information provided to each person applying to become a foster parent or emergency-shelter parent.

Section 12. Section 409.1753, Florida Statutes, is created to read:

409.1753 Foster care; duties.—The department shall ensure that, within each district, each foster home is given a telephone number for the foster parent to call during normal working hours whenever immediate assistance is needed and the child's caseworker is unavailable. This number must be staffed and answered by individuals possessing the knowledge and authority necessary to assist foster parents.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, lines 18-24, delete those lines and insert: 409.175, F.S.; requiring a plan for streamlining foster parent training; creating s. 409.1753,

On motion by Senator Cowin, further consideration of **CS for CS for SB 730** as amended was deferred.

CS for SB 220—A bill to be entitled An act relating to the Florida Engineers Management Corporation; amending s. 471.038, F.S., the "Florida Engineers Management Corporation Act"; providing purpose; providing for per diem and travel expenses for the board of directors and staff of the management corporation; providing for termination of initial appointments and for new appointments to the board of directors; revising powers and duties of the management corporation; providing additional requirements of the contract between the management corporation and the Department of Business and Professional Regulation; changing the submission date of the management corporation's annual status report; specifying that meetings of the board of directors are open to the public as provided by law; providing for maintenance of board records by the management corporation; providing rulemaking authority to the board to ensure the security of examinations; eliminating a provision requiring the Office of Program Policy Analysis and Government Accountability to conduct performance audits at the request of the Joint Legislative Auditing Committee; abrogating the repeal of s. 471.038, F.S., the "Florida Engineers Management Corporation Act," notwithstanding s. 5, ch. 97-312, Laws of Florida; amending s. 471.005, F.S.; providing definitions; revising cross-references; amending s. 471.0035, F.S.; conforming cross-references; amending ss. 471.011, 471.015, 471.017, 471.021, 471.023, 471.033, F.S.; transferring to the management corporation duties of the department relating to issuance, reissuance, and renewal of licenses, certifications, and temporary registrations and to purchase of the licensure examination; revising cross-references; providing an effective date.

—was read the third time by title.

On motion by Senator Lee, **CS for SB 220** was passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Dawson	Jones	Mitchell
Bronson	Diaz de la Portilla	King	Myers
Brown-Waite	Diaz-Balart	Kirkpatrick	Rossin
Burt	Dyer	Klein	Saunders
Campbell	Forman	Kurth	Scott
Carlton	Geller	Latvala	Sebesta
Casas	Grant	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

Nays—None

CS for SB 2088—A bill to be entitled An act relating to school readiness; amending s. 411.01, F.S.; revising the composition of the Florida Partnership for School Readiness; revising the membership of school readiness coalitions; providing sovereign immunity for school readiness coalitions; changing terminology relating to payment; amending s. 230.2305, F.S.; revising funding for prekindergarten early intervention programs; authorizing the Governor at the request of the Florida Partnership for School Readiness to request approval of the Administration Commission for transfer of funds by the Department of Children and Family Services and the Department of Education to the partnership for school readiness programs; providing a qualification for school readiness coalitions to receive an increase in such funds; providing that specified positions be co-located within the office of the Florida Partnership for School Readiness not later than July 1, 2000; requiring an interagency agreement to guide implementation; providing for discontinuation of state funding for the State Coordinating Council for School Readiness Services; repealing s. 402.3015(6)(a), F.S., which requires competitive bids for community child care coordinating agencies; providing an effective date.

—was read the third time by title.

On motion by Senator Cowin, **CS for SB 2088** was passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Dawson	Jones	Myers
Bronson	Diaz de la Portilla	King	Rossin
Brown-Waite	Diaz-Balart	Kirkpatrick	Saunders
Burt	Dyer	Klein	Scott
Campbell	Forman	Kurth	Sebesta
Carlton	Geller	Latvala	Silver
Casas	Grant	Laurent	Sullivan
Childers	Hargrett	Lee	Thomas
Clary	Holzendorf	McKay	Webster
Cowin	Horne	Mitchell	

Nays—None

SB 1282—A bill to be entitled An act relating to trust funds; creating the School Readiness Trust Fund within the Executive Office of the Governor; providing for sources of moneys and purposes; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—as amended April 27 was read the third time by title.

On motion by Senator Cowin, **SB 1282** as amended was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Madam President	Dawson	Jones	Myers
Bronson	Diaz de la Portilla	King	Rossin
Brown-Waite	Diaz-Balart	Kirkpatrick	Saunders
Burt	Dyer	Klein	Scott
Campbell	Forman	Latvala	Sebesta
Carlton	Geller	Laurent	Silver
Casas	Grant	Lee	Sullivan
Childers	Hargrett	McKay	Thomas
Clary	Holzendorf	Meek	Webster
Cowin	Horne	Mitchell	

Nays—None

Vote after roll call:

Yea—Kurth

SB 2250—A bill to be entitled An act relating to public records; amending s. 228.093, F.S.; providing access to student records by school readiness coalitions and the Florida Partnership for School Readiness; amending s. 402.3015, F.S.; providing an exemption from public-records requirements for records of children in subsidized child-care programs; providing exceptions; providing for future review and repeal; providing a finding of public necessity; creating s. 411.011, F.S.; providing an exemption from public-records requirements for records of children in school readiness programs; providing exceptions; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—as amended April 27 was read the third time by title.

On motion by Senator Cowin, **SB 2250** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Clary	Grant	Kurth
Bronson	Cowin	Hargrett	Latvala
Brown-Waite	Dawson	Holzendorf	Laurent
Burt	Diaz de la Portilla	Horne	Lee
Campbell	Diaz-Balart	Jones	McKay
Carlton	Dyer	King	Meek
Casas	Forman	Kirkpatrick	Mitchell
Childers	Geller	Klein	Myers
Rossin	Scott	Silver	Thomas
Saunders	Sebesta	Sullivan	Webster

Nays—None

CS for SB 50—A bill to be entitled An act relating to education; creating the Teacher Recruitment and Retention Program for areas of critical state concern; identifying the areas of critical state concern; providing eligibility criteria for teachers; providing for allocation of funds; providing for use of funds for employment incentives; requiring certain agreements for receipt of a retention bonus; requiring exit interviews and a report, as a condition for receiving funds from the program; creating the Teacher Recruitment Program for low-performing schools; requiring a school district with a school in grade category "D" or "F" to submit to the Department of Education a plan for recruitment of certain teachers to failing schools; requiring a salary bonus or increase for selected teachers; authorizing principals to determine eligible teachers; requiring performance criteria to be submitted to and reviewed by the district school board; requiring review of a principal's administration of the program; creating the Public School Equipment Matching Grants Program for failing schools; authorizing state matching of certain amounts of private donations; requiring a school board to certify the receipt of certain contributions; amending s. 230.23, F.S.; requiring district school boards to implement policies for parental and guardian involvement in schools; providing an effective date.

—as amended April 27 was read the third time by title.

On motion by Senator Sullivan, **CS for SB 50** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Dawson	Jones	Mitchell
Bronson	Diaz de la Portilla	King	Myers
Brown-Waite	Diaz-Balart	Kirkpatrick	Rossin
Burt	Dyer	Klein	Saunders
Campbell	Forman	Kurth	Scott
Carlton	Geller	Latvala	Sebesta
Casas	Grant	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

Nays—None

On motions by Senator Cowin, consideration of **CS for CS for SB 2432** and **CS for SB 2434** was deferred.

HB 1999—A bill to be entitled An act relating to trust funds; creating s. 20.3315, F.S.; creating a Florida Forever Program Trust Fund within the Florida Fish and Wildlife Conservation Commission; providing purposes; providing for a source of moneys; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was read the third time by title.

On motion by Senator Casas, **HB 1999** was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—40

Madam President	Clary	Grant	Kurth
Bronson	Cowin	Hargrett	Latvala
Brown-Waite	Dawson	Holzendorf	Laurent
Burt	Diaz de la Portilla	Horne	Lee
Campbell	Diaz-Balart	Jones	McKay
Carlton	Dyer	King	Meek
Casas	Forman	Kirkpatrick	Mitchell
Childers	Geller	Klein	Myers

Rossin	Scott	Silver	Thomas
Saunders	Sebesta	Sullivan	Webster

Nays—None

HB 2001—A bill to be entitled An act relating to trust funds; creating s. 380.5115, F.S.; creating a Florida Forever Program Trust Fund within the Department of Community Affairs; providing purposes; providing for a source of moneys; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was read the third time by title.

On motion by Senator Casas, **HB 2001** was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

Madam President	Diaz de la Portilla	Kirkpatrick	Rossin
Bronson	Diaz-Balart	Klein	Saunders
Brown-Waite	Dyer	Kurth	Scott
Burt	Forman	Latvala	Sebesta
Campbell	Geller	Laurent	Silver
Carlton	Hargrett	Lee	Sullivan
Childers	Holzendorf	McKay	Thomas
Clary	Horne	Meek	Webster
Cowin	Jones	Mitchell	
Dawson	King	Myers	

Nays—None

HB 2153—A bill to be entitled An act relating to trust funds; creating s. 570.207, F.S.; creating a Conservation and Recreation Lands Program Trust Fund within the Department of Agriculture and Consumer Services; providing for purpose and sources of funds; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was read the third time by title.

On motion by Senator Casas, **HB 2153** was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—40

Madam President	Dawson	Jones	Mitchell
Bronson	Diaz de la Portilla	King	Myers
Brown-Waite	Diaz-Balart	Kirkpatrick	Rossin
Burt	Dyer	Klein	Saunders
Campbell	Forman	Kurth	Scott
Carlton	Geller	Latvala	Sebesta
Casas	Grant	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

Nays—None

HB 2155—A bill to be entitled An act relating to trust funds; creating s. 372.127, F.S.; creating a Conservation and Recreation Lands Program Trust Fund within the Fish and Wildlife Conservation Commission; providing for purpose and sources of funds; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was read the third time by title.

On motion by Senator Casas, **HB 2155** was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—37

Madam President	Diaz de la Portilla	Kirkpatrick	Saunders
Bronson	Diaz-Balart	Kurth	Scott
Brown-Waite	Dyer	Latvala	Sebesta
Burt	Geller	Laurent	Silver
Campbell	Grant	Lee	Sullivan
Carlton	Hargrett	McKay	Thomas
Casas	Holzendorf	Meek	Webster
Childers	Horne	Mitchell	
Clary	Jones	Myers	
Cowin	King	Rossin	

Nays—None

On motion by Senator Latvala, by two-thirds vote **HB 739** was withdrawn from the Committee on Governmental Oversight and Productivity.

On motion by Senator Latvala, by two-thirds vote—

HB 739—A bill to be entitled An act relating to governmental reorganization; amending s. 20.04, F.S.; providing an exception to departmental structure requirements; creating s. 20.121, F.S.; creating the Office of Chief Financial Officer; creating s. 20.131, F.S.; creating the Department of Insurance and Financial Services; providing for an executive director; providing for departmental structure; creating the offices of Commissioner of Insurance and Commissioner of Financial Services; providing for appointment and specifying qualifications for each commissioner; providing jurisdiction of the commissioners' offices; providing for exercise of executive authority; transferring the powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the Comptroller to the Office of Chief Financial Officer; transferring the powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the Department of Insurance and the Department of Banking and Finance to the Department of Insurance and Financial Services; specifying that administrative rules of the Department of Banking and Finance and the Department of Insurance become administrative rules of the Department of Insurance and Financial Services; specifying that such rules become administrative rules of the Office of Chief Financial Officer under certain circumstances; providing for preservation of validity of judicial or administrative actions involving such departments; providing for substitution of certain parties in interest in such actions; requiring the Department of Insurance and the Department of Banking and Finance to provide reports to the Governor and the Legislature; directing the Division of Statutory Revision to prepare proposed substantive legislation by a certain time for certain purposes; repealing ss. 20.12 and 20.13, F.S., relating to the Department of Banking and Finance and the Department of Insurance, respectively; providing effective dates.

—a companion measure, was substituted for **CS for SB 1682** as amended and by two-thirds vote read the second time by title.

Senator Latvala moved the following amendment which was adopted:

Amendment 1 (462178)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Effective January 7, 2003, section 17.001, Florida Statutes, is created to read:

17.001 Financial Officer.—As provided in s. 4(c), Art. IV of the State Constitution, the Chief Financial Officer is the chief fiscal officer of the state and is responsible for settling and approving accounts against the state and keeping all state funds and securities.

Section 2. Effective January 7, 2003, section 20.121, Florida Statutes, is created to read:

20.121 Department of Financial Services.—There is created a Department of Financial Services.

(1) The head of the Department of Financial Services is the Chief Financial Officer.

(2)(a) The Division of Administration is created within the Office of the Chief Financial Officer. The division is headed by a director who is appointed by and serves at the pleasure of the Chief Financial Officer. A Bureau of Financial and Support Services is created within the division.

(b) The Division of Financial Investigations is created within the Office of the Chief Financial Officer. Its responsibilities include, but are not limited to, conducting investigations of insurance fraud. The division is headed by a director who is appointed by and serves at the pleasure of the Chief Financial Officer.

(3) Notwithstanding the requirements of s. 20.04 and except as otherwise provided in this section, the principal policy and program development unit of the department is the "office." Each office is headed by a commissioner who is appointed by and serves at the pleasure of the Chief Financial Officer. Each commissioner shall perform such duties as are specified in this section and such other duties as are assigned by the Chief Financial Officer. The principal unit of each office is the "division." Each division is headed by a "director."

(4)(a) The Office of the Commissioner of Insurance is established in the Department of Financial Services. The office shall be headed by the Commissioner of Insurance. Prior to appointment as commissioner, the Commissioner of Insurance must have had, within the previous 10 years, at least 5 years of experience as a senior officer of an insurer, as defined in s. 624.03, or insurance agency, as defined in s. 626.094, or as an examiner or other senior employee of a state or federal agency having regulatory responsibility over insurers or insurance agencies.

(b) The Office of the Commissioner of Insurance shall consist of the following divisions:

1. Division of Insurance Agents and Agencies;

2. Division of Insurance Consumer Services;

3. Division of Insurer Services;

4. Division of Rehabilitation and Liquidation;

5. Division of Risk Management; and

6. Division of State Fire Marshal.

(5)(a) The Office of the Commissioner of Financial Institutions is established in the Department of Financial Services. The office shall be headed by the Commissioner of Financial Institutions. Prior to appointment, the Commissioner of Financial Institutions must have had, within the previous 10 years, at least 5 years of experience as a senior officer of a financial institution, as defined in s. 655.005(h), or as an examiner or other senior employee of a state or federal agency having regulatory responsibility over financial institutions.

(b) The Office of the Commissioner of Financial Institutions shall consist of the following divisions:

1. Division of Banking; and

2. Division of Credit Unions.

(c) For purposes of chapter 120, the Commissioner of Financial Institutions is the agency head for all divisions within the Office of the Commissioner of Financial Institutions. The commissioner shall be responsible for, and take final agency action related to, the implementation and enforcement of all statutes and rules within the regulatory authority delegated to the Office of the Commissioner of Financial Institutions and the divisions created within that office. The Commissioner of Financial Institutions may serve as the Director of the Division of Banking or the Director of the Division of Credit Unions, or both.

(6)(a) The Office of the Commissioner of Securities and Finance is established within the Department of Financial Services. The office shall be headed by the Commissioner of Securities and Finance. Prior to appointment, the Commissioner of Securities and Finance must have had, within the previous 10 years, at least 5 years of experience as a senior officer of a securities or finance company or as an examiner or other senior employee of a state or federal agency having regulatory responsibility over securities or finance companies.

(b) The Office of the Commissioner of Securities and Finance shall consist of the following divisions:

1. Division of Securities and Finance; and

2. Division of Certified Public Accounting.

(c) For purposes of chapter 120, the Commissioner of Securities and Finance is the agency head for all divisions within the Office of the Commissioner of Securities and Finance. The commissioner shall be responsible for, and take final agency action related to, the implementation and enforcement of all statutes and rules within the regulatory authority delegated to the Office of the Commissioner of Securities and Finance. The Commissioner of Securities and Finance may serve as Director of the Division of Securities and Finance.

(7)(a) The Office of the Commissioner of Treasury is established in the Department of Financial Services. The office shall be headed by the Commissioner of the Treasury. The Commissioner of the Treasury must possess sufficient education, business experience, and managerial ability to effectively perform his or her duties.

(b) The Office of the Commissioner of the Treasury shall consist of the following divisions:

1. Division of Accounting and Auditing, which is responsible for, without limitation, unclaimed property;

2. Division of Information Services; and

3. Division of Treasury. A section of Government Employee Deferred Compensation is created within the Division of Treasury which shall administer the Government Employees Deferred Compensation Plan established under s. 112.215 for state employees.

Section 3. *Effective January 7, 2003, the Department of Banking and Finance is transferred by a type two transfer, as defined in section 20.06, Florida Statutes, to the Department of Financial Services.*

Section 4. *Effective January 7, 2003, the Department of Insurance is transferred by a type two transfer, as defined in section 20.06, Florida Statutes, to the Department of Financial Services.*

Section 5. *Effective January 7, 2003, section 20.12, Florida Statutes, is repealed.*

Section 6. *Effective January 7, 2003, section 20.13, Florida Statutes, is repealed.*

Section 7. Effective January 7, 2003, subsections (2) and (4) of section 20.165, Florida Statutes, are amended to read:

20.165 Department of Business and Professional Regulation.—There is created a Department of Business and Professional Regulation.

(2) The following divisions of the Department of Business and Professional Regulation are established:

(a) Division of Administration.

(b) Division of Alcoholic Beverages and Tobacco.

~~(c) Division of Certified Public Accounting.~~

~~1. The director of the division shall be appointed by the secretary of the department, subject to approval by a majority of the Board of Accountancy.~~

~~2. The offices of the division shall be located in Gainesville.~~

(c)~~(d)~~ Division of Florida Land Sales, Condominiums, and Mobile Homes.

(d)~~(e)~~ Division of Hotels and Restaurants.

(e)~~(f)~~ Division of Pari-mutuel Wagering.

(f)~~(g)~~ Division of Professions.

(g)~~(h)~~ Division of Real Estate.

1. The director of the division shall be appointed by the secretary of the department, subject to approval by a majority of the Florida Real Estate Commission.

2. The offices of the division shall be located in Orlando.

(h)~~(i)~~ Division of Regulation.

(i)~~(j)~~ Division of Technology, Licensure, and Testing.

(4)(a) The following boards are established within the Division of Professions:

1. Board of Architecture and Interior Design, created under part I of chapter 481.

2. Florida Board of Auctioneers, created under part VI of chapter 468.

3. Barbers' Board, created under chapter 476.

4. Florida Building Code Administrators and Inspectors Board, created under part XII of chapter 468.

5. Construction Industry Licensing Board, created under part I of chapter 489.

6. Board of Cosmetology, created under chapter 477.

7. Electrical Contractors' Licensing Board, created under part II of chapter 489.

8. Board of Employee Leasing Companies, created under part XI of chapter 468.

9. Board of Funeral Directors and Embalmers, created under chapter 470.

10. Board of Landscape Architecture, created under part II of chapter 481.

11. Board of Pilot Commissioners, created under chapter 310.

12. Board of Professional Engineers, created under chapter 471.

13. Board of Professional Geologists, created under chapter 492.

14. Board of Professional Surveyors and Mappers, created under chapter 472.

15. Board of Veterinary Medicine, created under chapter 474.

(b) The following board and commission are established within the Division of Real Estate:

1. Florida Real Estate Appraisal Board, created under part II of chapter 475.

2. Florida Real Estate Commission, created under part I of chapter 475.

~~(c) The following board is established within the Division of Certified Public Accounting:~~

~~1. Board of Accountancy, created under chapter 473.~~

Section 8. *Effective January 7, 2003, the Division of Certified Public Accounting and the Board of Accountancy created under chapter 473, Florida Statutes, are transferred to the Department of Financial Services by a type two transfer, as defined in section 20.06, Florida Statutes.*

Section 9. Subsection (1) of section 350.061, Florida Statutes, is amended to read:

350.061 Public Counsel; appointment; oath; restrictions on Public Counsel and his or her employees.—

(1) The Joint Legislative Auditing Committee shall appoint a Public Counsel by majority vote of the members of the committee to represent the ~~general~~ public ~~of Florida~~ before the Florida Public Service Commission *and the Insurance Rating Commission*. The Public Counsel shall be an attorney admitted to practice before the Florida Supreme Court and shall serve at the pleasure of the Joint Legislative Auditing Committee, subject to annual reconfirmation by the committee. Vacancies in the office shall be filled in the same manner as the original appointment.

Section 10. Section 350.0611, Florida Statutes, is amended to read:

350.0611 Public Counsel; duties and powers.—It shall be the duty of the Public Counsel to provide legal representation for the people of the state in proceedings before the *Public Service* Commission *and the Insurance Rating Commission. As used in this section, the term "commission" includes both such commissions.* The Public Counsel shall have such powers as are necessary to carry out the duties of his or her office, including, but not limited to, the following specific powers:

(1) To recommend to the commission, by petition, the commencement of any proceeding or action or to appear, in the name of the state or its citizens, in any proceeding or action before the commission and urge therein any position which he or she deems to be in the public interest, whether consistent or inconsistent with positions previously adopted by the commission, and utilize therein all forms of discovery available to attorneys in civil actions generally, subject to protective orders of the commission which shall be reviewable by summary procedure in the circuit courts of this state;

(2) To have access to and use of all files, records, and data of the commission available to any other attorney representing parties in a proceeding before the commission;

(3) In any proceeding in which he or she has participated as a party, to seek review of any determination, finding, or order of the commission, or of any hearing examiner designated by the commission, in the name of the state or its citizens;

(4) To prepare and issue reports, recommendations, and proposed orders to the commission, the Governor, and the Legislature on any matter or subject within the jurisdiction of the commission, and to make such recommendations as he or she deems appropriate for legislation relative to commission procedures, rules, jurisdiction, personnel, and functions;

(5) To appear before other state agencies, federal agencies, and state and federal courts in connection with matters under the jurisdiction of the commission, in the name of the state or its citizens.

Section 11. Section 350.0613, Florida Statutes, is amended to read:

350.0613 Public Counsel; employees; receipt of pleadings.—The committee may authorize the Public Counsel to employ clerical and technical assistants whose qualifications, duties, and responsibilities the committee shall from time to time prescribe. The committee may from time to time authorize retention of the services of additional attorneys or experts to the extent that the best interests of the people of the state will be better served thereby, including the retention of expert witnesses and other technical personnel for participation in contested proceedings before the commission. The *Public Service Commission and the Insurance Rating* Commission shall furnish the Public Counsel with copies of the initial pleadings in all proceedings before the commission, and if the Public Counsel intervenes as a party in any proceeding he or she shall be served with copies of all subsequent pleadings, exhibits, and prepared testimony, if used. Upon filing notice of intervention, the Public Counsel shall serve all interested parties with copies of such notice and all of his or her subsequent pleadings and exhibits.

Section 12. Section 624.055, Florida Statutes, is created to read:

624.055 "Commission" defined.—As used in the Florida Insurance Code, the term "commission" means the Insurance Rating Commission as established pursuant to s. 624.37.

Section 13. *Sections 624.401-624.489, Florida Statutes, are redesignated as part IV of chapter 624, Florida Statutes; sections 624.501-624.610, Florida Statutes, are redesignated as part V of chapter 624, Florida Statutes; sections 624.601-624.610, Florida Statutes, are redesignated as part VI of chapter 624, Florida Statutes; and sections 624.80-624.91, Florida Statutes, are redesignated as part VII of chapter 624, Florida Statutes.*

Section 14. Part III of chapter 624, Florida Statutes, consisting of sections 624.37, 624.371, 624.372, 624.373, 624.375, 624.376, and 624.377, Florida Statutes, is created to read:

Part III
Insurance Rating Commission

624.37 Insurance Rating Commission; creation; legislative intent.—There is created the Insurance Rating Commission, an independent commission housed within the Department of Insurance. The Insurance Rating Commission shall have authority to regulate rates for insurance and such related matters as provided in this code, effective January 1, 2001, and shall exercise the powers and duties with respect to insurance rates which are provided to the department.

624.371 Insurance Rating Commission; terms of commissioners.—

(1) The Insurance Rating Commission is administratively housed in, but independent of, the department. The commission shall have such powers and duties regarding rates for insurance policies and health maintenance organization contracts as are provided in the Florida Insurance Code.

(2) The commission shall consist of three full-time, salaried commissioners appointed by the Governor and confirmed by the Senate.

(3) For the initial appointment of the commission, one member must be appointed for a 2-year term, one member must be appointed for a 3-year term, and one member must be appointed for a 4-year term. All subsequent appointments of commissioners will be for 4-year terms. Vacancies on the commission shall be filled for the unexpired portion of the term.

(4) One member of the commission shall be elected by majority vote to serve as chair for a term of 2 years. A member may not serve two consecutive terms as chair.

(5) The primary duty of the chair is to serve as chief administrative officer of the commission. The chair may also participate in any proceedings pending before the commission. The chair may assign the various proceedings pending before the commission requiring hearings to one or more commissioners or to the commission's office of hearing examiners under the supervision of the office of general counsel. Only those commissioners assigned to a proceeding requiring hearings may participate in the final decision of the commission as to that proceeding; however, if only two commissioners are assigned to a proceeding requiring hearings and they cannot agree on a final decision, the chair shall cast the deciding vote for final disposition of the proceeding. If more than two commissioners are assigned to any proceeding, a majority of the members assigned constitutes a quorum and a majority vote of the members assigned is required for final commission disposition of those proceedings requiring actual participation by the commissioners. If a commissioner becomes unavailable after assignment to a particular proceeding, the chair shall assign a substitute commissioner. In those proceedings assigned to a hearing examiner, following the conclusion of the hearings, the designated hearing examiner shall prepare recommendations for final disposition by a majority vote of the commission. A petition for reconsideration must be voted upon by those commissioners participating in the final disposition of the proceedings.

(6) A majority of the commissioners may determine that the full commission will sit in any proceeding. The public counsel or a person or entity whose rates are regulated by the commission and substantially affected by a proceeding may file a petition requesting that the proceeding be assigned to the full commission. Within 15 days after receipt by the commission of any petition or application, the full commission shall dispose of the petition by majority vote and render a written decision thereon prior to assignment of less than the full commission to a proceeding. In disposing of a petition, the commission shall consider the overall public interest and impact of the pending proceeding, including, but not limited to, the magnitude of a rate filing, the number of policyholders and insureds affected, and the total premium revenues requested.

(7) This section does not prohibit a commissioner who is designated by the chair from conducting a hearing as provided under ss. 120.569 and 120.57(1) and the rules of the commission adopted pursuant thereto.

624.372 Qualifications of commissioners.—

(1) Each member of the commission must be competent and knowledgeable, based on actual experience, in at least one of the following subject areas or disciplines: insurance; accounting; actuarial science; law; or finance.

(2) A commissioner may not, at the time of appointment or during his or her term of office:

(a) Have any financial interest, other than ownership of shares in a mutual fund or interest as a policyholder or contract holder of a stock or mutual insurer or health maintenance organization, in any business entity that, directly or indirectly, owns or controls any person or entity regulated by the commission, in any person or entity regulated by the commission, or in any business entity that, either directly or indirectly, is an affiliate or subsidiary of any person or entity regulated by the commission.

(b) Be employed by or engaged in any business activity with any business entity that, directly or indirectly, owns or controls any person or entity regulated by the commission, any person or entity regulated by the commission, or any business entity that, directly or indirectly, is an affiliate or subsidiary of any person or entity regulated by the commission.

(3) If any commissioner becomes disqualified, he or she shall at once remove such disqualification or resign, and upon his or her failure to do so, he or she shall be suspended from office by the Governor.

624.373 Commissioners; standards of conduct.—

(1) LEGISLATIVE INTENT.—In addition to the provision of part III of chapter 112, which are applicable to insurance rating commissioners by virtue of their being public officers and full-time employees of the executive branch of government, the conduct of insurance rating commissioners is governed by the standards of conduct provided in this section. In the event of a conflict between this section and part III of chapter 112, the more restrictive provision shall apply.

(2) STANDARDS OF CONDUCT.—

(a) A commissioner may not accept anything from any business or entity that, directly or indirectly, owns or controls any person or entity regulated by the commission, from any person or entity regulated by the commission, or from any business entity that, directly or indirectly, is an affiliate or subsidiary of any person or entity regulated by the commission.

(b) If a commissioner acquires any financial interest prohibited by s. 624.372 during his or her term of office as a result of events or actions beyond the commissioner's control, he or she shall immediately sell such financial interest or place such financial interest in a blind trust at a financial institution. A commissioner may not attempt to influence or exercise any control over decisions regarding the blind trust.

(c) A commissioner may not accept anything from a party in a proceeding pending before the commission.

(d) A commissioner, while in office, may not serve as the representative of any political party or on any executive committee or other governing body of a political party; serve as an executive officer or employee of any political party, committee, organization, or association; receive remuneration for activities on behalf of any candidate for public office; engage on behalf of any candidate for public office in the solicitation of votes or other activities on behalf of such candidacy; or become a candidate for election to any public office.

(e) A commissioner, during his or her term of office, may not make any public comment regarding the merits of any proceeding under ss. 120.569 and 120.57 which is pending before the commission.

(f) A commissioner may not conduct himself or herself in an unprofessional manner at any time during the performance of his or her duties.

(3) The Commission on Ethics shall accept and investigate any alleged violations of this section pursuant to the procedures contained in ss. 112.322-112.3241. The Commission on Ethics shall provide the Governor with a report of its findings and recommendations. The Governor may enforce the findings and recommendations of the Commission on Ethics, pursuant to part III of chapter 112. An insurance rating commissioner may request an advisory opinion from the Commission on Ethics, pursuant to s. 112.322(3)(a), regarding the standards of conduct or prohibitions set forth in this section and in ss. 624.372 and 624.377.

624.375 Enforcement and interpretation.—Any violation of s. 624.372, s. 624.373, or s. 624.377 by a commissioner, former commis-

sioner, or former employee is punishable as provided in ss. 112.317 and 112.324. The Commission on Ethics may investigate complaints of violation of such sections in the manner provided in part III of chapter 112. A commissioner may request an advisory opinion from the Commission of Ethics as provided by s. 112.322(3)(a).

624.376 Place of meeting; expenditures; employment of personnel.—

(1) The offices of the commission must be located in the vicinity of Tallahassee, but the commissioners may hold sessions or hearings anywhere in the state at their discretion.

(2) The commission constitutes a separate budget entity to be funded by appropriations from the Insurance Commissioner's Regulatory Trust Fund.

(3) The commission may employ clerical, technical, and professional personnel reasonably necessary for the performance of its duties.

(4) The commission may employ actuaries, who shall be at-will employees and who shall serve at the pleasure of the commission. Actuaries employed under this subsection must be members of the Society of Actuaries or the Casualty Actuarial Society and are exempt from the Career Service System established under chapter 110. The commission shall set the salaries of the actuaries employed under this subsection in accordance with s. 216.251(2)(a)5. at levels that are commensurate with salary levels paid to actuaries by the insurance industry.

624.377 Former commissioners and employees; representation of clients before commission.—

(1) Any former commissioner of the Insurance Rating Commission is prohibited, for a period of 2 years following termination of service on the commission, from representing before the commission any client regulated by the commission.

(2) Any former employee of the commission is prohibited from representing before the commission any client regulated by the commission on any matter that was pending at the time of the employee's termination and in which such former employee had participated.

(3) For a period of 2 years following termination of service on the commission, a former member may not accept employment by or compensation from a business entity that, directly or indirectly, owns or controls a person or entity regulated by the commission, from a person or entity regulated by the commission, from a business entity that, directly or indirectly, is an affiliate or subsidiary of a person or entity regulated by the commission, or from a business entity or trade association that has been a party to a commission proceeding that was pending within the 2 years preceding the member's termination of service on the commission.

Section 15. Section 175.141, Florida Statutes, is amended to read:

175.141 Payment of excise tax credit on similar state excise or license tax.—The tax herein authorized to be imposed by each municipality and each special fire control district shall in nowise be in addition to any similar state excise or license tax imposed by part *V* ~~IV~~ of chapter 624, but the payor of the tax hereby authorized shall receive credit therefor on his or her said state excise or license tax and the balance of said state excise or license tax shall be paid to the Department of Revenue as provided by law.

Section 16. Section 185.12, Florida Statutes, is amended to read:

185.12 Payment of excise tax credit on similar state excise or license tax.—The tax herein authorized shall in nowise be additional to the similar state excise or license tax imposed by part *V* ~~IV~~, chapter 624, but the payor of the tax hereby authorized shall receive credit therefor on his or her state excise or license tax and the balance of said state excise or license tax shall be paid to the Department of Revenue as provided by law.

Section 17. Subsection (14) of section 408.701, Florida Statutes, is amended to read:

408.701 Community health purchasing; definitions.—As used in ss. 408.70-408.706, the term:

(14) "Health insurer" or "insurer" means an organization licensed by the department under part *IV* ~~III~~ of chapter 624 or part I of chapter 641.

Section 18. Section 651.018, Florida Statutes, is amended to read:

651.018 Administrative supervision.—The department may place a facility in administrative supervision pursuant to part *VII* ~~VI~~ of chapter 624.

Section 19. Section 624.19, Florida Statutes, is amended to read:

624.19 Existing forms and filings.—Every form of insurance document and every rate or other filing lawfully in use immediately prior to October 1, 1959, may continue to be so used or be effective until the department *or commission* otherwise prescribes pursuant to this code.

Section 20. Subsection (1) of section 624.321, Florida Statutes, is amended to read:

624.321 Witnesses and evidence.—

(1) As to any examination, investigation, or hearing being conducted under this code, the Insurance Commissioner ~~and Treasurer~~ or her or his designee *or a member of the Insurance Rating Commission or his or her designee*:

(a) May administer oaths, examine and cross-examine witnesses, receive oral and documentary evidence; and

(b) Shall have the power to subpoena witnesses, compel their attendance and testimony, and require by subpoena the production of books, papers, records, files, correspondence, documents, or other evidence which is relevant to the inquiry.

Section 21. Section 624.322, Florida Statutes, is amended to read:

624.322 Testimony compelled; immunity from prosecution.—

(1) If any natural person asks to be excused from attending or testifying or from producing any books, papers, records, contracts, documents, or other evidence in connection with any examination, hearing, or investigation being conducted by the department or *the commission or the examiners of either* ~~its examiner~~, on the ground that the testimony or evidence required of her or him may tend to incriminate the person or subject her or him to a penalty or forfeiture, and shall notwithstanding be directed to give such testimony or produce such evidence, the person must, if so directed by the department *or commission* and the Department of Legal Affairs, nonetheless comply with such direction; but she or he shall not thereafter be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which she or he may have so testified or produced evidence; and no testimony so given or evidence produced shall be received against the person upon any criminal action, investigation, or proceeding. However, no such person so testifying shall be exempt from prosecution or punishment for any perjury committed by her or him in such testimony, and the testimony or evidence so given or produced shall be admissible against her or him upon any criminal action, investigation, or proceeding concerning such perjury. No license or permit conferred or to be conferred to such person shall be refused, suspended, or revoked based upon the use of such testimony.

(2) Any such individual may execute, acknowledge, and file in the office of the Department of Insurance *or commission, whichever is applicable,* a statement expressly waiving such immunity or privilege in respect to any transaction, matter, or thing specified in such statement; and thereupon the testimony of such individual or such evidence in relation to such transaction, matter, or thing may be received or produced before any judge or justice, court, tribunal, grand jury, or otherwise; and, if so received or produced, such individual shall not be entitled to any immunity or privileges on account of any testimony she or he may so give or evidence so produced.

Section 22. Paragraph (o) of subsection (1) of section 626.9541, Florida Statutes, is amended to read:

626.9541 Unfair methods of competition and unfair or deceptive acts or practices defined.—

(1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE ACTS.—The following are defined as unfair methods of competition and unfair or deceptive acts or practices:

(o) Illegal dealings in premiums; excess or reduced charges for insurance.—

1. Knowingly collecting any sum as a premium or charge for insurance, which is not then provided, or is not in due course to be provided, subject to acceptance of the risk by the insurer, by an insurance policy issued by an insurer as permitted by this code.

2. Knowingly collecting as a premium or charge for insurance any sum in excess of or less than the premium or charge applicable to such insurance, in accordance with the applicable classifications and rates as filed with and approved by the *commission* ~~department~~, and as specified in the policy; or, in cases when classifications, premiums, or rates are not required by this code to be so filed and approved, premiums and charges in excess of or less than those specified in the policy and as fixed by the insurer. This provision shall not be deemed to prohibit the charging and collection, by surplus lines agents licensed under part VIII of this chapter, of the amount of applicable state and federal taxes, or fees as authorized by s. 626.916(4), in addition to the premium required by the insurer or the charging and collection, by licensed agents, of the exact amount of any discount or other such fee charged by a credit card facility in connection with the use of a credit card, as authorized by subparagraph (q)3., in addition to the premium required by the insurer. This subparagraph shall not be construed to prohibit collection of a premium for a universal life or a variable or indeterminate value insurance policy made in accordance with the terms of the contract.

3.a. Imposing or requesting an additional premium for a policy of motor vehicle liability, personal injury protection, medical payment, or collision insurance or any combination thereof or refusing to renew the policy solely because the insured was involved in a motor vehicle accident unless the insurer's file contains information from which the insurer in good faith determines that the insured was substantially at fault in the accident.

b. An insurer which imposes and collects such a surcharge or which refuses to renew such policy shall, in conjunction with the notice of premium due or notice of nonrenewal, notify the named insured that he or she is entitled to reimbursement of such amount or renewal of the policy under the conditions listed below and will subsequently reimburse him or her or renew the policy, if the named insured demonstrates that the operator involved in the accident was:

(I) Lawfully parked;

(II) Reimbursed by, or on behalf of, a person responsible for the accident or has a judgment against such person;

(III) Struck in the rear by another vehicle headed in the same direction and was not convicted of a moving traffic violation in connection with the accident;

(IV) Hit by a "hit-and-run" driver, if the accident was reported to the proper authorities within 24 hours after discovering the accident;

(V) Not convicted of a moving traffic violation in connection with the accident, but the operator of the other automobile involved in such accident was convicted of a moving traffic violation;

(VI) Finally adjudicated not to be liable by a court of competent jurisdiction;

(VII) In receipt of a traffic citation which was dismissed or nolle prossed; or

(VIII) Not at fault as evidenced by a written statement from the insured establishing facts demonstrating lack of fault which are not rebutted by information in the insurer's file from which the insurer in good faith determines that the insured was substantially at fault.

c. In addition to the other provisions of this subparagraph, an insurer may not fail to renew a policy if the insured has had only one accident in which he or she was at fault within the current 3-year period. However, an insurer may nonrenew a policy for reasons other than accidents in accordance with s. 627.728. This subparagraph does not prohibit nonrenewal of a policy under which the insured has had three or more accidents, regardless of fault, during the most recent 3-year period.

4. Imposing or requesting an additional premium for, or refusing to renew, a policy for motor vehicle insurance solely because the insured committed a noncriminal traffic infraction as described in s. 318.14 unless the infraction is:

a. A second infraction committed within an 18-month period, or a third or subsequent infraction committed within a 36-month period.

b. A violation of s. 316.183, when such violation is a result of exceeding the lawful speed limit by more than 15 miles per hour.

5. Upon the request of the insured, the insurer and licensed agent shall supply to the insured the complete proof of fault or other criteria which justifies the additional charge or cancellation.

6. No insurer shall impose or request an additional premium for motor vehicle insurance, cancel or refuse to issue a policy, or refuse to renew a policy because the insured or the applicant is a handicapped or physically disabled person, so long as such handicap or physical disability does not substantially impair such person's mechanically assisted driving ability.

7. No insurer may cancel or otherwise terminate any insurance contract or coverage, or require execution of a consent to rate endorsement, during the stated policy term for the purpose of offering to issue, or issuing, a similar or identical contract or coverage to the same insured with the same exposure at a higher premium rate or continuing an existing contract or coverage with the same exposure at an increased premium.

8. No insurer may issue a nonrenewal notice on any insurance contract or coverage, or require execution of a consent to rate endorsement, for the purpose of offering to issue, or issuing, a similar or identical contract or coverage to the same insured at a higher premium rate or continuing an existing contract or coverage at an increased premium without meeting any applicable notice requirements.

9. No insurer shall, with respect to premiums charged for motor vehicle insurance, unfairly discriminate solely on the basis of age, sex, marital status, or scholastic achievement.

10. Imposing or requesting an additional premium for motor vehicle comprehensive or uninsured motorist coverage solely because the insured was involved in a motor vehicle accident or was convicted of a moving traffic violation.

11. No insurer shall cancel or issue a nonrenewal notice on any insurance policy or contract without complying with any applicable cancellation or nonrenewal provision required under the Florida Insurance Code.

12. No insurer shall impose or request an additional premium, cancel a policy, or issue a nonrenewal notice on any insurance policy or contract because of any traffic infraction when adjudication has been withheld and no points have been assessed pursuant to s. 318.14(9) and (10). However, this subparagraph does not apply to traffic infractions involving accidents in which the insurer has incurred a loss due to the fault of the insured.

Section 23. Section 626.9926, Florida Statutes, is amended to read:

626.9926 Rate regulation not authorized.—Nothing in this act shall be construed to authorize the department *or commission* to directly or indirectly regulate the amount paid as consideration for entry into a viatical settlement contract or viatical settlement purchase agreement.

Section 24. Subsection (2) of section 627.031, Florida Statutes, is amended to read:

627.031 Purposes of this part; interpretation.—

(2) It is the purpose of this part to protect policyholders and the public against the adverse effects of excessive, inadequate, or unfairly discriminatory insurance rates, and to authorize the *commission* ~~department~~ to regulate such rates. If at any time the *commission* ~~department~~ has reason to believe any such rate is excessive, inadequate, or unfairly discriminatory under the law, it is directed to take the necessary action to cause such rate to comply with the laws of this state.

Section 25. Section 627.0612, Florida Statutes, is amended to read:

627.0612 Administrative proceedings in rating determinations.—In any proceeding to determine whether rates, rating plans, or other matters governed by this part comply with the law, the appellate court shall set aside a final order of the department *or commission* if the department *or commission* has violated s. 120.57(1)(k) by substituting its findings of fact for findings of an administrative law judge which were supported by competent substantial evidence.

Section 26. Subsection (3) of section 627.0613, Florida Statutes, is amended to read:

627.0613 Consumer advocate.—The Insurance Commissioner must appoint a consumer advocate who must represent the general public of the state before the department. The consumer advocate must report directly to the Insurance Commissioner, but is not otherwise under the authority of the department or of any employee of the department. The consumer advocate has such powers as are necessary to carry out the duties of the office of consumer advocate, including, but not limited to, the powers to:

(3) Examine ~~rate and~~ form filings submitted to the department, hire consultants as necessary to aid in the review process, and recommend to the department any position deemed by the consumer advocate to be in the public interest.

Section 27. Subsections (2), (3), and (6) of section 627.062, Florida Statutes, are amended to read:

627.062 Rate standards.—

(2) As to all such classes of insurance:

(a) Insurers or rating organizations shall establish and use rates, rating schedules, or rating manuals to allow the insurer a reasonable rate of return on such classes of insurance written in this state. A copy of rates, rating schedules, rating manuals, premium credits or discount schedules, and surcharge schedules, and changes thereto, shall be filed with the *commission* ~~department~~ under one of the following procedures:

1. If the filing is made at least 90 days before the proposed effective date and the filing is not implemented during the *commission's* ~~department's~~ review of the filing and any proceeding and judicial review, ~~then~~ such filing shall be considered a "file and use" filing. In such case, the *commission* ~~department~~ shall finalize its review by issuance of a notice of intent to approve or a notice of intent to disapprove within 90 days after receipt of the filing. The notice of intent to approve and the notice of intent to disapprove constitute agency action for purposes of the Administrative Procedure Act. Requests for supporting information, requests for mathematical or mechanical corrections, or notification to the insurer by the *commission* ~~department~~ of its preliminary findings shall not toll the 90-day period during any such proceedings and subsequent judicial review. The rate shall be deemed approved if the *commission* ~~department~~ does not issue a notice of intent to approve or a notice of intent to disapprove within 90 days after receipt of the filing.

2. If the filing is not made in accordance with the provisions of subparagraph 1., such filing shall be made as soon as practicable, but no later than 30 days after the effective date, and shall be considered a "use and file" filing. An insurer making a "use and file" filing is potentially subject to an order by the *commission* ~~department~~ to return to policyholders portions of rates found to be excessive, as provided in paragraph (h).

(b) Upon receiving a rate filing, the *commission* ~~department~~ shall review the rate filing to determine if a rate is excessive, inadequate, or unfairly discriminatory. In making that determination, the *commission* ~~department~~ shall, in accordance with generally accepted and reasonable actuarial techniques, consider the following factors:

1. Past and prospective loss experience within and without this state.

2. Past and prospective expenses.

3. The degree of competition among insurers for the risk insured.

4. Investment income reasonably expected by the insurer, consistent with the insurer's investment practices, from investable premiums anticipated in the filing, plus any other expected income from currently invested assets representing the amount expected on unearned premium reserves and loss reserves. The *commission* ~~department~~ may *adopt* ~~promulgate~~ rules *using* ~~utilizing~~ reasonable techniques of actuarial science and economics to specify the manner in which insurers shall calculate investment income attributable to such classes of insurance written in this state and the manner in which such investment income shall be used in the calculation of insurance rates. Such manner shall contemplate allowances for an underwriting profit factor and full consideration of investment income which produce a reasonable rate of return; however, investment income from invested surplus shall not be considered. The profit and contingency factor as specified in the filing shall be *used* ~~utilized~~ in computing excess profits in conjunction with s. 627.0625.

5. The reasonableness of the judgment reflected in the filing.

6. Dividends, savings, or unabsorbed premium deposits allowed or returned to Florida policyholders, members, or subscribers.

7. The adequacy of loss reserves.

8. The cost of reinsurance.

9. Trend factors, including trends in actual losses per insured unit for the insurer making the filing.

10. Conflagration and catastrophe hazards, if applicable.

11. A reasonable margin for underwriting profit and contingencies.

12. The cost of medical services, if applicable.

13. Other relevant factors which impact upon the frequency or severity of claims or upon expenses.

(c) In the case of fire insurance rates, consideration shall be given to the experience of the fire insurance business during a period of not less than the most recent 5-year period for which such experience is available.

(d) If conflagration or catastrophe hazards are given consideration by an insurer in its rates or rating plan, including surcharges and discounts, the insurer shall establish a reserve for that portion of the premium allocated to such hazard and shall maintain the premium in a catastrophe reserve. Any removal of such premiums from the reserve for purposes other than paying claims associated with a catastrophe or purchasing reinsurance for catastrophes shall be subject to approval of the *commission* ~~department~~. Any ceding commission received by an insurer purchasing reinsurance for catastrophes shall be placed in the catastrophe reserve.

(e) After consideration of the rate factors provided in paragraphs (b), (c), and (d), a rate may be found by the *commission* ~~department~~ to be excessive, inadequate, or unfairly discriminatory based upon the following standards:

1. Rates shall be deemed excessive if they are likely to produce a profit from Florida business that is unreasonably high in relation to the risk involved in the class of business or if expenses are unreasonably high in relation to services rendered.

2. Rates shall be deemed excessive if, among other things, the rate structure established by a stock insurance company provides for replenishment of surpluses from premiums, when the replenishment is attributable to investment losses.

3. Rates shall be deemed inadequate if they are clearly insufficient, together with the investment income attributable to them, to sustain projected losses and expenses in the class of business to which they apply.

4. A rating plan, including discounts, credits, or surcharges, shall be deemed unfairly discriminatory if it fails to clearly and equitably reflect consideration of the policyholder's participation in a risk management program adopted pursuant to s. 627.0625.

5. A rate shall be deemed inadequate as to the premium charged to a risk or group of risks if discounts or credits are allowed which exceed a reasonable reflection of expense savings and reasonably expected loss experience from the risk or group of risks.

6. A rate shall be deemed unfairly discriminatory as to a risk or group of risks if the application of premium discounts, credits, or surcharges among such risks does not bear a reasonable relationship to the expected loss and expense experience among the various risks.

(f) In reviewing a rate filing, the *commission* ~~department~~ may require the insurer to provide at the insurer's expense all information necessary to evaluate the condition of the company and the reasonableness of the filing according to the criteria enumerated in this section.

(g) The *commission* ~~department~~ may at any time review a rate, rating schedule, rating manual, or rate change; the pertinent records of the insurer; and market conditions. If the *commission* ~~department~~ finds on a preliminary basis that a rate may be excessive, inadequate, or unfairly discriminatory, the *commission* ~~department~~ shall initiate proceedings to disapprove the rate and shall so notify the insurer. However, the *commission* ~~department~~ may not disapprove as excessive any rate for which it has given final approval or which has been deemed approved for a period of 1 year after the effective date of the filing unless the *commission* ~~department~~ finds that a material misrepresentation or material error was made by the insurer or was contained in the filing. Upon being so notified, the insurer or rating organization shall, within 60 days, file with the *commission* ~~department~~ all information which, in the belief of the insurer or organization, proves the reasonableness, adequacy, and fairness of the rate or rate change. The *commission* ~~department~~ shall issue a notice of intent to approve or a notice of intent to disapprove pursuant to the procedures of paragraph (a) within 90 days after receipt of the insurer's initial response. In such instances and in any administrative proceeding relating to the legality of the rate, the insurer or rating organization shall carry the burden of proof by a preponderance of the evidence to show that the rate is not excessive, inadequate, or unfairly discriminatory. After the *commission* ~~department~~ notifies an insurer that a rate may be excessive, inadequate, or unfairly discriminatory, unless the *commission* ~~department~~ withdraws the notification, the insurer shall not alter the rate except to conform with the *commission's* ~~department's~~ notice until the earlier of 120 days after the date the notification was provided or 180 days after the date of the implementation of the rate. The *commission* ~~department~~ may, subject to chapter 120, disapprove without the 60-day notification any rate increase filed by an insurer within the prohibited time period or during the time that the legality of the increased rate is being contested.

(h) In the event the *commission* ~~department~~ finds that a rate or rate change is excessive, inadequate, or unfairly discriminatory, the *commission* ~~department~~ shall issue an order of disapproval specifying that a new rate or rate schedule which responds to the findings of the *commission* ~~department~~ be filed by the insurer. The *commission* ~~department~~ shall further order, for any "use and file" filing made in accordance with subparagraph (a)2., that premiums charged each policyholder constituting the portion of the rate above that which was actuarially justified be returned to such policyholder in the form of a credit or refund. If the *commission* ~~department~~ finds that an insurer's rate or rate change is inadequate, the new rate or rate schedule filed with the *commission* ~~department~~ in response to such a finding shall be applicable only to new or renewal business of the insurer written on or after the effective date of the responsive filing.

(i) Except as otherwise specifically provided in this chapter, the *commission* ~~department~~ shall not prohibit any insurer, including any residual market plan or joint underwriting association, from paying acquisition costs based on the full amount of premium, as defined in s. 627.403, applicable to any policy, or prohibit any such insurer from including the full amount of acquisition costs in a rate filing.

The provisions of this subsection shall not apply to workers' compensation and employer's liability insurance and to motor vehicle insurance.

(3)(a) For individual risks that are not rated in accordance with the insurer's rates, rating schedules, rating manuals, and underwriting rules filed with the *commission* ~~department~~ and which have been submitted to the insurer for individual rating, the insurer must maintain documentation on each risk subject to individual risk rating. The documentation must identify the named insured and specify the characteristics and classification of the risk supporting the reason for the risk being individually risk rated, including any modifications to existing approved forms to be used on the risk. The insurer must maintain these records for a period of at least 5 years after the effective date of the policy.

(b) Individual risk rates and modifications to existing approved forms are not subject to this part or part II, except for paragraph (a) and ss. 627.402, 627.403, 627.4035, 627.404, 627.405, 627.406, 627.407, 627.4085, 627.409, 627.4132, 627.4133, 627.415, 627.416, 627.417, 627.419, 627.425, 627.426, 627.4265, 627.427, and 627.428, but are subject to all other applicable provisions of this code and rules adopted thereunder.

(c) This subsection does not apply to private passenger motor vehicle insurance.

~~(6)(a) After any action with respect to a rate filing that constitutes agency action for purposes of the Administrative Procedure Act, an insurer may, in lieu of demanding a hearing under s. 120.57, require arbitration of the rate filing. Arbitration shall be conducted by a board of arbitrators consisting of an arbitrator selected by the department, an arbitrator selected by the insurer, and an arbitrator selected jointly by the other two arbitrators. Each arbitrator must be certified by the American Arbitration Association. A decision is valid only upon the affirmative vote of at least two of the arbitrators. No arbitrator may be an employee of any insurance regulator or regulatory body or of any insurer, regardless of whether or not the employing insurer does business in this state. The department and the insurer must treat the decision of the arbitrators as the final approval of a rate filing. Costs of arbitration shall be paid by the insurer.~~

~~(b) Arbitration under this subsection shall be conducted pursuant to the procedures specified in ss. 682.06-682.10. Either party may apply to the circuit court to vacate or modify the decision pursuant to s. 682.13 or s. 682.14. The department shall adopt rules for arbitration under this subsection, which rules may not be inconsistent with the arbitration rules of the American Arbitration Association as of January 1, 1996.~~

~~(c) Upon initiation of the arbitration process, the insurer waives all rights to challenge the action of the department under the Administrative Procedure Act or any other provision of law; however, such rights are restored to the insurer if the arbitrators fail to render a decision within 90 days after initiation of the arbitration process.~~

Section 28. Subsection (2) and (3) of section 627.0628, Florida Statutes, are amended to read:

627.0628 Florida Commission on Hurricane Loss Projection Methodology.—

(2) COMMISSION CREATED.—

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

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

1. The *Public Counsel or his or her designee from the Office of the Public Counsel* ~~insurance consumer advocate~~.

2. The Chief Operating Officer of the Florida Hurricane Catastrophe Fund.

3. The Executive Director of the Residential Property and Casualty Joint Underwriting Association.

4. The Director of the Division of Emergency Management of the Department of Community Affairs.

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

6. Six members appointed by the Insurance *Rating Commission* ~~Commissioner~~, as follows:

a. An employee of the *Insurance Rating Commission* ~~Department of Insurance~~ who is an actuary responsible for property insurance rate filings.

b. An actuary who is employed full time by a property and casualty insurer which was responsible for at least 1 percent of the aggregate

statewide direct written premium for homeowner's insurance in the calendar year preceding the member's appointment to the commission.

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

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

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

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

(c) Members designated under subparagraphs (b)1.-5. shall serve on the commission as long as they maintain the respective offices designated in subparagraphs (b)1.-5. Members appointed by the Insurance *Rating Commission* ~~Commissioner~~ under subparagraph (b)6. shall serve on the *Florida* Commission *on Hurricane Loss Projection Methodology for a 4-year term* ~~until the end of the term of office of the Insurance Commissioner who appointed them~~, unless earlier removed by the Insurance *Rating Commission* ~~Commissioner~~ for cause. Vacancies on the *Florida* Commission *on Hurricane Loss Projection Methodology* shall be filled in the same manner as the original appointment.

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

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

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

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

(3) ADOPTION AND EFFECT OF STANDARDS AND GUIDELINES.—

(a) The commission shall consider any actuarial methods, principles, standards, models, or output ranges that have the potential for improving the accuracy of or reliability of the hurricane loss projections used in residential property insurance rate filings. The commission shall, from time to time, adopt findings as to the accuracy or reliability of particular methods, principles, standards, models, or output ranges.

(b) In establishing reimbursement premiums for the Florida Hurricane Catastrophe Fund, the State Board of Administration must, to the extent feasible, employ actuarial methods, principles, standards, models, or output ranges found by the commission to be accurate or reliable.

(c) With respect to a rate filing under s. 627.062, an insurer may employ actuarial methods, principles, standards, models, or output ranges found by the commission to be accurate or reliable to determine hurricane loss factors for use in a rate filing under s. 627.062, which findings and factors are admissible and relevant in consideration of a rate filing by the *Insurance Rating Commission* ~~department~~ or in any ~~arbitration or~~ administrative or judicial review.

(d) The commission shall adopt ~~initial~~ actuarial methods, principles, standards, models, or output ranges ~~no later than December 31, 1995~~. The commission shall adopt revisions to such actuarial methods, principles, standards, models, or output ranges at least annually thereafter. ~~As soon as possible, but no later than July 1, 1996,~~ The commission shall adopt revised actuarial methods, principles, standards, models, or output ranges which include specification of acceptable computer models or output ranges derived from computer models.

Section 29. *Persons who are members of the Florida Commission on Hurricane Loss Projection Methodology on December 31, 2000, shall remain members of the commission until new members are appointed pursuant to section 627.0628, Florida Statutes, as amended by this act, except that the Public Counsel or his or her designee from the Office of the Public Counsel shall become a member effective January 1, 2001, and the Insurance Consumer Advocate shall cease to be a member on that date.*

Section 30. Subsections (1), (2), (3), (6), (7), and (9) of section 627.0645, Florida Statutes, are amended to read:

627.0645 Annual filings.—

(1) Each rating organization filing rates for, and each insurer writing, any line of property or casualty insurance to which this part applies, except:

(a) Workers' compensation and employer's liability insurance; or

(b) Commercial property and casualty insurance as defined in s. 627.0625(1) other than commercial multiple line and commercial motor vehicle,

shall make an annual base rate filing for each such line with the *commission* ~~department~~ no later than 12 months after its previous base rate filing, demonstrating that its rates are not inadequate.

(2)(a) Deviations filed by an insurer to any rating organization's base rate filing are not subject to this section.

(b) The *commission* ~~department~~, after receiving a request to be exempted from the provisions of this section, may, for good cause due to insignificant numbers of policies in force or insignificant premium volume, exempt a company, by line of coverage, from filing rates or rate certification as required by this section.

(3) The filing requirements of this section shall be satisfied by one of the following methods:

(a) A rate filing prepared by an actuary which contains documentation demonstrating that the proposed rates are not excessive, inadequate, or unfairly discriminatory pursuant to the applicable rating laws and pursuant to rules of the *commission* ~~department~~.

(b) If no rate change is proposed, a filing which consists of a certification by an actuary that the existing rate level produces rates which are actuarially sound and which are not inadequate, as defined in s. 627.062.

(6) If at the time a filing is required under this section an insurer is in the process of completing a rate review, the insurer may apply to the *commission* ~~department~~ for an extension of up to an additional 30 days in which to make the filing. The request for extension must be received by the *commission* ~~department~~ no later than the date the filing is due.

(7) Nothing in this section limits the *commission's* ~~department's~~ authority to review rates at any time or to find that a rate or rate change is excessive, inadequate, or unfairly discriminatory pursuant to s. 627.062.

(9) If an insurer fails to meet the filing requirements of this section and does not submit the filing within 60 days after the date the filing is due, the *commission* ~~department~~ may, in addition to any other penalty authorized by law, order the insurer to discontinue the issuance of policies for the line of insurance for which the required filing was not made until ~~such time as~~ the *commission* ~~department~~ determines that the required filing is properly submitted.

Section 31. Subsection (1) of section 627.06501, Florida Statutes, is amended to read:

627.06501 Insurance discounts for certain persons completing driver improvement course.—

(1) Any rate, rating schedule, or rating manual for the liability, personal injury protection, and collision coverages of a motor vehicle insurance policy filed with the *commission* ~~department~~ may provide for an appropriate reduction in premium charges as to such coverages when the principal operator on the covered vehicle has successfully completed a driver improvement course approved and certified by the Department of Highway Safety and Motor Vehicles which is effective in reducing crash or violation rates, or both, as determined pursuant to s. 318.1451(5). Any discount, not to exceed 10 percent, used by an insurer

is presumed to be appropriate unless credible data demonstrates otherwise.

Section 32. Subsections (1), (2), (5), (9), (10), (11), and (13) of section 627.0651, Florida Statutes, are amended to read:

627.0651 Making and use of rates for motor vehicle insurance.—

(1) Insurers shall establish and use rates, rating schedules, or rating manuals to allow the insurer a reasonable rate of return on motor vehicle insurance written in this state. A copy of rates, rating schedules, and rating manuals, and changes therein, shall be filed with the *commission* ~~department~~ under one of the following procedures:

(a) If the filing is made at least 60 days before the proposed effective date and the filing is not implemented during the *commission's* ~~department's~~ review of the filing and any proceeding and judicial review, such filing shall be considered a "file and use" filing. In such case, the *commission* ~~department~~ shall initiate proceedings to disapprove the rate and so notify the insurer or shall finalize its review within 60 days after receipt of the filing. Notification to the insurer by the *commission* ~~department~~ of its preliminary findings shall toll the 60-day period during any such proceedings and subsequent judicial review. The rate shall be deemed approved if the *commission* ~~department~~ does not issue notice to the insurer of its preliminary findings within 60 days after the filing.

(b) If the filing is not made in accordance with the provisions of paragraph (a), such filing shall be made as soon as practicable, but no later than 30 days after the effective date, and shall be considered a "use and file" filing. An insurer making a "use and file" filing is potentially subject to an order by the *commission* ~~department~~ to return to policyholders portions of rates found to be excessive, as provided in subsection (11).

(2) Upon receiving notice of a rate filing or rate change, the *commission* ~~department~~ shall review the rate or rate change to determine if the rate is excessive, inadequate, or unfairly discriminatory. In making that determination, the *commission* ~~department~~ shall in accordance with generally accepted and reasonable actuarial techniques consider the following factors:

(a) Past and prospective loss experience within and outside this state.

(b) The past and prospective expenses.

(c) The degree of competition among insurers for the risk insured.

(d) Investment income reasonably expected by the insurer, consistent with the insurer's investment practices, from investable premiums anticipated in the filing, plus any other expected income from currently invested assets representing the amount expected on unearned premium reserves and loss reserves. Such investment income shall not include income from invested surplus. The *commission* ~~department~~ may *adopt* ~~promulgate~~ rules *using* ~~utilizing~~ reasonable techniques of actuarial science and economics to specify the manner in which insurers shall calculate investment income attributable to motor vehicle insurance policies written in this state and the manner in which such investment income is used in the calculation of insurance rates. Such manner shall contemplate the use of a positive underwriting profit allowance in the rates that will be compatible with a reasonable rate of return plus provisions for contingencies. The total of the profit and contingency factor as specified in the filing shall be utilized in computing excess profits in conjunction with s. 627.066. In *adopting* ~~promulgating~~ such rules, the *commission* ~~department~~ shall in all instances adhere to and implement the provisions of this paragraph.

(e) The reasonableness of the judgment reflected in the filing.

(f) Dividends, savings, or unabsorbed premium deposits allowed or returned to Florida policyholders, members, or subscribers.

(g) The cost of repairs to motor vehicles.

(h) The cost of medical services, if applicable.

(i) The adequacy of loss reserves.

(j) The cost of reinsurance.

(k) Trend factors, including trends in actual losses per insured unit for the insurer making the filing.

(l) Other relevant factors which impact upon the frequency or severity of claims or upon expenses.

(5)(a) Rates shall be deemed inadequate if they are clearly insufficient, together with the investment income attributable to them, to sustain projected losses and expenses in the class of business to which they apply.

(b) The *commission* ~~Insurance Commissioner~~ shall have the responsibility to ensure that rates for private passenger vehicle insurance are adequate. To that end, the *commission* ~~department~~ shall *adopt* ~~promulgate~~ rules and regulations establishing standards defining inadequate rates on private passenger vehicle insurance as defined in s. 627.041(8). *If* ~~In the event that~~ the *commission* ~~department~~ finds that a rate or rate change is inadequate, the *commission* ~~department~~ shall order that a new rate or rate schedule be thereafter filed by the insurer and shall further provide information as to the manner in which noncompliance of the standards may be corrected. When a violation of this provision occurs, the department shall impose an administrative fine pursuant to s. 624.4211.

(9) In reviewing the rate or rate change filed, the *commission* ~~department~~ may require the insurer to provide at the insurer's expense all information necessary to evaluate the condition of the company and the reasonableness of the filing according to the criteria enumerated herein.

(10) The *commission* ~~department~~ may, at any time, review a rate or rate change, the pertinent records of the insurer, and market conditions; and, if the *commission* ~~department~~ finds on a preliminary basis that the rate or rate change may be excessive, inadequate, or unfairly discriminatory, the *commission* ~~department~~ shall so notify the insurer. However, the *commission* ~~department~~ may not disapprove as excessive any rate for which it has given final approval or which has been deemed approved for a period of 1 year after the effective date of the filing unless the *commission* ~~department~~ finds that a material misrepresentation or material error was made by the insurer or was contained in the filing. Upon being so notified, the insurer or rating organization shall, within 60 days, file with the *commission* ~~department~~ all information which, in the belief of the insurer or organization, proves the reasonableness, adequacy, and fairness of the rate or rate change. In such instances and in any administrative proceeding relating to the legality of the rate, the insurer or rating organization shall carry the burden of proof by a preponderance of the evidence to show that the rate is not excessive, inadequate, or unfairly discriminatory. After the *commission* ~~department~~ notifies an insurer that a rate may be excessive, inadequate, or unfairly discriminatory, unless the *commission* ~~department~~ withdraws the notification, the insurer shall not increase the rate until the earlier of 120 days after the date the notification was provided or 180 days after the date of the implementation of the rate. The *commission* ~~department~~ may, subject to chapter 120, disapprove without the 60-day notification any rate increase filed by an insurer within the prohibited time period or during the time that the legality of the increased rate is being contested.

(11) *If* ~~In the event~~ the *commission* ~~department~~ finds that a rate or rate change is excessive, inadequate, or unfairly discriminatory, the *commission* ~~department~~ shall issue an order of disapproval specifying that a new rate or rate schedule which responds to the findings of the *commission* ~~department~~ be filed by the insurer. The *commission* ~~department~~ shall further order for any "use and file" filing made in accordance with paragraph (1)(b), that premiums charged each policyholder constituting the portion of the rate above that which was actuarially justified be returned to such policyholder in the form of a credit or refund. If the *commission* ~~department~~ finds that an insurer's rate or rate change is inadequate, the new rate or rate schedule filed with the *commission* ~~department~~ in response to such a finding shall be applicable only to new or renewal business of the insurer written on or after the effective date of the responsive filing.

(13)(a) Underwriting rules not contained in rating manuals shall be filed for private passenger automobile insurance and homeowners' insurance.

(b) The submission of rates, rating schedules, and rating manuals to the *commission* ~~department~~ by a licensed rating organization of which an insurer is a member or subscriber will be sufficient compliance with

this subsection for any insurer maintaining membership or subscribership in such organization, to the extent that the insurer uses the rates, rating schedules, and rating manuals of such organization. All such information shall be available for public inspection, upon receipt by the *commission* ~~department~~, during usual business hours.

Section 33. Section 627.0653, Florida Statutes, is amended to read:

627.0653 Insurance discounts for specified motor vehicle equipment.—

(1) Any rates, rating schedules, or rating manuals for the liability, personal injury protection, and collision coverages of a motor vehicle insurance policy filed with the *commission* ~~department~~ shall provide a premium discount if the insured vehicle is equipped with factory-installed, four-wheel antilock brakes.

(2) Each insurer writing motor vehicle comprehensive coverage in this state shall include in its rating manual discount provisions for comprehensive coverage which specifically relate to an antitheft device or vehicle recovery system utilized in the insured vehicle which are factory installed or approved by the *commission* ~~department~~. The *commission* ~~department~~ shall adopt, by rule, procedures under which manufacturers, distributors, or sellers may apply to the *commission* ~~department~~ for approval of non-factory-installed devices under this subsection. The rules must include, at a minimum, the test results that must accompany the application and the standards for approval.

(3) Any rates, rating schedules, or rating manuals for personal injury protection coverage and medical payments coverage, if offered, of a motor vehicle insurance policy filed with the *commission* ~~department~~ shall provide a premium discount if the insured vehicle is equipped with one or more air bags which are factory installed.

(4) The removal of a discount or credit does not constitute the imposition of, or request for, additional premium or a surcharge if the basis for the discount or credit no longer exists or is substantially eliminated.

(5) Each insurer writing motor vehicle comprehensive coverage in this state may provide a premium discount for this coverage if the insured vehicle has the complete manufacturer's vehicle identification number permanently etched on the windshield and all windows of the vehicle. The etching must be by a tool or process that does not destroy the integrity of the glass or visibility for the operator of the motor vehicle. The identification numbers and letters must be at least ¼ inch in height. A sticker may identify the presence of this identification system. The *commission* ~~department~~ may, by rule, set forth appropriate guidelines to implement this subsection.

Section 34. Section 627.06535, Florida Statutes, is amended to read:

627.06535 Electric vehicles; restrictions on imposing surcharges.—An insurer may not impose a surcharge on the premium for motor vehicle insurance written on an electric vehicle, as defined in s. 320.01, if the surcharge is based on a factor such as new technology, passenger payload, weight-to-horsepower ratio, or types of materials, including composite materials or aluminum, used to manufacture the vehicle, unless the *commission* ~~Department of Insurance~~ determines from actuarial data submitted to it that the surcharge is justified.

Section 35. Subsection (1) of section 627.0654, Florida Statutes, is amended to read:

627.0654 Insurance discounts for buildings with fire sprinklers.—

(1) Any rates, rating schedules, or rating manuals for a new or renewal fire insurance policy for an existing or newly constructed building, whether used for commercial or residential purposes, must provide for a premium discount if a fire sprinkler system has been installed in the building in accordance with nationally accepted fire sprinkler design standards, as adopted by the *commission* ~~department~~, and if the fire sprinkler system is maintained in accordance with nationally accepted standards.

Section 36. Subsections (2), (7), (10), (11), and (13) of section 627.066, Florida Statutes, are amended to read:

627.066 Excessive profits for motor vehicle insurance prohibited.—

(2) Each Florida private passenger automobile insurer group shall file with the *commission* ~~department~~, prior to July 1 of each year on forms prescribed by the *commission* ~~department~~, the following data for Florida private passenger automobile business. The data filed for the group shall be a consolidation of the data of the individual insurers of the group. The data shall include both voluntary and joint underwriting association business, as follows:

(a) Calendar-year total limits earned premium.

(b) Accident-year incurred losses and loss adjustment expenses.

(c) The administrative and selling expenses incurred in this state or allocated to this state for the calendar year.

(d) Policyholder dividends incurred during the applicable calendar year.

(7) If the insurer group has realized an excessive profit, the *commission* ~~department~~ shall order a return of the excessive amounts after affording the insurer group an opportunity for hearing and otherwise complying with the requirements of chapter 120. Such excessive amounts shall be refunded in all instances unless the insurer group affirmatively demonstrates to the *commission* ~~department~~ that the refund of the excessive amounts will render a member of the insurer group financially impaired or will render it insolvent under the provisions of the Florida Insurance Code.

(10)(a) Cash refunds to policyholders may be rounded to the nearest dollar.

(b) Data in required reports to the *commission* ~~department~~ may be rounded to the nearest dollar.

(c) Rounding, if elected by the insurer group, shall be applied consistently.

(11)(a) Refunds shall be completed in one of the following ways:

1. If the insurer group elects to make a cash refund, the refund shall be completed within 60 days of entry of a final order indicating that excessive profits have been realized.

2. If the insurer group elects to make refunds in the form of a credit to renewal policies, such credits shall be applied to policy renewal premium notices which are forwarded to insureds more than 60 calendar days after entry of a final order indicating that excessive profits have been realized. If an insurer group has made this election but an insured thereafter cancels his or her policy or otherwise allows the policy to terminate, the insurer group shall make a cash refund not later than 60 days after termination of such coverage.

(b) Upon completion of the renewal credits or refund payments, the insurer group shall immediately certify to the *commission* ~~department~~ that the refunds have been made.

~~(13) Since it appears to the Legislature that private passenger automobile insurer groups have realized excessive profits during all or part of the years 1977, 1978, and 1979 and that such profits were realized in part due to statutory changes for which rates were not adequately adjusted, it is the desire and intent of the Legislature that the provisions of this section, as amended by chapter 80-236, Laws of Florida, shall apply retroactively to excessive profits realized during the years 1977, 1978, and 1979. In the event that such retroactive application is judicially determined to be unconstitutional, it is the intent of the Legislature that the act be given prospective application as stated hereinafter. Prior to July 1, 1982, the data required by this section shall be submitted to the department for the years 1979, 1980, and 1981. Excessive profits shall be calculated in accordance with the provisions of this section. However, only the excessive profits realized by the insurer group in 1981 shall be refunded to policyholders, and such refunds shall be made in accordance with this section. Prior to July 1, 1983, the data required by this section shall be submitted to the department for the years 1980, 1981, and 1982. Excessive profits shall be calculated in accordance with this section; however, refunds shall only be made for excessive profits realized in the years 1981 and 1982. Thereafter, excessive profits shall be calculated and refunded on the basis of 3 years as set forth in this section.~~

Section 37. Subsection (4) of section 627.072, Florida Statutes, is amended to read:

627.072 Making and use of rates.—

(4)(a) In the case of workers' compensation and employer's liability insurance, the *commission* ~~department~~ shall consider *using* ~~utilizing~~ the following methodology in rate determinations: Premiums, expenses, and expected claim costs would be discounted to a common point of time, such as the initial point of a policy year, in the determination of rates; the cash-flow pattern of premiums, expenses, and claim costs would be determined initially by using data from 8 to 10 of the largest insurers writing workers' compensation insurance in the state; such insurers may be selected for their statistical ability to report the data on an accident-year basis and in accordance with subparagraphs (b)1., 2., and 3., for at least 2½ years; such a cash-flow pattern would be modified when necessary in accordance with the data and whenever a radical change in the payout pattern is expected in the policy year under consideration.

(b) If the methodology set forth in paragraph (a) is *used* ~~utilized~~, to facilitate the determination of such a cash-flow pattern methodology:

1. Each insurer shall include in its statistical reporting to the rating bureau and the *commission* ~~department~~ the accident year by calendar quarter data for paid-claim costs;

2. Each insurer shall submit financial reports to the rating bureau and the *commission* ~~department~~ which shall include total incurred claim amounts and paid-claim amounts by policy year and by injury types as of December 31 of each calendar year; and

3. Each insurer shall submit to the rating bureau and the *commission* ~~department~~ paid-premium data on an individual risk basis in which risks are to be subdivided by premium size as follows:

Number of Risks in Premium Range	Standard Premium Size
(to be filled in by carrier)	$300—999
(to be filled in by carrier)	1,000—4,999
(to be filled in by carrier)	5,000—49,999
(to be filled in by carrier)	50,000—99,999
(to be filled in by carrier)	100,000 or more
Total:	

4. Each insurer which does not have the capability of reporting in accordance with subparagraphs 1., 2., and 3. shall be required to commence such reporting procedures as of January 1, 1980.

~~(c) The Insurance Commissioner is directed to consider using the methodology specified in paragraph (a) prior to March 31, 1980; and, in the event the Insurance Commissioner decides not to use this methodology, she or he shall report such decision and the reasons therefor to the committees of substance in the area of insurance in each house of the Legislature by March 31, 1980.~~

Section 38. Subsections (1), (5), and (6) of section 627.091, Florida Statutes, are amended to read:

627.091 Rate filings; workers' compensation and employer's liability insurances.—

(1) As to workers' compensation and employer's liability insurances, every insurer shall file with the *commission* ~~department~~ every manual of classifications, rules, and rates, every rating plan, and every modification of any of the foregoing which it proposes to use. Every insurer is authorized to include deductible provisions in its manual of classifications, rules, and rates. Such deductibles shall in all cases be in a form and manner which is consistent with the underlying purpose of chapter 440.

(5) Pursuant to the provisions of s. 624.3161, the *commission* ~~department~~ may examine the underlying statistical data used in such filings.

(6) Whenever the committee of a recognized rating organization with responsibility for workers' compensation and employer's liability insurance rates in this state meets to discuss the necessity for, or a request for, Florida rate increases or decreases, the determination of Florida rates, the rates to be requested, and any other matters pertaining specifically and directly to such Florida rates, such meetings shall be held in this state and shall be subject to s. 286.011. The committee of such a rating organization shall provide at least 3 weeks' prior notice of such meetings to the *commission* ~~department~~ and shall provide at least 14 days' prior notice of such meetings to the public by publication in the Florida Administrative Weekly.

Section 39. Section 627.0915, Florida Statutes, is amended to read:

627.0915 Rate filings; workers' compensation, drug-free workplace, and safe employers.—The *commission* ~~Department of Insurance~~ shall approve rating plans for workers' compensation insurance that give specific identifiable consideration in the setting of rates to employers that either implement a drug-free workplace program pursuant to rules adopted by the Division of Workers' Compensation of the Department of Labor and Employment Security or implement a safety program approved by the Division of Safety pursuant to rules adopted by the Division of Safety of the Department of Labor and Employment Security or implement both a drug-free workplace program and a safety program. The Division of Safety may by rule require that the client of a help supply services company comply with the essential requirements of a workplace safety program as a condition for receiving a premium credit. The plans must take effect January 1, 1994, must be actuarially sound, and must state the savings anticipated to result from such drug-testing and safety programs.

Section 40. Section 627.0916, Florida Statutes, is amended to read:

627.0916 Agricultural horse farms.—Notwithstanding any other provision of this chapter to the contrary, any rates, rating schedules, or rating manuals for workers' compensation and employer's liability insurance filed with the *commission* ~~Department of Insurance~~ shall provide for the rates of an agricultural horse farm engaged in breeding or training to be separated into the following three rate classifications and the premium paid shall be applied proportionately according to payroll: breeding activity involving stallions; breeding activity not involving stallions, including but not limited to boarding and foaling; and training.

Section 41. Subsection (1) of section 627.096, Florida Statutes, is amended to read:

627.096 Workers' Compensation Rating Bureau.—

(1) There is created within the *commission* ~~department~~ a Workers' Compensation Rating Bureau, which shall make an investigation and study of all insurers authorized to issue workers' compensation and employer's liability coverage in this state. Such bureau shall study the data, statistics, schedules, or other information as it may deem necessary to assist and advise the *commission* ~~department~~ in its review of filings made by or on behalf of workers' compensation and employer's liability insurers. The *commission* ~~department~~ shall have the authority to *adopt* ~~promulgate~~ rules requiring all workers' compensation and employer's liability insurers to submit to the rating bureau any data, statistics, schedules, and other information deemed necessary to the rating bureau's study and advisement.

Section 42. Section 627.101, Florida Statutes, is amended to read:

627.101 When filing becomes effective; workers' compensation and employer's liability insurances.—

(1) The *commission* ~~department~~ shall review filings as to workers' compensation and employer's liability insurances as soon as reasonably possible after they have been made in order to determine whether they meet the applicable requirements of this part. If the *commission* ~~department~~ determines that part of a rate filing does not meet the applicable requirements of this part, it may reject so much of the filing as does not meet these requirements, and approve the remainder of the filing.

(2) The *commission* ~~department~~ shall specifically approve the filing before it becomes effective, unless the *commission* ~~department~~ has concluded it to be in the public interest to hold a public hearing to determine whether the filing meets the requirements of this chapter and has given notice of such hearing to the insurer or rating organization that made the filing, and in which case the effectiveness of the filing shall be subject to the further order of the *commission* ~~department~~ made as provided in s. 627.111. If the *commission* ~~department~~ specifically disapproves the filing, the provisions of subsection (4) shall apply.

(3) An insurer or rating organization may, at the time it makes a filing with the *commission* ~~department~~, request a public hearing

thereon. In such event, the *commission* ~~department~~ shall give notice of the hearing.

(4) If the *commission* ~~department~~ disapproves a filing, it shall promptly give notice of such disapproval to the insurer or rating organization that made the filing, stating the respects in which it finds that the filing does not meet the requirements of this chapter. If the *commission* ~~department~~ approves a filing, it shall give prompt notice thereof to the insurer or rating organization that made the filing, and in which case the filing shall become effective upon such approval or upon such subsequent date as may be satisfactory to the *commission* ~~department~~ and the insurer or rating organization that made the filing.

Section 43. Section 627.111, Florida Statutes, is amended to read:

627.111 Effective date of filing.—

(1) If, pursuant to s. 627.101(2), the *commission* ~~department~~ determines to hold a public hearing as to a filing, or it holds such a public hearing pursuant to request therefor under s. 627.101(3), it shall give written notice thereof to the rating organization or insurer that made the filing and shall hold such hearing within 30 days, and not less than 10 days prior to the date of the hearing, it shall give written notice of the hearing to the insurer or rating organization that made the filing. The *commission* ~~department~~ may also, in its discretion, give advance public notice of such hearing by publication of notice in one or more daily newspapers of general circulation in this state.

(2) If the order of the *commission* ~~department~~ disapproves the filing, the filing shall not become effective during the effectiveness of such order. If the order of the *commission* ~~department~~ approves the filing, the filing shall become effective upon the date of the order or upon such subsequent date as may be satisfactory to the insurer or rating organization that made the filing.

Section 44. Section 627.141, Florida Statutes, is amended to read:

627.141 Subsequent disapproval of filing; workers' compensation and employer's liability insurances.—If at any time after a filing has been approved by it or has otherwise become effective the *commission* ~~department~~ finds that the filing no longer meets the requirements of this chapter, it shall issue an order specifying in what respects it finds that such filing fails to meet such requirements and stating when, within a reasonable period thereafter, such filing shall be deemed no longer effective. The order shall not affect any insurance contract or policy made or issued prior to the expiration of the period set forth in the order.

Section 45. Subsection (1) of section 627.151, Florida Statutes, is amended to read:

627.151 Basis of approval or disapproval of workers' compensation or employer's liability insurance filing; scope of disapproval power.—

(1) In determining at any time whether to approve or disapprove a filing as to workers' compensation or employer's liability insurance, or to permit the filing otherwise to become effective, the *commission* ~~department~~ shall give consideration only to the applicable standards and factors referred to in ss. 627.062 and 627.072.

Section 46. Paragraph (f) of subsection (2) of section 627.192, Florida Statutes, is amended to read:

627.192 Workers' compensation insurance; employee leasing arrangements.—

(2) For purposes of the Florida Insurance Code:

(f) "Premium subject to dispute" means that the insured has provided a written notice of dispute to the insurer or service carrier, has initiated any applicable proceeding for resolving such disputes as prescribed by law or rating organization procedures approved by the *commission* ~~department~~, or has initiated litigation regarding the premium dispute. The insured must have detailed the specific areas of dispute and provided an estimate of the premium the insured believes to be correct. The insured must have paid any undisputed portion of the bill.

Section 47. Section 627.211, Florida Statutes, is amended to read:

627.211 Deviations; workers' compensation and employer's liability insurances.—

(1) Every member or subscriber to a rating organization shall, as to workers' compensation or employer's liability insurance, adhere to the filings made on its behalf by such organization; except that any such insurer may make written application to the *commission* ~~department~~ for permission to file a uniform percentage decrease or increase to be applied to the premiums produced by the rating system so filed for a kind of insurance, for a class of insurance which is found by the *commission* ~~department~~ to be a proper rating unit for the application of such uniform percentage decrease or increase, or for a subdivision of workers' compensation or employer's liability insurance:

(a) Comprised of a group of manual classifications which is treated as a separate unit for ratemaking purposes; or

(b) For which separate expense provisions are included in the filings of the rating organization.

Such application shall specify the basis for the modification and shall be accompanied by the data upon which the applicant relies. A copy of the application and data shall be sent simultaneously to the rating organization.

(2) Every member or subscriber to a rating organization may, as to workers' compensation and employer's liability insurance, file a plan or plans to use deviations that vary according to factors present in each insured's individual risk. The insurer that files for the deviations provided in this subsection shall file the qualifications for the plans, schedules of rating factors, and the maximum deviation factors which shall be subject to the approval of the *commission* ~~department~~ pursuant to s. 627.091. The actual deviation which shall be used for each insured that qualifies under this subsection may not exceed the maximum filed deviation under that plan and shall be based on the merits of each insured's individual risk as determined by using schedules of rating factors which shall be applied uniformly. Insurers shall maintain statistical data in accordance with the schedule of rating factors. Such data shall be available to support the continued use of such varying deviations.

(3) In considering an application for the deviation, the *commission* ~~department~~ shall give consideration to the applicable principles for ratemaking as set forth in ss. 627.062 and 627.072, the financial condition of the insurer, and the impact of the deviation on the current market conditions including the composition of the market, the stability of rates, and the level of competition in the market. In evaluating the financial condition of the insurer, the *commission* ~~department~~ may consider: ~~(1)~~ the insurer's audited financial statements and whether the statements provide unqualified opinions or contain significant qualifications or "subject to" provisions; ~~(2)~~ any independent or other actuarial certification of loss reserves; ~~(3)~~ whether workers' compensation and employer's liability reserves are above the midpoint or best estimate of the actuary's reserve range estimate; ~~(4)~~ the adequacy of the proposed rate; ~~(5)~~ historical experience demonstrating the profitability of the insurer; ~~(6)~~ the existence of excess or other reinsurance that contains a sufficiently low attachment point and maximums that provide adequate protection to the insurer; and ~~(7)~~ other factors considered relevant to the financial condition of the insurer by the *commission* ~~department~~. The *commission* ~~department~~ shall approve the deviation if it finds it to be justified, it would not endanger the financial condition of the insurer, it would not adversely affect the current market conditions including the composition of the market, the stability of rates, and the level of competition in the market, and that the deviation would not constitute predatory pricing. It shall disapprove the deviation if it finds that the resulting premiums would be excessive, inadequate, or unfairly discriminatory, would endanger the financial condition of the insurer, or would adversely affect current market conditions including the composition of the marketplace, the stability of rates, and the level of competition in the market, or would result in predatory pricing. The insurer may not use a deviation unless the deviation is specifically approved by the *commission* ~~department~~.

~~(4) No filing for a deviation may be made pursuant to this section prior to January 1, 1997. Notwithstanding the provisions of this subsection, the department may extend or renew any deviation filed and approved prior to the effective date of this subsection.~~

(4)~~(5)~~ Each deviation permitted to be filed shall be effective for a period of 1 year unless terminated, extended, or modified with the approval of the *commission* ~~department~~. If at any time after a deviation has been approved the *commission* ~~department~~ finds that the deviation no longer meets the requirements of this code, it shall notify the insurer in what respects it finds that the deviation fails to meet such requirements

and specify when, within a reasonable period thereafter, the deviation shall be deemed no longer effective. The notice shall not affect any insurance contract or policy made or issued prior to the expiration of the period set forth in the notice.

(5)~~(6)~~ For purposes of this section, the *commission* ~~department~~, when considering the experience of any insurer, shall consider the experience of any predecessor insurer when the business and the liabilities of the predecessor insurer were assumed by the insurer pursuant to an order of the department which approves the assumption of the business and the liabilities.

Section 48. Section 627.212, Florida Statutes, is amended to read:

627.212 Workplace safety program surcharge.—The *commission* ~~department~~ shall approve a rating plan for workers' compensation coverage insurance that provides for carriers voluntarily to impose a surcharge of no more than 10 percent on the premium of a policyholder or fund member if that policyholder or fund member has been identified by the Department of Labor and Employment Security as having been required to implement a safety program and having failed to establish or maintain, either in whole or in part, a safety program. The division shall adopt rules prescribing the criteria for the employee safety programs.

Section 49. Subsections (1), (9), and (12) of section 627.215, Florida Statutes, are amended to read:

627.215 Excessive profits for workers' compensation, employer's liability, commercial property, and commercial casualty insurance prohibited.—

(1)(a) Each insurer group writing workers' compensation and employer's liability insurance as defined in s. 624.605(1)(c), commercial property insurance as defined in s. 627.0625, commercial umbrella liability insurance as defined in s. 627.0625, or commercial casualty insurance as defined in s. 627.0625 shall file with the *commission* ~~department~~ prior to July 1 of each year, on a form prescribed by the *commission* ~~department~~, the following data for the component types of such insurance as provided in the form:

1. Calendar-year earned premium.

2. Accident-year incurred losses and loss adjustment expenses.

3. The administrative and selling expenses incurred in this state or allocated to this state for the calendar year.

4. Policyholder dividends applicable to the calendar year.

Nothing herein is intended to prohibit an insurer from filing on a calendar-year basis.

(b) The data filed for the group shall be a consolidation of the data of the individual insurers of the group. However, an insurer may elect to either consolidate commercial umbrella liability insurance data with commercial casualty insurance data or to separately file data for commercial umbrella liability insurance. Each insurer shall elect its method of filing commercial umbrella liability insurance at the time of filing data for accident year 1987 and shall thereafter continue filing under the same method. In the case of commercial umbrella liability insurance data reported separately, a separate excessive profits test shall be applied and the test period shall be 10 years. ~~In the case of workers' compensation and employer's liability insurance, the final report for the test period including accident years 1984, 1985, and 1986 must be filed prior to July 1, 1988. In the case of commercial property and commercial casualty insurance, the final report for the test period including accident years 1987, 1988, and 1989 must be filed prior to July 1, 1991.~~

(9) If the insurer group has realized an excessive profit, the department shall order a return of the excessive amounts after affording the insurer group an opportunity for hearing and otherwise complying with the requirements of chapter 120. Such excessive amounts shall be refunded in all instances unless the insurer group affirmatively demonstrates to the *commission* ~~department~~ that the refund of the excessive amounts will render a member of the insurer group financially impaired or will render it insolvent under the provisions of the Florida Insurance Code.

(12)(a) Refunds shall be completed in one of the following ways:

1. If the insurer group elects to make a cash refund, the refund shall be completed within 60 days of entry of a final order indicating that excessive profits have been realized.

2. If the insurer group elects to make refunds in the form of a credit to renewal policies, such credits shall be applied to policy renewal premium notices which are forwarded to insureds more than 60 calendar days after entry of a final order indicating that excessive profits have been realized. If an insurer group has made this election but an insured thereafter cancels her or his policy or otherwise allows the policy to terminate, the insurer group shall make a cash refund not later than 60 days after termination of such coverage.

(b) Upon completion of the renewal credits or refund payments, the insurer group shall immediately certify to the *commission* ~~department~~ that the refunds have been made.

Section 50. Subsection (1) of section 627.221, Florida Statutes, is amended to read:

627.221 Rating organizations; licensing; fee.—

(1) A person, whether located within or outside this state, may make application to the *commission* ~~department~~ for a license as a rating organization. As to property or inland marine insurance, the application shall be for such kinds of insurance or subdivisions thereof or classes of risk or a part or combination thereof as are specified in the application. As to casualty and surety insurances, the application shall be for such kinds of insurance or subdivisions thereof as are specified in the application. The applicant shall file with its application:

(a) A copy of its constitution, its articles of agreement or association or its certificate of incorporation, and of its bylaws, rules, and regulations governing the conduct of its business;

(b) A list of its members and subscribers;

(c) The name and address of a resident of this state upon whom notices or orders of the department or process affecting such rating organization may be served; and

(d) A statement of its qualifications as a rating organization.

If the *commission* ~~department~~ finds that the applicant is competent, trustworthy, and otherwise qualified to act as a rating organization and that its constitution, articles of agreement or association or certificate of incorporation, and its bylaws, rules, and regulations governing the conduct of its business conform to the requirements of law, it shall issue a license specifying (in the case of a casualty or surety rating organization) the kinds of insurance or subdivisions thereof, or (in the case of a property insurance rating organization) the kinds of insurance or subdivisions thereof or classes of risk or a part or combination thereof, for which the applicant is authorized to act as a rating organization.

Section 51. Section 627.231, Florida Statutes, is amended to read:

627.231 Subscribers to rating organizations.—

(1) Subject to rules and regulations which have been approved by the *commission* ~~department~~ as reasonable, each rating organization shall permit any insurer, not a member, to subscribe to its rating services. As to property and marine rating organizations, an insurer shall be so permitted to subscribe to rating services for any kind of insurance, subdivision thereof, or class of risk or a part or combination thereof for which the rating organization is authorized so to act. As to casualty and surety rating organizations, an insurer shall be so permitted to subscribe to rating services for any kind of insurance or subdivision thereof for which the rating organization is authorized so to act. The rating organization shall give notice to subscribers of proposed changes in such rules and regulations.

(2) The reasonableness of any rule or regulation in its application to subscribers, or the refusal of any rating organization to admit an insurer as a subscriber, shall, at the request of any subscriber or any such insurer, be reviewed by the *commission* ~~department~~. If the *commission* ~~department~~ finds that such rule or regulation is unreasonable in its application to subscribers, it shall order that such rule or regulation shall not be applicable to subscribers. If the rating organization fails to

grant or reject an insurer's application for subscribership within 30 days after it was made, the insurer may request a review by the *commission* ~~department~~ as if the application had been rejected. If the *commission* ~~department~~ finds that the insurer has been refused admittance to the rating organization as a subscriber without justification, it shall order the rating organization to admit the insurer as a subscriber. If it finds that the action of the rating organization was justified, it shall make an order affirming its action.

(3) Each rating organization shall furnish its rating services without discrimination to its members and subscribers.

Section 52. Section 627.241, Florida Statutes, is amended to read:

627.241 Notice of changes.—Every rating organization shall notify the *commission* ~~department~~ promptly of every change in:

(1) Its constitution, its articles of agreement or association, or its certificate of incorporation, and its bylaws, rules and regulations governing the conduct of its business;

(2) Its list of members and subscribers; and

(3) The name and address of the resident of this state designated by it upon whom notices or orders of the department or process affecting such rating organization may be served.

Section 53. Section 627.281, Florida Statutes, is amended to read:

627.281 Appeal from rating organization; workers' compensation and employer's liability insurance filings.—

(1) Any member or subscriber to a rating organization may appeal to the *commission* ~~department~~ from the action or decision of such rating organization in approving or rejecting any proposed change in or addition to the workers' compensation or employer's liability insurance filings of such rating organization, and the *commission* ~~department~~ shall issue an order approving the decision of such rating organization or directing it to give further consideration to such proposal. If such appeal is from the action or decision of the rating organization in rejecting a proposed addition to its filings, the *commission* ~~department~~ may, *if* ~~in the event that~~ it finds that such action or decision was unreasonable, issue an order directing the rating organization to make an addition to its filings, on behalf of its members and subscribers, in a manner consistent with its findings, within a reasonable time after the issuance of such order.

(2) If such appeal is based upon the failure of the rating organization to make a filing on behalf of such member or subscriber which is based on a system of expense provisions which differs, in accordance with the right granted in s. 627.072(2), from the system of expense provisions included in a filing made by the rating organization, the *commission* ~~department~~ shall, if it grants the appeal, order the rating organization to make the requested filing for use by the appellant. In deciding such appeal, the *commission* ~~department~~ shall apply the applicable standards set forth in ss. 627.062 and 627.072.

Section 54. Subsection (2) of section 627.291, Florida Statutes, is amended to read:

627.291 Information to be furnished insureds; appeal by insureds; workers' compensation and employer's liability insurances.—

(2) As to workers' compensation and employer's liability insurances, every rating organization and every insurer which makes its own rates shall provide within this state reasonable means whereby any person aggrieved by the application of its rating system may be heard, in person or by his or her authorized representative, on his or her written request to review the manner in which such rating system has been applied in connection with the insurance afforded him or her. If the rating organization or insurer fails to grant or rejects such request within 30 days after it is made, the applicant may proceed in the same manner as if his or her application had been rejected. Any party affected by the action of such rating organization or insurer on such request may, within 30 days after written notice of such action, appeal to the *commission* ~~department~~, which may affirm or reverse such action.

Section 55. Section 627.301, Florida Statutes, is amended to read:

627.301 Advisory organizations.—

(1) No advisory organization shall conduct its operations in this state unless and until it has filed with the *commission* ~~department~~:

(a) A copy of its constitution, articles of incorporation, articles of agreement or of association, and bylaws or rules and regulations governing its activities, all duly certified by the custodian of the originals thereof;

(b) A list of its members and subscribers; and

(c) The name and address of a resident of this state upon whom notices or orders of the department or process may be served.

(2) Every such advisory organization shall notify the *commission* ~~department~~ promptly of every change in:

(a) Its constitution;

(b) Its articles of incorporation, agreement, or association;

(c) Its bylaws, rules and regulations governing the conduct of its business;

(d) The list of members and subscribers; and

(e) The name and address of the resident of this state designated by it upon whom notices or orders of the *commission* ~~department~~ or process affecting such organization may be served.

(3) No such advisory organization shall engage in any unfair or unreasonable practice with respect to such activities.

Section 56. Subsection (4) of section 627.311, Florida Statutes, is amended to read:

627.311 Joint underwriters and joint reinsurers.—

(4)(a) ~~Effective upon this act becoming a law,~~ The department shall, after consultation with insurers, approve a joint underwriting plan of insurers which shall operate as a nonprofit entity. For the purposes of this subsection, the term "insurer" includes group self-insurance funds authorized by s. 624.4621, commercial self-insurance funds authorized by s. 624.462, assessable mutual insurers authorized under s. 628.6011, and insurers licensed to write workers' compensation and employer's liability insurance in this state. The purpose of the plan is to provide workers' compensation and employer's liability insurance to applicants who are required by law to maintain workers' compensation and employer's liability insurance and who are in good faith entitled to but who are unable to purchase such insurance through the voluntary market. The joint underwriting plan shall issue policies beginning January 1, 1994. The plan must have actuarially sound rates that assure that the plan is self-supporting.

(b) The operation of the plan is subject to the supervision of a 13-member board of governors. The board of governors shall be comprised of:

1. Five of the 20 domestic insurers, as defined in s. 624.06(1), having the largest voluntary direct premiums written in this state for workers' compensation and employer's liability insurance, which shall be elected by those 20 domestic insurers;

2. Five of the 20 foreign insurers as defined in s. 624.06(2) having the largest voluntary direct premiums written in this state for workers' compensation and employer's liability insurance, which shall be elected by those 20 foreign insurers;

3. One person, who shall serve as the chair, appointed by the Insurance Commissioner;

4. One person appointed by the largest property and casualty insurance agents' association in this state; and

5. The consumer advocate appointed under s. 627.0613 or the consumer advocate's designee.

Each board member shall serve a 4-year term and may serve consecutive terms. No board member shall be an insurer which provides service to

the plan or which has an affiliate which provides services to the plan or which is serviced by a service company or third-party administrator which provides services to the plan or which has an affiliate which provides services to the plan. The minutes, audits, and procedures of the board of governors are subject to chapter 119.

(c) The operation of the plan shall be governed by a plan of operation that is prepared at the direction of the board of governors. The plan of operation may be changed at any time by the board of governors or upon request of the department *or commission*. The plan of operation and all changes thereto are subject to the approval of the department, *except that all changes related to rates are subject to approval of the commission*. The plan of operation shall:

1. Authorize the board to engage in the activities necessary to implement this subsection, including, but not limited to, borrowing money.

2. Develop criteria for eligibility for coverage by the plan, including, but not limited to, documented rejection by at least two insurers which reasonably assures that insureds covered under the plan are unable to acquire coverage in the voluntary market. Any insured may voluntarily elect to accept coverage from an insurer for a premium equal to or greater than the plan premium if the insurer writing the coverage adheres to the provisions of s. 627.171.

3. Require notice from the agent to the insured at the time of the application for coverage that the application is for coverage with the plan and that coverage may be available through an insurer, group self-insurers' fund, commercial self-insurance fund, or assessable mutual insurer through another agent at a lower cost.

4. Establish programs to encourage insurers to provide coverage to applicants of the plan in the voluntary market and to insureds of the plan, including, but not limited to:

a. Establishing procedures for an insurer to use in notifying the plan of the insurer's desire to provide coverage to applicants to the plan or existing insureds of the plan and in describing the types of risks in which the insurer is interested. The description of the desired risks must be on a form developed by the plan.

b. Developing forms and procedures that provide an insurer with the information necessary to determine whether the insurer wants to write particular applicants to the plan or insureds of the plan.

c. Developing procedures for notice to the plan and the applicant to the plan or insured of the plan that an insurer will insure the applicant or the insured of the plan, and notice of the cost of the coverage offered; and developing procedures for the selection of an insuring entity by the applicant or insured of the plan.

d. Provide for a market-assistance plan to assist in the placement of employers. All applications for coverage in the plan received 45 days before the effective date for coverage shall be processed through the market-assistance plan. A market-assistance plan specifically designed to serve the needs of small good policyholders as defined by the board must be finalized by January 1, 1994.

5. Provide for policy and claims services to the insureds of the plan of the nature and quality provided for insureds in the voluntary market.

6. Provide for the review of applications for coverage with the plan for reasonableness and accuracy, using any available historic information regarding the insured.

7. Provide for procedures for auditing insureds of the plan which are based on reasonable business judgment and are designed to maximize the likelihood that the plan will collect the appropriate premiums.

8. Authorize the plan to terminate the coverage of and refuse future coverage for any insured that submits a fraudulent application to the plan or provides fraudulent or grossly erroneous records to the plan or to any service provider of the plan in conjunction with the activities of the plan.

9. Establish service standards for agents who submit business to the plan.

10. Establish criteria and procedures to prohibit any agent who does not adhere to the established service standards from placing business with the plan or receiving, directly or indirectly, any commissions for business placed with the plan.

11. Provide for the establishment of reasonable safety programs for all insureds in the plan.

12. Authorize the plan to terminate the coverage of and refuse future coverage to any insured who fails to pay premiums or surcharges when due; who, at the time of application, is delinquent in payments of workers' compensation or employer's liability insurance premiums or surcharges owed to an insurer, group self-insurers' fund, commercial self-insurance fund, or assessable mutual insurer licensed to write such coverage in this state; or who refuses to substantially comply with any safety programs recommended by the plan.

13. Authorize the board of governors to provide the services required by the plan through staff employed by the plan, through reasonably compensated service providers who contract with the plan to provide services as specified by the board of governors, or through a combination of employees and service providers.

14. Provide for service standards for service providers, methods of determining adherence to those service standards, incentives and disincentives for service, and procedures for terminating contracts for service providers that fail to adhere to service standards.

15. Provide procedures for selecting service providers and standards for qualification as a service provider that reasonably assure that any service provider selected will continue to operate as an ongoing concern and is capable of providing the specified services in the manner required.

16. Provide for reasonable accounting and data-reporting practices.

17. Provide for annual review of costs associated with the administration and servicing of the policies issued by the plan to determine alternatives by which costs can be reduced.

18. Authorize the acquisition of such excess insurance or reinsurance as is consistent with the purposes of the plan.

19. Provide for an annual report to the department on a date specified by the department and containing such information as the department reasonably requires.

20. Establish multiple rating plans for various classifications of risk which reflect risk of loss, hazard grade, actual losses, size of premium, and compliance with loss control. At least one of such plans must be a preferred-rating plan to accommodate small-premium policyholders with good experience as defined in sub-subparagraph 22.a.

21. Establish agent commission schedules.

22. Establish three subplans as follows:

a. Subplan “A” must include those insureds whose annual premium does not exceed $2,500 and who have neither incurred any lost-time claims nor incurred medical-only claims exceeding 50 percent of their premium for the immediate 2 years.

b. Subplan “B” must include insureds that are employers identified by the board of governors as high-risk employers due solely to the nature of the operations being performed by those insureds and for whom no market exists in the voluntary market, and whose experience modifications are less than 1.00.

c. Subplan “C” must include all other insureds within the plan.

(d) The plan must be funded through actuarially sound premiums charged to insureds of the plan. The plan may issue assessable policies only to those insureds in subplan “C.” Those assessable policies must be clearly identified as assessable by containing, in contrasting color and in not less than 10-point type, the following statements: “This is an assessable policy. If the plan is unable to pay its obligations, policyholders will be required to contribute on a pro rata earned premium basis the money necessary to meet any assessment levied.” The plan may issue assessable policies with differing terms and conditions to different groups within the plan when a reasonable basis exists for the differentiation. The plan may offer rating, dividend plans, and other plans to encourage loss prevention programs.

(e) The plan shall establish and use its rates and rating plans, and the plan may establish and use changes in rating plans at any time, but no more frequently than two times per any rating class for any calendar year. By December 1, 1993, and December 1 of each year thereafter, the board shall establish and use actuarially sound rates for use by the plan to assure that the plan is self-funding while those rates are in effect. Such rates and rating plans must be filed with the *commission* ~~department~~ within 30 calendar days after their effective dates, and shall be considered a "use and file" filing. Any disapproval by the *commission* ~~department~~ must have an effective date that is at least 60 days from the date of disapproval of the rates and rating plan and must have prospective effect only. The plan may not be subject to any order by the *commission* ~~department~~ to return to policyholders any portion of the rates disapproved by the *commission* ~~department~~. The *commission* ~~department~~ may not disapprove any rates or rating plans unless it demonstrates that such rates and rating plans are excessive, inadequate, or unfairly discriminatory.

(f) No later than June 1 of each year, the plan shall obtain an independent actuarial certification of the results of the operations of the plan for prior years, and shall furnish a copy of the certification to the *commission* ~~department~~. If, after the effective date of the plan, the projected ultimate incurred losses and expenses and dividends for prior years exceed collected premiums, accrued net investment income, and prior assessments for prior years, the certification is subject to review and approval by the *commission* ~~department~~ before it becomes final.

(g) Whenever a deficit exists, the plan shall, within 90 days, provide the department *and the commission* with a program to eliminate the deficit within a reasonable time. The deficit may be funded both through increased premiums charged to insureds of the plan for subsequent years and through assessments on insureds in the plan if the plan uses assessable policies.

(h) Any premium or assessments collected by the plan in excess of the amount necessary to fund projected ultimate incurred losses and expenses of the plan and not paid to insureds of the plan in conjunction with loss prevention or dividend programs shall be retained by the plan for future use.

(i) The decisions of the board of governors do not constitute final agency action and are not subject to chapter 120.

(j) Policies for insureds shall be issued by the plan.

(k) The plan created under this subsection is liable only for payment for losses arising under policies issued by the plan with dates of accidents occurring on or after January 1, 1994.

(l) Plan losses are the sole and exclusive responsibility of the plan, and payment for such losses must be funded in accordance with this subsection and must not come, directly or indirectly, from insurers or any guaranty association for such insurers.

(m) Each joint underwriting plan or association created under this section is not a state agency, board, or commission. However, for the purposes of s. 199.183(1) only, the joint underwriting plan is a political subdivision of the state and is exempt from the corporate income tax.

(n) Each joint underwriting plan or association may elect to pay premium taxes on the premiums received on its behalf or may elect to have the member insurers to whom the premiums are allocated pay the premium taxes if the member insurer had written the policy. The joint underwriting plan or association shall notify the member insurers and the Department of Revenue by January 15 of each year of its election for the same year. As used in this paragraph, the term "premiums received" means the consideration for insurance, by whatever name called, but does not include any policy assessment or surcharge received by the joint underwriting association as a result of apportioning losses or deficits of the association pursuant to this section.

(o) Effective midnight, December 31, 1993, the Florida Workers' Compensation Insurance Plan, administered by the National Council on Compensation Insurance, shall terminate, except with respect to workers' compensation policies issued pursuant to such Florida Workers' Compensation Insurance Plan with inception dates on or before December 31, 1993.

(p) Neither the plan nor any member of the board of governors is liable for monetary damages to any person for any statement, vote, decision, or failure to act, regarding the management or policies of the plan, unless:

1. The member breached or failed to perform her or his duties as a member; and

2. The member's breach of, or failure to perform, duties constitutes:

a. A violation of the criminal law, unless the member had reasonable cause to believe her or his conduct was unlawful. A judgment or other final adjudication against a member in any criminal proceeding for violation of the criminal law estops that member from contesting the fact that her or his breach, or failure to perform, constitutes a violation of the criminal law; but does not estop the member from establishing that she or he had reasonable cause to believe that her or his conduct was lawful or had no reasonable cause to believe that her or his conduct was unlawful;

b. A transaction from which the member derived an improper personal benefit, either directly or indirectly; or

c. Recklessness or any act or omission that was committed in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property. For purposes of this sub-subparagraph, the term "recklessness" means the acting, or omission to act, in conscious disregard of a risk:

(I) Known, or so obvious that it should have been known, to the member; and

(II) Known to the member, or so obvious that it should have been known, to be so great as to make it highly probable that harm would follow from such act or omission.

(q) No insurer shall provide workers' compensation and employer's liability insurance to any person who is delinquent in the payment of premiums, assessments, penalties, or surcharges owed to the plan.

(5) As used in this section and ss. 215.555 and 627.351, the term "collateral protection insurance" means commercial property insurance of which a creditor is the primary beneficiary and policyholder and which protects or covers an interest of the creditor arising out of a credit transaction secured by real or personal property. Initiation of such coverage is triggered by the mortgagor's failure to maintain insurance coverage as required by the mortgage or other lending document. Collateral protection insurance is not residential coverage.

Section 57. Subsection (6) of section 627.314, Florida Statutes, is amended to read:

627.314 Concerted action by two or more insurers.—

(6) Notwithstanding any other provisions of this part, insurers shall not participate directly or indirectly in the deliberations or decisions of rating organizations on private passenger automobile insurance. However, such rating organizations shall, upon request of individual insurers, be required to furnish at reasonable cost the rate indications resulting from the loss and expense statistics gathered by them. Individual insurers may modify the indications to reflect their individual experience in determining their own rates. Such rates shall be filed with the *commission* ~~department~~ for public inspection whenever requested and shall be available for public announcement only by the press, *commission* ~~department~~, or insurer.

Section 58. Section 627.331, Florida Statutes, is amended to read:

627.331 Recording and reporting of loss, expense, and claims experience; rating information.—

(1) The *commission* ~~department~~ may *adopt* ~~promulgate~~ rules and statistical plans which shall thereafter be used by each insurer in the recording and reporting of its loss, expense, and claims experience, in order that the experience of all insurers may be made available at least annually in such form and detail as may be necessary to aid the department in determining whether the insurer's activities comply with the applicable standards of this code.

(2) In *adopting* ~~promulgating~~ such rules and plans, the *commission* ~~department~~ shall give due consideration to the rating systems in use in this state and, in order that such rules and plans may be as uniform as is practicable among the several states, to the rules and to the form of the plans used for such rating systems in other states. No insurer shall be required to record or report its loss experience on a classification basis that is inconsistent with the rating system used by it, except for motor vehicle insurance as otherwise provided by law.

(3) The *commission* ~~department~~ may designate one or more rating organizations or other agencies to assist it in gathering such experience and making compilations thereof; and such compilations shall be made available, subject to reasonable rules *adopted* ~~promulgated~~ by the *commission* ~~department~~, to insurers and rating organizations.

Section 59. Subsections (1), (2), (4), (5), and (6) of section 627.351, Florida Statutes, are amended to read:

627.351 Insurance risk apportionment plans.—

(1) MOTOR VEHICLE INSURANCE RISK APPORTIONMENT.—Agreements may be made among casualty and surety insurers with respect to the equitable apportionment among them of insurance which may be afforded applicants who are in good faith entitled to, but are unable to, procure such insurance through ordinary methods, and such insurers may agree among themselves on the use of reasonable rate modifications for such insurance. Such agreements and rate modifications shall be subject to the approval of the department. The department shall, after consultation with the insurers licensed to write automobile liability insurance in this state, adopt a reasonable plan or plans for the equitable apportionment among such insurers of applicants for such insurance who are in good faith entitled to, but are unable to, procure such insurance through ordinary methods, and, when such plan has been adopted, all such insurers shall subscribe thereto and shall participate therein. Such plan or plans shall include rules for classification of risks and rates therefor. The plan or plans shall make available noncancelable coverage as provided in s. 627.7275(2). Any insured placed with the plan shall be notified of the fact that insurance coverage is being afforded through the plan and not through the private market, and such notification shall be given in writing within 10 days of such placement. To assure that plan rates are made adequate to pay claims and expenses, insurers shall develop a means of obtaining loss and expense experience at least annually, and the plan shall file such experience, when available, with the *commission* ~~department~~ in sufficient detail to make a determination of rate adequacy. Prior to the filing of such experience with the *commission* ~~department~~, the plan shall poll each member insurer as to the need for an actuary who is a member of the Casualty Actuarial Society and who is not affiliated with the plan's statistical agent to certify the plan's rate adequacy. If a majority of those insurers responding indicate a need for such certification, the plan shall include the certification as part of its experience filing. Such experience shall be filed with the *commission* ~~department~~ not more than 9 months following the end of the annual statistical period under review, together with a rate filing based on *that* ~~said~~ experience. The *commission* ~~department~~ shall initiate proceedings to disapprove the rate and so notify the plan or shall finalize its review within 60 days *after* ~~of~~ receipt of the filing. Notification to the plan by the *commission* ~~department~~ of its preliminary findings, which include a point of entry to the plan pursuant to chapter 120, shall toll the 60-day period during any such proceedings and subsequent judicial review. The rate shall be deemed approved if the *commission* ~~department~~ does not issue notice to the plan of its preliminary findings within 60 days of the filing. In addition to provisions for claims and expenses, the ratemaking formula shall include a factor for projected claims trending and 5 percent for contingencies. In no instance shall the formula include a renewal discount for plan insureds. However, the plan shall reunderwrite each insured on an annual basis, based upon all applicable rating factors approved by the department. Trend factors shall not be found to be inappropriate if not in excess of trend factors normally used in the development of residual market rates by the appropriate licensed rating organization. Each application for coverage in the plan shall include, in boldfaced 12-point type immediately preceding the applicant's signature, the following statement:

"THIS INSURANCE IS BEING AFFORDED THROUGH THE FLORIDA JOINT UNDERWRITING ASSOCIATION AND NOT THROUGH THE PRIVATE MARKET. PLEASE BE ADVISED THAT COVERAGE WITH A PRIVATE INSURER MAY BE AVAILABLE FROM ANOTHER AGENT AT A LOWER COST. AGENT AND COMPANY LISTINGS ARE AVAILABLE IN THE LOCAL YELLOW PAGES."

The plan shall annually report to the *commission* ~~department~~ the number and percentage of plan insureds who are not surcharged due to their driving record.

(2) WINDSTORM INSURANCE RISK APPORTIONMENT.—

(a) Agreements may be made among property insurers with respect to the equitable apportionment among them of insurance which may be afforded applicants who are in good faith entitled to, but are unable to procure, such insurance through ordinary methods; and such insurers may agree among themselves on the use of reasonable rate modifications for such insurance. Such agreements and rate modifications shall be subject to the applicable provisions of this chapter.

(b) The department shall require all insurers holding a certificate of authority to transact property insurance on a direct basis in this state, other than joint underwriting associations and other entities formed pursuant to this section, to provide windstorm coverage to applicants from areas determined to be eligible pursuant to paragraph (c) who in good faith are entitled to, but are unable to procure, such coverage through ordinary means; or it shall adopt a reasonable plan or plans for the equitable apportionment or sharing among such insurers of windstorm coverage, which may include formation of an association for this purpose. As used in this subsection, the term "property insurance" means insurance on real or personal property, as defined in s. 624.604, including insurance for fire, industrial fire, allied lines, farmowners multiperil, homeowners' multiperil, commercial multiperil, and mobile homes, and including liability coverages on all such insurance, but excluding inland marine as defined in s. 624.607(3) and excluding vehicle insurance as defined in s. 624.605(1)(a) other than insurance on mobile homes used as permanent dwellings. The department shall adopt rules that provide a formula for the recovery and repayment of any deferred assessments.

1. For the purpose of this section, properties eligible for such windstorm coverage are defined as dwellings, buildings, and other structures, including mobile homes which are used as dwellings and which are tied down in compliance with mobile home tie-down requirements prescribed by the Department of Highway Safety and Motor Vehicles pursuant to s. 320.8325, and the contents of all such properties. An applicant or policyholder is eligible for coverage only if an offer of coverage cannot be obtained by or for the applicant or policyholder from an admitted insurer at approved rates.

2.a.(I) All insurers required to be members of such association shall participate in its writings, expenses, and losses. Surplus of the association shall be retained for the payment of claims and shall not be distributed to the member insurers. Such participation by member insurers shall be in the proportion that the net direct premiums of each member insurer written for property insurance in this state during the preceding calendar year bear to the aggregate net direct premiums for property insurance of all member insurers, as reduced by any credits for voluntary writings, in this state during the preceding calendar year. For the purposes of this subsection, the term "net direct premiums" means direct written premiums for property insurance, reduced by premium for liability coverage and for the following if included in allied lines: rain and hail on growing crops; livestock; association direct premiums booked; National Flood Insurance Program direct premiums; and similar deductions specifically authorized by the plan of operation and approved by the department. A member's participation shall begin on the first day of the calendar year following the year in which it is issued a certificate of authority to transact property insurance in the state and shall terminate 1 year after the end of the calendar year during which it no longer holds a certificate of authority to transact property insurance in the state. The commissioner, after review of annual statements, other reports, and any other statistics that the commissioner deems necessary, shall certify to the association the aggregate direct premiums written for property insurance in this state by all member insurers.

(II) The plan of operation shall provide for a board of directors consisting of the Insurance Consumer Advocate appointed under s. 627.0613, 1 consumer representative appointed by the Insurance Commissioner, 1 consumer representative appointed by the Governor, and 12 additional members appointed as specified in the plan of operation. One of the 12 additional members shall be elected by the domestic companies of this state on the basis of cumulative weighted voting based on the net

direct premiums of domestic companies in this state. Nothing in the 1997 amendments to this paragraph terminates the existing board or the terms of any members of the board.

(III) The plan of operation shall provide a formula whereby a company voluntarily providing windstorm coverage in affected areas will be relieved wholly or partially from apportionment of a regular assessment pursuant to sub-sub-subparagraph d.(I) or sub-sub-subparagraph d.(II).

(IV) A company which is a member of a group of companies under common management may elect to have its credits applied on a group basis, and any company or group may elect to have its credits applied to any other company or group.

(V) There shall be no credits or relief from apportionment to a company for emergency assessments collected from its policyholders under sub-sub-subparagraph d.(III).

(VI) The plan of operation may also provide for the award of credits, for a period not to exceed 3 years, from a regular assessment pursuant to sub-sub-subparagraph d.(I) or sub-sub-subparagraph d.(II) as an incentive for taking policies out of the Residential Property and Casualty Joint Underwriting Association. In order to qualify for the exemption under this sub-sub-subparagraph, the take-out plan must provide that at least 40 percent of the policies removed from the Residential Property and Casualty Joint Underwriting Association cover risks located in Dade, Broward, and Palm Beach Counties or at least 30 percent of the policies so removed cover risks located in Dade, Broward, and Palm Beach Counties and an additional 50 percent of the policies so removed cover risks located in other coastal counties, and must also provide that no more than 15 percent of the policies so removed may exclude windstorm coverage. With the approval of the department, the association may waive these geographic criteria for a take-out plan that removes at least the lesser of 100,000 Residential Property and Casualty Joint Underwriting Association policies or 15 percent of the total number of Residential Property and Casualty Joint Underwriting Association policies, provided the governing board of the Residential Property and Casualty Joint Underwriting Association certifies that the take-out plan will materially reduce the Residential Property and Casualty Joint Underwriting Association's 100-year probable maximum loss from hurricanes. With the approval of the department, the board may extend such credits for an additional year if the insurer guarantees an additional year of renewability for all policies removed from the Residential Property and Casualty Joint Underwriting Association, or for 2 additional years if the insurer guarantees 2 additional years of renewability for all policies removed from the Residential Property and Casualty Joint Underwriting Association.

b. Assessments to pay deficits in the association under this subparagraph shall be included as an appropriate factor in the making of rates as provided in s. 627.3512.

c. The Legislature finds that the potential for unlimited deficit assessments under this subparagraph may induce insurers to attempt to reduce their writings in the voluntary market, and that such actions would worsen the availability problems that the association was created to remedy. It is the intent of the Legislature that insurers remain fully responsible for paying regular assessments and collecting emergency assessments for any deficits of the association; however, it is also the intent of the Legislature to provide a means by which assessment liabilities may be amortized over a period of years.

d.(I) When the deficit incurred in a particular calendar year is 10 percent or less of the aggregate statewide direct written premium for property insurance for the prior calendar year for all member insurers, the association shall levy an assessment on member insurers in an amount equal to the deficit.

(II) When the deficit incurred in a particular calendar year exceeds 10 percent of the aggregate statewide direct written premium for property insurance for the prior calendar year for all member insurers, the association shall levy an assessment on member insurers in an amount equal to the greater of 10 percent of the deficit or 10 percent of the aggregate statewide direct written premium for property insurance for the prior calendar year for member insurers. Any remaining deficit shall be recovered through emergency assessments under sub-sub-subparagraph (III).

(III) Upon a determination by the board of directors that a deficit exceeds the amount that will be recovered through regular assessments on member insurers, pursuant to sub-sub-subparagraph (I) or sub-sub-subparagraph (II), the board shall levy, after verification by the department, emergency assessments to be collected by member insurers and by underwriting associations created pursuant to this section which write property insurance, upon issuance or renewal of property insurance policies other than National Flood Insurance policies in the year or years following levy of the regular assessments. The amount of the emergency assessment collected in a particular year shall be a uniform percentage of that year's direct written premium for property insurance for all member insurers and underwriting associations, excluding National Flood Insurance policy premiums, as annually determined by the board and verified by the department. The department shall verify the arithmetic calculations involved in the board's determination within 30 days after receipt of the information on which the determination was based. Notwithstanding any other provision of law, each member insurer and each underwriting association created pursuant to this section shall collect emergency assessments from its policyholders without such obligation being affected by any credit, limitation, exemption, or deferment. The emergency assessments so collected shall be transferred directly to the association on a periodic basis as determined by the association. The aggregate amount of emergency assessments levied under this sub-sub-subparagraph in any calendar year may not exceed the greater of 10 percent of the amount needed to cover the original deficit, plus interest, fees, commissions, required reserves, and other costs associated with financing of the original deficit, or 10 percent of the aggregate statewide direct written premium for property insurance written by member insurers and underwriting associations for the prior year, plus interest, fees, commissions, required reserves, and other costs associated with financing the original deficit. The board may pledge the proceeds of the emergency assessments under this sub-sub-subparagraph as the source of revenue for bonds, to retire any other debt incurred as a result of the deficit or events giving rise to the deficit, or in any other way that the board determines will efficiently recover the deficit. The emergency assessments under this sub-sub-subparagraph shall continue as long as any bonds issued or other indebtedness incurred with respect to a deficit for which the assessment was imposed remain outstanding, unless adequate provision has been made for the payment of such bonds or other indebtedness pursuant to the document governing such bonds or other indebtedness. Emergency assessments collected under this sub-sub-subparagraph are not part of an insurer's rates, are not premium, and are not subject to premium tax, fees, or commissions; however, failure to pay the emergency assessment shall be treated as failure to pay premium.

(IV) Each member insurer's share of the total regular assessments under sub-sub-subparagraph (I) or sub-sub-subparagraph (II) shall be in the proportion that the insurer's net direct premium for property insurance in this state, for the year preceding the assessment bears to the aggregate statewide net direct premium for property insurance of all member insurers, as reduced by any credits for voluntary writings for that year.

(V) If regular deficit assessments are made under sub-sub-subparagraph (I) or sub-sub-subparagraph (II), or by the Residential Property and Casualty Joint Underwriting Association under sub-subparagraph (6)(b)3.a. or sub-subparagraph (6)(b)3.b., the association shall levy upon the association's policyholders, as part of its next rate filing, or by a separate rate filing solely for this purpose, a market equalization surcharge in a percentage equal to the total amount of such regular assessments divided by the aggregate statewide direct written premium for property insurance for member insurers for the prior calendar year. Market equalization surcharges under this sub-sub-subparagraph are not considered premium and are not subject to commissions, fees, or premium taxes; however, failure to pay a market equalization surcharge shall be treated as failure to pay premium.

e. The governing body of any unit of local government, any residents of which are insured under the plan, may issue bonds as defined in s. 125.013 or s. 166.101 to fund an assistance program, in conjunction with the association, for the purpose of defraying deficits of the association. In order to avoid needless and indiscriminate proliferation, duplication, and fragmentation of such assistance programs, any unit of local government, any residents of which are insured by the association, may provide for the payment of losses, regardless of whether or not the losses occurred within or outside of the territorial jurisdiction of the local government. Revenue bonds may not be issued until validated pursuant to

chapter 75, unless a state of emergency is declared by executive order or proclamation of the Governor pursuant to s. 252.36 making such findings as are necessary to determine that it is in the best interests of, and necessary for, the protection of the public health, safety, and general welfare of residents of this state and the protection and preservation of the economic stability of insurers operating in this state, and declaring it an essential public purpose to permit certain municipalities or counties to issue bonds as will provide relief to claimants and policyholders of the association and insurers responsible for apportionment of plan losses. Any such unit of local government may enter into such contracts with the association and with any other entity created pursuant to this subsection as are necessary to carry out this paragraph. Any bonds issued under this sub-subparagraph shall be payable from and secured by moneys received by the association from assessments under this subparagraph, and assigned and pledged to or on behalf of the unit of local government for the benefit of the holders of such bonds. The funds, credit, property, and taxing power of the state or of the unit of local government shall not be pledged for the payment of such bonds. If any of the bonds remain unsold 60 days after issuance, the department shall require all insurers subject to assessment to purchase the bonds, which shall be treated as admitted assets; each insurer shall be required to purchase that percentage of the unsold portion of the bond issue that equals the insurer's relative share of assessment liability under this subsection. An insurer shall not be required to purchase the bonds to the extent that the department determines that the purchase would endanger or impair the solvency of the insurer. The authority granted by this sub-subparagraph is additional to any bonding authority granted by subparagraph 6.

3. The plan shall also provide that any member with a surplus as to policyholders of $20 million or less writing 25 percent or more of its total countrywide property insurance premiums in this state may petition the department, within the first 90 days of each calendar year, to qualify as a limited apportionment company. The apportionment of such a member company in any calendar year for which it is qualified shall not exceed its gross participation, which shall not be affected by the formula for voluntary writings. In no event shall a limited apportionment company be required to participate in any apportionment of losses pursuant to sub-sub-subparagraph 2.d.(I) or sub-sub-subparagraph 2.d.(II) in the aggregate which exceeds $50 million after payment of available plan funds in any calendar year. However, a limited apportionment company shall collect from its policyholders any emergency assessment imposed under sub-sub-subparagraph 2.d.(III). The plan shall provide that, if the department determines that any regular assessment will result in an impairment of the surplus of a limited apportionment company, the department may direct that all or part of such assessment be deferred. However, there shall be no limitation or deferment of an emergency assessment to be collected from policyholders under sub-sub-subparagraph 2.d.(III).

4. The plan shall provide for the deferment, in whole or in part, of a regular assessment of a member insurer under sub-sub-subparagraph 2.d.(I) or sub-sub-subparagraph 2.d.(II), but not for an emergency assessment collected from policyholders under sub-sub-subparagraph 2.d.(III), if, in the opinion of the commissioner, payment of such regular assessment would endanger or impair the solvency of the member insurer. In the event a regular assessment against a member insurer is deferred in whole or in part, the amount by which such assessment is deferred may be assessed against the other member insurers in a manner consistent with the basis for assessments set forth in sub-sub-subparagraph 2.d.(I) or sub-sub-subparagraph 2.d.(II).

5.a. The plan of operation may include deductibles and rules for classification of risks and rate modifications consistent with the objective of providing and maintaining funds sufficient to pay catastrophe losses.

b. ~~The association may require arbitration of a rate filing under s. 627.062(6).~~ It is the intent of the Legislature that the rates for coverage provided by the association be actuarially sound and not competitive with approved rates charged in the admitted voluntary market such that the association functions as a residual market mechanism to provide insurance only when the insurance cannot be procured in the voluntary market. The plan of operation shall provide a mechanism to assure that, beginning no later than January 1, 1999, the rates charged by the association for each line of business are reflective of approved rates in the voluntary market for hurricane coverage for each line of business in the various areas eligible for association coverage.

c. The association shall provide for windstorm coverage on residential properties in limits up to $10 million for commercial lines residential risks and up to $1 million for personal lines residential risks. If coverage with the association is sought for a residential risk valued in excess of these limits, coverage shall be available to the risk up to the replacement cost or actual cash value of the property, at the option of the insured, if coverage for the risk cannot be located in the authorized market. The association must accept a commercial lines residential risk with limits above $10 million or a personal lines residential risk with limits above $1 million if coverage is not available in the authorized market. The association may write coverage above the limits specified in this subparagraph with or without facultative or other reinsurance coverage, as the association determines appropriate.

d. The plan of operation must provide objective criteria and procedures, approved by the department, to be uniformly applied for all applicants in determining whether an individual risk is so hazardous as to be uninsurable. In making this determination and in establishing the criteria and procedures, the following shall be considered:

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

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

The acceptance or rejection of a risk by the association pursuant to such criteria and procedures must be construed as the private placement of insurance, and the provisions of chapter 120 do not apply.

e. The policies issued by the association must provide that if the association obtains an offer from an authorized insurer to cover the risk at its approved rates under either a standard policy including wind coverage or, if consistent with the insurer's underwriting rules as filed with the department, a basic policy including wind coverage, the risk is no longer eligible for coverage through the association. Upon termination of eligibility, the association shall provide written notice to the policyholder and agent of record stating that the association policy must be canceled as of 60 days after the date of the notice because of the offer of coverage from an authorized insurer. Other provisions of the insurance code relating to cancellation and notice of cancellation do not apply to actions under this sub-subparagraph.

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

6.a. The plan of operation may authorize the formation of a private nonprofit corporation, a private nonprofit unincorporated association, a partnership, a trust, a limited liability company, or a nonprofit mutual company which may be empowered, among other things, to borrow money by issuing bonds or by incurring other indebtedness and to accumulate reserves or funds to be used for the payment of insured catastrophe losses. The plan may authorize all actions necessary to facilitate the issuance of bonds, including the pledging of assessments or other revenues.

b. Any entity created under this subsection, or any entity formed for the purposes of this subsection, may sue and be sued, may borrow money; issue bonds, notes, or debt instruments; pledge or sell assessments, market equalization surcharges and other surcharges, rights, premiums, contractual rights, projected recoveries from the Florida Hurricane Catastrophe Fund, other reinsurance recoverables, and other assets as security for such bonds, notes, or debt instruments; enter into any contracts or agreements necessary or proper to accomplish such borrowings; and take other actions necessary to carry out the purposes of this subsection. The association may issue bonds or incur other indebtedness, or have bonds issued on its behalf by a unit of local government pursuant to subparagraph (g)2., in the absence of a hurricane or other weather-related event, upon a determination by the association subject to approval by the department that such action would enable it to efficiently meet the financial obligations of the association and that such financings are reasonably necessary to effectuate the requirements of this subsection. Any such entity may accumulate reserves and retain surpluses as of the end of any association year to provide for the payment of losses incurred by the association during that year or any future year.

The association shall incorporate and continue the plan of operation and articles of agreement in effect on the effective date of chapter 76-96, Laws of Florida, to the extent that it is not inconsistent with chapter 76-96, and as subsequently modified consistent with chapter 76-96. The board of directors and officers currently serving shall continue to serve until their successors are duly qualified as provided under the plan. The assets and obligations of the plan in effect immediately prior to the effective date of chapter 76-96 shall be construed to be the assets and obligations of the successor plan created herein.

c. In recognition of s. 10, Art. I of the State Constitution, prohibiting the impairment of obligations of contracts, it is the intent of the Legislature that no action be taken whose purpose is to impair any bond indenture or financing agreement or any revenue source committed by contract to such bond or other indebtedness issued or incurred by the association or any other entity created under this subsection.

7. On such coverage, an agent's remuneration shall be that amount of money payable to the agent by the terms of his or her contract with the company with which the business is placed. However, no commission will be paid on that portion of the premium which is in excess of the standard premium of that company.

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

9. Notwithstanding any other provision of law:

a. The pledge or sale of, the lien upon, and the security interest in any rights, revenues, or other assets of the association created or purported to be created pursuant to any financing documents to secure any bonds or other indebtedness of the association shall be and remain valid and enforceable, notwithstanding the commencement of and during the continuation of, and after, any rehabilitation, insolvency, liquidation, bankruptcy, receivership, conservatorship, reorganization, or similar proceeding against the association under the laws of this state or any other applicable laws.

b. No such proceeding shall relieve the association of its obligation, or otherwise affect its ability to perform its obligation, to continue to collect, or levy and collect, assessments, market equalization or other surcharges, projected recoveries from the Florida Hurricane Catastrophe Fund, reinsurance recoverables, or any other rights, revenues, or other assets of the association pledged.

c. Each such pledge or sale of, lien upon, and security interest in, including the priority of such pledge, lien, or security interest, any such assessments, emergency assessments, market equalization or renewal surcharges, projected recoveries from the Florida Hurricane Catastrophe Fund, reinsurance recoverables, or other rights, revenues, or other assets which are collected, or levied and collected, after the commencement of and during the pendency of or after any such proceeding shall continue unaffected by such proceeding.

d. As used in this subsection, the term "financing documents" means any agreement, instrument, or other document now existing or hereafter created evidencing any bonds or other indebtedness of the association or pursuant to which any such bonds or other indebtedness has been or may be issued and pursuant to which any rights, revenues, or other assets of the association are pledged or sold to secure the repayment of such bonds or indebtedness, together with the payment of interest on such bonds or such indebtedness, or the payment of any other obligation of the association related to such bonds or indebtedness.

e. Any such pledge or sale of assessments, revenues, contract rights or other rights or assets of the association shall constitute a lien and security interest, or sale, as the case may be, that is immediately effective and attaches to such assessments, revenues, contract, or other rights or assets, whether or not imposed or collected at the time the pledge or sale is made. Any such pledge or sale is effective, valid, binding, and enforceable against the association or other entity making such pledge or sale, and valid and binding against and superior to any competing claims or obligations owed to any other person or entity, including policyholders in this state, asserting rights in any such assessments, revenues, contract, or other rights or assets to the extent set forth in and in accordance with the terms of the pledge or sale contained in the applicable financing documents, whether or not any such person or entity has notice of such pledge or sale and without the need for any physical delivery, recordation, filing, or other action.

f. There shall be no liability on the part of, and no cause of action of any nature shall arise against, any member insurer or its agents or employees, agents or employees of the association, members of the board of directors of the association, or the department or its representatives, for any action taken by them in the performance of their duties or responsibilities under this subsection. Such immunity does not apply to actions for breach of any contract or agreement pertaining to insurance, or any willful tort.

(c) The provisions of paragraph (b) are applicable only with respect to:

1. Those areas that were eligible for coverage under this subsection on April 9, 1993; or

2. Any county or area as to which the department, after public hearing, finds that the following criteria exist:

a. Due to the lack of windstorm insurance coverage in the county or area so affected, economic growth and development is being deterred or otherwise stifled in such county or area, mortgages are in default, and financial institutions are unable to make loans;

b. The county or area so affected has adopted and is enforcing the structural requirements of the State Minimum Building Codes, as defined in s. 553.73, for new construction and has included adequate minimum floor elevation requirements for structures in areas subject to inundation; and

c. Extending windstorm insurance coverage to such county or area is consistent with and will implement and further the policies and objectives set forth in applicable state laws, rules, and regulations governing coastal management, coastal construction, comprehensive planning, beach and shore preservation, barrier island preservation, coastal zone protection, and the Coastal Zone Protection Act of 1985.

Any time after the department has determined that the criteria referred to in this subparagraph do not exist with respect to any county or area of the state, it may, after a subsequent public hearing, declare that such county or area is no longer eligible for windstorm coverage through the plan.

(d) For the purpose of evaluating whether the criteria of paragraph (c) are met, such criteria shall be applied as the situation would exist if policies had not been written by the Florida Residential Property and Casualty Joint Underwriting Association and property insurance for such policyholders was not available.

(e) Notwithstanding the provisions of subparagraph (c)2. or paragraph (d), eligibility shall not be extended to any area that was not eligible on March 1, 1997, except that the department may act with respect to any petition on which a hearing was held prior to May 9, 1997.

(4) MEDICAL MALPRACTICE RISK APPORTIONMENT.—

(a) The department shall, after consultation with insurers as set forth in paragraph (b), adopt a joint underwriting plan as set forth in paragraph (d).

(b) Entities licensed to issue casualty insurance as defined in s. 624.605(1)(b), (k), and (q) and self-insurers authorized to issue medical malpractice insurance under s. 627.357 shall participate in the plan and shall be members of the Joint Underwriting Association.

(c) The Joint Underwriting Association shall operate subject to the supervision and approval of a board of governors consisting of represent-

atives of five of the insurers participating in the Joint Underwriting Association, an attorney to be named by The Florida Bar, a physician to be named by the Florida Medical Association, a dentist to be named by the Florida Dental Association, and a hospital representative to be named by the Florida Hospital Association. The board of governors shall choose, during the first meeting of the board after June 30 of each year, one of its members to serve as chair of the board and another member to serve as vice chair of the board. There shall be no liability on the part of, and no cause of action of any nature shall arise against, any member insurer, self-insurer, or its agents or employees, the Joint Underwriting Association or its agents or employees, members of the board of governors, or the department or its representatives for any action taken by them in the performance of their powers and duties under this subsection.

(d) The plan shall provide coverage for claims arising out of the rendering of, or failure to render, medical care or services and, in the case of health care facilities, coverage for bodily injury or property damage to the person or property of any patient arising out of the insured's activities, in appropriate policy forms for all health care providers as defined in paragraph (h). The plan shall include, but shall not be limited to:

1. Classifications of risks and rates which reflect past and prospective loss and expense experience in different areas of practice and in different geographical areas. To assure that plan rates are adequate to pay claims and expenses, the Joint Underwriting Association shall develop a means of obtaining loss and expense experience; and the plan shall file such experience, when available, with the *commission* ~~department~~ in sufficient detail to make a determination of rate adequacy. Within 60 days after a rate filing, the *commission* ~~department~~ shall approve such rates or rate revisions as are fully supported by the filing. In addition to provisions for claims and expenses, the ratemaking formula may include a factor for projected claims trending and a margin for contingencies. The use of trend factors shall not be found to be inappropriate.

2. A rating plan which reasonably recognizes the prior claims experience of insureds.

3. Provisions as to rates for:

a. Insureds who are retired or semiretired.

b. The estates of deceased insureds.

c. Part-time professionals.

4. Protection in an amount not to exceed $250,000 per claim, $750,000 annual aggregate for health care providers other than hospitals and in an amount not to exceed $1.5 million per claim, $5 million annual aggregate for hospitals. Such coverage for health care providers other than hospitals shall be available as primary coverage and as excess coverage for the layer of coverage between the primary coverage and the total limits of $250,000 per claim, $750,000 annual aggregate. The plan shall also provide tail coverage in these amounts to insureds whose claims-made coverage with another insurer or trust has or will be terminated. Such tail coverage shall provide coverage for incidents that occurred during the claims-made policy period for which a claim is made after the policy period.

5. A risk management program for insureds of the association. This program shall include, but not be limited to: investigation and analysis of frequency, severity, and causes of adverse or untoward medical injuries; development of measures to control these injuries; systematic reporting of medical incidents; investigation and analysis of patient complaints; and auditing of association members to assure implementation of this program. The plan may refuse to insure any insured who refuses or fails to comply with the risk management program implemented by the association. Prior to cancellation or refusal to renew an insured, the association shall provide the insured 60 days' notice of intent to cancel or nonrenew and shall further notify the insured of any action which must be taken to be in compliance with the risk management program.

(e) In the event an underwriting deficit exists for any policy year the plan is in effect, any surplus which has accrued from previous years and is not projected within reasonable actuarial certainty to be needed for payment of claims in the year the surplus arose shall be used to offset the deficit to the extent available.

1. As to remaining deficit, except those relating to deficit assessment coverage, each policyholder shall pay to the association a premium contingency assessment not to exceed one-third of the premium payment paid by such policyholder to the association for that policy year. The association shall pay no further claims on any policy for the policyholder who fails to pay the premium contingency assessment.

2. If there is any remaining deficit under the plan after maximum collection of the premium contingency assessment, such deficit shall be recovered from the companies participating in the plan in the proportion that the net direct premiums of each such member written during the calendar year immediately preceding the end of the policy year for which there is a deficit assessment bear to the aggregate net direct premiums written in this state by all members of the association. The term "premiums" as used herein means premiums for the lines of insurance defined in s. 624.605(1)(b), (k), and (q), including premiums for such coverage issued under package policies.

(f) The plan shall provide for one or more insurers able and willing to provide policy service through licensed resident agents and claims service on behalf of all other insurers participating in the plan. In the event no insurer is able and willing to provide such services, the Joint Underwriting Association is authorized to perform any and all such services.

(g) All books, records, documents, or audits relating to the Joint Underwriting Association or its operation shall be open to public inspection, except that a claim file in the possession of the Joint Underwriting Association is confidential and exempt from the provisions of s. 119.07(1) during the processing of that claim. Any information contained in these files that identifies an injured person is confidential and exempt from the provisions of s. 119.07(1).

(h) As used in this subsection:

1. "Health care provider" means hospitals licensed under chapter 395; physicians licensed under chapter 458; osteopathic physicians licensed under chapter 459; podiatric physicians licensed under chapter 461; dentists licensed under chapter 466; chiropractic physicians licensed under chapter 460; naturopaths licensed under chapter 462; nurses licensed under chapter 464; midwives licensed under chapter 467; clinical laboratories registered under chapter 483; physician assistants licensed under chapter 458 or chapter 459; physical therapists and physical therapist assistants licensed under chapter 486; health maintenance organizations certificated under part I of chapter 641; ambulatory surgical centers licensed under chapter 395; other medical facilities as defined in subparagraph 2.; blood banks, plasma centers, industrial clinics, and renal dialysis facilities; or professional associations, partnerships, corporations, joint ventures, or other associations for professional activity by health care providers.

2. "Other medical facility" means a facility the primary purpose of which is to provide human medical diagnostic services or a facility providing nonsurgical human medical treatment, to which facility the patient is admitted and from which facility the patient is discharged within the same working day, and which facility is not part of a hospital. However, a facility existing for the primary purpose of performing terminations of pregnancy or an office maintained by a physician or dentist for the practice of medicine shall not be construed to be an "other medical facility."

3. "Health care facility" means any hospital licensed under chapter 395, health maintenance organization certificated under part I of chapter 641, ambulatory surgical center licensed under chapter 395, or other medical facility as defined in subparagraph 2.

(i) The manager of the plan or the manager's assistant is the agent for service of process for the plan.

(5) PROPERTY AND CASUALTY INSURANCE RISK APPORTIONMENT.—The department shall adopt by rule a joint underwriting plan to equitably apportion among insurers authorized in this state to write property insurance as defined in s. 624.604 or casualty insurance as defined in s. 624.605, the underwriting of one or more classes of property insurance or casualty insurance, except for the types of insurance that are included within property insurance or casualty insurance for which an equitable apportionment plan, assigned risk plan, or joint underwriting plan is authorized under s. 627.311 or subsection (1), subsection (2), subsection (3), subsection (4), or subsection (6) and except for

risks eligible for flood insurance written through the federal flood insurance program to persons with risks eligible under subparagraph (a)1. and who are in good faith entitled to, but are unable to, obtain such property or casualty insurance coverage, including excess coverage, through the voluntary market. For purposes of this subsection, an adequate level of coverage means that coverage which is required by state law or by responsible or prudent business practices. The Joint Underwriting Association shall not be required to provide coverage for any type of risk for which there are no insurers providing similar coverage in this state. The department may designate one or more participating insurers who agree to provide policyholder and claims service, including the issuance of policies, on behalf of the participating insurers.

(a) The plan shall provide:

1. A means of establishing eligibility of a risk for obtaining insurance through the plan, which provides that:

a. A risk shall be eligible for such property insurance or casualty insurance as is required by Florida law if the insurance is unavailable in the voluntary market, including the market assistance program and the surplus lines market.

b. A commercial risk not eligible under sub-subparagraph a. shall be eligible for property or casualty insurance if:

(I) The insurance is unavailable in the voluntary market, including the market assistance plan and the surplus lines market;

(II) Failure to secure the insurance would substantially impair the ability of the entity to conduct its affairs; and

(III) The risk is not determined by the Risk Underwriting Committee to be uninsurable.

c. In the event the Federal Government terminates the Federal Crime Insurance Program established under 44 C.F.R. ss. 80-83, Florida commercial and residential risks previously insured under the federal program shall be eligible under the plan.

d.(I) In the event a risk is eligible under this paragraph and in the event the market assistance plan receives a minimum of 100 applications for coverage within a 3-month period, or 200 applications for coverage within a 1-year period or less, for a given class of risk contained in the classification system defined in the plan of operation of the Joint Underwriting Association, and unless the market assistance plan provides a quotation for at least 80 percent of such applicants, such classification shall immediately be eligible for coverage in the Joint Underwriting Association.

(II) Any market assistance plan application which is rejected because an individual risk is so hazardous as to be practically uninsurable, considering whether the likelihood of a loss for such a risk is substantially higher than for other risks of the same class due to individual risk characteristics, prior loss experience, unwillingness to cooperate with a prior insurer, physical characteristics and physical location shall not be included in the minimum percentage calculation provided above. In the event that there is any legal or administrative challenge to a determination by the department that the conditions of this subparagraph have been met for eligibility for coverage in the Joint Underwriting Association for a given classification, any eligible risk may obtain coverage during the pendency of any such challenge.

e. In order to qualify as a quotation for the purpose of meeting the minimum percentage calculation in this subparagraph, the quoted premium must meet the following criteria:

(I) In the case of an admitted carrier, the quoted premium must not exceed the premium available for a given classification currently in use by the Joint Underwriting Association or the premium developed by using the rates and rating plans on file with the department by the quoting insurer, whichever is greater.

(II) In the case of an authorized surplus lines insurer, the quoted premium must not exceed the premium available for a given classification currently in use by the Joint Underwriting Association by more than 25 percent, after consideration of any individual risk surcharge or credit.

f. Any agent who falsely certifies the unavailability of coverage as provided by sub-subparagraphs a. and b., is subject to the penalties provided in s. 626.611.

2. A means for the equitable apportionment of profits or losses and expenses among participating insurers.

3. Rules for the classification of risks and rates which reflect the past and prospective loss experience.

4. A rating plan which reasonably reflects the prior claims experience of the insureds. Such rating plan shall include at least two levels of rates for risks that have favorable loss experience and risks that have unfavorable loss experience, as established by the plan.

5. Reasonable limits to available amounts of insurance. Such limits may not be less than the amounts of insurance required of eligible risks by Florida law.

6. Risk management requirements for insurance where such requirements are reasonable and are expected to reduce losses.

7. Deductibles as may be necessary to meet the needs of insureds.

8. Policy forms which are consistent with the forms in use by the majority of the insurers providing coverage in the voluntary market for the coverage requested by the applicant.

9. A means to remove risks from the plan once such risks no longer meet the eligibility requirements of this paragraph. For this purpose, the plan shall include the following requirements: At each 6-month interval after the activation of any class of insureds, the board of governors or its designated committee shall review the number of applications to the market assistance plan for that class. If, based on these latest numbers, at least 90 percent of such applications have been provided a quotation, the Joint Underwriting Association shall cease underwriting new applications for such class within 30 days, and notification of this decision shall be sent to the Insurance Commissioner, the major agents' associations, and the board of directors of the market assistance plan. A quotation for the purpose of this subparagraph shall meet the same criteria for a quotation as provided in sub-subparagraph d. All policies which were previously written for that class shall continue in force until their normal expiration date, at which time, subject to the required timely notification of nonrenewal by the Joint Underwriting Association, the insured may then elect to reapply to the Joint Underwriting Association according to the requirements of eligibility. If, upon reapplication, those previously insured Joint Underwriting Association risks meet the eligibility requirements, the Joint Underwriting Association shall provide the coverage requested.

10. A means for providing credits to insurers against any deficit assessment levied pursuant to paragraph (c), for risks voluntarily written through the market assistance plan by such insurers.

11. That the Joint Underwriting Association shall operate subject to the supervision and approval of a board of governors consisting of 13 individuals appointed by the Insurance Commissioner, and shall have an executive or underwriting committee. At least four of the members shall be representatives of insurance trade associations as follows: one member from the American Insurance Association, one member from the Alliance of American Insurers, one member from the National Association of Independent Insurers, and one member from an unaffiliated insurer writing coverage on a national basis. Two representatives shall be from two of the statewide agents' associations. Each board member shall be appointed to serve for 2-year terms beginning on a date designated by the plan and shall serve at the pleasure of the commissioner. Members may be reappointed for subsequent terms.

(b) Rates used by the Joint Underwriting Association shall be actuarially sound. To the extent applicable, the rate standards set forth in s. 627.062 shall be considered by the *commission* ~~department~~ in establishing rates to be used by the joint underwriting plan. The initial rate level shall be determined using the rates, rules, rating plans, and classifications contained in the most current Insurance Services Office (ISO) filing with the department or the filing of other licensed rating organizations with an additional increment of 25 percent of premium. For any type of coverage or classification which lends itself to manual rating for which the Insurance Services Office or another licensed rating organization does not file or publish a rate, the Joint Underwriting Association

shall file and use an initial rate based on the average current market rate. The initial rate level for the rate plan shall also be subject to an experience and schedule rating plan which may produce a maximum of 25 percent debits or credits. For any risk which does not lend itself to manual rating and for which no rate has been promulgated under the rate plan, the board shall develop and file with the commissioner, subject to his or her approval, appropriate criteria and factors for rating the individual risk. Such criteria and factors shall include, but not be limited to, loss rating plans, composite rating plans, and unique and unusual risk rating plans. The initial rates required under this paragraph shall be adjusted in conformity with future filings by the Insurance Services Office with the *commission* ~~department~~ and shall remain in effect until such time as the Joint Underwriting Association has sufficient data as to independently justify an actuarially sound change in such rates.

(c)1. In the event an underwriting deficit exists for any policy year the plan is in effect, any surplus which has accrued from previous years and is not projected within reasonable actuarial certainty to be needed for payment for claims in the year the surplus arose shall be used to offset the deficit to the extent available.

2. As to any remaining deficit, the board of governors of the Joint Underwriting Association shall levy and collect an assessment in an amount sufficient to offset such deficit. Such assessment shall be levied against the insurers participating in the plan during the year giving rise to the assessment. Any assessments against insurers for the lines of property and casualty insurance issued to commercial risks shall be recovered from the participating insurers in the proportion that the net direct premium of each insurer for commercial risks written during the preceding calendar year bears to the aggregate net direct premium written for commercial risks by all members of the plan for the lines of insurance included in the plan. Any assessments against insurers for the lines of property and casualty insurance issued to personal risks eligible under sub-subparagraph (a)1.a. or sub-subparagraph (a)1.c. shall be recovered from the participating insurers in the proportion that the net direct premium of each insurer for personal risks written during the preceding calendar year bears to the aggregate net direct premium written for personal risks by all members of the plan for the lines of insurance included in the plan.

3. The board shall take all reasonable and prudent steps necessary to collect the amount of assessment due from each participating insurer and policyholder, including, if prudent, filing suit to collect such assessment. If the board is unable to collect an assessment from any insurer, the uncollected assessments shall be levied as an additional assessment against the participating insurers and any participating insurer required to pay an additional assessment as a result of such failure to pay shall have a cause of action against such nonpaying insurer.

4. Any funds or entitlements that the state may be eligible to receive by virtue of the Federal Government's termination of the Federal Crime Insurance Program referenced in sub-subparagraph (a)1.c. may be used under the plan to offset any subsequent underwriting deficits that may occur from risks previously insured with the Federal Crime Insurance Program.

5. Assessments shall be included as an appropriate factor in the making of rates as provided in s. 627.3512.

6.a. The Legislature finds that the potential for unlimited assessments under this paragraph may induce insurers to attempt to reduce their writings in the voluntary market, and that such actions would worsen the availability problems that the association was created to remedy. It is the intent of the Legislature that insurers remain fully responsible for covering any deficits of the association; however, it is also the intent of the Legislature to provide a means by which assessment liabilities may be amortized over a period of years.

b. The total amount of deficit assessments under this paragraph with respect to any year may not exceed 10 percent of the statewide total gross written premium for all insurers for the coverages referred to in the introductory language of this subsection for the prior year, except that if the deficit with respect to any plan year exceeds such amount and bonds are issued under sub-subparagraph c. to defray the deficit, the total amount of assessments with respect to such deficit may not in any year exceed 10 percent of the deficit, or such lesser percentage as is sufficient to retire the bonds as determined by the board, and shall continue annually until the bonds are retired.

c. The governing body of any unit of local government, any residents or businesses of which are insured by the association, may issue bonds as defined in s. 125.013 or s. 166.101 from time to time to fund an assistance program, in conjunction with the association, for the purpose of defraying deficits of the association. Revenue bonds may not be issued until validated pursuant to chapter 75, unless a state of emergency is declared by executive order or proclamation of the Governor pursuant to s. 252.36 making such findings as are necessary to determine that it is in the best interests of, and necessary for, the protection of the public health, safety, and general welfare of residents of this state and the protection and preservation of the economic stability of insurers operating in this state, and declaring it an essential public purpose to permit certain municipalities or counties to issue such bonds as will provide relief to claimants and policyholders of the joint underwriting association and insurers responsible for apportionment of association losses. The unit of local government shall enter into such contracts with the association as are necessary to carry out this paragraph. Any bonds issued under this sub-subparagraph shall be payable from and secured by moneys received by the association from assessments under this paragraph, and assigned and pledged to or on behalf of the unit of local government for the benefit of the holders of such bonds. The funds, credit, property, and taxing power of the state or of the unit of local government shall not be pledged for the payment of such bonds. If any of the bonds remain unsold 60 days after issuance, the department shall require all insurers subject to assessment to purchase the bonds, which shall be treated as admitted assets; each insurer shall be required to purchase that percentage of the unsold portion of the bond issue that equals the insurer's relative share of assessment liability under this subsection. An insurer shall not be required to purchase the bonds to the extent that the department determines that the purchase would endanger or impair the solvency of the insurer.

7. The plan shall provide for the deferment, in whole or in part, of the assessment of an insurer if the department finds that payment of the assessment would endanger or impair the solvency of the insurer. In the event an assessment against an insurer is deferred in whole or in part, the amount by which such assessment is deferred may be assessed against the other member insurers in a manner consistent with the basis for assessments set forth in subparagraph 2.

(d) Upon adoption of the plan, all insurers authorized in this state to underwrite property or casualty insurance shall participate in the plan.

(e) A Risk Underwriting Committee of the Joint Underwriting Association composed of three members experienced in evaluating insurance risks is created to review risks rejected by the voluntary market for which application is made for insurance through the joint underwriting plan. The committee shall consist of a representative of the market assistance plan created under s. 627.3515, a member selected by the insurers participating in the Joint Underwriting Association, and a member named by the Insurance Commissioner. The Risk Underwriting Committee shall appoint such advisory committees as are provided for in the plan and are necessary to conduct its functions. The salaries and expenses of the members of the Risk Underwriting Committee and its advisory committees shall be paid by the joint underwriting plan. The plan approved by the department shall establish criteria and procedures for use by the Risk Underwriting Committee for determining whether an individual risk is so hazardous as to be uninsurable. In making this determination and in establishing the criteria and procedures, the following shall be considered:

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

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

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

(f) There shall be no liability on the part of, and no cause of action of any nature shall arise against, any member insurer or its agents or employees, the Florida Property and Casualty Joint Underwriting Association or its agents or employees, members of the board of governors, or the department or its representatives for any action taken by them in the performance of their duties under this subsection. Such immunity

does not apply to actions for breach of any contract or agreement pertaining to insurance, or any other willful tort.

(6) RESIDENTIAL PROPERTY AND CASUALTY JOINT UNDERWRITING ASSOCIATION.—

(a) There is created a joint underwriting association for equitable apportionment or sharing among insurers of property and casualty insurance covering residential property, for applicants who are in good faith entitled, but are unable, to procure insurance through the voluntary market. The association shall operate pursuant to a plan of operation approved by order of the department. The plan is subject to continuous review by the department. The department may, by order, withdraw approval of all or part of a plan if the department determines that conditions have changed since approval was granted and that the purposes of the plan require changes in the plan. For the purposes of this subsection, residential coverage includes both personal lines residential coverage, which consists of the type of coverage provided by homeowner's, mobile home owner's, dwelling, tenant's, condominium unit owner's, and similar policies, and commercial lines residential coverage, which consists of the type of coverage provided by condominium association, apartment building, and similar policies.

(b)1. All insurers authorized to write subject lines of business in this state, other than underwriting associations or other entities created under this section, must participate in and be members of the Residential Property and Casualty Joint Underwriting Association. A member's participation shall begin on the first day of the calendar year following the year in which the member was issued a certificate of authority to transact insurance for subject lines of business in this state and shall terminate 1 year after the end of the first calendar year during which the member no longer holds a certificate of authority to transact insurance for subject lines of business in this state.

2. All revenues, assets, liabilities, losses, and expenses of the association shall be divided into two separate accounts, one of which is for personal lines residential coverages and the other of which is for commercial lines residential coverages. Revenues, assets, liabilities, losses, and expenses not attributable to particular coverages shall be prorated between the accounts.

3. With respect to a deficit in an account:

a. When the deficit incurred in a particular calendar year is not greater than 10 percent of the aggregate statewide direct written premium for the subject lines of business for the prior calendar year for all member insurers, the entire deficit shall be recovered through assessments of member insurers under paragraph (g).

b. When the deficit incurred in a particular calendar year exceeds 10 percent of the aggregate statewide direct written premium for the subject lines of business for the prior calendar year for all member insurers, the association shall levy an assessment on member insurers in an amount equal to the greater of 10 percent of the deficit or 10 percent of the aggregate statewide direct written premium for the subject lines of business for the prior calendar year for all member insurers. Any remaining deficit shall be recovered through emergency assessments under sub-subparagraph d.

c. Each member insurer's share of the total assessment under sub-subparagraph a. or sub-subparagraph b. shall be in the proportion that the member insurer's direct written premium for the subject lines of business for the year preceding the assessment bears to the aggregate statewide direct written premium for the subject lines of business for that year for all member insurers.

d. Upon a determination by the board of governors that a deficit in an account exceeds the amount that will be recovered through regular assessments on member insurers under sub-subparagraph a. or sub-subparagraph b., the board shall levy, after verification by the department, emergency assessments to be collected by member insurers and by underwriting associations created under this section which write subject lines of business upon issuance or renewal of policies for subject lines of business, excluding National Flood Insurance policies, in the year or years following levy of the regular assessments. The amount of the emergency assessment collected in a particular year shall be a uniform percentage of that year's direct written premium for subject lines of business for all member insurers and underwriting associations, excluding National Flood Insurance Program policy premiums, as annually determined by the board and verified by the department. The department shall verify the arithmetic calculations involved in the board's determination within 30 days after receipt of the information on which the determination was based. Notwithstanding any other provision of law, each member insurer and each underwriting association created under this section which writes subject lines of business shall collect emergency assessments from its policyholders without such obligation being affected by any credit, limitation, exemption, or deferment. The emergency assessments so collected shall be transferred directly to the association on a periodic basis as determined by the association. The aggregate amount of emergency assessments levied under this sub-subparagraph in any calendar year may not exceed the greater of 10 percent of the amount needed to cover the original deficit, plus interest, fees, commissions, required reserves, and other costs associated with financing of the original deficit, or 10 percent of the aggregate statewide direct written premium for subject lines of business written by member insurers and underwriting associations for the prior year, plus interest, fees, commissions, required reserves, and other costs associated with financing the original deficit.

e. The board may pledge the proceeds of assessments, projected recoveries from the Florida Hurricane Catastrophe Fund, other insurance and reinsurance recoverables, market equalization surcharges and other surcharges, and other funds available to the association as the source of revenue for and to secure bonds issued under paragraph (g), bonds or other indebtedness issued under subparagraph (c)3., or lines of credit or other financing mechanisms issued or created under this subsection, or to retire any other debt incurred as a result of deficits or events giving rise to deficits, or in any other way that the board determines will efficiently recover such deficits. The purpose of the lines of credit or other financing mechanisms is to provide additional resources to assist the association in covering claims and expenses attributable to a catastrophe. As used in this subsection, the term “assessments” includes regular assessments under sub-subparagraph a., sub-subparagraph b., or subparagraph (g)1. and emergency assessments under sub-subparagraph d. Emergency assessments collected under sub-subparagraph d. are not part of an insurer's rates, are not premium, and are not subject to premium tax, fees, or commissions; however, failure to pay the emergency assessment shall be treated as failure to pay premium. The emergency assessments under sub-subparagraph d. shall continue as long as any bonds issued or other indebtedness incurred with respect to a deficit for which the assessment was imposed remain outstanding, unless adequate provision has been made for the payment of such bonds or other indebtedness pursuant to the documents governing such bonds or other indebtedness.

f. As used in this subsection, the term “subject lines of business” means, with respect to the personal lines account, any personal lines policy defined in s. 627.4025, and means, with respect to the commercial lines account, all commercial property and commercial fire insurance.

(c) The plan of operation of the association:

1. May provide for one or more designated insurers, able and willing to provide policy and claims service, to act on behalf of the association to provide such service. Each licensed agent shall be entitled to indicate the order of preference regarding who will service the business placed by the agent. The association shall adhere to each agent's preferences unless after consideration of other factors in assigning agents, including, but not limited to, servicing capacity and fee arrangements, the association has reason to believe it is in the best interest of the association to make a different assignment.

2. Must provide for adoption of residential property and casualty insurance policy forms, which forms must be approved by the department prior to use. The association shall adopt the following policy forms:

a. Standard personal lines policy forms including wind coverage, which are multiperil policies providing what is generally considered to be full coverage of a residential property similar to the coverage provided under an HO-2, HO-3, HO-4, or HO-6 policy.

b. Standard personal lines policy forms without wind coverage, which are the same as the policies described in sub-subparagraph a. except that they do not include wind coverage.

c. Basic personal lines policy forms including wind coverage, which are policies similar to an HO-8 policy or a dwelling fire policy that provide coverage meeting the requirements of the secondary mortgage

market, but which coverage is more limited than the coverage under a standard policy.

d. Basic personal lines policy forms without wind coverage, which are the same as the policies described in sub-subparagraph c. except that they do not include wind coverage.

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

f. Commercial lines residential policy forms without wind coverage, which are the same as the policies described in sub-subparagraph e. except that they do not include wind coverage.

3. May provide that the association may employ or otherwise contract with individuals or other entities to provide administrative or professional services that may be appropriate to effectuate the plan. The association shall have the power to borrow funds, by issuing bonds or by incurring other indebtedness, and shall have other powers reasonably necessary to effectuate the requirements of this subsection. The association may issue bonds or incur other indebtedness, or have bonds issued on its behalf by a unit of local government pursuant to subparagraph (g)2., in the absence of a hurricane or other weather-related event, upon a determination by the association, subject to approval by the department, that such action would enable it to efficiently meet the financial obligations of the association and that such financings are reasonably necessary to effectuate the requirements of this subsection. The association is authorized to take all actions needed to facilitate tax-free status for any such bonds or indebtedness, including formation of trusts or other affiliated entities. The association shall have the authority to pledge assessments, projected recoveries from the Florida Hurricane Catastrophe Fund, other reinsurance recoverables, market equalization and other surcharges, and other funds available to the association as security for bonds or other indebtedness. In recognition of s. 10, Art. I of the State Constitution, prohibiting the impairment of obligations of contracts, it is the intent of the Legislature that no action be taken whose purpose is to impair any bond indenture or financing agreement or any revenue source committed by contract to such bond or other indebtedness.

4. Must require that the association operate subject to the supervision and approval of a board of governors consisting of 13 individuals, including 1 who is elected as chair. The board shall consist of:

a. The insurance consumer advocate appointed under s. 627.0613.

b. Five members designated by the insurance industry.

c. Five consumer representatives appointed by the Insurance Commissioner. Two of the consumer representatives must, at the time of appointment, be holders of policies issued by the association, who are selected with consideration given to reflecting the geographic balance of association policyholders. Two of the consumer members must be individuals who are minority persons as defined in s. 288.703(3). One of the consumer members shall have expertise in the field of mortgage lending.

d. Two representatives of the insurance industry appointed by the Insurance Commissioner. Of the two insurance industry representatives appointed by the Insurance Commissioner, at least one must be an individual who is a minority person as defined in s. 288.703(3).

Any board member may be disapproved or removed and replaced by the commissioner at any time for cause. All board members, including the chair, must be appointed to serve for 3-year terms beginning annually on a date designated by the plan.

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

a. With respect to personal lines residential risks, if the risk is offered coverage from an authorized insurer at the insurer's approved rate under either a standard policy including wind coverage or, if consistent with the insurer's underwriting rules as filed with the department, a basic policy including wind coverage, the risk is not eligible for any policy issued by the association. If the risk accepts an offer of coverage through the market assistance plan or an offer of coverage through a mechanism established by the association before a policy is issued to the risk by the association or during the first 30 days of coverage by the association, and the producing agent who submitted the application to the plan or to the association is not currently appointed by the insurer, the insurer shall either appoint the agent to service the risk or, if the insurer places the coverage through a new agent, require the new agent who then writes the policy to pay not less than 50 percent of the first year's commission to the producing agent who submitted the application to the plan or the association, except that if the new agent is an employee or exclusive agent of the insurer, the new agent shall pay a policy fee of $50 to the producing agent in lieu of splitting the commission. If the risk is not able to obtain any such offer, the risk is eligible for either a standard policy including wind coverage or a basic policy including wind coverage issued by the association; however, if the risk could not be insured under a standard policy including wind coverage regardless of market conditions, the risk shall be eligible for a basic policy including wind coverage unless rejected under subparagraph 8. The association shall determine the type of policy to be provided on the basis of objective standards specified in the underwriting manual and based on generally accepted underwriting practices.

b. With respect to commercial lines residential risks, if the risk is offered coverage under a policy including wind coverage from an authorized insurer at its approved rate, the risk is not eligible for any policy issued by the association. If the risk accepts an offer of coverage through the market assistance plan or an offer of coverage through a mechanism established by the association before a policy is issued to the risk by the association, and the producing agent who submitted the application to the plan or the association is not currently appointed by the insurer, the insurer shall either appoint the agent to service the risk or, if the insurer places the coverage through a new agent, require the new agent who then writes the policy to pay not less than 50 percent of the first year's commission to the producing agent who submitted the application to the plan, except that if the new agent is an employee or exclusive agent of the insurer, the new agent shall pay a policy fee of $50 to the producing agent in lieu of splitting the commission. If the risk is not able to obtain any such offer, the risk is eligible for a policy including wind coverage issued by the association.

c. This subparagraph does not require the association to provide wind coverage or hurricane coverage in any area in which such coverage is available through the Florida Windstorm Underwriting Association.

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

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

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

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

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

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

9. Must provide that the association shall make its best efforts to procure catastrophe reinsurance at reasonable rates, as determined by the board of governors.

10. Must provide that in the event of regular deficit assessments under sub-subparagraph (b)3.a. or sub-subparagraph (b)3.b., or by the Florida Windstorm Underwriting Association under sub-sub-subparagraph (2)(b)2.d.(I) or sub-sub-subparagraph (2)(b)2.d.(II), the association shall levy upon association policyholders in its next rate filing, or by a separate rate filing solely for this purpose, a market equalization surcharge in a percentage equal to the total amount of such regular assessments divided by the aggregate statewide direct written premium for subject lines of business for member insurers for the prior calendar

year. Market equalization surcharges under this subparagraph are not considered premium and are not subject to commissions, fees, or premium taxes; however, failure to pay a market equalization surcharge shall be treated as failure to pay premium.

11. The policies issued by the association must provide that, if the association or the market assistance plan obtains an offer from an authorized insurer to cover the risk at its approved rates under either a standard policy including wind coverage or a basic policy including wind coverage, the risk is no longer eligible for coverage through the association. However, if the risk is located in an area in which Florida Windstorm Underwriting Association coverage is available, such an offer of a standard or basic policy terminates eligibility regardless of whether or not the offer includes wind coverage. Upon termination of eligibility, the association shall provide written notice to the policyholder and agent of record stating that the association policy shall be canceled as of 60 days after the date of the notice because of the offer of coverage from an authorized insurer. Other provisions of the insurance code relating to cancellation and notice of cancellation do not apply to actions under this subparagraph.

12. Association policies and applications must include a notice that the association policy could, under this section or s. 627.3511, be replaced with a policy issued by an admitted insurer that does not provide coverage identical to the coverage provided by the association. The notice shall also specify that acceptance of association coverage creates a conclusive presumption that the applicant or policyholder is aware of this potential.

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

(d)1. It is the intent of the Legislature that the rates for coverage provided by the association be actuarially sound and not competitive with approved rates charged in the admitted voluntary market, so that the association functions as a residual market mechanism to provide insurance only when the insurance cannot be procured in the voluntary market. Rates shall include an appropriate catastrophe loading factor that reflects the actual catastrophic exposure of the association and recognizes that the association has little or no capital or surplus; and the association shall carefully review each rate filing to assure that provider compensation is not excessive.

2. For each county, the average rates of the association for each line of business for personal lines residential policies shall be no lower than the average rates charged by the insurer that had the highest average rate in that county among the 20 insurers with the greatest total direct written premium in the state for that line of business in the preceding year, except that with respect to mobile home coverages, the average rates of the association shall be no lower than the average rates charged by the insurer that had the highest average rate in that county among the 5 insurers with the greatest total written premium for mobile home owner's policies in the state in the preceding year.

3. Rates for commercial residential coverage shall not be subject to the requirements of subparagraph 2., but shall be subject to all other requirements of this paragraph and s. 627.062.

4. Nothing in this paragraph shall require or allow the association to adopt a rate that is inadequate under s. 627.062 or to reduce rates approved under s. 627.062.

5. ~~The association may require arbitration of a filing pursuant to s. 627.062(6).~~ Rate filings of the association under this paragraph shall be made on a use and file basis under s. 627.062(2)(a)2. The association shall make a rate filing at least once a year, but no more often than quarterly.

(e) Coverage through the association is hereby activated effective upon approval of the plan, and shall remain activated until coverage is deactivated pursuant to paragraph (f). Thereafter, coverage through the association shall be reactivated by order of the department only under one of the following circumstances:

1. If the market assistance plan receives a minimum of 100 applications for coverage within a 3-month period, or 200 applications for coverage within a 1-year period or less for residential coverage, unless the market assistance plan provides a quotation from admitted carriers at their filed rates for at least 90 percent of such applicants. Any market assistance plan application that is rejected because an individual risk is so hazardous as to be uninsurable using the criteria specified in subparagraph (c)8. shall not be included in the minimum percentage calculation provided herein. In the event that there is a legal or administrative challenge to a determination by the department that the conditions of this subparagraph have been met for eligibility for coverage in the association, any eligible risk may obtain coverage during the pendency of such challenge.

2. In response to a state of emergency declared by the Governor under s. 252.36, the department may activate coverage by order for the period of the emergency upon a finding by the department that the emergency significantly affects the availability of residential property insurance.

(f) The activities of the association shall be reviewed at least annually by the board and, upon recommendation by the board or petition of any interested party, coverage shall be deactivated if the department finds that the conditions giving rise to its activation no longer exist.

(g)1. The board shall certify to the department its needs for annual assessments as to a particular calendar year, and any startup or interim assessments that it deems to be necessary to sustain operations as to a particular year pending the receipt of annual assessments. Upon verification, the department shall approve such certification, and the board shall levy such annual, startup, or interim assessments. Such assessments shall be prorated as provided in paragraph (b). The board shall take all reasonable and prudent steps necessary to collect the amount of assessment due from each participating member insurer, including, if prudent, filing suit to collect such assessment. If the board is unable to collect an assessment from any member insurer, the uncollected assessments shall be levied as an additional assessment against the participating member insurers and any participating member insurer required to pay an additional assessment as a result of such failure to pay shall have a cause of action against such nonpaying member insurer. Assessments shall be included as an appropriate factor in the making of rates.

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

60 days after issuance, the department shall require all insurers subject to assessment to purchase the bonds, which shall be treated as admitted assets; each insurer shall be required to purchase that percentage of the unsold portion of the bond issue that equals the insurer's relative share of assessment liability under this subsection. An insurer shall not be required to purchase the bonds to the extent that the department determines that the purchase would endanger or impair the solvency of the insurer.

3.a. In addition to any credits, bonuses, or exemptions provided under s. 627.3511, the board shall adopt a program for the reduction of both new and renewal writings in the association. The board may consider any prudent and not unfairly discriminatory approach to reducing association writings, but must adopt at least a credit against assessment liability or other liability that provides an incentive for insurers to take risks out of the association and to keep risks out of the association by maintaining or increasing voluntary writings in counties in which association risks are highly concentrated and a program to provide a formula under which an insurer voluntarily taking risks out of the association by maintaining or increasing voluntary writings will be relieved wholly or partially from assessments under sub-subparagraphs (b)3.a. and b.

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

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

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

(h) Nothing in this subsection shall be construed to preclude the issuance of residential property insurance coverage pursuant to part VIII of chapter 626.

(i) There shall be no liability on the part of, and no cause of action of any nature shall arise against, any member insurer or its agents or employees, the association or its agents or employees, members of the board of governors or their respective designees at a board meeting, association committee members, or the department or its representatives, for any action taken by them in the performance of their duties or responsibilities under this subsection. Such immunity does not apply to:

1. Any of the foregoing persons or entities for any willful tort;

2. The association or its servicing or producing agents for breach of any contract or agreement pertaining to insurance coverage;

3. The association with respect to issuance or payment of debt; or

4. Any member insurer with respect to any action to enforce a member insurer's obligations to the association under this subsection.

(j) The Residential Property and Casualty Joint Underwriting Association is not a state agency, board, or commission. However, for the purposes of s. 199.183(1), the Residential Property and Casualty Joint Underwriting Association shall be considered a political subdivision of the state and shall be exempt from the corporate income tax.

(k) Upon a determination by the board of governors that the conditions giving rise to the establishment and activation of the association no longer exist, and upon the consent thereto by order of the department, the association is dissolved. Upon dissolution, the assets of the association shall be applied first to pay all debts, liabilities, and obligations of the association, including the establishment of reasonable reserves for any contingent liabilities or obligations, and all remaining assets of the association shall become property of the state and deposited in the Florida Hurricane Catastrophe Fund.

(l) All obligations, rights, assets, and liabilities of the Florida Property and Casualty Joint Underwriting Association created by subsection (5), which obligations, rights, assets, or liabilities relate to the provision of commercial lines residential property insurance coverage as described in this section are hereby transferred to the Residential Property and Casualty Joint Underwriting Association. The Residential Property and Casualty Joint Underwriting Association is not required to issue endorsements or certificates of assumption to insureds during the remaining term of in-force transferred policies.

(m) Notwithstanding any other provision of law:

1. The pledge or sale of, the lien upon, and the security interest in any rights, revenues, or other assets of the association created or purported to be created pursuant to any financing documents to secure any bonds or other indebtedness of the association shall be and remain valid and enforceable, notwithstanding the commencement of and during the continuation of, and after, any rehabilitation, insolvency, liquidation, bankruptcy, receivership, conservatorship, reorganization, or similar proceeding against the association under the laws of this state.

2. No such proceeding shall relieve the association of its obligation, or otherwise affect its ability to perform its obligation, to continue to collect, or levy and collect, assessments, market equalization or other surcharges under subparagraph (c)10., or any other rights, revenues, or other assets of the association pledged pursuant to any financing documents.

3. Each such pledge or sale of, lien upon, and security interest in, including the priority of such pledge, lien, or security interest, any such assessments, market equalization or other surcharges, or other rights, revenues, or other assets which are collected, or levied and collected, after the commencement of and during the pendency of, or after, any such proceeding shall continue unaffected by such proceeding. As used in this subsection, the term “financing documents” means any agreement or agreements, instrument or instruments, or other document or documents now existing or hereafter created evidencing any bonds or other indebtedness of the association or pursuant to which any such bonds or other indebtedness has been or may be issued and pursuant to which any rights, revenues, or other assets of the association are pledged or sold to secure the repayment of such bonds or indebtedness, together with the payment of interest on such bonds or such indebtedness, or the payment of any other obligation of the association related to such bonds or indebtedness.

4. Any such pledge or sale of assessments, revenues, contract rights, or other rights or assets of the association shall constitute a lien and security interest, or sale, as the case may be, that is immediately effective and attaches to such assessments, revenues, or contract rights or other rights or assets, whether or not imposed or collected at the time the pledge or sale is made. Any such pledge or sale is effective, valid, binding, and enforceable against the association or other entity making such pledge or sale, and valid and binding against and superior to any competing claims or obligations owed to any other person or entity, including policyholders in this state, asserting rights in any such assessments, revenues, or contract rights or other rights or assets to the extent set forth in and in accordance with the terms of the pledge or sale contained in the applicable financing documents, whether or not any such person or entity has notice of such pledge or sale and without the need for any physical delivery, recordation, filing, or other action.

(n)1. The following records of the Residential Property and Casualty Joint Underwriting Association are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

a. Underwriting files, except that a policyholder or an applicant shall have access to his or her own underwriting files.

b. Claims files, until termination of all litigation and settlement of all claims arising out of the same incident, although portions of the claims files may remain exempt, as otherwise provided by law. Confidential and exempt claims file records may be released to other governmental agencies upon written request and demonstration of need; such records held by the receiving agency remain confidential and exempt as provided for herein.

c. Records obtained or generated by an internal auditor pursuant to a routine audit, until the audit is completed, or if the audit is conducted as part of an investigation, until the investigation is closed or ceases to be active. An investigation is considered "active" while the investigation is being conducted with a reasonable, good faith belief that it could lead to the filing of administrative, civil, or criminal proceedings.

d. Matters reasonably encompassed in privileged attorney-client communications.

e. Proprietary information licensed to the association under contract and the contract provides for the confidentiality of such proprietary information.

f. All information relating to the medical condition or medical status of an association employee which is not relevant to the employee's capacity to perform his or her duties, except as otherwise provided in this paragraph. Information which is exempt shall include, but is not limited to, information relating to workers' compensation, insurance benefits, and retirement or disability benefits.

g. Upon an employee's entrance into the employee assistance program, a program to assist any employee who has a behavioral or medical disorder, substance abuse problem, or emotional difficulty which affects the employee's job performance, all records relative to that participation shall be confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, except as otherwise provided in s. 112.0455(11).

h. Information relating to negotiations for financing, reinsurance, depopulation, or contractual services, until the conclusion of the negotiations.

i. Minutes of closed meetings regarding underwriting files, and minutes of closed meetings regarding an open claims file until termination of all litigation and settlement of all claims with regard to that claim, except that information otherwise confidential or exempt by law will be redacted.

When an authorized insurer is considering underwriting a risk insured by the association, relevant underwriting files and confidential claims files may be released to the insurer provided the insurer agrees in writing, notarized and under oath, to maintain the confidentiality of such files. When a file is transferred to an insurer that file is no longer a public record because it is not held by an agency subject to the provisions of the public records law. Underwriting files and confidential claims files may also be released to staff of and the board of governors of the market assistance plan established pursuant to s. 627.3515, who must retain the confidentiality of such files, except such files may be released to authorized insurers that are considering assuming the risks to which the files apply, provided the insurer agrees in writing, notarized and under oath, to maintain the confidentiality of such files. Finally, the association or the board or staff of the market assistance plan may make the following information obtained from underwriting files and confidential claims files available to licensed general lines insurance agents: name, address, and telephone number of the residential property owner or insured; location of the risk; rating information; loss history; and policy type. The receiving licensed general lines insurance agent must retain the confidentiality of the information received.

2. Portions of meetings of the Residential Property and Casualty Joint Underwriting Association are exempt from the provisions of s. 286.011 and s. 24(b), Art. I of the State Constitution wherein confidential underwriting files or confidential open claims files are discussed. All portions of association meetings which are closed to the public shall be recorded by a court reporter. The court reporter shall record the times of commencement and termination of the meeting, all discussion and proceedings, the names of all persons present at any time, and the names of all persons speaking. No portion of any closed meeting shall be off the record. Subject to the provisions hereof and s. 119.07(2)(a), the court reporter's notes of any closed meeting shall be retained by the association for a minimum of 5 years. A copy of the transcript, less any exempt matters, of any closed meeting wherein claims are discussed shall become public as to individual claims after settlement of the claim.

Section 60. Subsections (3) and (4) of section 627.3512, Florida Statutes, are amended to read:

627.3512 Recoupment of residual market deficit assessments.—

(3) The insurer or insurer group shall file with the *commission* ~~department~~ a statement setting forth the amount of the assessment factor and an explanation of how the factor will be applied, at least 15 days prior to the factor being applied to any policies. The statement shall include documentation of the assessment paid by the insurer or insurer group and the arithmetic calculations supporting the assessment factor. The *commission* ~~department~~ shall complete its review within 15 days after receipt of the filing and shall limit its review to verification of the arithmetic calculations. The insurer or insurer group may use the assessment factor at any time after the expiration of the 15-day period unless the *commission* ~~department~~ has notified the insurer or insurer group in writing that the arithmetic calculations are incorrect.

(4) The *commission* ~~department~~ may adopt rules to implement this section.

Section 61. Subsection (8) of section 627.357, Florida Statutes, is amended to read:

627.357 Medical malpractice self-insurance.—

(8) The expense factors associated with rates used by a fund shall be filed with the *commission* ~~department~~ at least 30 days prior to use and may not be used until approved by the *commission* ~~department~~. The *commission* ~~department~~ shall disapprove the rates unless the filed expense factors associated therewith are justified and reasonable for the benefits and services provided.

Section 62. Section 627.361, Florida Statutes, is amended to read:

627.361 False or misleading information.—No person shall willfully withhold information from or knowingly give false or misleading information to the department, *commission*, any statistical agency designated by the department *or commission*, any rating organization, or any insurer, which will affect the rates or premiums chargeable under this part.

Section 63. Subsections (6), (7), and (8) of section 627.410, Florida Statutes, are amended to read:

627.410 Filing, approval of forms.—

(6)(a) An insurer shall not deliver or issue for delivery or renew in this state any health insurance policy form until it has filed with the *commission* ~~department~~ a copy of every applicable rating manual, rating schedule, change in rating manual, and change in rating schedule; if rating manuals and rating schedules are not applicable, the insurer must file with the *commission* ~~department~~ applicable premium rates and any change in applicable premium rates.

(b) The *commission* ~~department~~ may establish by rule, for each type of health insurance form, procedures to be used in ascertaining the reasonableness of benefits in relation to premium rates and may, by rule, exempt from any requirement of paragraph (a) any health insurance policy form or type thereof (as specified in such rule) to which form or type such requirements may not be practically applied or to which form or type the application of such requirements is not desirable or necessary for the protection of the public. With respect to any health insurance policy form or type thereof which is exempted by rule from any requirement of paragraph (a), premium rates filed pursuant to ss. 627.640 and 627.662 shall be for informational purposes.

(c) Every filing made pursuant to this subsection shall be made within the same time period provided in, and shall be deemed to be approved under the same conditions as those provided in, subsection (2), *except that such filings shall be made with the commission, rather than the department.*

(d) Every filing made pursuant to this subsection, except disability income policies and accidental death policies, shall be prohibited from applying the following rating practices:

1. Select and ultimate premium schedules.

2. Premium class definitions which classify insured based on year of issue or duration since issue.

3. Attained age premium structures on policy forms under which more than 50 percent of the policies are issued to persons age 65 or over.

(e) Except as provided in subparagraph 1., an insurer shall continue to make available for purchase any individual policy form issued on or after October 1, 1993. A policy form shall not be considered to be available for purchase unless the insurer has actively offered it for sale in the previous 12 months.

1. An insurer may discontinue the availability of a policy form if the insurer provides to the department *and commission* in writing its decision at least 30 days prior to discontinuing the availability of the form of the policy or certificate. After receipt of the notice by the department *and commission*, the insurer shall no longer offer for sale the policy form or certificate form in this state.

2. An insurer that discontinues the availability of a policy form pursuant to subparagraph 1. shall not file for approval a new policy form providing similar benefits as the discontinued form for a period of 5 years after the insurer provides notice to the department of the discontinuance. The period of discontinuance may be reduced if the department *or commission* determines that a shorter period is appropriate.

3. The experience of all policy forms providing similar benefits shall be combined for all rating purposes.

(7)(a) Each insurer subject to the requirements of subsection (6) shall make an annual filing with the *commission* ~~department~~ no later than 12 months after its previous filing, demonstrating the reasonableness of benefits in relation to premium rates. The *commission* ~~department~~, after receiving a request to be exempted from the provisions of this section, may, for good cause due to insignificant numbers of policies in force or insignificant premium volume, exempt a company, by line of coverage, from filing rates or rate certification as required by this section.

(b) The filing required by this subsection shall be satisfied by one of the following methods:

1. A rate filing prepared by an actuary which contains documentation demonstrating the reasonableness of benefits in relation to premiums charged in accordance with the applicable rating laws and rules *adopted* ~~promulgated~~ by the *commission* ~~department~~.

2. If no rate change is proposed, a filing which consists of a certification by an actuary that benefits are reasonable in relation to premiums currently charged in accordance with applicable laws and rules *adopted* ~~promulgated~~ by the *commission* ~~department~~.

(c) As used in this section, "actuary" means an individual who is a member of the Society of Actuaries or the American Academy of Actuaries. If an insurer does not employ or otherwise retain the services of an actuary, the insurer's certification shall be prepared by insurer personnel or consultants with a minimum of 5 years' experience in insurance ratemaking. The chief executive officer of the insurer shall review and sign the certification indicating his or her agreement with its conclusions.

(d) If at the time a filing is required under this section an insurer is in the process of completing a rate review, the insurer may apply to the *commission* ~~department~~ for an extension of up to an additional 30 days in which to make the filing. The request for extension must be received by the *commission* ~~department~~ in its offices in Tallahassee no later than the date the filing is due.

(e) If an insurer fails to meet the filing requirements of this subsection and does not submit the filing within 60 days following the date the filing is due, the *commission* ~~department~~ may, in addition to any other penalty authorized by law, order the insurer to discontinue the issuance of policies for which the required filing was not made, until ~~such time as~~ the *commission* ~~department~~ determines that the required filing is properly submitted.

(8)(a) For the purposes of subsections (6) and (7), benefits of an individual accident and health insurance policy form, including Medicare supplement policies as defined in s. 627.672, when authorized by rules adopted by the *commission* ~~department~~, and excluding long-term care insurance policies as defined in s. 627.9404, and other policy forms under which more than 50 percent of the policies are issued to individuals age 65 and over, are deemed to be reasonable in relation to premium rates if the rates are filed pursuant to a loss ratio guarantee and both the initial rates and the durational and lifetime loss ratios have been approved by the *commission* ~~department~~, and such benefits shall continue to be deemed reasonable for renewal rates while the insurer complies with such guarantee, provided the currently expected lifetime loss ratio is not more than 5 percent less than the filed lifetime loss ratio as certified to by an actuary. The *commission* ~~department~~ shall have the right to bring an administrative action should it deem that the lifetime loss ratio will not be met. For Medicare supplement filings, the *commission* ~~department~~ may withdraw a previously approved filing which was made pursuant to a loss ratio guarantee if it determines that the filing is not in compliance with ss. 627.671-627.675 or the currently expected lifetime loss ratio is less than the filed lifetime loss ratio as certified by an actuary in the initial guaranteed loss ratio filing. If this section conflicts with ss. 627.671-627.675, ss. 627.671-627.675 shall control.

(b) The renewal premium rates shall be deemed to be approved upon filing with the *commission* ~~department~~ if the filing is accompanied by the most current approved loss ratio guarantee. The loss ratio guarantee shall be in writing, shall be signed by an officer of the insurer, and shall contain at least:

1. A recitation of the anticipated lifetime and durational target loss ratios contained in the actuarial memorandum filed with the policy form when it was originally approved. The durational target loss ratios shall be calculated for 1-year experience periods. If statutory changes have rendered any portion of such actuarial memorandum obsolete, the loss ratio guarantee shall also include an amendment to the actuarial memorandum reflecting current law and containing new lifetime and durational loss ratio targets.

2. A guarantee that the applicable loss ratios for the experience period in which the new rates will take effect, and for each experience period thereafter until new rates are filed, will meet the loss ratios referred to in subparagraph 1.

3. A guarantee that the applicable loss ratio results for the experience period will be independently audited at the insurer's expense. The audit shall be performed in the second calendar quarter of the year following the end of the experience period, and the audited results shall be reported to the *commission* ~~department~~ no later than the end of such quarter. The *commission* ~~department~~ shall establish by rule the minimum information reasonably necessary to be included in the report. The audit shall be done in accordance with accepted accounting and actuarial principles.

4. A guarantee that affected policyholders in this state shall be issued a proportional refund, based on the premium earned, of the amount necessary to bring the applicable experience period loss ratio up to the durational target loss ratio referred to in subparagraph 1. The refund shall be made to all policyholders in this state who are insured under the applicable policy form as of the last day of the experience period, except that no refund need be made to a policyholder in an amount less than $10. Refunds less than $10 shall be aggregated and paid pro rata to the policyholders receiving refunds. The refund shall include interest at the then-current variable loan interest rate for life insurance policies established by the National Association of Insurance Commissioners, from the end of the experience period until the date of payment. Payments shall be made during the third calendar quarter of the year following the experience period for which a refund is determined to be due. However, no refunds shall be made until 60 days after the filing of the audit report in order that the *commission* ~~department~~ has adequate time to review the report.

5. A guarantee that if the applicable loss ratio exceeds the durational target loss ratio for that experience period by more than 20 percent, provided there are at least 2,000 policyholders on the form nationwide or, if not, then accumulated each calendar year until 2,000 policyholder years is reached, the insurer, if directed by the *commission* ~~department~~, shall withdraw the policy form for the purposes of issuing new policies.

(c) As used in this subsection:

1. "Loss ratio" means the ratio of incurred claims to earned premium.

2. "Applicable loss ratio" means the loss ratio attributable solely to this state if there are 2,000 or more policyholders in the state. If there are 500 or more policyholders in this state but less than 2,000, it is the linear interpolation of the nationwide loss ratio and the loss ratio for this state. If there are less than 500 policyholders in this state, it is the nationwide loss ratio.

3. "Experience period" means the period, ordinarily a calendar year, for which a loss ratio guarantee is calculated.

Section 64. Section 627.411, Florida Statutes, is amended to read:

627.411 Grounds for disapproval.—

(1) The department shall disapprove any form filed under *s. 627.410(1)-(5)* ~~s. 627.410~~, or withdraw any previous approval thereof, only if the form:

(a) Is in any respect in violation of, or does not comply with, this code.

(b) Contains or incorporates by reference, where such incorporation is otherwise permissible, any inconsistent, ambiguous, or misleading clauses, or exceptions and conditions which deceptively affect the risk purported to be assumed in the general coverage of the contract.

(c) Has any title, heading, or other indication of its provisions which is misleading.

(d) Is printed or otherwise reproduced in such manner as to render any material provision of the form substantially illegible.

(e) Is for health insurance~~,~~ and ~~provides benefits which are unreasonable in relation to the premium charged,~~ contains provisions *that* ~~which~~ are unfair or inequitable or contrary to the public policy of this state or *that* ~~which~~ encourage misrepresentation~~, or which apply rating practices which result in premium escalations that are not viable for the policyholder market or result in unfair discrimination in sales practices~~.

(f) Excludes coverage for human immunodeficiency virus infection or acquired immune deficiency syndrome or contains limitations in the benefits payable, or in the terms or conditions of such contract, for human immunodeficiency virus infection or acquired immune deficiency syndrome which are different than those which apply to any other sickness or medical condition.

(2) *The commission shall disapprove any health insurance rate filing under s. 627.410(6), (7), or (8) or withdraw any previous approval thereof only if the benefits are unreasonable in relation to the premium charged or the filing applies rating practices that result in premium escalations that are not viable for the policyholder market or result in unfair discrimination in sales practices.* In determining whether the benefits are reasonable in relation to the premium charged, the *commission* ~~department~~, in accordance with reasonable actuarial techniques, shall consider:

(a) Past loss experience and prospective loss experience within and without this state.

(b) Allocation of expenses.

(c) Risk and contingency margins, along with justification of such margins.

(d) Acquisition costs.

Section 65. Paragraph (c) of subsection (7) of section 627.6475, Florida Statutes, is amended to read:

627.6475 Individual reinsurance pool.—

(7) INDIVIDUAL HEALTH REINSURANCE PROGRAM.—

(c)1. The board, as part of the plan of operation, shall establish a methodology for determining premium rates to be charged by the program for reinsuring eligible individuals pursuant to this section. The methodology must include a system for classifying individuals which reflects the types of case characteristics commonly used by carriers in this state. The methodology must provide for the development of basic reinsurance premium rates, which shall be multiplied by the factors set for them in this paragraph to determine the premium rates for the program. The basic reinsurance premium rates shall be established by the board, subject to the approval of the *commission* ~~department~~, and shall be set at levels that reasonably approximate gross premiums charged to eligible individuals for individual health insurance by health insurance issuers. The premium rates set by the board may vary by geographical area, as determined under this section, to reflect differences in cost. An eligible individual may be reinsured for a rate that is five times the rate established by the board.

2. The board shall periodically review the methodology established, including the system of classification and any rating factors, to ensure that it reasonably reflects the claims experience of the program. The board may propose changes to the rates that are subject to the approval of the *commission* ~~department~~.

Section 66. Paragraph (a) of subsection (4) of section 627.6498, Florida Statutes, is amended to read:

627.6498 Minimum benefits coverage; exclusions; premiums; deductibles.—

(4) PREMIUMS, DEDUCTIBLES, AND COINSURANCE.—

(a) The plan shall provide for annual deductibles for major medical expense coverage in the amount of $1,000 or any higher amounts proposed by the board and approved by the *commission* ~~department~~, plus the benefits payable under any other type of insurance coverage or workers' compensation. The schedule of premiums and deductibles shall be established by the association. With regard to any preferred provider arrangement *used* ~~utilized~~ by the association, the deductibles provided in this paragraph shall be the minimum deductibles applicable to the preferred providers and higher deductibles, as approved by the department, may be applied to providers who are not preferred providers.

1. Separate schedules of premium rates based on age may apply for individual risks.

2. Rates are subject to approval by the *commission* ~~department~~.

3. Standard risk rates for coverages issued by the association shall be established by the *commission* ~~department~~, pursuant to s. 627.6675(3).

4. The board shall establish separate premium schedules for low-risk individuals, medium-risk individuals, and high-risk individuals and shall revise premium schedules annually beginning January 1999. No rate shall exceed 200 percent of the standard risk rate for low-risk individuals, 225 percent of the standard risk rate for medium-risk individuals, or 250 percent of the standard risk rate for high-risk individuals. For the purpose of determining what constitutes a low-risk individual, medium-risk individual, or high-risk individual, the board shall consider the anticipated claims payment for individuals based upon an individual's health condition.

Section 67. Section 627.6675, Florida Statutes, is amended to read:

627.6675 Conversion on termination of eligibility.—Subject to all of the provisions of this section, a group policy delivered or issued for delivery in this state by an insurer or nonprofit health care services plan that provides, on an expense-incurred basis, hospital, surgical, or major medical expense insurance, or any combination of these coverages, shall provide that an employee or member whose insurance under the group policy has been terminated for any reason, including discontinuance of the group policy in its entirety or with respect to an insured class, and who has been continuously insured under the group policy, and under any group policy providing similar benefits that the terminated group policy replaced, for at least 3 months immediately prior to termination, shall be entitled to have issued to him or her by the insurer a policy or certificate of health insurance, referred to in this section as a "converted policy." A group insurer may meet the requirements of this section by contracting with another insurer, authorized in this state, to issue an individual converted policy, which policy has been approved by the department under s. 627.410. An employee or member shall not be entitled to a converted policy if termination of his or her insurance under the group policy occurred because he or she failed to pay any required contribution, or because any discontinued group coverage was replaced by similar group coverage within 31 days after discontinuance.

(1) TIME LIMIT.—Written application for the converted policy shall be made and the first premium must be paid to the insurer, not later than 63 days after termination of the group policy. However, if termination was the result of failure to pay any required premium or contribution and such nonpayment of premium was due to acts of an employer or policyholder other than the employee or certificateholder, written application for the converted policy must be made and the first premium

must be paid to the insurer not later than 63 days after notice of termination is mailed by the insurer or the employer, whichever is earlier, to the employee's or certificateholder's last address as shown by the record of the insurer or the employer, whichever is applicable. In such case of termination due to nonpayment of premium by the employer or policyholder, the premium for the converted policy may not exceed the rate for the prior group coverage for the period of coverage under the converted policy prior to the date notice of termination is mailed to the employee or certificateholder. For the period of coverage after such date, the premium for the converted policy is subject to the requirements of subsection (3).

(2) EVIDENCE OF INSURABILITY.—The converted policy shall be issued without evidence of insurability.

(3) CONVERSION PREMIUM; EFFECT ON PREMIUM RATES FOR GROUP COVERAGE.—

(a) The premium for the converted policy shall be determined in accordance with premium rates applicable to the age and class of risk of each person to be covered under the converted policy and to the type and amount of insurance provided. However, the premium for the converted policy may not exceed 200 percent of the standard risk rate as established by the *commission* ~~department~~, pursuant to this subsection.

(b) Actual or expected experience under converted policies may be combined with such experience under group policies for the purposes of determining premium and loss experience and establishing premium rate levels for group coverage.

(c) The *commission* ~~department~~ shall annually determine standard risk rates, using reasonable actuarial techniques and standards adopted by the *commission* ~~department~~ by rule. The standard risk rates must be determined as follows:

1. Standard risk rates for individual coverage must be determined separately for indemnity policies, preferred provider/exclusive provider policies, and health maintenance organization contracts.

2. The *commission* ~~department~~ shall survey insurers and health maintenance organizations representing at least an 80 percent market share, based on premiums earned in the state for the most recent calendar year, for each of the categories specified in subparagraph 1.

3. Standard risk rate schedules must be determined, computed as the average rates charged by the carriers surveyed, giving appropriate weight to each carrier's statewide market share of earned premiums.

4. The rate schedule shall be determined from analysis of the one county with the largest market share in the state of all such carriers.

5. The rate for other counties must be determined by using the weighted average of each carrier's county factor relationship to the county determined in subparagraph 4.

6. The rate schedule must be determined for different age brackets and family size brackets.

(4) EFFECTIVE DATE OF COVERAGE.—The effective date of the converted policy shall be the day following the termination of insurance under the group policy.

(5) SCOPE OF COVERAGE.—The converted policy shall cover the employee or member and his or her dependents who were covered by the group policy on the date of termination of insurance. At the option of the insurer, a separate converted policy may be issued to cover any dependent.

(6) OPTIONAL COVERAGE.—The insurer shall not be required to issue a converted policy covering any person who is or could be covered by Medicare. The insurer shall not be required to issue a converted policy covering a person if paragraphs (a) and (b) apply to the person:

(a) If any of the following apply to the person:

1. The person is covered for similar benefits by another hospital, surgical, medical, or major medical expense insurance policy or hospital or medical service subscriber contract or medical practice or other prepayment plan, or by any other plan or program.

2. The person is eligible for similar benefits, whether or not actually provided coverage, under any arrangement of coverage for individuals in a group, whether on an insured or uninsured basis.

3. Similar benefits are provided for or are available to the person under any state or federal law.

(b) If the benefits provided under the sources referred to in subparagraph (a)1. or the benefits provided or available under the sources referred to in subparagraphs (a)2. and 3., together with the benefits provided by the converted policy, would result in overinsurance according to the insurer's standards. The insurer's standards must bear some reasonable relationship to actual health care costs in the area in which the insured lives at the time of conversion and must be filed with the department prior to their use in denying coverage.

(7) INFORMATION REQUESTED BY INSURER.—

(a) A converted policy may include a provision under which the insurer may request information, in advance of any premium due date, of any person covered thereunder as to whether:

1. The person is covered for similar benefits by another hospital, surgical, medical, or major medical expense insurance policy or hospital or medical service subscriber contract or medical practice or other prepayment plan or by any other plan or program.

2. The person is covered for similar benefits under any arrangement of coverage for individuals in a group, whether on an insured or uninsured basis.

3. Similar benefits are provided for or are available to the person under any state or federal law.

(b) The converted policy may provide that the insurer may refuse to renew the policy or the coverage of any person only for one or more of the following reasons:

1. Either the benefits provided under the sources referred to in subparagraphs (a)1. and 2. for the person or the benefits provided or available under the sources referred to in subparagraph (a)3. for the person, together with the benefits provided by the converted policy, would result in overinsurance according to the insurer's standards on file with the department.

2. The converted policyholder fails to provide the information requested pursuant to paragraph (a).

3. Fraud or intentional misrepresentation in applying for any benefits under the converted policy.

4. Other reasons approved by the department.

(8) BENEFITS OFFERED.—

(a) An insurer shall not be required to issue a converted policy that provides benefits in excess of those provided under the group policy from which conversion is made.

(b) An insurer shall offer the benefits specified in s. 627.668 and the benefits specified in s. 627.669 if those benefits were provided in the group plan.

(c) An insurer shall offer maternity benefits and dental benefits if those benefits were provided in the group plan.

(9) PREEXISTING CONDITION PROVISION.—The converted policy shall not exclude a preexisting condition not excluded by the group policy. However, the converted policy may provide that any hospital, surgical, or medical benefits payable under the converted policy may be reduced by the amount of any such benefits payable under the group policy after the termination of covered under the group policy. The converted policy may also provide that during the first policy year the benefits payable under the converted policy, together with the benefits payable under the group policy, shall not exceed those that would have been payable had the individual's insurance under the group policy remained in force.

(10) REQUIRED OPTION FOR MAJOR MEDICAL COVERAGE.—Subject to the provisions and conditions of this part, the employee or

member shall be entitled to obtain a converted policy providing major medical coverage under a plan meeting the following requirements:

(a) A maximum benefit equal to the lesser of the policy limit of the group policy from which the individual converted or $500,000 per covered person for all covered medical expenses incurred during the covered person's lifetime.

(b) Payment of benefits at the rate of 80 percent of covered medical expenses which are in excess of the deductible, until 20 percent of such expenses in a benefit period reaches $2,000, after which benefits will be paid at the rate of 90 percent during the remainder of the contract year unless the insured is in the insurer's case management program, in which case benefits shall be paid at the rate of 100 percent during the remainder of the contract year. For the purposes of this paragraph, "case management program" means the specific supervision and management of the medical care provided or prescribed for a specific individual, which may include the use of health care providers designated by the insurer. Payment of benefits for outpatient treatment of mental illness, if provided in the converted policy, may be at a lesser rate but not less than 50 percent.

(c) A deductible for each calendar year that must be $500, $1,000, or $2,000, at the option of the policyholder.

(d) The term "covered medical expenses," as used in this subsection, shall be consistent with those customarily offered by the insurer under group or individual health insurance policies but is not required to be identical to the covered medical expenses provided in the group policy from which the individual converted.

(11) ALTERNATIVE PLANS.—The insurer shall, in addition to the option required by subsection (10), offer the standard health benefit plan, as established pursuant to s. 627.6699(12). The insurer may, at its option, also offer alternative plans for group health conversion in addition to the plans required by this section.

(12) RETIREMENT COVERAGE.—If coverage would be continued under the group policy on an employee following the employee's retirement prior to the time he or she is or could be covered by Medicare, the employee may elect, instead of such continuation of group insurance, to have the same conversion rights as would apply had his or her insurance terminated at retirement by reason or termination of employment or membership.

(13) REDUCTION OF COVERAGE DUE TO MEDICARE.—The converted policy may provide for reduction of coverage on any person upon his or her eligibility for coverage under Medicare or under any other state or federal law providing for benefits similar to those provided by the converted policy.

(14) CONVERSION PRIVILEGE ALLOWED.—The conversion privilege shall also be available to any of the following:

(a) The surviving spouse, if any, at the death of the employee or member, with respect to the spouse and the children whose coverages under the group policy terminate by reason of the death, otherwise to each surviving child whose coverage under the group policy terminates by reason of such death, or, if the group policy provides for continuation of dependents' coverages following the employee's or member's death, at the end of such continuation.

(b) The former spouse whose coverage would otherwise terminate because of annulment or dissolution of marriage, if the former spouse is dependent for financial support.

(c) The spouse of the employee or member upon termination of coverage of the spouse, while the employee or member remains insured under the group policy, by reason of ceasing to be a qualified family member under the group policy, with respect to the spouse and the children whose coverages under the group policy terminate at the same time.

(d) A child solely with respect to himself or herself upon termination of his or her coverage by reason of ceasing to be a qualified family member under the group policy, if a conversion privilege is not otherwise provided in this subsection with respect to such termination.

(15) BENEFIT LEVELS.—If the benefit levels required in subsection (10) exceed the benefit levels provided under the group policy, the conversion policy may offer benefits which are substantially similar to those provided under the group policy in lieu of those required in subsection (10).

(16) GROUP COVERAGE INSTEAD OF INDIVIDUAL COVERAGE.—The insurer may elect to provide group insurance coverage instead of issuing a converted individual policy.

(17) NOTIFICATION.—A notification of the conversion privilege shall be included in each certificate of coverage. The insurer shall mail an election and premium notice form, including an outline of coverage, on a form approved by the department, within 14 days after an individual who is eligible for a converted policy gives notice to the insurer that the individual is considering applying for the converted policy or otherwise requests such information. The outline of coverage must contain a description of the principal benefits and coverage provided by the policy and its principal exclusions and limitations, including, but not limited to, deductibles and coinsurance.

(18) OUTSIDE CONVERSIONS.—A converted policy that is delivered outside of this state must be on a form that could be delivered in the other jurisdiction as a converted policy had the group policy been issued in that jurisdiction.

(19) APPLICABILITY.—This section does not require conversion on termination of eligibility for a policy or contract that provides benefits for specified diseases, or for accidental injuries only, disability income, Medicare supplement, hospital indemnity, limited benefit, nonconventional, or excess policies.

(20) Nothing in this section or in the incorporation of it into insurance policies shall be construed to require insurers to provide benefits equal to those provided in the group policy from which the individual converted; provided, however, that comprehensive benefits are offered which shall be subject to approval by the Insurance Commissioner.

Section 68. Subsections (3), (6), (8), (11), (12), and (16) of section 627.6699, Florida Statutes, are amended to read:

627.6699 Employee Health Care Access Act.—

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

(a) "Actuarial certification" means a written statement, by a member of the American Academy of Actuaries or another person acceptable to the *commission* ~~department~~, that a small employer carrier is in compliance with subsection (6), based upon the person's examination, including a review of the appropriate records and of the actuarial assumptions and methods used by the carrier in establishing premium rates for applicable health benefit plans.

(b) "Basic health benefit plan" and "standard health benefit plan" mean low-cost health care plans developed pursuant to subsection (12).

(c) "Board" means the board of directors of the program.

(d) "Carrier" means a person who provides health benefit plans in this state, including an authorized insurer, a health maintenance organization, a multiple-employer welfare arrangement, or any other person providing a health benefit plan that is subject to insurance regulation in this state. However, the term does not include a multiple-employer welfare arrangement, which multiple-employer welfare arrangement operates solely for the benefit of the members or the members and the employees of such members, and was in existence on January 1, 1992.

(e) "Case management program" means the specific supervision and management of the medical care provided or prescribed for a specific individual, which may include the use of health care providers designated by the carrier.

(f) "Creditable coverage" has the same meaning ascribed in s. 627.6561.

(g) "Dependent" means the spouse or child of an eligible employee, subject to the applicable terms of the health benefit plan covering that employee.

(h) "Eligible employee" means an employee who works full time, having a normal workweek of 25 or more hours, and who has met any

applicable waiting-period requirements or other requirements of this act. The term includes a self-employed individual, a sole proprietor, a partner of a partnership, or an independent contractor, if the sole proprietor, partner, or independent contractor is included as an employee under a health benefit plan of a small employer, but does not include a part-time, temporary, or substitute employee.

(i) "Established geographic area" means the county or counties, or any portion of a county or counties, within which the carrier provides or arranges for health care services to be available to its insureds, members, or subscribers.

(j) "Guaranteed-issue basis" means an insurance policy that must be offered to an employer, employee, or dependent of the employee, regardless of health status, preexisting conditions, or claims history.

(k) "Health benefit plan" means any hospital or medical policy or certificate, hospital or medical service plan contract, or health maintenance organization subscriber contract. The term does not include accident-only, specified disease, individual hospital indemnity, credit, dental-only, vision-only, Medicare supplement, long-term care, or disability income insurance; similar supplemental plans provided under a separate policy, certificate, or contract of insurance, which cannot duplicate coverage under an underlying health plan and are specifically designed to fill gaps in the underlying health plan, coinsurance, or deductibles; coverage issued as a supplement to liability insurance; workers' compensation or similar insurance; or automobile medical-payment insurance.

(l) "Late enrollee" means an eligible employee or dependent as defined under s. 627.6561(1)(b).

(m) "Limited benefit policy or contract" means a policy or contract that provides coverage for each person insured under the policy for a specifically named disease or diseases, a specifically named accident, or a specifically named limited market that fulfills an experimental or reasonable need, such as the small group market.

(n) "Modified community rating" means a method used to develop carrier premiums which spreads financial risk across a large population and allows adjustments for age, gender, family composition, tobacco usage, and geographic area as determined under paragraph (5)(j).

(o) "Participating carrier" means any carrier that issues health benefit plans in this state except a small employer carrier that elects to be a risk-assuming carrier.

(p) "Plan of operation" means the plan of operation of the program, including articles, bylaws, and operating rules, adopted by the board under subsection (11).

(q) "Program" means the Florida Small Employer Carrier Reinsurance Program created under subsection (11).

(r) "Rating period" means the calendar period for which premium rates established by a small employer carrier are assumed to be in effect.

(s) "Reinsuring carrier" means a small employer carrier that elects to comply with the requirements set forth in subsection (11).

(t) "Risk-assuming carrier" means a small employer carrier that elects to comply with the requirements set forth in subsection (10).

(u) "Self-employed individual" means an individual or sole proprietor who derives his or her income from a trade or business carried on by the individual or sole proprietor which results in taxable income as indicated on IRS Form 1040, schedule C or F, and which generated taxable income in one of the 2 previous years.

(v) "Small employer" means, in connection with a health benefit plan with respect to a calendar year and a plan year, any person, sole proprietor, self-employed individual, independent contractor, firm, corporation, partnership, or association that is actively engaged in business, has its principal place of business in this state, employed an average of at least 1 but not more than 50 eligible employees on business days during the preceding calendar year, and employs at least 1 employee on the first day of the plan year. For purposes of this section, a sole proprietor, an independent contractor, or a self-employed individual is considered a small employer only if all of the conditions and criteria established in this section are met.

(w) "Small employer carrier" means a carrier that offers health benefit plans covering eligible employees of one or more small employers.

(6) RESTRICTIONS RELATING TO PREMIUM RATES.—

(a) The *commission* ~~department~~ may, by rule, establish regulations to administer this *subsection* ~~section~~ and to assure that rating practices used by small employer carriers are consistent with the purpose of this section, including assuring that differences in rates charged for health benefit plans by small employer carriers are reasonable and reflect objective differences in plan design, not including differences due to the nature of the groups assumed to select particular health benefit plans.

(b) For all small employer health benefit plans that are subject to this section and are issued by small employer carriers on or after January 1, 1994, premium rates for health benefit plans subject to this section are subject to the following:

1. Small employer carriers must use a modified community rating methodology in which the premium for each small employer must be determined solely on the basis of the eligible employee's and eligible dependent's gender, age, family composition, tobacco use, or geographic area as determined under paragraph (5)(j).

2. Rating factors related to age, gender, family composition, tobacco use, or geographic location may be developed by each carrier to reflect the carrier's experience. The factors used by carriers are subject to *commission* ~~department~~ review and approval.

3. Small employer carriers may not modify the rate for a small employer for 12 months from the initial issue date or renewal date, unless the composition of the group changes or benefits are changed.

4. Carriers participating in the alliance program, in accordance with ss. 408.70-408.706, may apply a different community rate to business written in that program.

(c) For all small employer health benefit plans that are subject to this section, that are issued by small employer carriers before January 1, 1994, and that are renewed on or after January 1, 1995, renewal rates must be based on the same modified community rating standard applied to new business.

(d) Notwithstanding s. 627.401(2), this section and ss. 627.410 and 627.411 apply to any health benefit plan provided by a small employer carrier that provides coverage to one or more employees of a small employer regardless of where the policy, certificate, or contract is issued or delivered, if the health benefit plan covers employees or their covered dependents who are residents of this state.

(8) MAINTENANCE OF RECORDS.—

(a) Each small employer carrier must maintain at its principal place of business a complete and detailed description of its rating practices and renewal practices, including information and documentation that demonstrate that its rating methods and practices are based upon commonly accepted actuarial assumptions and are in accordance with sound actuarial principles.

(b) Each small employer carrier must file with the *commission* ~~department~~ on or before March 15 of each year an actuarial certification that the carrier is in compliance with this section and that the rating methods of the carrier are actuarially sound. The certification must be in a form and manner and contain the information prescribed by the *commission* ~~department~~. The carrier must retain a copy of the certification at its principal place of business.

(c) A small employer carrier must make the information and documentation described in paragraph (a) available to the *commission and the* department upon request. The information constitutes proprietary and trade secret information and may not be disclosed by the *commission or the* department to persons outside the *commission or* department, except as agreed to by the carrier or as ordered by a court of competent jurisdiction.

(d) Each small employer carrier must file with the department quarterly an enrollment report as directed by the department. Such report shall not constitute proprietary or trade secret information.

(11) SMALL EMPLOYER HEALTH REINSURANCE PROGRAM.—

(a) There is created a nonprofit entity to be known as the "Florida Small Employer Health Reinsurance Program."

(b)1. The program shall operate subject to the supervision and control of the board.

2. Effective upon this act becoming a law, the board shall consist of the commissioner or his or her designee, who shall serve as the chairperson, and 13 additional members who are representatives of carriers and insurance agents and are appointed by the commissioner and serve as follows:

a. The commissioner shall include representatives of small employer carriers subject to assessment under this subsection. If two or more carriers elect to be risk-assuming carriers, the membership must include at least two representatives of risk-assuming carriers; if one carrier is risk-assuming, one member must be a representative of such carrier. At least one member must be a carrier who is subject to the assessments, but is not a small employer carrier. Subject to such restrictions, at least five members shall be selected from individuals recommended by small employer carriers pursuant to procedures provided by rule of the department. Three members shall be selected from a list of health insurance carriers that issue individual health insurance policies. At least two of the three members selected must be reinsuring carriers. Two members shall be selected from a list of insurance agents who are actively engaged in the sale of health insurance.

b. A member appointed under this subparagraph shall serve a term of 4 years and shall continue in office until the member's successor takes office, except that, in order to provide for staggered terms, the commissioner shall designate two of the initial appointees under this subparagraph to serve terms of 2 years and shall designate three of the initial appointees under this subparagraph to serve terms of 3 years.

3. The commissioner may remove a member for cause.

4. Vacancies on the board shall be filled in the same manner as the original appointment for the unexpired portion of the term.

5. The commissioner may require an entity that recommends persons for appointment to submit additional lists of recommended appointees.

(c)1.

a. No later than August 15, 1992, the board shall submit to the department a plan of operation to assure the fair, reasonable, and equitable administration of the program. The board may at any time submit to the department any amendments to the plan that the board finds to be necessary or suitable.

b. No later than September 15, 1992, the department shall, after notice and hearing, approve the plan of operation if it determines that the plan submitted by the board is suitable to assure the fair, reasonable, and equitable administration of the program and provides for the sharing of program gains and losses equitably and proportionately in accordance with paragraph (j).

c. The plan of operation, or any amendment thereto, becomes effective upon written approval of the department.

2. If the board fails to submit a suitable plan of operation by August 15, 1992, the department shall, after notice and hearing, adopt a temporary plan of operation by September 15, 1992. The department shall amend or rescind the temporary plan of operation, as appropriate, after it approves a suitable plan of operation submitted by the board.

(d) The plan of operation must, among other things:

1. Establish procedures for handling and accounting for program assets and moneys and for an annual fiscal reporting to the department.

2. Establish procedures for selecting an administering carrier and set forth the powers and duties of the administering carrier.

3. Establish procedures for reinsuring risks.

4. Establish procedures for collecting assessments from participating carriers to provide for claims reinsured by the program and for administrative expenses, other than amounts payable to the administrative carrier, incurred or estimated to be incurred during the period for which the assessment is made.

5. Provide for any additional matters at the discretion of the board.

(e) The board shall:

1. Recommend to the department market conduct requirements and other requirements for carriers and agents, including requirements relating to:

a. Registration by each carrier with the department of its intention to be a small employer carrier under this section;

b. Publication by the department of a list of all small employer carriers, including a requirement applicable to agents and carriers that a health benefit plan may not be sold by a carrier that is not identified as a small employer carrier;

c. The availability of a broadly publicized, toll-free telephone number for access by small employers to information concerning this section;

d. Periodic reports by carriers and agents concerning health benefit plans issued; and

e. Methods concerning periodic demonstration by small employer carriers and agents that they are marketing or issuing health benefit plans to small employers.

2. By January 1, 1995, the board shall conduct a study of the effectiveness of this section and may recommend, to the department, improvements to achieve greater rate stability, accessibility, and affordability in the small employer marketplace.

(f) The program has the general powers and authority granted under the laws of this state to insurance companies and health maintenance organizations licensed to transact business, except the power to issue health benefit plans directly to groups or individuals. In addition thereto, the program has specific authority to:

1. Enter into contracts as necessary or proper to carry out the provisions and purposes of this act, including the authority to enter into contracts with similar programs of other states for the joint performance of common functions or with persons or other organizations for the performance of administrative functions.

2. Sue or be sued, including taking any legal action necessary or proper for recovering any assessments and penalties for, on behalf of, or against the program or any carrier.

3. Take any legal action necessary to avoid the payment of improper claims against the program.

4. Issue reinsurance policies, in accordance with the requirements of this act.

5. Establish rules, conditions, and procedures for reinsurance risks under the program participation.

6. Establish actuarial functions as appropriate for the operation of the program.

7. Assess participating carriers in accordance with paragraph (j), and make advance interim assessments as may be reasonable and necessary for organizational and interim operating expenses. Interim assessments shall be credited as offsets against any regular assessments due following the close of the calendar year.

8. Appoint appropriate legal, actuarial, and other committees as necessary to provide technical assistance in the operation of the program, and in any other function within the authority of the program.

9. Borrow money to effect the purposes of the program. Any notes or other evidences of indebtedness of the program which are not in default constitute legal investments for carriers and may be carried as admitted assets.

10. To the extent necessary, increase the $5,000 deductible reinsurance requirement to adjust for the effects of inflation.

(g) A reinsuring carrier may reinsure with the program coverage of an eligible employee of a small employer, or any dependent of such an employee, subject to each of the following provisions:

1. With respect to a standard and basic health care plan, the program must reinsure the level of coverage provided; and, with respect to any other plan, the program must reinsure the coverage up to, but not exceeding, the level of coverage provided under the standard and basic health care plan.

2. Except in the case of a late enrollee, a reinsuring carrier may reinsure an eligible employee or dependent within 60 days after the commencement of the coverage of the small employer. A newly employed eligible employee or dependent of a small employer may be reinsured within 60 days after the commencement of his or her coverage.

3. A small employer carrier may reinsure an entire employer group within 60 days after the commencement of the group's coverage under the plan. The carrier may choose to reinsure newly eligible employees and dependents of the reinsured group pursuant to subparagraph 1.

4. The program may not reimburse a participating carrier with respect to the claims of a reinsured employee or dependent until the carrier has paid incurred claims of at least $5,000 in a calendar year for benefits covered by the program. In addition, the reinsuring carrier shall be responsible for 10 percent of the next $50,000 and 5 percent of the next $100,000 of incurred claims during a calendar year and the program shall reinsure the remainder.

5. The board annually shall adjust the initial level of claims and the maximum limit to be retained by the carrier to reflect increases in costs and utilization within the standard market for health benefit plans within the state. The adjustment shall not be less than the annual change in the medical component of the "Consumer Price Index for All Urban Consumers" of the Bureau of Labor Statistics of the Department of Labor, unless the board proposes and the department approves a lower adjustment factor.

6. A small employer carrier may terminate reinsurance for all reinsured employees or dependents on any plan anniversary.

7. The premium rate charged for reinsurance by the program to a health maintenance organization that is approved by the Secretary of Health and Human Services as a federally qualified health maintenance organization pursuant to 42 U.S.C. s. 300e(c)(2)(A) and that, as such, is subject to requirements that limit the amount of risk that may be ceded to the program, which requirements are more restrictive than subparagraph 4., shall be reduced by an amount equal to that portion of the risk, if any, which exceeds the amount set forth in subparagraph 4. which may not be ceded to the program.

8. The board may consider adjustments to the premium rates charged for reinsurance by the program for carriers that use effective cost containment measures, including high-cost case management, as defined by the board.

9. A reinsuring carrier shall apply its case-management and claims-handling techniques, including, but not limited to, utilization review, individual case management, preferred provider provisions, other managed care provisions or methods of operation, consistently with both reinsured business and nonreinsured business.

(h)1. The board, as part of the plan of operation, shall establish a methodology for determining premium rates to be charged by the program for reinsuring small employers and individuals pursuant to this section. The methodology shall include a system for classification of small employers that reflects the types of case characteristics commonly used by small employer carriers in the state. The methodology shall provide for the development of basic reinsurance premium rates, which shall be multiplied by the factors set for them in this paragraph to determine the premium rates for the program. The basic reinsurance premium rates shall be established by the board, subject to the approval of the *commission* ~~department~~, and shall be set at levels which reasonably approximate gross premiums charged to small employers by small employer carriers for health benefit plans with benefits similar to the standard and basic health benefit plan. The premium rates set by the board may vary by geographical area, as determined under this section, to reflect differences in cost. The multiplying factors must be established as follows:

a. The entire group may be reinsured for a rate that is 1.5 times the rate established by the board.

b. An eligible employee or dependent may be reinsured for a rate that is 5 times the rate established by the board.

2. The board periodically shall review the methodology established, including the system of classification and any rating factors, to assure that it reasonably reflects the claims experience of the program. The board may propose changes to the rates which shall be subject to the approval of the *commission* ~~department~~.

(i) If a health benefit plan for a small employer issued in accordance with this subsection is entirely or partially reinsured with the program, the premium charged to the small employer for any rating period for the coverage issued must be consistent with the requirements relating to premium rates set forth in s. 627.4106.

(j)1. Before March 1 of each calendar year, the board shall determine and report to the department the program net loss for the previous year, including administrative expenses for that year, and the incurred losses for the year, taking into account investment income and other appropriate gains and losses.

2. Any net loss for the year shall be recouped by assessment of the carriers, as follows:

a. The operating losses of the program shall be assessed in the following order subject to the specified limitations. The first tier of assessments shall be made against reinsuring carriers in an amount which shall not exceed 5 percent of each reinsuring carrier's premiums from health benefit plans covering small employers. If such assessments have been collected and additional moneys are needed, the board shall make a second tier of assessments in an amount which shall not exceed 0.5 percent of each carrier's health benefit plan premiums. Except as provided in paragraph (n), risk-assuming carriers are exempt from all assessments authorized pursuant to this section. The amount paid by a reinsuring carrier for the first tier of assessments shall be credited against any additional assessments made.

b. The board shall equitably assess carriers for operating losses of the plan based on market share. The board shall annually assess each carrier a portion of the operating losses of the plan. The first tier of assessments shall be determined by multiplying the operating losses by a fraction, the numerator of which equals the reinsuring carrier's earned premium pertaining to direct writings of small employer health benefit plans in the state during the calendar year for which the assessment is levied, and the denominator of which equals the total of all such premiums earned by reinsuring carriers in the state during that calendar year. The second tier of assessments shall be based on the premiums that all carriers, except risk-assuming carriers, earned on all health benefit plans written in this state. The board may levy interim assessments against carriers to ensure the financial ability of the plan to cover claims expenses and administrative expenses paid or estimated to be paid in the operation of the plan for the calendar year prior to the association's anticipated receipt of annual assessments for that calendar year. Any interim assessment is due and payable within 30 days after receipt by a carrier of the interim assessment notice. Interim assessment payments shall be credited against the carrier's annual assessment. Health benefit plan premiums and benefits paid by a carrier that are less than an amount determined by the board to justify the cost of collection may not be considered for purposes of determining assessments.

c. Subject to the approval of the department, the board shall make an adjustment to the assessment formula for reinsuring carriers that are approved as federally qualified health maintenance organizations by the Secretary of Health and Human Services pursuant to 42 U.S.C. s. 300e(c)(2)(A) to the extent, if any, that restrictions are placed on them that are not imposed on other small employer carriers.

3. Before March 1 of each year, the board shall determine and file with the department an estimate of the assessments needed to fund the losses incurred by the program in the previous calendar year.

4. If the board determines that the assessments needed to fund the losses incurred by the program in the previous calendar year will exceed the amount specified in subparagraph 2., the board shall evaluate the operation of the program and report its findings, including any recommendations for changes to the plan of operation, to the department within 90 days following the end of the calendar year in which the losses were incurred. The evaluation shall include an estimate of future assessments, the administrative costs of the program, the appropriateness of the premiums charged and the level of carrier retention under the program, and the costs of coverage for small employers. If the board fails to file a report with the department within 90 days following the end of the applicable calendar year, the department may evaluate the operations of the program and implement such amendments to the plan of operation the department deems necessary to reduce future losses and assessments.

5. If assessments exceed the amount of the actual losses and administrative expenses of the program, the excess shall be held as interest and used by the board to offset future losses or to reduce program premiums. As used in this paragraph, the term "future losses" includes reserves for incurred but not reported claims.

6. Each carrier's proportion of the assessment shall be determined annually by the board, based on annual statements and other reports considered necessary by the board and filed by the carriers with the board.

7. Provision shall be made in the plan of operation for the imposition of an interest penalty for late payment of an assessment.

8. A carrier may seek, from the commissioner, a deferment, in whole or in part, from any assessment made by the board. The department may defer, in whole or in part, the assessment of a carrier if, in the opinion of the department, the payment of the assessment would place the carrier in a financially impaired condition. If an assessment against a carrier is deferred, in whole or in part, the amount by which the assessment is deferred may be assessed against the other carriers in a manner consistent with the basis for assessment set forth in this section. The carrier receiving such deferment remains liable to the program for the amount deferred and is prohibited from reinsuring any individuals or groups in the program if it fails to pay assessments.

(k) Neither the participation in the program as reinsuring carriers, the establishment of rates, forms, or procedures, nor any other joint or collective action required by this act, may be the basis of any legal action, criminal or civil liability, or penalty against the program or any of its carriers either jointly or separately.

(l) The board, as part of the plan of operation, shall develop standards setting forth the manner and levels of compensation to be paid to agents for the sale of basic and standard health benefit plans. In establishing such standards, the board shall take into consideration the need to assure the broad availability of coverages, the objectives of the program, the time and effort expended in placing the coverage, the need to provide ongoing service to the small employer, the levels of compensation currently used in the industry, and the overall costs of coverage to small employers selecting these plans.

(m) The board shall monitor compliance with this section, including the market conduct of small employer carriers, and shall report to the department any unfair trade practices and misleading or unfair conduct by a small employer carrier that has been reported to the board by agents, consumers, or any other person. The department shall investigate all reports and, upon a finding of noncompliance with this section or of unfair or misleading practices, shall take action against the small employer carrier as permitted under the insurance code or chapter 641. The board is not given investigatory or regulatory powers, but must forward all reports of cases or abuse or misrepresentation to the department.

(n) Notwithstanding paragraph (j), the administrative expenses of the program shall be recouped by assessment of risk-assuming carriers and reinsuring carriers and such amounts shall not be considered part of the operating losses of the plan for the purposes of this paragraph. Each carrier's portion of such administrative expenses shall be determined by multiplying the total of such administrative expenses by a fraction, the numerator of which equals the carrier's earned premium pertaining to direct writing of small employer health benefit plans in the state during the calendar year for which the assessment is levied, and the denominator of which equals the total of such premiums earned by all carriers in the state during such calendar year.

(12) STANDARD, BASIC, AND LIMITED HEALTH BENEFIT PLANS.—

(a)1. By May 15, 1993, the commissioner shall appoint a health benefit plan committee composed of four representatives of carriers which shall include at least two representatives of HMOs, at least one of which is a staff model HMO, two representatives of agents, four representatives of small employers, and one employee of a small employer. The carrier members shall be selected from a list of individuals recommended by the board. The commissioner may require the board to submit additional recommendations of individuals for appointment. As alliances are established under s. 408.702, each alliance shall also appoint an additional member to the committee.

2. The committee shall develop changes to the form and level of coverages for the standard health benefit plan and the basic health benefit plan, and shall submit the forms, and levels of coverages to the department by September 30, 1993. The department must approve such forms and levels of coverages by November 30, 1993, and may return the submissions to the committee for modification on a schedule that allows the department to grant final approval by November 30, 1993.

3. The plans shall comply with all of the requirements of this subsection.

4. The plans must be filed with and approved by the department prior to issuance or delivery by any small employer carrier.

5. After approval of the revised health benefit plans, if the department determines that modifications to a plan might be appropriate, the commissioner shall appoint a new health benefit plan committee in the manner provided in subparagraph 1. to submit recommended modifications to the department for approval.

(b)1. Each small employer carrier issuing new health benefit plans shall offer to any small employer, upon request, a standard health benefit plan and a basic health benefit plan that meets the criteria set forth in this section.

2. For purposes of this subsection, the terms "standard health benefit plan" and "basic health benefit plan" mean policies or contracts that a small employer carrier offers to eligible small employers that contain:

a. An exclusion for services that are not medically necessary or that are not covered preventive health services; and

b. A procedure for preauthorization by the small employer carrier, or its designees.

3. A small employer carrier may include the following managed care provisions in the policy or contract to control costs:

a. A preferred provider arrangement or exclusive provider organization or any combination thereof, in which a small employer carrier enters into a written agreement with the provider to provide services at specified levels of reimbursement or to provide reimbursement to specified providers. Any such written agreement between a provider and a small employer carrier must contain a provision under which the parties agree that the insured individual or covered member has no obligation to make payment for any medical service rendered by the provider which is determined not to be medically necessary. A carrier may use preferred provider arrangements or exclusive provider arrangements to the same extent as allowed in group products that are not issued to small employers.

b. A procedure for utilization review by the small employer carrier or its designees.

This subparagraph does not prohibit a small employer carrier from including in its policy or contract additional managed care and cost containment provisions, subject to the approval of the department, which have potential for controlling costs in a manner that does not result in inequitable treatment of insureds or subscribers. The carrier may use such provisions to the same extent as authorized for group products that are not issued to small employers.

4. The standard health benefit plan shall include:

a. Coverage for inpatient hospitalization;

b. Coverage for outpatient services;

c. Coverage for newborn children pursuant to s. 627.6575;

d. Coverage for child care supervision services pursuant to s. 627.6579;

e. Coverage for adopted children upon placement in the residence pursuant to s. 627.6578;

f. Coverage for mammograms pursuant to s. 627.6613;

g. Coverage for handicapped children pursuant to s. 627.6615;

h. Emergency or urgent care out of the geographic service area; and

i. Coverage for services provided by a hospice licensed under s. 400.602 in cases where such coverage would be the most appropriate and the most cost-effective method for treating a covered illness.

5. The standard health benefit plan and the basic health benefit plan may include a schedule of benefit limitations for specified services and procedures. If the committee develops such a schedule of benefits limitation for the standard health benefit plan or the basic health benefit plan, a small employer carrier offering the plan must offer the employer an option for increasing the benefit schedule amounts by 4 percent annually.

6. The basic health benefit plan shall include all of the benefits specified in subparagraph 4.; however, the basic health benefit plan shall place additional restrictions on the benefits and utilization and may also impose additional cost containment measures.

7. Sections 627.419(2), (3), and (4), 627.6574, 627.6612, 627.66121, 627.66122, 627.6616, 627.6618, 627.668, and 627.66911 apply to the standard health benefit plan and to the basic health benefit plan. However, notwithstanding said provisions, the plans may specify limits on the number of authorized treatments, if such limits are reasonable and do not discriminate against any type of provider.

8. Each small employer carrier that provides for inpatient and outpatient services by allopathic hospitals may provide as an option of the insured similar inpatient and outpatient services by hospitals accredited by the American Osteopathic Association when such services are available and the osteopathic hospital agrees to provide the service.

(c) If a small employer rejects, in writing, the standard health benefit plan and the basic health benefit plan, the small employer carrier may offer the small employer a limited benefit policy or contract.

(d)1. Upon offering coverage under a standard health benefit plan, a basic health benefit plan, or a limited benefit policy or contract for any small employer, the small employer carrier shall provide such employer group with a written statement that contains, at a minimum:

a. An explanation of those mandated benefits and providers that are not covered by the policy or contract;

b. An explanation of the managed care and cost control features of the policy or contract, along with all appropriate mailing addresses and telephone numbers to be used by insureds in seeking information or authorization; and

c. An explanation of the primary and preventive care features of the policy or contract.

Such disclosure statement must be presented in a clear and understandable form and format and must be separate from the policy or certificate or evidence of coverage provided to the employer group.

2. Before a small employer carrier issues a standard health benefit plan, a basic health benefit plan, or a limited benefit policy or contract, it must obtain from the prospective policyholder a signed written statement in which the prospective policyholder:

a. Certifies as to eligibility for coverage under the standard health benefit plan, basic health benefit plan, or limited benefit policy or contract;

b. Acknowledges the limited nature of the coverage and an understanding of the managed care and cost control features of the policy or contract;

c. Acknowledges that if misrepresentations are made regarding eligibility for coverage under a standard health benefit plan, a basic health benefit plan, or a limited benefit policy or contract, the person making such misrepresentations forfeits coverage provided by the policy or contract; and

d. If a limited plan is requested, acknowledges that the prospective policyholder had been offered, at the time of application for the insurance policy or contract, the opportunity to purchase any health benefit plan offered by the carrier and that the prospective policyholder had rejected that coverage.

A copy of such written statement shall be provided to the prospective policyholder no later than at the time of delivery of the policy or contract, and the original of such written statement shall be retained in the files of the small employer carrier for the period of time that the policy or contract remains in effect or for 5 years, whichever period is longer.

3. Any material statement made by an applicant for coverage under a health benefit plan which falsely certifies as to the applicant's eligibility for coverage serves as the basis for terminating coverage under the policy or contract.

4. Each marketing communication that is intended to be used in the marketing of a health benefit plan in this state must be submitted for review by the department prior to use and must contain the disclosures stated in this subsection.

(e)1. A small employer carrier may not use any policy, contract, *or* form~~, or rate~~ under this section, including applications, enrollment forms, policies, contracts, certificates, evidences of coverage, riders, amendments, endorsements, and disclosure forms, until the *carrier* insurer has filed it with the department and the department has approved it under ss. 627.410, ~~627.4106,~~ and 627.411.

2. *A small employer carrier may not use any rate until the carrier has filed it with the commission and the commission has approved it under ss. 627.410 and 627.411.* ~~A small employer carrier must file with the department by December 1, 1993, the standard and basic health benefit plan that it intends to initially use to comply with this subsection during calendar year 1994, together with the rates therefor, and the department must approve the submissions by January 1, 1994.~~

(16) RULEMAKING AUTHORITY.—The department may adopt rules to administer this section, including rules governing compliance by small employer carriers and small employers, *except for rules related to rates. The commission may adopt rules to administer this section related to rates.*

Section 69. Subsections (2), (4), and (7) of section 627.6745, Florida Statutes, are amended to read:

627.6745 Loss ratio standards; public rate hearings.—

(2) Each entity providing Medicare supplement policies or certificates in this state shall file annually its rates, rating schedules, and supporting documentation *with the commission* demonstrating that it is in compliance with the applicable loss ratio standards of this code. The filing of rates and rating schedules shall demonstrate that the actual and expected losses in relation to premiums comply with the requirements of this section.

(4) Each insurer providing Medicare supplement insurance to residents of this state shall annually submit to the *commission* ~~department~~ information on actual loss ratios on forms prescribed by the National Association of Insurance Commissioners pursuant to the Omnibus Budget Reconciliation Act of 1990 (Pub. L. No. 101-508).

(7) The *commission* ~~department~~ shall adopt a written policy statement regarding the holding of public hearings prior to approval of any premium increases for Medicare supplement insurance policies.

Section 70. Section 627.678, Florida Statutes, is amended to read:

627.678 Rules.—

(1) For the effective protection of the public interest, the department shall have full power and authority to adopt, promulgate, and enforce separate rules pertaining to issuance and use of each type of credit insurance defined in s. 627.677*, except for matters related to rates. The commission may adopt rules related to rates for credit life and disability insurance consistent with the provisions of this part.*

(2) Rules made pursuant to this section shall be principally designed, and shall be promulgated with the purpose of protecting the borrower from excessive charges by or collected through the lender for insurance in relation to the amount of the loan, to avoid duplication or overlapping of insurance coverage and to avoid loss of the borrower's funds by short-rate cancellation or termination of such insurance. However, nothing in such rules shall be construed to authorize the department to prohibit operation of normal dividend distributions under participating insurance contracts.

Section 71. Section 627.6785, Florida Statutes, is amended to read:

627.6785 Filing of rates with department.—

(1) Credit disability and credit life insurers shall file with the *commission* ~~department~~ a copy of all rates and any rate changes used in this state*, subject to the procedures specified in s. 627.410.*

(2) No credit disability rate and no credit life rate shall exceed the maximum allowable rate promulgated by the *commission* ~~department~~.

(3) No credit life rate or credit disability rate shall be deemed to comply with the allowable rate criteria contained in this part if *the benefits provided are not reasonable in relation to the premium charged or if the rate* ~~it~~ contains age restrictions which make ineligible for credit life those debtors or lessors 70 years of age or under, or for credit disability those debtors or lessors 65 years of age or under, at the time the indebtedness is incurred. However, for credit life, the coverage shall be provided, at a minimum, until the earlier of the maturity date of the loan or the loan anniversary at age 71, and, for credit disability, the coverage shall be provided, at a minimum, until the earlier of the maturity date of the loan or the loan anniversary at age 66.

Section 72. Section 627.682, Florida Statutes, is amended to read:

627.682 Filing, approval of forms.—All forms of policies, certificates of insurance, statements of insurance, applications for insurance, binders, endorsements, and riders of credit life or disability insurance delivered or issued for delivery in this state shall be filed with and approved by the department before use as provided in ss. 627.410 and 627.411. In addition to grounds as specified in s. 627.411, the department, upon compliance with the procedures set forth in s. 627.410, shall disapprove any such form and may withdraw any previous approval thereof ~~if the benefits provided therein are not reasonable in relation to the premiums charged, or~~ if it contains provisions *that* ~~which~~ are unjust, unfair, inequitable, misleading, or deceptive or *that* ~~which~~ encourage misrepresentation of such policy.

Section 73. Subsection (9) of section 627.727, Florida Statutes, is amended to read:

627.727 Motor vehicle insurance; uninsured and underinsured vehicle coverage; insolvent insurer protection.—

(9) Insurers may offer policies of uninsured motorist coverage containing policy provisions, in language approved by the department, establishing that if the insured accepts this offer:

(a) The coverage provided as to two or more motor vehicles shall not be added together to determine the limit of insurance coverage available to an injured person for any one accident, except as provided in paragraph (c).

(b) If at the time of the accident the injured person is occupying a motor vehicle, the uninsured motorist coverage available to her or him is the coverage available as to that motor vehicle.

(c) If the injured person is occupying a motor vehicle which is not owned by her or him or by a family member residing with her or him, the injured person is entitled to the highest limits of uninsured motorist coverage afforded for any one vehicle as to which she or he is a named insured or insured family member. Such coverage shall be excess over the coverage on the vehicle the injured person is occupying.

(d) The uninsured motorist coverage provided by the policy does not apply to the named insured or family members residing in her or his household who are injured while occupying any vehicle owned by such insureds for which uninsured motorist coverage was not purchased.

(e) If, at the time of the accident the injured person is not occupying a motor vehicle, she or he is entitled to select any one limit of uninsured motorist coverage for any one vehicle afforded by a policy under which she or he is insured as a named insured or as an insured resident of the named insured's household.

In connection with the offer authorized by this subsection, insurers shall inform the named insured, applicant, or lessee, on a form approved by the department, of the limitations imposed under this subsection and that such coverage is an alternative to coverage without such limitations. If this form is signed by a named insured, applicant, or lessee, it shall be conclusively presumed that there was an informed, knowing acceptance of such limitations. When the named insured, applicant, or lessee has initially accepted such limitations, such acceptance shall apply to any policy which renews, extends, changes, supersedes, or replaces an existing policy unless the named insured requests deletion of such limitations and pays the appropriate premium for such coverage. Any insurer who provides coverage which includes the limitations provided in this subsection shall file revised premium rates with the *commission* ~~department~~ for such uninsured motorist coverage to take effect prior to initially providing such coverage. The revised rates shall reflect the anticipated reduction in loss costs attributable to such limitations but shall in any event reflect a reduction in the uninsured motorist coverage premium of at least 20 percent for policies with such limitations. Such filing shall not increase the rates for coverage which does not contain the limitations authorized by this subsection, and such rates shall remain in effect until the insurer demonstrates the need for a change in uninsured motorist rates pursuant to s. 627.0651.

Section 74. Subsection (1) of section 627.780, Florida Statutes, is amended to read:

627.780 Illegal dealings in risk premium.—

(1) A person may not knowingly quote, charge, accept, collect, or receive a premium for title insurance other than the premium adopted by the *commission* ~~department~~.

Section 75. Section 627.782, Florida Statutes, is amended to read:

627.782 Adoption of rates.—

(1) Subject to the rating provisions of this code, the *commission* ~~department~~ must adopt a rule specifying the premium to be charged in this state by title insurers for the respective types of title insurance contracts and, for policies issued through agents or agencies, the percentage of such premium required to be retained by the title insurer which shall not be less than 30 percent. However, in a transaction subject to the Real Estate Settlement Procedures Act of 1974, 12 U.S.C. ss. 2601 et seq., as amended, no portion of the premium attributable to providing a primary title service shall be paid to or retained by any person who does not actually perform or is not liable for the performance of such service. The *commission* ~~department~~ may, by rule, establish limitations on related title services charges made in addition to the premium based upon the expenses associated with the services rendered and other relevant factors.

(2) In adopting premium rates, the *commission* ~~department~~ must give due consideration to the following:

(a) The title insurers' loss experience and prospective loss experience under closing protection letters and policy liabilities.

(b) A reasonable margin for underwriting profit and contingencies, including contingent liability under s. 627.7865, sufficient to allow title insurers, agents, and agencies to earn a rate of return on their capital that will attract and retain adequate capital investment in the title insurance business and maintain an efficient title insurance delivery system.

(c) Past expenses and prospective expenses for administration and handling of risks.

(d) Liability for defalcation.

(e) Other relevant factors.

(3) Rates may be grouped by classification or schedule and may differ as to class of risk assumed.

(4) Rates may not be excessive, inadequate, or unfairly discriminatory.

(5) The premium applies to each $100 of insurance issued to an insured.

(6) The premium rates apply throughout this state.

(7) The *commission* ~~department~~ shall, in accordance with the standards provided in subsection (2), review the premium as needed, but not less frequently than once every 3 years, and shall, based upon the review required by this subsection, revise the premium if the results of the review so warrant.

(8) The *commission* ~~department~~ may, by rule, require licensees under this part to annually submit statistical information, including loss and expense data, as the department determines to be necessary to analyze premium rates, retention rates, and the condition of the title insurance industry.

Section 76. Section 627.7825, Florida Statutes, is amended to read:

627.7825 Alternative rate adoption.—Notwithstanding s. 627.782(1) and (7), the premium rates to be charged by title insurers in this state from July 1, 1999, through June 30, 2002, for title insurance contracts shall be as set forth in this section. The rules related to premium rates for title insurance, including endorsements, adopted by the department and in effect on April 1, 1999, that do not conflict with the provisions of this section shall remain in effect until June 30, 2002. The *commission* ~~department~~ shall not grant a rate deviation pursuant to s. 627.783 for the premium rates established in this section and in department rules in effect on April 1, 1999, *which* ~~that~~ do not conflict with this section.

(1) ORIGINAL TITLE INSURANCE RATES.—

(a) For owner and leasehold title insurance:

1. The premium for the original owner's or for leasehold insurance shall be:

	Per Thousand	Minimum Insurer Retention
From $0 to $100,000 of liability written	$5.75	30%
From $100,000 to $1 million, add	$5.00	30%
Over $1 million and up to $5 million, add	$2.50	35%
Over $5 million and up to $10 million, add	$2.25	40%
Over $10 million, add	$2.00	40%

The minimum premium for all conveyances except multiple conveyances shall be $100. The minimum premium for multiple conveyances on the same property shall be $60.

2. In all cases, the owner's policy shall be issued for the full insurable value of the premises.

(b) For mortgage title insurance:

1. The premium for the original mortgage title insurance shall be:

	Per Thousand	Minimum Insurer Retention
From $0 to $100,000 of liability written	$5.75	30%
From $100,000 to $1 million, add	$5.00	30%
Over $1 million and up to $5 million, add	$2.50	35%
Over $5 million and up to $10 million, add	$2.25	40%
Over $10 million, add	$2.00	40%

The minimum premium for all conveyances except multiple conveyances shall be $100. The minimum premium for multiple conveyances on the same property shall be $60.

2. A mortgage title insurance policy shall not be issued for an amount less than the full principal debt. A policy may, however, be issued for an amount up to 25 percent in excess of the principal debt to cover interest and foreclosure costs.

(2) REISSUE RATES.—

(a) The reissue premium charge for owner's, mortgage, and leasehold title insurance policies shall be:

	Per Thousand
Up to $100,000 of liability written	$3.30
Over $100,000 and up to $1 million, add	$3.00
Over $1 million and up to $10 million, add	$2.00
Over $10 million, add	$1.50

The minimum premium shall be $100.

(b) Provided a previous owner's policy was issued insuring the seller or the mortgagor in the current transaction and that both the reissuing agent and the reissuing underwriter retain for their respective files copies of the prior owner's policy or policies, the reissue premium rates in paragraph (a) shall apply to:

1. Policies on real property which is unimproved except for roads, bridges, drainage facilities, and utilities if the current owner's title has been insured prior to the application for a new policy;

2. Policies issued with an effective date of less than 3 years after the effective date of the policy insuring the seller or mortgagor in the current transaction; or

3. Mortgage policies issued on refinancing of property insured by an original owner's policy which insured the title of the current mortgagor.

(c) Any amount of new insurance, in the aggregate, in excess of the amount under the previous policy shall be computed at the original owner's or leasehold rates, as provided in subsection (1).

(3) NEW HOME PURCHASE DISCOUNT.—Provided the seller has not leased or occupied the premises, the original premium for a policy on the first sale of residential property with a one to four family improvement that is granted a certificate of occupancy shall be discounted by the amount of premium paid for any prior loan policies insuring the lien of a mortgage executed by the seller on the premises. In the case of prior loan policies insuring the lien of a mortgage on multiple units or parcels, the discount shall be prorated by dividing the amount of the premium paid for the prior loan policies by the total number of units or parcels without regard to varying unit or parcel value. The minimum new home purchase premium shall be $200. The new home purchase discount may not be combined with any other reduction from original premium rates provided for in this section. The insurer shall reserve for unearned premiums only on the excess amount of the policy over the amount of the actual or prorated amount of the prior loan policy.

(4) SUBSTITUTION LOANS RATES.—

(a) When the same borrower and the same lender make a substitution loan on the same property, the title to which was insured by an insurer in connection with the previous loan, the following premium rates for substitution loans shall apply:

Age of Previous Loan	Premium Rates
3 years or under	30 percent of the original rates
From 3 to 4 years	40 percent of the original rates
From 4 to 5 years	50 percent of the original rates
From 5 to 10 years	60 percent of the original rates
Over 10 years	100 percent of original rates

The minimum premium for substitution loan rates shall be $100.

(b) At the time a substitution loan is made, the unpaid principal balance of the previous loan will be considered the amount of insurance in force on which the foregoing premium rates shall be calculated. To these rates shall be added the original rates in the applicable schedules for any new insurance, including any difference between the unpaid principal balance of the previous loan and the amount of the new loan.

(c) In the case of a substitution loan of $250,000 or more, when the same borrower and any lender make a substitution loan on the same property, the title to which was insured by an insurer in connection with the previous loan, the premium for such substitution loans shall be the rates as set forth in paragraphs (a) and (b).

Section 77. Section 627.783, Florida Statutes, is amended to read:

627.783 Rate deviation.—

(1) A title insurer may petition the *commission* ~~department~~ for an order authorizing a specific deviation from the adopted premium, and a title insurer or title insurance agent may petition the *commission* ~~department~~ for an order authorizing and permitting a specific deviation above the reasonable charge for related title services rendered specified in s. 627.782(1). The petition shall be in writing and sworn to and shall set forth allegations of fact upon which the petitioner will rely, including the petitioner's reasons for requesting the deviation. Any authorized title insurer, agent, or agency may join in the petition for like authority to deviate or may file a separate petition praying for like authority or opposing the deviation. The *commission* ~~department~~ shall rule on all such petitions simultaneously.

(2) If, in the judgment of the *commission* ~~department~~, the requested deviation is not justified, the *commission* ~~department~~ may enter an order denying the petition. An order granting a petition constitutes an amendment to the adopted premium as to the petitioners named in the order, and is subject to s. 627.782.

Section 78. Section 627.793, Florida Statutes, is amended to read:

627.793 Rulemaking authority.—The department *may* ~~is authorized to~~ adopt rules implementing the provisions of this part, *except for those provisions related to rates. The commission may adopt rules implementing the provisions of this part relating to rates.*

Section 79. Subsection (6) of section 627.9407, Florida Statutes, is amended to read:

627.9407 Disclosure, advertising, and performance standards for long-term care insurance.—

(6) LOSS RATIO AND RESERVE STANDARDS.—

(a) The department shall adopt rules establishing ~~loss ratio and~~ reserve standards for *long-term-care* ~~long-term care~~ insurance policies. The rules must contain a specific reference to *long-term-care* ~~long-term care~~ insurance policies. Such ~~loss ratio and~~ reserve standards shall be established at levels ~~at which benefits are reasonable in relation to premiums and~~ that provide for adequate reserving of the *long-term-care* ~~long-term care~~ insurance risk.

(b) The commission shall adopt rules establishing loss-ratio standards for long-term-care policies. The rules must contain a specific reference to long-term-care insurance policies. Such loss-ratio standards shall be established at levels at which benefits are reasonable in relation to premiums.

Section 80. Section 636.017, Florida Statutes, is amended to read:

636.017 Rates and charges.—

(1) The rates charged by any prepaid limited health service organization to its subscribers shall not be excessive, inadequate, or unfairly discriminatory. The *commission* ~~department~~ may require whatever information it deems necessary to determine that a rate or proposed rate meets the requirements of this section.

(2) In determining whether a rate is in compliance with subsection (1), the *commission* ~~department~~ must take into consideration the limited services provided, the method in which the services are provided, and the method of provider payment. This section may not be construed as authorizing the *commission* ~~department~~ to establish by rule minimum loss ratios for prepaid limited health service organizations' rates.

Section 81. Present subsections (4) through (21) of section 641.19, Florida Statutes, are redesignated as subsections (5) through (22), respectively, and a new subsection (4) is added to that section to read:

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

(4) "Commission" means the Insurance Rating Commission.

Section 82. Subsections (2), (3), and (38) of section 641.31, Florida Statutes, are amended to read:

641.31 Health maintenance contracts.—

(2) The rates charged by any health maintenance organization to its subscribers shall not be excessive, inadequate, or unfairly discriminatory or follow a rating methodology that is inconsistent, indeterminate, or ambiguous or encourages misrepresentation or misunderstanding. The *commission* ~~department~~, in accordance with generally accepted actuarial practice as applied to health maintenance organizations, may define by rule what constitutes excessive, inadequate, or unfairly discriminatory rates and may require whatever information it deems necessary to determine that a rate or proposed rate meets the requirements of this subsection.

(3)(a) If a health maintenance organization desires to amend any contract with its subscribers or any certificate or member handbook, or desires to change any basic health maintenance contract, certificate, grievance procedure, or member handbook form, or application form where written application is required and is to be made a part of the contract, or printed amendment, addendum, rider, or endorsement form or form of renewal certificate, it may do so, upon filing with the department the proposed change or amendment. Any proposed change shall be effective immediately, subject to disapproval by the department. Following receipt of notice of such disapproval or withdrawal of approval, no health maintenance organization shall issue or use any form disapproved by the department or as to which the department has withdrawn approval.

(b) Any change in the rate is subject to paragraph (d) and requires at least 30 days' advance written notice to the subscriber. In the case of a group member, there may be a contractual agreement with the health maintenance organization to have the employer provide the required notice to the individual members of the group.

(c) The department shall disapprove any form filed under this subsection, or withdraw any previous approval thereof, if the form:

1. Is in any respect in violation of, or does not comply with, any provision of this part or rule adopted thereunder.

2. Contains or incorporates by reference, where such incorporation is otherwise permissible, any inconsistent, ambiguous, or misleading clauses or exceptions and conditions which deceptively affect the risk purported to be assumed in the general coverage of the contract.

3. Has any title, heading, or other indication of its provisions which is misleading.

4. Is printed or otherwise reproduced in such a manner as to render any material provision of the form substantially illegible.

5. Contains provisions which are unfair, inequitable, or contrary to the public policy of this state or which encourage misrepresentation.

6. Excludes coverage for human immunodeficiency virus infection or acquired immune deficiency syndrome or contains limitations in the benefits payable, or in the terms or conditions of such contract, for human immunodeficiency virus infection or acquired immune deficiency syndrome which are different than those which apply to any other sickness or medical condition.

(d) Any change in rates charged for the contract must be filed with the *commission* ~~department~~ not less than 30 days in advance of the effective date. At the expiration of such 30 days, the rate filing shall be deemed approved unless prior to such time the filing has been affirmatively approved or disapproved by order of the *commission* ~~department~~. The approval of the filing by the *commission* ~~department~~ constitutes a waiver of any unexpired portion of such waiting period. The *commission* ~~department~~ may extend by not more than an additional 15 days the period within which it may so affirmatively approve or disapprove any such filing, by giving notice of such extension before expiration of the initial 30-day period. At the expiration of any such period as so extended, and in the absence of such prior affirmative approval or disapproval, any such filing shall be deemed approved.

(e) It is not the intent of this subsection to restrict unduly the right to modify rates in the exercise of reasonable business judgment.

(38)(a) Notwithstanding any other provision of this part, a health maintenance organization that meets the requirements of paragraph (b)

may, through a point-of-service rider to its contract providing comprehensive health care services, include a point-of-service benefit. Under such a rider, a subscriber or other covered person of the health maintenance organization may choose, at the time of covered service, a provider with whom the health maintenance organization does not have a health maintenance organization provider contract. The rider may not require a referral from the health maintenance organization for the point-of-service benefits.

(b) A health maintenance organization offering a point-of-service rider under this subsection must have a valid certificate of authority issued under the provisions of the chapter, must have been licensed under this chapter for a minimum of 3 years, and must at all times that it has riders in effect maintain a minimum surplus of $5 million.

(c) Premiums paid in for the point-of-service riders may not exceed 15 percent of total premiums for all health plan products sold by the health maintenance organization offering the rider. If the premiums paid for point-of-service riders exceed 15 percent, the health maintenance organization must notify the department *and the commission* and, once this fact is known, must immediately cease offering such a rider until it is in compliance with the rider premium cap.

(d) Notwithstanding the limitations of deductibles and copayment provisions in this part, a point-of-service rider may require the subscriber to pay a reasonable copayment for each visit for services provided by a noncontracted provider chosen at the time of the service. The copayment by the subscriber may either be a specific dollar amount or a percentage of the reimbursable provider charges covered by the contract and must be paid by the subscriber to the noncontracted provider upon receipt of covered services. The point-of-service rider may require that a reasonable annual deductible for the expenses associated with the point-of-service rider be met and may include a lifetime maximum benefit amount. The rider must include the language required by s. 627.6044 and must comply with copayment limits described in s. 627.6471. Section 641.315(2) and (3) does not apply to a point-of-service rider authorized under this subsection.

(e) The term "point of service" may not be used by a health maintenance organization except with riders permitted under this section or with forms approved by the department in which a point-of-service product is offered with an indemnity carrier.

(f) A point-of-service rider must be filed and approved under ss. 627.410 and 627.411.

Section 83. Paragraph (b) of subsection (10) of section 641.3903, Florida Statutes, is amended to read:

641.3903 Unfair methods of competition and unfair or deceptive acts or practices defined.—The following are defined as unfair methods of competition and unfair or deceptive acts or practices:

(10) ILLEGAL DEALINGS IN PREMIUMS; EXCESS OR REDUCED CHARGES FOR HEALTH MAINTENANCE COVERAGE.—

(b) Knowingly collecting as a premium or charge for health maintenance coverage any sum in excess of or less than the premium or charge applicable to health maintenance coverage, in accordance with the applicable classifications and rates as filed with the *commission* ~~department~~, and as specified in the health maintenance contract.

Section 84. Subsection (3) of section 641.3922, Florida Statutes, is amended to read:

641.3922 Conversion contracts; conditions.—Issuance of a converted contract shall be subject to the following conditions:

(3) CONVERSION PREMIUM.—The premium for the converted contract shall be determined in accordance with premium rates applicable to the age and class of risk of each person to be covered under the converted contract and to the type and amount of coverage provided. However, the premium for the converted contract may not exceed 200 percent of the standard risk rate, as established by the *commission* ~~department~~ under s. 627.6675(3). The mode of payment for the converted contract shall be quarterly or more frequently at the option of the organization, unless otherwise mutually agreed upon between the subscriber and the organization.

Section 85. Present subsections (2) through (11) of section 641.402, Florida Statutes, are redesignated as subsections (3) through (12), respectively, and a new subsection (2) is added to that section to read:

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

(2) "Commission" means the Insurance Rating Commission.

Section 86. Subsection (2) and (7) of section 641.42, Florida Statutes, are amended to read:

641.42 Prepaid health clinic contracts.—

(2) The rates charged by any clinic to its subscribers shall not be excessive, inadequate, or unfairly discriminatory. The *commission* ~~department~~, in accordance with generally accepted actuarial practice, may define by rule what constitutes excessive, inadequate, or unfairly discriminatory rates and may require whatever information the *commission* ~~department~~ deems necessary to determine that a rate or proposed rate meets the requirements of this subsection.

(7)(a) If a clinic desires to amend any contract with any of its subscribers or desires to change any rate charged for the contract, the clinic may do so, upon filing with the department the proposed amendment *to the contract* or *upon filing with the commission the proposed* change in rates.

(b) No prepaid health clinic contract form or application form when written application is required and is to be made a part of the policy or contract, or no printed amendment, addendum, rider, or endorsement form or form of renewal certificate, shall be delivered or issued for delivery in this state, unless the form has been filed with the department at its offices in Tallahassee by or in behalf of the clinic which proposes to use such form and has been approved by the department. Every such filing shall be made not less than 30 days in advance of any such use or delivery. At the expiration of such 30 days, the form so filed shall be deemed approved unless prior to the end of the 30 days the form has been affirmatively approved or disapproved by the department. The approval of any such form by the department constitutes a waiver of any unexpired portion of such waiting period. The department may extend by not more than an additional 15 days the period within which the department may so affirmatively approve or disapprove any such form, by giving notice of such extension before the expiration of the initial 30-day period. At the expiration of any such period as so extended, and in the absence of such prior affirmative approval or disapproval, such form shall be deemed approved. The department may, for cause, withdraw a previous approval. No clinic shall issue or use any form which has been disapproved by the department or any form for which the department has withdrawn approval.

(c) The department shall disapprove any form filed under this subsection, or withdraw any previous approval of the form, only if the form:

1. Is in any respect in violation of, or does not comply with, any provision of this part or rule adopted under this part.

2. Contains or incorporates by reference, where such incorporation is otherwise permissible, any inconsistent, ambiguous, or misleading clauses, or exceptions and conditions which deceptively affect the risk purported to be assumed in the general coverage of the contract.

3. Has a misleading title, misleading heading, or other indication of the provisions of the form which is misleading.

4. Is printed or otherwise reproduced in such manner as to render any material provision of the form substantially illegible.

(8) No rate or rate change shall be used unless the rate has been filed with and approved by the commission pursuant to the same procedures as provided in subsection (7). The commission shall disapprove any such rate, or withdraw any previous approval, only if the rate

~~5.~~ provides benefits *that* ~~which~~ are unreasonable in relation to the rate charged or contains provisions *that* ~~which~~ are unfair, inequitable, or contrary to the public policy of this state or encourage misrepresentation.

~~(d)~~ In determining whether the benefits are reasonable in relation to the rate charged, the *commission* ~~department~~, in accordance with reasonable actuarial techniques, shall consider:

(a)~~1.~~ Past loss experience and prospective loss experience.

(b)~~2.~~ Allocation of expenses.

(c)~~3.~~ Risk and contingency margins, along with justification of such margins.

(d)~~4.~~ Acquisition costs.

(e)~~5.~~ Other factors deemed appropriate by the *commission* ~~department~~, based on sound actuarial techniques.

Section 87. Section 642.027, Florida Statutes, is amended to read:

642.027 Premium rates.—No policy of legal expense insurance may be issued in this state unless the premium rates for the insurance have been filed with and approved by the *commission* ~~department~~. Premium rates shall be established and justified in accordance with generally accepted insurance principles, including, but not limited to, the experience or judgment of the insurer making the rate filing or actuarial computations. The *commission* ~~department~~ may disapprove rates that are excessive, inadequate, or unfairly discriminatory. Rates are not unfairly discriminatory because they are averaged broadly among persons insured under group, blanket, or franchise policies. The *commission* ~~department~~ may require the submission of any other information reasonably necessary in determining whether to approve or disapprove a filing made under this section or s. 642.025.

Section 88. Subsection (2) of section 648.33, Florida Statutes, is amended to read:

648.33 Bail bond rates.—

(2) It is unlawful for a bail bond agent to execute a bail bond without charging a premium therefor, and the premium rate may not exceed or be less than the premium rate as filed with and approved by the *commission* ~~department~~.

Section 89. *Effective upon this act becoming law, the Governor may make appointments to the Insurance Rating Commission pursuant to section 624.371, Florida Statutes, as created by this act, for terms of office beginning on January 1, 2001.*

Section 90. *Effective January 1, 2001, all activities and functions of the Department of Insurance related to reviewing, approving, or establishing rates for insurers and other entities regulated by the department are transferred to the Insurance Rating Commission pursuant to a type two transfer as defined in section 20.06, Florida Statutes. Effective upon this act becoming law, the Department of Insurance and the Executive Office of the Governor shall jointly prepare a budget amendment pursuant to chapter 216, Florida Statutes, to implement the plan, in consultation with the legislative committees having jurisdiction over the Department of Insurance.*

Section 91. *Effective January 1, 2001, the sum of $334,125 is appropriated for the 2000-2001 fiscal year from the Insurance Commissioner's Regulatory Trust Fund to the Insurance Rating Commission for the purposes of carrying out the provisions of this act.*

Section 92. *By January 31, 2001, the Division of Statutory Revision of the Office of Legislative Services shall prepare and submit to the President of the Senate and the Speaker of the House of Representatives draft substantive legislation to conform the Florida Statutes to the provisions of this act. The legislation shall not be drafted as a reviser's bill. The draft shall include provisions:*

(1) Changing the term "Comptroller" or "Treasurer" to "Chief Financial Officer" with respect to functions of the Chief Financial Officer where appropriate;

(2) Changing references to the "Department of Banking and Finance" or the "Department of Insurance" to the "Department of Financial Services" where appropriate; and

(3) Otherwise conforming the statutes to the abolition of the offices of Comptroller and Treasurer, the creation of the Office of the Chief Financial Officer, the abolition of the Department of Banking and Finance and the Department of Insurance, and the creation of the Department of Financial Services.

Section 93. *(1) The Financial Services Transition Task Force is established. All members of the task force shall be appointed prior to September 1, 2000. The task force shall be composed of:*

(a) One consumer a representative appointed by the Governor;

(b) Two members appointed by the President of the Senate;

(c) Two members appointed by the Speaker of the House of Representatives;

(d) Two members appointed by the Comptroller; and

(e) Two members appointed by the Insurance Commissioner and Treasurer.

(2) The organizational meeting of the task force must be held by October 1, 2000. The members of the task force shall elect a chair by majority vote. Members of the task force shall serve without compensation, but shall be reimbursed for per diem and travel expenses as provided in section 112.061, Florida Statutes.

(3) The purpose of the task force is to review the Florida Statutes and rules and:

(a) Recommend amendments to statutes and rules made necessary by the changes made by this act;

(b) Identify any organizational problems involving, without limitation, communication among divisions, technical assistance, and other services, and recommend solutions to the identified problems;

(c) Identify any issues related to technology, including the coordination or incompatibility of technology systems, and suggest solutions to the identified problems;

(d) Recommend methods to improve departmental accountability, including, but not limited to, modification of performance measures.

(4) The task force may procure information and assistance from any officer or agency of the state or any subdivision thereof. All such officials and agencies shall give the task force all relevant information and assistance with respect to any matter within their knowledge or control.

(5) The task force shall submit an initial report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2001.

(6) The task force shall submit a final report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2002.

(7) The task force terminates upon submission of its final report.

Section 94. Effective July 1, 2000, section 442.0011, Florida Statutes, is created to read:

442.0011 Exclusion from chapter.—This chapter is not applicable to any firefighter employee, and firefighter employer, or any place of firefighter employment covered by ss. 633-801 through 633.830.

Section 95. Effective July 1, 2000, section 633.801, Florida Statutes, is created to read:

633.801 Short title.—Sections 633.801 through 633.830 may be cited as the "Florida Firefighters Occupational Safety and Health Act."

Section 96. Effective July 1, 2000, section 633.802, Florida Statutes, is created to read:

633.802 Definitions.—Unless the context clearly requires otherwise, the following definitions apply to ss. 633.801 through 633.830:

(1) "Department" means the Department of Insurance.

(2) "Division" means the Division of State Fire Marshal of the Department of Insurance.

(3) "Firefighter employee" means any person engaged in any employment, public or private, as a firefighter under any appointment or contract of hire or apprenticeship, express or implied, oral or written,

whether lawfully or unlawfully employed, and includes all volunteer firefighters responding to or assisting with fire or medical emergencies whether or not the firefighter is on duty.

(4) "Firefighter employer" means the state and all political subdivisions thereof, all public and quasi-public corporations therein, and every person carrying on any employment thereof, which employs firefighters or which uses volunteer firefighters.

(5) "Firefighter employment" or "employment" means any service performed by a firefighter employee for the firefighter employer, and includes the use of all volunteer firefighters.

(6) "Firefighter place of employment" or "place of employment" means the physical location at which the firefighter is employed.

Section 97. Effective July 1, 2000, section 633.803, Florida Statutes, is created to read:

633.803 Legislative intent.—It is the intent of the Legislature to enhance firefighter occupational safety and health in this state through the implementation and maintenance of policies, procedures, practices, rules, and standards that reduce the incidence of firefighter employee accidents, firefighter occupational diseases, and firefighter fatalities compensable under chapter 440 or otherwise. The Legislature further intends that the division develop a means by which it can identify individual firefighter employers with a high frequency or severity of work-related injuries; conduct safety inspections of those firefighter employers; and assist those firefighter employers in the development and implemention of firefighter employee safety and health programs. In addition, it is the intent of the Legislature that the division administer the provisions of ss. 633.801 through 633.830; provide assistance to firefighter employers, firefighter employees, and insurers; and enforce the policies, rules, and standards set forth in ss. 633.801 through 633.830.

Section 98. Effective July 1, 2000, section 633.804, Florida Statutes, is created to read:

633.804 Safety inspections, consultations; rules.—The division shall adopt rules governing the manner, means, and frequency of firefighter employer and firefighter employee safety inspections and consultations by all insurers and self-insurers.

Section 99. Effective July 1, 2000, section 633.805, Florida Statutes, is created to read:

633.805 Division to make study of firefighter occupational diseases, etc.—The division shall make a continuous study of firefighter occupational diseases and the ways and means for their control and prevention and shall make and enforce necessary regulations for such control. For this purpose, the division is authorized to cooperate with firefighter employers, firefighter employees, and insurers and with the Department of Health.

Section 100. Effective July 1, 2000, section 633.806, Florida Statutes, is created to read:

633.806 Investigations by the division; refusal to admit; penalty.—

(1) The division shall make studies and investigations with respect to safety provisions and the causes of firefighter injuries in firefighter places of employment, and shall make to the Legislature and firefighter employers and insurers such recommendations as it considers proper as to the best means of preventing firefighter injuries. In making such studies and investigations, the division may:

(a) Cooperate with any agency of the United States charged with the duty of enforcing any law securing safety against injury in any place of firefighter employment covered by ss. 633.801 through 633.830, or any agency or department of the state engaged in enforcing any law to assure safety for firefighter employees.

(b) Allow any such agency or department to have access to the records of the division.

(2) The division and its authorized representatives may enter and inspect any place of firefighter employment at any reasonable time for the purpose of investigating compliance with ss. 633.801 through 633.830 and making inspections for the proper enforcement of ss. 633.801 through 633.830. Any firefighter employer who refuses to admit any member of the division or its authorized representative to any place of firefighter employment or to allow investigation and inspection pursuant to this subsection is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(3) The division by rule may adopt procedures for conducting investigations of firefighter employers under ss. 633.801 through 633.830.

Section 101. Effective July 1, 2000, section 633.807, Florida Statutes, is created to read:

633.807 Safety; firefighter employer responsibilities.—Every firefighter employer shall furnish to firefighters employment that is safe for the firefighter employees, furnish and use safety devices and safeguards, adopt and use methods and processes reasonably adequate to render such an employment and place of employment safe, and do every other thing reasonably necessary to protect the lives, health, and safety of such firefighter employees. As used in this section, the terms "safe" and "safety" as applied to any employment or place of firefighter employment mean such freedom from danger as is reasonably necessary for the protection of the lives, health, and safety of firefighter employees, including conditions and methods of sanitation and hygiene. Safety devices and safeguards required to be furnished by the firefighter employer by this section or by the division under authority of this section shall not include personal apparel and protective devices that replace personal apparel normally worn by firefighter employees during regular working hours.

Section 102. Effective July 1, 2000, section 633.808, Florida Statutes, is created to read:

633.808 Division authority.—The division shall:

(1) Investigate and prescribe by rule what safety devices, safeguards, or other means of protection must be adopted for the prevention of accidents in every firefighter place of employment or at any fire scene; determine what suitable devices, safeguards, or other means of protection for the prevention of occupational diseases must be adopted or followed in any or all such firefighter places of employment or at any fire scene; and adopt reasonable rules for the prevention of accidents, the safety, protection, and security of firefighters engaged in interior firefighting, and the prevention of occupational diseases.

(2) Ascertain, fix, and order such reasonable standards and rules for the construction, repair, and maintenance of firefighter places of employment as shall render them safe. Such rules and standards must be adopted in accordance with chapter 120.

(3) Assist firefighter employers in the development and implementation of firefighter employee safety training programs by contracting with professional safety organizations.

(4) Adopt rules prescribing recordkeeping responsibilities for firefighter employers, which may include rules for maintaining a log and summary of occupational injuries, diseases, and illnesses and for producing on request a notice of injury and firefighter employee accident investigation records, and rules prescribing a retention schedule for such records.

Section 103. Effective July 1, 2000, section 633.809, Florida Statutes, is created to read:

633.809 Right of entry.—The division and its authorized representatives may enter at any reasonable time any firefighter place of employment for the purpose of examining any tool, appliance, or machinery used in such employment and may make inspections for the proper enforcement of ss. 633.801 through 633.830. A firefighter employer or owner may not refuse to admit any member of the division or its authorized representatives to any firefighter place of employment.

Section 104. Effective July 1, 2000, section 633.810, Florida Statutes, is created to read:

633.810 Firefighter employers whose firefighter employees have a high frequency of work-related injuries.—The division shall develop a means by which it can identify individual firefighter employers whose firefighter employees have a high frequency or severity of work-related injuries. The division shall carry out safety inspections of the facilities and operations of these firefighter employers in order to assist them in

reducing the frequency and severity of work-related injuries. The division shall develop safety and health programs for those firefighter employers. Insurers shall distribute these safety and health programs to the firefighter employers so identified by the division. Those firefighter employers identified by the division as having a high frequency or severity of work-related injuries shall implement a division-developed safety and health program. The division shall carry out safety inspections of those firefighter employers so identified to ensure compliance with the safety and health program and to assist such firefighter employers in reducing the number of work-related injuries. The division may not assess penalties as the result of such inspections, except as provided by s. 633.813. Copies of any report made as the result of such an inspection must be provided to the firefighter employer and its insurer. Firefighter employers may submit their own safety and health programs to the division for approval in lieu of using the division-developed safety and health program. The division must promptly review the program submitted and approve or disapprove it. Upon approval by the division, the program must be implemented by the firefighter employer. If the program is not approved or if a program is not submitted, the firefighter employer must implement the division-developed program. The division shall adopt rules setting forth the criteria for safety and health programs.

Section 105. Effective July 1, 2000, section 633.811, Florida Statutes, is created to read:

633.811 Insurer consultations.—Each insurer writing workers' compensation insurance in this state, each firefighter employer qualifying as an individual self-insurer under s. 440.38, each self-insurance fund under s. 624.461, and each assessable mutual insurer under s. 628.6011 must provide safety consultations to each of its policyholders who requests such consultations. Each such insurer or self-insurer must inform its policyholders of the availability of such consultations. The division is responsible for approving all safety and health programs. The division shall aid all insurers and self insurers in establishing their safety and health programs by setting out criteria in an appropriate format.

Section 106. Effective July 1, 2000, section 633.812, Florida Statutes, is created to read:

633.812 Workplace safety committees and safety coordinators.—

(1) In order to promote health and safety in places of firefighter employment in this state:

(a) Each firefighter employer of 20 or more firefighter employees shall establish and administer a workplace safety committee in accordance with rules adopted under this section.

(b) Each firefighter employer of fewer than 20 firefighter employees which is identified by the division as having high frequency or severity of work-related injuries shall establish and administer a workplace safety committee or designate a workplace safety coordinator who shall establish and administer workplace safety activities in accordance with rules adopted under this section.

(2) The division shall adopt rules:

(a) Prescribing the membership of the workplace safety committees so as to ensure an equal number of firefighter employee representatives, who are volunteers or are elected by their peers, and of firefighter employer representatives, and specifying the frequency of meetings.

(b) Requiring firefighter employers to make adequate records of each meeting and to file and to maintain the records subject to inspection by the division.

(c) Prescribing the duties and functions of the workplace safety committee and workplace safety coordinator, which include, but are not limited to:

1. Establishing procedures for workplace safety inspections by the committee.

2. Establishing procedures investigating all workplace accidents, safety-related incidents, illnesses, and deaths.

3. Evaluating accident-prevention and illness-prevention programs.

4. Prescribing guidelines for the training of safety committee members.

(3) The composition, selection, and function of safety committees shall be a mandatory topic of negotiations with any certified collective bargaining agent for firefighter employers that operate under a collective bargaining agreement. Firefighter employers that operate under a collective bargaining agreement that contains provisions regulating the formation and operation of workplace safety committees that meet or exceed the minimum requirements contained in this section, or firefighter employers who otherwise have existing workplace safety committees that meet or exceed the minimum requirements established by this section are in compliance with this section.

(4) Firefighter employees must be compensated their regular hourly wage while engaged in workplace safety committee or workplace safety coordinator training, meetings, or other duties prescribed under this section.

Section 107. Effective July 1, 2000, section 633.813, Florida Statutes, is created to read:

633.813 Firefighter employer penalties.—If any firefighter employer violates or fails or refuses to comply with ss. 633.801 through 633.830, or with any rule adopted by the division, in accordance with chapter 120, for the prevention of injuries, accidents, or occupational diseases or with any lawful order of the division in connection with ss. 633.801 through 633.830, or fails or refuses to furnish or adopt any safety device, safeguard, or other means of protection prescribed by the division under ss. 633.801 through 633.830 for the prevention of accidents or occupational diseases, the division may assess against the firefighter employer a civil penalty of not less than $100 nor more than $5,000 for each day the violation, omission, failure, or refusal continues after the firefighter employer has been given notice thereof in writing. The total penalty for each violation may not exceed $50,000. The division shall adopt rules requiring penalties commensurate with the frequency or severity, or both, of safety violations. A hearing must be held in the county where the violation, omission, failure, or refusal is alleged to have occurred, unless otherwise agreed to by the firefighter employer and authorized by the division. All penalties assessed and collected under this section shall be deposited in the Insurance Commissioner's Regulatory Trust Fund.

Section 108. Effective July 1, 2000, section 633.814, Florida Statutes, is created to read:

633.814 Division cooperation with Federal Government; exemption from division requirements.—

(1) The division shall cooperate with the Federal Government so that duplicate inspections will be avoided yet assure safe places of firefighter employment for the citizens of this state.

(2) Except as provided in this section, a private firefighter employer is not subject to the requirements of the division if:

(a) The private firefighter employer is subject to the federal regulations in 29 C.F.R. ss. 1910 and 1926;

(b) The private firefighter employer has adopted and implemented a written safety program that conforms to the requirements of 29 C.F.R. ss. 1910 and 1926;

(c) A private firefighter employer with 20 or more full-time firefighter employees shall include provisions for a safety committee in the safety program. The safety committee must include firefighter employee representation and must meet at least once each calendar quarter. The private firefighter employer must make adequate records of each meeting and maintain the records subject to inspections under subsection (3). The safety committee shall, if appropriate, make recommendations regarding improvements to the safety program and corrections of hazards affecting workplace safety; and

(d) The private firefighter employer provides the division with a written statement that certifies compliance with this subsection.

(3) The division may enter at any reasonable time any place of firefighter employment for the purposes of verifying the accuracy of the written certification. If the division determines that the firefighter employer has not complied with the requirements of subsection (2), the firefighter employer shall be subject to the rules of the division until the firefighter employer complies with subsection (2) and recertifies that fact to the division.

(4) This section shall not restrict the division from performing any duties pursuant to a written contract between the division and the Federal Occupational Safety and Health Administration (OSHA).

Section 109. Effective July 1, 2000, section 633.815, Florida Statutes, is created to read:

633.815 Failure to implement a safety and health program; cancellations.—If a firefighter employer that is found by the division to have a high frequency or severity of work-related injuries fails to implement a safety and health program, the insurer or self-insurer's fund that is providing coverage fo r the firefighter employer may cancel the contract for insurance with the firefighter employer. In the alternative, the insurer or fund may terminate any discount or deviation granted to the firefighter employer for the remainder of the term of the policy. If the contract is canceled or the discount or deviation is terminated, the insurer must make such reports as are required by law.

Section 110. Effective July 1, 2000, section 633.816, Florida Statutes, is created to read:

633.816 Expenses of administration.—The amounts that are needed to administer ss. 633.801 through 633.830 shall be disbursed from the Insurance Commissioner's Regulatory Trust Fund.

Section 111. Effective July 1, 2000, section 633.817, Florida Statutes, is created to read:

633.817 Refusal to admit; penalty.—The division and its authorized representatives may enter and inspect any place of firefighter employment at any reasonable time for the purpose of investigating compliance with ss. 633.801 through 633.830 and conducting inspections for the proper enforcement of ss. 633.801 through 633.830. A firefighter employer who refuses to admit any member of the division or its authorized representative to any place of employment or to allow investigation and inspection pursuant to this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 112. Effective July 1, 2000, section 633.818, Florida Statutes, is created to read:

633.818 Firefighter employee rights and responsibilities.—

(1) Each firefighter employee of a firefighter employer covered under ss. 633.801 through 633.830 shall comply with rules adopted by the division and with reasonable workplace safety and health standards, rules, policies, procedures, and work practices established by the firefighter employer and the workplace safety committee. A firefighter employee who knowingly fails to comply with this subsection maybe disciplined or discharged by the firefighter employer.

(2) A firefighter employer may not discharge, threaten to discharge, cause to be discharged, intimidate, coerce, otherwise discipline, or in any manner discriminate against a firefighter employee for any of the following reasons:

(a) The firefighter employee has testified or is about to testify, on her or his own behalf, or on behalf of others, in any proceeding instituted under ss. 633.801 through 633.830;

(b) The firefighter employee has exercised any other right afforded under ss. 633.801 through 633.830; or

(c) The firefighter employee is engaged in activities relating to the workplace safety committee.

(3) Neither pay, position, seniority, nor other benefit may be lost for exercising any right under, or for seeking compliance with, any requirement of ss. 633.801 through 633.830.

Section 113. Effective July 1, 2000, section 633.819, Florida Statutes, is created to read:

633.819 Compliance.—Failure of a firefighter employer or an insurer to comply with ss. 633.801 through 633.830, or with any rules adopted under s.. 633.801 through 633.830, constitutes grounds for the division to seek remedies, including injunctive relief, for compliance by making appropriate filings with the Circuit Court of Leon County.

Section 114. Effective July 1, 2000, section 633.820, Florida Statutes, is created to read:

633.820 False statements to insurers.—A firefighter employer who knowingly and willfully falsifies or conceals a material fact, makes a false, fictitious, or fraudulent statement or representation; or makes or uses any false document knowing the document to contain any false fictitious, or fraudulent entry or statement to an insurer of workers' compensation insurance under ss. 633.801 through 633.830 is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 115. Effective July 1, 2000, section 633.821, Florida Statutes, is created to read:

633.821 Insurer penalties.—If any insurer violates, or fails or refuses to comply with, ss. 633.801 through 633.830 or with any rule adopted or order issued under ss. 633.801 through 633.830, the division, after notice and hearing in accordance with chapter 120, may assess against the insurer a civil penalty of not less than $100 nor more than $5,000 each day the violation, failure, or refusal continues after the insurer has been given written notice thereof. The total penalty for each violation, failure, or refusal may not exceed $50,000. The division shall adopt rules providing for penalties for noncompliance with ss. 633.801 through 633.830 by insurers. All penalties assessed and collected under this section shall be deposited in the Insurance Commissioner's Regulatory Trust Fund.

Section 116. Effective July 1, 2000, section 633.823, Florida Statutes, is created to read:

633.823 Matters within jurisdiction of the division; false, fictitious, or fraudulent acts, statements, and representations prohibited; penalty; statute of limitations.—A person may not, in any matter within the jurisdiction of the division, knowingly and willfully falsify or conceal a material fact; make any false, fictitious, or fraudulent statement or representation; or make or use any false document, knowing the same to contain any false, fictitious, or fraudulent statement or entry. A person who violates this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. The statute of limitations for prosecution of an act committed in violation of this section is 5 years after the date the act was committed or, if not discovered within 30 days after the act was committed, 5 years after the date the act was discovered.

Section 117. Effective July 1, 2000, section 633.825, Florida Statutes, is created to read:

633.825 Workplace safety.—

(1) The division shall assist in making the workplace a safer place to work and decreasing the frequency and severity of on-the-job injuries.

(2) The division shall have the authority to adopt rules for the purpose of assuring safe working conditions for all firefighter employees by authorizing the enforcement of effective standards, assisting and encouraging firefighter employers to maintain safe working conditions, and by providing for education and training in the field of safety. For firefighter employers, the division may by rule adopt subparts C through T and subpart Z of 29 C.F.R. part 1910; subparts C through Z of 29 C.F.R. part 1926; subparts A through D, subpart I, and subpart M of 29 C.F.R. part 1928; subparts A through G of 29 C.F.R. part 1917; subparts A through L and subpart Z of 29 C.F.R. part 1915; subparts A through J of 29 C.F.R. part 1918, latest revision, provided that 29 C.F.R. s. 1910.156 applies to volunteer firefighters and fire departments operated by the state or political subdivisions; the National Fire Protection Association, Inc., Standard 1500, paragraph 5-7 (Personal Alert Safety System) (1992 edition); and ANSI A 10.4-1990.

(3) The provisions of chapter 440 which pertain to workplace safety shall be applicable to the division.

(4) The division shall have authority to adopt any rule necessary to implement, interpret, and make specific any matter pertaining to any subject or reference contained in this section, including all of the provisions referred to in subsection (2), as they relate to firefighter employees, firefighter employers, and firefighter places of employment.

Section 118. Except as otherwise provided in this act, this act shall take effect January 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to governmental reorganization; creating s. 17.001, F.S.; establishing the Office of the Chief Financial Officer; creating s. 20.121, F.S.; creating the Department of Financial Services; providing for the Office of the Commissioner of Insurance; providing for the Office of the Commissioner of Financial Institutions; providing for the Office of the Commissioner of Securities and Finance; providing for the office of the Commissioner of the Treasury; establishing the manner of appointment; providing qualifications; transferring the Department of Banking and Finance to the Department of Financial Services; transferring the Department of Insurance to the Department of Financial Services; repealing s. 20.12, F.S.; abolishing the Department of Banking and Finance; repealing s. 20.13, F.S.; abolishing the Department of Insurance; amending s. 20.165, F.S.; transferring the Division of Certified Public Accounting and the Board of Accountancy, of the Department of Business and Professional Regulation to the Department of Financial Services; amending s. 350.061, F.S.; authorizing the Public Counsel to represent the public before the Insurance Rating Commission; amending s. 350.0611, F.S.; authorizing the Public Counsel to represent the public before the Insurance Rating Commission; amending s. 350.0613, F.S.; requiring the Insurance Rating Commission to furnish pleadings to the Public Counsel; creating s. 624.055, F.S.; defining the term "commission"; redesignating parts of ch. 624, F.S.; creating sections 624.37-624.377, F.S.; creating the Insurance Rating Commission; establishing its powers and duties; providing for the appointment and confirmation of commissioners; establishing terms of office and qualifications of commissioners; establishing standards of conduct; amending ss. 175.141, 185.12, 408.701, 651.018, F.S.; conforming references; amending s. 624.19, F.S.; authorizing the use of forms; amending s. 624.321, F.S.; conforming provisions to include the Insurance Rating Commission; amending s. 624.322, F.S.; conforming provisions to include the Insurance Rating Commission; amending s. 626.9541, F.S.; conforming provisions to substitute the Insurance Rating Commission for the Department of Insurance; amending s. 626.9926, F.S.; conforming provisions to include the Insurance Rating Commission; amending s. 627.031, F.S.; substituting the Insurance Rating Commission for the Department of Insurance; amending s. 627.0612, F.S.; conforming provisions to include the commission; amending s. 627.0613, F.S.; removing authority of the consumer advocate; amending s. 627.062, F.S.; conforming provisions to substitute the commission for the department; repealing arbitration provisions; amending s. 627.0628, F.S.; modifying membership on the Florida Commission on Hurricane Loss Projection Methodology; amending ss. 627.0645, 627.06501, 627.0651, 627.0653, 627.06535, 627.0654, 627.066, 627.072, 627.091, 627.0915, 627.0916, 627.096, 627.101, 627.111, 627.141, 627.151, 627.192, 627.211, 627.212, 627.215, 627.221, 627.231, F.S.; substituting the Insurance Rating Commission for the department; amending ss. 627.241, 627.281, 627.291, 627.301, 627.311, 627.314, 627.331, 627.351, 627.3512, 627.357, 627.361, 627.410, 627.411, 627.6475, 627.6498, 627.6675, 627.6699, 627.6745, 627.678, 627.682, 627.727, 627.780, 627.782, 627.7825, 627.783, 627.793, 627.9407, 636.017, 641.19, 641.31, 641.3903, 641.3922, 641.402, 641.42, 642.027, 648.33, F.S.; conforming provisions to changes made by this act; authorizing the Governor to make appointments to the Insurance Rating Commission; transferring regulatory authority related to rates to the Insurance Rating Commission; providing an appropriation; directing the Division of Statutory Revision to prepare draft legislation; establishing the Financial Services Transition Task Force; providing membership; establishing duties; creating ss. 442.0011 and 633.801-633.825, F.S.; transferring to the Division of State Fire Marshal, Department of Insurance, all powers, duties, and responsibilities of chapter 442, excluding ss. 442.101 through 442.127, which relate to firefighter employers, firefighter employees, and firefighter places of employment, from the Division of Safety, Department of Labor and Employment Security; providing an effective date.

On motion by Senator Latvala, by two-thirds vote **HB 739** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Madam President	Carlton	Diaz de la Portilla	Hargrett
Bronson	Casas	Diaz-Balart	Holzendorf
Brown-Waite	Childers	Forman	Horne
Burt	Clary	Geller	King
Campbell	Cowin	Grant	Kirkpatrick
Kurth	McKay	Saunders	Sullivan
Latvala	Mitchell	Scott	Thomas
Laurent	Myers	Sebesta	Webster
Lee	Rossin	Silver	

Nays—4

Dyer	Jones	Klein	Meek

CS for SB 186—A bill to be entitled An act relating to environmental reorganization; amending s. 20.255, F.S.; providing for the divisions and special offices in the Department of Environmental Protection; deleting outdated provisions relating to review of orders and rules in effect before 1994; transferring and renumbering s. 370.0205, F.S.; providing requirements for citizen support organizations for the Department of Environmental Protection; amending s. 20.331, F.S.; providing requirements for the Fish and Wildlife Conservation Commission when adopting rules; amending ss. 161.031, 161.36, F.S.; authorizing the Department of Environmental Protection to retain specific powers; amending s. 259.101, F.S.; providing for the receipt of funds by the Fish and Wildlife Conservation Commission; amending s. 270.22, F.S.; providing for certain fees to be deposited into the General Inspection Trust Fund of the Department of Agriculture and Consumer Services; amending s. 288.109, F.S.; identifying agencies participating in the one-stop permitting system; amending s. 327.04, F.S.; providing rulemaking authority to the Fish and Wildlife Conservation Commission; amending s. 327.41, F.S.; providing for the issuance of permits by the Fish and Wildlife Conservation Commission; amending s. 327.54, F.S., requiring the lessee of a personal watercraft to receive instruction by the Fish and Wildlife Conservation Commission; amending s. 328.72, F.S.; providing for the distribution of funds by the Fish and Wildlife Conservation Commission; amending s. 370.021, F.S.; providing penalties for violation of rules relating to marine resources; transferring and renumbering s. 370.041, F.S., as s. 161.242, F.S.; amending s. 370.07, F.S.; transferring specific regulatory powers from the Department of Environmental Protection to the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services; providing for the deposit of certain funds in the General Inspection Trust Fund of the Department of Agriculture and Consumer Services; deleting the authority of the Department of Revenue to adopt emergency rules for the Apalachicola Bay Oyster Surcharge; amending s. 370.101, F.S.; providing for certain saltwater fish regulations to be established by the Fish and Wildlife Conservation Commission; amending s. 370.11, F.S.; providing for issuance of permits by the Fish and Wildlife Conservation Commission; amending s. 370.1107, F.S.; clarifying the meaning of the term "licensed saltwater fisheries trap"; amending s. 370.13, F.S.; providing for the regulation of stone crabs; amending s. 370.1405, F.S.; providing for reports on crawfish by dealers; amending s. 370.25, F.S.; deleting a provision conferring joint responsibility on the captain or operator of a vessel and the registered owner of the vessel for violations while underway; transferring responsibilities for the artificial reef program to the Fish and Wildlife Conservation Commission; amending s. 372.021, F.S.; prescribing powers and duties of the Fish and Wildlife Conservation Commission; amending s. 372.05, F.S.; prescribing duties of the executive director of the commission; amending s. 372.07, F.S.; prescribing police powers of the executive director of the commission; amending s. 372.105, F.S.; clarifying the regulation of saltwater life; revising the deposit of specified funds; amending s. 372.121, F.S.; providing for management of certain lands; amending ss. 372.991, 373.4149, 373.41492, 403.141, 570.235, 590.02, F.S.; conforming references to the Fish and Wildlife Conservation Commission; amending s. 403.707, F.S.; conforming a statutory cross-reference; amending s. 597.004, F.S.; transferring aquaculture shellfish handling regulations from the Department of Environmental Protection to the Department of Agriculture and Consumer Services; amending s. 705.101, F.S.; transferring specific authority over derelict vessels from the Department of Environmental Protection to the Fish and Wildlife Conservation Commission; amending s. 705.103, F.S.; removing authority over abandoned vessels from the Department of Environmental Protection; amending s. 832.06, F.S.; conforming references to the Fish and Wildlife Conservation Commission; repealing s. 370.013, F.S., relating to the Department of Environmental Protection; repealing s. 370.017, F.S., relating to the responsibilities of the secretary of the Department of Environmental Protection; repealing s. 370.032, F.S., relating to definitions; repealing s. 370.033, F.S., relating to legislative intent; repealing s. 370.034, F.S., relating to certificates for dredge and fill equipment; repealing s. 370.036, F.S., relating to the maintenance of records regarding dredge and fill equipment; repealing s.

370.037, F.S., relating to the denial, suspension, or revocation of dredge and fill certificates; amending s. 260.016, F.S.; authorizing the Department of Environmental Protection to receive grants for improving greenways and trails and to adopt rules for the administering pass-through grants; amending s. 375.075, F.S.; correcting a cross-reference; repealing s. 370.038, F.S., relating to the adoption of specified rules; repealing s. 370.0606, F.S., relating to appointment of subagents for sale of saltwater licenses and permits; repealing s. 370.0805, F.S.; relating to the net ban assistance program; repealing s. 372.04, F.S., relating to the director of the commission; repealing s. 372.061, F.S., relating to meetings of the Game and Fresh Water Fish Commission; repealing s. 373.197, F.S., relating to the Kissimmee River Valley and Taylor Creek-Nubbins Slough Basin restoration project; repealing s. 403.261, F.S., relating to the repeal of rulemaking jurisdiction over air and water pollution; repealing s. 370.021(6), F.S., relating to admissibility of rules; repealing s. 370.14(12), F.S., relating to the naming of a sport season for spiny lobsters; providing an effective date.

—as amended April 27 was read the third time by title.

On motion by Senator Bronson, **CS for SB 186** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	King	Myers
Brown-Waite	Diaz-Balart	Kirkpatrick	Rossin
Burt	Dyer	Klein	Saunders
Campbell	Forman	Kurth	Scott
Carlton	Geller	Latvala	Sebesta
Casas	Grant	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster
Dawson	Jones	Mitchell	

Nays—None

CS for CS for SB 386—A bill to be entitled An act relating to licenses issued by the Fish and Wildlife Conservation Commission; amending s. 372.105, F.S.; providing that the proceeds from the sale of all lifetime licenses be deposited into the Lifetime Fish and Wildlife Trust Fund; amending s. 372.16, F.S.; revising license fees for private game preserves; amending s. 372.57, F.S.; providing for noncommercial saltwater fishing licenses; providing for exceptions; providing for a combination license to hunt and take freshwater and saltwater fish; providing for a combination freshwater and saltwater fishing license; providing for a 3-day saltwater fishing license; coordinating the exemption requirements for licenses for retired residents to the retirement-age eligibility requirements of the United States Social Security Administration; authorizing the commission to issue temporary saltwater fishing licenses for special events in management areas for certain persons; providing that no fee is charged for such temporary licenses; providing for lifetime and 5-year saltwater fishing licenses; deleting duplicate provision dealing with fishing licenses for residents 64 years of age or older; providing for fishing rod licenses and fees; providing for a turkey permit for nonresidents; providing for a snook permit; providing for a crawfish permit; providing for use of such funds; creating s. 372.5701, F.S.; providing for the deposit and allocation of revenues received from the annual saltwater license fees; amending s. 372.561, F.S.; requiring the commission to issue licenses and permits to take wild animal life or freshwater or saltwater aquatic life upon proof of the applicant that he or she is entitled to such a permit or license; providing that licenses and permits for hunting, saltwater fishing, and freshwater fishing must be issued, without fee, to certain disabled persons; specifying portion of license fees to be retained by tax collectors; amending s. 372.574, F.S.; providing for a fee for electronic license sales; providing for the replacement of a lost or destroyed license or permit; providing a fee; amending s. 372.66, F.S.; deleting the nonresident fur dealer agent license, the resident fur dealer agent license, and the resident local fur dealer license; amending ss. 372.571, 372.5712, 372.5715, 372.573, 372.661, F.S.; conforming cross-references; creating s. 372.579, F.S.; authorizing the commission to adopt license or processing fees; increasing a fee; amending s. 372.83, F.S.; providing that it is unlawful to make, forge, or counterfeit any hunting or fishing license; providing penalties; providing that it is a noncriminal infraction to violate specified provisions relating to snook permits or crawfish permits; providing penalties; amending ss. 328.72, 328.76, F.S.; revising provisions relating to the remission of service fees to the Department of Highway Safety and Motor Vehicles and relating to the distribution and use of certain portions of the registration certificate fees; amending s. 370.06, F.S.; deleting obsolete provisions relating to gill nets; repealing ss. 370.0605, 370.0615, 370.0608, 370.062, 370.1111, and s. 370.14(10), (11), F.S., relating to saltwater fishing licenses; creating s. 372.5702, F.S.; providing a license program for tarpon; providing for fees; providing for deposit of such fees; amending s. 372.87, F.S.; revising venomous reptile license fees; amending s. 372.921, F.S.; revising wildlife exhibition permit fees; amending s. 372.922, F.S.; revising the classifications and permit fees for wildlife; providing an effective date.

—as amended April 27 was read the third time by title.

On motion by Senator Bronson, **CS for CS for SB 386** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Dawson	Jones	Myers
Bronson	Diaz de la Portilla	King	Rossin
Brown-Waite	Diaz-Balart	Kirkpatrick	Saunders
Burt	Dyer	Klein	Scott
Campbell	Forman	Kurth	Sebesta
Carlton	Geller	Latvala	Silver
Casas	Grant	Laurent	Sullivan
Childers	Hargrett	Lee	Thomas
Clary	Holzendorf	McKay	
Cowin	Horne	Meek	

Nays—1

Mitchell

CS for SB 1910—A bill to be entitled An act relating to child welfare; amending s. 39.201, F.S.; revising confidentiality of recorded central abuse hotline calls relating to child abuse, neglect, or abandonment; providing clarifying language for community-based care providers of foster care and related services; providing circumstances in which an officer or employee of the judicial branch is not required to report child abuse, abandonment, or neglect; amending s. 39.202, F.S.; providing for the inclusion of the child protection team in the list of those to whom an alleged abuse reporter's name may be released; amending s. 39.205, F.S.; exempting judges from prosecution for failure to report; amending s. 39.301, F.S.; clarifying language relating to initiation of protective investigations and criminal investigations; clarifying that the age of parents shall be factored into risk assessments; changing certain time requirements; amending s. 39.303, F.S.; specifying additional supportive services to be provided by child protection teams; requiring certain training for medical personnel participating in a child protection team; revising reports of abuse, abandonment, or neglect that must be referred to the Department of Health for supportive services; revising requirements relating to review of certain cases of abuse, abandonment, or neglect and standards for face-to-face medical evaluations by a child protection team; requiring collaboration between certain state agencies relating to reports of child abuse, abandonment, and neglect; amending s. 39.304, F.S.; providing for disposition of investigative photographs of physical abuse injuries and sexual abuse trauma; amending s. 39.402, F.S.; clarifying that the court must be informed of identified case plans at shelter hearings; amending s. 383.402, F.S.; deleting a reference to the Kayla McKean Child Protection Act; revising duties of the local child abuse death review committee and district coordinators; amending s. 409.145, F.S.; authorizing the Department of Children and Family Services to provide additional assistance for certain individuals leaving foster care; amending s. 409.1671, F.S.; deleting requirement that the case-transfer process for contracts with community-based agencies for provision of foster care and related services identify closure of protective investigations; requiring a report at the conclusion of the investigation; repealing s. 1, ch. 99-168, Laws of Florida, which provides a short title naming the Act the Kayla McKean Child Protection Act; providing an effective date.

—as amended April 27 was read the third time by title.

An amendment was considered and adopted by two-thirds vote to conform **CS for SB 1910** to **CS for CS for HB 855**.

Pending further consideration of **CS for SB 1910** as amended, on motion by Senator Laurent, by two-thirds vote **CS for CS for HB 855** was withdrawn from the Committee on Criminal Justice.

On motion by Senator Laurent, by two-thirds vote—

CS for CS for HB 855—A bill to be entitled An act relating to child welfare; amending s. 39.201, F.S.; revising confidentiality of recorded central abuse hotline calls relating to child abuse, neglect, or abandonment; providing clarifying language for community-based care providers of foster care and related services; providing circumstances in which an officer or employee of the judicial branch is not required to report child abuse, abandonment, or neglect; amending s. 39.202, F.S.; providing for the inclusion of the child protection team in the list of those to whom an alleged abuse reporter's name may be released; amending s. 39.205, F.S.; exempting judges from prosecution for failure to report; amending s. 39.301, F.S.; clarifying language relating to initiation of protective investigations and criminal investigations; clarifying that the age of parents shall be factored into risk assessments; changing certain time requirements; amending s. 39.303, F.S.; specifying additional supportive services to be provided by child protection teams; requiring certain training for medical personnel participating in a child protection team; revising reports of abuse, abandonment, or neglect that must be referred to the Department of Health for supportive services; revising requirements relating to review of certain cases of abuse, abandonment, or neglect and standards for face-to-face medical evaluations by a child protection team; requiring collaboration between certain state agencies relating to reports of child abuse, abandonment, and neglect; amending s. 39.304, F.S.; providing for disposition of investigative photographs of physical abuse injuries and sexual abuse trauma; amending s. 39.402, F.S.; clarifying that the court must be informed of identified case plans at shelter hearings; amending s. 383.402, F.S.; deleting a reference to the Kayla McKean Child Protection Act; revising duties of the local child abuse death review committee and district coordinators; amending s. 409.145, F.S.; authorizing the Department of Children and Family Services to provide additional assistance for certain individuals leaving foster care; amending s. 409.1671, F.S.; prescribing times when summaries of investigations must be provided to the community-based agency; amending s. 409.175, F.S.; requiring a plan for streamlining foster parent training; creating s. 409.1753, F.S.; specifying duties of the Department of Children and Family Services or its agents regarding foster care; repealing s. 1, ch. 99-168, Laws of Florida, which provides a short title naming the Act the Kayla McKean Child Protection Act; providing an effective date.

—a companion measure, was substituted for **CS for SB 1910** as amended and by two-thirds vote read the second time by title. On motion by Senator Laurent, by two-thirds vote **CS for CS for HB 855** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Dawson	Jones	Myers
Bronson	Diaz de la Portilla	King	Rossin
Brown-Waite	Diaz-Balart	Kirkpatrick	Saunders
Burt	Dyer	Klein	Scott
Campbell	Forman	Kurth	Sebesta
Carlton	Geller	Latvala	Silver
Casas	Grant	Laurent	Sullivan
Childers	Hargrett	Lee	Thomas
Clary	Holzendorf	Meek	Webster
Cowin	Horne	Mitchell	

Nays—None

SB 110—A bill to be entitled An act relating to executive appointments; amending s. 14.29, F.S., relating to terms of members of the Florida Commission on Community Service; deleting obsolete provisions; amending s. 20.255, F.S.; clarifying provisions relating to the terms of members of the Environmental Regulation Commission within the Department of Environmental Protection; amending s. 20.316, F.S.; requiring that the Secretary of Juvenile Justice be confirmed by the Senate; amending s. 20.41, F.S., relating to the Secretary of Elderly Affairs; deleting obsolete provisions; amending s. 20.42, F.S.; requiring the Director of Health Care Administration to be confirmed by the Senate; amending s. 186.504, F.S.; clarifying membership, and specifying terms of members, of regional planning councils; amending s. 231.545, F.S., relating to membership on the Education Standards Commission within the Department of Education; deleting obsolete provisions; amending s. 240.145, F.S., relating to terms of members of the Postsecondary Education Planning Commission; deleting obsolete provisions; amending s. 240.313, F.S.; specifying the terms of members of the board of trustees of a community college; amending s. 246.205, F.S., relating to terms of members of the State Board of Nonpublic Career Education; deleting obsolete provisions; amending s. 288.707, F.S.; clarifying membership on the Florida Black Business Investment Board within the Office of Tourism, Trade, and Economic Development; deleting obsolete provisions; amending s. 288.9604, F.S., relating to terms of members of the board of the Florida Development Finance Corporation; deleting obsolete provisions; amending s. 331.308, F.S., relating to the board of supervisors of the Spaceport Florida Authority; deleting a requirement that the Senate confirm the legislative ex officio members of the board; deleting obsolete provisions relating to appointments and terms; amending s. 349.03, F.S., relating to terms of members of the governing body of the Jacksonville Transportation Authority; deleting obsolete provisions; amending s. 350.01, F.S., relating to terms of members of the Florida Public Service Commission; deleting obsolete provisions; clarifying the term for the chairperson of the commission; amending s. 370.19, F.S.; revising the membership of the Atlantic States Marine Fisheries Commission; revising requirements for the legislative ex officio members of the commission; specifying terms of office; amending s. 370.20, F.S., relating to the Gulf States Marine Fisheries Commission; revising requirements for the legislative ex officio members of the commission; specifying terms of office; amending s. 373.0693, F.S.; clarifying terms of office for members of basin boards within the water management districts; amending s. 380.504, F.S., relating to terms of members of the governing body of the Florida Communities Trust within the Department of Community Affairs; deleting obsolete provisions; amending s. 404.31, F.S., relating to terms of members of the Southeast Interstate Low-Level Radioactive Waste Management Commission; deleting obsolete provisions; amending s. 443.012, F.S., relating to terms of members of the Unemployment Appeals Commission within the Department of Labor and Employment Security; deleting obsolete provisions; amending s. 447.205, F.S., relating to terms of members of the Public Employees Relations Commission within the Department of Labor and Employment Security; deleting obsolete provisions; repealing s. 464.0045, F.S., relating to terms of members of the Board of Nursing; amending s. 468.1135, F.S., relating to terms and qualifications of members of the Board of Speech-Language Pathology and Audiology; deleting obsolete provisions; amending s. 468.203, F.S., relating to the practice of occupational therapy; providing a definition; amending s. 468.205, F.S., relating to terms for members of the Board of Occupational Therapy Practice; deleting obsolete provisions; amending s. 468.354, F.S.; deleting a limitation on terms of appointment; deleting obsolete provisions; amending s. 468.4315, F.S., relating to terms of members of the Regulatory Council of Community Association Managers; deleting obsolete provisions; amending s. 468.521, F.S., relating to terms of members of the Board of Employee Leasing Companies; deleting obsolete provisions; amending s. 468.605, F.S., relating to terms of the members of the Florida Building Code Administrators and Inspectors Board; deleting obsolete and conflicting provisions; amending s. 468.801, F.S., relating to the terms of members of the Board of Orthotists and Prosthetists; deleting obsolete provisions; amending s. 475.02, F.S., relating to terms of the members of the Florida Real Estate Commission within the Department of Business and Professional Regulation; deleting obsolete provisions; amending s. 475.613, F.S., relating to terms and qualifications of members of the Florida Real Estate Appraisal Board; deleting obsolete provisions; amending s. 476.054, F.S., relating to terms of members of the Barbers' Board; deleting conflicting provisions; amending s. 477.015, F.S., relating to terms of the members of the Board of Cosmetology; deleting a limitation on terms of appointment; amending s. 480.035, F.S., relating to terms of the members of the Board of Massage Therapy; deleting a limitation on terms of appointment; amending s. 483.805, F.S., relating to terms of members of the Board of Clinical Laboratory Personnel; deleting obsolete provisions; amending s. 489.107, F.S., relating to terms of the members of the Construction Industry Licensing Board; deleting a limitation on terms of appointment; amending s. 491.004, F.S., relating to terms of the members of the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling; deleting obsolete provisions; amending s. 497.101, F.S., relating to terms of the members of the Board of Funeral and Cemetery Services; deleting obsolete provisions; amending s. 601.04, F.S., relating to the appointment and terms of members of the Florida Citrus Commission within the Department of Citrus; deleting obsolete provisions; clarifying terms of members following redistricting; amending s. 945.602, F.S., relating to

qualifications of the members of the State of Florida Correctional Medical Authority; deleting obsolete provisions; amending s. 947.03, F.S., relating to the appointment of members of the Parole Commission; deleting obsolete provisions; repealing s. 947.022, F.S., relating to terms and appointment of members of the Parole Commission; providing an effective date.

—as amended April 27 was read the third time by title.

On motion by Senator Myers, **SB 110** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Dawson	Jones	Mitchell
Bronson	Diaz de la Portilla	King	Myers
Brown-Waite	Diaz-Balart	Kirkpatrick	Rossin
Burt	Dyer	Klein	Saunders
Campbell	Forman	Kurth	Scott
Carlton	Geller	Latvala	Sebesta
Casas	Grant	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

Nays—None

CS for HB 955—A bill to be entitled An act relating to weapons of mass destruction; creating s. 790.166, F.S.; prohibiting the unlawful manufacture, possession, sale, delivery, display, use, or attempted or threatened use of a weapon of mass destruction; prohibiting unlawful conspiring to use such weapon; prohibiting making such weapon readily accessible to others; providing a first degree felony penalty for violation; providing that violation which results in death is a capital felony; prohibiting the unlawful manufacture, possession, sale, delivery, display, use, or attempted or threatened use of a hoax weapon of mass destruction; prohibiting unlawful conspiring to use such weapon; prohibiting making such weapon readily accessible to others; providing a second degree felony penalty for violation; providing definitions for purposes of the act; providing nonapplicability of the act; amending s. 921.0022, F.S.; providing for ranking of violations on the offense severity ranking chart; providing an effective date.

—as amended April 28 was read the third time by title.

On motion by Senator Lee, **CS for HB 955** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Dawson	Jones	Mitchell
Bronson	Diaz de la Portilla	King	Myers
Brown-Waite	Diaz-Balart	Kirkpatrick	Rossin
Burt	Dyer	Klein	Saunders
Campbell	Forman	Kurth	Scott
Carlton	Geller	Latvala	Sebesta
Casas	Grant	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

Nays—None

Consideration of **CS for CS for SB 940** and **CS for CS for CS for SB 2154, CS for SB 1900 and SB 282** was deferred.

CS for CS for CS for SB 1508 and CS for SB's 706 and 2234—A bill to be entitled An act relating to managed care organizations; amending s. 641.315, F.S.; deleting provisions relating to provider billings; revising provisions relating to provider contracts; requiring a health maintenance organization to make certain disclosures to a provider; providing procedures for requesting and granting authorization for utilization of services; creating s. 641.3154, F.S.; providing that a health maintenance organization is liable for payment for services rendered to subscribers; prohibiting a provider from billing a subscriber under specified circumstances; requiring a health maintenance organization and the Department of Insurance to report violations to the Department of Health or the Agency for Health Care Administration; amending s. 641.3155, F.S.; defining the term "clean claim"; specifying the basis for determining when a claim is to be considered clean or not clean; requiring the Department of Insurance to adopt rules to establish a claim form; providing requirements; authorizing the Department of Insurance to adopt rules for coding standards; providing requirements for paying clean claims; providing requirements for denying or contesting a portion of a claim; providing for interest accrual and payment of interest; providing an uncontestable obligation to pay a claim; requiring a health maintenance organization to make a claim for overpayment; prohibiting an organization from reducing payment for other services; providing exceptions; requiring a provider to pay a claim for overpayment within a specified time; providing a procedure and timeframes for a provider to notify a health maintenance organization that it is denying or contesting a claim for overpayment; specifying when a provider payment of a claim for overpayment is to be considered made; providing for assessment of simple interest against overdue payment of a claim; specifying when interest on overdue payments of claims for overpayment begins to accrue; specifying a timeframe for a provider to deny or contest a claim for overpayment; providing an uncontestable obligation to pay a claim; specifying when a provider claim that is electronically transmitted or mailed is considered received; specifying when a health maintenance organization claim for overpayment is considered received; mandating acknowledgment of receipts for electronically submitted provider claims; prescribing a timeframe for a health maintenance organization to retroactively deny a claim for services provided to an ineligible subscriber; creating s. 641.3156, F.S.; providing for treatment authorization and payment of claims by a health maintenance organization; clarifying that treatment authorization and payment of a claim for emergency services is subject to specified provisions of law; amending s. 641.3903, F.S.; providing that downcoding with intent to deny reimbursement by a health maintenance organization is an unfair method of competition and an unfair or deceptive act or practice; amending s. 641.3909, F.S.; authorizing the Department of Insurance to issue a cease and desist order for a violation of s. 641.3155, F.S., relating to payment of claims; amending s. 641.495, F.S.; revising provisions relating to treatment-authorization capabilities; requiring agreement to pending authorizations and tracking numbers as a precondition to such an authorization; creating s. 408.7057, F.S.; providing for the establishment of a statewide claim-dispute-resolution program for providers and managed care organizations; providing rulemaking authority to the Agency for Health Care Administration; amending s. 395.1065, F.S., relating to criminal and administrative penalties for health care providers; authorizing administrative sanctions against a hospital's license for improper subscriber billing and violations of requirements relating to claims payment; amending s. 631.818, F.S., relating to the health maintenance organization consumer assistance plan; conforming provisions to changes made by the act; amending s. 817.234, F.S.; providing that certain actions by a provider are punishable under s. 641.52, F.S., in addition to any other provision of law; amending s. 817.50, F.S., relating to fraud against hospitals; expanding applicability to health care providers; amending s. 641.31, F.S., relating to health maintenance contracts; conforming a cross-reference to changes made by the act; providing applicability; providing an appropriation; providing an effective date.

—was read the third time by title.

On motion by Senator Brown-Waite, **CS for CS for CS for SB 1508 and CS for SB's 706 and 2234** was passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Clary	Grant	Kurth
Bronson	Cowin	Hargrett	Latvala
Brown-Waite	Dawson	Holzendorf	Laurent
Burt	Diaz de la Portilla	Horne	Lee
Campbell	Diaz-Balart	Jones	McKay
Carlton	Dyer	King	Meek
Casas	Forman	Kirkpatrick	Mitchell
Childers	Geller	Klein	Rossin

Saunders	Sebesta	Sullivan	Webster
Scott	Silver	Thomas	

Nays—None

CS for CS for SB 2242—A bill to be entitled An act relating to health care; amending s. 409.212, F.S.; providing for periodic increase in the optional state supplementation rate; amending s. 409.901, F.S.; amending definitions of terms used in ss. 409.910-409.920, F.S.; amending s. 409.902, F.S.; providing that the Department of Children and Family Services is responsible for Medicaid eligibility determinations; amending s. 409.903, F.S.; providing responsibility for determinations of eligibility for payments for medical assistance and related services; amending s. 409.905, F.S.; increasing the maximum amount that may be paid under Medicaid for hospital outpatient services; amending s. 409.906, F.S.; allowing the Department of Children and Family Services to transfer funds to the Agency for Health Care Administration to cover state match requirements as specified; amending s. 409.907, F.S.; revising requirements relating to the minimum amount of the surety bond which each provider is required to maintain; specifying grounds on which provider applications may be denied; amending s. 409.908, F.S.; increasing the maximum amount of reimbursement allowable to Medicaid providers for hospital inpatient care; providing legislative findings, intent, and clarification; relating to reimbursement for services to dually eligible Medicare beneficiaries; providing applicability; creating s. 409.9119, F.S.; creating a disproportionate share program for licensed specialty children's hospitals; providing formulas governing payments made to hospitals under the program; providing for withholding payments from a hospital that is not complying with agency rules; amending s. 409.912, F.S.; providing for the transfer of certain unexpended Medicaid funds from the Department of Elderly Affairs to the Agency for Health Care Administration; providing for renewal of contracts for fiscal intermediary services; amending s. 409.919, F.S.; providing for the adoption and the transfer of certain rules relating to the determination of Medicaid eligibility; authorizing developmental research schools to participate in Medicaid certified school match program; providing for the Agency for Health Care Administration to seek a federal waiver allowing the agency to undertake a pilot project that involves contracting with skilled nursing facilities for the provision of rehabilitation services to adult ventilator dependent patients; providing for evaluation of the pilot program; amending s. 430.703, F.S.; defining "other qualified provider"; amending s. 430.707, F.S.; authorizing the Department of Elderly Affairs to contract with other qualified providers to provide long-term care within the pilot project areas; exempting other qualified providers from specified licensing requirements; repealing s. 409.912(4)(b), F.S., relating to the authorization of the agency to contract with certain prepaid health care services providers; designating Florida Alzheimer's Disease Day; amending s. 394.4615, F.S.; requiring that clinical records be furnished to the unit upon request; amending s. 395.3025, F.S.; allowing patient records to be furnished to the unit; amending s. 400.0077, F.S.; providing that certain confidentiality provisions do not limit the subpoena power of the Attorney General; amending s. 400.494, F.S.; providing that certain confidentiality provisions relating to home health agencies do not apply to information requested by the unit; amending s. 409.9071, F.S.; waiving confidentiality and requiring that certain information regarding Medicaid provider agreements with school districts be provided to the unit; amending s. 409.920, F.S.; clarifying the Attorney General's power to subpoena medical records relating to Medicaid recipients; amending s. 409.9205, F.S.; authorizing investigators employed by the unit to serve process; amending s. 430.608, F.S.; providing that certain confidentiality provisions pertaining to the Department of Elderly Affairs do not limit the subpoena authority of the unit; amending s. 455.667, F.S.; providing that certain confidential records held by the Department of Business and Professional Regulation must be provided to the unit; providing an effective date.

—as amended April 28 was read the third time by title.

Senator Saunders moved the following amendments which were adopted by two-thirds vote:

Amendment 1 (624630)(with title amendment)—On page 15, line 4 through page 16, line 24, delete those lines and insert:

Section 8. Paragraph (a) of subsection (1), paragraph (b) of subsection (2), and paragraph (c) of subsection (13) of section 409.908, Florida Statutes, are amended to read:

409.908 Reimbursement of Medicaid providers.—Subject to specific appropriations, the agency shall reimburse Medicaid providers, in accordance with state and federal law, according to methodologies set forth in the rules of the agency and in policy manuals and handbooks incorporated by reference therein. These methodologies may include fee schedules, reimbursement methods based on cost reporting, negotiated fees, competitive bidding pursuant to s. 287.057, and other mechanisms the agency considers efficient and effective for purchasing services or goods on behalf of recipients. Payment for Medicaid compensable services made on behalf of Medicaid eligible persons is subject to the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. Further, nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act, provided the adjustment is consistent with legislative intent.

(1) Reimbursement to hospitals licensed under part I of chapter 395 must be made prospectively or on the basis of negotiation.

(a) Reimbursement for inpatient care is limited as provided for in s. 409.905(5). Reimbursement for hospital outpatient care is limited to *$1,500* ~~$1,000~~ per state fiscal year per recipient, except for:

1. Such care provided to a Medicaid recipient under age 21, in which case the only limitation is medical necessity;

2. Renal dialysis services; and

3. Other exceptions made by the agency.

(2)

(b) Subject to any limitations or directions provided for in the General Appropriations Act, the agency shall establish and implement a Florida Title XIX Long-Term Care Reimbursement Plan (Medicaid) for nursing home care in order to provide care and services in conformance with the applicable state and federal laws, rules, regulations, and quality and safety standards and to ensure that individuals eligible for medical assistance have reasonable geographic access to such care. *Under the plan, interim rate adjustments shall not be granted to reflect increases in the cost of general or professional liability insurance for nursing homes unless the following criteria are met: have at least a 65 percent Medicaid utilization in the most recent cost report submitted to the agency, and the increase in general or professional liability costs to the facility for the most recent policy period affects the total Medicaid per diem by at least 5 percent. This rate adjustment shall not result in the per diem exceeding the class ceiling. This provision shall apply only to fiscal year 2000-2001 and shall be implemented to the extent that existing appropriations are available. The agency shall report to the Governor, the Speaker of the House of Representatives, and the President of the Senate by December 31, 2000, on the cost of liability insurance for Florida nursing homes for fiscal years 1999 and 2000 and the extent to which these costs are not being compensated by the Medicaid program. Medicaid participating nursing homes shall be required to report to the agency information necessary to compile this report.* Effective no earlier than the rate-setting period beginning April 1, 1999, the agency shall establish a case-mix reimbursement methodology for the rate of payment for long-term care services for nursing home residents. The agency shall compute a per diem rate for Medicaid residents, adjusted for case mix, which is based on a resident classification system that accounts for the relative resource utilization by different types of residents and which is based on level-of-care data and other appropriate data. The case-mix methodology developed by the agency shall take into account the medical, behavioral, and cognitive deficits of residents. In developing the reimbursement methodology, the agency shall evaluate and modify other aspects of the reimbursement plan as necessary to improve the overall effectiveness of the plan with respect to the costs of patient care, operating costs, and property costs. In the event adequate data are not available, the agency is authorized to adjust the patient's care component or the per diem rate to more adequately cover the cost of services provided in the patient's care component. The agency shall work with the Department of Elderly Affairs, the Florida Health Care Association, and the Florida Association of Homes for the Aging in developing the methodology. It is the intent of the Legislature that the reimbursement plan achieve the goal of providing access to health care for nursing home residents who require large amounts of care while encouraging diversion services as an

alternative to nursing home care for residents who can be served within the community. The agency shall base the establishment of any maximum rate of payment, whether overall or component, on the available moneys as provided for in the General Appropriations Act. The agency may base the maximum rate of payment on the results of scientifically valid analysis and conclusions derived from objective statistical data pertinent to the particular maximum rate of payment.

And the title is amended as follows:

On page 1, line 28, following the semicolon (;) insert: prohibiting interim rate adjustments that reflect increases in the cost of general or professional liability insurance;

Amendment 2 (145346)(with title amendment)—On page 23, lines 2-6, delete those lines and insert: within community diversion pilot project areas.

And the title is amended as follows:

On page 2, line 30 through page 3, line 1, delete those lines and insert: within the pilot project areas; repealing s. 409.912(4)(b), F.S.,

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

Amendment 3 (321884)(with title amendment)—On page 26, between lines 25 and 26, insert:

Section 28. Effective upon becoming law and retroactive to January 1, 1996, subsection (4) is added to section 458.319, Florida Statutes, to read:

458.319 Renewal of license.—

(4)(a) Notwithstanding any provision of this chapter or part II, chapter 455, the requirements for the biennial renewal of the license of any licensee who is a member of the Legislature shall stand continued and extended without the requirement of any filing by such a licensee of any notice or application for renewal with the board or the department and such licensee's license shall be an active status license under this chapter, throughout the period that the licensee is a member of the Legislature and for a period of 60 days after the licensee ceases to be a member of the Legislature.

(b) At any time during the licensee's legislative term of office and during the period of 60 days after the licensee ceases to be a member of the Legislature, the licensee may file a completed renewal application that shall consist solely of:

1. A license renewal fee of $250 for each year the licensee's license renewal has been continued and extended pursuant to the terms of this subsection since the last otherwise regularly scheduled biennial renewal year and each year during which the renewed license shall be effective until the next regularly scheduled biennial renewal date;

2. Documentation of the completion by the licensee of 10 hours of continuing medical education credits for each year from the effective date of the last renewed license for the licensee until the year in which the application is filed;

3. The information from the licensee expressly required in s. 455.565(1)(a)1.-8. and (b), and (4)(a), (b), and (c).

(c) The department and board may not impose any additional requirements for the renewal of such licenses and, not later than 20 days after receipt of a completed application as specified in paragraph (b), shall renew the active status license of the licensee, effective on and retroactive to the last previous renewal date of the licensee's license. Said license renewal shall be valid until the next regularly scheduled biennial renewal date for said license, and thereafter shall be subject to the biennial requirements for renewal in this chapter and chapter 455, part II.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 2, after the semicolon (;) insert: amending s. 458.319, F.S.; providing that renewal of medical licenses of members of the Legislature shall be continued during term of legislative office; requiring the completion of continuing medical education and payment of fees for renewal of such licenses; providing the period during which such licenses may be renewed; providing the period during which such renewed licenses shall be valid; providing for the subsequent renewal of such licenses;

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

Amendment 4 (495536)(with title amendment)—On page 26, between lines 25 and 26, insert:

Section 28. *The Agency for Health Care Administration shall conduct a cost and feasibility study regarding the implementation of the federal "Ticket to Work and Work Incentives Act of 1999" in Florida and shall report its findings to the President of the Senate and the Speaker of the House of Representatives by December 1, 2000.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 2, after the semicolon (;) insert: directing the Agency for Health Care Administration to conduct a study regarding implementation of the federal "Ticket to Work and Work Incentives Act of 1999" in this state; requiring a report to the Legislature;

On motion by Senator Saunders, **CS for CS for SB 2242** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Madam President	Cowin	Holzendorf	Meek
Bronson	Dawson	Horne	Mitchell
Brown-Waite	Diaz de la Portilla	Jones	Rossin
Burt	Diaz-Balart	King	Saunders
Campbell	Dyer	Klein	Scott
Carlton	Forman	Kurth	Sebesta
Casas	Geller	Latvala	Silver
Childers	Grant	Laurent	Thomas
Clary	Hargrett	Lee	Webster

Nays—None

Consideration of **CS for SB 1352** was deferred.

CS for CS for CS for SB 1406—A bill to be entitled An act relating to state regulation of lands; amending s. 190.012, F.S.; authorizing community development districts to fund certain environmental costs under certain circumstances; amending s. 197.432, F.S.; conforming statutory cross-references; amending s. 197.502, F.S.; authorizing local governments to file tax deed applications in a specified manner; amending s. 197.522, F.S.; conforming a statutory cross-reference; amending s. 199.1055, F.S.; broadening the contaminated site rehabilitation tax credit against the intangible personal property tax to include in the preapproved advanced cleanup program petroleum-contaminated sites and other contaminated sites at which cleanup is undertaken pursuant to a voluntary rehabilitation agreement with the Department of Environmental Protection under certain circumstances; amending s. 212.08, F.S.; providing an exemption from the sales and use tax for building materials used in the rehabilitation of real property located in a designated brownfield area; providing an exemption from the sales and use tax for business property purchased for use by businesses located in a designated brownfield area; amending s. 212.096, F.S.; providing for a brownfield area jobs credit against the sales and use tax; amending s. 212.20, F.S.; providing for distribution of funds; amending s. 220.181, F.S.; providing for a designated brownfield area jobs credit against the corporate income tax; amending s. 220.182, F.S.; providing for a designated brownfield area property tax credit against the corporate income tax; amending s. 220.183, F.S.; providing a partial credit against the corporate income tax for community contributions that benefit designated brownfield areas; amending s. 220.1845, F.S.; broadening the contaminated site rehabilitation tax credit against the corporate income tax to include in the preapproved advanced cleanup program petroleum-contaminated sites and other contaminated sites at which cleanup is undertaken pursuant to a voluntary rehabilitation agreement with the

Department of Environmental Protection under certain circumstances; amending s. 252.87, F.S.; revising reporting requirements under the Hazardous Materials Emergency Response and Community Right-to-Know Act; amending s. 288.047, F.S.; requiring Enterprise Florida, Inc., to set aside each fiscal year a certain amount of the appropriation for the Quick Response Training Program for businesses located in a brownfield area; amending s. 288.107, F.S.; redefining the term "eligible business"; providing for bonus refunds for businesses that can demonstrate a fixed capital investment in certain mixed use activities in the brownfield area; amending s. 288.905, F.S.; requiring Enterprise Florida, Inc., to develop comprehensive marketing strategies for redevelopment of brownfield areas; amending s. 290.007, F.S.; providing for state incentives in designated brownfield areas; amending s. 376.301, F.S.; redefining the terms "antagonistic effects," "discharge," "institutional controls," and "site rehabilitation"; amending s. 376.3078, F.S.; providing for rehabilitation criteria; amending s. 376.30781, F.S.; broadening the partial tax credits for the rehabilitation of certain contaminated sites; clarifying provisions regarding the filing for the tax credits; amending s. 376.79, F.S.; defining the terms "contaminant" and "risk reduction"; redefining the terms "natural attenuation," "institutional control," and "source removal"; amending s. 376.80, F.S.; allowing local governments or persons responsible for brownfield area rehabilitation and redevelopment to use an existing advisory committee; deleting the requirement that the advisory committee must review and provide recommendations to the local government with jurisdiction on the proposed brownfield site rehabilitation agreement; providing that the person responsible for site rehabilitation must notify the advisory committee of the intent to rehabilitate and redevelop the site before executing the brownfield site rehabilitation agreement; requiring the person responsible for site rehabilitation to hold a meeting or attend a regularly scheduled meeting of the advisory committee to inform the advisory committee of the outcome of the environmental assessment; requiring the person responsible for site rehabilitation to enter into a brownfield site rehabilitation agreement only if actual contamination exists; clarifying provisions relating to the required comprehensive general liability and comprehensive automobile liability insurance; amending s. 376.81, F.S.; providing direction regarding the risk-based corrective action rule; requiring the department to establish alternative cleanup levels under certain circumstances; amending s. 376.82, F.S.; providing immunity for liability regarding contaminated site remediation under certain circumstances; amending s. 376.84, F.S.; authorizing entities approved by the local government for the purpose of redeveloping brownfield areas to use tax increment financing; amending s. 376.86, F.S.; increasing the limits of the state loan guaranty in brownfield areas; creating s. 376.876, F.S.; providing for a Brownfield Redevelopment Grants Program in the Department of Environmental Protection; specifying the uses of grant funds; requiring matching funds; authorizing the department to adopt rules; providing for interim application requirements; creating s. 376.88, F.S.; providing for the Brownfield Program Review Advisory Council; providing duties and responsibilities; amending s. 403.973, F.S.; providing that projects located in a designated brownfield area are eligible for the expedited permitting process; amending ss. 712.01, 712.03, F.S.; prohibiting subsequent property owners from removing certain deed restrictions under other provisions of the Marketable Record Title Act; providing for implementation to the extent funds are appropriated; repealing s. 211.3103(9), F.S.; deleting requirements for a county that accepts real property of mined or reclaimed land from phosphate mining companies to forfeit a portion of its share of severance tax equal to the value of property donated; amending s. 376.051, F.S.; authorizing the Department of Environmental Protection to utilize certain criteria in conducting cleanups on lands owned by the state university system; providing an effective date.

—as amended April 28 was read the third time by title.

Senator Latvala moved the following amendments which were adopted by two-thirds vote:

Amendment 1 (273296)(with title amendment)—On page 99, between lines 28 and 29, insert:

Section 29. *In the 2000-2001 fiscal year, any unencumbered funds that remain undisbursed on June 30, 2001, from the Quick-Response Training Program, the Brownfield Redevelopment Bonus Refunds, or the Brownfield Redevelopment Grants Program and funds appropriated in the General Appropriations Act for cleanup of state-owned lands shall be used for grants to fund assessment and remediation at brownfield sites or areas designated under section 376.80, Florida Statutes, prior to April 1, 2000, which are brownfield pilot projects of the United States Environmental Protection Agency designated prior to July 1, 1997, and at which site assessment has been initiated as of April 1, 2000. Grants shall be distributed to eligible pilot projects under this section on a pro rata basis in an amount not to exceed $500,000 per pilot project.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 5, after the semicolon (;) insert: requiring that certain unencumbered moneys be used for grants to fund assessment and remediation at specified brownfield sites or certain federal brownfield pilot projects;

Amendment 2 (381012)(with title amendment)—On page 103, between lines 8 and 9, insert:

Section 34. Subsections (5) and (6) are added to section 376.303, Florida Statutes, to read:

376.303 Powers and duties of the Department of Environmental Protection.—

(5) MAPPING.—If an institutional control is implemented at any contaminated site in a brownfield area designated pursuant to s. 376.80, the property owner must provide information regarding the institutional control to the local government for mapping purposes. The local government must then note the existence of the institutional control on any relevant local land use and zoning maps with a cross-reference to the department's site registry developed pursuant to subsection (6). If the type of institutional control used requires recording with the local government, then the map notation shall also provide a cross-reference to the book and page number where recorded. When a local government is provided with evidence that the department has subsequently issued a no-further-action order without institutional controls for a site currently noted on such maps, the local government shall remove the notation.

(6) REGISTRY.—The department shall prepare and maintain a registry of all contaminated sites located in a brownfield area designated pursuant to s. 376.80, which are subject to institutional and engineering controls, in order to provide a mechanism for the public and local governments to monitor the status of these controls, monitor the department's short-term and long-term protection of human health and the environment in relation to these sites, and evaluate economic revitalization efforts in these areas. At a minimum, the registry shall include the type of institutional or engineering controls employed at a particular site, types of contaminants and affected media, land use limitations, and the county in which the site is located. Sites listed on the registry at which the department has subsequently issued a no-further-action order without institutional controls shall be removed from the registry. The department shall make the registry available to the public and local governments within 1 year after the effective date of this act. The department shall provide local governments with actual notice when the registry becomes available. Local zoning and planning offices shall post information on how to access the registry in public view.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 14, after the semicolon (;) insert: amending s. 376.303, F.S.; providing authority for mapping and registering contamination within brownfields;

Senator Latvala moved the following amendment:

Amendment 3 (910596)(with title amendment)—On page 103, between lines 10 and 11, insert:

Section 35. Paragraph (h) of subsection (1) and subsections (2) and (4) of section 220.191, Florida Statutes, are amended to read:

220.191 Capital investment tax credit.—

(1) DEFINITIONS.—For purposes of this section:

(h) "Qualifying project" means a new or expanding facility in this state which *either:*

1. Creates at least 100 new jobs in this state and is in one of the high-impact sectors identified by Enterprise Florida, Inc., and certified by the office pursuant to s. 288.108(6), including, but not limited to, aviation, aerospace, automotive, and silicon technology industries;~~.~~

2. Creates at least 75 new jobs in this state, is in one of the high-impact sectors identified by Enterprise Florida, Inc., and certified by the office pursuant to s. 288.108(6) and is located in a brownfield area; or

3. Creates at least 1,500 new jobs, with an average projected wage on the date of application of not less than 100 percent of the average private sector wage in the area, is in one of the target industries sectors, and is located in a county with a population of fewer than 1 million which had an unemployment rate in the previous calendar year of at least 20 percent above the state unemployment rate according to the Department of Labor and Employment Security.

(2) An annual credit against the tax imposed by this chapter shall be granted to any qualifying business in an amount equal to 5 percent of the eligible capital costs generated by a qualifying project, for a period not to exceed 20 years beginning with the commencement of operations of the project. The tax credit shall be granted against only the corporate income tax liability or the premium tax liability generated by or arising out of the qualifying project, and the sum of all tax credits provided pursuant to this section shall not exceed 100 percent of the eligible capital costs of the project. In no event may any credit granted under this section be carried forward or backward by any qualifying business with respect to a subsequent or prior year. The annual tax credit granted under this section shall not exceed the following percentages of the annual corporate income tax liability or the premium tax liability generated by or arising out of a qualifying project:

(a) One hundred percent for a qualifying project which results in a cumulative capital investment of at least $100 million.

(b) Seventy-five percent for a qualifying project which results in a cumulative capital investment of at least $50 million but less than $100 million.

(c) Fifty percent for a qualifying project which results in a cumulative capital investment of at least $25 million but less than $50 million.

(d) Twenty-five percent for a qualifying project under subparagraph (1)(h)3. which results in a cumulative capital investment of at least $25 million but less than $50 million. For businesses seeking certification under this paragraph, the office may receive an application at any time but may not certify a business sooner than 18 months after the commencement of operations.

A qualifying project which results in a cumulative capital investment of less than $25 million is not eligible for the capital investment tax credit. An insurance company claiming a credit against premium tax liability under this program shall not be required to pay any additional retaliatory tax levied pursuant to s. 624.5091 as a result of claiming such credit. Because credits under this section are available to an insurance company, s. 624.5091 does not limit such credit in any manner.

(4) The office, upon *application by the business and evaluation and* ~~a~~ recommendation by Enterprise Florida, Inc., *may* ~~shall first~~ certify a business as eligible to receive tax credits pursuant to this section prior to the commencement of operations of a qualifying project, and such certification shall be transmitted to the Department of Revenue. Upon receipt of the certification, the Department of Revenue shall enter into a written agreement with the qualifying business specifying, at a minimum, the method by which income generated by or arising out of the qualifying project will be determined.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 23, following the semicolon (;) insert: amending s. 220.191, F.S.; redefining the term "qualifying project" with respect to capital investment tax credits; providing capital investment tax credits for certain projects;

On motion by Senator Latvala, further consideration of **CS for CS for CS for SB 1406** with pending **Amendment 3** was deferred.

CS for SB 1194—A bill to be entitled An act relating to the Department of State; amending s. 266.0016, F.S.; providing additional powers of the Historic Pensacola Preservation Board of Trustees; requiring the Division of Historical Resources and the Historic Pensacola Preservation Board of Trustees, in conjunction with specified entities, to develop a regionally based historic preservation plan for West Florida; providing elements of the plan; requiring submission of the plan to the Legislature by a specified date; amending s. 15.01, F.S.; striking a reference to performance by the Secretary of State of constitutional duties; amending s. 20.03, F.S.; redefining the term "cabinet" as used in provisions relating to the structure of the executive branch to conform to changes made to the State Constitution; amending s. 20.10, F.S.; providing for the structure of the Department of State and providing for the appointment, term of office, and duties of the head of the department; amending ss. 112.3144, 112.3145, F.S.; transferring certain functions relating to the disclosure of financial interests by public officers and employees from the Department of State to the Florida Commission on Ethics; amending ss. 112.3148, 112.3149, F.S.; requiring that reports of certain gifts and honoraria be filed with the Commission on Ethics rather than the Secretary of State or Department of State; amending s. 257.36, F.S.; requiring district officers and agencies to comply with certain laws relating to the management of records and revising provisions governing the destruction or disposition of agency records; amending s. 267.072, F.S.; revising programs administered by the Division of Historical Resources of the Department of State; amending s. 288.8175, F.S.; transferring from the Department of Education to the Department of State certain functions relating to linkage institutes between certain educational institutions and foreign countries; amending s. 403.7145, F.S.; conforming provisions relating to the recycling programs for the capitol to changes made in the structure of the executive branch by the State Constitution; amending s. 415.1065, F.S., relating to records management; conforming a cross-reference to changes made by the act; transferring, renumbering, and amending ss. 617.301-617.312, F.S., relating to homeowners' associations, to clarify that such provisions are not administered by the Division of Corporations of the Department of State; amending ss. 617.0601, 617.0701, 617.0721, 617.0831, 712.01, 723.0751, 849.085, 849.0931, F.S.; conforming cross-references; amending s. 849.094, F.S.; transferring from the Division of Licensing of the Department of State to the Department of Agriculture and Consumer Services certain functions relating to the regulation of game promotions; amending s. 790.06, F.S.; prescribing additional standards for the Department of State to consider in issuing a license for a concealed weapon or firearm; amending s. 307.1901, F.S.; providing for the transfer of specified funds in the Corporations Trust Fund to be used for specified programs administered by the Department of State; requiring the Secretary of State to make a report to the Legislature on recommended statutory changes; transferring the John and Mable Ringling Museum of Art to Florida State University; creating s. 240.711, F.S.; creating the Ringling Center for Cultural Arts; providing for its governance, for a direct-support organization, and for operations; providing powers of the university and its agents and employees; repealing s. 265.26, F.S., relating to the Trustees of the John and Mable Ringling Museum of Art; repealing s. 265.261, F.S., relating to that museum's direct-support organization; amending s. 265.2861, F.S.; revising distributions from the Cultural Institutions Trust Fund; amending s. 565.02, F.S.; transferring the beverage license of the museum board of trustees to the direct-support organization; providing effective dates.

—as amended April 28 was read the third time by title.

On motion by Senator Brown-Waite, **CS for SB 1194** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Madam President	Diaz de la Portilla	King	Saunders
Bronson	Diaz-Balart	Kirkpatrick	Scott
Brown-Waite	Dyer	Klein	Sebesta
Campbell	Forman	Kurth	Silver
Carlton	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Hargrett	Lee	Webster
Clary	Holzendorf	Meek	
Cowin	Horne	Mitchell	
Dawson	Jones	Rossin	

Nays—None

On motion by Senator Latvala, by two-thirds vote **CS for HB 1439** was withdrawn from the Committees on Fiscal Policy; and Comprehensive Planning, Local and Military Affairs.

On motion by Senator Latvala, by two-thirds vote—

CS for HB 1439—A bill to be entitled An act relating to spring training franchise facilities; amending s. 212.20, F.S.; providing for a monthly distribution of a portion of revenues under chapter 212, F.S., to certified facilities for retained spring training franchises for a specified period; providing an aggregate limit on monthly distributions to all certified facilities for a retained spring training franchise; amending s. 288.1162, F.S.; redefining the term "new spring training franchise facility"; providing for certification of facilities for a retained spring training franchise by the Office of Tourism, Trade, and Economic Development; providing certification requirements; providing for competitive evaluation of applications for funding; providing evaluation criteria; providing for use of funds distributed pursuant to s. 212.20, F.S., to such facilities; requiring the Office of Tourism, Trade, and Economic Development to certify a specified number of sports facilities, and a specified number of facilities for retained spring training franchises, under s. 288.1162, F.S.; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1708** and by two-thirds vote read the second time by title.

Senator Latvala moved the following amendment which was adopted:

Amendment 1 (223314)—On page 7, lines 17 and 18, delete those lines and insert: the use of the facility for a term of at least 15 years.

On motion by Senator Latvala, by two-thirds vote **CS for HB 1439** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Dawson	Jones	Mitchell
Bronson	Diaz de la Portilla	King	Myers
Brown-Waite	Diaz-Balart	Kirkpatrick	Rossin
Burt	Dyer	Klein	Saunders
Campbell	Forman	Kurth	Scott
Carlton	Geller	Latvala	Sebesta
Casas	Grant	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

Nays—None

CS for SB 68—A bill to be entitled An act relating to postsecondary education; authorizing a college of law at Florida International University and Florida Agricultural and Mechanical University; providing duties of the Board of Regents and others; providing authority to accept grants and other available funds; providing conditions for cessation of a college of law; authorizing certain scholarship recipients to attend a college of law prior to its accreditation; providing an effective date.

—as amended April 28 was read the third time by title.

On motion by Senator Diaz-Balart, **CS for SB 68** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Dawson	Jones	Mitchell
Bronson	Diaz de la Portilla	King	Myers
Brown-Waite	Diaz-Balart	Kirkpatrick	Rossin
Burt	Dyer	Klein	Saunders
Campbell	Forman	Kurth	Scott
Carlton	Geller	Latvala	Sebesta
Casas	Grant	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

Nays—None

CO-SPONSORS

All Senators voting yea, not previously shown as co-sponsors, were recorded as co-sponsors of **CS for SB 68**.

CS for SB 1992—A bill to be entitled An act relating to workers' compensation; amending s. 440.02, F.S.; revising a monetary limit in a definition; excluding work done by state prisoners and county inmates from the definition of employment; amending s. 440.09, F.S.; excluding employees covered under the Defense Base Act from payment of benefits; amending s. 440.12, F.S.; providing for electronic payment of compensation payments; amending s. 440.13, F.S.; revising requirements for submission of certain medical reports and bills; granting rehabilitation providers access to medical records; amending s. 440.134, F.S.; revising a definition; requiring certain insurers to provide medically necessary remedial treatment, care, and attendance under certain circumstances; requiring insurers' workers' compensation managed care arrangements to grant or deny requests for medical care within a time certain; requiring insurers' workers' compensation managed care arrangements to notify injured workers of the outcome of grievances within a time certain; providing a presumption of resolution of a grievance absent timely notice; amending s. 440.185, F.S.; authorizing the division to contract with a private entity for collection of certain policy information; providing application; amending s. 440.192, F.S.; revising requirements and procedures for filing petitions for benefits; permitting judges to dismiss portions of a petition; specifying that dismissal of petitions is without prejudice; amending s. 440.20, F.S.; providing for payment of compensation by direct deposit under certain circumstances; authorizing not holding a hearing under certain circumstances; revising the period for payment; revising lump-sum settlement requirements; amending s. 440.22, F.S.; excluding child support and alimony claims from general exemption of workers' compensation benefits from claims of creditors; amending s. 440.271, F.S.; requiring the First District Court of Appeal to establish a specialized division to hear workers' compensation cases; amending s. 440.38, F.S.; providing for the type of qualifying security deposit necessary to become a self-insured employer; providing requirements, procedures, and criteria; correcting cross references; amending s. 440.45, F.S.; requiring the judicial nominating commission to consider whether judges of compensation claims have met certain requirements; providing procedures; authorizing the Governor to appoint certain judges of compensation claims; requiring the Office of Judges of Compensation Claims to adopt certain additional rules; requiring the Office of the Judges of Compensation Claims to submit draft rules to the Legislature by November 1, 2000; requiring review by the Legislature; providing requirements and procedures; amending s. 61.14, F.S.; requiring judges of compensation claims to consider the interests of the worker and the worker's family when approving settlements of workers' compensation claims; requiring appropriate recovery of any child-support arrearage from those settlements; amending s. 61.30, F.S.; providing that gross income includes all workers' compensation benefits and settlements; amending ss. 489.114, 489.510, F.S.; providing an exception to certain workers' compensation coverage evidence requirements; amending ss. 489.115, 489.515, F.S.; revising certification and registration requirements for initial licensure; amending s. 627.311, F.S.; providing for use of policyholder surplus for purposes of funding certain deficits; amending s. 627.914, F.S.; revising the requirements for reports of information by workers' compensation insurers; deleting a reporting requirement for the Division of Workers' Compensation; providing an appropriation; repealing s. 440.45(3), F.S., relating to judges of compensation claims serving as docketing judges; amending s. 440.102, F.S.; redefining the term "safety-sensitive position"; providing effective dates.

—as amended April 28 was read the third time by title.

Senators King, Thomas and Burt offered the following amendment which was moved by Senator King and adopted by two-thirds vote:

Amendment 1 (904902)(with title amendment)—On page 36, lines 24 and 25, delete those lines and insert:

Section 24. Effective October 1, 2001, section 624.461, Florida Statutes, is amended to read:

624.461 Definition.—For the purposes of the Florida Insurance Code, "self-insurance fund" means ~~both~~ commercial self-insurance funds organized under s. 624.462, ~~and~~ group self-insurance funds organized under s. 624.4621, *and local government self-insurance funds organized under s. 624.4622*. The term "self-insurance fund" does not include a governmental self-insurance pool created under s. 768.28(15).

Section 25. Effective October 1, 2001, subsections (7), (8), and (9) of section 624.4621, Florida Statutes, are amended to read:

624.4621 Group self-insurance funds.—

(7) Premiums, contributions, and assessments received by a group self-insurer's fund are subject to ss. 624.509(1) and (2) and 624.5092, except that the tax rate shall be 1.6 percent of the gross amount of such premiums, contributions, and assessments. *This subsection does not apply to a local government self-insurance fund organized under s. 624.4622.*

(8) This section does not apply to any program, intergovernmental agreement, cooperative effort, consortium, or agency through which two or more governmental entities, without pooling their liabilities, administer the payment of workers' compensation to their respective employees, *except for a local government self-insurance fund organized under s. 624.4622.*

(9) A group self-insurance fund shall participate in the Florida *Workers' Compensation Insurance* ~~Self-Insurance Fund~~ Guaranty Association.

Section 26. Effective October 1, 2001, subsection (2) of section 624.4622, Florida Statutes, is amended to read:

624.4622 Local government self-insurance funds.—

(2) A local government self-insurance fund that meets the requirements of this section is ~~not~~ subject to s. 624.4621 and *all other provisions of law applicable to group self-insurance funds organized* ~~is not required to file any report with the department under s. 440.38(2)(b) which is uniquely required of group self-insurer funds qualified~~ under s. 624.4621. ~~If any of the requirements of this section are not met, the local government self-insurance fund is subject to the requirements of s. 624.4621.~~

Section 27. Effective October 1, 2001, subsections (6) and (7) of section 631.904, Florida Statutes, are amended to read:

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

(6) "Insurer" means an insurance carrier or self-insurance fund authorized to insure under chapter 440. For purposes of this act, "insurer" does not include ~~a qualified local government self-insurance fund, as defined in s. 624.4622, or~~ an individual self-insurer as defined in s. 440.385.

(7) "Self-insurance fund" means a group self-insurance fund authorized under s. 624.4621, a commercial self-insurance fund writing workers' compensation insurance authorized under s. 624.462, ~~or~~ an assessable mutual insurer authorized under s. 628.6011, *or a local government self-insurance fund authorized under s. 624.4622.* For purposes of this act, "self-insurance fund" does not include ~~a qualified local government self-insurance fund, as defined in s. 624.4622, or~~ an individual self-insurer as defined in s. 440.385.

Section 28. *Effective upon this act becoming a law:*

(1)(a) There is appropriated $10 million from the General Revenue Fund and $5 million from the Workers' Compensation Administrative Trust Fund in the Department of Labor and Employment Security to the Insurance Commissioner's Regulatory Trust Fund in the Department of Insurance.

(b) There is appropriated $15 million from the Insurance Commissioner's Regulatory Trust Fund to the Department of Insurance as receiver of the Governmental Risk Insurance Trust (GRIT) to cover exclusively and solely the claims and the administration of claims for injured employees formerly insured for workers' compensation claims by GRIT. These funds may not be used for any purpose other than that specified in this section. Prior to making claim settlements, the department shall seek a repayment agreement with the insured employer member for reimbursement of claim payments and related administrative expenses paid on that member's behalf. The department shall require reimbursement from the applicable reinsurer for any claims covered by reinsurance. The department may contract with third parties to administer its responsibilities under this section.

(2) The Department of Insurance must request appointment as receiver of the Governmental Risk Insurance Trust under chapter 631, Florida Statutes, in the Circuit Court of the Second Judicial Circuit of Florida. If the department is not appointed receiver, this appropriation is null and void. Upon the department's appointment as receiver, the department shall transfer the funds appropriated under subsection (1) to the receivership account.

(3) The State of Florida, the Division of Workers' Compensation, the Workers' Compensation Administration Trust Fund, and the Department of Insurance are immune from liability for any claims, whether those claims are made by creditors, either secured or unsecured, debtors, or former insured employer members of GRIT.

(4) The department shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1 of each year on the status of the implementation of this section.

Of the funds remaining after all the liability claims of insured workers have been resolved, two-thirds of such funds shall revert to the Insurance Commissioner's Regulatory Trust Fund and one-third of such funds shall revert to the Workers' Compensation Administrative Trust Fund.

Section 29. Except as otherwise provided in this act, and except for this section, which shall take effect upon becoming a law, this act shall take effect October 1, 2000.

And the title is amended as follows:

On page 3, line 27, after the semicolon (;) insert: amending s. 624.461, F.S.; redefining the term "self-insurance fund" to include local government self-insurance funds organized under s. 624.4622, F.S., for purposes of regulation by the Department of Insurance; amending s. 624.4621, F.S.; exempting local government self-insurance funds from the premium tax; applying other provisions applicable to group self-insurance funds to local government self-insurance funds; amending s. 624.4622, F.S.; conforming changes to requirements for local government self-insurance funds; amending s. 631.904, F.S.; revising definitions to include local government self-insurance funds in the Florida Workers' Compensation Insurance Guaranty Association; providing appropriations to the Department of Insurance to cover workers' compensation claims of the Governmental Risk Insurance Trust; authorizing the department to enter into repayment agreements with the insured employer and to require reimbursement from a reinsurer; authorizing the department to contract for the administration of claims; authorizing the department to request appointment as receiver of GRIT in a specified court; providing that the appropriation is null and void unless such appointment is made; immunizing the state and specified agencies from liability; requiring the department to report to the Governor and Legislature; providing for the reversion of remaining funds;

On motion by Senator King, **CS for SB 1992** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Madam President	Dawson	King	Saunders
Bronson	Diaz de la Portilla	Klein	Scott
Brown-Waite	Diaz-Balart	Kurth	Sebesta
Burt	Dyer	Latvala	Silver
Campbell	Forman	Laurent	Sullivan
Carlton	Geller	Lee	Thomas
Casas	Grant	Meek	Webster
Childers	Hargrett	Mitchell	
Clary	Horne	Myers	
Cowin	Jones	Rossin	

Nays—None

CS for CS for HB 991—A bill to be entitled An act relating to Lake Okeechobee; amending s. 373.4595, F.S.; providing legislative findings and intent; providing definitions; providing for implementation of a Lake Okeechobee Protection Program; requiring completion of a Lake Okeechobee Protection Plan by a specified date; requiring implementation of a regional water quality treatment construction project; requiring completion of research and rulemaking related to Lake Okeechobee; requiring regional water quality monitoring; requiring a phosphorus control program and implementation of a best management practices program; providing for interagency agreements and for interim measures; providing for protection of native flora and fauna; providing for a

study regarding phosphorus removal; requiring annual reports; requiring certain permits for activities in the Lake Okeechobee watershed; restricting certain diversions of waters; preserving provisions relating to the Everglades; preserving rights of the Seminole Tribe of Florida; preserving all existing state water quality standards; preserving existing authority; amending s. 373.406, F.S.; providing exemptions from regulation under pt. IV of ch. 373, F.S., relating to management and storage of surface waters; amending s. 403.067, F.S.; clarifying total maximum daily load calculation; clarifying that allocations may be made for basins; clarifying reporting requirements; clarifying name of basin plans; providing the South Florida Water Management District with certain authority to manage lands it acquires for the Kissimmee River Headwaters Revitalization Project; encouraging less than fee title acquisition under certain circumstances; providing an effective date.

—was read the third time by title.

On motion by Senator Laurent, **CS for CS for HB 991** was passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Dawson	Jones	Myers
Bronson	Diaz de la Portilla	King	Rossin
Brown-Waite	Diaz-Balart	Klein	Saunders
Burt	Dyer	Kurth	Scott
Campbell	Forman	Latvala	Sebesta
Carlton	Geller	Laurent	Silver
Casas	Grant	Lee	Sullivan
Childers	Hargrett	McKay	Thomas
Clary	Holzendorf	Meek	Webster
Cowin	Horne	Mitchell	

Nays—None

HB 1189—A bill to be entitled An act relating to the Lake Okeechobee Protection Trust Fund; creating s. 373.45952, F.S.; creating the Lake Okeechobee Protection Trust Fund within the Department of Environmental Protection; providing sources of funds and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was read the third time by title.

On motion by Senator Laurent, **HB 1189** was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

Madam President	Dawson	Jones	Myers
Bronson	Diaz de la Portilla	King	Rossin
Brown-Waite	Diaz-Balart	Klein	Saunders
Burt	Dyer	Kurth	Scott
Campbell	Forman	Latvala	Sebesta
Carlton	Geller	Laurent	Silver
Casas	Grant	Lee	Sullivan
Childers	Hargrett	McKay	Webster
Clary	Holzendorf	Meek	
Cowin	Horne	Mitchell	

Nays—None

On motion by Senator Dyer, by two-thirds vote **CS for HB 1941** was withdrawn from the Committee on Regulated Industries.

On motion by Senator Dyer, by two-thirds vote—

CS for HB 1941—A bill to be entitled An act relating to cigarettes; amending s. 210.05, F.S.; requiring the Division of Alcoholic Beverages and Tobacco to design cigarette tax stamps that will permit identification of the agent or wholesale dealer that affixes the stamp; creating s. 210.185, F.S.; prohibiting the sale and distribution of certain cigarettes not intended for sale or distribution in this country; providing for criminal penalties, administrative sanctions, and unfair trade practices; providing for enforcement by the Division of Alcoholic Beverages and Tobacco; amending s. 210.19, F.S.; requiring the division to maintain specified records; providing an effective date.

—a companion measure, was substituted for **CS for SB 1526** as amended and by two-thirds vote read the second time by title. On motion by Senator Dyer, by two-thirds vote **CS for HB 1941** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Madam President	Dawson	Jones	Rossin
Bronson	Diaz de la Portilla	King	Saunders
Brown-Waite	Diaz-Balart	Klein	Scott
Burt	Dyer	Kurth	Sebesta
Campbell	Forman	Laurent	Silver
Carlton	Geller	Lee	Sullivan
Casas	Grant	McKay	Webster
Childers	Hargrett	Meek	
Clary	Holzendorf	Mitchell	
Cowin	Horne	Myers	

Nays—None

CS for SJR 1008—A joint resolution proposing the creation of Section 19 of Article X of the State Constitution, relating to miscellaneous matters, to prescribe the use of moneys in the Lawton Chiles Endowment Fund.

—was read the third time by title.

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

Amendment 1 (182518)—On page 1, lines 18-24, delete those lines and insert:

(a) There is created the Lawton Chiles Endowment Fund to provide a perpetual source of funding for the future of state children's health programs, child welfare programs, community-based health and human services initiatives, and biomedical research activities. The principal of the endowment fund, composed of moneys received from the tobacco industry to mitigate the impact of the use of tobacco on Florida residents, shall not be appropriated by the Legislature except as provided by this section. The annual capital gains and investment income of the Lawton Chiles Endowment Fund may be appropriated, in accordance with general law, by the Legislature pursuant to the general appropriations act.

On motion by Senator Latvala, **CS for SJR 1008** as amended was shown in full as follows:

CS for SJR 1008—A joint resolution proposing the creation of Section 19 of Article X of the State Constitution, relating to miscellaneous matters, to prescribe the use of moneys in the Lawton Chiles Endowment Fund.

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

That the following creation of Section 19 of Article X of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE X
MISCELLANEOUS

SECTION 19. Lawton Chiles Endowment Fund.—

(a) There is created the Lawton Chiles Endowment Fund to provide a perpetual source of funding for the future of state children's health programs, child welfare programs, community-based health and human services initiatives, and biomedical research activities. The principal of the endowment fund, composed of moneys received from the tobacco industry to mitigate the impact of the use of tobacco on Florida residents, shall not be appropriated by the Legislature except as provided by this section. The annual capital gains and investment income of the Lawton

Chiles Endowment Fund may be appropriated, in accordance with general law, by the Legislature pursuant to the general appropriations act.

(b) In an emergency, no more than ten percent of the principal of the endowment fund may be appropriated by the legislature in any fiscal year for state children's health programs; child welfare programs; community-based health and human services; and biomedical research activities related to the diagnosis and treatment of diseases related to tobacco use, including cancer, cardiovascular diseases, stroke, and pulmonary diseases. Such appropriation shall be by a two-thirds vote of the membership of each house.

(c) For purposes of this section, the term "emergency" means a set of conditions which was unforeseen and which must be corrected in order to continue an operation of government, or a set of conditions which constitutes an imminent threat to public health, safety, or welfare. The emergency must relate to one of the following areas: state children's health programs; child welfare programs; community-based health and human services; or biomedical research activities related to the diagnosis and treatment of diseases related to tobacco use, including cancer, cardiovascular disease, stroke, and pulmonary diseases.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT
ARTICLE X, SECTION 19

USE OF FUNDS IN THE LAWTON CHILES ENDOWMENT FUND.—Proposing an amendment to the State Constitution to authorize the Legislature to appropriate the investment income from the Lawton Chiles Endowment Fund as provided by general law and to limit the use of the principal of the endowment fund to emergencies that relate to children's health or welfare programs, community-based health and human services, and certain biomedical research activities.

—and **CS for SJR 1008** as amended was passed by the required constitutional three-fifths vote of the membership, and certified to the House. The vote on passage was:

Yeas—38

Madam President	Dawson	Jones	Myers
Bronson	Diaz de la Portilla	King	Rossin
Brown-Waite	Diaz-Balart	Klein	Saunders
Burt	Dyer	Kurth	Scott
Campbell	Forman	Latvala	Sebesta
Carlton	Geller	Laurent	Silver
Casas	Grant	Lee	Sullivan
Childers	Hargrett	McKay	Webster
Clary	Holzendorf	Meek	
Cowin	Horne	Mitchell	

Nays—None

SB 2168—A bill to be entitled An act relating to creating the Task Force on Tobacco-Settlement-Revenue Protection; providing for membership and duties; providing for staff; providing for expiration of the task force; providing an appropriation; providing an effective date.

—as amended April 28 was read the third time by title.

On motion by Senator Burt, **SB 2168** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Clary	Grant	Latvala
Bronson	Cowin	Hargrett	Laurent
Brown-Waite	Dawson	Holzendorf	Lee
Burt	Diaz de la Portilla	Horne	McKay
Campbell	Diaz-Balart	Jones	Meek
Carlton	Dyer	King	Mitchell
Casas	Forman	Klein	Myers
Childers	Geller	Kurth	Rossin
Saunders	Sebesta	Sullivan	Webster
Scott	Silver		

Nays—None

CS for CS for SB 1998—A bill to be entitled An act relating to state revenue; amending s. 215.5601, F.S.; defining the term "participating manufacturer"; revising legislative intent; specifying procedures by which a tobacco manufacturer may become a participating manufacturer; providing for signatories to a specified settlement agreement to be participating manufacturers; providing for funds received from participating manufacturers to be deposited into the Tobacco Settlement Clearing Trust Fund; providing for a portion of unappropriated funds to be deposited into the Lawton Chiles Endowment Fund; amending s. 210.02, F.S.; imposing a surtax on cigarettes not manufactured by a participating manufacturer, as defined by the act; providing for calculating the amount of the surtax; amending s. 210.20, F.S.; providing for the deposit of proceeds of the surtax; creating s. 215.5603, F.S.; creating the Tobacco Settlement Financing Corporation; defining terms; providing membership, powers, duties, and functions of the corporation; providing for the purchase of insurance and for the issuance of bonds; providing a limitation on liability; providing powers of the Department of Banking and Finance with respect to the corporation; providing for severability; providing an effective date.

—as amended April 28 was read the third time by title.

On motion by Senator Horne, **CS for CS for SB 1998** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Dawson	Jones	Mitchell
Bronson	Diaz de la Portilla	King	Myers
Brown-Waite	Diaz-Balart	Kirkpatrick	Rossin
Burt	Dyer	Klein	Saunders
Campbell	Forman	Kurth	Scott
Carlton	Geller	Latvala	Sebesta
Casas	Grant	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

Nays—None

CS for CS for CS for SB 2446—A bill to be entitled An act relating to tobacco farm conversion; providing funds to purchase stranded tobacco farming equipment; providing for resale of purchased equipment with restrictions; providing for use of proceeds from resale of equipment; providing an effective date.

—was read the third time by title.

On motion by Senator Mitchell, **CS for CS for CS for SB 2446** was passed and certified to the House. The vote on passage was:

Yeas—37

Madam President	Dawson	King	Rossin
Bronson	Diaz de la Portilla	Klein	Saunders
Brown-Waite	Diaz-Balart	Kurth	Scott
Burt	Dyer	Latvala	Sebesta
Campbell	Geller	Laurent	Silver
Carlton	Grant	Lee	Sullivan
Casas	Hargrett	McKay	Webster
Childers	Holzendorf	Meek	
Clary	Horne	Mitchell	
Cowin	Jones	Myers	

Nays—1

Forman

CS for SB 1720—A bill to be entitled An act relating to punitive damages in class-action suits; creating s. 768.733, F.S.; prescribing the

amount of bond or equivalent surety required to stay the execution of punitive-damages judgments in class-action suits, pending appellate review; providing for application of the act to certain pending cases; providing an effective date.

—as amended April 28 and May 1 was read the third time by title.

On motion by Senator Latvala, **CS for SB 1720** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Madam President	Diaz de la Portilla	King	Rossin
Bronson	Diaz-Balart	Kirkpatrick	Saunders
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Sebesta
Campbell	Geller	Latvala	Silver
Carlton	Grant	Laurent	Sullivan
Casas	Hargrett	Lee	Webster
Childers	Holzendorf	McKay	
Clary	Horne	Meek	
Dawson	Jones	Myers	

Nays—2

Cowin	Mitchell

Vote after roll call:

Nay to Yea—Cowin

CS for CS for SB 1206—A bill to be entitled An act relating to labor and employment security; repealing s. 20.171, F.S., relating to the authority and organizational structure of the Department of Labor and Employment Security; providing for a type one transfer of the Division of Workers' Compensation and the Office of the Judges of Compensation Claims to the Department of Insurance; providing for a type two transfer of certain functions of the Division of Workforce and Employment Opportunities relating to labor organizations and child labor to the Department of Insurance; providing for a type two transfer of certain functions of the Division of Workforce and Employment Opportunities relating to migrant and farm labor registration to the Department of Insurance; providing for a type two transfer of other workplace regulation functions to the Department of Insurance; providing for a transfer of certain administrative resources of the Department of Labor and Employment Security to the Department of Insurance; amending s. 20.13, F.S.; providing for a Division of Workers' Compensation in the Department of Insurance; creating a Bureau of Workplace Regulation and a Bureau of Workplace Safety within the Division of Workers' Compensation of the Department of Insurance; providing for a type two transfer of the Division of Unemployment Compensation to the Agency for Workforce Innovation; providing an exception; providing for transfer of unemployment appeals referees to the Unemployment Appeals Commission; requiring a contract for the Department of Revenue to provide unemployment tax collection services; providing for transfer of the Office of Information Systems from the Department of Labor and Employment Security to the Department of Management Services; providing an exception for certain portions of the office to be transferred to the Agency for Workforce Innovation; providing for a type two transfer of the Minority Business Advocacy and Assistance Office from the Department of Labor and Employment Security to the Department of Management Services; creating the Florida Task Force on Workplace Safety; prescribing membership of the task force; providing a purpose for the task force; providing for staffing, administration, and information sharing; requiring a report; authorizing the Division of Workers' Compensation to establish time-limited positions related to workplace safety; authorizing the division to establish permanent positions upon completion of the task force report; providing for transfer of certain records and property; providing for termination of the task force; amending s. 39 of ch. 99-240, Laws of Florida; providing for the transfer of the Division of Blind Services to the Department of Management Services rather than the Department of Education; revising the effective date of such transfer; providing legislative intent on the transfer of functions of the Department of Labor and Employment Security; providing for reemployment assistance to dislocated department employees; providing for hiring preferences for such employees; providing for the transfer of certain records and funds; creating the Labor and Employment Security Transition Team; prescribing membership of the transition team; providing for staffing; requiring reports; providing for the termination of the transition team; authorizing the transition team to use unexpended funds to settle certain claims; requiring the transition team to approve certain personnel hirings and transfers; requiring the submission of a budget amendment to allocate resources of the Department of Labor and Employment Security; exempting specified state agencies, on a temporary basis, from provisions relating to procurement of property and services and leasing of space; authorizing specified state agencies to develop temporary emergency rules relating to the implementation of this act; requiring the Department of Revenue to notify businesses relating to the transfer of unemployment compensation tax responsibilities; amending s. 287.012, F.S.; revising a definition to conform to the transfer of the Minority Business Advocacy and Assistance Office to the Department of Management Services; amending s. 287.0947, F.S.; providing for the Florida Advisory Council on Small and Minority Business Development to be created within the Department of Management Services; amending s. 287.09451, F.S.; reassigning the Minority Business Advocacy and Assistance Office to the Department of Management Services; conforming provisions; amending s. 20.15, F.S.; establishing the Division of Occupational Access and Opportunity within the Department of Education; providing that the Occupational Access and Opportunity Commission is the director of the division; requiring the department to assign certain powers, duties, responsibilities, and functions to the division; excepting from appointment by the Commissioner of Education members of the commission, the Florida Rehabilitation Council, and the Florida Independent Living Council; amending s. 120.80, F.S.; providing that hearings on certain vocational rehabilitation determinations by the Occupational Access and Opportunity Commission need not be conducted by an administrative law judge; amending s. 413.011, F.S.; revising the internal organizational structure of the Division of Blind Services; requiring the division to implement the provisions of a 5-year plan; requiring the division to contract with community-based rehabilitation providers for the delivery of certain services; revising references to blind persons; requiring the Division of Blind Services to issue recommendations to the Legislature on a method of privatizing the Business Enterprise Program; providing definitions for the terms "community-based rehabilitation provider," "council," "plan," and "state plan"; renaming the Advisory Council for the Blind; revising the membership and functions of the council to be consistent with federal law; requiring the council to prepare a 5–year strategic plan; requiring the council to coordinate with specified entities; deleting provisions providing for the Governor to resolve funding disagreements between the division and the council; directing that meetings be held in locations accessible to individuals with disabilities; amending s. 413.014, F.S.; requiring the Division of Blind Services to report on use of community–based providers to deliver services; amending s. 413.034, F.S.; revising the membership of the Commission for Purchase from the Blind or Other Severely Handicapped to conform to transfer of the Division of Blind Services and renaming of the Division of Vocational Rehabilitation; amending ss. 413.051, 413.064, 413.066, 413.067, 413.345, F.S.; conforming departmental references to reflect the transfer of the Division of Blind Services to the Department of Management Services; expressing the intent of the Legislature that the provisions of this act relating to blind services not conflict with federal law; providing procedures in the event such conflict is asserted; amending s. 413.82, F.S.; providing definitions for the terms "community rehabilitation provider," "plan," and "state plan"; conforming references; amending s. 413.83, F.S.; specifying that appointment of members to the commission is subject to Senate confirmation; revising composition of and appointments to the commission; eliminating a requirement that the Rehabilitation Council serve the commission; authorizing the commission to establish an advisory council composed of representatives from not–for–profit organizations under certain conditions; clarifying the entitlement of commission members to reimbursement for certain expenses; amending s. 413.84, F.S.; designating the commission as the director of the Division of Occupational Access and Opportunity; specifying responsibilities of the commission; authorizing the commission to make administrative rules; authorizing the commission to hire a division director; revising time for implementation of the 5-year plan prepared by the commission; expanding the authority of the commission to contract with the corporation; removing a requirement for federal approval to contract with a direct-support organization; authorizing the commission to appear on its own behalf before the Legislature; amending s. 413.85, F.S.; eliminating limitations on the tax status of the Occupational Access and Opportunity Corporation; specifying that the corporation is not an agency for purposes of certain government procurement laws; applying provisions relating to waiver of sovereign immunity to the corporation; providing that the board of directors of the corporation

be composed of no fewer than seven and no more than 15 members and that a majority of its members be members of the commission; authorizing the corporation to hire certain individuals employed by the Division of Vocational Rehabilitation; providing for a lease agreement governing such employees; prescribing terms of such lease agreement; amending s. 413.86, F.S.; conforming an organizational reference; creating s. 413.865, F.S.; requiring coordination between vocational rehabilitation and other workforce activities; requiring development of performance measurement methodologies; amending s. 413.87, F.S.; conforming provision to changes made in the act; amending s. 413.88, F.S.; conforming provision to changes made in the act; amending s. 413.89, F.S.; designating the department the state agency effective July 1, 2000, and the commission the state agency effective October 1, 2000, for purposes of federal law; deleting an obsolete reference; authorizing the department and the commission to provide for continued administration during the time between July 1, 2000, and October 1, 2000; amending s. 413.90, F.S.; deleting provision relating to designation of an administrative entity; designating a state agency and state unit for specified purposes; transferring certain components of the Division of Vocational Rehabilitation to the Department of Education; requiring a reduction in positions; providing for a budget amendment; providing for a transfer of certain administrative resources of the Department of Labor and Employment Security to the Department of Education; amending s. 413.91, F.S.; deleting reference to designated administrative entity; requiring the commission to assure that all contractors maintain quality control and are fit to undertake responsibilities; amending s. 413.92, F.S.; specifying entities answerable to the Federal Government in the event of a conflict with federal law; repealing s. 413.93, F.S., relating to the designated state agency under federal law; amending s. 440.02, F.S.; conforming the definitions of "department" and "division" to the transfer of the Division of Workers' Compensation to the Department of Insurance; amending s. 440.207, F.S.; conforming a departmental reference; amending s. 440.385, F.S.; deleting obsolete provisions; conforming departmental references relating to the Florida Self–Insurance Guaranty Association, Inc.; amending s. 440.44, F.S.; conforming provisions; amending s. 440.4416, F.S.; reassigning the Workers' Compensation Oversight Board to the Department of Insurance; amending s. 440.45, F.S.; reassigning the Office of the Judges of Compensation Claims to the Department of Insurance; amending s. 440.49, F.S.; reassigning responsibility for a report on the Special Disability Trust Fund to the Department of Insurance; amending ss. 215.311, 413.091, 440.102, 440.125, 440.13, 440.25, 440.525, and 440.59, F.S.; conforming agency references to reflect the transfer of programs from the Department of Labor and Employment Security to the Department of Management Services and the Department of Insurance; amending s. 443.012, F.S.; providing for the Unemployment Appeals Commission to be created within the Department of Management Services rather than the Department of Labor and Employment Security; conforming provisions; providing for the transfer of the Unemployment Appeals Commission to the Department of Management Services by a type two transfer; amending s. 443.036, F.S.; conforming the definition of "commission" to the transfer of the Unemployment Appeals Commission to the Department of Management Services; conforming the definition of "division" to the transfer of the Division of Unemployment Compensation to the Agency for Workforce Innovation; amending s. 443.151, F.S.; providing for unemployment compensation appeals referees to be appointed by the Unemployment Appeals Commission; requiring the Department of Management Services to provide facilities to the appeals referees and the commission; requiring the Division of Unemployment Compensation to post certain notices in one–stop career centers; amending s. 443.171, F.S.; conforming duties of the Division of Unemployment Compensation and appointment of the Unemployment Compensation Advisory Council to reflect program transfer to the Agency for Workforce Innovation; conforming cross-references; amending s. 443.211, F.S.; conforming provisions; authorizing the Unemployment Appeals Commission to approve payments from the Employment Security Administration Trust Fund; providing for use of funds in the Special Employment Security Administration Trust Fund by the Unemployment Appeals Commission and the Agency for Workforce Innovation; amending ss. 447.02, 447.04, 447.041, 447.045, 447.06, 447.12, 447.16, F.S.; providing for part I of ch. 447, F.S., relating to the regulation of labor organizations, to be administered by the Department of Insurance; deleting references to the Division of Jobs and Benefits and the Department of Labor and Employment Security; amending s. 447.203, F.S.; clarifying the definition of professional employee; amending s. 447.205, F.S.; conforming provisions to reflect the transfer of the Public Employees Relations Commission to the Department of Management Services and deleting obsolete provisions; amending s. 447.208, F.S.; clarifying the procedure for appeals, charges, and petitions; amending s. 447.305, F.S., relating to the registration of employee organizations; providing for the Public Employees Relations Commission to share registration information with the Department of Insurance; amending s. 447.307, F.S.; authorizing the commission to modify existing bargaining units; amending s. 447.503, F.S.; specifying procedures when a party fails to appear for a hearing; amending s. 447.504, F.S.; authorizing the commission to stay certain procedures; providing for the transfer of the commission to the Department of Management Services by a type two transfer; amending ss. 450.012, 450.061, 450.081, 450.095, 450.121, 450.132, 450.141, F.S.; providing for part I of ch. 450, F.S., relating to child labor, to be administered by the Department of Insurance; deleting references to the Division of Jobs and Benefits and the Department of Labor and Employment Security; amending s. 450.191, F.S., relating to the duties of the Executive Office of the Governor with respect to migrant labor; conforming provisions to changes made by the act; amending ss. 450.28, 450.30, 450.31, 450.33, 450.35, 450.36, 450.37, 450.38, F.S., relating to farm labor registration; providing for part III of ch. 450, F.S., to be administered by the Department of Insurance; deleting references to the Division of Jobs and Benefits and the Department of Labor and Employment Security; requiring the Department of Revenue to report on disbursement and cost-allocation of unemployment compensation funds; requiring the Department of Revenue to conduct a feasibility study on privatization of unemployment compensation activities; authorizing the Department of Labor and Employment Security to offer a voluntary reduction–in–force payment to certain employees; requiring a plan to meet specified criteria; providing for legislative review; providing for the continuation of contracts or agreements of the Department of Labor and Employment Security; providing for a successor department, agency, or entity to be substituted for the Department of Labor and Employment Security as a party in interest in pending proceedings; providing for severability; providing a conditional effective date.

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

Senator Kirkpatrick moved the following amendments which were adopted by two-thirds vote:

Amendment 1 (131554)(with title amendment)—On page 79, lines 7-30, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 9, line 15, delete "440.13,"

Amendment 2 (630322)(with title amendment)—On page 13, line 3 through page 15, line 5, delete those lines and insert:

Section 2. *(1) Effective July 1, 2000, the Division of Workers' Compensation and the Office of the Judges of Compensation Claims are transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, from the Department of Labor and Employment Security to the Department of Insurance, except that 29 full–time equivalent positions, and the associated salaries and benefits and expenses funding, related to oversight of medical services in workers' compensation provider relations, dispute and complaint resolution, program evaluation, data management, and carrier compliance and review, are transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, from the Department of Labor and Employment Security to the Agency for Health Care Administration.*

(2) Effective July 1, 2000, all powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the Division of Workforce and Employment Opportunities related to the regulation of labor organizations under chapter 447, Florida Statutes; the administration of child labor laws under chapter 450, Florida Statutes; and the administration of migrant labor and farm labor laws under chapter 450, Florida Statutes, are transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, from the Department of Labor and Employment Security to the Bureau of Workplace Regulation in the Division of Workers' Compensation of the Department of Insurance.

(3) Effective July 1, 2000, any other powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the Department of Labor and Employment Security, not otherwise transferred by this act, relating to workplace regulation and enforcement, including, but not limited to, those under chapter 448, Florida Statutes, are transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, from the department

to the Bureau of Workplace Regulation in the Division of Workers' Compensation of the Department of Insurance.

(4)(a) Effective July 1, 2000, and except as provided in paragraph (b), the records, property, and unexpended balances of appropriations, allocations, and other funds and resources of the Office of the Secretary and the Office of Administrative Services of the Department of Labor and Employment Security which support the activities and functions transferred under subsections (1), (2), and (3) are transferred as provided in section 20.06(2), Florida Statutes, to the Division of Worker's Compensation and the Office of the Judges of Compensation Claims. The Department of Insurance, in consultation with the Department of Labor and Employment Security, shall determine the number of positions needed for administrative support of the programs within the Division of Workers' Compensation and the Office of the Judges of Compensation Claims as transferred to the Department of Insurance. The number of administrative support positions that the Department of Insurance determines are needed shall not exceed the number of administrative support positions that prior to the transfer were authorized to the Department of Labor and Employment Security for this purpose. Upon transfer of the Division of Workers' Compensation and the Office of the Judges of Compensation Claims, the number of required administrative support positions as determined by the Department of Insurance shall be authorized within the Department of Insurance. The Department of Insurance may transfer and reassign positions as deemed necessary to effectively integrate the activities of the Division of Workers' Compensation. Appointments to time–limited positions under this act and authorized positions under this section may be made without regard to the provisions of 60K-3, 4 and 17, Florida Administrative Code. Notwithstanding the provisions of section 216.181(8), Florida Statutes, the Department of Insurance is authorized, during Fiscal Year 2000–2001, to exceed the approved salary in the budget entities affected by this act.

(b) Effective July 1, 2000, the records, property, and unexpended balances of appropriations, allocations, and other funds and resources of the Office of the Secretary and the Office of Administrative Services of the Department of Labor and Employment Security which support the activities and functions transferred under subsection (1) to the Agency for Health Care Administration are transferred as provided in section 20.06(2), Florida Statutes, to the Agency for Health Care Administration.

And the title is amended as follows:

On page 1, lines 6-23, delete those lines and insert: Security; providing for transfer of the Division of Workers' Compensation and the Office of the Judges of Compensation Claims to the Department of Insurance; providing an exception; providing for transfer of certain workers' compensation medical services positions to the Agency for Health Care Administration; providing for transfer of certain functions of the Division of Workforce and Employment Opportunities of the Department of Labor and Employment Security relating to labor organizations, child labor laws, and migrant and farm labor registration to the Department of Insurance; providing for transfer of other workplace regulation functions to the Department of Insurance; providing for transfer of certain administrative resources of the Department of Labor and Employment Security to the Department of Insurance and the Agency for Health Care Administration; providing exceptions relating to hiring and salary requirements; amending s.

Amendment 3 (421158)(with title amendment)—On page 63, line 30 through page 64, line 8, delete those lines and insert:

Section 41. Present subsection (3) of section 440.02, Florida Statutes, is redesignated as subsection (4), a new subsection (3) is added to that section and subsequent subsections are redesignated, and subsections (11) and (13) are amended to read:

440.02 Definitions.—When used in this chapter, unless the context clearly requires otherwise, the following terms shall have the following meanings:

(3) "Agency" means the Agency for Health Care Administration.

(11) "Department" means the Department of *Insurance* ~~Labor and Employment Security~~.

(13) "Division" means the Division of Workers' Compensation of the Department of *Insurance* ~~Labor and Employment Security~~.

Section 42. Subsections (3), (4), (5), (6), (7), (8), (9), (11), (12), and (13) of section 440.13, Florida Statutes, are amended to read:

440.13 Medical services and supplies; penalty for violations; limitations.—

(3) PROVIDER ELIGIBILITY; AUTHORIZATION.—

(a) As a condition to eligibility for payment under this chapter, a health care provider who renders services must be a certified health care provider and must receive authorization from the carrier before providing treatment. This paragraph does not apply to emergency care. The *agency* ~~division~~ shall adopt rules to implement the certification of health care providers. As a one-time prerequisite to obtaining certification, the *agency* ~~division~~ shall require each physician to demonstrate proof of completion of a minimum 5-hour course that covers the subject areas of cost containment, utilization control, ergonomics, and the practice parameters adopted by the *agency* ~~division~~ governing the physician's field of practice. The *agency* ~~division~~ shall coordinate with ~~the Agency for Health Care Administration,~~ the Florida Medical Association, the Florida Osteopathic Medical Association, the Florida Chiropractic Association, the Florida Podiatric Medical Association, the Florida Optometric Association, the Florida Dental Association, and other health professional organizations and their respective boards as deemed necessary by the *agency* ~~Agency for Health Care Administration~~ in complying with this subsection. No later than October 1, 1994, the *agency* ~~division~~ shall adopt rules regarding the criteria and procedures for approval of courses and the filing of proof of completion by the physicians.

(b) A health care provider who renders emergency care must notify the carrier by the close of the third business day after it has rendered such care. If the emergency care results in admission of the employee to a health care facility, the health care provider must notify the carrier by telephone within 24 hours after initial treatment. Emergency care is not compensable under this chapter unless the injury requiring emergency care arose as a result of a work-related accident. Pursuant to chapter 395, all licensed physicians and health care providers in this state shall be required to make their services available for emergency treatment of any employee eligible for workers' compensation benefits. To refuse to make such treatment available is cause for revocation of a license.

(c) A health care provider may not refer the employee to another health care provider, diagnostic facility, therapy center, or other facility without prior authorization from the carrier, except when emergency care is rendered. Any referral must be to a health care provider that has been certified by the *agency* ~~division~~, unless the referral is for emergency treatment.

(d) A carrier must respond, by telephone or in writing, to a request for authorization by the close of the third business day after receipt of the request. A carrier who fails to respond to a written request for authorization for referral for medical treatment by the close of the third business day after receipt of the request consents to the medical necessity for such treatment. All such requests must be made to the carrier. Notice to the carrier does not include notice to the employer.

(e) Carriers shall adopt procedures for receiving, reviewing, documenting, and responding to requests for authorization. Such procedures shall be for a health care provider certified under this section.

(f) By accepting payment under this chapter for treatment rendered to an injured employee, a health care provider consents to the jurisdiction of the *agency* ~~division~~ as set forth in subsection (11) and to the submission of all records and other information concerning such treatment to the *agency* ~~division~~ in connection with a reimbursement dispute, audit, or review as provided by this section. The health care provider must further agree to comply with any decision of the *agency* ~~division~~ rendered under this section.

(g) The employee is not liable for payment for medical treatment or services provided pursuant to this section except as otherwise provided in this section.

(h) The provisions of s. 455.654 are applicable to referrals among health care providers, as defined in subsection (1), treating injured workers.

(i) Notwithstanding paragraph (d), a claim for specialist consultations, surgical operations, physiotherapeutic or occupational therapy

procedures, X-ray examinations, or special diagnostic laboratory tests that cost more than $1,000 and other specialty services that the *agency* ~~division~~ identifies by rule is not valid and reimbursable unless the services have been expressly authorized by the carrier, or unless the carrier has failed to respond within 10 days to a written request for authorization, or unless emergency care is required. The insurer shall not refuse to authorize such consultation or procedure unless the health care provider or facility is not authorized or certified or unless an expert medical advisor has determined that the consultation or procedure is not medically necessary or otherwise compensable under this chapter. Authorization of a treatment plan does not constitute express authorization for purposes of this section, except to the extent the carrier provides otherwise in its authorization procedures. This paragraph does not limit the carrier's obligation to identify and disallow overutilization or billing errors.

(j) Notwithstanding anything in this chapter to the contrary, a sick or injured employee shall be entitled, at all times, to free, full, and absolute choice in the selection of the pharmacy or pharmacist dispensing and filling prescriptions for medicines required under this chapter. It is expressly forbidden for the *agency* ~~division~~, an employer, or a carrier, or any agent or representative of the *agency* ~~division~~, an employer, or a carrier to select the pharmacy or pharmacist which the sick or injured employee must use; condition coverage or payment on the basis of the pharmacy or pharmacist utilized; or to otherwise interfere in the selection by the sick or injured employee of a pharmacy or pharmacist.

(4) NOTICE OF TREATMENT TO CARRIER; FILING WITH *AGENCY* ~~DIVISION~~.—

(a) Any health care provider providing necessary remedial treatment, care, or attendance to any injured worker shall submit treatment reports to the carrier in a format prescribed by the *agency* ~~division~~. A claim for medical or surgical treatment is not valid or enforceable against such employer or employee, unless, by the close of the third business day following the first treatment, the physician providing the treatment furnishes to the employer or carrier a preliminary notice of the injury and treatment on forms prescribed by the *agency* ~~division~~ and, within 15 days thereafter, furnishes to the employer or carrier a complete report, and subsequent thereto furnishes progress reports, if requested by the employer or insurance carrier, at intervals of not less than 3 weeks apart or at less frequent intervals if requested on forms prescribed by the *agency* ~~division~~.

(b) Each medical report or bill obtained or received by the employer, the carrier, or the injured employee, or the attorney for the employer, carrier, or injured employee, with respect to the remedial treatment or care of the injured employee, including any report of an examination, diagnosis, or disability evaluation, must be filed with the *Agency for Health Care Administration* ~~Division of Workers' Compensation~~ pursuant to rules adopted by the *agency* ~~division~~. The health care provider shall also furnish to the injured employee or to his or her attorney, on demand, a copy of his or her office chart, records, and reports, and may charge the injured employee an amount authorized by the *agency* ~~division~~ for the copies. Each such health care provider shall provide to the *agency* ~~division~~ any additional information about the remedial treatment, care, and attendance that the *agency* ~~division~~ reasonably requests.

(c) It is the policy for the administration of the workers' compensation system that there be reasonable access to medical information by all parties to facilitate the self-executing features of the law. Notwithstanding the limitations in s. 455.667 and subject to the limitations in s. 381.004, upon the request of the employer, the carrier, or the attorney for either of them, the medical records of an injured employee must be furnished to those persons and the medical condition of the injured employee must be discussed with those persons, if the records and the discussions are restricted to conditions relating to the workplace injury. Any such discussions may be held before or after the filing of a claim without the knowledge, consent, or presence of any other party or his or her agent or representative. A health care provider who willfully refuses to provide medical records or to discuss the medical condition of the injured employee, after a reasonable request is made for such information pursuant to this subsection, shall be subject by the *agency* ~~division~~ to one or more of the penalties set forth in paragraph (8)(b).

(5) INDEPENDENT MEDICAL EXAMINATIONS.—

(a) In any dispute concerning overutilization, medical benefits, compensability, or disability under this chapter, the carrier or the employee may select an independent medical examiner. The examiner may be a health care provider treating or providing other care to the employee. An independent medical examiner may not render an opinion outside his or her area of expertise, as demonstrated by licensure and applicable practice parameters.

(b) Each party is bound by his or her selection of an independent medical examiner and is entitled to an alternate examiner only if:

1. The examiner is not qualified to render an opinion upon an aspect of the employee's illness or injury which is material to the claim or petition for benefits;

2. The examiner ceases to practice in the specialty relevant to the employee's condition;

3. The examiner is unavailable due to injury, death, or relocation outside a reasonably accessible geographic area; or

4. The parties agree to an alternate examiner.

Any party may request, or a judge of compensation claims may require, designation of *an agency* ~~a division~~ medical advisor as an independent medical examiner. The opinion of the advisors acting as examiners shall not be afforded the presumption set forth in paragraph (9)(c).

(c) The carrier may, at its election, contact the claimant directly to schedule a reasonable time for an independent medical examination. The carrier must confirm the scheduling agreement in writing within 5 days and notify claimant's counsel, if any, at least 7 days before the date upon which the independent medical examination is scheduled to occur. An attorney representing a claimant is not authorized to schedule independent medical evaluations under this subsection.

(d) If the employee fails to appear for the independent medical examination without good cause and fails to advise the physician at least 24 hours before the scheduled date for the examination that he or she cannot appear, the employee is barred from recovering compensation for any period during which he or she has refused to submit to such examination. Further, the employee shall reimburse the carrier 50 percent of the physician's cancellation or no-show fee unless the carrier that schedules the examination fails to timely provide to the employee a written confirmation of the date of the examination pursuant to paragraph (c) which includes an explanation of why he or she failed to appear. The employee may appeal to a judge of compensation claims for reimbursement when the carrier withholds payment in excess of the authority granted by this section.

(e) No medical opinion other than the opinion of a medical advisor appointed by the judge of compensation claims or *agency* ~~division~~, an independent medical examiner, or an authorized treating provider is admissible in proceedings before the judges of compensation claims.

(f) Attorney's fees incurred by an injured employee in connection with delay of or opposition to an independent medical examination, including, but not limited to, motions for protective orders, are not recoverable under this chapter.

(6) UTILIZATION REVIEW.—Carriers shall review all bills, invoices, and other claims for payment submitted by health care providers in order to identify overutilization and billing errors, and may hire peer review consultants or conduct independent medical evaluations. Such consultants, including peer review organizations, are immune from liability in the execution of their functions under this subsection to the extent provided in s. 766.101. If a carrier finds that overutilization of medical services or a billing error has occurred, it must disallow or adjust payment for such services or error without order of a judge of compensation claims or the *agency* ~~division~~, if the carrier, in making its determination, has complied with this section and rules adopted by the *agency* ~~division~~.

(7) UTILIZATION AND REIMBURSEMENT DISPUTES.—

(a) Any health care provider, carrier, or employer who elects to contest the disallowance or adjustment of payment by a carrier under subsection (6) must, within 30 days after receipt of notice of disallowance or adjustment of payment, petition the *agency* ~~division~~ to resolve the

dispute. The petitioner must serve a copy of the petition on the carrier and on all affected parties by certified mail. The petition must be accompanied by all documents and records that support the allegations contained in the petition. Failure of a petitioner to submit such documentation to the *agency* ~~division~~ results in dismissal of the petition.

(b) The carrier must submit to the *agency* ~~division~~ within 10 days after receipt of the petition all documentation substantiating the carrier's disallowance or adjustment. Failure of the carrier to submit the requested documentation to the *agency* ~~division~~ within 10 days constitutes a waiver of all objections to the petition.

(c) Within 60 days after receipt of all documentation, the *agency* ~~division~~ must provide to the petitioner, the carrier, and the affected parties a written determination of whether the carrier properly adjusted or disallowed payment. The *agency* ~~division~~ must be guided by standards and policies set forth in this chapter, including all applicable reimbursement schedules, in rendering its determination.

(d) If the *agency* ~~division~~ finds an improper disallowance or improper adjustment of payment by an insurer, the insurer shall reimburse the health care provider, facility, insurer, or employer within 30 days, subject to the penalties provided in this subsection.

(e) The *agency* ~~division~~ shall adopt rules to carry out this subsection. The rules may include provisions for consolidating petitions filed by a petitioner and expanding the timetable for rendering a determination upon a consolidated petition.

(f) Any carrier that engages in a pattern or practice of arbitrarily or unreasonably disallowing or reducing payments to health care providers may be subject to one or more of the following penalties imposed by the *agency* ~~division~~:

1. Repayment of the appropriate amount to the health care provider.

2. An administrative fine assessed by the *agency* ~~division~~ in an amount not to exceed $5,000 per instance of improperly disallowing or reducing payments.

3. Award of the health care provider's costs, including a reasonable attorney's fee, for prosecuting the petition.

(8) PATTERN OR PRACTICE OF OVERUTILIZATION.—

(a) Carriers must report to the *agency* ~~division~~ all instances of overutilization including, but not limited to, all instances in which the carrier disallows or adjusts payment. The *agency* ~~division~~ shall determine whether a pattern or practice of overutilization exists.

(b) If the *agency* ~~division~~ determines that a health care provider has engaged in a pattern or practice of overutilization or a violation of this chapter or rules adopted by the *agency* ~~division~~, it may impose one or more of the following penalties:

1. An order of the *agency* ~~division~~ barring the provider from payment under this chapter;

2. Deauthorization of care under review;

3. Denial of payment for care rendered in the future;

4. Decertification of a health care provider certified as an expert medical advisor under subsection (9) or of a rehabilitation provider certified under s. 440.49;

5. An administrative fine assessed by the *agency* ~~division~~ in an amount not to exceed $5,000 per instance of overutilization or violation; and

6. Notification of and review by the appropriate licensing authority pursuant to s. 440.106(3).

(9) EXPERT MEDICAL ADVISORS.—

(a) The *agency* ~~division~~ shall certify expert medical advisors in each specialty to assist the *agency* ~~division~~ and the judges of compensation claims within the advisor's area of expertise as provided in this section. The *agency* ~~division~~ shall, in a manner prescribed by rule, in certifying, recertifying, or decertifying an expert medical advisor, consider the qualifications, training, impartiality, and commitment of the health care provider to the provision of quality medical care at a reasonable cost. As a prerequisite for certification or recertification, the *agency* ~~division~~ shall require, at a minimum, that an expert medical advisor have specialized workers' compensation training or experience under the workers' compensation system of this state and board certification or board eligibility.

(b) The *agency* ~~division~~ shall contract with or employ expert medical advisors to provide peer review or medical consultation to the *agency* ~~division~~ or to a judge of compensation claims in connection with resolving disputes relating to reimbursement, differing opinions of health care providers, and health care and physician services rendered under this chapter. Expert medical advisors contracting with the *agency* ~~division~~ shall, as a term of such contract, agree to provide consultation or services in accordance with the timetables set forth in this chapter and to abide by rules adopted by the *agency* ~~division~~, including, but not limited to, rules pertaining to procedures for review of the services rendered by health care providers and preparation of reports and recommendations for submission to the *agency* ~~division~~.

(c) If there is disagreement in the opinions of the health care providers, if two health care providers disagree on medical evidence supporting the employee's complaints or the need for additional medical treatment, or if two health care providers disagree that the employee is able to return to work, the *agency* ~~division~~ may, and the judge of compensation claims shall, upon his or her own motion or within 15 days after receipt of a written request by either the injured employee, the employer, or the carrier, order the injured employee to be evaluated by an expert medical advisor. The opinion of the expert medical advisor is presumed to be correct unless there is clear and convincing evidence to the contrary as determined by the judge of compensation claims. The expert medical advisor appointed to conduct the evaluation shall have free and complete access to the medical records of the employee. An employee who fails to report to and cooperate with such evaluation forfeits entitlement to compensation during the period of failure to report or cooperate.

(d) The expert medical advisor must complete his or her evaluation and issue his or her report to the *agency* ~~division~~ or to the judge of compensation claims within 45 days after receipt of all medical records. The expert medical advisor must furnish a copy of the report to the carrier and to the employee.

(e) An expert medical advisor is not liable under any theory of recovery for evaluations performed under this section without a showing of fraud or malice. The protections of s. 766.101 apply to any officer, employee, or agent of the *agency* ~~division~~ and to any officer, employee, or agent of any entity with which the *agency* ~~division~~ has contracted under this subsection.

(f) If the *agency* ~~division~~ or a judge of compensation claims determines that the services of a certified expert medical advisor are required to resolve a dispute under this section, the carrier must compensate the advisor for his or her time in accordance with a schedule adopted by the *agency* ~~division~~. The *agency* ~~division~~ may assess a penalty not to exceed $500 against any carrier that fails to timely compensate an advisor in accordance with this section.

(11) AUDITS BY *AGENCY* ~~DIVISION~~; JURISDICTION.—

(a) The *Agency for Health Care Administration* ~~Division of Workers' Compensation of the Department of Labor and Employment Security~~ may investigate health care providers to determine whether providers are complying with this chapter and with rules adopted by the *agency* ~~division~~, whether the providers are engaging in overutilization, and whether providers are engaging in improper billing practices. If the *agency* ~~division~~ finds that a health care provider has improperly billed, overutilized, or failed to comply with *agency* ~~division~~ rules or the requirements of this chapter it must notify the provider of its findings and may determine that the health care provider may not receive payment from the carrier or may impose penalties as set forth in subsection (8) or other sections of this chapter. If the health care provider has received payment from a carrier for services that were improperly billed or for overutilization, it must return those payments to the carrier. The *agency* ~~division~~ may assess a penalty not to exceed $500 for each overpayment that is not refunded within 30 days after notification of overpayment by the *agency* ~~division~~ or carrier.

(b) The *agency* ~~division~~ shall monitor and audit carriers to determine if medical bills are paid in accordance with this section and *agency* ~~division~~ rules. Any employer, if self-insured, or carrier found by the *agency* ~~division~~ not to be within 90 percent compliance as to the payment of medical bills after July 1, 1994, must be assessed a fine not to exceed 1 percent of the prior year's assessment levied against such entity under s. 440.51 for every quarter in which the entity fails to attain 90-percent compliance. The *agency* ~~division~~ shall fine an employer or carrier, pursuant to rules adopted by the *agency* ~~division~~, for each late payment of compensation that is below the minimum 90-percent performance standard. Any carrier that is found to be not in compliance in subsequent consecutive quarters must implement a medical-bill review program approved by the *agency* ~~division~~, and the carrier is subject to disciplinary action by the Department of Insurance.

(c) The *agency* ~~division~~ has exclusive jurisdiction to decide any matters concerning reimbursement, to resolve any overutilization dispute under subsection (7), and to decide any question concerning overutilization under subsection (8), which question or dispute arises after January 1, 1994.

(d) The following ~~division~~ actions do not constitute agency action subject to review under ss. 120.569 and 120.57 and do not constitute actions subject to s. 120.56: referral by the entity responsible for utilization review; a decision by the *agency* ~~division~~ to refer a matter to a peer review committee; establishment by a health care provider or entity of procedures by which a peer review committee reviews the rendering of health care services; and the review proceedings, report, and recommendation of the peer review committee.

(12) CREATION OF THREE-MEMBER PANEL; GUIDES OF MAXIMUM REIMBURSEMENT ALLOWANCES.—

(a) A three-member panel is created, consisting of the Insurance Commissioner, or the Insurance Commissioner's designee, and two members to be appointed by the Governor, subject to confirmation by the Senate, one member who, on account of present or previous vocation, employment, or affiliation, shall be classified as a representative of employers, the other member who, on account of previous vocation, employment, or affiliation, shall be classified as a representative of employees. The panel shall determine statewide schedules of maximum reimbursement allowances for medically necessary treatment, care, and attendance provided by physicians, hospitals, ambulatory surgical centers, work-hardening programs, pain programs, and durable medical equipment. The maximum reimbursement allowances for inpatient hospital care shall be based on a schedule of per diem rates, to be approved by the three-member panel no later than March 1, 1994, to be used in conjunction with a precertification manual as determined by the *agency* ~~division~~. All compensable charges for hospital outpatient care shall be reimbursed at 75 percent of usual and customary charges. Until the three-member panel approves a schedule of per diem rates for inpatient hospital care and it becomes effective, all compensable charges for hospital inpatient care must be reimbursed at 75 percent of their usual and customary charges. Annually, the three-member panel shall adopt schedules of maximum reimbursement allowances for physicians, hospital inpatient care, hospital outpatient care, ambulatory surgical centers, work-hardening programs, and pain programs. However, the maximum percentage of increase in the individual reimbursement allowance may not exceed the percentage of increase in the Consumer Price Index for the previous year. An individual physician, hospital, ambulatory surgical center, pain program, or work-hardening program shall be reimbursed either the usual and customary charge for treatment, care, and attendance, the agreed-upon contract price, or the maximum reimbursement allowance in the appropriate schedule, whichever is less.

(b) As to reimbursement for a prescription medication, the reimbursement amount for a prescription shall be the average wholesale price times 1.2 plus $4.18 for the dispensing fee, except where the carrier has contracted for a lower amount. Fees for pharmaceuticals and pharmaceutical services shall be reimbursable at the applicable fee schedule amount. Where the employer or carrier has contracted for such services and the employee elects to obtain them through a provider not a party to the contract, the carrier shall reimburse at the schedule, negotiated, or contract price, whichever is lower.

(c) Reimbursement for all fees and other charges for such treatment, care, and attendance, including treatment, care, and attendance provided by any hospital or other health care provider, ambulatory surgical center, work-hardening program, or pain program, must not exceed the amounts provided by the uniform schedule of maximum reimbursement allowances as determined by the panel or as otherwise provided in this section. This subsection also applies to independent medical examinations performed by health care providers under this chapter. Until the three-member panel approves a uniform schedule of maximum reimbursement allowances and it becomes effective, all compensable charges for treatment, care, and attendance provided by physicians, ambulatory surgical centers, work-hardening programs, or pain programs shall be reimbursed at the lowest maximum reimbursement allowance across all 1992 schedules of maximum reimbursement allowances for the services provided regardless of the place of service. In determining the uniform schedule, the panel shall first approve the data which it finds representative of prevailing charges in the state for similar treatment, care, and attendance of injured persons. Each health care provider, health care facility, ambulatory surgical center, work-hardening program, or pain program receiving workers' compensation payments shall maintain records verifying their usual charges. In establishing the uniform schedule of maximum reimbursement allowances, the panel must consider:

1. The levels of reimbursement for similar treatment, care, and attendance made by other health care programs or third-party providers;

2. The impact upon cost to employers for providing a level of reimbursement for treatment, care, and attendance which will ensure the availability of treatment, care, and attendance required by injured workers;

3. The financial impact of the reimbursement allowances upon health care providers and health care facilities, including trauma centers as defined in s. 395.401, and its effect upon their ability to make available to injured workers such medically necessary remedial treatment, care, and attendance. The uniform schedule of maximum reimbursement allowances must be reasonable, must promote health care cost containment and efficiency with respect to the workers' compensation health care delivery system, and must be sufficient to ensure availability of such medically necessary remedial treatment, care, and attendance to injured workers; and

4. The most recent average maximum allowable rate of increase for hospitals determined by the Health Care Board under chapter 408.

(13) REMOVAL OF PHYSICIANS FROM LISTS OF THOSE AUTHORIZED TO RENDER MEDICAL CARE.—The *agency* ~~division~~ shall remove from the list of physicians or facilities authorized to provide remedial treatment, care, and attendance under this chapter the name of any physician or facility found after reasonable investigation to have:

(a) Engaged in professional or other misconduct or incompetency in connection with medical services rendered under this chapter;

(b) Exceeded the limits of his or her or its professional competence in rendering medical care under this chapter, or to have made materially false statements regarding his or her or its qualifications in his or her application;

(c) Failed to transmit copies of medical reports to the employer or carrier, or failed to submit full and truthful medical reports of all his or her or its findings to the employer or carrier as required under this chapter;

(d) Solicited, or employed another to solicit for himself or herself or itself or for another, professional treatment, examination, or care of an injured employee in connection with any claim under this chapter;

(e) Refused to appear before, or to answer upon request of, the *agency* ~~division~~ or any duly authorized officer of the state, any legal question, or to produce any relevant book or paper concerning his or her conduct under any authorization granted to him or her under this chapter;

(f) Self-referred in violation of this chapter or other laws of this state; or

(g) Engaged in a pattern of practice of overutilization or a violation of this chapter or rules adopted by the *agency* ~~division~~.

Section 43. Paragraph (a) of subsection (3) of section 440.15, Florida Statutes, is amended to read:

440.15 Compensation for disability.—Compensation for disability shall be paid to the employee, subject to the limits provided in s. 440.12(2), as follows:

(3) PERMANENT IMPAIRMENT AND WAGE-LOSS BENEFITS.—

(a) Impairment benefits.—

1. Once the employee has reached the date of maximum medical improvement, impairment benefits are due and payable within 20 days after the carrier has knowledge of the impairment.

2. The three-member panel, in cooperation with the *agency* ~~division~~, shall establish and use a uniform permanent impairment rating schedule. This schedule must be based on medically or scientifically demonstrable findings as well as the systems and criteria set forth in the American Medical Association's Guides to the Evaluation of Permanent Impairment; the Snellen Charts, published by American Medical Association Committee for Eye Injuries; and the Minnesota Department of Labor and Industry Disability Schedules. The schedule should be based upon objective findings. The schedule shall be more comprehensive than the AMA Guides to the Evaluation of Permanent Impairment and shall expand the areas already addressed and address additional areas not currently contained in the guides. On August 1, 1979, and pending the adoption, by rule, of a permanent schedule, Guides to the Evaluation of Permanent Impairment, copyright 1977, 1971, 1988, by the American Medical Association, shall be the temporary schedule and shall be used for the purposes hereof. For injuries after July 1, 1990, pending the adoption by division rule of a uniform disability rating schedule, the Minnesota Department of Labor and Industry Disability Schedule shall be used unless that schedule does not address an injury. In such case, the Guides to the Evaluation of Permanent Impairment by the American Medical Association shall be used. Determination of permanent impairment under this schedule must be made by a physician licensed under chapter 458, a doctor of osteopathic medicine licensed under chapters 458 and 459, a chiropractic physician licensed under chapter 460, a podiatric physician licensed under chapter 461, an optometrist licensed under chapter 463, or a dentist licensed under chapter 466, as appropriate considering the nature of the injury. No other persons are authorized to render opinions regarding the existence of or the extent of permanent impairment.

3. All impairment income benefits shall be based on an impairment rating using the impairment schedule referred to in subparagraph 2. Impairment income benefits are paid weekly at the rate of 50 percent of the employee's average weekly temporary total disability benefit not to exceed the maximum weekly benefit under s. 440.12. An employee's entitlement to impairment income benefits begins the day after the employee reaches maximum medical improvement or the expiration of temporary benefits, whichever occurs earlier, and continues until the earlier of:

a. The expiration of a period computed at the rate of 3 weeks for each percentage point of impairment; or

b. The death of the employee.

4. After the employee has been certified by a doctor as having reached maximum medical improvement or 6 weeks before the expiration of temporary benefits, whichever occurs earlier, the certifying doctor shall evaluate the condition of the employee and assign an impairment rating, using the impairment schedule referred to in subparagraph 2. Compensation is not payable for the mental, psychological, or emotional injury arising out of depression from being out of work. If the certification and evaluation are performed by a doctor other than the employee's treating doctor, the certification and evaluation must be submitted to the treating doctor, and the treating doctor must indicate agreement or disagreement with the certification and evaluation. The certifying doctor shall issue a written report to the division, the employee, and the carrier certifying that maximum medical improvement has been reached, stating the impairment rating, and providing any other information required by the division. If the employee has not been certified as having reached maximum medical improvement before the expiration of 102 weeks after the date temporary total disability benefits begin to accrue, the carrier shall notify the treating doctor of the requirements of this section.

5. The carrier shall pay the employee impairment income benefits for a period based on the impairment rating.

6. The division may by rule specify forms and procedures governing the method of payment of wage loss and impairment benefits for dates of accidents before January 1, 1994, and for dates of accidents on or after January 1, 1994.

Section 44. Subsection (7) of section 440.491, Florida Statutes, is amended to read:

440.491 Reemployment of injured workers; rehabilitation.—

(7) PROVIDER QUALIFICATIONS.—

(a) The *Agency for Health Care Administration* ~~division~~ shall investigate and maintain a directory of each qualified public and private rehabilitation provider, facility, and agency, and shall establish by rule the minimum qualifications, credentials, and requirements that each rehabilitation service provider, facility, and agency must satisfy to be eligible for listing in the directory. These minimum qualifications and credentials must be based on those generally accepted within the service specialty for which the provider, facility, or agency is approved.

(b) The *agency* ~~division~~ shall impose a biennial application fee of $25 for each listing in the directory, and all such fees must be deposited in the Workers' Compensation Administration Trust Fund.

(c) The *agency* ~~division~~ shall monitor and evaluate each rehabilitation service provider, facility, and agency qualified under this subsection to ensure its compliance with the minimum qualifications and credentials established by the division. The failure of a qualified rehabilitation service provider, facility, or agency to provide the *agency* ~~division~~ with information requested or access necessary for the *agency* ~~division~~ to satisfy its responsibilities under this subsection is grounds for disqualifying the provider, facility, or agency from further referrals.

(d) A qualified rehabilitation service provider, facility, or agency may not be authorized by an employer, a carrier, or the *agency* ~~division~~ to provide any services, including expert testimony, under this section in this state unless the provider, facility, or agency is listed or has been approved for listing in the directory. This restriction does not apply to services provided outside this state under this section.

(e) The *agency* ~~division~~, after consultation with representatives of employees, employers, carriers, rehabilitation providers, and qualified training and education providers, shall adopt rules governing professional practices and standards.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 8, lines 27-31, delete those lines and insert: federal law; amending s. 440.02, F.S.; providing a definition for the term "agency"; conforming definitions of "department" and "division" to the transfer of the Division of Workers' Compensation to the Department of Insurance; amending s. 440.13, F.S., relating to medical services and supplies under the workers' compensation law; reassigning certain functions from the Division of Workers' Compensation to the Agency for Health Care Administration; amending s. 440.15, F.S.; providing for the agency to participate in the establishment and use of a uniform permanent impairment rating schedule; amending s. 440.491, F.S.; providing for agency oversight of workers' compensation rehabilitation providers; amending s. 440.207, F.S.;

On motion by Senator Kirkpatrick, **CS for CS for SB 1206** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—24

Madam President	Childers	Horne	Scott
Bronson	Clary	King	Sebesta
Brown-Waite	Cowin	Kirkpatrick	Silver
Burt	Diaz de la Portilla	Laurent	Sullivan
Carlton	Diaz-Balart	McKay	Thomas
Casas	Grant	Myers	Webster

Nays—13

Campbell	Geller	Jones	Meek
Dawson	Hargrett	Klein	Mitchell
Dyer	Holzendorf	Kurth	Rossin
Forman			

CS for CS for SB 2208—A bill to be entitled An act relating to adoption benefits for state and water management district employees; creating s. 110.152, F.S.; providing a monetary benefit for a state employee who adopts a special-needs child; providing a monetary benefit for a state employee who adopts a child not defined as a special-needs child; defining the term "special-needs child" for purposes of the act; providing procedure; providing for eligibility for parental leave; providing conditions of such leave; authorizing the Department of Management Services to adopt rules; providing an appropriation; providing an effective date.

—was read the third time by title.

On motion by Senator Cowin, **CS for CS for SB 2208** was passed and certified to the House. The vote on passage was:

Yeas—37

Madam President	Dawson	Jones	Rossin
Bronson	Diaz de la Portilla	King	Saunders
Brown-Waite	Diaz-Balart	Kirkpatrick	Scott
Burt	Dyer	Klein	Sebesta
Campbell	Forman	Kurth	Silver
Carlton	Geller	Laurent	Sullivan
Casas	Grant	McKay	Thomas
Childers	Hargrett	Meek	
Clary	Holzendorf	Mitchell	
Cowin	Horne	Myers	

Nays—None

CS for CS for CS for SB 2548—A bill to be entitled An act relating to economic development; amending s. 14.2015, F.S.; eliminating administrative responsibility of the Office of Tourism, Trade, and Economic Development for the sports franchise facility program, the professional golf hall of fame facility program, the Regional Rural Development Grants Program, the Florida Enterprise Zone Act, and the Florida State Rural Development Council; eliminating authority for the Office of Tourism, Trade, and Economic Development to enter into contracts in connection with duties relating to the Florida First Business Bond Pool, the Enterprise Zone Program, and foreign offices; conforming terminology; requiring a report on activities funded under the Economic Development Incentives Account and the Economic Development Transportation Trust Fund; providing for Front Porch Florida requirements; amending s. 159.705, F.S.; specifying that projects located in research and development parks may be operated by specified organizations; amending s. 159.8083, F.S.; providing for Enterprise Florida, Inc., to recommend Florida First Business projects to the Office of Tourism, Trade, and Economic Development; providing for consultation; amending s. 163.3164, F.S.; exempting certain activities from the term "development" for the purposes of the Local Government Comprehensive Planning and Land Development Regulation Act; amending s. 212.08, F.S.; revising an exemption from taxation for machinery and equipment used in silicon-technology production and research and development; making the exemption applicable to semiconductor-technology production and research and development; providing an exemption from taxation for building materials purchased for use in manufacturing or expanding clean rooms for semiconductor-manufacturing facilities; revising definitions; revising criteria and procedures; specifying that a sales tax exemption for certain repair and labor charges applies to industrial machinery and equipment used in the production and shipping of tangible personal property; applying the exemption to SIC Industry Major Group Number 35; specifying that the sales tax exemption for industries in such group number is remedial in nature and applies retroactively; providing an exemption from the tax on sales, use, and other transactions for building materials used in the construction of certain single-family homes located in an enterprise zone, empowerment zone, or Front Porch Florida Community; providing an exemption from the tax on sales, use, and other transactions for building materials used in the construction of specified redevelopment projects; providing requirements for refund applications; providing for rules; directing the agencies involved with specified housing programs to give priority consideration to specified projects in urban-core neighborhoods; directing the Department of Community Affairs to propose modifications to the Brownfields Redevelopment Act for consideration by the Legislature; amending ss. 212.097, 212.098, F.S.; expanding the definition of the term "eligible business" under the Urban High–Crime Area Job Tax Credit Program and Rural Job Tax Credit Program to include certain businesses involved in motion picture production and allied services; amending s. 218.075, F.S.; expanding conditions under which the Department of Environmental Protection and water management districts shall reduce or waive certain fees for counties or municipalities; conforming to the definition of the term "rural community" used elsewhere in the Florida Statutes; amending s. 288.012, F.S.; revising the authority of the Office of Tourism, Trade, and Economic Development to establish foreign offices; providing for the office to approve the establishment and operation of such offices by Enterprise Florida, Inc.; providing for foreign offices to submit updated operating plans and activity reports; amending s. 288.018, F.S.; providing for Enterprise Florida, Inc., to administer the Regional Rural Development Grants Program and make recommendations for approval by the Office of Tourism, Trade, and Economic Development; creating s. 288.064, F.S.; expressing the intent of the Legislature to provide for efficient and effective delivery of assistance to rural communities; amending s. 288.0655, F.S.; revising deadlines relating to implementation of the Rural Infrastructure Fund; amending s. 288.0656, F.S.; revising criteria for the Rural Economic Development Initiative; requiring certain communities to apply for rural designation; amending s. 288.1088, F.S.; revising criteria and procedures related to the award of funds to certain target industries from the Quick Action Closing Fund; amending s. 288.1162, F.S.; providing for a specified direct-support organization to administer the professional sports franchises and spring training franchises facilities programs; providing for final approval of decisions under such programs by the Office of Tourism, Trade, and Economic Development; amending s. 288.1168, F.S.; deleting obsolete provisions relating to certification of the professional golf hall of fame; providing for a specified direct-support organization to administer that program; amending s. 288.1169, F.S.; providing for a specified direct-support organization to administer the certification program for the International Game Fish Association World Center facility; providing for annual verification of attendance and sales tax revenue projections; transferring, renumbering, and amending s. 288.1185, F.S.; assigning administrative responsibility for the Recycling Markets Advisory Committee to the Department of Environmental Protection; amending s. 288.1229, F.S.; requiring an annual report on the status of specified sports projects; amending s. 288.1251, F.S.; renaming the Office of the Film Commissioner the Governor's Office of Film and Entertainment; renaming the Film Commissioner as the Commissioner of Film and Entertainment; authorizing receipt and expenditure of certain grants and donations; amending s. 288.1252, F.S.; renaming the Florida Film Advisory Council the Florida Film and Entertainment Advisory Council; amending s. 288.1253, F.S., relating to travel and entertainment expenses; conforming terminology; amending s. 288.7011, F.S.; revising conditions under which certain assistance and support for a statewide certified development corporation shall cease; amending s. 288.901, F.S.; correcting a cross-reference; providing that the Governor's designee may serve as chairperson of the board of directors of Enterprise Florida, Inc.; amending s. 288.9015, F.S.; requiring Enterprise Florida, Inc., to use specified programs to facilitate economic development; amending s. 288.980, F.S.; providing for Enterprise Florida, Inc., to administer defense grant programs and make recommendations to the Office of Tourism, Trade, and Economic Development on approval of grant awards; providing that certain defense-related grants may be awarded only from specifically appropriated funds; amending s. 288.99, F.S.; assigning certain responsibility for ongoing administration of the Certified Capital Company Act to the Department of Banking and Finance; authorizing additional applications for certification as a certified capital company; amending s. 290.004, F.S.; repealing certain definitions under the enterprise zone program; defining the term "rural enterprise zone"; amending s. 290.0056, F.S.; providing for a reporting requirement for enterprise zone development agencies to Enterprise Florida, Inc.; amending s. 290.0058, F.S.; conforming to administration of the enterprise zone program by Enterprise Florida, Inc.; amending s. 290.0065, F.S.; providing for Enterprise Florida, Inc., to administer the enterprise zone program and make recommendations to the Office of Tourism, Trade, and Economic Development; conforming references; amending s. 290.0066, F.S.; providing for Enterprise Florida, Inc., to

make recommendations to the Office of Tourism, Trade, and Economic Development regarding revocations of enterprise zone designations; amending s. 290.00675, F.S.; providing for Enterprise Florida, Inc., to make recommendations to the Office of Tourism, Trade, and Economic Development regarding amendment of enterprise zone boundaries; creating s. 290.00676, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to amend the boundaries of a rural enterprise zone and providing requirements with respect thereto; creating s. 290.00677, F.S.; modifying the employee residency requirements for the enterprise zone job credit against the sales tax and corporate income tax if the business is located in a rural enterprise zone; modifying the employee residency requirements for maximum exemptions or credits with respect to the sales tax credits for enterprise zone job creation, for building materials used in the rehabilitation of real property in an enterprise zone, for business property used in an enterprise zone, and for electrical energy used in an enterprise zone, and the corporate income tax enterprise zone job creation and property tax credits if the business is located in a rural enterprise zone; providing application time limitations; providing an extended application period for certain businesses to claim tax incentives; amending s. 290.00689, F.S.; conforming a cross-reference; revising the eligibility criteria for certain tax credits to include a review and recommendation by Enterprise Florida, Inc.; creating s. 290.00694, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate rural champion communities as enterprise zones; providing requirements with respect thereto; amending s. 290.009, F.S.; specifying that Enterprise Florida, Inc., shall serve as staff to the Enterprise Zone Interagency Coordinating Council; amending s. 290.014, F.S.; conforming cross-references; amending s. 290.046, F.S.; eliminating a limitation on the number of economic development grants that an eligible local government may receive under the Florida Small Cities Community Development Block Grant Program; specifying that cumulative grant awards may not exceed certain ceilings; amending s. 290.048, F.S.; authorizing the Department of Community Affairs to establish advisory committees relating to the Florida Small Cities Community Development Block Grant Program; repealing s. 290.049, F.S., relating to the Community Development Block Grant Advisory Council; amending s. 373.4149, F.S.; removing the director of the Office of Tourism, Trade, and Economic Development from the membership of the Miami-Dade County Lake Belt Plan Implementation Committee; authorizing the Institute of Food and Agricultural Sciences to contract and receive money to support the Florida State Rural Development Council; requiring the Workforce Development Board of Enterprise Florida, Inc., to develop a policy authorizing placement of certain workforce–training clients in self–employment as a means of job placement; directing the Office of Tourism, Trade, and Economic Development and Enterprise Florida, Inc., to establish a unit responsible for forecasting and responding to certain economic development events; creating an Economic Development Leadership Council to provide leadership related to such events; requiring a report and recommendations; providing legislative intent; providing for creation and purpose of the Toolkit for Economic Development; defining the term "economically distressed"; requiring the appointment of liaisons from agencies and organizations; providing for requirements and duties; creating coordinating partners to serve as the program's executive committee; providing for duties and powers; providing for waivers of state–required matching–funds requirements; requiring an inventory of programs that help economically distressed communities; requiring that the inventory be categorized; creating the Start-Up Initiative to promote the use of the inventory; providing for identification of communities; providing for solicitation of proposals; providing for proposal content; providing for review process and evaluation criteria; providing for funding; providing for the designation of communities of critical economic opportunity; providing an appropriation to the coordinating partners; providing for use of funds and certification; providing for reporting; providing for expiration; creating s. 288.1260, F.S.; creating the Front Porch Florida initiative; providing legislative intent; providing for purposes and principles of the program; creating liaisons to Front Porch Florida communities; providing for liaison requirements and duties; providing for use of the inventory of federal and state resources; providing for application requirements; providing for the formation of a Governor's Revitalization Council; providing for duties; providing for monitoring and reporting; creating s. 239.521, F.S.; providing intent; providing for development of a 2-year vocational and technical distance-learning curriculum for information-technology workers; providing for internship opportunities for high school and postsecondary information-technology vocational faculty and students in information-technology businesses; providing a means for increasing the capability and accessibility of information-technology-training providers through state-of-the-art facilities; amending s. 240.311, F.S.; requiring the State Board of Community Colleges to identify training programs for broadband digital media specialists; requiring that such programs be added to lists for demand occupations under certain circumstances; amending s. 240.3341, F.S.; encouraging community colleges to establish incubator facilities for digital media content and technology development; creating s. 240.710, F.S.; requiring the Board of Regents to create a Digital Media Education Coordination Group; providing membership; providing purposes; requiring development of a plan; requiring submission of plans to the Legislature; requiring the Workforce Development Board to reserve funds for digital media industry training; providing direction on training; requiring the Workforce Development Board to develop a plan for the use of certain funds to enhance workforce of digital media related industries; providing direction on plan development; providing a contingent appropriation to the Digital Media Education Infrastructure Fund; providing requirements for contracting and use of funds; requiring Enterprise Florida, Inc., to convene a broadband digital media industries group; requiring identification, designation, and priority of digital media sector in sector strategy; requiring Enterprise Florida, Inc., to contract for establishment of digital media incubator; providing contract requirements; providing an appropriation; requiring industry participation in funding; providing direction for incubator location; requiring ITFlorida, in cooperation with Enterprise Florida, Inc., to prepare a marketing plan promoting the state to digital media industries; providing that certain provisions relating to digital media are subject to legislative appropriation; amending s. 311.07, F.S.; authorizing the Seaport Transportation and Economic Development Council to use certain funds to develop trade market and shipping information products; expanding grant funding eligibility to include certain projects identified in seaport freight mobility plans, and construction or rehabilitation of certain port facilities; requiring rules and a final audit; amending s. 331.368, F.S.; expanding the purpose of the Florida Space Research Institute; revising the membership of the institute; prescribing additional duties of the institute; creating the Space Industry Workforce Initiative; requiring the Workforce Development Board of Enterprise Florida, Inc., to develop initiatives to address the workforce needs of the industry; prescribing criteria; requiring the board to convene industry representatives; requiring a report; creating s. 331.3685, F.S.; creating the Florida Space-Industry Research-Development Program to finance space–related research projects and programs; providing for certain sales-tax collections to be retained by the Kennedy Space Center Visitor Complex and distributed to the Florida Space Research Institute; prescribing uses of such funds; requiring an annual accounting of such funds; providing for review of funding proposals by the Office of Tourism, Trade, and Economic Development; requiring a contract with the office governing distribution of funds under the program; amending s. 212.08, F.S.; providing for sales-tax collections from the Kennedy Space Center Visitor Complex to be retained by the complex and distributed to the Florida Space Research Institute; providing for reporting of sales to the Department of Revenue as prescribed by rules; amending s. 556.108, F.S.; providing for performing the demolition or excavation of single-family residential property; creating the Commission on Basic Research for the Future of Florida; prescribing membership of the commission; providing a purpose for the commission; requiring the use of state resources; providing for staffing, administration, and information sharing; requiring a report; providing for the establishment of the Florida–Africa Market Expansion Program by Enterprise Florida, Inc., contingent upon a specific appropriation; providing the purpose of the program; describing program components; providing responsibilities for Enterprise Florida, Inc.; providing for the establishment of the Florida–Caribbean Basin Trade Initiative by the Seaport Employment Training Grant Program contingent upon a specific appropriation; providing purpose of the initiative; providing responsibilities of the Seaport Employment Training Grant Program; providing for a performance–based contract with the Office of Tourism, Trade, and Economic Development; requiring that applicants for assistance in state housing, economic development, and community revitalization programs who support the objectives of redeveloping HOPE VI grant neighborhoods be given priority; providing application requirements; requiring the Department of Community Affairs to submit to the Legislature an annual summary of certain HOPE VI assistance provided; creating the Community and Faith-based Organizations initiative within the Institute on Urban Policy and Commerce at Florida Agricultural and Mechanical University; providing for the initiative to promote community development through partnerships with community and faith-based organizations; specifying the activities to be conducted by the initiative; providing for financial assistance to community and faith-based organizations; requiring the development of grant-selection criteria; requiring leveraging of funds; creating the Community and Library Technology Access Partnership; specifying the activities to be

conducted by the partnership; requiring the Institute on Urban Policy and Commerce at Florida Agricultural and Mechanical University to administer the initiative and the Division of Library and Information Services of the Department of State to administer the Community and Library Technology Access Partnership; authorizing certain activities and uses of funds; prescribing eligibility of organizations for funding or assistance; requiring review and evaluation; providing appropriations; creating a community computer-access grant program, to be known as the Community High-Technology Investment Partnership, or "CHIP," program; providing for program administration pursuant to a performance–based contract; providing for performance measures; providing for grants to be awarded to eligible neighborhood facilities; providing requirements for grant applications; prescribing the maximum amount of a grant; requiring a grant agreement between the institute and the recipient facility; providing for establishing minimum specifications of computers purchased under the program; providing for an evaluation and a report; authorizing the institute to subcontract for specified assistance services; creating an inner city redevelopment assistance grants program; providing duties of the Office of Tourism, Trade, and Economic Development; prescribing eligibility requirements for grants; providing expected outcomes from grants; creating the Inner City Redevelopment Review Panel and providing its membership and duties; repealing s. 288.039, F.S., relating to the Employing and Training our Youths (ENTRY) program; repealing s. 288.095(3)(c), F.S., relating to a required report on activities under the Economic Development Incentives Account of the Economic Development Trust Fund; repealing s. 20.171, F.S., relating to the authority and organizational structure of the Department of Labor and Employment Security; providing for a type one transfer of the Division of Workers' Compensation and the Office of the Judges of Compensation Claims to the Department of Insurance; providing for a type two transfer of certain functions of the Division of Workforce and Employment Opportunities relating to labor organizations and child labor to the Department of Insurance; providing for a type two transfer of certain functions of the Division of Workforce and Employment Opportunities relating to migrant and farm labor registration to the Department of Insurance; providing for a type two transfer of other workplace regulation functions to the Department of Insurance; providing for a transfer of certain administrative resources of the Department of Labor and Employment Security to the Department of Insurance; providing exceptions relating to hiring and salary requirements; amending s. 20.13, F.S.; providing for a Division of Workers' Compensation in the Department of Insurance; creating a Bureau of Workplace Regulation and a Bureau of Workplace Safety within the Division of Workers' Compensation of the Department of Insurance; providing for a type two transfer of the Division of Unemployment Compensation to the Agency for Workforce Innovation; providing an exception; providing for transfer of unemployment appeals referees to the Unemployment Appeals Commission; requiring a contract for the Department of Revenue to provide unemployment tax administration and collection services; providing for transfer of the Office of Information Systems from the Department of Labor and Employment Security to the Department of Management Services; providing an exception for certain portions of the office to be transferred to the Agency for Workforce Innovation; providing for a type two transfer of the Minority Business Advocacy and Assistance Office from the Department of Labor and Employment Security to the Department of Management Services; creating the Florida Task Force on Workplace Safety; prescribing membership of the task force; providing a purpose for the task force; providing for staffing, administration, and information sharing; requiring a report; authorizing the Division of Workers' Compensation to establish time-limited positions related to workplace safety; authorizing the division to establish permanent positions upon completion of the task force report; providing for transfer of certain records and property; providing for termination of the task force; amending s. 39 of ch. 99-240, Laws of Florida; providing for the transfer of the Division of Blind Services to the Department of Management Services rather than the Department of Education; revising the effective date of such transfer; providing legislative intent on the transfer of functions of the Department of Labor and Employment Security; providing for reemployment assistance to dislocated department employees; providing for hiring preferences for such employees; providing for the transfer of certain records and funds; creating the Labor and Employment Security Transition Team; prescribing membership of the transition team; providing for staffing; requiring reports; providing for the termination of the transition team; authorizing the transition team to use unexpended funds to settle certain claims; requiring the transition team to approve certain personnel hirings and transfers; requiring the submission of a budget amendment to allocate resources of the Department of Labor and Employment Security; exempting specified state agencies, on a temporary basis, from provisions relating to procurement of property and services and leasing of space; authorizing specified state agencies to develop temporary emergency rules relating to the implementation of this act; requiring the Department of Revenue to notify businesses relating to the transfer of unemployment compensation tax responsibilities; amending s. 287.012, F.S.; revising a definition to conform to the transfer of the Minority Business Advocacy and Assistance Office to the Department of Management Services; amending s. 287.0947, F.S.; providing for the Florida Advisory Council on Small and Minority Business Development to be created within the Department of Management Services; amending s. 287.09451, F.S.; reassigning the Minority Business Advocacy and Assistance Office to the Department of Management Services; conforming provisions; amending s. 20.15, F.S.; establishing the Division of Occupational Access and Opportunity within the Department of Education; providing that the Occupational Access and Opportunity Commission is the director of the division; requiring the department to assign certain powers, duties, responsibilities, and functions to the division; excepting from appointment by the Commissioner of Education members of the commission, the Florida Rehabilitation Council, and the Florida Independent Living Council; amending s. 120.80, F.S.; providing that hearings on certain vocational rehabilitation determinations by the Occupational Access and Opportunity Commission need not be conducted by an administrative law judge; amending s. 413.011, F.S.; revising the internal organizational structure of the Division of Blind Services; requiring the division to implement the provisions of a 5-year plan; requiring the division to contract with community-based rehabilitation providers for the delivery of certain services; revising references to blind persons; requiring the Division of Blind Services to issue recommendations to the Legislature on a method of privatizing the Business Enterprise Program; providing definitions for the terms "community-based rehabilitation provider," "council," "plan," and "state plan"; renaming the Advisory Council for the Blind; revising the membership and functions of the council to be consistent with federal law; requiring the council to prepare a 5–year strategic plan; requiring the council to coordinate with specified entities; deleting provisions providing for the Governor to resolve funding disagreements between the division and the council; directing that meetings be held in locations accessible to individuals with disabilities; amending s. 413.014, F.S.; requiring the Division of Blind Services to report on use of community–based providers to deliver services; amending s. 413.034, F.S.; revising the membership of the Commission for Purchase from the Blind or Other Severely Handicapped to conform to transfer of the Division of Blind Services and renaming of the Division of Vocational Rehabilitation; amending ss. 413.051, 413.064, 413.066, 413.067, 413.345, F.S.; conforming departmental references to reflect the transfer of the Division of Blind Services to the Department of Management Services; expressing the intent of the Legislature that the provisions of this act relating to blind services not conflict with federal law; providing procedures in the event such conflict is asserted; amending s. 413.82, F.S.; providing definitions for the terms "community rehabilitation provider," "plan," and "state plan"; conforming references; amending s. 413.83, F.S.; specifying that appointment of members to the commission is subject to Senate confirmation; revising composition of and appointments to the commission; eliminating a requirement that the Rehabilitation Council serve the commission; authorizing the commission to establish an advisory council composed of representatives from not–for–profit organizations under certain conditions; clarifying the entitlement of commission members to reimbursement for certain expenses; amending s. 413.84, F.S.; designating the commission as the director of the Division of Occupational Access and Opportunity; specifying responsibilities of the commission; authorizing the commission to make administrative rules; authorizing the commission to hire a division director; revising time for implementation of the 5-year plan prepared by the commission; expanding the authority of the commission to contract with the corporation; removing a requirement for federal approval to contract with a direct-support organization; authorizing the commission to appear on its own behalf before the Legislature; amending s. 413.85, F.S.; eliminating limitations on the tax status of the Occupational Access and Opportunity Corporation; specifying that the corporation is not an agency for purposes of certain government procurement laws; applying provisions relating to waiver of sovereign immunity to the corporation; providing that the board of directors of the corporation be composed of no fewer than seven and no more than 15 members and that a majority of its members be members of the commission; authorizing the corporation to hire certain individuals employed by the Division of Vocational Rehabilitation; providing for a lease agreement governing such employees; prescribing terms of such lease agreement; amending s. 413.86, F.S.; conforming an organizational reference; creating s.

413.865, F.S.; requiring coordination between vocational rehabilitation and other workforce activities; requiring development of performance measurement methodologies; amending s. 413.87, F.S.; conforming provision to changes made in the act; amending s. 413.88, F.S.; conforming provision to changes made in the act; amending s. 413.89, F.S.; designating the department the state agency effective July 1, 2000, and the commission the state agency effective October 1, 2000, for purposes of federal law; deleting an obsolete reference; authorizing the department and the commission to provide for continued administration during the time between July 1, 2000, and October 1, 2000; amending s. 413.90, F.S.; deleting provision relating to designation of an administrative entity; designating a state agency and state unit for specified purposes; transferring certain components of the Division of Vocational Rehabilitation to the Department of Education; requiring a reduction in positions; providing for a budget amendment; providing for a transfer of certain administrative resources of the Department of Labor and Employment Security to the Department of Education; amending s. 413.91, F.S.; deleting reference to designated administrative entity; requiring the commission to assure that all contractors maintain quality control and are fit to undertake responsibilities; amending s. 413.92, F.S.; specifying entities answerable to the Federal Government in the event of a conflict with federal law; repealing s. 413.93, F.S., relating to the designated state agency under federal law; amending s. 440.02, F.S.; conforming the definitions of "department" and "division" to the transfer of the Division of Workers' Compensation to the Department of Insurance; amending s. 440.207, F.S.; conforming a departmental reference; amending s. 440.385, F.S.; deleting obsolete provisions; conforming departmental references relating to the Florida Self–Insurance Guaranty Association, Inc.; amending s. 440.44, F.S.; conforming provisions; amending s. 440.4416, F.S.; reassigning the Workers' Compensation Oversight Board to the Department of Insurance; amending s. 440.45, F.S.; reassigning the Office of the Judges of Compensation Claims to the Department of Insurance; amending s. 440.49, F.S.; reassigning responsibility for a report on the Special Disability Trust Fund to the Department of Insurance; amending ss. 215.311, 413.091, 440.102, 440.125, 440.13, 440.25, 440.525, and 440.59, F.S.; conforming agency references to reflect the transfer of programs from the Department of Labor and Employment Security to the Department of Management Services and the Department of Insurance; amending s. 443.012, F.S.; providing for the Unemployment Appeals Commission to be created within the Department of Management Services rather than the Department of Labor and Employment Security; conforming provisions; providing for the transfer of the Unemployment Appeals Commission to the Department of Management Services by a type two transfer; amending s. 443.036, F.S.; conforming the definition of "commission" to the transfer of the Unemployment Appeals Commission to the Department of Management Services; conforming the definition of "division" to the transfer of the Division of Unemployment Compensation to the Agency for Workforce Innovation; amending s. 443.151, F.S.; providing for unemployment compensation appeals referees to be appointed by the Unemployment Appeals Commission; requiring the Department of Management Services to provide facilities to the appeals referees and the commission; requiring the Division of Unemployment Compensation to post certain notices in one–stop career centers; amending s. 443.171, F.S.; conforming duties of the Division of Unemployment Compensation and appointment of the Unemployment Compensation Advisory Council to reflect program transfer to the Agency for Workforce Innovation; conforming cross-references; amending s. 443.211, F.S.; conforming provisions; authorizing the Unemployment Appeals Commission to approve payments from the Employment Security Administration Trust Fund; providing for use of funds in the Special Employment Security Administration Trust Fund by the Unemployment Appeals Commission and the Agency for Workforce Innovation; amending ss. 447.02, 447.04, 447.041, 447.045, 447.06, 447.12, 447.16, F.S.; providing for part I of ch. 447, F.S., relating to the regulation of labor organizations, to be administered by the Department of Insurance; deleting references to the Division of Jobs and Benefits and the Department of Labor and Employment Security; amending s. 447.203, F.S.; clarifying the definition of professional employee; amending s. 447.205, F.S.; conforming provisions to reflect the transfer of the Public Employees Relations Commission to the Department of Management Services and deleting obsolete provisions; amending s. 447.208, F.S.; clarifying the procedure for appeals, charges, and petitions; amending s. 447.305, F.S., relating to the registration of employee organizations; providing for the Public Employees Relations Commission to share registration information with the Department of Insurance; amending s. 447.307, F.S.; authorizing the commission to modify existing bargaining units; amending s. 447.503, F.S.; specifying procedures when a party fails to appear for a hearing; amending s. 447.504, F.S.; authorizing the commission to stay certain procedures; providing for the transfer of the commission to the Department of Management Services by a type two transfer; repealing s. 447.609, F.S., relating to representation in certain public employee proceedings; amending ss. 450.012, 450.061, 450.081, 450.095, 450.121, 450.132, 450.141, F.S.; providing for part I of ch. 450, F.S., relating to child labor, to be administered by the Department of Insurance; deleting references to the Division of Jobs and Benefits and the Department of Labor and Employment Security; amending s. 450.191, F.S., relating to the duties of the Executive Office of the Governor with respect to migrant labor; conforming provisions to changes made by the act; amending ss. 450.28, 450.30, 450.31, 450.33, 450.35, 450.36, 450.37, 450.38, F.S., relating to farm labor registration; providing for part III of ch. 450, F.S., to be administered by the Department of Insurance; deleting references to the Division of Jobs and Benefits and the Department of Labor and Employment Security; requiring the Department of Revenue to report on disbursement and cost-allocation of unemployment compensation funds; requiring the Department of Revenue to conduct a feasibility study on privatization of unemployment compensation activities; authorizing the Department of Labor and Employment Security to offer a voluntary reduction–in–force payment to certain employees; providing terms and conditions relating to such payments; requiring a plan to meet specified criteria; providing for legislative review; providing for the continuation of contracts or agreements of the Department of Labor and Employment Security; providing for a successor department, agency, or entity to be substituted for the Department of Labor and Employment Security as a party in interest in pending proceedings; providing for severability; providing a conditional effective date.

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

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

Amendment 1 (383782)(with title amendment)—On page 121, before line 1, insert:

Section 40. Section 290.00695, Florida Statutes, is created to read:

290.00695 Enterprise zone designation for Hernando County or Hernando County and Brooksville.—Hernando County, or Hernando County and the City of Brooksville jointly, may apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone within the county, or within both the county and the city, which zone encompasses an area starting north of the City of Brooksville with properties within the Gregg Mine Industrial Park; those lands located on the east side of Cobb Road south of Yontz Road to the intersection of Jefferson Street and State Road 50; lands adjacent to the State Road 50 Bypass east to the intersection of Jefferson Street and State Road 50 in the southeast area of the City of Brooksville; those lands encompassing the areas north and south of Summit Road from Hale Avenue to the west, east to Jefferson Street; lands adjacent to U.S. Route 41 from the State Road 50 Bypass south to the proposed Ayers Road Extension; those lands encompassing the Hernando County Airport east of U.S. Route 41 west to the Suncoast Parkway with Spring Hill Drive and Powell Road to the north including portions along Spring Hill Drive east and west of the intersection with California Street; and those lands adjacent to Anderson Snow Road and Corporate Boulevard known as Holland Springs Industrial Park. The application must be submitted by December 31, 2000, and must comply with the requirements of s. 290.0055. Notwithstanding the provisions of s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated under this section.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 8, line 4, following the semicolon (;) insert: creating s. 290.00695, F.S.; authorizing the office to designate an enterprise zone within a described area of Hernando County or Hernando County and the City of Brooksville jointly;

Senator Kirkpatrick moved the following amendments which were adopted by two-thirds vote:

Amendment 2 (924796)(with title amendment)—On page 185, line 16 through page 187, line 17, delete those lines and insert:

Section 81. *(1) Effective July 1, 2000, the Division of Workers' Compensation and the Office of the Judges of Compensation Claims are transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, from the Department of Labor and Employment Security to the Department of Insurance, except that 29 full–time equivalent positions, and the associated salaries and benefits and expenses funding, related to oversight of medical services in workers' compensation provider relations, dispute and complaint resolution, program evaluation, data management, and carrier compliance and review, are transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, from the Department of Labor and Employment Security to the Agency for Health Care Administration.*

(2) Effective July 1, 2000, all powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the Division of Workforce and Employment Opportunities related to the regulation of labor organizations under chapter 447, Florida Statutes; the administration of child labor laws under chapter 450, Florida Statutes; and the administration of migrant labor and farm labor laws under chapter 450, Florida Statutes, are transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, from the Department of Labor and Employment Security to the Bureau of Workplace Regulation in the Division of Workers' Compensation of the Department of Insurance.

(3) Effective July 1, 2000, any other powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the Department of Labor and Employment Security, not otherwise transferred by this act, relating to workplace regulation and enforcement, including, but not limited to, those under chapter 448, Florida Statutes, are transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, from the department to the Bureau of Workplace Regulation in the Division of Workers' Compensation of the Department of Insurance.

(4)(a) Effective July 1, 2000, and except as provided in paragraph (b), the records, property, and unexpended balances of appropriations, allocations, and other funds and resources of the Office of the Secretary and the Office of Administrative Services of the Department of Labor and Employment Security which support the activities and functions transferred under subsections (1), (2), and (3) are transferred as provided in section 20.06(2), Florida Statutes, to the Division of Worker's Compensation and the Office of the Judges of Compensation Claims. The Department of Insurance, in consultation with the Department of Labor and Employment Security, shall determine the number of positions needed for administrative support of the programs within the Division of Workers' Compensation and the Office of the Judges of Compensation Claims as transferred to the Department of Insurance. The number of administrative support positions that the Department of Insurance determines are needed shall not exceed the number of administrative support positions that prior to the transfer were authorized to the Department of Labor and Employment Security for this purpose. Upon transfer of the Division of Workers' Compensation and the Office of the Judges of Compensation Claims, the number of required administrative support positions as determined by the Department of Insurance shall be authorized within the Department of Insurance. The Department of Insurance may transfer and reassign positions as deemed necessary to effectively integrate the activities of the Division of Workers' Compensation. Appointments to time–limited positions under this act and authorized positions under this section may be made without regard to the provisions of 60K-3, 4 and 17, Florida Administrative Code. Notwithstanding the provisions of section 216.181(8), Florida Statutes, the Department of Insurance is authorized, during Fiscal Year 2000–2001, to exceed the approved salary in the budget entities affected by this act.

(b) Effective July 1, 2000, the records, property, and unexpended balances of appropriations, allocations, and other funds and resources of the Office of the Secretary and the Office of Administrative Services of the Department of Labor and Employment Security which support the activities and functions transferred under subsection (1) to the Agency for Health Care Administration are transferred as provided in section 20.06(2), Florida Statutes, to the Agency for Health Care Administration.

And the title is amended as follows:

On page 16, lines 10-29, delete those lines and insert: providing for transfer of the Division of Workers' Compensation and the Office of the Judges of Compensation Claims to the Department of Insurance; providing an exception; providing for transfer of certain workers' compensation medical services positions to the Agency for Health Care Administration; providing for transfer of certain functions of the Division of Workforce and Employment Opportunities of the Department of Labor and Employment Security relating to labor organizations, child labor laws, and migrant and farm labor registration to the Department of Insurance; providing for transfer of other workplace regulation functions to the Department of Insurance; providing for transfer of certain administrative resources of the Department of Labor and Employment Security to the Department of Insurance and the Agency for Health Care Administration; providing exceptions relating to hiring and salary requirements; amending s. 20.13, F.S.;

Amendment 3 (251832)(with title amendment)—On page 251, line 18 through page 252, line 10, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 24, line 21, delete "440.13,"

Amendment 4 (553738)(with title amendment)—On page 185, between lines 13 and 14, insert:

Section 80. *It is the intent of the Legislature that the changes made by this act to the Department of Labor and Employment Security, including the transfer of department functions to other units of state government, are enacted as part of the state's ongoing economic development efforts and are designed to improve the business climate in this state in order to facilitate job creation by private–sector employers.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 16, line 6, after the semicolon (;) insert: expressing the intent of the Legislature; providing that changes made by this act to the Department of Labor and Employment Security are enacted as part of the state's ongoing economic development efforts and are designed to improve the business climate for employers in this state who create jobs;

Amendment 5 (775322)(with title amendment)—On page 236, lines 12-21, delete those lines and insert:

Section 120. Present subsection (3) of section 440.02, Florida Statutes, is redesignated as subsection (4), a new subsection (3) is added to that section and subsequent subsections are redesignated, and subsections (11) and (13) are amended to read:

440.02 Definitions.—When used in this chapter, unless the context clearly requires otherwise, the following terms shall have the following meanings:

(3) "Agency" means the Agency for Health Care Administration.

(11) "Department" means the Department of *Insurance* ~~Labor and Employment Security~~.

(13) "Division" means the Division of Workers' Compensation of the Department of *Insurance* ~~Labor and Employment Security~~.

Section 121. Subsections (3), (4), (5), (6), (7), (8), (9), (11), (12), and (13) of section 440.13, Florida Statutes, are amended to read:

440.13 Medical services and supplies; penalty for violations; limitations.—

(3) PROVIDER ELIGIBILITY; AUTHORIZATION.—

(a) As a condition to eligibility for payment under this chapter, a health care provider who renders services must be a certified health care provider and must receive authorization from the carrier before providing treatment. This paragraph does not apply to emergency care. The *agency* ~~division~~ shall adopt rules to implement the certification of health care providers. As a one-time prerequisite to obtaining certification, the *agency* ~~division~~ shall require each physician to demonstrate proof of completion of a minimum 5-hour course that covers the subject areas of

cost containment, utilization control, ergonomics, and the practice parameters adopted by the *agency* ~~division~~ governing the physician's field of practice. The *agency* ~~division~~ shall coordinate with ~~the Agency for Health Care Administration,~~ the Florida Medical Association, the Florida Osteopathic Medical Association, the Florida Chiropractic Association, the Florida Podiatric Medical Association, the Florida Optometric Association, the Florida Dental Association, and other health professional organizations and their respective boards as deemed necessary by the *agency* ~~Agency for Health Care Administration~~ in complying with this subsection. No later than October 1, 1994, the *agency* ~~division~~ shall adopt rules regarding the criteria and procedures for approval of courses and the filing of proof of completion by the physicians.

(b) A health care provider who renders emergency care must notify the carrier by the close of the third business day after it has rendered such care. If the emergency care results in admission of the employee to a health care facility, the health care provider must notify the carrier by telephone within 24 hours after initial treatment. Emergency care is not compensable under this chapter unless the injury requiring emergency care arose as a result of a work-related accident. Pursuant to chapter 395, all licensed physicians and health care providers in this state shall be required to make their services available for emergency treatment of any employee eligible for workers' compensation benefits. To refuse to make such treatment available is cause for revocation of a license.

(c) A health care provider may not refer the employee to another health care provider, diagnostic facility, therapy center, or other facility without prior authorization from the carrier, except when emergency care is rendered. Any referral must be to a health care provider that has been certified by the *agency* ~~division~~, unless the referral is for emergency treatment.

(d) A carrier must respond, by telephone or in writing, to a request for authorization by the close of the third business day after receipt of the request. A carrier who fails to respond to a written request for authorization for referral for medical treatment by the close of the third business day after receipt of the request consents to the medical necessity for such treatment. All such requests must be made to the carrier. Notice to the carrier does not include notice to the employer.

(e) Carriers shall adopt procedures for receiving, reviewing, documenting, and responding to requests for authorization. Such procedures shall be for a health care provider certified under this section.

(f) By accepting payment under this chapter for treatment rendered to an injured employee, a health care provider consents to the jurisdiction of the *agency* ~~division~~ as set forth in subsection (11) and to the submission of all records and other information concerning such treatment to the *agency* ~~division~~ in connection with a reimbursement dispute, audit, or review as provided by this section. The health care provider must further agree to comply with any decision of the *agency* ~~division~~ rendered under this section.

(g) The employee is not liable for payment for medical treatment or services provided pursuant to this section except as otherwise provided in this section.

(h) The provisions of s. 455.654 are applicable to referrals among health care providers, as defined in subsection (1), treating injured workers.

(i) Notwithstanding paragraph (d), a claim for specialist consultations, surgical operations, physiotherapeutic or occupational therapy procedures, X-ray examinations, or special diagnostic laboratory tests that cost more than $1,000 and other specialty services that the *agency* ~~division~~ identifies by rule is not valid and reimbursable unless the services have been expressly authorized by the carrier, or unless the carrier has failed to respond within 10 days to a written request for authorization, or unless emergency care is required. The insurer shall not refuse to authorize such consultation or procedure unless the health care provider or facility is not authorized or certified or unless an expert medical advisor has determined that the consultation or procedure is not medically necessary or otherwise compensable under this chapter. Authorization of a treatment plan does not constitute express authorization for purposes of this section, except to the extent the carrier provides otherwise in its authorization procedures. This paragraph does not limit the carrier's obligation to identify and disallow overutilization or billing errors.

(j) Notwithstanding anything in this chapter to the contrary, a sick or injured employee shall be entitled, at all times, to free, full, and absolute choice in the selection of the pharmacy or pharmacist dispensing and filling prescriptions for medicines required under this chapter. It is expressly forbidden for the *agency* ~~division~~, an employer, or a carrier, or any agent or representative of the *agency* ~~division~~, an employer, or a carrier to select the pharmacy or pharmacist which the sick or injured employee must use; condition coverage or payment on the basis of the pharmacy or pharmacist utilized; or to otherwise interfere in the selection by the sick or injured employee of a pharmacy or pharmacist.

(4) NOTICE OF TREATMENT TO CARRIER; FILING WITH *AGENCY* ~~DIVISION~~.—

(a) Any health care provider providing necessary remedial treatment, care, or attendance to any injured worker shall submit treatment reports to the carrier in a format prescribed by the *agency* ~~division~~. A claim for medical or surgical treatment is not valid or enforceable against such employer or employee, unless, by the close of the third business day following the first treatment, the physician providing the treatment furnishes to the employer or carrier a preliminary notice of the injury and treatment on forms prescribed by the *agency* ~~division~~ and, within 15 days thereafter, furnishes to the employer or carrier a complete report, and subsequent thereto furnishes progress reports, if requested by the employer or insurance carrier, at intervals of not less than 3 weeks apart or at less frequent intervals if requested on forms prescribed by the *agency* ~~division~~.

(b) Each medical report or bill obtained or received by the employer, the carrier, or the injured employee, or the attorney for the employer, carrier, or injured employee, with respect to the remedial treatment or care of the injured employee, including any report of an examination, diagnosis, or disability evaluation, must be filed with the *Agency for Health Care Administration* ~~Division of Workers' Compensation~~ pursuant to rules adopted by the *agency* ~~division~~. The health care provider shall also furnish to the injured employee or to his or her attorney, on demand, a copy of his or her office chart, records, and reports, and may charge the injured employee an amount authorized by the *agency* ~~division~~ for the copies. Each such health care provider shall provide to the *agency* ~~division~~ any additional information about the remedial treatment, care, and attendance that the *agency* ~~division~~ reasonably requests.

(c) It is the policy for the administration of the workers' compensation system that there be reasonable access to medical information by all parties to facilitate the self-executing features of the law. Notwithstanding the limitations in s. 455.667 and subject to the limitations in s. 381.004, upon the request of the employer, the carrier, or the attorney for either of them, the medical records of an injured employee must be furnished to those persons and the medical condition of the injured employee must be discussed with those persons, if the records and the discussions are restricted to conditions relating to the workplace injury. Any such discussions may be held before or after the filing of a claim without the knowledge, consent, or presence of any other party or his or her agent or representative. A health care provider who willfully refuses to provide medical records or to discuss the medical condition of the injured employee, after a reasonable request is made for such information pursuant to this subsection, shall be subject by the *agency* ~~division~~ to one or more of the penalties set forth in paragraph (8)(b).

(5) INDEPENDENT MEDICAL EXAMINATIONS.—

(a) In any dispute concerning overutilization, medical benefits, compensability, or disability under this chapter, the carrier or the employee may select an independent medical examiner. The examiner may be a health care provider treating or providing other care to the employee. An independent medical examiner may not render an opinion outside his or her area of expertise, as demonstrated by licensure and applicable practice parameters.

(b) Each party is bound by his or her selection of an independent medical examiner and is entitled to an alternate examiner only if:

1. The examiner is not qualified to render an opinion upon an aspect of the employee's illness or injury which is material to the claim or petition for benefits;

2. The examiner ceases to practice in the specialty relevant to the employee's condition;

3. The examiner is unavailable due to injury, death, or relocation outside a reasonably accessible geographic area; or

4. The parties agree to an alternate examiner.

Any party may request, or a judge of compensation claims may require, designation of *an agency* ~~a division~~ medical advisor as an independent medical examiner. The opinion of the advisors acting as examiners shall not be afforded the presumption set forth in paragraph (9)(c).

(c) The carrier may, at its election, contact the claimant directly to schedule a reasonable time for an independent medical examination. The carrier must confirm the scheduling agreement in writing within 5 days and notify claimant's counsel, if any, at least 7 days before the date upon which the independent medical examination is scheduled to occur. An attorney representing a claimant is not authorized to schedule independent medical evaluations under this subsection.

(d) If the employee fails to appear for the independent medical examination without good cause and fails to advise the physician at least 24 hours before the scheduled date for the examination that he or she cannot appear, the employee is barred from recovering compensation for any period during which he or she has refused to submit to such examination. Further, the employee shall reimburse the carrier 50 percent of the physician's cancellation or no-show fee unless the carrier that schedules the examination fails to timely provide to the employee a written confirmation of the date of the examination pursuant to paragraph (c) which includes an explanation of why he or she failed to appear. The employee may appeal to a judge of compensation claims for reimbursement when the carrier withholds payment in excess of the authority granted by this section.

(e) No medical opinion other than the opinion of a medical advisor appointed by the judge of compensation claims or *agency* ~~division~~, an independent medical examiner, or an authorized treating provider is admissible in proceedings before the judges of compensation claims.

(f) Attorney's fees incurred by an injured employee in connection with delay of or opposition to an independent medical examination, including, but not limited to, motions for protective orders, are not recoverable under this chapter.

(6) UTILIZATION REVIEW.—Carriers shall review all bills, invoices, and other claims for payment submitted by health care providers in order to identify overutilization and billing errors, and may hire peer review consultants or conduct independent medical evaluations. Such consultants, including peer review organizations, are immune from liability in the execution of their functions under this subsection to the extent provided in s. 766.101. If a carrier finds that overutilization of medical services or a billing error has occurred, it must disallow or adjust payment for such services or error without order of a judge of compensation claims or the *agency* ~~division~~, if the carrier, in making its determination, has complied with this section and rules adopted by the *agency* ~~division~~.

(7) UTILIZATION AND REIMBURSEMENT DISPUTES.—

(a) Any health care provider, carrier, or employer who elects to contest the disallowance or adjustment of payment by a carrier under subsection (6) must, within 30 days after receipt of notice of disallowance or adjustment of payment, petition the *agency* ~~division~~ to resolve the dispute. The petitioner must serve a copy of the petition on the carrier and on all affected parties by certified mail. The petition must be accompanied by all documents and records that support the allegations contained in the petition. Failure of a petitioner to submit such documentation to the *agency* ~~division~~ results in dismissal of the petition.

(b) The carrier must submit to the *agency* ~~division~~ within 10 days after receipt of the petition all documentation substantiating the carrier's disallowance or adjustment. Failure of the carrier to submit the requested documentation to the *agency* ~~division~~ within 10 days constitutes a waiver of all objections to the petition.

(c) Within 60 days after receipt of all documentation, the *agency* ~~division~~ must provide to the petitioner, the carrier, and the affected parties a written determination of whether the carrier properly adjusted or disallowed payment. The *agency* ~~division~~ must be guided by standards and policies set forth in this chapter, including all applicable reimbursement schedules, in rendering its determination.

(d) If the *agency* ~~division~~ finds an improper disallowance or improper adjustment of payment by an insurer, the insurer shall reimburse the health care provider, facility, insurer, or employer within 30 days, subject to the penalties provided in this subsection.

(e) The *agency* ~~division~~ shall adopt rules to carry out this subsection. The rules may include provisions for consolidating petitions filed by a petitioner and expanding the timetable for rendering a determination upon a consolidated petition.

(f) Any carrier that engages in a pattern or practice of arbitrarily or unreasonably disallowing or reducing payments to health care providers may be subject to one or more of the following penalties imposed by the *agency* ~~division~~:

1. Repayment of the appropriate amount to the health care provider.

2. An administrative fine assessed by the *agency* ~~division~~ in an amount not to exceed $5,000 per instance of improperly disallowing or reducing payments.

3. Award of the health care provider's costs, including a reasonable attorney's fee, for prosecuting the petition.

(8) PATTERN OR PRACTICE OF OVERUTILIZATION.—

(a) Carriers must report to the *agency* ~~division~~ all instances of overutilization including, but not limited to, all instances in which the carrier disallows or adjusts payment. The *agency* ~~division~~ shall determine whether a pattern or practice of overutilization exists.

(b) If the *agency* ~~division~~ determines that a health care provider has engaged in a pattern or practice of overutilization or a violation of this chapter or rules adopted by the *agency* ~~division~~, it may impose one or more of the following penalties:

1. An order of the *agency* ~~division~~ barring the provider from payment under this chapter;

2. Deauthorization of care under review;

3. Denial of payment for care rendered in the future;

4. Decertification of a health care provider certified as an expert medical advisor under subsection (9) or of a rehabilitation provider certified under s. 440.49;

5. An administrative fine assessed by the *agency* ~~division~~ in an amount not to exceed $5,000 per instance of overutilization or violation; and

6. Notification of and review by the appropriate licensing authority pursuant to s. 440.106(3).

(9) EXPERT MEDICAL ADVISORS.—

(a) The *agency* ~~division~~ shall certify expert medical advisors in each specialty to assist the *agency* ~~division~~ and the judges of compensation claims within the advisor's area of expertise as provided in this section. The *agency* ~~division~~ shall, in a manner prescribed by rule, in certifying, recertifying, or decertifying an expert medical advisor, consider the qualifications, training, impartiality, and commitment of the health care provider to the provision of quality medical care at a reasonable cost. As a prerequisite for certification or recertification, the *agency* ~~division~~ shall require, at a minimum, that an expert medical advisor have specialized workers' compensation training or experience under the workers' compensation system of this state and board certification or board eligibility.

(b) The *agency* ~~division~~ shall contract with or employ expert medical advisors to provide peer review or medical consultation to the *agency* ~~division~~ or to a judge of compensation claims in connection with resolving disputes relating to reimbursement, differing opinions of health care providers, and health care and physician services rendered under this chapter. Expert medical advisors contracting with the *agency* ~~division~~ shall, as a term of such contract, agree to provide consultation or services in accordance with the timetables set forth in this chapter and to abide by rules adopted by the *agency* ~~division~~, including, but not limited to, rules pertaining to procedures for review of the services rendered by

health care providers and preparation of reports and recommendations for submission to the *agency* ~~division~~.

(c) If there is disagreement in the opinions of the health care providers, if two health care providers disagree on medical evidence supporting the employee's complaints or the need for additional medical treatment, or if two health care providers disagree that the employee is able to return to work, the *agency* ~~division~~ may, and the judge of compensation claims shall, upon his or her own motion or within 15 days after receipt of a written request by either the injured employee, the employer, or the carrier, order the injured employee to be evaluated by an expert medical advisor. The opinion of the expert medical advisor is presumed to be correct unless there is clear and convincing evidence to the contrary as determined by the judge of compensation claims. The expert medical advisor appointed to conduct the evaluation shall have free and complete access to the medical records of the employee. An employee who fails to report to and cooperate with such evaluation forfeits entitlement to compensation during the period of failure to report or cooperate.

(d) The expert medical advisor must complete his or her evaluation and issue his or her report to the *agency* ~~division~~ or to the judge of compensation claims within 45 days after receipt of all medical records. The expert medical advisor must furnish a copy of the report to the carrier and to the employee.

(e) An expert medical advisor is not liable under any theory of recovery for evaluations performed under this section without a showing of fraud or malice. The protections of s. 766.101 apply to any officer, employee, or agent of the *agency* ~~division~~ and to any officer, employee, or agent of any entity with which the *agency* ~~division~~ has contracted under this subsection.

(f) If the *agency* ~~division~~ or a judge of compensation claims determines that the services of a certified expert medical advisor are required to resolve a dispute under this section, the carrier must compensate the advisor for his or her time in accordance with a schedule adopted by the *agency* ~~division~~. The *agency* ~~division~~ may assess a penalty not to exceed $500 against any carrier that fails to timely compensate an advisor in accordance with this section.

(11) AUDITS BY *AGENCY* ~~DIVISION~~; JURISDICTION.—

(a) The *Agency for Health Care Administration* ~~Division of Workers' Compensation of the Department of Labor and Employment Security~~ may investigate health care providers to determine whether providers are complying with this chapter and with rules adopted by the *agency* ~~division~~, whether the providers are engaging in overutilization, and whether providers are engaging in improper billing practices. If the *agency* ~~division~~ finds that a health care provider has improperly billed, overutilized, or failed to comply with *agency* ~~division~~ rules or the requirements of this chapter it must notify the provider of its findings and may determine that the health care provider may not receive payment from the carrier or may impose penalties as set forth in subsection (8) or other sections of this chapter. If the health care provider has received payment from a carrier for services that were improperly billed or for overutilization, it must return those payments to the carrier. The *agency* ~~division~~ may assess a penalty not to exceed $500 for each overpayment that is not refunded within 30 days after notification of overpayment by the *agency* ~~division~~ or carrier.

(b) The *agency* ~~division~~ shall monitor and audit carriers to determine if medical bills are paid in accordance with this section and *agency* ~~division~~ rules. Any employer, if self-insured, or carrier found by the *agency* ~~division~~ not to be within 90 percent compliance as to the payment of medical bills after July 1, 1994, must be assessed a fine not to exceed 1 percent of the prior year's assessment levied against such entity under s. 440.51 for every quarter in which the entity fails to attain 90-percent compliance. The *agency* ~~division~~ shall fine an employer or carrier, pursuant to rules adopted by the *agency* ~~division~~, for each late payment of compensation that is below the minimum 90-percent performance standard. Any carrier that is found to be not in compliance in subsequent consecutive quarters must implement a medical-bill review program approved by the *agency* ~~division~~, and the carrier is subject to disciplinary action by the Department of Insurance.

(c) The *agency* ~~division~~ has exclusive jurisdiction to decide any matters concerning reimbursement, to resolve any overutilization dispute under subsection (7), and to decide any question concerning overutilization under subsection (8), which question or dispute arises after January 1, 1994.

(d) The following ~~division~~ actions do not constitute agency action subject to review under ss. 120.569 and 120.57 and do not constitute actions subject to s. 120.56: referral by the entity responsible for utilization review; a decision by the *agency* ~~division~~ to refer a matter to a peer review committee; establishment by a health care provider or entity of procedures by which a peer review committee reviews the rendering of health care services; and the review proceedings, report, and recommendation of the peer review committee.

(12) CREATION OF THREE-MEMBER PANEL; GUIDES OF MAXIMUM REIMBURSEMENT ALLOWANCES.—

(a) A three-member panel is created, consisting of the Insurance Commissioner, or the Insurance Commissioner's designee, and two members to be appointed by the Governor, subject to confirmation by the Senate, one member who, on account of present or previous vocation, employment, or affiliation, shall be classified as a representative of employers, the other member who, on account of previous vocation, employment, or affiliation, shall be classified as a representative of employees. The panel shall determine statewide schedules of maximum reimbursement allowances for medically necessary treatment, care, and attendance provided by physicians, hospitals, ambulatory surgical centers, work-hardening programs, pain programs, and durable medical equipment. The maximum reimbursement allowances for inpatient hospital care shall be based on a schedule of per diem rates, to be approved by the three-member panel no later than March 1, 1994, to be used in conjunction with a precertification manual as determined by the *agency* ~~division~~. All compensable charges for hospital outpatient care shall be reimbursed at 75 percent of usual and customary charges. Until the three-member panel approves a schedule of per diem rates for inpatient hospital care and it becomes effective, all compensable charges for hospital inpatient care must be reimbursed at 75 percent of their usual and customary charges. Annually, the three-member panel shall adopt schedules of maximum reimbursement allowances for physicians, hospital inpatient care, hospital outpatient care, ambulatory surgical centers, work-hardening programs, and pain programs. However, the maximum percentage of increase in the individual reimbursement allowance may not exceed the percentage of increase in the Consumer Price Index for the previous year. An individual physician, hospital, ambulatory surgical center, pain program, or work-hardening program shall be reimbursed either the usual and customary charge for treatment, care, and attendance, the agreed-upon contract price, or the maximum reimbursement allowance in the appropriate schedule, whichever is less.

(b) As to reimbursement for a prescription medication, the reimbursement amount for a prescription shall be the average wholesale price times 1.2 plus $4.18 for the dispensing fee, except where the carrier has contracted for a lower amount. Fees for pharmaceuticals and pharmaceutical services shall be reimbursable at the applicable fee schedule amount. Where the employer or carrier has contracted for such services and the employee elects to obtain them through a provider not a party to the contract, the carrier shall reimburse at the schedule, negotiated, or contract price, whichever is lower.

(c) Reimbursement for all fees and other charges for such treatment, care, and attendance, including treatment, care, and attendance provided by any hospital or other health care provider, ambulatory surgical center, work-hardening program, or pain program, must not exceed the amounts provided by the uniform schedule of maximum reimbursement allowances as determined by the panel or as otherwise provided in this section. This subsection also applies to independent medical examinations performed by health care providers under this chapter. Until the three-member panel approves a uniform schedule of maximum reimbursement allowances and it becomes effective, all compensable charges for treatment, care, and attendance provided by physicians, ambulatory surgical centers, work-hardening programs, or pain programs shall be reimbursed at the lowest maximum reimbursement allowance across all 1992 schedules of maximum reimbursement allowances for the services provided regardless of the place of service. In determining the uniform schedule, the panel shall first approve the data which it finds representative of prevailing charges in the state for similar treatment, care, and attendance of injured persons. Each health care provider, health care facility, ambulatory surgical center, work-hardening program, or pain program receiving workers' compensation payments shall maintain records verifying their usual charges. In establishing the uniform schedule of maximum reimbursement allowances, the panel must consider:

1. The levels of reimbursement for similar treatment, care, and attendance made by other health care programs or third-party providers;

2. The impact upon cost to employers for providing a level of reimbursement for treatment, care, and attendance which will ensure the availability of treatment, care, and attendance required by injured workers;

3. The financial impact of the reimbursement allowances upon health care providers and health care facilities, including trauma centers as defined in s. 395.401, and its effect upon their ability to make available to injured workers such medically necessary remedial treatment, care, and attendance. The uniform schedule of maximum reimbursement allowances must be reasonable, must promote health care cost containment and efficiency with respect to the workers' compensation health care delivery system, and must be sufficient to ensure availability of such medically necessary remedial treatment, care, and attendance to injured workers; and

4. The most recent average maximum allowable rate of increase for hospitals determined by the Health Care Board under chapter 408.

(13) REMOVAL OF PHYSICIANS FROM LISTS OF THOSE AUTHORIZED TO RENDER MEDICAL CARE.—The *agency* ~~division~~ shall remove from the list of physicians or facilities authorized to provide remedial treatment, care, and attendance under this chapter the name of any physician or facility found after reasonable investigation to have:

(a) Engaged in professional or other misconduct or incompetency in connection with medical services rendered under this chapter;

(b) Exceeded the limits of his or her or its professional competence in rendering medical care under this chapter, or to have made materially false statements regarding his or her or its qualifications in his or her application;

(c) Failed to transmit copies of medical reports to the employer or carrier, or failed to submit full and truthful medical reports of all his or her or its findings to the employer or carrier as required under this chapter;

(d) Solicited, or employed another to solicit for himself or herself or itself or for another, professional treatment, examination, or care of an injured employee in connection with any claim under this chapter;

(e) Refused to appear before, or to answer upon request of, the *agency* ~~division~~ or any duly authorized officer of the state, any legal question, or to produce any relevant book or paper concerning his or her conduct under any authorization granted to him or her under this chapter;

(f) Self-referred in violation of this chapter or other laws of this state; or

(g) Engaged in a pattern of practice of overutilization or a violation of this chapter or rules adopted by the *agency* ~~division~~.

Section 122. Paragraph (a) of subsection (3) of section 440.15, Florida Statutes, is amended to read:

440.15 Compensation for disability.—Compensation for disability shall be paid to the employee, subject to the limits provided in s. 440.12(2), as follows:

(3) PERMANENT IMPAIRMENT AND WAGE-LOSS BENEFITS.—

(a) Impairment benefits.—

1. Once the employee has reached the date of maximum medical improvement, impairment benefits are due and payable within 20 days after the carrier has knowledge of the impairment.

2. The three-member panel, in cooperation with the *agency* ~~division~~, shall establish and use a uniform permanent impairment rating schedule. This schedule must be based on medically or scientifically demonstrable findings as well as the systems and criteria set forth in the American Medical Association's Guides to the Evaluation of Permanent Impairment; the Snellen Charts, published by American Medical Association Committee for Eye Injuries; and the Minnesota Department of Labor and Industry Disability Schedules. The schedule should be based upon objective findings. The schedule shall be more comprehensive than the AMA Guides to the Evaluation of Permanent Impairment and shall expand the areas already addressed and address additional areas not currently contained in the guides. On August 1, 1979, and pending the adoption, by rule, of a permanent schedule, Guides to the Evaluation of Permanent Impairment, copyright 1977, 1971, 1988, by the American Medical Association, shall be the temporary schedule and shall be used for the purposes hereof. For injuries after July 1, 1990, pending the adoption by division rule of a uniform disability rating schedule, the Minnesota Department of Labor and Industry Disability Schedule shall be used unless that schedule does not address an injury. In such case, the Guides to the Evaluation of Permanent Impairment by the American Medical Association shall be used. Determination of permanent impairment under this schedule must be made by a physician licensed under chapter 458, a doctor of osteopathic medicine licensed under chapters 458 and 459, a chiropractic physician licensed under chapter 460, a podiatric physician licensed under chapter 461, an optometrist licensed under chapter 463, or a dentist licensed under chapter 466, as appropriate considering the nature of the injury. No other persons are authorized to render opinions regarding the existence of or the extent of permanent impairment.

3. All impairment income benefits shall be based on an impairment rating using the impairment schedule referred to in subparagraph 2. Impairment income benefits are paid weekly at the rate of 50 percent of the employee's average weekly temporary total disability benefit not to exceed the maximum weekly benefit under s. 440.12. An employee's entitlement to impairment income benefits begins the day after the employee reaches maximum medical improvement or the expiration of temporary benefits, whichever occurs earlier, and continues until the earlier of:

a. The expiration of a period computed at the rate of 3 weeks for each percentage point of impairment; or

b. The death of the employee.

4. After the employee has been certified by a doctor as having reached maximum medical improvement or 6 weeks before the expiration of temporary benefits, whichever occurs earlier, the certifying doctor shall evaluate the condition of the employee and assign an impairment rating, using the impairment schedule referred to in subparagraph 2. Compensation is not payable for the mental, psychological, or emotional injury arising out of depression from being out of work. If the certification and evaluation are performed by a doctor other than the employee's treating doctor, the certification and evaluation must be submitted to the treating doctor, and the treating doctor must indicate agreement or disagreement with the certification and evaluation. The certifying doctor shall issue a written report to the division, the employee, and the carrier certifying that maximum medical improvement has been reached, stating the impairment rating, and providing any other information required by the division. If the employee has not been certified as having reached maximum medical improvement before the expiration of 102 weeks after the date temporary total disability benefits begin to accrue, the carrier shall notify the treating doctor of the requirements of this section.

5. The carrier shall pay the employee impairment income benefits for a period based on the impairment rating.

6. The division may by rule specify forms and procedures governing the method of payment of wage loss and impairment benefits for dates of accidents before January 1, 1994, and for dates of accidents on or after January 1, 1994.

Section 123. Subsection (7) of section 440.491, Florida Statutes, is amended to read:

440.491 Reemployment of injured workers; rehabilitation.—

(7) PROVIDER QUALIFICATIONS.—

(a) The *Agency for Health Care Administration* ~~division~~ shall investigate and maintain a directory of each qualified public and private rehabilitation provider, facility, and agency, and shall establish by rule the minimum qualifications, credentials, and requirements that each rehabilitation service provider, facility, and agency must satisfy to be eligible for listing in the directory. These minimum qualifications and creden-

tials must be based on those generally accepted within the service specialty for which the provider, facility, or agency is approved.

(b) The *agency* ~~division~~ shall impose a biennial application fee of $25 for each listing in the directory, and all such fees must be deposited in the Workers' Compensation Administration Trust Fund.

(c) The *agency* ~~division~~ shall monitor and evaluate each rehabilitation service provider, facility, and agency qualified under this subsection to ensure its compliance with the minimum qualifications and credentials established by the division. The failure of a qualified rehabilitation service provider, facility, or agency to provide the *agency* ~~division~~ with information requested or access necessary for the *agency* ~~division~~ to satisfy its responsibilities under this subsection is grounds for disqualifying the provider, facility, or agency from further referrals.

(d) A qualified rehabilitation service provider, facility, or agency may not be authorized by an employer, a carrier, or the *agency* ~~division~~ to provide any services, including expert testimony, under this section in this state unless the provider, facility, or agency is listed or has been approved for listing in the directory. This restriction does not apply to services provided outside this state under this section.

(e) The *agency* ~~division~~, after consultation with representatives of employees, employers, carriers, rehabilitation providers, and qualified training and education providers, shall adopt rules governing professional practices and standards.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 24, lines 2-6, delete those lines and insert: federal law; amending s. 440.02, F.S.; providing a definition for the term "agency"; conforming definitions of "department" and "division" to the transfer of the Division of Workers' Compensation to the Department of Insurance; amending s. 440.13, F.S., relating to medical services and supplies under the workers' compensation law; reassigning certain functions from the Division of Workers' Compensation to the Agency for Health Care Administration; amending s. 440.15, F.S.; providing for the agency to participate in the establishment and use of a uniform permanent impairment rating schedule; amending s. 440.491, F.S.; providing for agency oversight of workers' compensation rehabilitation providers; amending s. 440.207, F.S.;

Senator Hargrett offered the following amendment which was moved by Senator Kirkpatrick and adopted by two-thirds vote:

Amendment 6 (852230)(with title amendment)—On page 276, lines 21 and 22, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 26, line 30 through page 27, line 1, delete those lines and insert: amending ss. 450.012, 450.061,

SENATOR HARGRETT PRESIDING

On motion by Senator Kirkpatrick, **CS for CS for CS for SB 2548** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—30

Bronson	Cowin	Jones	Myers
Brown-Waite	Diaz de la Portilla	King	Saunders
Burt	Diaz-Balart	Kirkpatrick	Sebesta
Campbell	Dyer	Klein	Sullivan
Carlton	Geller	Latvala	Thomas
Casas	Grant	Laurent	Webster
Childers	Hargrett	Lee	
Clary	Horne	McKay	

Nays—6

Dawson	Holzendorf	Rossin	Silver
Forman	Meek		

CS for CS for CS for SB 1338—A bill to be entitled An act relating to communications services; creating ch. 202, F.S., the Communications Services Tax Simplification Law; providing definitions; providing for taxation of the sale of communications services, effective October 1, 2001; providing for imposition of the tax on the sales price of communications services, the cost of operating a substitute communications system, and the sales price of direct-to-home satellite service; providing for computation of tax rates by the Revenue Estimating Conference and for approval by the Legislature; providing for collection and remittance of the taxes on communications services imposed by chapters 202 and 203, F.S., on a combined basis; providing a limitation on such taxes on certain interstate communications services; requiring the purchaser to obtain a direct-pay permit; providing exemptions for certain sales to residential households, to governmental entities, and to certain religious or educational organizations; providing legislative intent with respect to future findings of invalidity, exemptions, and local government franchise fees; providing for credits for taxes paid in other jurisdictions; providing special provisions for users of substitute communications systems; providing for payment and collection of the taxes on communications; providing for sales for resale; providing requirements for registration of dealers of communications services; providing penalties; providing for fees; providing for annual resale certificates; providing procedures for revocation of registration; providing for disposition of the proceeds of the taxes on communications services; authorizing counties and municipalities to levy a discretionary local communications services tax; providing intent regarding tax rates; providing for imposition of a discretionary sales surtax levied by a county or school board under s. 212.055, F.S., as a local communications services tax; providing for application of local taxes to substitute communications systems; providing a limitation on local taxes on certain interstate communications services; requiring the purchaser to obtain a direct-pay permit; providing for use of tax revenues; providing for credit against local taxes for fees required under a franchise agreement; providing for computation by the Revenue Estimating Conference of the initial and maximum rates for local taxes and providing for approval by the Legislature; providing for effectiveness of the initial rates and for increase by emergency ordinance under certain conditions; requiring providers of communications services and local taxing jurisdictions to furnish information; providing for determination by the Revenue Estimating Conference of a rate conversion factor for counties and school boards that levy a discretionary sales surtax and providing for approval by the Legislature; providing for certain automatic rate reductions; providing for effective dates and notification with respect to adoption, repeal, or rate changes of local taxes; providing procedures and requirements for determination of the local taxing jurisdiction in which a service address is located; providing for creation of an electronic database by the Department of Revenue; providing for certification of databases by the department; providing effect on dealers who do not use the specified methods for such determination; providing procedures and requirements for refunds or credits of communications services taxes; specifying that the authority of public bodies to require taxes or other impositions from dealers of communications services for occupying roads and rights-of-way is preempted by the state; prohibiting public bodies from levying specified taxes and other charges; providing for jurisdiction for suits against dealers; providing for dealers not qualified to do business in this state; specifying powers of the department; providing for rules; providing requirements for the filing of returns and payment of taxes; providing penalties; providing for rules for self-accrual; providing for a dealer's credit; providing penalties for failure to file returns or for filing false or fraudulent returns; providing for credits or refunds for bad debts; requiring certain dealers to remit taxes by electronic funds transfer and make returns through an electronic data interchange; providing for payment of taxes upon sale or quitting of business; providing for notice to certain persons regarding a dealer's delinquency and providing such persons' duties; providing a penalty; providing for cooperation of state and local agencies; providing that taxes collected become government funds; providing penalties for the theft of government funds; providing department powers regarding warrants, tax executions, and writs of garnishment; providing recordkeeping requirements for dealers; providing a penalty; authorizing sampling by the department; providing for examination of records; providing for audits; providing for assessment of interest and penalties; providing powers of the department to assess from estimates; requiring that taxes be separately stated; prohibiting certain advertising or refunds by dealers; providing a penalty; providing department powers with respect to hearings, cash deposits or bonds, and subpoenas; providing for venue; providing special rules for the administration of local taxes; providing for an advisory committee to advise the executive director of the department regarding implementation of communications services taxes; amending s. 72.011, F.S.; authorizing taxpayers to contest assessments or denials of

refund under ch. 202, F.S., in circuit court or pursuant to the Administrative Procedure Act; amending s. 213.05, F.S.; including ch. 202, F.S., within the revenue laws for which the department has responsibility; amending s. 212.20, F.S.; providing for distribution of portions of the communications services tax; amending s. 166.231, F.S.; providing that the exemption from the municipal public service tax for telecommunications services for resale includes resale by way of a prepaid calling arrangement; providing that taxes not collected thereon prior to July 1, 2000, need not be paid; repealing s. 166.231(9), F.S., which provides for levy of the municipal public service tax on telecommunication services, effective October 1, 2001; conforming language; amending s. 166.233, F.S.; conforming language; amending s. 203.01, F.S.; providing that the exemption from the gross receipts tax for telecommunication services for resale includes resale by way of a prepaid calling arrangement; providing for a gross receipts tax on communications services, effective October 1, 2001, to be applied pursuant to ch. 202, F.S.; providing for computation of the tax rate by the Revenue Estimating Conference and for approval by the Legislature; amending s. 203.012, F.S.; removing and revising definitions relating to the gross receipts tax, to conform; repealing s. 203.013, F.S., which provides for payment of the gross receipts tax on interstate private communications services, and ss. 203.60, 203.61, 203.62, and 203.63, F.S., which provide for payment of the gross receipts tax on other interstate and international telecommunication services, to conform; amending s. 212.05, F.S.; providing that the sale or recharge of a prepaid calling arrangement shall be treated as a sale of tangible personal property under ch. 212, F.S.; providing that the sale of telecommunication services to a person who furnishes such services pursuant to such an arrangement is a sale for resale; providing that taxes not collected thereon prior to July 1, 2000, need not be paid; removing the imposition of tax under ch. 212, F.S., on telecommunication service, telegraph messages, long distance telephone calls, and television system program service, effective October 1, 2001; amending s. 212.054, F.S.; providing that charges for prepaid calling arrangements are subject to discretionary sales surtaxes; conforming language; amending s. 337.401, F.S.; providing requirements with respect to the authority of counties and municipalities to regulate the placement of telecommunications facilities in the public roads or rights-of-way; requiring certain notice to the Secretary of State; revising such requirements, effective October 1, 2001, and providing for application to providers of communications services; requiring municipalities and charter counties and noncharter counties to choose whether or not to impose permit fees on such providers and providing requirements with respect to such fees; providing effect of such choice on the rate of the local communications services tax under ch. 202, F.S., for the local government; providing that the authority of municipalities and counties to require franchise fees from such providers is preempted by the state; authorizing municipalities and counties to request certain in-kind requirements, institutional networks, and contributions from cable service providers; providing for a legislative study with respect to state policy regarding such in-kind requirements and contributions; amending s. 212.031, F.S.; revising the exemption from the tax on the lease or rental of or license in real property for streets or rights-of-way and improvements located thereon used by a utility or cable television company; including such exemption within provisions relating to leases involving multiple use of property; providing status of revenues received under the act with respect to taxes or fees previously imposed and bonded indebtedness; providing appropriations and authorizing positions; repealing the following, effective June 30, 2001: ss. 202.10, 202.11, 202.20, 202.26, and 202.37, F.S., and ss. 3-11, 13-17, and 19-28 of the act, which constitute the creation of ch. 202, F.S., effective October 1, 2001, to provide for the taxation of the sale of communications services; ss. 33-35 of the act, which amend ss. 72.011, 213.05, and 212.20, F.S., to provide related administrative provisions effective October 1, 2001; ss. 38 and 39 of the act, which repeal s. 166.231(9), F.S., and amend ss. 166.231 and 166.233, F.S., to remove levy of the municipal public service tax on telecommunication services effective October 1, 2001; ss. 41-43 of the act, which amend ss. 203.01 and 203.012, F.S., and repeal ss. 203.013 and 203.60-203.63, F.S., to provide for a gross receipts tax on communications services, effective October 1, 2001, to be applied pursuant to ch. 202, F.S.; ss. 48 and 49 of the act, which amend ss. 212.05 and 212.054, F.S., to remove the imposition of tax under ch. 212, F.S., on telecommunication service effective October 1, 2001; s. 51 of the act, which amends s. 337.401, F.S., relating to the authority of counties and municipalities to regulate the placement of telecommunications facilities in roads and rights-of-way and to impose permit fees and franchise fees, effective October 1, 2001; and ss. 54 and 55 of the act, which provide for application of amendments made by the act; abolishing, on June 30, 2001, an advisory committee appointed pursuant to the act; amending s. 337.401, F.S., effective June 30, 2001, to remove amendments made by the act which take effect January 1, 2001; providing effective dates.

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

On motion by Senator Horne, **CS for CS for CS for SB 1338** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Bronson	Diaz de la Portilla	King	Rossin
Brown-Waite	Diaz-Balart	Kirkpatrick	Saunders
Burt	Dyer	Klein	Scott
Campbell	Forman	Latvala	Sebesta
Carlton	Geller	Laurent	Silver
Casas	Grant	Lee	Sullivan
Childers	Hargrett	McKay	Webster
Clary	Holzendorf	Meek	
Cowin	Horne	Mitchell	
Dawson	Jones	Myers	

Nays—None

CS for CS for SB 1334—A bill to be entitled An act relating to information technology; requiring facilitation of a Network Access Point by the State Technology Office; requiring Enterprise Florida, Inc., to create and implement a marketing and image campaign; requiring development and maintenance of a website for information and technology industry marketing and workforce recruitment; requiring a study group to explore the use of state employee pension funds for venture capital support; providing that certain limitations expressed in development orders do not preclude the approval of a Network Access Point (NAP), if the NAP satisfies specified conditions; amending s. 212.08, F.S.; providing a sales tax exemption on certain equipment used to deploy broadband technologies associated with a Network Access Point; requiring a study by the Legislature to identify obstacles related to the affordable access to consumers by Internet service providers; requiring a plan for the establishment of information technology incubators in the state; prescribing incubator components; providing an appropriation; authorizing the State Technology Office to adopt rules; providing an effective date.

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

Senator Klein moved the following amendments which were adopted by two-thirds vote:

Amendment 1 (683414)(with title amendment)—On page 7, line 14 through page 8, line 19, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 1, lines 22-25, delete those lines and insert: service providers; providing an appropriation;

Amendment 2 (784738)(with title amendment)—On page 4, lines 12-24, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 1, lines 9-12, delete those lines and insert: marketing and workforce recruitment; providing that certain limitations

On motion by Senator Klein, **CS for CS for SB 1334** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Bronson	Clary	Geller	Kirkpatrick
Brown-Waite	Cowin	Grant	Klein
Burt	Dawson	Hargrett	Kurth
Campbell	Diaz de la Portilla	Holzendorf	Latvala
Carlton	Diaz-Balart	Horne	Laurent
Casas	Dyer	Jones	Lee
Childers	Forman	King	McKay

Meek	Rossin	Sebesta	Thomas
Mitchell	Saunders	Silver	Webster
Myers	Scott	Sullivan	

Nays—None

CS for CS for CS for SB 806—A bill to be entitled An act relating to aquaculture; amending s. 253.002, F.S.; providing duties of the Department of Agriculture and Consumer Services with respect to certain state lands; amending s. 253.01, F.S.; providing for disposition of fees for aquaculture leases; amending s. 253.67, F.S.; revising definitions; amending s. 253.71, F.S.; revising aquaculture lease contract fee and performance requirements; amending s. 253.72, F.S.; providing requirements for the marking of leased areas; amending s. 253.75, F.S.; requiring the Board of Trustees of the Internal Improvement Trust Fund to request comments by the Fish and Wildlife Conservation Commission regarding certain submerged land leases; amending s. 270.22, F.S.; conforming disposition of rental fees for aquaculture leases; amending s. 328.76, F.S.; providing for use of certain commercial vessel registration fees for aquaculture law enforcement and quality control programs; amending s. 370.06, F.S.; deleting authority of the Department of Agriculture and Consumer Services to issue certain special activity licenses under ch. 370, F.S.; clarifying requirements relating to the educational seminar for applicants for an Apalachicola Bay oyster harvesting license; amending s. 370.07, F.S.; providing for the distribution of funds from the Florida Saltwater Products Promotional Trust Fund; providing for transfer of responsibilities relating to the Apalachicola Bay oyster surcharge from the Department of Environmental Protection to the Department of Agriculture and Consumer Services; amending s. 370.16, F.S.; revising regulation of noncultured shellfish harvesting; providing for protection of shellfish and aquaculture products; repealing s. 370.16(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (13), (16), (17), (19), (22), (24), (25), (26), and (27), F.S., relating to regulation and enforcement of oyster and shellfish leases by the Department of Environmental Protection, protection and development of oyster and shellfish resources, and regulation of processing for commercial use; amending ss. 370.161 and 372.071, F.S.; conforming cross-references; amending s. 372.6673, F.S.; requiring collection of a marketing assessment fee for alligator products marketing and education; amending s. 372.6674, F.S.; requiring collection of a marketing and assessment fee; amending s. 373.046, F.S.; revising regulatory responsibility under pt. IV of ch. 373, F.S., for aquacultural activities; amending ss. 403.814, 409.2598, and 500.03, F.S.; conforming cross-references; amending ss. 570.18 and 570.29, F.S.; conforming provisions relating to organization of the Department of Agriculture and Consumer Services; creating s. 570.61, F.S.; providing powers and duties of the Division of Aquaculture of the Department of Agriculture and Consumer Services; creating s. 570.62, F.S.; providing for appointment and duties of a division director; repealing s. 370.26(3)-(5), F.S., and amending s. 597.003, F.S.; requiring a portion of profits from aquaculture contracts to be set aside for funding certain aquaculture projects; amending s. 370.26, F.S.; transferring certain responsibilities relating to aquaculture development from the Department of Environmental Protection to the Department of Agriculture and Consumer Services; amending s. 597.004, F.S.; revising provisions relating to aquaculture certificates of registration; amending s. 597.0041, F.S.; providing an administrative fine; providing penalties; amending s. 597.005, F.S.; requiring review of aquaculture legislative budget requests by the Aquaculture Review Council; amending s. 597.006, F.S.; revising membership of the Aquaculture Interagency Coordinating Council; creating s. 597.010, F.S.; providing for regulation and enforcement of shellfish leases by the Department of Agriculture and Consumer Services; providing for continuation of leases previously issued under ch. 370, F.S.; providing for rental fees, fee adjustments, late fees, and forfeiture for nonpayment of fees; providing a lease surcharge for certain purposes; providing for rules; providing cultivation requirements for leased lands; restricting the inheriting or transfer of leases; requiring a deposit for investigations relating to petitions for cancellation of leases to natural reefs; providing for inclusion of natural reefs in leased areas under certain circumstances; restricting leases available in Franklin County; providing prohibitions; providing for shellfish protection and development; providing for special activity licenses for harvest or cultivation of oysters, clams, mussels, and crabs; providing for uncultured shellfish harvesting seasons in Apalachicola Bay; restricting harvest of shellfish by mechanical means; providing a penalty; providing for enhancement of oyster and clam industries by the counties; prohibiting dredging of dead shells; providing for cooperation with the United States Fish and Wildlife Service; providing requirements for vessels harvesting, gathering, or transporting oysters or clams for commercial purposes; providing a definition; renumbering and amending s. 370.071, F.S.; providing that regulation of shellfish processors includes processors processing scallops; providing for a fee for licensure or certification of processing facilities; authorizing an administrative fine for violation of rules relating to regulation of shellfish processors; amending s. 190.003, F.S.; including the owner of a long-term ground lease from a governmental entity within the definition of a "landowner"; amending s. 190.005, F.S.; providing that the establishment of a community development district must contain the consent of all landowners whose lands are to be included in the district; amending s. 190.021, F.S.; providing that certain ad valorem taxes and non-ad valorem assessments on property of a governmental entity are not a lien on the entity's underlying fee interest; amending s. 190.012, F.S.; authorizing community development districts to fund certain environmental costs under certain circumstances; declaring legislative intent; providing an effective date.

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

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

Amendment 1 (745042)(with title amendment)—On page 16, between lines 19 and 20, insert:

Section 11. Subsection (8) is added to section 370.13, Florida Statutes, to read:

370.13 Stone crab; regulation.—

(8) The Fish and Wildlife Conservation Commission shall issue a depredation endorsement on the saltwater products license, which shall entitle the license holder to possess and use up to 75 stone crab traps and up to 75 blue crab traps, notwithstanding any other provisions of law, for the incidental take of destructive or nuisance stone crabs or blue crabs within one mile of aquaculture shellfish beds. Any marine aquaculture producer as defined by s. 370.26 F.S., who raises shellfish may obtain a depredation endorsement by providing an aquaculture registration certificate to the Commission. No stone crabs or blue crabs taken under this provision may be sold or offered for sale.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 6, after the semicolon (;) insert: amending s. 370.13, F.S.; providing for a depredation endorsement on a saltwater products license;

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

Amendment 2 (800688)(with title amendment)—On page 57, between lines 17 and 18, insert:

Section 35. Paragraphs (b) and (i) of subsection (2) and subsection (5) of section 370.021, Florida Statutes, are amended, and paragraph (o) is added to subsection (2) of that section to read:

370.021 Administration; rules, publications, records; penalties; injunctions.—

(2) MAJOR VIOLATIONS.—In addition to the penalties provided in paragraphs (1)(a) and (b), the court shall assess additional penalties against any person, firm, or corporation convicted of major violations as follows:

(b) For a violation involving the taking or harvesting of shrimp from a nursery or other prohibited area, *or any two violations within a 12-month period involving shrimping gear, minimum size (count), or season,* an additional penalty of $10 for each pound of illegal shrimp or part thereof.

(i) Permits issued to any person, firm, or corporation by the commission to take or harvest saltwater products, or any license issued pursuant to s. 370.06 or s. 370.07 may be suspended or revoked by the commission, pursuant to the provisions and procedures of s. 120.60, for any major violation prescribed in this subsection:

1. Upon a first conviction for a major violation, for up to 30 calendar days.

2.~~1.~~ Upon a second conviction for a violation which occurs within 12 months after a prior violation, for up to *90 calendar* ~~60~~ days.

3.~~2.~~ Upon a third conviction for a violation which occurs within 24 months after a prior violation, for up to 180 *calendar* days.

4.~~3.~~ Upon a fourth conviction for a violation which occurs within 36 months after a prior violation, for a period of 6 months to 3 years.

(o) For a violation involving the taking or harvesting of any marine life species, as those species are defined by rule of the commission, the harvest of which is prohibited, or the taking or harvesting of such a species out of season, or with an illegal gear or chemical, or any violation involving the possession of 25 or more individual specimens of marine life species, or any combination of violations in any 3-year period involving more than 70 such specimens in the aggregate, the suspension or revocation of the license holder's marine life endorsement as provided in paragraph (i).

(5) BUYING SALTWATER PRODUCTS FROM UNLICENSED SELLER.—In addition to being subject to other penalties provided in this chapter, any violation of s. 370.06 or s. 370.07, or rules of the commission implementing s. 370.06 or s. 370.07, involving *the purchase of* ~~buying~~ saltwater products *by a commercial wholesale dealer, retail dealer, or restaurant facility for public consumption* from an unlicensed person, firm, or corporation, *or the sale of saltwater products by an unlicensed person, firm, or corporation,* ~~,~~ shall be a major violation, and the commission may assess the following penalties:

(a) For a first violation, the commission may assess a civil penalty of up to $2,500 and may suspend the wholesale or retail dealer's license privileges for up to 90 calendar days.

(b) For a second violation occurring within 12 months of a prior violation, the commission may assess a civil penalty of up to $5,000 and may suspend the wholesale or retail dealer's license privileges for up to 180 calendar days.

(c) For a third or subsequent violation occurring within a 24-month period, the commission shall assess a civil penalty of $5,000 and shall suspend the wholesale or retail dealer's license privileges for up to 24 months.

Any proceeds from the civil penalties assessed pursuant to this subsection shall be deposited into the Marine Resources Conservation Trust Fund and shall be used as follows: 40 percent for administration and processing purposes and 60 percent for law enforcement purposes.

Section 36. Subsection (8) of section 370.06, Florida Statutes, is amended, and subsection (9) is added to that section, to read:

370.06 Licenses.—

(8) COLLECTION OF LICENSES, FEES.—Unless otherwise provided by law, all license taxes or fees provided for in this chapter shall be collected by the commission or its duly authorized agents or deputies to be deposited by the Comptroller in the Marine Resources Conservation Trust Fund. The commission may by rule establish a reasonable processing fee for any free license or permit required under this chapter. *The commission is authorized to accept payment by credit card for fees, fines, and civil penalties levied pursuant to this chapter.*

(9) DENIAL OF LICENSE RENEWAL OR ISSUANCE.—The commission shall deny the renewal or issuance of any saltwater products license, wholesale dealer license, or retail dealer license to anyone that has unpaid fees, civil assessments, or fines owed to the commission.

Section 37. Section 370.13, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 370.13, F.S., for present text.)

370.13 Stone crab; regulation.—

(1) FEES AND EQUITABLE RENT.—

(a) Endorsement fee.—The fee for a stone crab endorsement for the taking of stone crabs as required by rule of the Fish and Wildlife Conservation Commission, is $125, $25 of which must be used solely for trap retrieval under s. 370.143.

(b) Certificate fees.—

1. For each trap certificate issued by the commission under the requirements of the stone crab trap limitation program established by commission rule, there is an annual fee of $.50 per certificate. Replacement tags for lost or damaged tags cost $.50 each, except that tags lost in the event of a major natural disaster declared as an emergency disaster by the Governor shall be replaced for the cost of the tag as incurred by the commission.

2. Except for transfers to eligible crew members as determined according to criteria established by rule of the commission, the fee for transferring certificates is $2 per certificate transferred to be paid by the purchaser of the certificate or certificates. The transfer fee for eligible crew members is $1 per certificate. Payment must be made by money order or cashier's check, submitted with the certificate transfer form developed by the commission. In addition to the transfer fee, a surcharge of $2 per certificate transferred, or 25 percent of the actual value of the transferred certificate, whichever is greater, will be assessed the first time a certificate is transferred outside the original holder's immediate family. Transfer fees and surcharges only apply to the actual number of certificates received by the purchaser. A transfer of a certificate is not effective until the commission receives a notarized copy of the bill of sale as proof of the actual value of the transferred certificate or certificates, which must also be submitted with the transfer form and payment. A transfer fee will not be assessed or required when the transfer is within a family as a result of the death or disability of the certificate owner. A surcharge will not be assessed for any transfer within an individual's immediate family.

(c) Incidental take endorsement.—The cost of an incidental take endorsement, as established by commission rule, is $25.

(d) Equitable rent.—The commission may establish by rule an amount of equitable rent per trap certificate that may be recovered as partial compensation to the state for the enhanced access to its natural resources. In determining whether to establish such a rent and the amount thereof, the commission may consider the amount of revenues annually generated by endorsement fees, trap certificate fees, transfer fees, surcharges, replacement trap tag fees, trap retrieval fees, incidental take endorsement fees, and the continued economic viability of the commercial stone crab industry. Final approval of such a rule shall be by the Governor and Cabinet sitting as the Board of Trustees of the Internal Improvement Trust Fund.

(e) Disposition of fees, surcharges, civil penalties and fines, and equitable rent.—Endorsement fees, trap certificate fees, transfer fees, civil penalties and fines, surcharges, replacement trap tag fees, trap retrieval fees, incidental take endorsement fees, and equitable rent, if any, must be deposited in the Marine Resources Conservation Trust Fund. Not more than 50 percent of the revenues generated under this section may be used for operation and administration of the stone crab trap limitation program. The remaining revenues generated under this program are to be used for trap retrieval, management of the stone crab fishery, public education activities, evaluation of the impact of trap reductions on the stone crab fishery, and enforcement activities in support of the stone crab trap limitation program.

(f) Program to be self-supporting.—The stone crab trap limitation program is intended to be a self-supporting program funded from proceeds generated under this section.

(g) No vested rights.—The stone crab trap limitation program does not create any vested rights for endorsement or certificateholders and may be altered or terminated by the commission as necessary to protect the stone crab resource, the participants in the fishery, or the public interest.

(2) PENALTIES.—For purposes of this subsection, conviction is any disposition other than acquittal or dismissal, regardless of whether the violation was adjudicated under any state or federal law.

(a) In addition to any other penalties provided in s. 370.021, for any person, firm, or corporation who violates Rule 68B-13.010(2), F.A.C., or Rule 68B-13.011(5), (6), (7), (8), or (11), F.A.C., the following administrative penalties apply.

1. For a first violation, the commission shall assess an administrative penalty of up to $1,000 and the stone crab endorsement under which the violation was committed may be suspended for the remainder of the current license year.

2. For a second violation that occurs within 24 months of any previous such violation, the commission shall assess an administrative penalty of up to $2,000 and the stone crab endorsement under which the violation was committed may be suspended for 12 calendar months.

3. For a third violation that occurs within 36 months of any previous two such violations, the commission shall assess an administrative penalty of up to $5,000 and the stone crab endorsement under which the violation was committed may be suspended for 24 calendar months.

4. A fourth violation that occurs within 48 months of any three previous such violations, shall result in permanent revocation of all of the violator's saltwater fishing privileges, including having the commission proceed against the endorsement holder's saltwater products license in accordance with s. 370.021.

Any person assessed an administrative penalty under this paragraph shall, within 30 calendar days after notification, pay the administrative penalty to the commission, or request an administrative hearing under s. 120.569 and s. 120.57. The proceeds of all administrative penalties collected under this paragraph shall be deposited in the Marine Resource Conservation Trust Fund.

(b) It is unlawful for any person to remove the contents of another harvester's trap without the express written consent of the trap owner available for immediate inspection. Such unauthorized removal constitutes theft. Any person convicted of theft from a trap shall, in addition to the penalties specified in s. 370.021 and the provisions of this section, permanently lose all his or her saltwater fishing privileges, including saltwater products licenses, stone crab or incidental take endorsements, and all trap certificates allotted to him or her by the commission. In such cases, trap certificates and endorsements are nontransferable. In addition, any person, firm, or corporation convicted of violating the prohibitions referenced in this paragraph shall also be assessed an administrative penalty of up to $5,000. Immediately upon receiving a citation for a violation involving theft from a trap and until adjudicated for such a violation, or if convicted of such a violation, the violator is prohibited from transferring any stone crab or lobster certificates.

(c) Any person, firm, or corporation convicted of violating commission rules that prohibit any of the following, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1. The willful molestation of any stone crab trap, line, or buoy that is the property of any licenseholder, without the permission of that licenseholder.

2. The bartering, trading, or sale, or conspiring or aiding in such barter, trade, or sale, or supplying, agreeing to supply, aiding in supplying, or giving away stone crab trap tags or certificates unless the action is duly authorized by the commission as provided by commission rules.

3. The making, altering, forging, counterfeiting, or reproducing of stone crab trap tags.

4. Possession of forged, counterfeit, or imitation stone crab trap tags.

5. Engaging in the commercial harvest of stone crabs during the time either of the endorsements is under suspension or revocation.

In addition, any person, firm, or corporation convicted of violating this paragraph shall also be assessed an administrative penalty of up to $5,000, and the incidental take endorsement and/or the stone crab endorsement under which the violation was committed may be suspended for up to 24 calendar months. Immediately upon receiving a citation involving a violation of this paragraph and until adjudicated for such a violation, or if convicted of such a violation, the person, firm, or corporation committing the violation is prohibited from transferring any stone crab certificates or endorsements.

(d) For any person, firm, or corporation convicted of fraudulently reporting the actual value of transferred stone crab certificates, the commission may automatically suspend or permanently revoke the seller's or the purchaser's stone crab endorsements. If the endorsement is permanently revoked, the commission shall also permanently deactivate the endorsement holder's stone crab certificate accounts. Whether an endorsement is suspended or revoked, the commission may also levy a fine against the holder of the endorsement of up to twice the appropriate surcharge to be paid based on the fair market value of the transferred certificates.

(e) During any period of suspension or revocation of an endorsement holder's endorsement, he or she shall remove all traps subject to that endorsement from the water within 15 days after notice provided by the commission. Failure to do so will extend the period of suspension or revocation for an additional 6 calendar months.

(f) An endorsement will not be renewed until all fees and administrative penalties imposed under this section are paid.

(3) DEPREDATION ENDORSEMENTS.—The Fish and Wildlife Conservation Commission shall issue a depredation endorsement on the saltwater products license, which shall entitle the license holder to possess and use up to 75 stone crab traps and up to 75 blue crab traps, notwithstanding any other provisions of law, for the incidental take of destructive or nuisance stone crabs or blue crabs within 1 mile of aquaculture shellfish beds. Any marine aquaculture producer as defined by s. 370.26 who raises shellfish may obtain a depredation endorsement by providing an aquaculture registration certificate to the commission. No stone crabs or blue crabs taken under this subsection may be sold or offered for sale.

Section 38. Subsection (1) of section 370.135, Florida Statutes, is amended to read:

370.135 Blue crab; regulation.—

(1) No person, firm, or corporation shall transport on the water, fish with or cause to be fished with, set, or place any trap designed for taking blue crabs unless such person, firm, or corporation is the holder of a valid saltwater products license issued pursuant to s. 370.06 and the trap has a current state number permanently attached to the buoy. The trap number shall be affixed in legible figures at least 1 inch high on each buoy used. The saltwater products license must be on board the boat, and both the license and the crabs shall be subject to inspection at all times. Only one trap number may be issued for each boat by the commission upon receipt of an application on forms prescribed by it. This subsection shall not apply to an individual fishing with no more than five traps. It is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, for any person willfully to molest any traps, lines, or buoys, as defined herein, belonging to another without permission of the licenseholder. *It is unlawful for any person to remove the contents of another harvester's trap without the express written consent of the trap owner available for immediate inspection. Such unauthorized removal constitutes theft. Any person convicted of theft from a trap shall, in addition to the penalties specified in s. 370.021 and the provisions of this section, permanently lose all his or her saltwater fishing privileges including his or her saltwater products license and blue crab endorsement. In such cases endorsements are nontransferable. In addition, any person, firm, or corporation convicted of violating this paragraph shall also be assessed an administrative penalty of up to $5,000. Immediately upon receiving a citation for a violation involving theft from a trap and until adjudicated for such a violation, or if convicted of such a violation, the person, firm, or corporation committing the violation is prohibited from transferring any blue crab endorsements.*

Section 39. Subsection (2) of section 370.14, Florida Statutes, is amended to read:

370.14 Crawfish; regulation.—

(2)(a) Each trap used for taking or attempting to take crawfish must have a trap number permanently attached to the trap and the buoy. This trap number may be issued by the Fish and Wildlife Conservation Commission upon the receipt of application by the owner of the traps and accompanied by the payment of a fee of $100. The design of the applications and of the trap number shall be determined by the commission. Any trap or device used in taking or attempting to take crawfish, other than a trap with the trap number attached as prescribed in this paragraph, shall be seized and destroyed by the commission. The proceeds of the fees imposed by this paragraph shall be deposited and used as provided in paragraph (b). The commission *may adopt* ~~is authorized to promulgate~~ rules ~~and regulations~~ to carry out the intent of this section.

(b) Fees collected pursuant to paragraph (a) shall be deposited as follows:

1. Fifty percent of the fees collected shall be deposited in the Marine Resources Conservation Trust Fund for use in enforcing the provisions of paragraph (a) through aerial and other surveillance and trap retrieval.

2. Fifty percent of the fees collected shall be deposited as provided in *s. 370.142(6)* ~~s. 370.142(5)~~.

Section 40. Subsection (2) of section 370.142, Florida Statutes, is amended, to read:

370.142 Spiny lobster trap certificate program.—

(2) TRANSFERABLE TRAP CERTIFICATES; TRAP TAGS; FEES; PENALTIES.—The Fish and Wildlife Conservation Commission shall establish a trap certificate program for the spiny lobster fishery of this state and shall be responsible for its administration and enforcement as follows:

(a) Transferable trap certificates.—Each holder of a saltwater products license who uses traps for taking or attempting to take spiny lobsters shall be required to have a certificate on record for each trap possessed or used therefor, except as otherwise provided in this section.

1. The Department of Environmental Protection shall initially allot such certificates to each licenseholder with a current crawfish trap number who uses traps. The number of such certificates allotted to each such licenseholder shall be based on the trap/catch coefficient established pursuant to trip ticket records generated under the provisions of s. 370.06(2)(a) over a 3-year base period ending June 30, 1991. The trap/catch coefficient shall be calculated by dividing the sum of the highest reported single license-year landings up to a maximum of 30,000 pounds for each such licenseholder during the base period by 700,000. Each such licenseholder shall then be allotted the number of certificates derived by dividing his or her highest reported single license-year landings up to a maximum of 30,000 pounds during the base period by the trap/catch coefficient. Nevertheless, no licenseholder with a current crawfish trap number shall be allotted fewer than 10 certificates. However, certificates may only be issued to individuals; therefore, all licenseholders other than individual licenseholders shall designate the individual or individuals to whom their certificates will be allotted and the number thereof to each, if more than one. After initial issuance, trap certificates are transferable on a market basis and may be transferred from one licenseholder to another for a fair market value agreed upon between the transferor and transferee. Each such transfer shall, within 72 hours thereof, be recorded on a notarized form provided for that purpose by the Fish and Wildlife Conservation Commission and hand delivered or sent by certified mail, return receipt requested, to the commission for recordkeeping purposes. In addition, in order to cover the added administrative costs of the program and to recover an equitable natural resource rent for the people of the state, a transfer fee of $2 per certificate transferred shall be assessed against the purchasing licenseholder and sent by money order or cashier's check with the certificate transfer form. Also, in addition to the transfer fee, a surcharge of $5 per certificate transferred or 25 percent of the actual market value, whichever is greater, given to the transferor shall be assessed the first time a certificate is transferred outside the original transferor's immediate family. No transfer of a certificate shall be effective until the commission receives the notarized transfer form and the transfer fee, including any surcharge, is paid. The commission may establish by rule an amount of equitable rent per trap certificate that shall be recovered as partial compensation to the state for the enhanced access to its natural resources. *Final approval of such a rule shall be by the Governor and Cabinet sitting as the Board of Trustees of the Internal Improvement Trust Fund.* In determining whether to establish such a rent and, if so, the amount thereof, the commission shall consider the amount of revenues annually generated by certificate fees, transfer fees, surcharges, trap license fees, and sales taxes, the demonstrated fair market value of transferred certificates, and the continued economic viability of the commercial lobster industry. The proceeds of equitable rent recovered shall be deposited in the Marine Resources Conservation Trust Fund and used by the commission for research, management, and protection of the spiny lobster fishery and habitat. *A transfer fee may not be assessed or required when the transfer is within a family as a result of the death or disability of the certificate owner. A surcharge will not be assessed for any transfer within an individual's immediate family.*

2. No person, firm, corporation, or other business entity may control, directly or indirectly, more than 1.5 percent of the total available certificates in any license year.

3. The commission shall maintain records of all certificates and their transfers and shall annually provide each licenseholder with a statement of certificates held.

4. The number of trap tags issued annually to each licenseholder shall not exceed the number of certificates held by the licenseholder at the time of issuance, and such tags and a statement of certificates held shall be issued simultaneously.

5. Beginning July 1, 2003, and applicable to the 2003-2004 lobster season and thereafter, it is unlawful for any person to lease lobster trap tags or certificates.

(b) Trap tags.—Each trap used to take or attempt to take spiny lobsters in state waters or adjacent federal waters shall, in addition to the crawfish trap number required by s. 370.14(2), have affixed thereto an annual trap tag issued by the commission. Each such tag shall be made of durable plastic or similar material and shall, based on the number of certificates held, have stamped thereon the owner's license number. To facilitate enforcement and recordkeeping, such tags shall be issued each year in a color different from that of each of the previous 3 years. The annual certificate fee shall be $1 per certificate. Replacement tags for lost or damaged tags may be obtained as provided by rule of the commission.

(c) Prohibitions; penalties.—

1. It is unlawful for a person to possess or use a spiny lobster trap in or on state waters or adjacent federal waters without having affixed thereto the trap tag required by this section. It is unlawful for a person to possess or use any other gear or device designed to attract and enclose or otherwise aid in the taking of spiny lobster by trapping that is not a trap as defined in rule *68B-24.006(2)* ~~46-24.006(2)~~, Florida Administrative Code.

2. It is unlawful for a person to possess or use spiny lobster trap tags without having the necessary number of certificates on record as required by this section.

3. It is unlawful for any person to remove the contents of another harvester's trap without the express written consent of the trap owner available for immediate inspection. Such unauthorized removal constitutes theft. Any person convicted of theft from a trap shall, in addition to the penalties specified in ss. 370.021 and 370.14 and the provisions of this section, permanently lose all his or her saltwater fishing privileges, including his or her saltwater products license, crawfish endorsement, and all trap certificates allotted to him or her through this program. In such cases, trap certificates and endorsements are nontransferable. In addition, any person, firm, or corporation convicted of violating this paragraph shall also be assessed an administrative penalty of up to $5,000. Immediately upon receiving a citation for a violation involving theft from a trap and until adjudicated for such a violation or, if convicted of such a violation, the person, firm, or corporation committing the violation is prohibited from transferring any crawfish trap certificates and endorsements.

4.~~3.~~ In addition to any other penalties provided in s. 370.021, a commercial harvester, as defined by rule *68B-24.002(1)* ~~46-24.002(1)~~, Florida Administrative Code, who violates the provisions of this section, or the provisions relating to traps of chapter *68B-24* ~~46-24~~, Florida Administrative Code, shall be punished as follows:

a. If the first violation is for violation of subparagraph 1. or subparagraph 2., the commission shall assess an additional civil penalty of up to $1,000 and the crawfish trap number issued pursuant to s. 370.14(2) or (6) may be suspended for the remainder of the current license year. For all other first violations, the commission shall assess an additional civil penalty of up to $500.

b. For a second violation of subparagraph 1. or subparagraph 2. which occurs within 24 months of any previous such violation, the commission shall assess an additional civil penalty of up to $2,000 and the crawfish trap number issued pursuant to s. 370.14(2) or (6) may be suspended for the remainder of the current license year.

c. For a third or subsequent violation of subparagraph 1., ~~or~~ subparagraph 2., *or subparagraph 3.* which occurs within 36 months of any previous two such violations, the commission shall assess an additional civil penalty of up to $5,000 and may suspend the crawfish trap number issued pursuant to s. 370.14(2) or (6) for a period of up to 24 months or may revoke the crawfish trap number and, if revoking the crawfish trap number, may also proceed against the licenseholder's saltwater products license in accordance with the provisions of s. 370.021(2)(i).

d. Any person assessed an additional civil penalty pursuant to this section shall within 30 calendar days after notification:

(I) Pay the civil penalty to the commission; or

(II) Request an administrative hearing pursuant to the provisions of s. 120.60.

e. The commission shall suspend the crawfish trap number issued pursuant to s. 370.14(2) or (6) for any person failing to comply with the provisions of sub-subparagraph d.

5.~~4.~~a. It is unlawful for any person to make, alter, forge, counterfeit, or reproduce a spiny lobster trap tag or certificate.

b. It is unlawful for any person to knowingly have in his or her possession a forged, counterfeit, or imitation spiny lobster trap tag or certificate.

c. It is unlawful for any person to barter, trade, sell, supply, agree to supply, aid in supplying, or give away a spiny lobster trap tag or certificate or to conspire to barter, trade, sell, supply, aid in supplying, or give away a spiny lobster trap tag or certificate unless such action is duly authorized by the commission as provided in this chapter or in the rules of the commission.

6.~~5.~~a. Any person who violates the provisions of *subparagraph 5.* ~~subparagraph 4.~~, or any person who engages in the commercial harvest, trapping, or possession of spiny lobster without a crawfish trap number as required by s. 370.14(2) or (6) or during any period while such crawfish trap number is under suspension or revocation, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

b. In addition to any penalty imposed pursuant to sub-subparagraph a., the commission shall levy a fine of up to twice the amount of the appropriate surcharge to be paid on the fair market value of the transferred certificates, as provided in subparagraph (a)1., on any person who violates the provisions of sub-subparagraph *5.c* ~~4.c~~.

7.~~6.~~ Any certificates for which the annual certificate fee is not paid for a period of 3 years shall be considered abandoned and shall revert to the commission. During any period of trap reduction, any certificates reverting to the commission shall become permanently unavailable and be considered in that amount to be reduced during the next license-year period. Otherwise, any certificates that revert to the commission are to be reallotted in such manner as provided by the commission.

8.~~7.~~ The proceeds of all civil penalties collected pursuant to *subparagraph 4.* ~~subparagraph 3.~~ and all fines collected pursuant to *sub-subparagraph 6.b.* ~~sub-subparagraph 5.b.~~ shall be deposited into the Marine Resources Conservation Trust Fund.

9.~~8.~~ All traps shall be removed from the water during any period of suspension or revocation.

(d) No vested rights.—The trap certificate program shall not create vested rights in licenseholders whatsoever and may be altered or terminated as necessary to protect the spiny lobster resource, the participants in the fishery, or the public interest.

Section 41. Subsections (2), (3), and (4) of section 370.143, Florida Statutes, are amended to read:

370.143 Retrieval of lobster and stone crab traps during closed season; commission authority; fees.—

(2) A retrieval fee of $10 per trap retrieved shall be assessed trap owners. *However, for persons holding a stone crab endorsement issued under rule of the Fish and Wildlife Conservation Commission, the retrieval fee shall be waived for the first five traps retrieved.* Traps recovered under this program shall become the property of the commission or its contract agent, *as determined by the commission,* and shall be either destroyed or resold to the original owner. Revenue from retrieval fees shall be deposited in the Marine Resources Conservation Trust Fund and used *solely* for operation of the trap retrieval program.

(3) Payment of *all* ~~the~~ assessed retrieval *fees* ~~fee~~ shall be required prior to renewal of the trap owner's *saltwater products license and stone crab and or crawfish endorsements* ~~trap number as a condition of number renewal~~. Retrieval fees assessed under this program shall stand in lieu of other penalties imposed for such trap violations.

(4) In the event of a major natural disaster *in an area declared by the Governor to be a disaster emergency area,* such as *a* hurricane or major storm causing massive trap losses, the commission shall waive the trap retrieval fee.

Section 42. Subsection (4) of section 370.15, Florida Statutes, is amended to read:

370.15 Shrimp; regulation.—

(4) SHRIMP TRAWLING.—All persons, firms, and corporations desiring to trawl for shrimp within areas in which trawling is permitted shall ~~have a noncommercial trawl or net registration or~~ purchase a saltwater products license issued to a valid boat registration or in the name of an individual pursuant to s. 370.06. The saltwater products license shall remain on board at all times and is subject to immediate revocation upon conviction for violation of this section or when it becomes apparent that the best interests of saltwater conservation will be served by such action. ~~A noncommercial trawl or net registration must be issued to each net used to take shrimp for noncommercial purposes. Such net or trawl shall have a corkline measurement of 16 feet or less. Possession of shrimp under a noncommercial registration is limited to 25 pounds while on the water.~~ Due to the varied habitats and types of bottoms and hydrographic conditions embraced by the open fishing area, the commission shall have the authority to specify and regulate the types of gear that may be used in the different sections of the open areas.

Section 43. Subsections (4) and (5) of section 370.153, Florida Statutes, are amended to read:

370.153 Regulation of shrimp fishing; Clay, Duval, Nassau, Putnam, Flagler, and St. Johns Counties.—

(4) DEAD SHRIMP PRODUCTION.—Any person may operate as a commercial dead shrimp producer provided that:

(a) A dead shrimp production permit is procured from the Fish and Wildlife Conservation Commission upon the receipt by the commission of a properly filled out and approved application by a person intending to use a boat, not to exceed 35 feet in length in Duval, St. Johns, Putnam, and Clay Counties, and not to exceed 45 feet in length in Nassau County, for dead shrimp production within the inland waters of Nassau County and the inland waters of the St. Johns River of Duval, Putnam, St. Johns, Flagler, or Clay Counties, which permit shall cost $250 and shall be required for each vessel used for dead shrimp production. The design of the application and permit shall be determined by the Fish and Wildlife Conservation Commission. The proceeds of the fees imposed by this paragraph shall be deposited into the account of the Marine Resources Conservation Trust Fund to be used by the commission for the purpose of enforcement of marine resource laws.

(b) All commercial trawling in the St. Johns River proper shall be restricted to the area north of the Acosta Bridge in Jacksonville and at least 100 yards from the nearest shoreline.

(c) All commercial shrimping activities shall be allowed during daylight hours from Tuesday through Friday each week.

(d) No person holding a dead shrimp production permit issued pursuant to this subsection shall simultaneously hold a permit for noncommercial trawling under the provisions of subsection (5). The number of permits issued by the commission for commercial trawling or dead shrimp production in any one year shall be *limited to those active* ~~the number issued~~ in the base year, 1976, *and renewed annually since 1976.* All permits *for dead shrimp production issued pursuant to this section* shall be inheritable or transferable to an immediate family member and

annually renewable by the holder thereof. Such inheritance or transfer shall be valid upon being registered with the commission. *Each permit* ~~All permits~~ not renewed shall expire and shall not be renewed under any circumstances.

(e) It is illegal for any person to sell dead shrimp caught in the inland waters of Nassau, Duval, Clay, Putnam, and St. Johns Counties, unless the seller is in possession of a dead shrimp production license issued pursuant to this subsection.

(f) It is illegal for any person to purchase shrimp for consumption or bait from any seller (with respect to shrimp caught in the inland waters of Nassau, Duval, Clay, Putnam, and St. Johns Counties (St. Johns River)) who does not produce his or her dead shrimp production license prior to the sale of the shrimp.

(g) In addition to any other penalties provided for in this section, any person who violates the provisions of this subsection shall have his or her license revoked by the commission.

(h) The commission shall rename the Dead Shrimp Production License as the Commercial Food Shrimp Production License.

(5) NONCOMMERCIAL TRAWLING.—*If noncommercial trawling is authorized by the Fish and Wildlife Conservation Commission,* any person may *trawl for* ~~harvest~~ shrimp in the St. Johns River for his or her own use as food ~~and may trawl for such shrimp~~ under the following conditions:

(a) Each person who desires to trawl for shrimp for use as food shall obtain a noncommercial trawling permit from the local office of the Fish and Wildlife Conservation Commission upon filling out an application on a form prescribed by the commission and upon paying a fee for the permit, which shall cost $50.

(b) All trawling shall be restricted to the confines of the St. Johns River proper in the area north of the Acosta Bridge in Jacksonville and at least 100 yards from the nearest shoreline.

(c) No shrimp caught by a person licensed under the provisions of this subsection may be sold or offered for sale.

Section 44. Section 370.25, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 370.25, F.S., for present text.)

370.25 Artificial reef program; grants and financial and technical assistance to local governments.—

(1) An artificial reef program is created within the Fish and Wildlife Conservation Commission to enhance saltwater opportunities and to promote proper management of fisheries resources associated with artificial reefs for the public interest. Under the program, the commission may provide grants and financial and technical assistance to coastal local governments and nonprofit corporations qualified under s. 501(c)(3) of the Internal Revenue Code for the siting and development of artificial reefs as well as for monitoring and evaluating their recreational, economic, and biological effectiveness. The program may be funded from state, federal, and private contributions.

(2) The commission may adopt by rule procedures for submitting an application for financial assistance and criteria for allocating available funds.

(3) The commission may adopt by rule criteria for siting, constructing, managing, and evaluating the effectiveness of artificial reefs placed in state or adjacent federal waters, consistent with this section.

(4) The commission may adopt by rule criteria for determining the eligibility of nonprofit corporations qualified under s. 501(c)(3) of the Internal Revenue Code to apply for and receive funds available for artificial reef development or evaluation. The criteria must include, but are not limited to, the following:

(a) The corporation must show proof that it is a nonprofit corporation qualified under s. 501(c)(3) of the Internal Revenue Code.

(b) The corporation must state in its articles of incorporation or bylaws that one of its objectives is the development or monitoring of artificial reefs.

(5) The commission's artificial reef program shall track all artificial-reef-development activities statewide, and maintain a computer database of these activities for the public interest and to facilitate long-range planning and coordination within the commission and among local governments.

(6) It is unlawful for any person to:

(a) Place artificial-reef-construction materials in state water outside zones permitted under the terms and conditions defined in any artificial-reef permits issued by the United States Army Corps of Engineers or by the Fish and Wildlife Conservation Commission.

(b) Store, possess, or transport on or across state waters any materials reasonably suited for artificial-reef construction and stored in a manner providing ready access for use and placement as an artificial reef, unless a valid cargo manifest issued by the commission or a commission-certified inspector is onboard the transporting vessel. The manifest will serve as authorization to use a valid permitted site or land-based staging area, will validate that the type of artificial-reef construction material being transported is permissible for use at the permitted site, and will describe and quantify the artificial-reef material being transported. The manifest will also include the latitude and longitude coordinates of the proposed deployment location, the valid permit number, and a copy of the permit conditions for the permitted site. The manifest must be available for inspection by any authorized law enforcement officer or commission employee.

(7)(a) An initial violation of subsection (6) is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. A subsequent violation of subsection (6) which is committed within 12 months after a previous violation of that subsection is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) If a violation of subsection (6) occurs, a law enforcement officer may terminate a vessel's voyage and order the vessel operator to return immediately to port. Failure or refusal to comply with an order to return to port constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. The vessel operator must immediately dispose of the materials on shore according to applicable waste disposal laws.

(c) If, at the time of the violation, the vessel that is involved in the violation:

1. Is moored at a land-based facility, the registered owner of the vessel is responsible for the violation.

2. Is underway or anchored, the captain or operator of the vessel and the registered owner of the vessel are jointly responsible for the violation.

(d) In addition to the penalties imposed in this subsection, the commission shall assess civil penalties of up to $5,000 against any person convicted of violating subsection (6) and may seek the suspension or revocation of the vessel registration, existing reef-construction permits, or other state marine licenses held by the violator. For the purposes of this section, conviction includes any judicial disposition other than acquittal or dismissal.

Section 45. *(1) The sum of $97,049 is appropriated from the commercial revenues in the Marine Resources Conservation Trust Fund to the Fish and Wildlife Conservation Commission for fiscal year 2000-2001, for four career service positions that are authorized for the commission to implement the stone crab trap limitation program. This appropriation shall be made after funds have been distributed pursuant to section 328.76(2)(b), Florida Statutes.*

(2) The sum of $254,408 is appropriated from the commercial revenues in the Marine Resources Conservation Trust Fund to the Fish and Wildlife Conservation Commission for program operation, plus the sum of $130,000 to cover the cost of stone crab trap tags in fiscal year 2000-2001, in order to implement the stone crab trap limitation program in fiscal year 2001-2002. This appropriation shall be made after funds have been distributed pursuant to section 328.76(2)(b), Florida Statutes.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 13, after the semicolon (;) insert: amending s. 370.021, F.S.; providing penalties for illegal buying and selling of marine products; revising violations and penalties; amending s. 370.06, F.S.; authorizing the Fish and Wildlife Conservation Commission to accept credit cards for specified charges; requiring the denial of license renewal or issuance to those having unpaid fees, assessments, or fines; amending s. 370.13, F.S.; providing for fees and equitable rent related to stone crabs; prohibiting the acquisition of vested rights; providing penalties; amending s. 370.135, F.S.; providing penalties for theft from a blue crab trap; amending s. 370.14, F.S.; conforming a statutory cross-reference; amending s. 370.142, F.S.; requiring the Board of Trustees of the Internal Improvement Trust Fund to approve a rule establishing equitable rent in the crawfish fishing if the rule is developed; waiving certificate transfer fees and surcharges when the transfer is within the immediate family due to death or disability; providing a penalty for theft from a crawfish trap; providing penalties; conforming cross-references; amending s. 370.143, F.S.; waiving a trap retrieval fee for specified licenseholders; requiring the payment of fees before license and endorsement renewal; waiving trap retrieval fees if the Governor declares a disaster emergency area; amending s. 370.15, F.S.; eliminating a requirement for noncommercial net registration; amending s. 370.153, F.S.; providing that noncommercial trawling must be authorized by the Fish and Wildlife Conservation Commission; amending s. 370.25, F.S.; providing that the artificial reef program is created within the Fish and Wildlife Conservation Commission; eliminating criteria for allocation of funds; limiting funding to specified corporations; providing requirements for the storage, possession, and transport of artificial reef materials; revising permit requirements; providing a felony penalty; providing appropriations;

On motion by Senator Laurent, **CS for CS for CS for SB 806** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	King	Myers
Brown-Waite	Diaz-Balart	Kirkpatrick	Rossin
Burt	Dyer	Klein	Saunders
Campbell	Forman	Kurth	Scott
Carlton	Geller	Latvala	Sebesta
Casas	Grant	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster
Dawson	Jones	Mitchell	

Nays—None

SB 320—A bill to be entitled An act relating to interference with custody; amending s. 787.03, F.S.; providing that it is an additional defense to the offense of interference with custody to be a victim of domestic violence or believe that interference with custody is necessary to protect a person from domestic violence; prescribing duties of any person who takes a minor child when fleeing from situations of actual or threatened domestic violence; providing an effective date.

—was read the third time by title.

On motion by Senator Rossin, **SB 320** was passed and certified to the House. The vote on passage was:

Yeas—37

Bronson	Dawson	Holzendorf	Laurent
Brown-Waite	Diaz de la Portilla	Horne	Lee
Burt	Diaz-Balart	Jones	Meek
Campbell	Dyer	King	Mitchell
Carlton	Forman	Kirkpatrick	Myers
Casas	Geller	Klein	Rossin
Clary	Grant	Kurth	Saunders
Cowin	Hargrett	Latvala	Scott
Sebesta	Sullivan	Thomas	Webster
Silver			

Nays—None

SB 318—A bill to be entitled An act relating to public records; amending s. 787.03, F.S.; providing an exemption from public records requirements for information provided to sheriffs and state attorneys by persons who take minor children when fleeing from domestic violence; providing for future review and repeal; providing findings of public necessity; providing a contingent effective date.

—was read the third time by title.

On motion by Senator Rossin, **SB 318** was passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Diaz de la Portilla	King	Myers
Bronson	Diaz-Balart	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Saunders
Campbell	Forman	Kurth	Scott
Carlton	Geller	Latvala	Sebesta
Casas	Grant	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster
Dawson	Jones	Mitchell	

Nays—None

CS for SB 964—A bill to be entitled An act relating to enterprise zones; amending s. 290.00555, F.S.; extending a deadline for the creation of a satellite enterprise zone by certain municipalities; amending s. 290.0065, F.S.; providing for a change in the boundaries of an enterprise zone; providing limitations; amending ss. 290.00691, 290.00692, F.S.; exempting certain enterprise zones in Columbia County and Suwannee County from a requirement that the areas suffer from pervasive poverty, unemployment, and general distress; providing that businesses located in such enterprise zones may claim certain tax credits for hiring persons within the jurisdictions of the counties; revising qualifications for businesses in such zones to claim certain maximum tax exemptions or credits; creating s. 290.00694, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Sarasota County; providing requirements with respect thereto; creating s. 290.00695, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Manatee County; providing requirements with respect thereto; creating s. 290.00697, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Okaloosa County; providing requirements with respect thereto; creating s. 290.00695, F.S.; authorizing the office to designate an enterprise zone within a described area of Hernando County or Hernando County and the City of Brooksville jointly; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Holmes County; providing requirements with respect thereto; creating s. 290.00695, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Calhoun County; providing requirements with respect thereto; providing an effective date.

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

On motion by Senator Kirkpatrick, **CS for SB 964** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Childers	Forman	King
Bronson	Clary	Geller	Kirkpatrick
Brown-Waite	Cowin	Grant	Klein
Burt	Dawson	Hargrett	Kurth
Campbell	Diaz de la Portilla	Holzendorf	Latvala
Carlton	Diaz-Balart	Horne	Laurent
Casas	Dyer	Jones	Lee

McKay	Myers	Scott	Sullivan
Meek	Rossin	Sebesta	Thomas
Mitchell	Saunders	Silver	Webster

Nays—None

Consideration of **CS for CS for CS for SB 406** was deferred.

SB 214—A bill to be entitled An act relating to the size of individual containers of malt beverages; amending s. 563.06, F.S.; removing current restrictions on containers under a specified size; providing an effective date.

—was read the third time by title.

On motion by Senator Lee, **SB 214** was passed and certified to the House. The vote on passage was:

Yeas—23

Madam President	Cowin	Klein	Saunders
Bronson	Dawson	Latvala	Scott
Brown-Waite	Geller	Laurent	Sebesta
Campbell	Hargrett	Lee	Sullivan
Carlton	Horne	McKay	Thomas
Casas	Kirkpatrick	Rossin	

Nays—15

Childers	Dyer	Jones	Mitchell
Clary	Forman	King	Myers
Diaz de la Portilla	Grant	Kurth	Silver
Diaz-Balart	Holzendorf	Meek	

HB 847—A bill to be entitled An act relating to Florida International University; authorizing a master of science degree program in speech-language pathology at Florida International University; providing an effective date.

—was read the third time by title.

On motion by Senator Diaz-Balart, **HB 847** was passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Diaz de la Portilla	King	Myers
Bronson	Diaz-Balart	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Saunders
Burt	Forman	Kurth	Scott
Campbell	Geller	Latvala	Sebesta
Carlton	Grant	Laurent	Silver
Casas	Hargrett	Lee	Sullivan
Childers	Holzendorf	McKay	Thomas
Clary	Horne	Meek	Webster
Dawson	Jones	Mitchell	

Nays—None

On motion by Senator Silver, by two-thirds vote **CS for HB 1129** was withdrawn from the Committees on Health, Aging and Long-Term Care; Banking and Insurance; and Fiscal Policy.

On motion by Senator Silver, the rules were waived and by two-thirds vote—

CS for HB 1129—A bill to be entitled An act relating to Medicaid managed health care; amending s. 409.912, F.S.; authorizing the Agency for Health Care Administration to contract with entities providing behavioral health care services to certain Medicaid recipients in certain counties under certain circumstances; providing requirements; providing limitations; providing definitions; providing an effective date.

—a companion measure, was substituted for **CS for SB 1046** as amended and by two-thirds vote read the second time by title.

Senator Silver moved the following amendment which was adopted:

Amendment 1 (810714)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (b) of subsection (3) of section 409.912, Florida Statutes, is amended, and paragraph (e) is added to that subsection, to read:

409.912 Cost-effective purchasing of health care.—The agency shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. The agency shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies, including competitive bidding pursuant to s. 287.057, designed to facilitate the cost-effective purchase of a case-managed continuum of care. The agency shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services.

(3) The agency may contract with:

(b) An entity that is providing comprehensive *behavioral* ~~inpatient and outpatient mental~~ health care services to certain Medicaid recipients ~~in Hillsborough, Highlands, Hardee, Manatee, and Polk Counties,~~ through a capitated, prepaid arrangement pursuant to the federal waiver provided for by s. 409.905(5). Such an entity must *be* ~~become~~ licensed under chapter 624, chapter 636, or chapter 641 *and must possess the clinical systems and operational competence to manage risk and provide comprehensive behavioral health care to Medicaid recipients. As used in this paragraph, the term "comprehensive behavioral health care services" means covered mental health and substance abuse treatment services that are available to Medicaid recipients. The Secretary of the Department of Children and Families shall approve provisions of procurements related to children in the department's care or custody prior to enrolling such children in a prepaid behavioral health plan. Any contract awarded under this paragraph must be competitively procured. In developing the behavioral health care prepaid plan procurement document, the agency shall ensure that the procurement document requires the contractor to develop and implement a plan to ensure compliance with s. 394.4574 related to services provided to residents of licensed assisted living facilities that hold a limited mental health license. The agency must ensure that Medicaid recipients have available the choice of at least two managed care plans for their behavioral health care services. The agency may reimburse for substance-abuse-treatment services on a fee-for-service basis until the agency finds that adequate funds are available for capitated, prepaid arrangements.*

1. By January 1, 2001, the agency shall modify the contracts with the entities providing comprehensive inpatient and outpatient mental health care services to Medicaid recipients in Hillsborough, Highlands, Hardee, Manatee, and Polk Counties, to include substance-abuse-treatment services.

2. By December 31, 2001, the agency shall contract with entities providing comprehensive behavioral health care services to Medicaid recipients through capitated, prepaid arrangements in Charlotte, Collier, DeSoto, Escambia, Glades, Hendry, Lee, Okaloosa, Pasco, Pinellas, Santa Rosa, Sarasota, and Walton Counties. The agency may contract with entities providing comprehensive behavioral health care services to Medicaid recipients through capitated, prepaid arrangements in Alachua County. The agency may determine if Sarasota County shall be included as a separate catchment area or included in any other agency geographic area.

3. Children residing in a Department of Juvenile Justice residential program approved as a Medicaid behavioral health overlay services provider shall not be included in a behavioral health care prepaid health plan pursuant to this paragraph.

4. In converting to a prepaid system of delivery, the agency shall in its procurement document require an entity providing comprehensive behavioral health care services to prevent the displacement of indigent care patients by enrollees in the Medicaid prepaid health plan providing behavioral health care services from facilities receiving state funding to

provide indigent behavioral health care, to facilities licensed under chapter 395 which do not receive state funding for indigent behavioral health care, or reimburse the unsubsidized facility for the cost of behavioral health care provided to the displaced indigent care patient.

5. Traditional community mental health providers under contract with the Department of Children and Families pursuant to Part IV of chapter 394 and inpatient mental health providers licensed pursuant to chapter 395, must be offered an opportunity to accept or decline a contract to participate in any provider network for prepaid behavioral health services. ~~by December 31, 1998, and is exempt from the provisions of part I of chapter 641 until then. However, if the entity assumes risk, the Department of Insurance shall develop appropriate regulatory requirements by rule under the insurance code before the entity becomes operational.~~

(e) An entity that provides comprehensive behavioral health care services to certain Medicaid recipients through an administrative services organization agreement. Such an entity must possess the clinical systems and operational competence to provide comprehensive health care to Medicaid recipients. As used in this paragraph, the term "comprehensive behavioral health care services" means covered mental health and substance abuse treatment services that are available to Medicaid recipients. Any contract awarded under this paragraph must be competitively procured. The agency must ensure that Medicaid recipients have available the choice of at least two managed care plans for their behavioral health care services.

Section 2. This act shall take effect July 1, 2000.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to Medicaid managed behavioral health care; amending s. 409.912, F.S.; authorizing the Agency for Health Care Administration to contract for prepaid behavioral health care services for Medicaid recipients in specified counties; providing requirements for the agency in developing procurement procedures; authorizing the agency to contract for the provision of certain services in Alachua County and authorizing it to make certain determinations regarding Sarasota County; prohibiting the inclusion of certain children in such services; requiring the agency to require certain providers to prevent the displacement of certain indigent care patients; providing for certain traditional mental health providers to be offered a contract to participate in such prepaid services plans; defining the term "comprehensive behavioral health care services"; providing deadlines for entering such contracts; deleting provisions requiring the Department of Insurance to develop certain requirements for entities that provide mental health care services; authorizing the Agency for Health Care Administration to contract for mental health and substance abuse treatment services for Medicaid recipients through an administrative services organization agreement; providing requirements for procurement and availability of such services; providing an effective date.

On motion by Senator Silver, by two-thirds vote **CS for HB 1129** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Diaz de la Portilla	King	Rossin
Bronson	Diaz-Balart	Kirkpatrick	Saunders
Brown-Waite	Dyer	Klein	Scott
Campbell	Forman	Kurth	Sebesta
Carlton	Geller	Latvala	Silver
Casas	Grant	Laurent	Sullivan
Childers	Hargrett	Lee	Thomas
Clary	Holzendorf	Meek	Webster
Cowin	Horne	Mitchell	
Dawson	Jones	Myers	

Nays—None

Consideration of **SB 2104** was deferred.

SB 436—A bill to be entitled An act relating to governmental operations; providing requirements for local governments; providing solid waste collection services in competition with private companies; providing remedies for such private companies; providing procedures and requirements; providing for award of damages, costs, and attorney fees; providing application; providing limitations for local government solid waste collection services outside the jurisdiction of the local government; providing remedies for certain injured parties; providing requirements and procedures; prohibiting local governments from displacing private waste collection companies under certain circumstances; providing requirements; providing procedures and requirements for such displacement; providing definitions; amending s. 171.062, F.S.; providing for continuation of certain solid waste services in certain annexed areas; providing an exception; amending s. 165.061, F.S.; providing for certain merger plans to honor certain solid waste contracts; providing limitations; amending s. 403.087, F.S.; clarifying application of certain permit fees; amending s. 403.706, F.S.; authorizing counties and municipalities to grant certain solid waste fee waivers under certain circumstances; amending s. 403.722, F.S.; clarifying requirements for obtaining certain hazardous waste facility permits; creating s. 171.093, F.S.; providing for the assumption of an independent special district's service responsibilities in an area that is within the district's boundaries and that is annexed by a municipality; providing that the municipality may elect to assume such responsibilities; providing for an interlocal agreement regarding the transfer of such responsibilities; providing for the provision of services and payment therefor during a specified period if the municipality and district are unable to enter into an interlocal agreement; specifying effect of a municipality's election not to assume such responsibilities; providing for contraction of the district's boundaries if the municipality elects to assume such responsibilities; providing for levy of ad valorem taxes and assessments, user charges, and impact fees; providing exceptions; repealing s. 403.7165(5), F.S., relating to the Applications Demonstration Center for Resource Recovery from Solid Organic Materials; repealing s. 403.7199, F.S., relating to the Florida Packaging Council; amending s. 403.7046, F.S.; revising the local government registration fee for recovered materials dealers; revising local government authority with respect to certain contracts between recovered materials dealers and local commercial establishments that generate source-separated materials; providing an effective date.

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

Amendments were considered and adopted by two-thirds vote to conform **SB 436** to **CS for HB 1425**.

Pending further consideration of **SB 436** as amended, on motion by Senator King, by two-thirds vote **CS for HB 1425** was withdrawn from the Committees on Natural Resources; Comprehensive Planning, Local and Military Affairs; and Fiscal Resource.

On motion by Senator King, by two-thirds vote—

CS for HB 1425—A bill to be entitled An act relating to governmental operations; providing requirements for local governments providing solid waste collection services in competition with private companies; providing remedies for such private companies; providing procedures and requirements; providing for award of damages, costs, and attorney fees; providing application; providing limitations for local government solid waste collection services outside the jurisdiction of the local government; providing remedies for certain injured parties; providing requirements and procedures; prohibiting local governments from displacing private waste collection companies under certain circumstances; providing requirements; providing procedures and requirements for such displacement; providing definitions; amending s. 171.062, F.S.; providing for continuation of certain solid waste services in certain annexed areas; providing an exception; amending s. 165.061, F.S.; providing for certain merger plans to honor certain solid waste contracts; providing limitations; amending s. 403.087, F.S.; clarifying application of certain permit fees; amending s. 403.7046, F.S.; providing a limitation relating to the local government registration fee for recovered materials dealers; revising local government authority with respect to certain contracts between recovered materials dealers and local commercial establishments that generate source-separated materials; amending s. 403.706, F.S.; authorizing counties and municipalities to grant certain solid waste fee waivers under certain circumstances; amending s. 403.722, F.S.; clarifying requirements for obtaining certain hazardous waste facility permits; creating s. 171.093, F.S.; providing for the assumption of an independent special district's service responsibilities in an area that is within the

district's boundaries and that is annexed by a municipality; providing that the municipality may elect to assume such responsibilities; providing for an interlocal agreement regarding the transfer of such responsibilities; providing for the provision of services and payment therefor during a specified period if the municipality and district are unable to enter into an interlocal agreement; specifying effect of a municipality's election not to assume such responsibilities; providing for contraction of the district's boundaries if the municipality elects to assume such responsibilities; providing for levy of ad valorem taxes and assessments, user charges, and impact fees; providing exceptions; amending 190.004, F.S., to modify the preemption relating to Community Development Districts; repealing s. 403.7165(5), F.S., relating to the Applications Demonstration Center for Resource Recovery from Solid Organic Materials; repealing s. 403.7199, F.S., relating to the Florida Packaging Council; creating s. 403.08725, F.S.; providing requirements for citrus juice processing facilities with respect to obtaining air pollution, construction, and operations permits; providing definitions; providing emissions limits for such facilities; requiring certification of information submitted by citrus juice processing facilities to the Department of Environmental Protection; providing requirements with respect to determination and reporting of facility emissions; requiring the submission of annual operating reports; requiring maintenance of records; providing an affirmative defense to certain enforcement actions; adopting and incorporating specified federal regulations by reference; providing requirements, specifications, and restrictions with respect to air emissions trading; providing for annual emissions fees; providing penalty for failure to pay fees; providing for deposit of fees in the Air Pollution Control Trust Fund; providing requirements with respect to construction of new facilities or modification of existing facilities; providing for the adoption of rules by the department; requiring the department to provide a report to the Legislature; providing for submission of the act to the United States Environmental Protection Agency; providing for applicability of the act and compliance requirements for facilities in the event of federal nonapproval; amending s. 120.80, F.S.; providing an exception to specified rulemaking by the Department of Environmental Protection; directing the department to explore alternatives to traditional methods of regulatory permitting and to consider specific limited pilot projects to test new compliance measures; providing reporting requirements; amending s. 403.0872, F.S.; requiring the Department of Environmental Protection to issue a separate acid rain permit for specified major sources of air pollution upon request of the applicant; providing an effective date.

—a companion measure, was substituted for **SB 436** as amended and by two-thirds vote read the second time by title. On motion by Senator King, by two-thirds vote **CS for HB 1425** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Madam President	Dawson	King	Rossin
Bronson	Diaz de la Portilla	Kirkpatrick	Saunders
Brown-Waite	Diaz-Balart	Klein	Scott
Burt	Dyer	Kurth	Sebesta
Campbell	Geller	Latvala	Silver
Carlton	Grant	Laurent	Sullivan
Casas	Hargrett	Lee	Webster
Childers	Holzendorf	Meek	
Clary	Horne	Mitchell	
Cowin	Jones	Myers	

Nays—1

Forman

SB 2104—A bill to be entitled An act relating to elections; amending s. 101.161, F.S.; providing an exception to ballot statement and title length requirements; revising ballot language used to change the method of selecting circuit and county court judges; amending s. 105.041, F.S.; providing procedure for determining the position on the ballot of the names of candidates for the office of circuit judge; amending s. 101.161, F.S.; providing an effective date.

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

On motion by Senator Webster, **SB 2104** as amended was passed and certified to the House. The vote on passage was:

Yeas—31

Madam President	Dawson	Holzendorf	Rossin
Bronson	Diaz de la Portilla	Horne	Saunders
Burt	Diaz-Balart	Kirkpatrick	Scott
Campbell	Dyer	Klein	Sebesta
Carlton	Forman	Latvala	Sullivan
Casas	Geller	Lee	Thomas
Clary	Grant	Mitchell	Webster
Cowin	Hargrett	Myers	

Nays—5

Childers	Kurth	Meek	Silver
Jones			

HB 2121—A bill to be entitled An act relating to the Miami-Dade County Lake Belt Plan; amending s. 373.4149, F.S.; clarifying the boundaries of the plan area; repealing s. 373.4149(5), F.S.; relating to requirements on the sale or lease of certain property or the issuance of a development order in the plan area; extinguishing any rights that may have been acquired pursuant to the repealed language, if certain conditions are not met; providing a directive to the Division of Statutory Revision; providing an effective date.

—was read the third time by title.

On motion by Senator Diaz-Balart, **HB 2121** was passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Diaz de la Portilla	King	Rossin
Bronson	Diaz-Balart	Kirkpatrick	Saunders
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Sebesta
Campbell	Geller	Latvala	Silver
Carlton	Grant	Laurent	Sullivan
Childers	Hargrett	Lee	Thomas
Clary	Holzendorf	Meek	Webster
Cowin	Horne	Mitchell	
Dawson	Jones	Myers	

Nays—None

Consideration of **SB 292** and **CS for CS for SB 1806** was deferred.

On motion by Senator Kirkpatrick, by two-thirds vote **HB 2105** was withdrawn from the Committees on Education and Fiscal Policy.

On motion by Senator Kirkpatrick, by two-thirds vote—

HB 2105—A bill to be entitled An act relating to high school diplomas; amending s. 232.246, F.S.; providing for the award of a high school diploma to certain honorably discharged World War II veterans; providing an effective date.

—a companion measure, was substituted for **CS for SB 1864** as amended and by two-thirds vote read the second time by title.

Senators Kirkpatrick and Cowin offered the following amendment which was moved by Senator Cowin and adopted:

Amendment 1 (571658)(with title amendment)—On page 1, between lines 22 and 23, insert:

Section 2. Paragraph (f) of subsection (1) of section 229.551, Florida Statutes, is amended to read:

229.551 Educational management.—

(1) The department is directed to identify all functions which under the provisions of this act contribute to, or comprise a part of, the state system of educational accountability and to establish within the department the necessary organizational structure, policies, and procedures

for effectively coordinating such functions. Such policies and procedures shall clearly fix and delineate responsibilities for various aspects of the system and for overall coordination of the total system. The commissioner shall perform the following duties and functions:

(f) Development and coordination of a common course designation and numbering system for postsecondary *and dual enrollment* education in school districts, community colleges, participating nonpublic postsecondary education institutions, and the State University System which will improve program planning, increase communication among all ~~postsecondary~~ delivery systems, and facilitate *student acceleration and* the transfer of students. The system shall not encourage or require course content prescription or standardization or uniform course testing, and the continuing maintenance of the system shall be accomplished by appropriate faculty committees representing public and participating nonpublic institutions. The Articulation Coordinating Committee, whose membership represents public and nonpublic ~~postsecondary~~ institutions, shall:

1. Identify the highest demand degree programs within the State University System.

2. Conduct a study of courses offered by universities and accepted for credit toward a degree. The study shall identify courses designated as either general education or required as a prerequisite for a degree. The study shall also identify these courses as upper-division level or lower-division level.

3. Appoint faculty committees representing both community college and university faculties to recommend a single level for each course included in the common course numbering and designation system. Any course designated as an upper-division level course must be characterized by a need for advanced academic preparation and skills that a student would be unlikely to achieve without significant prior coursework. A course that is offered as part of an associate in science degree program and as an upper-division course for a baccalaureate degree shall be designated for both the lower and upper division. Of the courses required for each baccalaureate degree, at least half of the credit hours required for the degree shall be achievable through courses designated as lower-division courses, except in degree programs approved by the Board of Regents pursuant to s. 240.209(5)(e). A course designated as lower-division may be offered by any community college. The Articulation Coordinating Committee shall recommend to the State Board of Education the levels for the courses. The common course numbering and designation system shall include the courses at the recommended levels, and, by fall semester of 1996, the registration process at each state university and community college shall include the courses at their designated levels and common course numbers.

4. Appoint faculty committees representing both community college and university faculties to recommend those courses identified to meet general education requirements within the subject areas of communication, mathematics, social sciences, humanities, and natural sciences. The Articulation Coordinating Committee shall recommend to the State Board of Education those courses identified to meet these general education requirements by their common course code number. All community colleges and state universities shall accept these general education courses.

5. Appoint faculty committees representing both community colleges and universities to recommend common prerequisite courses and identify course substitutions when common prerequisites cannot be established for degree programs across all institutions. Faculty work groups shall adopt a strategy for addressing significant differences in prerequisites, including course substitutions. The Board of Regents shall be notified by the Articulation Coordinating Committee when significant differences remain. Common degree program prerequisites shall be offered and accepted by all state universities and community colleges, except in cases approved by the Board of Regents pursuant to s. 240.209(5)(f). The Board of Regents shall work with the State Board of Community Colleges on the development of a centralized database containing the list of courses and course substitutions that meet the prerequisite requirements for each baccalaureate degree program.~~;~~

6. Appoint faculty committees representing public school, community college, and university faculties to identify postsecondary courses that meet the high school graduation requirements of s. 232.246, and to establish the number of postsecondary semester credit hours of instruction and equivalent high school credits earned through dual enrollment pursuant to s. 240.116 that are necessary to meet high school graduation requirements. Such equivalencies shall be determined solely on comparable course content and not on seat time traditionally allocated to such courses in high school. The Articulation Coordinating Committee shall recommend to the State Board of Education those courses identified to meet high school graduation requirements, based on mastery of course outcomes, by their common course code number, and all high schools shall accept these postsecondary education courses toward meeting the requirements of s. 232.246.

Section 3. Subsection (1), paragraph (c) of subsection (4), and subsection (9) of section 232.246, Florida Statutes, are amended to read:

232.246 General requirements for high school graduation.—

(1) Graduation requires successful completion of either a minimum of 24 academic credits in grades 9 through 12 or an International Baccalaureate curriculum. The 24 credits shall be distributed as follows:

(a) Four credits in English, with major concentration in composition and literature.

(b) Three credits in mathematics. Effective for students entering the 9th grade in the 1997-1998 school year and thereafter, one of these credits must be Algebra I, a series of courses equivalent to Algebra I, or a higher-level mathematics course.

(c) Three credits in science, two of which must have a laboratory component. The State Board of Education may grant an annual waiver of the laboratory requirement to a school district that certifies that its laboratory facilities are inadequate, provided the district submits a capital outlay plan to provide adequate facilities and makes the funding of this plan a priority of the school board.

(d) One credit in American history.

(e) One credit in world history, including a comparative study of the history, doctrines, and objectives of all major political systems.

(f) One-half credit in economics, including a comparative study of the history, doctrines, and objectives of all major economic systems. The Florida Council on Economic Education shall provide technical assistance to the department and local school boards in developing curriculum materials for the study of economics.

(g) One-half credit in American government, including study of the Constitution of the United States. For students entering the 9th grade in the 1997-1998 school year and thereafter, the study of Florida government, including study of the State Constitution, the three branches of state government, and municipal and county government, shall be included as part of the required study of American government.

(h)1. One credit in practical arts career education or exploratory career education. Any vocational course as defined in s. 228.041(22) may be taken to satisfy the high school graduation requirement for one credit in practical arts or exploratory career education provided in this subparagraph;

2. One credit in performing fine arts to be selected from music, dance, drama, painting, or sculpture. A course in any art form, in addition to painting or sculpture, that requires manual dexterity, or a course in speech and debate, may be taken to satisfy the high school graduation requirement for one credit in performing arts pursuant to this subparagraph; or

3. One-half credit each in practical arts career education or exploratory career education and performing fine arts, as defined in this paragraph.

Such credit for practical arts career education or exploratory career education or for performing fine arts shall be made available in the 9th grade, and students shall be scheduled into a 9th grade course as a priority.

(i) One-half credit in life management skills to include consumer education, positive emotional development, marriage and relationship skill-based education, nutrition, prevention of human immunodeficiency virus infection and acquired immune deficiency syndrome and other

sexually transmissible diseases, benefits of sexual abstinence and consequences of teenage pregnancy, information and instruction on breast cancer detection and breast self-examination, cardiopulmonary resuscitation, drug education, and the hazards of smoking. Such credit shall be given for a course to be taken by all students in either the 9th or 10th grade.

(j) One credit in physical education to include assessment, improvement, and maintenance of personal fitness. Participation in an interscholastic sport at the junior varsity or varsity level, for two full seasons, shall satisfy the one-credit requirement in physical education if the student passes a competency test on personal fitness with a score of "C" or better. The competency test on personal fitness must be developed by the Department of Education. A school board may not require that the one credit in physical education be taken during the 9th grade year.

(k) Eight and one-half elective credits.

School boards may award a maximum of one-half credit in social studies and one-half elective credit for student completion of nonpaid voluntary community or school service work. Students choosing this option must complete a minimum of 75 hours of service in order to earn the one-half credit in either category of instruction. Credit may not be earned for service provided as a result of court action. School boards that approve the award of credit for student volunteer service shall develop guidelines regarding the award of the credit, and school principals are responsible for approving specific volunteer activities. A course designated in the Course Code Directory as grade 9 through grade 12 which is taken below the 9th grade may be used to satisfy high school graduation requirements or Florida Academic Scholars award requirements as specified in a district's pupil progression plan. *A student shall be granted credit toward meeting the requirements of this subsection for equivalent courses, as identified pursuant to s. 229.551(1)(f)6., taken through dual enrollment.*

(4)

(c) District school boards are authorized and encouraged to establish requirements for high school graduation in excess of the minimum requirements; however, an increase in academic credit or minimum grade point average requirements shall not apply to those students enrolled in grades 9 through 12 at the time the district school board increases the requirements. *In addition, any increase in academic credit or minimum grade point average requirements shall not apply to a student who earns credit toward the graduation requirements of this section for equivalent courses taken through dual enrollment.*

(9) A student who meets all requirements prescribed in subsections (1), (4), and (5) shall be awarded a standard diploma in a form prescribed by the state board. A school board may attach the Florida gold seal vocational endorsement to a standard diploma or, instead of the standard diploma, award differentiated diplomas to those exceeding the prescribed minimums. A student who completes the minimum number of credits and other requirements prescribed by subsections (1) and (4), but who is unable to meet the standards of paragraph (5)(a), paragraph (5)(b), or paragraph (5)(c), shall be awarded a certificate of completion in a form prescribed by the state board. However, any student who is otherwise entitled to a certificate of completion may elect to remain in the secondary school either as a full-time student or a part-time student for up to 1 additional year and receive special instruction designed to remedy his or her identified deficiencies. ~~This special instruction shall be funded from the state compensatory education funds of the district.~~

Section 4. Paragraph (a) of subsection (1) of section 232.2462, Florida Statutes, is amended to read:

232.2462 Definition of "credit".—

(1)(a) For the purposes of requirements for high school graduation, one full credit means a minimum of *135* ~~150~~ hours of bona fide instruction in a designated course of study which contains student performance standards as provided for in s. 232.2454. *The Articulation Coordinating Committee shall determine the number of postsecondary* ~~Six semester~~ credit hours ~~of instruction which are~~ earned through *dual* enrollment pursuant to s. 240.116 and which satisfy the requirements of a district's interinstitutional articulation agreement according to s. 240.1161 *that* ~~also~~ equal one full credit *of the equivalent high school course identified pursuant to s. 229.551(1)(f)6.*

Section 5. Paragraphs (h) and (i) of subsection (1) of section 236.081, Florida Statutes, are amended to read:

236.081 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(h) *Coenrollment* ~~Instruction outside required number of school days.— Students in grades 9 through 12 may be counted as full-time equivalent students for instruction provided outside the required school days or year if such instruction counts as credit toward high school graduation. However,~~ If a high school student wishes to earn high school credits from a community college and enrolls in one or more adult secondary education courses at the community college, the community college shall be reimbursed for the costs incurred because of the high school student's coenrollment as provided in the General Appropriations Act.

(i) Instruction in family and consumer sciences.—Students in grades K through 12 who are enrolled for more than six semesters in practical arts family and consumer sciences courses ~~as defined in s. 228.041(22)(a)4.~~ may not be counted as full-time equivalent students for this instruction.

Section 6. Subsections (1), (2), and (3), and paragraph (a) of subsection (7) of section 240.116, Florida Statutes, are amended, and subsection (8) is added to that section, to read:

240.116 Articulated acceleration.—

(1) It is the intent of the Legislature that a variety of articulated acceleration mechanisms be available for secondary and postsecondary students attending public educational institutions. It is intended that articulated acceleration serve to shorten the time necessary for a student to complete the requirements associated with the conference of a *high school diploma and a postsecondary* degree, broaden the scope of curricular options available to students, or increase the depth of study available for a particular subject. *It is the intent of the Legislature that students who meet the eligibility requirements of this subsection and who choose to participate in dual enrollment programs be exempt from the payment of registration, matriculation, and laboratory fees. Such fees for dually enrolled students shall be reimbursed to participating postsecondary institutions as provided annually in the General Appropriations Act; however, a postsecondary institution that earns dual enrollment FTE funds from the Florida Education Finance Program as a charter school shall not be eligible for the tuition reimbursement.* Articulated acceleration mechanisms shall include, but not be limited to, dual enrollment, early admission, advanced placement, credit by examination, and the International Baccalaureate Program. The State Board of Education shall adopt rules for any dual enrollment programs involving requirements for high school graduation.

(2)(a)1. The dual enrollment program is the enrollment of an eligible secondary student in a postsecondary course creditable toward a vocational certificate or an associate or baccalaureate degree. For the purpose of this subparagraph, an eligible secondary student is a student who is enrolled in a Florida public secondary school or in a Florida nonpublic secondary school which is in compliance with s. 229.808 and conducts a secondary curriculum pursuant to s. 232.246. Students enrolled in postsecondary instruction that is not creditable toward the high school diploma shall not be classified as dual enrollments. Students who are *eligible for dual enrollment pursuant to this section shall be* permitted to enroll in dual enrollment courses ~~may take courses~~ conducted during school hours, after school hours, and during the summer term. *Instructional time for such enrollment may exceed 900 hours; however, the school district may only report the student for a maximum of 1.0 FTE, as provided in s. 236.013(5).* Any student so enrolled is exempt from the payment of registration, matriculation, and laboratory fees. With the exception of vocational-preparatory instruction, college-preparatory instruction and other forms of precollegiate instruction, as well as physical education courses that focus on the physical execution of a skill rather than the intellectual attributes of the activity, are ineligible for inclusion in the dual enrollment program. Recreation and leisure studies courses

shall be evaluated individually in the same manner as physical education courses for potential inclusion in the program.

2. The Department of Education shall adopt guidelines designed to achieve comparability across school districts of both student qualifications and teacher qualifications for dual enrollment courses. Student qualifications must demonstrate readiness for college-level coursework if the student is to be enrolled in college courses. Student qualifications must demonstrate readiness for vocational-level coursework if the student is to be enrolled in vocational courses. In addition to the common placement examination, student qualifications for *enrollment in* college credit dual enrollment courses must include a 3.0 unweighted grade point average, and student qualifications for *enrollment in* vocational certificate dual enrollment courses must include a 2.0 unweighted grade point average. Exceptions to the required grade point averages may be granted if the educational entities agree and the terms of the agreement are contained within the dual enrollment interinstitutional articulation agreement. *Community college boards of trustees may establish additional admissions criteria, which shall be included in the district interinstitutional articulation agreement developed according to s. 240.1161, to ensure student readiness for postsecondary instruction. Additional requirements included in the agreement shall not arbitrarily prohibit students who have demonstrated the ability to master advanced courses from participating in dual enrollment courses. School districts may not refuse to enter into an agreement with a local community college if that community college has the capacity to offer dual enrollment courses.*

(b) Vocational dual enrollment shall be provided as a curricular option for secondary students to pursue in order to earn a series of elective credits toward the high school diploma. However, vocational dual enrollment shall not supplant student acquisition of the diploma. Vocational dual enrollment shall be available for secondary students seeking a degree or certificate from a complete job-preparatory program, but shall not sustain student enrollment in isolated vocational courses. It is the intent of the Legislature that vocational dual enrollment be implemented as a positive measure. The provision of a comprehensive academic and vocational dual enrollment program within the vocational-technical center or community college is supportive of legislative intent; however, such provision is not mandatory.

(c)1. Each school district shall inform all secondary students of dual enrollment as an educational option and mechanism for acceleration. Students shall be informed of eligibility criteria, the option for taking dual enrollment courses beyond the regular school year, and the 24 minimum academic credits required for graduation. School districts shall annually assess the demand for dual enrollment and other advanced courses and the district school board shall consider strategies and programs to meet that demand.

2. The Articulation Coordinating Committee shall develop a statement on transfer guarantees which will inform students, prior to enrollment in a dual enrollment course, of the potential for the dual enrollment course to articulate as an elective or a general education course into a postsecondary education certificate or degree program. The statement shall be provided to each district superintendent of schools, who shall include the statement in the information provided to all secondary students as required pursuant to this paragraph. The statement may also include additional information including, but not limited to, dual enrollment options, guarantees, privileges, and responsibilities.

(3) Early admission shall be a form of dual enrollment through which eligible secondary students enroll in a postsecondary institution on a full-time basis in courses that are creditable toward the high school diploma and the associate or baccalaureate degree. ~~Participation in the early admission program shall be limited to students who have completed a minimum of 6 semesters of full-time secondary enrollment, including studies undertaken in the ninth grade.~~ Students enrolled pursuant to this subsection shall be exempt from the payment of registration, matriculation, and laboratory fees.

(7)(a) It is the intent of the Legislature to provide articulated acceleration mechanisms for students who are in home education programs, as defined in s. 228.041(34), consistent with the educational opportunities available to public and private secondary school students. Home education students may participate in dual enrollment, vocational dual enrollment, early admission, and credit by examination. *Credit earned by home education students through dual enrollment shall apply toward the completion of a home education program that meets the requirements of s. 232.0201.*

(8) The State Board of Education may adopt rules necessary to implement the provisions of this section pursuant to ss. 120.536(1) and 120.54.

Section 7. Subsections (1), (4), and (6), and paragraph (b) of subsection (2) of section 240.1161, Florida Statutes, are amended, and subsections (7) and (8) are added to said section, to read:

240.1161 District interinstitutional articulation agreements.—

(1) Superintendents of schools and community college presidents *shall jointly develop and implement* ~~are responsible for the development and implementation of~~ a comprehensive articulated acceleration program for the students enrolled in their respective school districts and service areas. Within this general responsibility, each superintendent and president shall develop a comprehensive interinstitutional articulation agreement for the school district and community college that serves the school district. The superintendent and president shall establish an articulation committee for the purpose of developing this agreement. Each state university president is encouraged to designate a university representative to participate in the development of the interinstitutional articulation agreements for each school district within the university service area.

(2) The district interinstitutional articulation agreement for each school year must be completed before high school registration for the fall term of the following school year. The agreement must include, but is not limited to, the following components:

(b)1. A delineation of courses and programs *available to students eligible to participate in* ~~composed of~~ dual enrollment. *This delineation must include a plan for the community college to provide guidance services to participating students on the selection of courses in the dual enrollment program. The process of community college guidance should make maximum use of the automated advisement system for community colleges. The plan must assure that each dual enrollment student is encouraged to identify a postsecondary education objective with which to guide the course selection. At a minimum, each student's plan should include a list of courses that will result in an Applied Technology Diploma, an Associate in Science degree, or an Associate in Arts degree. If the student identifies a baccalaureate degree as the objective, the plan must include courses that will meet the general education requirements and any prerequisite requirements for entrance into a selected baccalaureate-degree program.*

2. A delineation of the process by which students and their parents are informed about opportunities to participate in articulated acceleration programs.

3. A delineation of the process by which students and their parents exercise their option to participate in an articulated acceleration program.

4. A delineation of high school credits earned for completion of each dual enrollment course.

5. Provision for postsecondary courses that meet the criteria for inclusion in a district articulated acceleration program to be counted toward meeting the graduation requirements of s. 232.246.

6.~~2.~~ An identification of eligibility criteria for student participation in dual enrollment courses and programs.

7.~~3.~~ A delineation of institutional responsibilities regarding student screening prior to enrollment and monitoring student performance subsequent to enrollment in dual enrollment courses and programs.

8.~~4.~~ An identification of the criteria by which the quality of dual enrollment courses and programs are to be judged and a delineation of institutional responsibilities for the maintenance of instructional quality.

9.~~5.~~ A delineation of institutional responsibilities for assuming the cost of dual enrollment courses and programs that includes such responsibilities for student instructional materials.

10.~~6.~~ An identification of responsibility for providing student transportation if the dual enrollment instruction is conducted at a facility other than the high school campus.

11.~~7.~~ A delineation of the process for converting college credit hours earned through dual enrollment and early admission programs to high school credit based on mastery of course outcomes *as determined by the Articulation Coordinating Committee in accordance with s. 229.551(1)(f)6.*

(4) *The Articulation Coordinating Committee shall review each articulation agreement and certify the common course code number of postsecondary courses that meet each district's graduation requirements.* ~~Courses and programs may be added to or deleted from the district interinstitutional articulation agreement at any time. Such additions and deletions must be mutually approved by the superintendent of schools and community college president before incorporation into the agreement.~~

(6) The *Articulation Coordinating Committee* ~~Department of Education~~ shall approve any course for inclusion in the dual enrollment program that is contained within the common course designation and numbering system. However, college-preparatory and other forms of precollegiate instruction, and physical education and other courses that focus on the physical execution of a skill rather than the intellectual attributes of the activity, may not be so approved, but must be evaluated individually for potential inclusion in the dual enrollment program.

(7) The Department of Education shall provide the Articulation Coordinating Committee with the staff support and resources necessary to implement the provisions of this section.

(8) The State Board of Education may adopt rules necessary to implement the provisions of this section pursuant to ss. 120.536(1) and 120.54.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 5, after the semicolon (;) insert: amending s. 229.551, F.S.; clarifying the duty of the Commissioner of Education regarding the common course designation and numbering system for postsecondary education in school districts; revising the membership of the Articulation Coordinating Committee; requiring the Articulation Coordinating Committee to identify and recommend to the State Board of Education postsecondary courses that meet high school graduation requirements; amending s. 232.246, F.S.; providing for the award of credit toward graduation requirements for equivalent courses taken through dual enrollment; prohibiting increased graduation requirements from applying to dual enrollment students; deleting the requirement that certain special instruction be funded from the state compensatory education funds of the district; amending s. 232.2462, F.S.; requiring the Articulation Coordinating Committee to define credit for purposes of articulated acceleration programs; amending s. 236.081, F.S.; providing community college reimbursement for high school student coenrollment, regardless of whether the instruction counts as credit toward high school graduation; removing an obsolete cross reference; amending s. 240.116, F.S.; clarifying the intent of articulated acceleration programs; clarifying funding for dual enrollment; authorizing community college boards of trustees to adopt additional admissions criteria for dual enrollment programs; requiring that certain information be provided to students regarding dual enrollment programs; requiring an annual assessment and planning to meet the demand for dual enrollment; deleting the requirement that participating in the early admission program be limited to students who have completed a certain number of semesters in secondary school; providing for credit earned by home education students through dual enrollment courses to apply toward the completion of a home education program; authorizing the adoption of rules; amending s. 240.1161, F.S.; requiring superintendents of schools and community college presidents to jointly develop and implement comprehensive articulated acceleration programs; requiring a plan by which a community college will provide guidance services to dually enrolled students; encouraging a postsecondary education objective to be identified by the students; requiring the advisement process to identify specific courses to meet the student objective; requiring use of a certain automated system; requiring district interinstitutional articulation agreements to include additional provisions regarding dual enrollment programs; requiring the Articulation Coordinating Committee to review articulation agreements and certify common course code numbers of postsecondary courses that meet high school graduation requirements; requiring the Articulation Coordinating Committee, rather than the Department of Education, to approve courses for inclusion in the dual enrollment program that are contained within the common course designation and numbering system; requiring the Department of Education to provide the Articulation Coordinating Committee with staff support and resources; authorizing the adoption of rules;

On motion by Senator Kirkpatrick, by two-thirds vote **HB 2105** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Dawson	Jones	Rossin
Bronson	Diaz de la Portilla	King	Saunders
Brown-Waite	Diaz-Balart	Kirkpatrick	Scott
Burt	Dyer	Klein	Sebesta
Campbell	Forman	Kurth	Silver
Carlton	Geller	Laurent	Sullivan
Casas	Grant	Lee	Thomas
Childers	Hargrett	Meek	Webster
Clary	Holzendorf	Mitchell	
Cowin	Horne	Myers	

Nays—None

CS for SB 430—A bill to be entitled An act relating to emergency management planning; amending s. 252.355, F.S.; revising provisions relating to registration of persons requiring special needs assistance in emergencies; creating s. 381.0303, F.S.; providing for recruitment of health care practitioners for special needs shelters; providing for reimbursement and funding; providing duties of the Department of Health, the county health departments, and the local emergency management agencies; authorizing use of a health care practitioner registry; authorizing establishment of a special needs shelter interagency committee; providing membership and responsibilities; providing for rules; providing for review of emergency management plans; creating s. 400.492, F.S.; requiring home health agencies to prepare a comprehensive emergency management plan; specifying plan requirements; amending ss. 400.497 and 400.610, F.S.; providing minimum requirements for home health agency and hospice comprehensive emergency management plans; providing for rules; providing for plan review and approval; providing for plan review and approval for home health agencies and hospices operating in more than one county; providing an exception to comprehensive emergency management plan requirements; amending s. 400.506, F.S.; requiring nurse registries to assist at-risk clients with special needs registration and to prepare a comprehensive emergency management plan; specifying plan requirements; providing for plan review; amending s. 400.605, F.S.; requiring the Department of Elderly Affairs to include components for comprehensive emergency management plan in its rules establishing minimum standards for a hospice; amending s. 400.6095, F.S.; requiring that certain emergency care and service information be included in hospice patients' medical records; creating s. 401.273, F.S.; providing for establishment of a registry of emergency medical technicians and paramedics for disasters and emergencies; clarifying the functions of emergency medical technicians and paramedics; amending s. 408.15, F.S.; authorizing the Agency for Health Care Administration to establish uniform standards of care for special needs shelters; creating s. 455.718, F.S.; providing for establishment of a health practitioner registry for disasters and emergencies; requiring emergency and disaster planning provisions in certain state agency provider contracts; specifying minimum contract requirements; providing appropriations; providing an effective date.

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

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

Amendment 1 (284766)(with title amendment)—On page 2, line 31, insert:

Section 1. Subsections (1) and (2) of section 215.559, Florida Statutes, are amended to read:

215.559 Hurricane Loss Mitigation Program.—

(1) There is created a Hurricane Loss Mitigation Program. The Legislature shall annually appropriate *$10* ~~$7~~ million of the moneys authorized for appropriation under s. 215.555(7)(c) from the Florida Hurricane

Catastrophe Fund to the Department of Community Affairs for the purposes set forth in this section.

(2)*(a) Seven million dollars in* ~~The~~ funds provided in subsection (1) shall be used for programs to improve the wind resistance of residences and mobile homes, including loans, subsidies, grants, demonstration projects, and direct assistance; cooperative programs with local governments and the Federal Government; and other efforts to prevent or reduce losses or reduce the cost of rebuilding after a disaster.

(b) Three million dollars in funds provided in subsection (1) shall be used to retrofit existing facilities used as public hurricane shelters. The department must prioritize the use of these funds for projects included in the September 1, 2000, version of the Shelter Retrofit Report prepared in accordance with s. 252.385(3), and each annual report thereafter. The department must give funding priority to projects in regional planning council regions that have shelter deficits and to projects that maximize use of state funds.

Section 2. Subsection (9) of section 235.26, Florida Statutes, is amended to read:

235.26 State Uniform Building Code for Public Educational Facilities Construction.—The Commissioner of Education shall adopt a uniform statewide building code for the planning and construction of public educational and ancillary plants by district school boards and community college district boards of trustees. The code must be entitled the State Uniform Building Code for Public Educational Facilities Construction. Included in this code must be flood plain management criteria in compliance with the rules and regulations in 44 C.F.R. parts 59 and 60, and subsequent revisions thereto which are adopted by the Federal Emergency Management Agency. Wherever the words "Uniform Building Code" appear, they mean the "State Uniform Building Code for Public Educational Facilities Construction." It is not a purpose of the Uniform Building Code to inhibit the use of new materials or innovative techniques; nor may it specify or prohibit materials by brand names. The code must be flexible enough to cover all phases of construction so as to afford reasonable protection for the public safety, health, and general welfare. The department may secure the service of other state agencies or such other assistance as it finds desirable in revising the code.

(9) EDUCATION FACILITIES AS EMERGENCY SHELTERS.—

(a) The Department of Education shall, in consultation with boards and county and state emergency management offices, amend the State Uniform Building Code for Public Educational Facilities Construction to incorporate public shelter design criteria into the Uniform Building Code. The new criteria must be designed to ensure that appropriate core facility areas in new educational facilities can serve as public shelters for emergency management purposes. The Commissioner of Education shall publish proposed amendments to the State Uniform Building Code for Public Educational Facilities Construction setting forth the public-shelter criteria by July 1, 1995. A facility, or an appropriate core facility area within a facility, for which a design contract is entered into subsequent to the effective date of the inclusion of the public shelter criteria in the code must be built in compliance with the amended code unless the facility or a part thereof is exempted from using the new shelter criteria due to its location, size, or other characteristics by the applicable board with the concurrence of the applicable local emergency management agency or the Department of Community Affairs. Any educational facility located or proposed to be located in an identified category 1, 2, or 3 evacuation zone is not subject to the requirements of this subsection. *If the regional planning council region in which the county is located does not have a hurricane evacuation shelter deficit, as determined by the Department of Community Affairs, school districts within the planning council region are not* ~~If more than one educational facility is being constructed within any 3-mile radius, no more than one facility, which must be selected on the basis of cost-effectiveness and greatest provision of shelter space, is~~ required to incorporate the public shelter criteria into its construction *of educational facilities*.

(b) By January 31, 1996, and by January 31 every even-numbered year thereafter, the Department of Community Affairs shall prepare and submit a statewide emergency shelter plan to the Governor and the Cabinet for approval. The plan must identify the general location and square footage of existing shelters, by *regional planning council region* ~~county~~, and the general location and square footage of needed shelters, by *regional planning council region* ~~county~~, in the next 5 years. Such plan must identify the types of public facilities which should be constructed to comply with emergency shelter criteria and must recommend an appropriate, adequate, and dedicated source of funding for the additional cost of constructing emergency shelters within these public facilities. After the approval of the plan, a board may not be required to build more emergency shelter space than identified as needed in the plan, and decisions pertaining to exemptions pursuant to paragraph (a) must be guided by the plan ~~and by this subsection~~.

Section 3. Subsection (4) of section 240.295, Florida Statutes, is amended to read:

240.295 State University System; authorization for fixed capital outlay projects.—

(4) The Board of Regents shall, in consultation with local and state emergency management agencies, assess existing facilities to identify the extent to which each campus has public *hurricane evacuation* shelter space. *The board shall submit to the Governor and the Legislature by August 1 of each year a 5-year capital improvements program that identifies new or retrofitted facilities that will incorporate enhanced hurricane resistance standards and that can be used as public hurricane evacuation shelters. Enhanced hurricane resistance standards include fixed passive protection for window and door applications to provide mitigation protection, security protection with egress, and energy efficiencies that meet standards required in the 130-mile-per-hour wind zone areas. The board must also submit proposed facility retrofit projects to the Department of Community Affairs for assessment and inclusion in the annual report prepared in accordance with s. 252.385(3).* ~~adequate to house those students, faculty, and employees expected to seek public shelter prior to or during a disaster and those other persons for which the campus has agreed with the local emergency management agency or other voluntary organization to provide shelter space. The board shall submit a report describing the results of its assessment to the Governor and the Legislature by February 1, 1994. At the discretion of the board, this report may be accompanied by a list of proposed improvements to existing buildings to improve shelter capacity and an estimate of the costs associated with implementing these improvements.~~ Until a *regional planning council region in which a* campus *is located* has sufficient *public hurricane evacuation* shelter space, any *campus* building for which a design contract is entered into subsequent to July 1, *2001* ~~1994~~, *and which has been identified by the board, with the concurrence of the local emergency management agency or the Department of Community Affairs, to be appropriate for use as a public hurricane evacuation shelter,* must be constructed in accordance with public shelter standards ~~unless the board, with the concurrence of the local emergency management agency or the Department of Community Affairs, exempts the building or part thereof from shelter standards because of its location, size, or other characteristic~~.

Section 4. Subsection (2) of section 252.35, Florida Statutes, is amended to read:

252.35 Emergency management powers; Division of Emergency Management.—

(2) The division is responsible for carrying out the provisions of ss. 252.31-252.91. In performing its duties under ss. 252.31-252.91, the division shall:

(a) Prepare a state comprehensive emergency management plan, which shall be integrated into and coordinated with the emergency management plans and programs of the Federal Government. *The division must adopt the plan as a rule in accordance with chapter 120.* The plan shall be implemented by a continuous, integrated comprehensive emergency management program. The plan must contain provisions to ensure that the state is prepared for emergencies and minor, major, and catastrophic disasters, and the division shall work closely with local governments and agencies and organizations with emergency management responsibilities in preparing and maintaining the plan. The state comprehensive emergency management plan shall be operations oriented and:

1. Include an evacuation component that includes specific regional and interregional planning provisions and promotes intergovernmental coordination of evacuation activities. This component must, at a minimum: contain guidelines for lifting tolls on state highways; ensure coordination pertaining to evacuees crossing county lines; set forth procedures for directing people caught on evacuation routes to safe shelter; establish strategies for ensuring sufficient, reasonably priced fueling

locations along evacuation routes; and establish policies and strategies for emergency medical evacuations.

2. Include a shelter component that includes specific regional and interregional planning provisions and promotes coordination of shelter activities between the public, private, and nonprofit sectors. This component must, at a minimum: contain strategies to ensure the availability of adequate public shelter space in each region of the state; establish strategies for refuge-of-last-resort programs; provide strategies to assist local emergency management efforts to ensure that adequate staffing plans exist for all shelters, including medical and security personnel; provide for a postdisaster communications system for public shelters; establish model shelter guidelines for operations, registration, inventory, power generation capability, information management, and staffing; and set forth policy guidance for sheltering people with special needs.

3. Include a postdisaster response and recovery component that includes specific regional and interregional planning provisions and promotes intergovernmental coordination of postdisaster response and recovery activities. This component must provide for postdisaster response and recovery strategies according to whether a disaster is minor, major, or catastrophic. The postdisaster response and recovery component must, at a minimum: establish the structure of the state's postdisaster response and recovery organization; establish procedures for activating the state's plan; set forth policies used to guide postdisaster response and recovery activities; describe the chain of command during the postdisaster response and recovery period; describe initial and continuous postdisaster response and recovery actions; identify the roles and responsibilities of each involved agency and organization; provide for a comprehensive communications plan; establish procedures for monitoring mutual aid agreements; provide for rapid impact assessment teams; ensure the availability of an effective statewide urban search and rescue program coordinated with the fire services; ensure the existence of a comprehensive statewide medical care and relief plan administered by the Department of Health; and establish systems for coordinating volunteers and accepting and distributing donated funds and goods.

4. Include additional provisions addressing aspects of preparedness, response, recovery, and mitigation as determined necessary by the division.

5. Address the need for coordinated and expeditious deployment of state resources, including the Florida National Guard. In the case of an imminent major disaster, procedures should address predeployment of the Florida National Guard, and, in the case of an imminent catastrophic disaster, procedures should address predeployment of the Florida National Guard and the United States Armed Forces.

6. Establish a system of communications and warning to ensure that the state's population and emergency management agencies are warned of developing emergency situations and can communicate emergency response decisions.

7. Establish guidelines and schedules for annual exercises that evaluate the ability of the state and its political subdivisions to respond to minor, major, and catastrophic disasters and support local emergency management agencies. Such exercises shall be coordinated with local governments and, to the extent possible, the Federal Government.

8. Assign lead and support responsibilities to state agencies and personnel for emergency support functions and other support activities.

The division shall prepare an interim postdisaster response and recovery component that substantially complies with the provisions of this paragraph by June 1, 1993. Each state agency assigned lead responsibility for an emergency support function by the state comprehensive emergency management plan shall also prepare a detailed operational plan needed to implement its responsibilities by June 1, 1993. The complete state comprehensive emergency management plan shall be submitted to the President of the Senate, the Speaker of the House of Representatives, and the Governor no later than February 1, 1994, and on February 1 of every even-numbered year thereafter.

(b) Adopt standards and requirements for county emergency management plans. The standards and requirements must ensure that county plans are coordinated and consistent with the state comprehensive emergency management plan. If a municipality elects to establish an emergency management program, it must adopt a city emergency management plan that complies with all standards and requirements applicable to county emergency management plans.

(c) Assist political subdivisions in preparing and maintaining emergency management plans.

(d) Review periodically political subdivision emergency management plans for consistency with the state comprehensive emergency management plan and standards and requirements adopted under this section.

(e) Cooperate with the President, the heads of the Armed Forces, the various federal emergency management agencies, and the officers and agencies of other states in matters pertaining to emergency management in the state and the nation and incidents thereof and, in connection therewith, take any measures that it deems proper to carry into effect any request of the President and the appropriate federal officers and agencies for any emergency management action, including the direction or control of:

1. Emergency management drills, tests, or exercises of whatever nature.

2. Warnings and signals for tests and drills, attacks, or other imminent emergencies or threats thereof and the mechanical devices to be used in connection with such warnings and signals.

(f) Make recommendations to the Legislature, building code organizations, and political subdivisions for zoning, building, and other land use controls; safety measures for securing mobile homes or other nonpermanent or semipermanent structures; and other preparedness, prevention, and mitigation measures designed to eliminate emergencies or reduce their impact.

(g) In accordance with the state comprehensive emergency management plan and program for emergency management, ascertain the requirements of the state and its political subdivisions for equipment and supplies of all kinds in the event of an emergency; plan for and either procure supplies, medicines, materials, and equipment or enter into memoranda of agreement or open purchase orders that will ensure their availability; and use and employ from time to time any of the property, services, and resources within the state in accordance with ss. 252.31-252.91.

(h) Anticipate trends and promote innovations that will enhance the emergency management system.

(i) Institute statewide public awareness programs. This shall include an intensive public educational campaign on emergency preparedness issues.

(j) Prepare and distribute to appropriate state and local officials catalogs of federal, state, and private assistance programs.

(k) Coordinate federal, state, and local emergency management activities and take all other steps, including the partial or full mobilization of emergency management forces and organizations in advance of an actual emergency, to ensure the availability of adequately trained and equipped forces of emergency management personnel before, during, and after emergencies and disasters.

(l) Establish a schedule of fees that may be charged by local emergency management agencies for review of emergency management plans on behalf of external agencies and institutions. In establishing such schedule, the division shall consider facility size, review complexity, and other factors.

(m) Implement training programs to improve the ability of state and local emergency management personnel to prepare and implement emergency management plans and programs. This shall include a continuous training program for agencies and individuals that will be called on to perform key roles in state and local postdisaster response and recovery efforts and for local government personnel on federal and state postdisaster response and recovery strategies and procedures.

(n) Review periodically emergency operating procedures of state agencies and recommend revisions as needed to ensure consistency with the state comprehensive emergency management plan and program.

(o) Make such surveys of industries, resources, and facilities within the state, both public and private, as are necessary to carry out the purposes of ss. 252.31-252.91.

(p) Prepare, in advance whenever possible, such executive orders, proclamations, and rules for issuance by the Governor as are necessary or appropriate for coping with emergencies and disasters.

(q) Cooperate with the Federal Government and any public or private agency or entity in achieving any purpose of ss. 252.31-252.91 and in implementing programs for mitigation, preparation, response, and recovery.

(r) Assist political subdivisions with the creation and training of urban search and rescue teams and promote the development and maintenance of a state urban search and rescue program.

(s) Delegate, as necessary and appropriate, authority vested in it under ss. 252.31-252.91 and provide for the subdelegation of such authority.

(t) Report biennially to the President of the Senate, the Speaker of the House of Representatives, and the Governor, no later than February 1 of every odd-numbered year, the status of the emergency management capabilities of the state and its political subdivisions.

(u) In accordance with chapter 120, create, implement, administer, *adopt* ~~promulgate~~, amend, and rescind rules, programs, and plans needed to carry out the provisions of ss. 252.31-252.91 with due consideration for, and in cooperating with, the plans and programs of the Federal Government. *In addition, the division may adopt rules in accordance with chapter 120 to administer and distribute federal financial predisaster and postdisaster assistance for prevention, mitigation, preparedness, response, and recovery.*

(v) Do other things necessary, incidental, or appropriate for the implementation of ss. 252.31-252.91.

Section 5. Paragraph (b) of subsection (1) of section 252.38, Florida Statutes, is amended to read:

252.38 Emergency management powers of political subdivisions.—Safeguarding the life and property of its citizens is an innate responsibility of the governing body of each political subdivision of the state.

(1) COUNTIES.—

(b) Each county emergency management agency created and established pursuant to ss. 252.31-252.91 shall have a director ~~who shall be appointed and have an annual salary fixed by the board of county commissioners of the county~~. The director must meet the minimum training and education qualifications established in a job description approved by the county. The director shall be appointed by the board of county commissioners *or the chief administrative officer of the county, as described in chapter 125 or the county charter, if applicable,* to serve at the pleasure of the *appointing authority* ~~board, subject to their direction and control~~, in conformance with applicable resolutions, ordinances, and laws. *A county constitutional officer, or an employee of a county constitutional officer, may be appointed as director following prior notification to the division.* Each board of county commissioners shall promptly inform the division of the appointment of the director and other personnel. Each director has direct responsibility for the organization, administration, and operation of the county emergency management agency~~, subject only to the direction and control of the governing body of the county~~. The director shall coordinate emergency management activities, services, and programs within the county and shall serve as liaison to the division and other local emergency management agencies and organizations.

Section 6. Section 252.385, Florida Statutes, is amended to read:

252.385 Public shelter space.—

(1) It is the intent of the Legislature that this state not have a deficit of safe public *hurricane evacuation* shelter space in any region of the state by 1998 and thereafter.

(2) The division shall administer a program to survey existing schools, universities, community colleges, and other state-owned, municipally owned, and county-owned public buildings *and any private facility that the owner, in writing, agrees to provide for use as a public hurricane evacuation shelter* to identify those that are appropriately designed and located to serve as *such* shelters. The owners of the facilities *must* ~~shall~~ be given the opportunity to participate in the surveys. The Board of Regents, *district school boards, community college boards of trustees,* and the Department of Education are responsible for coordinating and implementing the survey of public schools, universities, and community colleges *with the division or the local emergency management agency*.

(3) ~~Beginning no later than September 1, 1994,~~ The division shall annually provide to the President of the Senate, the Speaker of the House of Representatives, and the Governor a list of facilities recommended to be retrofitted using state funds. State funds should be *maximized and* targeted to *regional planning council regions* ~~counties~~ with *hurricane evacuation* shelter deficits. Retrofitting facilities in regions with public *hurricane evacuation* shelter deficits shall be given first priority and should be completed by *2003* ~~1998~~. All *recommended* ~~appropriate~~ facilities should be retrofitted by *2008* ~~2003~~. *The owner or lessee of a public hurricane evacuation shelter that is included on the list of facilities recommended for retrofitting is not required to perform any recommended improvements.*

(4)(a) Public facilities, including schools, postsecondary education facilities, and other facilities owned or leased by the state or local governments, but excluding hospitals or nursing homes, which are suitable for use as public hurricane evacuation shelters shall be made available at the request of the local emergency management agencies. Such agencies shall coordinate with the appropriate school board, university, community college, or local governing board when requesting the use of such facilities as public hurricane evacuation shelters.

(b) The Department of Management Services shall incorporate provisions for the use of suitable leased public facilities as public hurricane evacuation shelters into lease agreements for state agencies. Suitable leased public facilities include leased public facilities that are solely occupied by state agencies and have at least 2,000 square feet of net floor area in a single room or in a combination of rooms having a minimum of 400 square feet in each room. The net square footage of floor area must be determined by subtracting from the gross square footage the square footage of spaces such as mechanical and electrical rooms, storage rooms, open corridors, restrooms, kitchens, science or computer laboratories, shop or mechanical areas, administrative offices, records vaults, and crawl spaces.

(c) The Department of Management Services shall, in consultation with local and state emergency management agencies, assess Department of Management Services facilities to identify the extent to which each facility has public hurricane evacuation shelter space. The Department of Management Services shall submit proposed facility retrofit projects that incorporate hurricane protection enhancements to the department for assessment and inclusion in the annual report prepared in accordance with s. 252.385(3).

Section 7. Paragraph (c) of subsection (1) and subsection (2) of section 252.373, Florida Statutes, are amended to read:

252.373 Allocation of funds; rules.—

(1) Funds appropriated from the Emergency Management, Preparedness, and Assistance Trust Fund shall be allocated by the Department of Community Affairs as follows:

(c) Twenty percent for grants and loans to state or regional agencies, local governments, and private organizations to implement projects that will further state and local emergency management objectives. These projects must include, but need not be limited to, projects that will promote public education on disaster preparedness and recovery issues, enhance coordination of relief efforts of statewide private sector organizations, and improve the training and operations capabilities of agencies assigned lead or support responsibilities in the state comprehensive emergency management plan, including the State Fire Marshal's Office for coordinating the Florida fire services. The division shall establish criteria and procedures for competitive allocation of these funds by rule. No more than 5 percent of any award made pursuant to this paragraph may be used for administrative expenses. *This competitive criteria must give priority consideration to hurricane evacuation shelter retrofit projects.*

(2) The distribution formula provided in subsection (1) may be adjusted proportionally when necessary to meet any matching requirements imposed as a condition of receiving federal disaster relief assistance or planning funds.

Section 8. Section 252.51, Florida Statutes, is amended to read:

252.51 Liability.—Any person or organization, public or private, owning or controlling real estate or other premises who voluntarily and without compensation, *other than payment or reimbursement of costs and expenses,* grants a license or privilege or otherwise permits the designation by the local emergency management agency or use of the whole or any part of such real estate or premises for the purpose of sheltering persons during an actual, impending, mock, or practice emergency, together with her or his successor in interest, if any, shall not be liable for the death of, or injury to, any person on or about such real estate or premises during the actual, impending, mock, or practice emergency, or for loss of, or damage to, the property of such person, solely by reason or as a result of such license, privilege, designation, or use, unless the gross negligence or the willful and wanton misconduct of such person owning or controlling such real estate or premises or her or his successor in interest is the proximate cause of such death, injury, loss, or damage occurring during such sheltering period. *Any such person or organization who provides such shelter space for compensation shall be deemed to be an instrumentality of the state or its applicable agency or subdivision for the purposes of s. 768.28.*

Section 9. *Section 252.855, Florida Statutes, is repealed.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 3, after the first semicolon (;) insert: amending s. 215.559, F.S.; revising the amount of the annual appropriation from the Florida Hurricane Catastrophe Fund; requiring that funds from such appropriation be used for additional purposes; amending s. 235.26, F.S.; deleting an exemption from the requirement that certain educational facilities be constructed as public shelters; amending s. 240.295, F.S.; prescribing duties of the Board of Regents with respect to identifying public hurricane evacuation shelter space on certain campuses; requiring the submission of a capital improvements program; deleting a requirement for the submission of a report; revising a condition precedent to a requirement for specified building construction standards; revising applicability; removing an exemption; amending s. 252.35, F.S.; requiring that the Division of Emergency Management of the Department of Community Affairs adopt the state comprehensive emergency management plan as a rule; authorizing the division to adopt rules to administer and distribute federal financial assistance; amending s. 252.38, F.S.; revising provisions governing the appointment and control of the director of the county emergency management agency; amending s. 252.385, F.S.; revising legislative intent; including certain private facilities within a survey of prospective public hurricane evacuation shelters; including district school boards and community college boards of trustees among those coordinating and implementing such survey; revising completion dates for the retrofitting of specified facilities; exempting the owner or lessee of a shelter scheduled for retrofitting from a requirement to make certain improvements; providing that specified public facilities be made available as public hurricane evacuation shelters; requiring the Department of Management Services to incorporate public hurricane evacuation shelter provisions into lease agreements for state agencies; providing specifications for suitable leased public facilities; requiring that the department assess facilities to identify shelter space for hurricane evacuations; amending s. 252.373, F.S.; providing criteria for prioritizing retrofit projects for hurricane evacuation shelters; providing appropriations; authorizing the Department of Community Affairs to use certain federal mitigation funds for hurricane shelter retrofit projects; amending s. 252.51, F.S.; providing an exception to a limitation on liability; repealing s. 252.855, F.S., relating to reporting forms for specified storage tank registration programs and annual fee payments for reports by certain petroleum distributors and retail outlets;

On motion by Senator Carlton, **CS for SB 430** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Madam President	Casas	Diaz-Balart	Holzendorf
Bronson	Childers	Dyer	Horne
Brown-Waite	Clary	Forman	Jones
Burt	Cowin	Geller	King
Campbell	Dawson	Grant	Kirkpatrick
Carlton	Diaz de la Portilla	Hargrett	Klein
Kurth	Meek	Saunders	Sullivan
Latvala	Mitchell	Scott	Thomas
Laurent	Myers	Sebesta	Webster
Lee	Rossin	Silver	

Nays—None

CS for SB 1448—A bill to be entitled An act relating to the death penalty; creating s. 921.137, F.S.; defining the term "mental retardation"; prohibiting the imposition of a sentence of death on a defendant who suffers from mental retardation if the mental retardation is directly related to the defendant's conduct at the time of the crime; providing requirements for raising mental retardation as a bar to the death sentence; providing for a separate proceeding to determine whether the defendant suffers from mental retardation; providing for an determination of mental retardation to be appealed; providing for application of provisions prohibiting imposition of a sentence of death; amending ss. 921.141, 921.142, F.S.; providing for a defendant's mental retardation to be considered as a mitigating circumstance by the jury for purposes of the advisory sentence recommended by the jury in a capital felony or a capital drug-trafficking felony; providing an effective date.

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

On motion by Senator Mitchell, **CS for SB 1448** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Dawson	Jones	Myers
Bronson	Diaz de la Portilla	King	Rossin
Brown-Waite	Diaz-Balart	Kirkpatrick	Saunders
Burt	Dyer	Klein	Scott
Campbell	Forman	Kurth	Sebesta
Carlton	Geller	Latvala	Silver
Casas	Grant	Laurent	Sullivan
Childers	Hargrett	Lee	Thomas
Clary	Holzendorf	Meek	Webster
Cowin	Horne	Mitchell	

Nays—None

CS for SB 1016—A bill to be entitled An act relating to regulation of professions under the Department of Business and Professional Regulation; amending s. 310.071, F.S.; providing for disqualification from applying for and denial of deputy pilot certification for being found guilty of, or having pled guilty or nolo contendere to, certain crimes; amending s. 310.151, F.S.; providing for deposit and disposition of amounts received from imposition of pilotage rates pending rendition of a final order regarding such rates; amending s. 399.061, F.S.; revising requirements for elevator inspections and service maintenance contracts; amending s. 455.217, F.S.; revising provisions relating to translation of examinations in Spanish; amending s. 455.2179, F.S.; providing for approval of continuing education providers; providing fees; providing rulemaking authority; amending s. 455.219, F.S., and repealing subsection (3), relating to fees required for approval as a continuing education provider; authorizing the department to adopt rules to provide for waiver of license renewal fees under certain circumstances and for a limited period; creating s. 455.32, F.S.; creating the Management Privatization Act; providing definitions; authorizing the department to contract with a corporation or other business entity to perform support services specified pursuant to contract; providing contract requirements; providing corporation powers and responsibilities; establishing reporting and audit requirements; providing for future review and repeal; amending s. 468.382, F.S.; defining the term "absolute auction"; amending s. 468.385, F.S.; revising requirements relating to the conduct, administration, approval, and scope of the examination for licensure as an auctioneer; specifying that an auction may only be conducted by an active licensee; creating s. 468.3855, F.S.; providing requirements for auctioneer apprentices; amending s. 468.388, F.S.; adding requirements and responsibilities relating to the conduct of an auction; deleting exceptions from a requirement that auctions be conducted pursuant to a written agreement; amending s. 468.389, F.S.; providing for disciplinary action against licensees who fail to account for certain property; providing penalties; reenacting ss. 468.385(3), 468.391, F.S., relating to licensure as an auctioneer and to a criminal penalty, respectively, to incorporate the

amendment to s. 468.389, F.S., in references thereto; amending s. 468.392, F.S.; authorizing the designee of the Secretary of Business and Professional Regulation to sign vouchers for payment or disbursement from the Auctioneer Recovery Fund; amending s. 468.395, F.S.; revising conditions of recovery from the Auctioneer Recovery Fund; providing for recovery from the fund pursuant to an order issued by the Florida Board of Auctioneers; deleting a requirement that notice be given to the board at the time action is commenced; providing limitations on bringing claims for certain acts; providing subrogation rights for the fund; amending s. 468.397, F.S., relating to payment of claim; correcting language; amending s. 468.433, F.S.; revising requirements for licensure as a community association manager, to include certain prelicensure education; providing for provider approval, including fees; repealing s. 468.525(3)(h), F.S., relating to a prohibition on employee leasing companies and groups from including employees who engage in services or arrangements that are not within the definition of employee leasing; amending s. 468.526, F.S.; modifying qualifications for licensure as an employee leasing company group; amending s. 468.531, F.S.; providing prohibitions against offering to practice employee leasing without being licensed and against the use of certain titles relating to employee leasing without being registered; providing penalties; amending s. 470.005, F.S.; providing rulemaking authority to the Board of Funeral Directors and Embalmers relating to inspection of direct disposal establishments, funeral establishments, and cinerator facilities and the records of each establishment or facility; amending s. 470.015, F.S.; requiring board approval of continuing education providers; revising provisions relating to continuing education hours; amending ss. 470.016, 470.018, F.S.; revising provisions relating to continuing education hours; amending s. 470.017, F.S.; revising provisions relating to registration as a direct disposer, including fee-setting responsibility; providing certain limitations on registration after a specified date; amending s. 470.021, F.S.; prohibiting colocation of certain direct disposal establishments with more than one funeral establishment or direct disposal establishment; amending s. 470.028, F.S.; revising provisions relating to registration of agents for preneed sales; amending s. 470.0301, F.S.; revising provisions relating to registration of centralized embalming facilities to provide for operating procedures; providing requirements for full-time embalmers in charge; amending ss. 471.003, 471.0035, 471.011, 471.023, 471.037, F.S.; updating references relating to regulation of engineering to incorporate provisions relating to the Florida Engineers Management Corporation and engineers performing building code inspector duties; amending s. 471.005, F.S.; defining the terms “retired professional engineer” and “professional engineer, retired”; updating references; amending s. 471.015, F.S.; revising educational requirements for licensure by endorsement; updating references; amending s. 471.017, F.S.; granting the Board of Professional Engineers rulemaking authority to establish biennial licensure renewal procedures; replacing continuing education provisions with provisions requiring certain demonstration of continuing professional competency; amending s. 471.019, F.S., to create s. 471.0195, F.S.; separating provisions relating to building code training from provisions relating to licensure reactivation requirements; amending s. 471.025, F.S.; requiring final bid documents to be signed, dated, and sealed and authorizing the electronic transfer of such documents; amending s. 471.031, F.S.; providing a penalty for certain activities prohibited under ch. 471, F.S., relating to engineering; updating references; amending s. 474.202, F.S.; revising the definition of the term “veterinarian”; amending s. 474.203, F.S.; revising and providing exemptions from regulation under ch. 474, F.S., relating to veterinary medical practice; providing that certain exempt persons are duly licensed practitioners for purposes of prescribing drugs or medicinal supplies; amending s. 474.211, F.S.; providing that criteria for providers of continuing veterinary medical education shall be approved by the board; amending s. 474.214, F.S.; increasing the administrative fine; reenacting ss. 474.207(2), 474.217(2), F.S., relating to licensure by examination and licensure by endorsement, to incorporate the amendment to s. 474.214, F.S., in references thereto; amending s. 474.215, F.S.; requiring limited service permittees to register each location and providing a registration fee; providing requirements for certain temporary rabies vaccination efforts; providing permit and other requirements for persons who are not licensed veterinarians, but who desire to own and operate a veterinary medical establishment; providing disciplinary actions applicable to holders of premises permits; amending s. 474.2165, F.S.; providing requirements with respect to ownership and control of veterinary medical patient records; providing for the furnishing of reports or copies of records; providing for participation of veterinarians in impaired practitioner treatment programs; amending s. 475.045, F.S.; abolishing the Florida Real Estate Commission Education and Research Foundation Advisory Committee and transferring its duties to the commission; amending s. 477.013, F.S.; revising a definition; amending s. 477.0132, F.S.; restricting to the Board of Cosmetology authority to review, evaluate, and approve courses required for hair braiding, hair wrapping, and body wrapping registration; exempting providers of such courses from certain licensure; amending s. 477.019, F.S.; revising requirements for licensure to practice cosmetology; providing fees; amending ss. 492.101, 492.102, 492.104, 492.105, 492.108, 492.112, 492.113, 492.116, 492.1165, F.S.; revising cross-references; amending s. 492.107, F.S.; revising provisions relating to the use of seals by licensed geologists; amending s. 492.111, F.S.; providing requirements relating to geologists of record for firms, corporations, and partnerships; amending s. 310.0015, F.S.; requiring the establishment of competency-based mentor programs for minority persons seeking to become licensed state pilots or certificated deputy pilots; requiring an annual report thereon to the Governor and Legislature; providing an appropriation; providing an effective date.

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

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

Amendment 1 (382548)(with title amendment)—On page 11, between lines 6 and 7, insert:

Section 4. Section 455.211, Florida Statutes, is amended to read:

455.211 Board rules; final agency action; challenges.—

(1) The secretary of the department shall have standing to challenge any rule or proposed rule of a board under its jurisdiction pursuant to s. 120.56. In addition to challenges for any invalid exercise of delegated legislative authority, the administrative law judge, upon such a challenge by the secretary, may declare all or part of a rule or proposed rule invalid if it:

(a) Does not protect the public from any significant and discernible harm or damages;

(b) Unreasonably restricts competition or the availability of professional services in the state or in a significant part of the state; or

(c) Unnecessarily increases the cost of professional services without a corresponding or equivalent public benefit.

However, there shall not be created a presumption of the existence of any of the conditions cited in this subsection in the event that the rule or proposed rule is challenged.

(2) In addition, either the secretary or the board shall be a substantially interested party for purposes of s. 120.54(7). The board may, as an adversely affected party, initiate and maintain an action pursuant to s. 120.68 challenging the final agency action.

(3) No board created within the department shall have standing to challenge a rule or proposed rule of another board. However, if there is a dispute between boards concerning a rule or proposed rule, the boards may avail themselves of the provisions of s. 455.207(5).

(4) Any proposed board rule that has not been modified to remove proposed committee objections of the Administrative Procedures Committee must receive approval from the department prior to filing the rule with the Department of State for final adoption. The department may repeal any rule enacted by the board which has taken effect without having met proposed committee objections of the Administrative Procedures Committee.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 15, after the semicolon (;) insert: amending s. 455.211, F.S.; limiting a board's authority to adopt rules under a specific circumstance;

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

Amendment 2 (155318)—On page 47, lines 16-30, delete those lines and insert:

(3) *The board shall require a demonstration of continuing professional competency of engineers as a condition of license renewal or relicensure. Every licensee must complete 4 professional development hours, for each year of the license renewal period. For each renewal period for such continuing education, 4 hours shall relate to this chapter and the rules adopted under this chapter and the remaining 4 hours hours shall relate to the licensee's area of practice. The board shall adopt rules that are consistent with the guidelines of the National Council of Examiners for Engineering and Surveying for multijurisdictional licensees for the purpose of avoiding proprietary continuing professional competency requirements and shall allow nonclassroom hours to be credited. The board may, by rule, exempt from continuing professional competency requirements retired professional engineers who no longer sign and seal engineering documents and licensees in unique circumstances that severely limit opportunities to obtain the required professional development hours.* ~~Commencing with licensure~~

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

Amendment 3 (641538)(with title amendment)—On page 83, between lines 13 and 14, insert:

Section 67. Paragraph (o) is added to subsection (1) of section 468.456, Florida Statutes, and subsection (3) of that section is amended to read:

468.456 Prohibited acts.—

(1) The following acts shall be grounds for the disciplinary actions provided for in subsection (3):

(o) Being employed to illegally recruit or solicit student athletes by being utilized by or otherwise collaborating with a person known to have been convicted or found guilty of, or to have entered a plea of nolo contendere to, a violation of s. 468.45615, regardless of adjudication.

(3) When the department finds any person guilty of any of the prohibited acts set forth in subsection (1), the department may enter an order imposing one or more of the penalties provided for in s. 455.227. *In addition to any other penalties or disciplinary actions provided for in this part, the department shall suspend or revoke the license of any athlete agent licensed under this part who violates paragraph (f) or paragraph (o) or s. 468.45615.*

Section 68. Section 468.45615, Florida Statutes, is created to read:

468.45615 Provision of illegal inducements to athletes prohibited; penalties; license suspension.—

(1) Any person who violates s. 468.456(1)(f) is guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, s. 775.084, s. 775.089, or s. 775.091.

(2)(a) Regardless of whether adjudication is withheld, any person convicted or found guilty of, or entering a plea of nolo contendere to, the violation described in subsection (1) shall not employ, utilize, or otherwise collaborate with a licensed or unlicensed athlete agent in Florida to illegally recruit or solicit student athletes. Any person who violates the provisions of this subsection is guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, s. 775.084, s. 775.089, or s. 775.091.

(b) Regardless of whether adjudication is withheld, any person who knowingly actively assists in the illegal recruitment or solicitation of student athletes for a person who has been convicted or found guilty of, or entered a plea of nolo contendere to, a violation of this section is guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, s. 775.084, s. 775.089, or s. 775.091.

(3) In addition to any other penalties provided in this section, the court may suspend the license of the person pending the outcome of any administrative action against the person by the department.

Section 69. Subsections (1) and (3) of section 468.4562, Florida Statutes, are amended to read:

468.4562 Civil action by institution.—

(1) A college or university may sue for damages, as provided by this section, any person who violates this part. A college or university may seek equitable relief to prevent or minimize harm arising from acts or omissions which are or would be a violation of this part.

(3) An institution that prevails in a suit brought under this section may recover:

(a) Actual damages;

(b) Punitive damages;

(c) Treble damages;

(d)~~(c)~~ Court costs; and

(e)~~(d)~~ Reasonable attorney's fees.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 17, after the semicolon (;) insert: amending s. 468.456, F.S.; providing an additional prohibited act as grounds for disciplinary action; requiring suspension or revocation of license for certain violations; creating s. 468.45615, F.S.; prohibiting the provision of illegal inducements to athletes; providing penalties; amending s. 468.4562, F.S.; providing for the award of treble damages to colleges or universities that prevail in civil actions with respect to illegal acts by athlete agents;

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

Amendment 4 (945072)(with title amendment)—On page 7, line 21, insert:

Section 1. Effective upon becoming law and retroactive to January 1, 1996, subsection (4) is added to section 458.319, Florida Statutes, to read:

458.319 Renewal of license.—

(4)(a) Notwithstanding any provision of this chapter or part II, chapter 455, the requirements for the biennial renewal of the license of any licensee who is a member of the Legislature shall stand continued and extended without the requirement of any filing by such a licensee of any notice or application for renewal with the board or the department and such licensee's license shall be an active status license under this chapter, throughout the period that the licensee is a member of the Legislature and for a period of 60 days after the licensee ceases to be a member of the Legislature.

(b) At any time during the licensee's legislative term of office and during the period of 60 days after the licensee ceases to be a member of the Legislature, the licensee may file a completed renewal application that shall consist solely of:

1. A license renewal fee of $250 for each year the licensee's license renewal has been continued and extended pursuant to the terms of this subsection since the last otherwise regularly scheduled biennial renewal year and each year during which the renewed license shall be effective until the next regularly scheduled biennial renewal date;

2. Documentation of the completion by the licensee of 10 hours of continuing medical education credits for each year from the effective date of the last renewed license for the licensee until the year in which the application is filed;

3. The information from the licensee expressly required in s. 455.565(1)(a)1.-8. and (b), and (4)(a), (b), and (c),

(c) The department and board may not impose any additional requirements for the renewal of such licenses and, not later than 20 days after receipt of a completed application as specified in paragraph (b), shall renew the active status license of the licensee, effective on and retroactive to the last previous renewal date of the licensee's license. Said license renewal shall be valid until the next regularly scheduled biennial renewal date for said license, and thereafter shall be subject to the biennial requirements for renewal in this chapter and chapter 455, part II.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, after the semicolon (;) insert: amending s. 458.319, F.S.; providing that renewal of medical licenses of members of the Legislature shall be continued during term of legislative office; requiring the completion of continuing medical education and payment of fees for renewal of such licenses; providing the period during which such licenses may be renewed; providing the period during which such renewed licenses shall be valid; providing for the subsequent renewal of such licenses;

On motion by Senator Sebesta, further consideration of **CS for SB 1016** as amended was deferred.

CS for CS for SB 1806—A bill to be entitled An act relating to the Olympic Games; stating that the purpose of the act is to provide assurances and commitments necessary for the United States Olympic Committee and the International Olympic Committee to select a host city for the Olympic Games; providing legislative findings; defining terms; creating an Olympic Games Guaranty Account within the Economic Development Trust Fund; providing for purpose, administration, funding, and use of the account; providing requirements of and restrictions on the account; providing a limit on liability of the state; providing for termination of the account under specified conditions; providing for reversion of funds; providing for the execution of games-support contracts; providing requirements with respect to application for such contracts; providing criteria for contract approval; providing specified authority of the direct-support organization authorized under s. 288.1229, F.S.; providing a restriction on the direct-support organization; providing additional authority of specified agencies and entities; providing that the act does not obligate the state to pay for or fund any building or facility; authorizing state agencies to assist the local organizing committee in hosting the games; specifying responsibilities of the local organizing committee; providing an effective date.

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

On motion by Senator McKay, **CS for CS for SB 1806** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Dawson	Jones	Myers
Bronson	Diaz de la Portilla	King	Rossin
Brown-Waite	Diaz-Balart	Kirkpatrick	Saunders
Burt	Dyer	Klein	Scott
Campbell	Forman	Kurth	Sebesta
Carlton	Geller	Laurent	Silver
Casas	Grant	Lee	Sullivan
Childers	Hargrett	McKay	Thomas
Clary	Holzendorf	Meek	Webster
Cowin	Horne	Mitchell	

Nays—None

CS for SB 2346—A bill to be entitled An act relating to port area improvement; creating the "Community Improvement Authority Act"; providing legislative findings and intent; defining terms; providing for the creation of community improvement authorities in eligible counties; providing for the management of authorities; providing for the powers of an authority; authorizing the use of bonds to fund projects; providing for a tax exemption on bonds; providing for limitations on damages; providing for awarding contracts for the construction of projects; providing for dissolution of an authority; providing severability; providing for liberal construction; providing an effective date.

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

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

Amendment 1 (154886)—On page 5, lines 17 and 18, delete "*within which the projects are proposed to be constructed*" and insert: *with the largest population*

On motion by Senator Silver, **CS for SB 2346** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Bronson	Diaz de la Portilla	King	Rossin
Brown-Waite	Diaz-Balart	Klein	Saunders
Burt	Dyer	Kurth	Scott
Campbell	Forman	Latvala	Sebesta
Carlton	Geller	Laurent	Silver
Casas	Grant	Lee	Sullivan
Childers	Hargrett	McKay	Webster
Clary	Holzendorf	Meek	
Cowin	Horne	Mitchell	
Dawson	Jones	Myers	

Nays—None

INTRODUCTION OF FORMER SENATOR

The President introduced former Senate President Gwen Margolis who was present in the chamber.

HB 509—A bill to be entitled An act relating to local option tourist taxes; amending s. 125.901, F.S.; authorizing the appointment of an alternate delegate member for a county governing body to a council on children's services; amending ss. 125.0104, 212.0305, F.S.; providing that a county that elects to assume responsibility for audit and enforcement with respect to the local option tourist development tax, area of critical state concern tourist impact tax, or convention development taxes may use certified public accountants in administering its duties; providing for application of confidentiality and penalty provisions to such agents; amending s. 213.053, F.S.; providing for information sharing; amending s. 212.055, F.S.; providing a distribution of proceeds from the Local Government Infrastructure Surtax to be used solely for county detention facilities under certain circumstances; providing definitions; providing an effective date.

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

Senator Klein moved the following amendments which were adopted by two-thirds vote:

Amendment 9 (104670)(with title amendment)—On page 1, line 25, insert:

Section 1. Paragraphs (a) and (b) of subsection (1) and subsection (3) of section 197.182, Florida Statutes, are amended to read:

197.182 Department of Revenue to pass upon and order refunds.—

(1)(a) Except as provided in paragraph (b), the department shall pass upon and order refunds when payment of taxes assessed on the county tax rolls has been made voluntarily or involuntarily under any of the following circumstances:

1. When an overpayment has been made.

2. When a payment has been made when no tax was due.

3. When a bona fide controversy exists between the tax collector and the taxpayer as to the liability of the taxpayer for the payment of the tax claimed to be due, the taxpayer pays the amount claimed by the tax collector to be due, and it is finally adjudged by a court of competent jurisdiction that the taxpayer was not liable for the payment of the tax or any part thereof.

4. When a payment has been made in error by a taxpayer to the tax collector, if, within 24 months of the date of the erroneous payment and prior to any transfer of the assessed property to a third party for consideration, the party seeking a refund makes demand for reimbursement of the erroneous payment upon the owner of the property on which the taxes were erroneously paid and reimbursement of the erroneous payment is not received within 45 days after such demand. The demand for reimbursement shall be sent by certified mail, return receipt requested,

and a copy thereof shall be sent to the tax collector. *If the payment was made in error by the taxpayer because of an error in the tax notice sent to the taxpayer, refund must be made as provided in paragraph (b)2.*

5. When any payment has been made for tax certificates that are subsequently corrected or are subsequently determined to be void under s. 197.443.

(b)*1.* Those refunds that have been ordered by a court and those refunds that do not result from changes made in the assessed value on a tax roll certified to the tax collector shall be made directly by the tax collector without order from the department and shall be made from undistributed funds without approval of the various taxing authorities. Overpayments in the amount of $5 or less may be retained by the tax collector unless a written claim for a refund is received from the taxpayer. Overpayments over $5 resulting from taxpayer error, if determined within the 4-year period of limitation, are to be automatically refunded to the taxpayer. Such refunds do not require approval from the department.

2. When a payment has been made in error by a taxpayer to the tax collector because of an error in the tax notice sent to the taxpayer, refund must be made directly by the tax collector and does not require approval from the department. At the request of the taxpayer, the amount paid in error may be applied by the tax collector to the taxes for which the taxpayer is actually liable.

(3) A refund ordered by the department pursuant to this section shall be made by the tax collector in one aggregate amount composed of all the pro rata shares of the several taxing authorities concerned, except that a partial refund is allowed when one or more of the taxing authorities concerned do not have funds currently available to pay their pro rata shares of the refund and this would cause an unreasonable delay in the total refund. A statement by the tax collector explaining the refund shall accompany the refund payment. When taxes become delinquent as a result of a refund pursuant to subparagraph (1)(a)4. *or subparagraph (1)(b)2.*, the tax collector shall notify the property owner that the taxes have become delinquent and that a tax certificate will be sold if the taxes are not paid within 30 days after the date of delinquency.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, delete line 2 and insert: An act relating to taxation; amending s. 197.182, F.S.; providing that amounts paid by a taxpayer in error because of an error in the tax notice must be refunded by the tax collector or applied to taxes actually due;

Amendment 10 (724506)(with title amendment)—On page 1, line 25, insert:

Section 1. Paragraph (b) of subsection (14) of section 120.80, Florida Statutes, is amended to read:

120.80 Exceptions and special requirements; agencies.—

(14) DEPARTMENT OF REVENUE.—

(b) Taxpayer contest proceedings.—

1. In any administrative proceeding brought pursuant to this chapter as authorized by s. 72.011(1), the taxpayer shall be designated the "petitioner" and the Department of Revenue shall be designated the "respondent," except that for actions contesting an assessment or denial of refund under chapter 207, the Department of Highway Safety and Motor Vehicles shall be designated the "respondent," and for actions contesting an assessment or denial of refund under chapters 210, 550, 561, 562, 563, 564, and 565, the Department of Business and Professional Regulation shall be designated the "respondent."

2. In any such administrative proceeding, the applicable department's burden of proof, except as otherwise specifically provided by general law, shall be limited to a showing that an assessment has been made against the taxpayer and the factual and legal grounds upon which the applicable department made the assessment.

3.a. Prior to filing a petition under this chapter, the taxpayer shall pay to the applicable department the amount of taxes, penalties, and accrued interest assessed by that department which are not being contested by the taxpayer. Failure to pay the uncontested amount shall result in the dismissal of the action and imposition of an additional penalty of 25 percent of the amount taxed.

b. The requirements of s. 72.011(2) and (3)(a) are jurisdictional for any action under this chapter to contest an assessment or denial of refund by the Department of Revenue, the Department of Highway Safety and Motor Vehicles, or the Department of Business and Professional Regulation.

4. Except as provided in s. 220.719, further collection and enforcement of the contested amount of an assessment for nonpayment or underpayment of any tax, interest, or penalty shall be stayed beginning on the date a petition is filed. Upon entry of a final order, an agency may resume collection and enforcement action.

5. The prevailing party, in a proceeding under ss. 120.569 and 120.57 authorized by s. 72.011(1), may recover all legal costs incurred in such proceeding, including reasonable attorney's fees, if the losing party fails to raise a justiciable issue of law or fact in its petition or response.

6. Upon review pursuant to s. 120.68 of final agency action concerning an assessment of tax, penalty, or interest with respect to a tax imposed under chapter 212, or the denial of a refund of any tax imposed under chapter 212, if the court finds that the Department of Revenue improperly rejected or modified a conclusion of law, the court may award reasonable attorney's fees and reasonable costs of the appeal to the prevailing appellant.

Section 2. Subsections (2) and (3) of section 213.21, Florida Statutes, are amended to read:

213.21 Informal conferences; compromises.—

(2)(a) The executive director of the department or his or her designee is authorized to enter into closing agreements with any taxpayer settling or compromising the taxpayer's liability for any tax, interest, or penalty assessed under any of the chapters specified in s. 72.011(1). Such agreements shall be in writing when the amount of tax, penalty, or interest compromised exceeds $30,000 or for lesser amounts when the department deems it appropriate or when requested by the taxpayer. When a written closing agreement has been approved by the department and signed by the executive director or his or her designee and the taxpayer, it shall be final and conclusive; and, except upon a showing of fraud or misrepresentation of material fact or except as to adjustments pursuant to ss. 198.16 and 220.23, no additional assessment may be made by the department against the taxpayer for the tax, interest, or penalty specified in the closing agreement for the time period specified in the closing agreement, and the taxpayer shall not be entitled to institute any judicial or administrative proceeding to recover any tax, interest, or penalty paid pursuant to the closing agreement. The department is authorized to delegate to the executive director the authority to approve any such closing agreement resulting in a tax reduction of $250,000 or less.

(b) Notwithstanding the provisions of paragraph (a), for the purpose of facilitating the settlement and distribution of an estate held by a personal representative, the executive director of the department may, on behalf of the state, agree upon the amount of taxes at any time due or to become due from such personal representative under the provisions of chapter 198; and payment in accordance with such agreement shall be full satisfaction of the taxes to which the agreement relates.

(c) Notwithstanding paragraph (a), for the purpose of compromising the liability of any taxpayer for tax or interest on the grounds of doubt as to liability based on the taxpayer's reasonable reliance on a written determination issued by the department as described in paragraph (3)(b), the department may compromise the amount of such tax or interest liability resulting from such reasonable reliance.

(3)(a) A taxpayer's liability for any tax or interest specified in s. 72.011(1) may be compromised by the department upon the grounds of doubt as to liability for or collectibility of such tax or interest. A taxpayer's liability for penalties under any of the chapters specified in s. 72.011(1) may be settled or compromised if it is determined by the department that the noncompliance is due to reasonable cause and not to willful negligence, willful neglect, or fraud. *A taxpayer who establishes reasonable reliance on the written advice issued by the department to the taxpayer will be deemed to have shown reasonable cause for the noncompliance.* In addition, a taxpayer's liability for penalties under any of the chapters specified in s. 72.011(1) in excess of 25 percent of the tax shall

be settled or compromised if the department determines that the noncompliance is due to reasonable cause and not to willful negligence, willful neglect, or fraud. The department shall maintain records of all compromises, and the records shall state the basis for the compromise. The records of compromise under this paragraph shall not be subject to disclosure pursuant to s. 119.07(1) and shall be considered confidential information governed by the provisions of s. 213.053.

(b) Doubt as to liability of a taxpayer for tax and interest exists if the taxpayer demonstrates that he or she reasonably relied on a written determination of the department in the following circumstances:

1. The audit workpapers clearly show that the same issue was considered in a prior audit of the taxpayer conducted by or on behalf of the department and, after consideration of the issue, the department's auditor determined that no assessment was appropriate in regard to that issue.

2. The same issue was raised in a prior audit of the taxpayer and, during the informal protest of the proposed assessment, the department issued a notice of decision withdrawing the issue from the assessment.

3. The taxpayer received a technical assistance advisement pursuant to s. 213.22 in regard to the issue.

The circumstances listed in this paragraph are not intended to be the only circumstances in which doubt as to liability exists. Nothing contained in this section shall interfere with the state's ability to structure a remedy to cure a judicially determined constitutional defect in a tax law.

(c) A taxpayer shall not be deemed to have reasonably relied on a written determination of the department under any of the following circumstances:

1. The taxpayer misrepresented material facts or did not fully disclose material facts at the time the written determination was issued.

2. The specific facts and circumstances have changed in such a material manner that the written determination no longer applies.

3. The statutes or regulations on which the determination was based have been materially revised or a published judicial opinion constituting precedent in the taxpayer's jurisdiction has overruled the department's determination on the issue.

4. The department has informed the taxpayer in writing that its previous written determination has been revised and should no longer be relied upon.

(d)~~(b)~~ A taxpayer's liability for the service fee required by s. 215.34(2) may be settled or compromised if it is determined that the dishonored check, draft, or order was returned due to an error committed by the issuing financial institution, and the error is substantiated by the department. The department shall maintain records of all compromises, and the records shall state the basis for the compromise.

Section 3. *The amendments to section 213.21(2) and (3), Florida Statutes, by this act shall apply only to notices of intent to conduct an audit issued on or after October 1, 2000.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, delete line 2 and insert: An act relating to taxation; amending s. 120.80, F.S.; providing for the award of reasonable attorney's fees and costs of an appeal to a prevailing appellant on an appeal of an assessment imposed or refund denied under chapter 212, F.S., under specified circumstances; amending s. 213.21, F.S.; providing conditions under which a taxpayer's liability may be compromised when the taxpayer establishes reasonable reliance on written advice issued by the department; providing application;

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

Amendment 11 (360816)(with title amendment)—On page 9, between lines 13 and 14, insert:

Section 6. Section 192.0105, Florida Statutes, is created to read:

192.0105 Taxpayer rights.—There is created a Florida Taxpayer's Bill of Rights for property taxes and assessments to guarantee that the rights, privacy, and property of the taxpayers of this state are adequately safeguarded and protected during tax levy, assessment, collection, and enforcement processes administered under the revenue laws of this state. The Taxpayer's Bill of Rights compiles, in one document, brief but comprehensive statements that summarize the rights and obligations of the property appraisers, tax collectors, clerks of the court, local governing boards, the Department of Revenue, and taxpayers. The rights afforded taxpayers to assure that their privacy and property are safeguarded and protected during tax levy, assessment, and collection are available only insofar as they are implemented in other parts of the Florida Statutes or rules of the Department of Revenue. The rights so guaranteed to state taxpayers in the Florida Statutes and the departmental rules include:

(1) THE RIGHT TO KNOW.—

(a) The right to be mailed notice of proposed property taxes and proposed or adopted non-ad valorem assessments (see ss. 194.011(1), 200.065(2)(b) and (d) and (13)(a), and 200.069). The notice must also inform the taxpayer that the final tax bill may contain additional non-ad valorem assessments (see s. 200.069(12)).

(b) The right to notification of a public hearing on each taxing authority's tentative budget and proposed millage rate and advertisement of a public hearing to finalize the budget and adopt a millage rate (see s. 200.065(2)(c) and (d)).

(c) The right to advertised notice of the amount by which the tentatively adopted millage rate results in taxes that exceed the previous year's taxes (see s. 200.065(2)(d) and (3)). The right to notification by first-class mail of a comparison of the amount of the taxes to be levied from the proposed millage rate under the tentative budget change, compared to the previous year's taxes, and also compared to the taxes that would be levied if no budget change is made (see ss. 200.065(2)(b) and 200.069(2), (3), (4), and (9)).

(d) The right that the adopted millage rate will not exceed the tentatively adopted millage rate. If the tentative rate exceeds the proposed rate, each taxpayer shall be mailed notice comparing his or her taxes under the tentatively adopted millage rate to the taxes under the previously proposed rate, before a hearing to finalize the budget and adopt millage (see s. 200.065(2)(d)).

(e) The right to be sent notice by first-class mail of a non-ad valorem assessment hearing at least 20 days before the hearing with pertinent information, including the total amount to be levied against each parcel. All affected property owners have the right to appear at the hearing and to file written objections with the local governing board (see s. 197.3632(4)(b) and (c) and (10)(b)2.b.).

(f) The right of an exemption recipient to be sent a renewal application for that exemption, the right to a receipt for homestead exemption claim when filed, and the right to notice of denial of the exemption (see ss. 196.011(6), 196.131(1), 196.151, and 196.193(1)(c) and (5)).

(g) The right, on property determined not to have been entitled to homestead exemption in a prior year, to notice of intent from the property appraiser to record notice of tax lien and the right to pay tax, penalty, and interest before a tax lien is recorded for any prior year (see s. 196.161(1)(b)).

(h) The right to be informed during the tax collection process, including: notice of tax due; notice of back taxes; notice of late taxes and assessments and consequences of nonpayment; opportunity to pay estimated taxes and non-ad valorem assessments when the tax roll will not be certified in time; notice when interest begins to accrue on delinquent provisional taxes; notice of the right to prepay estimated taxes by installment; a statement of the taxpayer's estimated tax liability for use in making installment payments; and notice of right to defer taxes and non-ad valorem assessments on homestead property (see ss. 197.322(3), 197.3635, 197.343, 197.363(2)(c), 197.222(3) and (5), 197.2301(3), 197.3632(8)(a), 193.1145(10)(a), and 197.254(1)).

(i) The right to an advertisement in a newspaper listing names of taxpayers who are delinquent in paying tangible personal property taxes, with amounts due, and giving notice that interest is accruing at 18 percent and that, unless taxes are paid, warrants will be issued, prior to

petition made with the circuit court for an order to seize and sell property (see s. 197.402(2)).

(j) The right to be mailed notice when a petition has been filed with the court for an order to seize and sell property and the right to be mailed notice, and to be served notice by the sheriff, before the date of sale, that application for tax deed has been made and property will be sold unless back taxes are paid (see ss. 197.413(5), 197.502(4)(a), and 197.522(1)(a) and (2)).

(2) THE RIGHT TO DUE PROCESS.—

(a) The right to an informal conference with the property appraiser to present facts the taxpayer considers to support changing the assessment and to have the property appraiser present facts supportive of the assessment upon proper request of any taxpayer who objects to the assessment placed on his or her property (see s. 194.011(2)).

(b) The right to petition the value adjustment board over objections to assessments, denial of exemption, denial of agricultural classification, denial of historic classification, denial of high-water recharge classification, disapproval of tax deferral, and any penalties on deferred taxes imposed for incorrect information willfully filed. Payment of estimated taxes does not preclude the right of the taxpayer to challenge his or her assessment (see ss. 194.011(3), 196.011(6) and (9)(a), 196.151, 196.193(1)(c) and (5), 193.461(2), 193.503(7), 193.625(2), 197.253(2), 197.301(2), and 197.2301(11)).

(c) The right to file a petition for exemption or agricultural classification with the value adjustment board when an application deadline is missed, upon demonstration of particular extenuating circumstances for filing late (see ss. 193.461(3)(a) and 196.011(1), (7), (8), and (9)(c)).

(d) The right to prior notice of the value adjustment board's hearing date and the right to the hearing within 4 hours of scheduled time (see s. 194.032(2)).

(e) The right to notice of date of certification of tax rolls and receipt of property record card if requested (see ss. 193.122(2) and (3) and 194.032(2)).

(f) The right, in value adjustment board proceedings, to have all evidence presented and considered at a public hearing at the scheduled time, to be represented by attorney or agent, to have witnesses sworn and cross-examined, and to examine property appraisers or evaluators employed by the board who present testimony (see ss. 194.034(1)(a) and (c) and (4), and 194.035(2)).

(g) The right to be mailed a timely written decision by the value adjustment board containing findings of fact and conclusions of law and reasons for upholding or overturning the determination of the property appraiser, and the right to advertised notice of all board actions, including appropriate narrative and column descriptions, in brief and nontechnical language (see ss. 194.034(2) and 194.037(3)).

(h) The right at a public hearing on non-ad valorem assessments or municipal special assessments to provide written objections and to provide testimony to the local governing board (see ss. 197.3632(4)(c) and 170.08).

(i) The right to bring action in circuit court to contest a tax assessment or appeal value adjustment board decisions to disapprove exemption or deny tax deferral (see ss. 194.036(1)(c) and (2), 194.171, 196.151, and 197.253(2)).

(3) THE RIGHT TO REDRESS.—

(a) The right to discounts for early payment on all taxes and non-ad valorem assessments collected by the tax collector, the right to pay installment payments with discounts, and the right to pay delinquent personal property taxes under an installment payment program when implemented by the county tax collector (see ss. 197.162, 197.3632(8) and (10)(b)3., 197.222(1), and 197.4155).

(b) The right, upon filing a challenge in circuit court and paying taxes admitted in good faith to be owing, to be issued a receipt and have suspended all procedures for the collection of taxes until the final disposition of the action (see s. 194.171(3)).

(c) The right to have penalties reduced or waived upon a showing of good cause when a return is not intentionally filed late, and the right to pay interest at a reduced rate if the court finds that the amount of tax owed by the taxpayer is greater than the amount the taxpayer has in good faith admitted and paid (see ss. 193.072(4) and 194.192(2)).

(d) The right to a refund when overpayment of taxes has been made under specified circumstances (see ss. 193.1145(8)(e) and 197.182(1)).

(e) The right to an extension to file a tangible personal property tax return upon making proper and timely request (see s. 193.063).

(f) The right to redeem real property and redeem tax certificates at any time before a tax deed is issued, and the right to have tax certificates canceled if sold where taxes had been paid or if other error makes it void or correctable. Property owners have the right to be free from contact by a certificateholder for 2 years (see ss. 197.432(14) and (15), 197.442(1), 197.443, and 197.472(1) and (7)).

(g) The right of the taxpayer, property appraiser, tax collector, or the department, as the prevailing party in a judicial or administrative action brought or maintained without the support of justiciable issues of fact or law, to recover all costs of the administrative or judicial action, including reasonable attorney's fees, and of the department and the taxpayer to settle such claims through negotiations (see ss. 57.105 and 57.111).

(4) THE RIGHT TO CONFIDENTIALITY.—

(a) The right to have information kept confidential, including federal tax information, ad valorem tax returns, social security numbers, all financial records produced by the taxpayer, Form DR-219 returns for documentary stamp tax information, and sworn statements of gross income, copies of federal income tax returns for the prior year, wage and earnings statements (W-2 forms), and other documents (see ss. 192.105, 193.074, 193.114(6), 195.027(3) and (6), and 196.101(4)(c)).

(b) The right to limiting access to a taxpayer's records by a property appraiser, the Department of Revenue, and the Auditor General only to those instances in which it is determined that such records are necessary to determine either the classification or the value of taxable nonhomestead property (see s. 195.027(3)).

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 21, after the second semicolon (;) insert: creating s. 192.0105, F.S.; creating the Florida Taxpayer's Bill of Rights for property taxes and assessments, which compiles taxpayer rights as found in the Florida Statutes and rules of the Department of Revenue, including the right to know, the right to due process, the right to redress, and the right to confidentiality;

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

Amendment 12 (955758)(with title amendment)—On page 1, between lines 25 and 26, insert:

Section 1. Paragraph (n) is added to subsection (1) of section 199.185, Florida Statutes, to read:

199.185 Property exempted from annual and nonrecurring taxes.—

(1) The following intangible personal property shall be exempt from the annual and nonrecurring taxes imposed by this chapter:

(n)1. A leasehold estate in governmental property where the lessee is required to furnish space on the leasehold estate for public use by governmental agencies at no charge to the governmental agencies.

2. The provisions of this exemption shall apply retroactively. However, notwithstanding the retroactivity of the exemption, it does not reopen a closed period of nonclaim under s. 215.26 or any other statute or extend the period of nonclaim under s. 215.26 or any other statute.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, delete line 2 and insert: An act relating to taxation; amending s. 199.185, F.S.; providing an exemption from the tax on government leaseholds;

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

Amendment 13 (903114)(with title amendment)—On page 9, between lines 13 and 14, insert:

Section 6. Subsection (7) is added to section 212.055, Florida Statutes, to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(7) VOTER-APPROVED INDIGENT CARE SURTAX.—

(a) The governing body in each county that has a population of less than 800,000 residents may levy an indigent care surtax pursuant to an ordinance conditioned to take effect only upon approval by a majority vote of the electors of the county voting in a referendum. The surtax may be levied at a rate not to exceed 0.5 percent, except that if a publicly supported medical school is located in the county, the rate shall not exceed 1 percent.

(b) A statement that includes a brief and general description of the purposes to be funded by the surtax and that conforms to the requirements of s. 101.161 shall be placed on the ballot by the governing body of the county. The following questions shall be placed on the ballot:

FOR THE. . . .CENTS TAX
AGAINST THE. . . .CENTS TAX

(c) The ordinance adopted by the governing body providing for the imposition of the surtax must set forth a plan for providing health care services to qualified residents, as defined in paragraph (d). The plan and subsequent amendments to it shall fund a broad range of health care services for indigent persons and the medically poor, including, but not limited to, primary care and preventive care, as well as hospital care. It shall emphasize a continuity of care in the most cost-effective setting, taking into consideration a high quality of care and geographic access. Where consistent with these objectives, it shall include, without limitation, services rendered by physicians, clinics, community hospitals, mental health centers, and alternative delivery sites, as well as at least one regional referral hospital where appropriate. It shall provide that agreements negotiated between the county and providers shall include reimbursement methodologies that take into account the cost of services rendered to eligible patients, recognize hospitals that render a disproportionate share of indigent care, provide other incentives to promote the delivery of charity care, and require cost containment, including, but not limited to, case management. The plan must also include innovative health care programs that provide cost-effective alternatives to traditional methods of service delivery and funding.

(d) For the purpose of this subsection, "qualified residents" means residents of the authorizing county who are:

1. Qualified as indigent persons as certified by the authorizing county;

2. Certified by the authorizing county as meeting the definition of the medically poor, defined as persons having insufficient income, resources, and assets to provide the needed medical care without using resources required to meet basic needs for shelter, food, clothing, and personal expenses; not being eligible for any other state or federal program or having medical needs that are not covered by any such program; or having insufficient third-party insurance coverage. In all cases, the authorizing county shall serve as the payor of last resort; or

3. Participating in innovative, cost-effective programs approved by the authorizing county.

(e) Moneys collected pursuant to this subsection remain the property of the state and shall be distributed by the Department of Revenue on a regular and periodic basis to the clerk of the circuit court as ex officio custodian of the funds of the authorizing county. The clerk of the circuit court shall:

1. Maintain the moneys in an indigent health care trust fund.

2. Invest any funds held on deposit in the trust fund pursuant to general law.

3. Disburse the funds, including any interest earned, to any provider of health care services, as provided in paragraphs (c) and (d), upon directive from the authorizing county.

(f) Notwithstanding any other provision of this section, a county may not levy local option sales surtaxes authorized in this subsection and subsections (2) and (3) in excess of a combined rate of 1 percent or, if a publicly supported medical school is located in the county, in excess of a combined rate of 1.5 percent.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 21, after the semicolon (;) insert: amending s. 212.055, F.S.; authorizing certain counties to levy a voter-approved indigent care discretionary sales surtax; providing for the surtax to be conditioned upon approval by a majority vote of the electors; limiting the rate of the surtax; providing requirements for the ordinance adopted by the governing body of the county which imposes the surtax; providing for proceeds of the surtax to be used to provide health care services to qualified residents; defining "qualified residents"; providing for the administration of proceeds collected pursuant to the surtax; limiting the total amount of certain local option sales surtaxes that may be imposed by a county;

On motion by Senator Carlton, **HB 509** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

Bronson	Dawson	Jones	Mitchell
Brown-Waite	Diaz-Balart	King	Myers
Burt	Dyer	Klein	Rossin
Campbell	Forman	Kurth	Saunders
Carlton	Geller	Latvala	Scott
Casas	Grant	Laurent	Sebesta
Childers	Hargrett	Lee	Silver
Clary	Holzendorf	McKay	Sullivan
Cowin	Horne	Meek	Webster

Nays—1

Diaz de la Portilla

CS for SB 1226—A bill to be entitled An act relating to insurance; amending s. 284.33, F.S.; authorizing the Department of Insurance to directly purchase annuities through a structured settlement insurance services consultant; providing procedures and requirements; amending s. 625.121, F.S.; deleting a reference to deficiency reserves for certain term life insurance policies; authorizing the Department of Insurance to adopt a certain valuation of life insurance policies model regulation; amending s. 626.99, F.S.; revising a reference to a more current edition of a cited buyer's guide; amending s. 627.6487, F.S.; clarifying that creditable coverage must have been in effect in this state; amending s. 627.901, F.S.; increasing maximum service charge for financing insurance premiums; amending s. 627.902, F.S.; revising applicability of premium finance rate of interest; creating a study commission on the availability of health care coverage for the employee leasing industry; providing an effective date.

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

On motion by Senator Holzendorf, **CS for SB 1226** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Brown-Waite	Campbell	Casas
Bronson	Burt	Carlton	Childers

Clary	Grant	Latvala	Scott
Cowin	Hargrett	Laurent	Sebesta
Dawson	Holzendorf	Lee	Silver
Diaz de la Portilla	Jones	Meek	Sullivan
Diaz-Balart	King	Mitchell	Thomas
Dyer	Kirkpatrick	Myers	Webster
Forman	Klein	Rossin	
Geller	Kurth	Saunders	

Nays—None

THE PRESIDENT PRESIDING

CS for CS for CS for SB 406—A bill to be entitled An act relating to community development; creating the Community and Faith-based Organizations initiative within the Institute on Urban Policy and Commerce at Florida Agricultural and Mechanical University; providing for the initiative to promote community development through partnerships with community and faith-based organizations; specifying the activities to be conducted by the initiative; providing for financial assistance to community and faith-based organizations; requiring the development of grant-selection criteria; requiring leveraging of funds; creating the Community and Library Technology Access Partnership; specifying the activities to be conducted by the partnership; requiring the Institute on Urban Policy and Commerce at Florida Agricultural and Mechanical University to administer the initiative and the Division of Library and Information Services of the Department of State to administer the Community and Library Technology Access Partnership; authorizing certain activities and uses of funds; prescribing eligibility of organizations for funding or assistance; requiring review and evaluation; providing appropriations; creating a community computer-access grant program, to be known as the Community High-Technology Investment Partnership, or "CHIP," program; providing purposes of the program; providing for program administration pursuant to a performance–based contract; providing for performance measures; providing for grants to be awarded to eligible neighborhood facilities; providing requirements for grant applications; prescribing the maximum amount of a grant; requiring a grant agreement between the institute and the recipient facility; providing for establishing minimum specifications of computers purchased under the program; providing for an evaluation and a report; authorizing the institute to subcontract for specified assistance services; creating an inner city redevelopment assistance grants program; providing duties of the Office of Tourism, Trade, and Economic Development; prescribing eligibility requirements for grants; providing expected outcomes from grants; creating the Inner City Redevelopment Review Panel and providing its membership and duties; providing legislative findings; amending s. 14.2015, F.S.; directing the Office of Urban Opportunity to give priority to projects receiving certain federal grants; amending s. 163.2523, F.S.; providing allocation criteria for the Urban Infill and Redevelopment Grant Program; amending s. 420.5087, F.S.; providing allocation criteria for the State Apartment Incentive Loan Program; amending s. 420.5089, F.S.; providing allocation criteria for the HOME Investment Partnership Program; amending s. 420.5093, F.S.; giving priority to certain projects in the State Housing Tax Credit Program; amending s. 420.5099, F.S.; giving priority to certain projects in the allocation of low-income housing tax credits; requiring that applicants for assistance in state housing, economic development, and community revitalization programs who support the objectives of redeveloping HOPE VI grant neighborhoods be given priority; providing application requirements; requiring the Department of Community Affairs to submit to the Legislature an annual summary of certain HOPE VI assistance provided; providing an effective date.

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

Senators Dawson and Holzendorf offered the following amendment which was moved by Senator Holzendorf and adopted by two-thirds vote:

Amendment 1 (975864)(with title amendment)—On page 24, between lines 8 and 9, insert:

Section 14. Subsections (2) and (9) of section 14.2015, Florida Statutes, are amended to read:

14.2015 Office of Tourism, Trade, and Economic Development; creation; powers and duties.—

(2) The purpose of the Office of Tourism, Trade, and Economic Development is to assist the Governor in working with the Legislature, state agencies, business leaders, and economic development professionals to formulate and implement coherent and consistent policies and strategies designed to provide economic opportunities for all Floridians. To accomplish such purposes, the Office of Tourism, Trade, and Economic Development shall:

(a) Contract, notwithstanding the provisions of part I of chapter 287, with the direct-support organization created under s. 288.1229 to guide, stimulate, and promote the sports industry in the state, to promote the participation of Florida's citizens in amateur athletic competition, and to promote Florida as a host for national and international amateur athletic competitions.

(b) Monitor the activities of public-private partnerships and state agencies in order to avoid duplication and promote coordinated and consistent implementation of programs in areas including, but not limited to, tourism; international trade and investment; business recruitment, creation, retention, and expansion; minority and small business development; and rural community development.

(c) Facilitate the direct involvement of the Governor and the Lieutenant Governor in economic development projects designed to create, expand, and retain Florida businesses and to recruit worldwide business, as well as in other job-creating efforts.

(d) Assist the Governor, in cooperation with Enterprise Florida, Inc., and the Florida Commission on Tourism, in preparing an annual report to the Legislature on the state of the business climate in Florida and on the state of economic development in Florida which will include the identification of problems and the recommendation of solutions. This report shall be submitted to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader by January 1 of each year, and it shall be in addition to the Governor's message to the Legislature under the State Constitution and any other economic reports required by law.

(e) Plan and conduct at least one meeting per calendar year of leaders in business, government, and economic development called by the Governor to address the business climate in the state, develop a common vision for the economic future of the state, and identify economic development efforts to fulfill that vision.

(f)1. Administer ~~the Florida Enterprise Zone Act under ss. 290.001-290.016,~~ the community contribution tax credit program under ss. 220.183 and 624.5105, the tax refund program for qualified target industry businesses under s. 288.106, the tax-refund program for qualified defense contractors under s. 288.1045, contracts for transportation projects under s. 288.063, ~~the sports franchise facility program under s. 288.1162, the professional golf hall of fame facility program under s. 288.1168,~~ the expedited permitting process under s. 403.973, the Rural Community Development Revolving Loan Fund under s. 288.065, ~~the Regional Rural Development Grants Program under s. 288.018,~~ the Certified Capital Company Act under s. 288.99, ~~the Florida State Rural Development Council,~~ the Rural Economic Development Initiative, and other programs that are specifically assigned to the office by law, by the appropriations process, or by the Governor. Notwithstanding any other provisions of law, the office may expend interest earned from the investment of program funds deposited in the Economic Development Trust Fund, the Grants and Donations Trust Fund, the Brownfield Property Ownership Clearance Assistance Revolving Loan Trust Fund, and the Economic Development Transportation Trust Fund to contract for the administration of the programs, or portions of the programs, enumerated in this paragraph or assigned to the office by law, by the appropriations process, or by the Governor. Such expenditures shall be subject to review under chapter 216.

2. The office may enter into contracts in connection with the fulfillment of its duties concerning ~~the Florida First Business Bond Pool under chapter 159,~~ tax incentives under chapters 212 and 220, tax incentives under the Certified Capital Company Act in chapter 288, ~~foreign offices under chapter 288, the Enterprise Zone program under chapter 290,~~ the Seaport Employment Training program under chapter 311, the Florida Professional Sports Team License Plates under chapter 320, Spaceport Florida under chapter 331, Expedited Permitting under chapter 403, and in carrying out other functions that are specifically assigned to the office by law, by the appropriations process, or by the Governor.

(g) Serve as contract administrator for the state with respect to contracts with Enterprise Florida, Inc., the Florida Commission on Tourism, and all direct-support organizations under this act, excluding those relating to tourism. To accomplish the provisions of this act and applicable provisions of chapter 288, and notwithstanding the provisions of part I of chapter 287, the office shall enter into specific contracts with Enterprise Florida, Inc., the Florida Commission on Tourism, and other appropriate direct-support organizations. Such contracts may be multiyear and shall include specific performance measures for each year.

(h) Provide administrative oversight for the *Governor's* Office of ~~the~~ Film *and Entertainment* ~~Commissioner~~, created under s. 288.1251, to develop, promote, and provide services to the state's entertainment industry and to administratively house the Florida Film *and Entertainment* Advisory Council created under s. 288.1252.

(i) Prepare and submit as a separate budget entity a unified budget request for tourism, trade, and economic development in accordance with chapter 216 for, and in conjunction with, Enterprise Florida, Inc., and its boards, the Florida Commission on Tourism and its direct-support organization, the Florida Black Business Investment Board, the *Governor's* Office of ~~the~~ Film *and Entertainment* ~~Commissioner~~, and the direct-support organization created to promote the sports industry.

(j) Adopt rules, as necessary, to carry out its functions in connection with the administration of the Qualified Target Industry program, the Qualified Defense Contractor program, the Certified Capital Company Act, the Enterprise Zone program, and the Florida First Business Bond pool.

(k) By January 15 of each year, the Office of Tourism, Trade, and Economic Development shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a complete and detailed report of all applications received and recommendations made or actions taken during the previous fiscal year under all programs funded out of the Economic Development Incentives Account or the Economic Development Transportation Trust Fund. The Office of Tourism, Trade, and Economic Development, with the cooperation of Enterprise Florida, Inc., shall also include in the report a detailed analysis of all final decisions issued; agreements or other contracts executed; and tax refunds paid or other payments made under all programs funded from the above named sources, including analysis of benefits and costs, types of projects supported, and employment and investment created. The report shall also include a separate analysis of the impact of such tax refunds and other payments approved for rural cities or communities as defined in s. 288.106(2)(s) and state enterprise zones designated pursuant to s. 290.0065.

(9)(a) The Office of Urban Opportunity is created within the Office of Tourism, Trade, and Economic Development. The director of the Office of Urban Opportunity shall be appointed by and serve at the pleasure of the Governor.

(b) The purpose of the Office of Urban Opportunity shall be to administer the Front Porch Florida initiative, a comprehensive, community-based urban core redevelopment program that will empower urban core residents to craft solutions to the unique challenges of each designated community. *Front Porch Florida shall serve as a "civic switchboard," connecting each Front Porch Florida community with federal, state, and private-sector resources necessary to implement the program.*

(c) The Office of Urban Opportunity may be assisted in carrying out its duties by the Department of Community Affairs.

(d) The selection criteria for designating Front Porch Communities must give priority consideration to communities where there is an active grant award from the U.S. Department of Housing and Urban Development under the HOPE VI program and there is:

1. Documented support by the unit of local government to redevelop the neighborhoods surrounding the HOPE VI project.

2. A joint agreement between the local government and the public housing authority receiving the HOPE VI grant regarding the redevelopment of neighborhoods surrounding the HOPE VI project.

3. A plan to promote the redevelopment of the HOPE VI neighborhoods; to disperse the location of publicly assisted housing within the neighborhood and to promote mixed-income neighborhoods; to promote home ownership; and to involve the residents of the neighborhood in redevelopment.

Section 15. Section 163.2523, Florida Statutes, is amended to read:

163.2523 Grant program.—An Urban Infill and Redevelopment Assistance Grant Program is created for local governments. A local government may allocate grant money to special districts, including community redevelopment agencies, and nonprofit community development organizations to implement projects consistent with an adopted urban infill and redevelopment plan or plan employed in lieu thereof. Thirty percent of the general revenue appropriated for this program shall be available for planning grants to be used by local governments for the development of an urban infill and redevelopment plan, including community participation processes for the plan. Sixty percent of the general revenue appropriated for this program shall be available for fifty/fifty matching grants for implementing urban infill and redevelopment projects that further the objectives set forth in the local government's adopted urban infill and redevelopment plan or plan employed in lieu thereof. The remaining 10 percent of the revenue must be used for outright grants for implementing projects requiring an expenditure of under $50,000. Projects that provide employment opportunities to clients of the WAGES program and projects within urban infill and redevelopment areas that include a community redevelopment area, Florida Main Street program, Front Porch Florida Community, sustainable community, enterprise zone, federal enterprise zone, enterprise community, or neighborhood improvement district, *and projects that include the recipient of a HOPE VI grant from the U.S. Department of Housing and Urban Development,* must be given an elevated priority in the scoring of competing grant applications. The Division of Housing and Community Development of the Department of Community Affairs shall administer the grant program. The Department of Community Affairs shall adopt rules establishing grant review criteria consistent with this section.

Section 16. Paragraph (c) of subsection (6) of section 420.5087, Florida Statutes, is amended to read:

420.5087 State Apartment Incentive Loan Program.—There is hereby created the State Apartment Incentive Loan Program for the purpose of providing first, second, or other subordinated mortgage loans or loan guarantees to sponsors, including for-profit, nonprofit, and public entities, to provide housing affordable to very-low-income persons.

(6) On all state apartment incentive loans, except loans made to housing communities for the elderly to provide for lifesafety, building preservation, health, sanitation, or security-related repairs or improvements, the following provisions shall apply:

(c) The corporation shall provide by rule for the establishment of a review committee composed of the department and corporation staff and shall establish by rule a scoring system for evaluation and competitive ranking of applications submitted in this program, including, but not limited to, the following criteria:

1. Tenant income and demographic targeting objectives of the corporation.

2. Targeting objectives of the corporation which will ensure an equitable distribution of loans between rural and urban areas.

3. Sponsor's agreement to reserve the units for persons or families who have incomes below 50 percent of the state or local median income, whichever is higher, for a time period to exceed the minimum required by federal law or the provisions of this part.

4. Sponsor's agreement to reserve more than:

a. Twenty percent of the units in the project for persons or families who have incomes that do not exceed 50 percent of the state or local median income, whichever is higher; or

b. Forty percent of the units in the project for persons or families who have incomes that do not exceed 60 percent of the state or local median income, whichever is higher, without requiring a greater amount of the loans as provided in this section.

5. Provision for tenant counseling.

6. Sponsor's agreement to accept rental assistance certificates or vouchers as payment for rent; however, when certificates or vouchers

are accepted as payment for rent on units set aside pursuant to subsection (2), the benefit must be divided between the corporation and the sponsor, as provided by corporation rule.

7. Projects requiring the least amount of a state apartment incentive loan compared to overall project cost.

8. Local government contributions and local government comprehensive planning and activities that promote affordable housing.

9. Project feasibility.

10. Economic viability of the project.

11. Commitment of first mortgage financing.

12. Sponsor's prior experience.

13. Sponsor's ability to proceed with construction.

14. Projects that directly implement or assist welfare-to-work transitioning.

15. Projects receiving HOPE VI grants from the U.S. Department of Housing and Urban Development.

Section 17. Subsection (6) of section 420.5089, Florida Statutes, is amended to read:

420.5089 HOME Investment Partnership Program; HOME fund.—

(6) Applications for loans under any competitive scoring process established by program rule must be approved by a review committee established by corporation rule which shall analyze factors, including, but not limited to, the following:

(a) Demographic targeting objectives of the corporation.

(b) Corporation portfolio diversification.

(c) Developer's agreement to make units for the targeted group available for more than the minimum period required by rule.

(d) Leveraging of HOME funds.

(e) Local matching funds.

(f) The project's feasibility and long-term economic viability.

(g) Demonstrated capacity of the proposed project's development team.

(h) Conformance with the consolidated plan for the state and area in which the proposed project will be located.

(i) Projects receiving HOPE VI grants from the U.S. Department of Housing and Urban Development.

(j)~~(i)~~ Other factors determined and approved by the corporation's board of directors.

Section 18. Subsection (3) of section 420.5093, Florida Statutes, is amended to read:

420.5093 State Housing Tax Credit Program.—

(3) The corporation shall adopt allocation procedures that will ensure the maximum use of available tax credits in order to encourage development of low-income housing and associated mixed-use projects in urban areas, taking into consideration the timeliness of the application, the location of the proposed project, the relative need in the area of revitalization and low-income housing and the availability of such housing, the economic feasibility of the project, and the ability of the applicant to proceed to completion of the project in the calendar year for which the credit is sought. *The allocation procedure must give priority to projects receiving HOPE VI grants from the U.S. Department of Housing and Urban Development.*

Section 19. Subsection (2) of section 420.5099, Florida Statutes, is amended to read:

420.5099 Allocation of the low-income housing tax credit.—

(2) The corporation shall adopt allocation procedures that will ensure the maximum use of available tax credits in order to encourage development of low-income housing in the state, taking into consideration the timeliness of the application, the location of the proposed housing project, the relative need in the area for low-income housing and the availability of such housing, the economic feasibility of the project, and the ability of the applicant to proceed to completion of the project in the calendar year for which the credit is sought. *The allocation procedure must give priority to projects receiving HOPE VI grants from the U.S. Department of Housing and Urban Development.*

Section 20. Subsection (10) of section 159.705, Florida Statutes, is amended to read:

159.705 Powers of the authority.—The authority is authorized and empowered:

(10) Other provisions of law to the contrary notwithstanding, to acquire by lease, without consideration, purchase, or option any lands owned, administered, managed, controlled, supervised, or otherwise protected by the state or any of its agencies, departments, boards, or commissions for the purpose of establishing a research and development park, subject to being first designated a research and development authority under the provisions of ss. 159.701-159.7095. The authority may cooperate with state and local political subdivisions and with private profit and nonprofit entities to implement the public purposes set out in s. 159.701. Such cooperation may include agreements for the use of the resources of state and local political subdivisions, agencies, or entities on a fee-for-service basis or on a cost-recovery basis. *A project that is located in a research and development park and is financed pursuant to the provisions of the Florida Industrial Development Financing Act may be operated by a research and development authority, a state university, a Florida community college, or a governmental agency, provided that the purpose and operation of such project is consistent with the purposes and policies enumerated in ss. 159.701-159.7095.*

Section 21. Section 159.8083, Florida Statutes, is amended to read:

159.8083 Florida First Business allocation pool.—The Florida First Business allocation pool is hereby established. The Florida First Business allocation pool shall be available solely to provide written confirmation for private activity bonds to finance Florida First Business projects *recommended by Enterprise Florida, Inc., and* certified by the Office of Tourism, Trade, and Economic Development as eligible to receive a written confirmation. Allocations from such pool shall be awarded statewide pursuant to procedures specified in s. 159.805, except that the provisions of s. 159.805(2), (3), and (6) do not apply. Florida First Business projects that are eligible for a carryforward shall not lose their allocation on November 16 if they have applied and have been granted a carryforward. In issuing written confirmations of allocations for Florida First Business projects, the division shall use the Florida First Business allocation pool. If allocation is not available from the Florida First Business allocation pool, the division shall issue written confirmations of allocations for Florida First Business projects pursuant to s. 159.806 or s. 159.807, in such order. For the purpose of determining priority within a regional allocation pool or the state allocation pool, notices of intent to issue bonds for Florida First Business projects to be issued from a regional allocation pool or the state allocation pool shall be considered to have been received by the division at the time it is determined by the division that the Florida First Business allocation pool is unavailable to issue confirmation for such Florida First Business project. If the total amount requested in notices of intent to issue private activity bonds for Florida First Business projects exceeds the total amount of the Florida First Business allocation pool, the director shall forward all timely notices of intent to issue, which are received by the division for such projects, to the Office of Tourism, Trade, and Economic Development which shall render a decision as to which notices of intent to issue are to receive written confirmations. The Office of Tourism, Trade, and Economic Development, in consultation with the division *and Enterprise Florida, Inc.*, shall develop rules to ensure that the allocation provided in such pool is available solely to provide written confirmations for private activity bonds to finance Florida First Business projects and that such projects are feasible and financially solvent.

Section 22. Subsection (6) of section 163.3164, Florida Statutes, is amended to read:

163.3164 Definitions.—As used in this act:

(6) "Development" has the meaning given it in s. 380.04 *and the exemption given it in s. 380.04(3).*

Section 23. Paragraph (j) of subsection (5) and paragraph (eee) of subsection (7) of section 212.08, Florida Statutes, are amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(j) Machinery and equipment used in *semiconductor* ~~silicon~~ technology production and research and development.—

1. Industrial machinery and equipment purchased for use in *semiconductor* ~~silicon~~ technology facilities certified under subparagraph *6.* ~~5.~~ to manufacture, process, compound, or produce *semiconductor* ~~silicon~~ technology products for sale or for use by these facilities are exempt from the tax imposed by this chapter.

2. Machinery and equipment are exempt from the tax imposed by this chapter if purchased for use predominately in *semiconductor* ~~silicon~~ wafer research and development activities in a *semiconductor* ~~silicon~~ technology research and development facility certified under subparagraph *6.* ~~5.~~

3. Building materials purchased for use in manufacturing or expanding clean rooms in semiconductor-manufacturing facilities are exempt from the tax imposed by this chapter.

4.~~3.~~ In addition to meeting the criteria mandated by subparagraph 1., ~~or~~ subparagraph 2., *or subparagraph 3.,* a business must be certified by the Office of Tourism, Trade, and Economic Development as authorized in this paragraph in order to qualify for exemption under this paragraph.

5.~~4.~~ For items purchased tax exempt pursuant to this paragraph, possession of a written certification from the purchaser, certifying the purchaser's entitlement to exemption pursuant to this paragraph, relieves the seller of the responsibility of collecting the tax on the sale of such items, and the department shall look solely to the purchaser for recovery of tax if it determines that the purchaser was not entitled to the exemption.

6.~~5.~~a. To be eligible to receive the exemption provided by subparagraph 1., ~~or~~ subparagraph 2., *or subparagraph 3.,* a qualifying business entity shall apply to Enterprise Florida, Inc. The application shall be developed by the Office of Tourism, Trade, and Economic Development in consultation with Enterprise Florida, Inc.

b. Enterprise Florida, Inc., shall review each submitted application and information and determine whether or not the application is complete within 5 working days. Once an application is complete, Enterprise Florida, Inc., shall, within 10 working days, evaluate the application and recommend approval or disapproval of the application to the Office of Tourism, Trade, and Economic Development.

c. Upon receipt of the application and recommendation from Enterprise Florida, Inc., the Office of Tourism, Trade, and Economic Development shall certify within 5 working days those applicants who are found to meet the requirements of this section and notify the applicant, Enterprise Florida, Inc., and the department of the certification. If the Office of Tourism, Trade, and Economic Development finds that the applicant does not meet the requirements of this section, it shall notify the applicant and Enterprise Florida, Inc., within 10 working days that the application for certification has been denied and the reasons for denial. The Office of Tourism, Trade, and Economic Development has final approval authority for certification under this section.

7.~~6.~~a. A business ~~certified to receive this exemption~~ may apply once each year for the exemption.

~~b. The first claim submitted by a business may include all eligible expenditures made after the date the business was certified.~~

*b.*c. ~~To apply for the annual exemption, the business shall submit a claim to the Office of Tourism, Trade, and Economic Development, which claim indicates and documents the sales and use taxes otherwise payable on eligible machinery and equipment.~~ The *application* ~~claim~~ must ~~also~~ indicate, for program evaluation purposes only, the average number of full-time equivalent employees at the facility over the preceding calendar year, the average wage and benefits paid to those employees over the preceding calendar year, ~~and~~ the total investment made in real and tangible personal property over the preceding calendar year, *and the total value of tax-exempt purchases and taxes exempted during the previous year* ~~or, for the first claim submitted, since the date of certification~~. The department shall assist the Office of Tourism, Trade, and Economic Development in evaluating and verifying information provided in the application for exemption.

c.~~d.~~ The Office of Tourism, Trade, and Economic Development may use the information reported on the *application* ~~claims~~ for evaluation purposes only and shall prepare an annual report on the exemption program and its cost and impact. The annual report for the preceding fiscal year shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by September 30 of each fiscal year. This report may be submitted in conjunction with the annual report required in s. 288.095(3)(c).

8.~~7.~~ A business certified to receive this exemption may elect to designate one or more state universities or community colleges as recipients of up to 100 percent of the amount of the exemption for which they may qualify. To receive these funds, the institution must agree to match the funds so earned with equivalent cash, programs, services, or other in-kind support on a one-to-one basis in the pursuit of research and development projects as requested by the certified business. The rights to any patents, royalties, or real or intellectual property must be vested in the business unless otherwise agreed to by the business and the university or community college.

9.~~8.~~ As used in this paragraph, the term:

a. "Predominately" means at least 50 percent of the time in qualifying research and development.

b. "Research and development" means basic and applied research in the science or engineering, as well as the design, development, and testing of prototypes or processes of new or improved products. Research and development does not include market research, routine consumer product testing, sales research, research in the social sciences or psychology, nontechnological activities, or technical services.

c. "*Semiconductor* ~~Silicon~~ technology products" means raw *semiconductor* ~~silicon~~ wafers *or semiconductor thin films* that are transformed into semiconductor memory or logic wafers, including wafers containing mixed memory and logic circuits; related assembly and test operations; active-matrix flat panel displays; semiconductor chips; *semiconductor lasers; optoelectronic elements;* and related *semiconductor* ~~silicon~~ technology products as determined by the Office of Tourism, Trade, and Economic Development.

d. "Clean rooms" means manufacturing facilities enclosed in a manner that meets the clean manufacturing requirements necessary for high-technology semiconductor-manufacturing environments.

(7) MISCELLANEOUS EXEMPTIONS.—

(eee) Certain repair and labor charges.—

1. Subject to the provisions of subparagraphs 2. and 3., there is exempt from the tax imposed by this chapter all labor charges for the repair of, and parts and materials used in the repair of and incorporated into, industrial machinery and equipment *that* ~~which~~ is used for the manufacture, processing, compounding, ~~or~~ production, *or production and shipping* of items of tangible personal property at a fixed location within this state.

2. This exemption applies only to industries classified under SIC Industry Major Group Numbers 10, 12, 13, 14, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, *35,* 36, 37, 38, and 39 and Industry Group Number 212. As used in this subparagraph, "SIC" means those classifications contained in the Standard Industrial Classification Manual, 1987, as published by the Office of Management and Budget, Executive Office of the President.

3. This exemption shall be applied as follows:

a. Beginning July 1, 1999, 25 percent of such charges for repair parts and labor shall be exempt.

b. Beginning July 1, 2000, 50 percent of such charges for repair parts and labor shall be exempt.

c. Beginning July 1, 2001, 75 percent of such charges for repair parts and labor shall be exempt.

d. Beginning July 1, 2002, 100 percent of such charges for repair parts and labor shall be exempt.

Exemptions provided to any entity by this subsection shall not inure to any transaction otherwise taxable under this chapter when payment is made by a representative or employee of such entity by any means, including, but not limited to, cash, check, or credit card even when that representative or employee is subsequently reimbursed by such entity.

Section 24. *The amendment to section 212.08(7)(eee)2., Florida Statutes, made by this act is remedial in nature and shall have the force and effect as if SIC Code 35 had been included from July 1, 1999.*

Section 25. Subsection (2) of section 212.097, Florida Statutes, is amended to read:

212.097 Urban High-Crime Area Job Tax Credit Program.—

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

(a) "Eligible business" means any sole proprietorship, firm, partnership, or corporation that is located in a qualified county and is predominantly engaged in, or is headquarters for a business predominantly engaged in, activities usually provided for consideration by firms classified within the following standard industrial classifications: SIC 01 through SIC 09 (agriculture, forestry, and fishing); SIC 20 through SIC 39 (manufacturing); SIC 52 through SIC 57 and SIC 59 (retail); SIC 422 (public warehousing and storage); SIC 70 (hotels and other lodging places); SIC 7391 (research and development); *SIC 781 (motion picture production and allied services);* SIC 7992 (public golf courses); and SIC 7996 (amusement parks). A call center or similar customer service operation that services a multistate market or international market is also an eligible business. In addition, the Office of Tourism, Trade, and Economic Development may, as part of its final budget request submitted pursuant to s. 216.023, recommend additions to or deletions from the list of standard industrial classifications used to determine an eligible business, and the Legislature may implement such recommendations. Excluded from eligible receipts are receipts from retail sales, except such receipts for SIC 52 through SIC 57 and SIC 59 (retail) hotels and other lodging places classified in SIC 70, public golf courses in SIC 7992, and amusement parks in SIC 7996. For purposes of this paragraph, the term "predominantly" means that more than 50 percent of the business's gross receipts from all sources is generated by those activities usually provided for consideration by firms in the specified standard industrial classification. The determination of whether the business is located in a qualified high-crime area and the tier ranking of that area must be based on the date of application for the credit under this section. Commonly owned and controlled entities are to be considered a single business entity.

(b) "Qualified employee" means any employee of an eligible business who performs duties in connection with the operations of the business on a regular, full-time basis for an average of at least 36 hours per week for at least 3 months within the qualified high-crime area in which the eligible business is located. An owner or partner of the eligible business is not a qualified employee. The term also includes an employee leased from an employee leasing company licensed under chapter 468, if such employee has been continuously leased to the employer for an average of at least 36 hours per week for more than 6 months.

(c) "New business" means any eligible business first beginning operation on a site in a qualified high-crime area and clearly separate from any other commercial or business operation of the business entity within a qualified high-crime area. A business entity that operated an eligible business within a qualified high-crime area within the 48 months before the period provided for application by subsection (3) is not considered a new business.

(d) "Existing business" means any eligible business that does not meet the criteria for a new business.

(e) "Qualified high-crime area" means an area selected by the Office of Tourism, Trade, and Economic Development in the following manner: every third year, the office shall rank and tier those areas nominated under subsection (8), according to the following prioritized criteria:

1. Highest arrest rates within the geographic area for violent crime and for such other crimes as drug sale, drug possession, prostitution, vandalism, and civil disturbances;

2. Highest reported crime volume and rate of specific property crimes such as business and residential burglary, motor vehicle theft, and vandalism;

3. Highest percentage of reported index crimes that are violent in nature;

4. Highest overall index crime volume for the area; and

5. Highest overall index crime rate for the geographic area.

Tier-one areas are ranked 1 through 5 and represent the highest crime areas according to this ranking. Tier-two areas are ranked 6 through 10 according to this ranking. Tier-three areas are ranked 11 through 15. Notwithstanding this definition, "qualified high-crime area" also means an area that has been designated as a federal Empowerment Zone pursuant to the Taxpayer Relief Act of 1997. Such a designated area is ranked in tier three until the areas are reevaluated by the Office of Tourism, Trade, and Economic Development.

Section 26. Subsection (2) of section 212.098, Florida Statutes, is amended to read:

212.098 Rural Job Tax Credit Program.—

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

(a) "Eligible business" means any sole proprietorship, firm, partnership, or corporation that is located in a qualified county and is predominantly engaged in, or is headquarters for a business predominantly engaged in, activities usually provided for consideration by firms classified within the following standard industrial classifications: SIC 01 through SIC 09 (agriculture, forestry, and fishing); SIC 20 through SIC 39 (manufacturing); SIC 422 (public warehousing and storage); SIC 70 (hotels and other lodging places); SIC 7391 (research and development); *SIC 781 (motion picture production and allied services);* SIC 7992 (public golf courses); and SIC 7996 (amusement parks). A call center or similar customer service operation that services a multistate market or an international market is also an eligible business. In addition, the Office of Tourism, Trade, and Economic Development may, as part of its final budget request submitted pursuant to s. 216.023, recommend additions to or deletions from the list of standard industrial classifications used to determine an eligible business, and the Legislature may implement such recommendations. Excluded from eligible receipts are receipts from retail sales, except such receipts for hotels and other lodging places classified in SIC 70, public golf courses in SIC 7992, and amusement parks in SIC 7996. For purposes of this paragraph, the term "predominantly" means that more than 50 percent of the business's gross receipts from all sources is generated by those activities usually provided for consideration by firms in the specified standard industrial classification. The determination of whether the business is located in a qualified county and the tier ranking of that county must be based on the date of application for the credit under this section. Commonly owned and controlled entities are to be considered a single business entity.

(b) "Qualified employee" means any employee of an eligible business who performs duties in connection with the operations of the business on a regular, full-time basis for an average of at least 36 hours per week for at least 3 months within the qualified county in which the eligible business is located. An owner or partner of the eligible business is not a qualified employee.

(c) "Qualified county" means a county that has a population of fewer than 75,000 persons, or any county that has a population of 100,000 or less and is contiguous to a county that has a population of less than 75,000, selected in the following manner: every third year, the Office of Tourism, Trade, and Economic Development shall rank and tier the state's counties according to the following four factors:

1. Highest unemployment rate for the most recent 36-month period.

2. Lowest per capita income for the most recent 36-month period.

3. Highest percentage of residents whose incomes are below the poverty level, based upon the most recent data available.

4. Average weekly manufacturing wage, based upon the most recent data available.

Tier-one qualified counties are those ranked 1 through 5 and represent the state's least-developed counties according to this ranking. Tier-two qualified counties are those ranked 6 through 10, and tier-three counties are those ranked 11 through 17. Notwithstanding this definition, "qualified county" also means a county that contains an area that has been designated as a federal Enterprise Community pursuant to the 1999 Agricultural Appropriations Act. Such a designated area shall be ranked in tier three until the areas are reevaluated by the Office of Tourism, Trade, and Economic Development.

(d) "New business" means any eligible business first beginning operation on a site in a qualified county and clearly separate from any other commercial or business operation of the business entity within a qualified county. A business entity that operated an eligible business within a qualified county within the 48 months before the period provided for application by subsection (3) is not considered a new business.

(e) "Existing business" means any eligible business that does not meet the criteria for a new business.

Section 27. Section 218.075, Florida Statutes, is amended to read:

218.075 Reduction or waiver of permit processing fees.—Notwithstanding any other provision of law, the Department of Environmental Protection and the water management districts shall reduce or waive permit processing fees for *a county* ~~counties~~ with a population of *75,000* ~~50,000~~ or less, *or a county with a population of 100,000 or less which is contiguous to a county with a population of 75,000 or less, based upon the most current census data,* ~~on April 1, 1994, until such counties exceed a population of 75,000~~ and *a municipality* ~~municipalities~~ with a population of 25,000 or less, or any county or municipality not included within a metropolitan statistical area. Fee reductions or waivers shall be approved on the basis of fiscal hardship or environmental need for a particular project or activity. The governing body must certify that the cost of the permit processing fee is a fiscal hardship due to one of the following factors:

(1) Per capita taxable value is less than the statewide average for the current fiscal year;

(2) Percentage of assessed property value that is exempt from ad valorem taxation is higher than the statewide average for the current fiscal year;

(3) Any condition specified in s. 218.503, that determines a state of financial emergency;

(4) Ad valorem operating millage rate for the current fiscal year is greater than 8 mills; or

(5) A financial condition that is documented in annual financial statements at the end of the current fiscal year and indicates an inability to pay the permit processing fee during that fiscal year.

The permit applicant must be the governing body of a county or municipality or a third party under contract with a county or municipality and the project for which the fee reduction or waiver is sought must serve a public purpose. If a permit processing fee is reduced, the total fee shall not exceed $100.

Section 28. Section 288.012, Florida Statutes, is amended to read:

288.012 State of Florida foreign offices.—The Legislature finds that the expansion of international trade and tourism is vital to the overall health and growth of the economy of this state. This expansion is hampered by the lack of technical and business assistance, financial assistance, and information services for businesses in this state. The Legislature finds that these businesses could be assisted by providing these services at State of Florida foreign offices. The Legislature further finds that the accessibility and provision of services at these offices can be enhanced through cooperative agreements or strategic alliances between state entities, local entities, foreign entities, and private businesses.

(1)*(a)* The Office of Tourism, Trade, and Economic Development is authorized to:

~~(a)~~ *approve the establishment and operation by Enterprise Florida, Inc., and the Florida Commission on Tourism of* ~~Establish and operate~~ offices in foreign countries for the purpose of promoting the trade and economic development of the state, and promoting the gathering of trade data information and research on trade opportunities in specific countries.

(b) *Enterprise Florida, Inc., and the Florida Commission on Tourism, as agents for the Office of Tourism, Trade, and Economic Development, may* enter into agreements with governmental and private sector entities to establish and operate offices in foreign countries containing provisions which may be in conflict with general laws of the state pertaining to the purchase of office space, employment of personnel, and contracts for services. When agreements pursuant to this section are made which set compensation in foreign currency, such agreements shall be subject to the requirements of s. 215.425~~, but the purchase of foreign currency by the Office of Tourism, Trade, and Economic Development to meet such obligations shall be subject only to s. 216.311~~.

(c) By September 1, 1997, the Office of Tourism, Trade, and Economic Development shall develop a plan for the disposition of the current foreign offices and the development and location of additional foreign offices. The plan shall include, but is not limited to, a determination of the level of funding needed to operate the current offices and any additional offices and whether any of the current offices need to be closed or relocated. Enterprise Florida, Inc., the Florida Tourism Commission, the Florida Ports Council, the Department of State, the Department of Citrus, and the Department of Agriculture shall assist the Office of Tourism, Trade, and Economic Development in the preparation of the plan. All parties shall cooperate on the disposition or establishment of the offices and ensure that needed space, technical assistance, and support services are provided to such entities at such foreign offices.

(2) By June 30, 1998, each foreign office shall have in place an operational plan approved by the participating boards or other governing authority, a copy of which shall be provided to the Office of Tourism, Trade, and Economic Development. These operating plans shall be reviewed and updated each fiscal year and *submitted annually thereafter to Enterprise Florida, Inc., or the Florida Commission on Tourism for review and approval. The plans* shall include, at a minimum, the following:

(a) Specific policies and procedures encompassing the entire scope of the operation and management of each office.

(b) A comprehensive, commercial strategic plan identifying marketing opportunities and industry sector priorities for the foreign country or area in which a foreign office is located.

(c) Provisions for access to information for Florida businesses through the Florida Trade Data Center. Each foreign office shall obtain and forward trade leads and inquiries to the center on a regular basis as called for in the plan pursuant to paragraph (1)(c).

(d) Identification of new and emerging market opportunities for Florida businesses. Each foreign office shall provide the Florida Trade Data Center with a compilation of foreign buyers and importers in industry sector priority areas *annually* ~~on an annual basis~~. In return, the Florida Trade Data Center shall make available to each foreign office, and to the entities identified in paragraph (1)(c), trade industry, commodity, and opportunity information as specified in the plan required in that paragraph. This information shall be provided to the offices and the entities identified in paragraph (1)(c) either free of charge or on a fee basis with fees set only to recover the costs of providing the information.

(e) Provision of access for Florida businesses to the services of the Florida Trade Data Center, international trade assistance services provided by state and local entities, seaport and airport information, and other services identified in the plan pursuant to paragraph (1)(c).

(f) Qualitative and quantitative performance measures for each office including, but not limited to, the number of businesses assisted, the

number of trade leads and inquiries generated, the number of foreign buyers and importers contacted, and the amount and type of marketing conducted.

(3) By October 1 of each year, each foreign office shall submit to *Enterprise Florida, Inc., or the Florida Commission on Tourism* ~~the Office of Tourism, Trade, and Economic Development~~ a complete and detailed report on its activities and accomplishments during the preceding fiscal year. In a format provided by Enterprise Florida, Inc., the report must set forth information on:

(a) The number of Florida companies assisted.

(b) The number of inquiries received about investment opportunities in this state.

(c) The number of trade leads generated.

(d) The number of investment projects announced.

(e) The estimated U.S. dollar value of sales confirmations.

(f) The number of representation agreements.

(g) The number of company consultations.

(h) Barriers or other issues affecting the effective operation of the office.

(i) Changes in office operations which are planned for the current fiscal year.

(j) Marketing activities conducted.

(k) Strategic alliances formed with organizations in the country in which the office is located.

(l) Activities conducted with other Florida foreign offices.

(m) Any other information that the office believes would contribute to an understanding of its activities.

(4) The Office of Tourism, Trade, and Economic Development, in connection with the establishment, operation, and management of any of *the* ~~its~~ offices located in a foreign country, is exempt from the provisions of ss. 255.21, 255.25, and 255.254 relating to leasing of buildings; ss. 283.33 and 283.35 relating to bids for printing; ss. 287.001-287.20 relating to purchasing and motor vehicles; and ss. 282.003-282.111 relating to communications, and from all statutory provisions relating to state employment.

(a) *Such exemptions* ~~The Office of Tourism, Trade, and Economic Development~~ may *be exercised* ~~exercise such exemptions~~ only upon prior approval of the Governor.

(b) If approval for an exemption under this section is granted as an integral part of a plan of operation for a specified foreign office, such action shall constitute continuing authority for the ~~Office of Tourism, Trade, and Economic Development to~~ exercise *of* the exemption, but only in the context and upon the terms originally granted. Any modification of the approved plan of operation with respect to an exemption contained therein must be resubmitted to the Governor for his or her approval. An approval granted to exercise an exemption in any other context shall be restricted to the specific instance for which the exemption is to be exercised.

(c) As used in this subsection, the term "plan of operation" means the plan developed pursuant to subsection (2).

(d) Upon final action by the Governor with respect to a request to exercise the exemption authorized in this subsection, the Office of Tourism, Trade, and Economic Development shall report such action, along with the original request and any modifications thereto, to the President of the Senate and the Speaker of the House of Representatives within 30 days.

(5) Where feasible and appropriate, and subject to s. 288.1224(10), foreign offices established and operated under this section may provide one-stop access to the economic development, trade, and tourism information, services, and programs of the state. Where feasible and appropriate, and subject to s. 288.1224(10), such offices may also be collocated with other foreign offices of the state.

(6) The Office of Tourism, Trade, and Economic Development is authorized to make and to enter into contracts with Enterprise Florida, Inc., and the Florida Commission on Tourism to carry out the provisions of this section. The authority, duties, and exemptions provided in this section apply to Enterprise Florida, Inc., and the Florida Commission on Tourism ~~to the same degree and subject to the same conditions as applied to the Office of Tourism, Trade, and Economic Development~~. To the greatest extent possible, such contracts shall include provisions for cooperative agreements or strategic alliances between state entities, foreign entities, local entities, and private businesses to operate foreign offices.

Section 29. Section 288.018, Florida Statutes, is amended to read:

288.018 Regional Rural Development Grants Program.—

(1) *Enterprise Florida, Inc., shall administer* ~~The Office of Tourism, Trade, and Economic Development shall establish~~ a matching grant program to provide funding to regionally based economic development organizations representing rural counties and communities for the purpose of building the professional capacity of their organizations. *Upon recommendation by Enterprise Florida, Inc.,* the Office of Tourism, Trade, and Economic Development is authorized to approve, on an annual basis, grants to such regionally based economic development organizations. The maximum amount an organization may receive in any year will be $35,000, or $100,000 in a rural area of critical economic concern recommended by the Rural Economic Development Initiative and designated by the Governor, and must be matched each year by an equivalent amount of nonstate resources.

(2) In *recommending the awards for funding, Enterprise Florida, Inc.,* ~~approving the participants, the Office of Tourism, Trade, and Economic Development~~ shall consider the demonstrated need of the applicant for assistance and require the following:

(a) Documentation of official commitments of support from each of the units of local government represented by the regional organization.

(b) Demonstration that each unit of local government has made a financial or in-kind commitment to the regional organization.

(c) Demonstration that the private sector has made financial or in-kind commitments to the regional organization.

(d) Demonstration that the organization is in existence and actively involved in economic development activities serving the region.

(e) Demonstration of the manner in which the organization is or will coordinate its efforts with those of other local and state organizations.

(3) The Office of Tourism, Trade, and Economic Development may *approve awards* ~~expend~~ up to *a total of* $600,000 each fiscal year from funds appropriated to the Rural Community Development Revolving Loan Fund for the purposes outlined in this section.

Section 30. Section 288.064, Florida Statutes, is created to read:

288.064 Legislative intent on rural economic development.—

(1) The Legislature finds and declares that, because of climate, tourism, industrialization, technological advances, federal and state government policies, transportation, and migration, Florida's urban communities have grown rapidly over the past 40 years. This growth and prosperity, however, have not been shared by Florida's rural communities, although these communities are the stewards of the vast majority of the land and natural resources. Without this land and these resources, the state's growth and prosperity cannot continue. In short, successful rural communities are essential to the overall success of the state's economy.

(2) The Legislature further finds and declares that many rural areas of the state are experiencing not only a lack of growth but severe and sustained economic distress. Median household incomes are significantly less than the state's median household income level. Job creation rates trail those in more urbanized areas. In many cases, rural counties have lost jobs, which handicaps local economies and drains wealth from these communities. These and other factors, including government policies, amplify and compound social, health, and community problems, making

job creation and economic development even more difficult. Moreover, the Legislature finds that traditional program and service delivery is often hampered by the necessarily rigid structure of the programs themselves and the lack of local resources.

(3) It is the intent of the Legislature to provide for the most efficient and effective delivery of programs of assistance and support to rural communities, including the use, where appropriate, of regulatory flexibility through multiagency coordination and adequate funding. The Legislature determines and declares that the provision of such assistance and support in this manner fulfills an important state interest.

Section 31. Paragraph (d) of subsection (2) and subsection (4) of section 288.0655, Florida Statutes, are amended to read:

288.0655 Rural Infrastructure Fund.—

(2)

(d) By September 1, *2000* ~~1999~~, the office shall pursue execution of a memorandum of agreement with the United States Department of Agriculture under which state funds available through the Rural Infrastructure Fund may be advanced, in excess of the prescribed state share, for a project that has received from the department a preliminary determination of eligibility for federal financial support. State funds in excess of the prescribed state share which are advanced pursuant to this paragraph and the memorandum of agreement shall be reimbursed when funds are awarded under an application for federal funding.

(4) By September 1, *2000* ~~1999~~, the office shall, in consultation with the organizations listed in subsection (3), and other organizations, develop guidelines and criteria governing submission of applications for funding, review and evaluation of such applications, and approval of funding under this section. The office shall consider factors including, but not limited to, the project's potential for enhanced job creation or increased capital investment, the demonstration of local public and private commitment, the location of the project in an enterprise zone, the location of the project in a community development corporation service area ~~as defined in s. 290.035(2)~~, the location of the project in a county designated under s. 212.097, the unemployment rate of the surrounding area, and the poverty rate of the community.

Section 32. Subsection (2) of section 288.0656, Florida Statutes, is amended and subsection (9) is added to that section to read:

288.0656 Rural Economic Development Initiative.—

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

(a) "Economic distress" means conditions affecting the fiscal and economic viability of a rural community, including such factors as low per capita income, low per capita taxable values, high unemployment, high underemployment, low weekly earned wages compared to the state average, low housing values compared to the state average, high percentages of the population receiving public assistance, high poverty levels compared to the state average, and a lack of year-round stable employment opportunities.

(b) "Rural community" means:

1. A county with a population of 75,000 or less.

2. A county with a population of 100,000 or less that is contiguous to a county with a population of 75,000 or less.

3. A municipality within a county described in subparagraph 1. or subparagraph 2.

4. An unincorporated federal enterprise community or an incorporated rural city with a population of 25,000 or less and an employment base focused on traditional agricultural or resource-based industries, located in a county not *described in subparagraph 1. or subparagraph 2. which meets the criteria established in subsection (9).* ~~defined as rural, which has at least three or more of the economic distress factors identified in paragraph (a) and verified by the Office of Tourism, Trade, and Economic Development.~~

For purposes of this paragraph, population shall be determined in accordance with the most recent official estimate pursuant to s. 186.901.

(9)(a) An unincorporated federal enterprise community or an incorporated rural city as described in subparagraph (2)(b)4. must apply to REDI for designation as rural by resolution of the municipal governing body and demonstrate that three or more of the factors of economic distress as provided in paragraph (2)(a) exist within the community. REDI shall verify such factors prior to approving the designation.

(b) Upon receiving such designation, an unincorporated federal enterprise community or an incorporated rural city in a nonrural county shall be eligible to apply for any program specifically identified in statute as a rural program, provided that it demonstrates that the county of jurisdiction for such unincorporated federal enterprise community or rural city is also providing support for each program application. REDI may recommend criteria for the evaluation of such county support to the administrative agency of each program. Such communities shall also be eligible for any preferential criteria or waivers of any program requirements specifically identified in statute as available for rural counties, cities, or communities when necessary to encourage and facilitate long-term private capital investment and job creation.

Section 33. Section 288.1088, Florida Statutes, is amended to read:

288.1088 Quick Action Closing Fund.—

(1)(a) The Legislature finds that attracting, retaining, and providing favorable conditions for the growth of certain *target industries provides high-quality employment opportunities for residents of this state and enhances the economic foundations of the state* ~~high-impact business facilities provides widespread economic benefits to the public through high-quality employment opportunities in such facilities and in related facilities attracted to the state, through the increased tax base provided by the high-impact facility and businesses in related sectors, through an enhanced entrepreneurial climate in the state and the resulting business and employment opportunities, and through the stimulation and enhancement of the state's universities and community colleges. In the global economy, there exists serious and fierce international competition for these facilities, and in most instances, when all available resources for economic development have been used, the state continues to encounter severe competitive disadvantages in vying for these high-impact business facilities~~.

(b) The Legislature therefore declares that sufficient resources shall be available to respond to extraordinary economic opportunities, ~~and~~ to compete effectively for these *high-value-added employment opportunities, and to enhance the state's economic base by providing incentives to qualifying businesses that require inducement beyond that available through other sources to invest, grow, and create new high-wage employment opportunities in this state and its communities* ~~high-impact business facilities~~.

(2) There is created within the Office of Tourism, Trade, and Economic Development the Quick Action Closing Fund*, also known as the 21st Century Fund*.

(3)(a) Enterprise Florida, Inc., shall evaluate individual proposals for *target-industry businesses* ~~high-impact business facilities~~ and forward recommendations regarding the use of moneys in the fund for such *projects* ~~facilities~~ to the director of the Office of Tourism, Trade, and Economic Development. Such evaluation and recommendation must include, but need not be limited to:

1. A description of the type of facility, its business operation, and the product or service associated with the *project* ~~facility~~.

2. The number of full-time-equivalent jobs that will be created by the *project* ~~facility~~ and the total estimated average annual wages of those jobs.

3. The cumulative amount of investment to be dedicated to the *project* ~~facility~~ within a specified period.

4. A statement of any special impacts the *project* ~~facility~~ is expected to stimulate in a particular business sector in the state or regional economy, ~~or~~ in the state's universities and community colleges, *or in a distressed Florida community*.

5. A statement of the role the incentive is expected to play in the decision of the applicant business to locate or expand in this state, *an analysis of all other state and local incentives that have been offered in*

this state, and an analysis of the conditions and incentives offered by other states and their communities.

(b) Upon receipt of the evaluation and recommendation from Enterprise Florida, Inc., the director shall recommend approval or disapproval of a project for receipt of funds from the Quick Action Closing Fund to the Governor. In recommending a *target-industry business for this incentive* ~~high-impact business facility~~, the director shall include proposed performance conditions that the *business* ~~facility~~ must meet to obtain incentive funds. The Governor shall consult with the President of the Senate and the Speaker of the House of Representatives before giving final approval for a project. The Executive Office of the Governor shall recommend approval of a project and release of funds pursuant to the legislative consultation and review requirements set forth in s. 216.177. The recommendation must include proposed performance conditions the project must meet to obtain funds.

(c) *If a project is approved for the receipt of funds* ~~Upon the approval of the Governor~~, the director of the Office of Tourism, Trade, and Economic Development and the ~~high-impact~~ business shall enter into a contract that sets forth the conditions for payment of moneys from the fund. The contract must include the total amount of funds awarded; the performance conditions that must be met to obtain the award, including, but not limited to, net new employment in the state, average salary, and total capital investment; the methodology for validating performance; the schedule of payments from the fund; and sanctions for failure to meet performance conditions.

(d) Enterprise Florida, Inc., shall validate contractor performance. Such validation shall be reported within 6 months after completion of the contract to the Governor, President of the Senate, and the Speaker of the House of Representatives.

Section 34. Subsections (1), (2), (4), (6), (8), and (10) of section 288.1162, Florida Statutes, are amended to read:

288.1162 Professional sports franchises; spring training franchises; duties.—

(1) The *direct-support organization authorized under s. 288.1229* ~~Office of Tourism, Trade, and Economic Development~~ shall serve as the ~~state~~ agency for screening applicants *and shall make recommendations to the Office of Tourism, Trade, and Economic Development* for state funding pursuant to s. 212.20 and for certifying an applicant as a "facility for a new professional sports franchise," a "facility for a retained professional sports franchise," or a "new spring training franchise facility." *The Office of Tourism, Trade, and Economic Development shall have the final approval for any decision under this section.*

(2) The *direct-support organization authorized under s. 288.1229* ~~Office of Tourism, Trade, and Economic Development~~ shall develop *guidelines* ~~rules~~ for the receipt and processing of applications for funding pursuant to s. 212.20.

(4) Prior to certifying an applicant as a "facility for a new professional sports franchise" or a "facility for a retained professional sports franchise," the *direct-support organization authorized under s. 288.1229* ~~Office of Tourism, Trade, and Economic Development~~ must determine that:

(a) A "unit of local government" as defined in s. 218.369 is responsible for the construction, management, or operation of the professional sports franchise facility or holds title to the property on which the professional sports franchise facility is located.

(b) The applicant has a verified copy of a signed agreement with a new professional sports franchise for the use of the facility for a term of at least 10 years, or in the case of a retained professional sports franchise, an agreement for use of the facility for a term of at least 20 years.

(c) The applicant has a verified copy of the approval from the governing authority of the league in which the new professional sports franchise exists authorizing the location of the professional sports franchise in this state after April 1, 1987, or in the case of a retained professional sports franchise, verified evidence that it has had a league-authorized location in this state on or before December 31, 1976. The term "league" means the National League or the American League of Major League Baseball, the National Basketball Association, the National Football League, or the National Hockey League.

(d) The applicant has projections, verified by the *direct-support organization* ~~Office of Tourism, Trade, and Economic Development~~, which demonstrate that the new or retained professional sports franchise will attract a paid attendance of more than 300,000 annually.

(e) The applicant has an independent analysis or study, verified by the *direct-support organization* ~~Office of Tourism, Trade, and Economic Development~~, which demonstrates that the amount of the revenues generated by the taxes imposed under chapter 212 with respect to the use and operation of the professional sports franchise facility will equal or exceed $2 million annually.

(f) The municipality in which the facility for a new or retained professional sports franchise is located, or the county if the facility for a new or retained professional sports franchise is located in an unincorporated area, has certified by resolution after a public hearing that the application serves a public purpose.

(g) The applicant has demonstrated that it has provided, is capable of providing, or has financial or other commitments to provide more than one-half of the costs incurred or related to the improvement and development of the facility.

(h) No applicant previously certified under any provision of this section who has received funding under such certification shall be eligible for an additional certification.

(6) Prior to certifying an applicant as a "new spring training franchise facility," the *direct-support organization authorized under s. 288.1229* ~~Office of Tourism, Trade, and Economic Development~~ must determine that:

(a) A "unit of local government" as defined in s. 218.369 is responsible for the construction, management, or operation of the new spring training franchise facility or holds title to the property on which the new spring training franchise facility is located.

(b) The applicant has a verified copy of a signed agreement with a new spring training franchise for the use of the facility for a term of at least 15 years.

(c) The applicant has a financial commitment to provide 50 percent or more of the funds required by an agreement for the use of the facility by the new spring training franchise.

(d) The proposed facility for the new spring training franchise is located within 20 miles of an interstate or other limited-access highway system.

(e) The applicant has projections, verified by the *direct-support organization* ~~Office of Tourism, Trade, and Economic Development~~, which demonstrate that the new spring training franchise facility will attract a paid attendance of at least 50,000 annually.

(f) The new spring training franchise facility is located in a county that is levying a tourist development tax pursuant to s. 125.0104(3)(b), (c), (d), and (l), at the rate of 4 percent by March 1, 1992, and, 87.5 percent of the proceeds from such tax are dedicated for the construction of a spring training complex.

(8) The *direct-support organization authorized under s. 288.1229* ~~Office of Tourism, Trade, and Economic Development~~ shall notify the Department of Revenue of any facility certified as a facility for a new professional sports franchise or a facility for a retained professional sports franchise or as a new spring training franchise facility. The *direct-support organization* ~~Office of Tourism, Trade, and Economic Development~~ may certify no more than eight facilities as facilities for a new professional sports franchise, as facilities for a retained professional sports franchise, or as new spring training franchise facilities, including in such total any facilities certified by the Department of Commerce before July 1, 1996, *and by the Office of Tourism, Trade, and Economic Development before July 1, 2000*. ~~The office may make~~ No more than one certification *may be made* for any facility.

(10) An applicant shall not be qualified for certification under this section if the franchise formed the basis for a previous certification, unless the previous certification was withdrawn by the facility or invalidated by the *direct-support organization authorized under s. 288.1229, the* Office of Tourism, Trade, and Economic Development, or the Department of Commerce before any funds were distributed pursuant to s.

212.20. This subsection does not disqualify an applicant if the previous certification occurred between May 23, 1993, and May 25, 1993; however, any funds to be distributed pursuant to s. 212.20 for the second certification shall be offset by the amount distributed to the previous certified facility. Distribution of funds for the second certification shall not be made until all amounts payable for the first certification have been distributed.

Section 35. Section 288.1168, Florida Statutes, is amended to read:

288.1168 Professional golf hall of fame facility; duties.—

~~(1) The Department of Commerce shall serve as the state agency for screening applicants for state funding pursuant to s. 212.20 and for certifying one applicant as the professional golf hall of fame facility in the state.~~

~~(2) Prior to certifying the professional golf hall of fame facility, the Department of Commerce must determine that:~~

~~(a) The professional golf hall of fame facility is the only professional golf hall of fame in the United States recognized by the PGA Tour, Inc.~~

~~(b) The applicant is a unit of local government as defined in s. 218.369 or a private sector group that has contracted to construct or operate the professional golf hall of fame facility on land owned by a unit of local government.~~

~~(c) The municipality in which the professional golf hall of fame facility is located, or the county if the facility is located in an unincorporated area, has certified by resolution after a public hearing that the application serves a public purpose.~~

~~(d) There are existing projections that the professional golf hall of fame facility will attract a paid attendance of more than 300,000 annually.~~

~~(e) There is an independent analysis or study, using methodology approved by the department, which demonstrates that the amount of the revenues generated by the taxes imposed under chapter 212 with respect to the use and operation of the professional golf hall of fame facility will equal or exceed $2 million annually.~~

(1)~~(f)~~ *Prior to certification, the applicant for the certified professional golf hall of fame facility must submit* ~~The applicant has submitted~~ an agreement to provide $2 million annually in national and international media promotion of the professional golf hall of fame facility, Florida, and Florida tourism, through the PGA Tour, Inc., or its affiliates, at the then-current commercial rate, during the period of time that the facility receives funds pursuant to s. 212.20. The *direct-support organization authorized under s. 288.1229* ~~Office of Tourism, Trade, and Economic Development~~ and the PGA Tour, Inc., or its affiliates, must agree annually on a reasonable percentage of advertising specifically allocated for generic Florida advertising. The *direct-support organization authorized under s. 288.1229* ~~Office of Tourism, Trade, and Economic Development~~ shall have final approval of all generic advertising. Failure on the part of the PGA Tour, Inc., or its affiliates to annually provide the advertising as provided in this *subsection* ~~paragraph~~ or subsection *(4)* ~~(6)~~ shall result in the termination of funding as provided in s. 212.20.

~~(g) Documentation exists that demonstrates that the applicant has provided, is capable of providing, or has financial or other commitments to provide more than one-half of the costs incurred or related to the improvement and development of the facility.~~

~~(h) The application is signed by an official senior executive of the applicant and is notarized according to Florida law providing for penalties for falsification.~~

(2)~~(3)~~ The *certified professional golf hall of fame facility* ~~applicant~~ may use funds provided pursuant to s. 212.20 for the public purpose of paying for the construction, reconstruction, renovation, or operation of the ~~professional golf hall of fame~~ facility, or to pay or pledge for payment of debt service on, or to fund debt service reserve funds, arbitrage rebate obligations, or other amounts payable with respect to, bonds issued for the construction, reconstruction, or renovation of the facility or for the reimbursement of such costs or the refinancing of bonds issued for such purpose.

~~(4) Upon determining that an applicant is or is not certifiable, the Secretary of Commerce shall notify the applicant of his or her status by means of an official letter. If certifiable, the secretary shall notify the executive director of the Department of Revenue and the applicant of such certification by means of an official letter granting certification. From the date of such certification, the applicant shall have 5 years to open the professional golf hall of fame facility to the public and notify the Office of Tourism, Trade, and Economic Development of such opening. The Department of Revenue shall not begin distributing funds until 30 days following notice by the Office of Tourism, Trade, and Economic Development that the professional golf hall of fame facility is open to the public.~~

(3)~~(5)~~ The Department of Revenue may audit as provided in s. 213.34 to verify that the distributions under this section have been expended as required by this section.

(4)~~(6)~~ The *direct-support organization authorized under s. 288.1229* ~~Office of Tourism, Trade, and Economic Development~~ must recertify every 10 years that the facility is open, continues to be the only professional golf hall of fame in the United States recognized by the PGA Tour, Inc., and is meeting the minimum projections for attendance or sales tax revenue as required at the time of original certification. If the facility is not certified as meeting the minimum projections, the PGA Tour, Inc., shall increase its required advertising contribution of $2 million annually to $2.5 million annually in lieu of reduction of any funds as provided by s. 212.20. The additional $500,000 must be allocated in its entirety for the use and promotion of generic Florida advertising as determined by the *direct-support organization authorized under s. 288.1229* ~~Office of Tourism, Trade, and Economic Development~~. If the facility is not open to the public or is no longer in use as the only professional golf hall of fame in the United States recognized by the PGA Tour, Inc., the entire $2.5 million for advertising must be used for generic Florida advertising as determined by the *direct-support organization authorized under s. 288.1229* ~~Office of Tourism, Trade, and Economic Development~~.

Section 36. Section 288.1169, Florida Statutes, is amended to read:

288.1169 International Game Fish Association World Center facility; ~~department~~ duties.—

(1) The *direct-support organization authorized under s. 288.1229* ~~Department of Commerce~~ shall serve as the ~~state~~ agency approving applicants for funding pursuant to s. 212.20 and for certifying the applicant as the International Game Fish Association World Center facility. For purposes of this section, "facility" means the International Game Fish Association World Center, and "project" means the International Game Fish Association World Center and new colocated improvements by private sector concerns who have made cash or in-kind contributions to the facility of $1 million or more.

(2) Prior to certifying this facility, the *direct-support organization authorized under s. 288.1229* ~~department~~ must determine that:

(a) The International Game Fish Association World Center is the only fishing museum, Hall of Fame, and international administrative headquarters in the United States recognized by the International Game Fish Association, and that one or more private sector concerns have committed to donate to the International Game Fish Association land upon which the International Game Fish Association World Center will operate.

(b) International Game Fish Association is a not-for-profit Florida corporation that has contracted to construct and operate the facility.

(c) The municipality in which the facility is located, or the county if the facility is located in an unincorporated area, has certified by resolution after a public hearing that the facility serves a public purpose.

(d) There are existing projections that the International Game Fish Association World Center facility and the colocated facilities of private sector concerns will attract an attendance of more than 1.8 million annually.

(e) There is an independent analysis or study, using methodology approved by the *direct-support organization* ~~department~~, which demonstrates that the amount of the revenues generated by the taxes imposed under chapter 212 with respect to the use and operation of the project will exceed $1 million annually.

(f) There are existing projections that the project will attract more than 300,000 persons annually who are not residents of the state.

(g) The applicant has submitted an agreement to provide $500,000 annually in national and international media promotion of the facility, at the then-current commercial rates, during the period of time that the facility receives funds pursuant to s. 212.20. Failure on the part of the applicant to annually provide the advertising as provided in this paragraph shall result in the termination of the funding as provided in s. 212.20. The applicant can discharge its obligation under this paragraph by contracting with other persons, including private sector concerns who participate in the project.

(h) Documentation exists that demonstrates that the applicant has provided, and is capable of providing, or has financial or other commitments to provide, more than one-half of the cost incurred or related to the improvements and the development of the facility.

(i) The application is signed by senior officials of the International Game Fish Association and is notarized according to Florida law providing for penalties for falsification.

(3) The applicant may use funds provided pursuant to s. 212.20 for the purpose of paying for the construction, reconstruction, renovation, promotion, or operation of the facility, or to pay or pledge for payment of debt service on, or to fund debt service reserve funds, arbitrage rebate obligations, or other amounts payable with respect to, bonds issued for the construction, reconstruction, or renovation of the facility or for the reimbursement of such costs or by refinancing of bonds issued for such purposes.

(4) Upon determining that an applicant is or is not certifiable, the *direct-support organization authorized under s. 288.1229* ~~Department of Commerce~~ shall notify the applicant of its status by means of an official letter. If certifiable, the *direct-support organization* ~~Department of Commerce~~ shall notify the executive director of the Department of Revenue and the applicant of such certification by means of an official letter granting certification. From the date of such certification, the applicant shall have 5 years to open the facility to the public and notify the *direct-support organization* ~~Department of Commerce~~ of such opening. The Department of Revenue shall not begin distributing funds until 30 days following notice by the *direct-support organization* ~~Department of Commerce~~ that the facility is open to the public.

(5) The Department of Revenue may audit as provided in s. 213.34 to verify that the contributions pursuant to this section have been expended as required by this section.

(6) The *direct-support organization authorized under s. 288.1229* ~~Department of Commerce~~ must recertify every 10 years that the facility is open, that the International Game Fish Association World Center continues to be the only international administrative headquarters, fishing museum, and Hall of Fame in the United States recognized by the International Game Fish Association, and *must verify annually* that the project is meeting the minimum projections for attendance or sales tax revenues as required at the time of original certification. If the facility is not recertified during this 10-year review as meeting the minimum projections, then funding will be abated until certification criteria are met. If the project fails to generate $1 million of annual revenues pursuant to paragraph (2)(e), the distribution of revenues pursuant to s. 212.20(6)(f)5.c. shall be reduced to an amount equal to $83,333 multiplied by a fraction, the numerator of which is the actual revenues generated and the denominator of which is $1 million. Such reduction shall remain in effect until revenues generated by the project in a 12-month period equal or exceed $1 million.

Section 37. Section 288.1185, Florida Statutes, is transferred, renumbered as section 403.7155, Florida Statutes, and amended to read:

403.7155 ~~288.1185~~ Recycling Markets Advisory Committee.—

(1) There is created the Recycling Markets Advisory Committee, hereinafter referred to as the "committee," to be administratively housed in the *Department of Environmental Protection* ~~Office of Tourism, Trade, and Economic Development~~. The purpose of the committee shall be to serve as the mechanism for coordination among state agencies and the private sector to coordinate policy and overall strategic planning for developing new markets and expanding and enhancing existing markets for recovered materials. The committee may not duplicate or replace agency programs, but shall enhance, coordinate, and recommend priorities for those programs.

(2)(a) The committee shall consist of 12 members, 10 of whom shall be appointed by the Governor, each of whom is or has been actively engaged in the recycling industry or a related business area, including the use of product packaging materials, or is a local government official with a demonstrated knowledge of recycling; a member of the House of Representatives to be appointed by the Speaker of the House of Representatives, who shall serve without voting rights as an ex officio member of the committee; and a member of the Senate to be appointed by the President of the Senate, who shall serve without voting rights as an ex officio member of the committee.

(b) Members of the committee shall be appointed within 60 days after this section takes effect.

(c) A chairperson shall be appointed by the Governor from among the members of the committee.

(d) The committee shall meet at the call of its chairperson or at the request of a majority of its membership, but at least biannually. A majority of the members shall constitute a quorum, and the affirmative vote of a majority of a quorum is necessary to take official action.

(e) Members of the committee shall serve without compensation but are entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.061.

(f) The committee may appoint ad hoc committees, which may include persons who are not members of the committee, to study recycled materials market development problems and issues and advise the committee on these subjects. Ad hoc committee members may be reimbursed for per diem and travel expenses as provided in s. 112.061.

(g) The *Department of Environmental Protection* ~~Office of Tourism, Trade, and Economic Development~~ shall coordinate with agencies listed in paragraph (3)(a) to provide support as necessary to enable the committee to adequately carry out its functions.

(3)(a) The heads of the Department of Transportation, the Department of Environmental Protection, the Department of Management Services, the Department of Agriculture and Consumer Services, the Florida Energy Office, and the Governor shall each designate a staff member from within the agency to serve as the recycling market development liaison for the agency. This person shall have knowledge of recycling and the issues and problems related to recycling and recycled materials market development. This person shall be the primary point of contact for the agency on issues related to recycled materials market development. These liaisons shall be available for committee meetings and shall work closely with the committee and other recycling market development liaisons to further the goals of the committee, as appropriate.

(b) Whenever it is necessary to change the designee, the head of each agency shall notify the Governor in writing of the person designated as the recycling market development liaison for such agency.

(4)(a) By October 1, 1993, the committee shall develop a plan to set goals and provide direction for developing new markets and expanding and enhancing existing markets for recovered materials.

(b) In developing the plan and any needed legislation, the committee shall consider:

1. Developing new markets and expanding and enhancing existing markets for recovered materials.

2. Pursuing expanded end uses for recycled materials.

3. Targeting materials for concentrated market development efforts.

4. Developing proposals for new incentives for market development, particularly focusing on targeted materials.

5. Providing guidance on issues such as permitting, finance options for recycling market development, site location, research and development, grant program criteria for recycled materials markets, recycling markets education and information, and minimum content.

6. Coordinating the efforts of various government entities with market development responsibilities.

7. Evaluating the need for competitively solicited, cooperative ventures in rural areas for collecting, processing, marketing, and procuring collected materials.

8. Evaluating source-reduced products as they relate to state procurement policy. The evaluation shall include, but is not limited to, the environmental and economic impact of source-reduced product purchases on the state. For the purposes of this section, "source-reduced" means any method, process, product, or technology which significantly or substantially reduces the volume or weight of a product while providing, at a minimum, equivalent or generally similar performance and service to and for the users of such materials.

(5) By November 1 of each year, beginning in 1994, the committee shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a complete and detailed report setting forth in appropriate detail the operations and accomplishments of the committee and the activities of existing agencies and programs in support of the goals established by the committee, including any recommendations for statutory changes.

(6) In order to support the functions of the committee, the *Department of Environmental Protection* ~~Office of Tourism, Trade, and Economic Development~~ may hire staff or contract with other agencies for staff support and enter into contracts for support, research, planning, evaluation, and communication and promotion services.

Section 38. Paragraphs (a) and (g) of subsection (2) of section 288.1223, Florida Statutes, are amended to read:

288.1223 Florida Commission on Tourism; creation; purpose; membership.—

(2)(a) The commission shall consist of *the Governor or the Governor's designee, who must be from the public sector, and* 17 general tourism-industry-related members appointed by the Governor, subject to confirmation by the Senate, and 11 additional tourism-industry-related members, appointed by the Governor no later than July 31, 1996, including 3 representatives from the statewide rental car industry, 3 representatives from tourist-related statewide associations, including those that represent hotels, campgrounds, and attractions, 3 representatives from county destination marketing organizations, 1 representative from the cruise industry, and 1 representative from the airline industry, who will each serve for a term of 2 years, ~~the Governor,~~ and 2 additional ex officio members, who will serve for a term of 2 years, appointed no later than July 31, 1996, including a member of the Senate appointed by the President of the Senate and a member of the House of Representatives appointed by the Speaker of the House of Representatives.

(g) The Governor *or the Governor's designee, who must be from the public sector,* shall serve as chair of the commission. The commission shall annually elect one of its tourism-industry-related members as vice chair, who shall preside in the absence of the chair.

Section 39. Paragraph (f) of subsection (5) of section 288.1226, Florida Statutes, is amended to read:

288.1226 Florida Tourism Industry Marketing Corporation; use of property; board of directors; duties; audit.—

(5) POWERS AND DUTIES.—The corporation, in the performance of its duties:

(f) Shall *appoint the president of the Florida Tourism Industry Marketing Corporation, who shall serve at the pleasure of the Governor. The president is the chief executive officer of the board of directors and of the corporation and shall direct and supervise the affairs of the corporation. The corporation shall* elect or appoint such *other* officers and agents as its affairs shall require and allow them reasonable compensation. *No employee of the Florida Tourism Industry Marketing Corporation may receive compensation for employment which exceeds the salary paid to the Governor, unless the board of directors and the employee have executed a contract that prescribes specific, measurable performance outcomes for the employee, the satisfaction of which provides the basis for the award of incentive payments that increase the employee's total compensation to a level above the salary paid to the Governor.*

Section 40. Subsection (10) is added to section 288.1229, Florida Statutes, to read:

288.1229 Promotion and development of sports-related industries and amateur athletics; direct-support organization; powers and duties.—

(10) The direct-support organization authorized under this section shall provide an annual report to the Office of Tourism, Trade, and Economic Development on the status of the professional golf hall of fame facility certified under s. 288.1168 and the level of attendance and sales tax revenue associated with the facility as compared to the minimum projections established at the time the facility was certified. This report is due within 30 days after the annual agreement required under s. 288.1168(1). The direct-support organization also shall provide by October 1 of each year a report to the Office of Tourism, Trade, and Economic Development on the status of the International Game Fish Association World Center facility certified under s. 288.1169.

Section 41. Section 288.1251, Florida Statutes, is amended to read:

288.1251 Promotion and development of entertainment industry; *Governor's* Office of ~~the~~ Film *and Entertainment* ~~Commissioner~~; creation; purpose; powers and duties.—

(1) CREATION.—

(a) There is hereby created within the Office of Tourism, Trade, and Economic Development the *Governor's* Office of ~~the~~ Film *and Entertainment* ~~Commissioner~~ for the purpose of developing, marketing, promoting, and providing services to the state's entertainment industry.

(b) The Office of Tourism, Trade, and Economic Development shall conduct a national search for a qualified person to fill the position of ~~Film~~ Commissioner *of Film and Entertainment*, and the Executive Director of the Office of Tourism, Trade, and Economic Development shall hire the ~~Film~~ commissioner. Guidelines for selection of the ~~Film~~ commissioner shall include, but not be limited to, the ~~Film~~ commissioner having the following:

1. A working knowledge of the equipment, personnel, financial, and day-to-day production operations of the industries to be served by the office;

2. Marketing and promotion experience related to the industries to be served by the office;

3. Experience working with a variety of individuals representing large and small entertainment-related businesses, industry associations, local community entertainment industry liaisons, and labor organizations; and

4. Experience working with a variety of state and local governmental agencies.

(2) POWERS AND DUTIES.—

(a) The *Governor's* Office of ~~the~~ Film *and Entertainment* ~~Commissioner~~, in performance of its duties, shall:

1. In consultation with the Florida Film *and Entertainment* Advisory Council, develop and implement a 5-year strategic plan to guide the activities of the *Governor's* Office of ~~the~~ Film *and Entertainment* ~~Commissioner~~ in the areas of entertainment industry development, marketing, promotion, liaison services, field office administration, and information. The plan, to be developed by no later than June 30, 2000, shall:

a. Be annual in construction and ongoing in nature.

b. Include recommendations relating to the organizational structure of the office.

c. Include an annual budget projection for the office for each year of the plan.

d. Include an operational model for the office to use in implementing programs for rural and urban areas designed to:

(I) Develop and promote the state's entertainment industry.

(II) Have the office serve as a liaison between the entertainment industry and other state and local governmental agencies, local film commissions, and labor organizations.

(III) Gather statistical information related to the state's entertainment industry.

(IV) Provide information and service to businesses, communities, organizations, and individuals engaged in entertainment industry activities.

(V) Administer field offices outside the state and coordinate with regional offices maintained by counties and regions of the state, as described in sub-sub-subparagraph (II), as necessary.

e. Include performance standards and measurable outcomes for the programs to be implemented by the office.

f. Include an assessment of, and make recommendations on, the feasibility of creating an alternative public-private partnership for the purpose of contracting with such a partnership for the administration of the state's entertainment industry promotion, development, marketing, and service programs.

2. Develop, market, and facilitate a smooth working relationship between state agencies and local governments in cooperation with local film commission offices for out-of-state and indigenous entertainment industry production entities.

3. Implement a structured methodology prescribed for coordinating activities of local offices with each other and the commissioner's office.

4. Represent the state's indigenous entertainment industry to key decisionmakers within the national and international entertainment industry, and to state and local officials.

5. Prepare an inventory and analysis of the state's entertainment industry, including, but not limited to, information on crew, related businesses, support services, job creation, talent, and economic impact and coordinate with local offices to develop an information tool for common use.

6. Represent key decisionmakers within the national and international entertainment industry to the indigenous entertainment industry and to state and local officials.

7. Serve as liaison between entertainment industry producers and labor organizations.

8. Identify, solicit, and recruit entertainment production opportunities for the state.

9. Assist rural communities and other small communities in the state in developing the expertise and capacity necessary for such communities to develop, market, promote, and provide services to the state's entertainment industry.

(b) The *Governor's* Office of ~~the~~ Film *and Entertainment* ~~Commissioner~~, in the performance of its duties, may:

1. Conduct or contract for specific promotion and marketing functions, including, but not limited to, production of a statewide directory, production and maintenance of an Internet web site, establishment and maintenance of a toll-free number, organization of trade show participation, and appropriate cooperative marketing opportunities.

2. Conduct its affairs, carry on its operations, establish offices, and exercise the powers granted by this act in any state, territory, district, or possession of the United States.

3. Carry out any program of information, special events, or publicity designed to attract entertainment industry to Florida.

4. Develop relationships and leverage resources with other public and private organizations or groups in their efforts to publicize to the entertainment industry in this state, other states, and other countries the depth of Florida's entertainment industry talent, crew, production companies, production equipment resources, related businesses, and support services, including the establishment of and expenditure for a program of cooperative advertising with these public and private organizations and groups in accordance with the provisions of chapter 120.

5. Provide and arrange for reasonable and necessary promotional items and services for such persons as the office deems proper in connection with the performance of the promotional and other duties of the office.

6. Prepare an annual economic impact analysis on entertainment industry-related activities in the state.

7. Request or accept any grant or gift of funds or property made by this state or by the United States, or any department or agency thereof, or by any individual, firm, corporation, municipality, county, or organization for any or all of the purposes of the Governor's Office of Film and Entertainment which are consistent with this or any other provision of law. The office may expend such funds in accordance with the terms and conditions of any such grant or gift, in the pursuit of its administration, or in support of the programs it administers.

Section 42. Section 288.1252, Florida Statutes, is amended to read:

288.1252 Florida Film *and Entertainment* Advisory Council; creation; purpose; membership; powers and duties.—

(1) CREATION.—There is ~~hereby~~ created within the Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor, for administrative purposes only, the Florida Film *and Entertainment* Advisory Council.

(2) PURPOSE.—The purpose of the council shall be to serve as an advisory body to the Office of Tourism, Trade, and Economic Development and to the *Governor's* Office of ~~the~~ Film *and Entertainment* ~~Commissioner~~ to provide these offices with industry insight and expertise related to developing, marketing, promoting, and providing service to the state's entertainment industry.

(3) MEMBERSHIP.—

(a) The council shall consist of 17 members, seven to be appointed by the Governor, five to be appointed by the President of the Senate, and five to be appointed by the Speaker of the House of Representatives, with the initial appointments being made no later than August 1, 1999.

(b) When making appointments to the council, the Governor, the President of the Senate, and the Speaker of the House of Representatives shall appoint persons who are residents of the state and who are highly knowledgeable of, active in, and recognized leaders in Florida's motion picture, television, video, sound recording, or other entertainment industries. These persons shall include, but not be limited to, representatives of local film commissions, representatives of entertainment associations, a representative of the broadcast industry, representatives of labor organizations in the entertainment industry, and board chairs, presidents, chief executive officers, chief operating officers, or persons of comparable executive position or stature of leading or otherwise important entertainment industry businesses and offices. Council members shall be appointed in such a manner as to equitably represent the broadest spectrum of the entertainment industry and geographic areas of the state.

(c) Council members shall serve for 4-year terms, except that the initial terms shall be staggered:

1. The Governor shall appoint one member for a 1-year term, two members for 2-year terms, two members for 3-year terms, and two members for 4-year terms.

2. The President of the Senate shall appoint one member for a 1-year term, one member for a 2-year term, two members for 3-year terms, and one member for a 4-year term.

3. The Speaker of the House of Representatives shall appoint one member for a 1-year term, one member for a 2-year term, two members for 3-year terms, and one member for a 4-year term.

(d) Subsequent appointments shall be made by the official who appointed the council member whose expired term is to be filled.

(e) The ~~Film~~ Commissioner *of Film and Entertainment*, a representative of Enterprise Florida, Inc., and a representative of the Florida

Tourism Industry Marketing Corporation shall serve as ex officio, nonvoting members of the council, and shall be in addition to the 17 appointed members of the council.

(f) Absence from three consecutive meetings shall result in automatic removal from the council.

(g) A vacancy on the council shall be filled for the remainder of the unexpired term by the official who appointed the vacating member.

(h) No more than one member of the council may be an employee of any one company, organization, or association.

(i) Any member shall be eligible for reappointment but may not serve more than two consecutive terms.

(4) MEETINGS; ORGANIZATION.—

(a) The council shall meet no less frequently than once each quarter of the calendar year, but may meet more often as set by the council.

(b) The council shall annually elect one member to serve as chair of the council and one member to serve as vice chair. The *Governor's* Office of ~~the~~ Film *and Entertainment* ~~Commissioner~~ shall provide staff assistance to the council, which shall include, but not be limited to, keeping records of the proceedings of the council, and serving as custodian of all books, documents, and papers filed with the council.

(c) A majority of the members of the council shall constitute a quorum.

(d) Members of the council shall serve without compensation, but shall be entitled to reimbursement for per diem and travel expenses in accordance with s. 112.061 while in performance of their duties.

(5) POWERS AND DUTIES.—The Florida Film *and Entertainment* Advisory Council shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this act, including, but not limited to, the power to:

(a) Adopt bylaws for the governance of its affairs and the conduct of its business.

(b) Advise and consult with the *Governor's* Office of ~~the~~ Film *and Entertainment* ~~Commissioner~~ on the content, development, and implementation of the 5-year strategic plan to guide the activities of the office.

(c) Review the ~~Film Commissioner's~~ administration *by the Commissioner of Film and Entertainment* of the programs related to the strategic plan, and advise the commissioner on the programs and any changes that might be made to better meet the strategic plan.

(d) Consider and study the needs of the entertainment industry for the purpose of advising the commissioner and the Office of Tourism, Trade, and Economic Development.

(e) Identify and make recommendations on state agency and local government actions that may have an impact on the entertainment industry or that may appear to industry representatives as an official state or local action affecting production in the state.

(f) Consider all matters submitted to it by the commissioner and the Office of Tourism, Trade, and Economic Development.

(g) Advise and consult with the commissioner and the Office of Tourism, Trade, and Economic Development, at their request or upon its own initiative, regarding the promulgation, administration, and enforcement of all laws and rules relating to the entertainment industry.

(h) Suggest policies and practices for the conduct of business by the *Governor's* Office of ~~the~~ Film *and Entertainment* ~~Commissioner~~ or by the Office of Tourism, Trade, and Economic Development that will improve internal operations affecting the entertainment industry and will enhance the economic development initiatives of the state for the industry.

(i) Appear on its own behalf before boards, commissions, departments, or other agencies of municipal, county, or state government, or the Federal Government.

Section 43. Section 288.1253, Florida Statutes, is amended to read:

288.1253 Travel and entertainment expenses.—

(1) As used in this section:

(a) "Business client" means any person, other than a state official or state employee, who receives the services of representatives of the *Governor's* Office of ~~the~~ Film *and Entertainment* ~~Commissioner~~ in connection with the performance of its statutory duties, including persons or representatives of entertainment industry companies considering location, relocation, or expansion of an entertainment industry business within the state.

(b) "Entertainment expenses" means the actual, necessary, and reasonable costs of providing hospitality for business clients or guests, which costs are defined and prescribed by rules adopted by the Office of Tourism, Trade, and Economic Development, subject to approval by the Comptroller.

(c) "Guest" means a person, other than a state official or state employee, authorized by the Office of Tourism, Trade, and Economic Development to receive the hospitality of the *Governor's* Office of ~~the~~ Film *and Entertainment* ~~Commissioner~~ in connection with the performance of its statutory duties.

(d) "Travel expenses" means the actual, necessary, and reasonable costs of transportation, meals, lodging, and incidental expenses normally incurred by a traveler, which costs are defined and prescribed by rules adopted by the Office of Tourism, Trade, and Economic Development, subject to approval by the Comptroller.

(2) Notwithstanding the provisions of s. 112.061, the Office of Tourism, Trade, and Economic Development shall adopt rules by which it may make expenditures by advancement or reimbursement, or a combination thereof, to:

(a) The Governor, the Lieutenant Governor, security staff of the Governor or Lieutenant Governor, the ~~Film~~ Commissioner *of Film and Entertainment*, or staff of the *Governor's* Office of ~~the~~ Film *and Entertainment* ~~Commissioner~~ for travel expenses or entertainment expenses incurred by such individuals solely and exclusively in connection with the performance of the statutory duties of the *Governor's* Office of ~~the~~ Film *and Entertainment* ~~Commissioner~~.

(b) The Governor, the Lieutenant Governor, security staff of the Governor or Lieutenant Governor, the ~~Film~~ Commissioner *of Film and Entertainment*, or staff of the *Governor's* Office of ~~the~~ Film *and Entertainment* ~~Commissioner~~ for travel expenses or entertainment expenses incurred by such individuals on behalf of guests, business clients, or authorized persons as defined in s. 112.061(2)(e) solely and exclusively in connection with the performance of the statutory duties of the *Governor's* Office of ~~the~~ Film *and Entertainment* ~~Commissioner~~.

(c) Third-party vendors for the travel or entertainment expenses of guests, business clients, or authorized persons as defined in s. 112.061(2)(e) incurred solely and exclusively while such persons are participating in activities or events carried out by the *Governor's* Office of ~~the~~ Film *and Entertainment* ~~Commissioner~~ in connection with that office's statutory duties.

The rules shall be subject to approval by the Comptroller prior to promulgation. The rules shall require the submission of paid receipts, or other proof of expenditure prescribed by the Comptroller, with any claim for reimbursement and shall require, as a condition for any advancement of funds, an agreement to submit paid receipts or other proof of expenditure and to refund any unused portion of the advancement within 15 days after the expense is incurred or, if the advancement is made in connection with travel, within 10 working days after the traveler's return to headquarters. However, with respect to an advancement of funds made solely for travel expenses, the rules may allow paid receipts or other proof of expenditure to be submitted, and any unused portion of the advancement to be refunded, within 10 working days after the traveler's return to headquarters. Operational or promotional advancements, as defined in s. 288.35(4), obtained pursuant to this section shall not be commingled with any other state funds.

(3) The Office of Tourism, Trade, and Economic Development shall prepare an annual report of the expenditures of the *Governor's* Office of

~~the~~ Film *and Entertainment* ~~Commissioner~~ and provide such report to the Legislature no later than December 30 of each year for the expenditures of the previous fiscal year. The report shall consist of a summary of all travel, entertainment, and incidental expenses incurred within the United States and all travel, entertainment, and incidental expenses incurred outside the United States, as well as a summary of all successful projects that developed from such travel.

(4) The *Governor's* Office of ~~the~~ Film *and Entertainment* ~~Commissioner~~ and its employees and representatives, when authorized, may accept and use complimentary travel, accommodations, meeting space, meals, equipment, transportation, and any other goods or services necessary for or beneficial to the performance of the office's duties and purposes, so long as such acceptance or use is not in conflict with part III of chapter 112. The Office of Tourism, Trade, and Economic Development shall, by rule, develop internal controls to ensure that such goods or services accepted or used pursuant to this subsection are limited to those that will assist solely and exclusively in the furtherance of the office's goals and are in compliance with part III of chapter 112.

(5) Any claim submitted under this section shall not be required to be sworn to before a notary public or other officer authorized to administer oaths, but any claim authorized or required to be made under any provision of this section shall contain a statement that the expenses were actually incurred as necessary travel or entertainment expenses in the performance of official duties of the *Governor's* Office of ~~the~~ Film *and Entertainment* ~~Commissioner~~ and shall be verified by written declaration that it is true and correct as to every material matter. Any person who willfully makes and subscribes to any claim which he or she does not believe to be true and correct as to every material matter or who willfully aids or assists in, procures, or counsels or advises with respect to, the preparation or presentation of a claim pursuant to this section that is fraudulent or false as to any material matter, whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present the claim, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Whoever receives an advancement or reimbursement by means of a false claim is civilly liable, in the amount of the overpayment, for the reimbursement of the public fund from which the claim was paid.

Section 44. Section 288.7011, Florida Statutes, is amended to read:

288.7011 Assistance to certified development corporation.—The Office of Tourism, Trade, and Economic Development is authorized to enter into contracts with a nonprofit, statewide development corporation certified pursuant to s. 503 of the Small Business Investment Act of 1958, as amended, to permit such corporation to locate and contract for administrative and technical staff assistance and support, including, without limitation, assistance to the development corporation in the packaging and servicing of loans for the purpose of stimulating and expanding the availability of private equity capital and long-term loans to small businesses. Such assistance and support will cease when the corporation has received state support in an amount the equivalent of $250,000 per year over a *4-year* ~~5-year~~ period beginning July 1, 1997. Any contract between the office and such corporation shall specify that the records of the corporation must be available for audit by the office and by the Auditor General.

Section 45. Subsections (2) and (7) of section 288.901, Florida Statutes, are amended to read:

288.901 Enterprise Florida, Inc.; creation; membership; organization; meetings; disclosure.—

(2) Enterprise Florida, Inc., shall establish one or more corporate offices, at least one of which shall be located in Leon County. The Department of Management Services may establish a lease agreement program under which Enterprise Florida, Inc., may hire any individual who, as of June 30, 1996, is employed by the Department of Commerce or who, as of January 1, 1997, is employed by the Executive Office of the Governor and has responsibilities specifically in support of the Workforce Development Board established under *s. 288.9952* ~~s. 288.9620~~. Under such agreement, the employee shall retain his or her status as a state employee but shall work under the direct supervision of Enterprise Florida, Inc. Retention of state employee status shall include the right to participate in the Florida Retirement System. The Department of Management Services shall establish the terms and conditions of such lease agreements.

(7) The Governor *or the Governor's designee, who must be from the public sector,* shall serve as chairperson of the board of directors. The board of directors shall biennially elect one of its appointive members as vice chairperson. The president shall keep a record of the proceedings of the board of directors and is the custodian of all books, documents, and papers filed with the board of directors, the minutes of the board of directors, and the official seal of Enterprise Florida, Inc.

Section 46. Subsection (2) of section 288.9015, Florida Statutes, is amended to read:

288.9015 Enterprise Florida, Inc.; purpose; duties.—

(2) It shall be the responsibility of Enterprise Florida, Inc., to aggressively market Florida's rural communities and distressed urban communities as locations for potential new investment, to aggressively assist in the retention and expansion of existing businesses in these communities, and to aggressively assist these communities in the identification and development of new economic development opportunities for job creation. *Enterprise Florida, Inc., shall use and promote existing state programs to facilitate the location of new investment, the retention and expansion of existing businesses, and the identification and development of new economic development opportunities for job creation. Such programs include, but are not limited to: the Community Contribution Tax Credit Program, as provided in ss. 220.183 and 624.5105; the Urban High-Crime Area Job Tax Credit Program as provided in ss. 212.097 and 220.1895; the Rural Job Tax Credit Program as provided in ss. 212.098 and 220.1895; and the state incentives available in enterprise zones as provided in s. 290.007.*

Section 47. Section 288.980, Florida Statutes, is amended to read:

288.980 Military base retention; legislative intent; grants program.—

(1)(a) It is the intent of this state to provide the necessary means to assist communities with military installations that would be adversely affected by federal base realignment or closure actions. It is further the intent to encourage communities to initiate a coordinated program of response and plan of action in advance of future actions of the federal Base Realignment and Closure Commission. It is critical that closure-vulnerable communities develop such a program to preserve affected military installations. The Legislature hereby recognizes that the state needs to coordinate all efforts that can facilitate the retention of all remaining military installations in the state. The Legislature, therefore, declares that providing such assistance to support the defense-related initiatives within this section is a public purpose for which public money may be used.

(b) The Florida Defense Alliance, an organization within Enterprise Florida, is designated as the organization to ensure that Florida, its resident military bases and missions, and its military host communities are in competitive positions as the United States continues its defense realignment and downsizing. The defense alliance shall serve as an overall advisory body for Enterprise Florida defense-related activity. The Florida Defense Alliance may receive funding from appropriations made for that purpose *to* ~~administered by~~ the Office of Tourism, Trade, and Economic Development *and administered by Enterprise Florida, Inc.*

(2)(a) The Office of Tourism, Trade, and Economic Development is authorized to award grants *based upon the recommendation of Enterprise Florida, Inc., and for administration by Enterprise Florida, Inc.,* from *funds specifically appropriated* ~~any funds available~~ to it to support activities related to the retention of military installations potentially affected by federal base closure or realignment.

(b) The term "activities" as used in this section means studies, presentations, analyses, plans, and modeling. Staff salaries are not considered an "activity" for which grant funds may be awarded. Travel costs and costs incidental thereto incurred by a grant recipient shall be considered an "activity" for which grant funds may be awarded.

(c) Except for grants issued pursuant to the Florida Military Installation Reuse Planning and Marketing Grant Program as described in paragraph (3)(c), the amount of any grant provided to an applicant may not exceed $250,000. *In making recommendations to* the Office of Tourism, Trade, and Economic Development, *Enterprise Florida, Inc.,* shall require that an applicant:

1. Represent a local government with a military installation or military installations that could be adversely affected by federal base realignment or closure.

2. Agree to match at least 30 percent of any grant awarded.

3. Prepare a coordinated program or plan of action delineating how the eligible project will be administered and accomplished.

4. Provide documentation describing the potential for realignment or closure of a military installation located in the applicant's community and the adverse impacts such realignment or closure will have on the applicant's community.

(d) In making *recommendations for* grant awards, *Enterprise Florida, Inc.,* ~~the office~~ shall consider, at a minimum, the following factors:

1. The relative value of the particular military installation in terms of its importance to the local and state economy relative to other military installations vulnerable to closure.

2. The potential job displacement within the local community should the military installation be closed.

3. The potential adverse impact on industries and technologies which service the military installation.

(3) The Florida Economic Reinvestment Initiative is established to respond to the need for this state and defense-dependent communities in this state to develop alternative economic diversification strategies to lessen reliance on national defense dollars in the wake of base closures and reduced federal defense expenditures and the need to formulate specific base reuse plans and identify any specific infrastructure needed to facilitate reuse. The initiative shall consist of the following three distinct grant programs to be administered by *Enterprise Florida, Inc.* ~~the Office of Tourism, Trade, and Economic Development~~:

(a) The Florida Defense Planning Grant Program, through which funds shall be used to analyze the extent to which the state is dependent on defense dollars and defense infrastructure and prepare alternative economic development strategies. The state shall work in conjunction with defense-dependent communities in developing strategies and approaches that will help communities make the transition from a defense economy to a nondefense economy. Grant awards may not exceed $250,000 per applicant and shall be available on a competitive basis.

(b) The Florida Defense Implementation Grant Program, through which funds shall be made available to defense-dependent communities to implement the diversification strategies developed pursuant to paragraph (a). Eligible applicants include defense-dependent counties and cities, and local economic development councils located within such communities. Grant awards may not exceed $100,000 per applicant and shall be available on a competitive basis. Awards shall be matched on a one-to-one basis.

(c) The Florida Military Installation Reuse Planning and Marketing Grant Program, through which funds shall be used to help counties, cities, and local economic development councils develop and implement plans for the reuse of closed or realigned military installations, including any necessary infrastructure improvements needed to facilitate reuse and related marketing activities.

Applications for grants under this subsection must include a coordinated program of work or plan of action delineating how the eligible project will be administered and accomplished, which must include a plan for ensuring close cooperation between civilian and military authorities in the conduct of the funded activities and a plan for public involvement. *The director of the Office of Tourism, Trade, and Economic Development shall make the final decision on all grant awards.*

(4)(a) The Defense-Related Business Adjustment Program is ~~hereby~~ created. *Enterprise Florida, Inc.,* ~~The Director of the Office of Tourism, Trade, and Economic Development~~ shall coordinate the development of the Defense-Related Business Adjustment Program. Funds shall be available to assist defense-related companies in the creation of increased commercial technology development through investments in technology. Such technology must have a direct impact on critical state needs for the purpose of generating investment-grade technologies and encouraging the partnership of the private sector and government defense-related business adjustment. The following areas shall receive precedence in consideration for funding commercial technology development: law enforcement or corrections, environmental protection, transportation, education, and health care. Travel and costs incidental thereto, and staff salaries, are not considered an "activity" for which grant funds may be awarded.

(b) *In making recommendations to the Office of Tourism, Trade, and Economic Development for grant awards, Enterprise Florida, Inc.,* ~~The office~~ shall require that an applicant:

1. Be a defense-related business that could be adversely affected by federal base realignment or closure or reduced defense expenditures.

2. Agree to match at least 50 percent of any funds awarded by the department in cash or in-kind services. Such match shall be directly related to activities for which the funds are being sought.

3. Prepare a coordinated program or plan delineating how the funds will be administered.

4. Provide documentation describing how defense-related realignment or closure will adversely impact defense-related companies.

(5) The Retention of Military Installations Program is created. The Director of the Office of Tourism, Trade, and Economic Development shall coordinate and implement this program. The sum of $1.2 million is appropriated from the General Revenue Fund for fiscal year 1999-2000 to the Office of Tourism, Trade, and Economic Development to implement this program for military installations located in counties with a population greater than 824,000. The funds shall be used to assist military installations potentially affected by federal base closure or realignment in covering current operating costs in an effort to retain the installation in this state. An eligible military installation for this program shall include a provider of simulation solutions for war-fighting experimentation, testing, and training which employs at least 500 civilian and military employees and has been operating in the state for a period of more than 10 years.

(6) The director *of the Office of Tourism, Trade, and Economic Development* may award nonfederal matching funds specifically appropriated for construction, maintenance, and analysis of a Florida defense workforce database. Such funds will be used to create a registry of worker skills that can be used to match the worker needs of companies that are relocating to this state or to assist workers in relocating to other areas within this state where similar or related employment is available.

(7) Payment of administrative expenses shall be limited to no more than 10 percent of any grants issued pursuant to this section.

(8) *Enterprise Florida, Inc.,* ~~The Office of Tourism, Trade, and Economic Development~~ shall *develop* ~~establish~~ guidelines to implement and carry out the purpose and intent of this section. *The Office of Tourism, Trade, and Economic Development must approve the guidelines before their implementation.*

Section 48. Subsections (8) and (12), paragraph (h) of subsection (10), and paragraph (b) of subsection (14) of section 288.99, Florida Statutes, are amended, and subsection (15) is added to that section, to read:

288.99 Certified Capital Company Act.—

(8) ANNUAL TAX CREDIT; CLAIM PROCESS.—

(a) On an annual basis, on or before December 31, each certified capital company shall file with the department and the office, in consultation with the *office* ~~department~~, on a form prescribed by the office, for each calendar year:

1. The total dollar amount the certified capital company received from certified investors, the identity of the certified investors, and the amount received from each certified investor during the calendar year.

2. The total dollar amount the certified capital company invested and the amount invested in qualified businesses, together with the identity and location of those businesses and the amount invested in each qualified business.

3. For informational purposes only, the total number of permanent, full-time jobs either created or retained by the qualified business during

the calendar year, the average wage of the jobs created or retained, the industry sectors in which the qualified businesses operate, and any additional capital invested in qualified businesses from sources other than certified capital companies.

(b) The form shall be verified by one or more principals of the certified capital company submitting the form. Verification shall be accomplished as provided in s. 92.525(1)(b) and subject to the provisions of s. 92.525(3).

(c) The *department* ~~office~~ shall review the form, and any supplemental documentation, submitted by each certified capital company for the purpose of verifying:

1. That the businesses in which certified capital has been invested by the certified capital company are in fact qualified businesses, and that the amount of certified capital invested by the certified capital company is as represented in the form.

2. The amount of certified capital invested in the certified capital company by the certified investors.

3. The amount of premium tax credit available to certified investors.

(d) The Department of Revenue is authorized to audit and examine the accounts, books, or records of certified capital companies and certified investors for the purpose of ascertaining the correctness of any report and financial return which has been filed, and to ascertain a certified capital company's compliance with the tax-related provisions of this act.

(e) This subsection shall take effect January 1, 1999.

(10) DECERTIFICATION.—

(h) The *department* ~~office~~ shall send written notice to the address of each certified investor whose premium tax credit has been subject to recapture or forfeiture, using the address last shown on the last premium tax filing.

(12) REPORTING REQUIREMENTS.—The office shall report *annually* ~~on an annual basis~~ to the Governor, the President of the Senate, and the Speaker of the House of Representatives on or before April 1:

(a) The total dollar amount each certified capital company received from all certified investors and any other investor, the identity of the certified investors, and the total amount of premium tax credit used by each certified investor for the previous calendar year.

(b) The total dollar amount invested by each certified capital company and that portion invested in qualified businesses, the identity and location of those businesses, the amount invested in each qualified business, and the total number of permanent, full-time jobs created or retained by each qualified business.

(c) The return for the state as a result of the certified capital company investments, including the extent to which:

1. Certified capital company investments have contributed to employment growth.

2. The wage level of businesses in which certified capital companies have invested exceed the average wage for the county in which the jobs are located.

3. The investments of the certified capital companies in qualified businesses have contributed to expanding or diversifying the economic base of the state.

(14) RULEMAKING AUTHORITY.—

(b) The *department and the* office may adopt any rules necessary to carry out its duties, obligations, and powers related to the administration, review, and reporting provisions of this section and may perform any other acts necessary for the proper administration and enforcement of such duties, obligations, and powers.

(15) ADDITIONAL CERTIFICATIONS.—Notwithstanding the dates established in paragraphs (4)(b), (c), and (e), an applicant for certification as a certified capital company may file an application of the type specified in paragraph (4)(b) to become a "certified capital company" under this section between July 1, 2000, and September 1, 2000, in the manner prescribed in subsection (4).

Section 49. Section 290.004, Florida Statutes, is amended to read:

290.004 Definitions.—As used in ss. 290.001-290.016:

(1) "Community investment corporation" means a black business investment corporation, a certified development corporation, a small business investment corporation, or other similar entity incorporated under Florida law that has limited its investment policy to making investments solely in minority business enterprises.

~~(2) "Department" means the Department of Commerce.~~

(2)~~(3)~~ "Director" means the director of the Office of Tourism, Trade, and Economic Development.

(3)~~(4)~~ "Governing body" means the council or other legislative body charged with governing the county or municipality.

(4)~~(5)~~ "Interagency coordinating council" means the Enterprise Zone Interagency Coordinating Council created pursuant to s. 290.009.

(5)~~(6)~~ "Minority business enterprise" has the same meaning as in s. 288.703.

(6)~~(7)~~ "Office" means the Office of Tourism, Trade, and Economic Development.

(7) "Rural enterprise zone" means an enterprise zone that is nominated by a county having a population of 75,000 or fewer, or a county having a population of 100,000 or fewer which is contiguous to a county having a population of 75,000 or fewer, or by a municipality in such a county, or by such a county and one or more municipalities. An enterprise zone designated in accordance with s. 370.28 shall be considered a rural enterprise zone.

~~(8) "Secretary" means the Secretary of Commerce.~~

(8)~~(9)~~ "Small business" has the same meaning as in s. 288.703.

Section 50. Subsections (11) and (12) of section 290.0056, Florida Statutes, are amended to read:

290.0056 Enterprise zone development agency.—

(11) Prior to December 1 of each year, the agency shall submit to *Enterprise Florida, Inc.,* ~~the Office of Tourism, Trade, and Economic Development~~ a complete and detailed written report setting forth:

(a) Its operations and accomplishments during the fiscal year.

(b) The accomplishments and progress concerning the implementation of the strategic plan.

(c) The number and type of businesses assisted by the agency during the fiscal year.

(d) The number of jobs created within the enterprise zone during the fiscal year.

(e) The usage and revenue impact of state and local incentives granted during the calendar year.

(f) Any other information required by *Enterprise Florida, Inc.* ~~the office.~~

(12) In the event that the nominated area selected by the governing body is not designated a state enterprise zone, the governing body may dissolve the agency after receiving notification ~~from the department or the office~~ that the area was not designated as an enterprise zone.

Section 51. Subsection (5) of section 290.0058, Florida Statutes, is amended to read:

290.0058 Tests of pervasive poverty, unemployment, and general distress.—

(5) In making the calculations required by this section, the local government and *Enterprise Florida, Inc.,* ~~the department~~ shall round all fractional percentages of one-half percent or more up to the next highest whole percentage figure.

Section 52. Subsections (1), (4), (5), (6), (7), and (9) of section 290.0065, Florida Statutes, are amended to read:

290.0065 State designation of enterprise zones.—

(1) Upon application *to Enterprise Florida, Inc.,* of the governing body of a county or municipality or of a county and one or more municipalities jointly pursuant to s. 290.0055, *Enterprise Florida, Inc.* ~~the department~~, in consultation with the interagency coordinating council, shall determine which areas nominated by such governing bodies meet the criteria outlined in s. 290.0055 and are the most appropriate *for recommendation to the director of the Office of Tourism, Trade, and Economic Development* for designation as state enterprise zones. The *office* ~~department~~ is authorized to designate up to 5 areas within each of the categories established in subparagraphs (3)(a)1., 2., 3., 4., and 5., except that the *office* ~~department~~ may only designate a total of 20 areas as enterprise zones. The *office* ~~department~~ shall not designate more than three enterprise zones in any one county. All designations, including any provision for redesignations, of state enterprise zones pursuant to this section shall be effective July 1, 1995.

(4)(a) Notwithstanding s. 290.0055, any area existing as a state enterprise zone as of the effective date of this section and originally approved through a joint application from a county and municipality, or through an application from a county as defined in s. 125.011(1), shall be redesignated as a state enterprise zone upon the creation of an enterprise zone development agency pursuant to s. 290.0056 and the completion of a strategic plan pursuant to s. 290.0057. Any area redesignated pursuant to this subsection, other than an area located in a county defined in s. 125.011(1), may be relocated or modified by the appropriate governmental bodies. Such relocation or modification shall be identified in the strategic plan and shall meet the requirements for designation as established by s. 290.005. Any relocation or modification shall be submitted on or before June 1, 1996.

(b) The *office* ~~department~~ shall place any area designated as a state enterprise zone pursuant to this subsection in the appropriate category established in subsection (3), and include such designations within the limitations on state enterprise zone designations set out in subsection (1).

(c) Any county or municipality having jurisdiction over an area designated as a state enterprise zone pursuant to this subsection, other than a county defined by s. 125.011(1), may not apply for designation of another area.

(5) Notwithstanding s. 290.0055, an area designated as a federal empowerment zone or enterprise community pursuant to Title XIII of the Omnibus Budget Reconciliation Act of 1993, the Taxpayer Relief Act of 1997, or the 1999 Agricultural Appropriations Act shall be designated a state enterprise zone as follows:

(a) An area designated as an urban empowerment zone or urban enterprise community pursuant to Title XIII of the Omnibus Budget Reconciliation Act of 1993 or the Taxpayer Relief Act of 1997 shall be designated a state enterprise zone by the *office* ~~department~~ upon completion of the requirements set out in paragraph (d), except in the case of a county as defined in s. 125.011(1) which, notwithstanding s. 290.0055, may incorporate and include such designated urban empowerment zone or urban enterprise community areas within the boundaries of its state enterprise zones without any limitation as to size.

(b) An area designated as a rural empowerment zone or rural enterprise community pursuant to Title XIII of the Omnibus Budget Reconciliation Act of 1993 or the 1999 Agricultural Appropriations Act shall be designated a state enterprise zone by the *office* ~~department~~ upon completion of the requirements set out in paragraph (d).

(c) Any county or municipality having jurisdiction over an area designated as a state enterprise zone pursuant to this subsection, other than a county defined in s. 125.011(1), may not apply for designation of another area.

(d) Prior to *recommending that the office designate* ~~designating~~ such areas as state enterprise zones, *Enterprise Florida, Inc.,* ~~the department~~ shall ensure that the governing body having jurisdiction over the zone submits the strategic plan required pursuant to 7 C.F.R. part 25 or 24 C.F.R. part 597 to *Enterprise Florida, Inc.* ~~the department~~, and creates an enterprise zone development agency pursuant to s. 290.0056.

(e) The *office* ~~department~~ shall place any area designated as a state enterprise zone pursuant to this subsection in the appropriate category established in subsection (3), and include such designations within the limitations on state enterprise zone designations set out in subsection (1).

(6)(a) The *office* ~~department~~, in consultation with *Enterprise Florida, Inc., and* the interagency coordinating council, *may develop guidelines* ~~shall promulgate any rules~~ necessary for the approval of areas under this section by the *director* ~~secretary~~.

(b) Such *guidelines may* ~~rules shall~~ provide for the measurement of pervasive poverty, unemployment, and general distress using the criteria outlined by s. 290.0058.

(c) Such *guidelines may* ~~rules shall~~ provide for the evaluation of the strategic plan and local fiscal and regulatory incentives for effectiveness, including how the following key principles will be implemented by the governing body or bodies:

1. Economic opportunity, including job creation within the community and throughout the region, as well as entrepreneurial initiatives, small business expansion, and training for jobs that offer upward mobility.

2. Sustainable community development that advances the creation of livable and vibrant communities through comprehensive approaches that coordinate economic, physical, community, and human development.

3. Community-based partnerships involving the participation of all segments of the community.

4. Strategic vision for change that identifies how the community will be revitalized. This vision should include methods for building on community assets and coordinate a response to community needs in a comprehensive fashion. This vision should provide goals and performance benchmarks for measuring progress and establish a framework for evaluating and adjusting the strategic plan.

5. Local fiscal and regulatory incentives enacted pursuant to s. 290.0057(1)(e). These incentives should induce economic revitalization, including job creation and small business expansion.

(d) Such *guidelines may* ~~rules shall~~ provide methods for evaluating the prospects for new investment and economic development in the area, including a review and evaluation of any previous state enterprise zones located in the area.

(7) Upon approval by the *director* ~~secretary~~ of a resolution authorizing an area to be an enterprise zone pursuant to this section, the *office* ~~department~~ shall assign a unique identifying number to that resolution. The *office* ~~department~~ shall provide the Department of Revenue *and Enterprise Florida, Inc.,* with a copy of each resolution approved, together with its identifying number.

(9) *Upon recommendation by Enterprise Florida, Inc.,* the Office of Tourism, Trade, and Economic Development may amend the boundaries of any enterprise zone designated by the state pursuant to this section, consistent with the categories, criteria, and limitations imposed in this section upon the establishment of such enterprise zone and only if consistent with the determinations made in s. 290.0058(2).

Section 53. Subsection (1) of section 290.0066, Florida Statutes, is amended to read:

290.0066 Revocation of enterprise zone designation.—

(1) *Upon recommendation by Enterprise Florida, Inc.,* the director may revoke the designation of an enterprise zone if *Enterprise Florida, Inc.,* ~~the director~~ determines that the governing body or bodies:

(a) Have failed to make progress in achieving the benchmarks set forth in the strategic plan; or

(b) Have not complied substantially with the strategic plan.

Section 54. Section 290.00675, Florida Statutes, is amended to read:

290.00675 Amendment of certain enterprise zone boundaries.—Notwithstanding any other provisions of law, *upon recommendation by Enterprise Florida, Inc.,* the Office of Tourism, Trade, and Economic Development may amend the boundaries of an area designated as an enterprise zone in a community having a population of 235,000 persons but less than 245,000, so long as the area does not increase the overall size of the zone by greater than 25 acres and the increased area is contiguous to the existing enterprise zone. The amendment must also be consistent with the limitations imposed by s. 290.0055 upon establishment of the enterprise zone.

Section 55. Section 290.00676, Florida Statutes, is created to read:

290.00676 Amendment of rural enterprise zone boundaries.—Notwithstanding any other provision of law, upon recommendation by Enterprise Florida, Inc., the Office of Tourism, Trade, and Economic Development may amend the boundaries of a rural enterprise zone. For purposes of boundary amendments, an enterprise zone designated under s. 370.28 shall be considered a rural enterprise zone and is eligible for amendment of its boundaries. Boundary amendments authorized by this section are subject to the following requirements:

(1) The amendment may increase the size of the rural enterprise zone to 15 square miles.

(2) The amendment may increase the number of noncontiguous areas by one, if that noncontiguous area has zero population. For purposes of this subsection, the pervasive poverty criteria may be set aside for the addition of a noncontiguous parcel.

(3) The local enterprise zone development agency must request the amendment from Enterprise Florida, Inc., prior to December 30, 2000. The request must contain maps and sufficient information to allow the office to determine the number of noncontiguous areas and the total size of the rural enterprise zone.

Section 56. Section 290.00677, Florida Statutes, is created to read:

290.00677 Rural enterprise zones; special qualifications.—

(1) Notwithstanding the enterprise zone residency requirements set out in ss. 212.096(1)(c) and 220.03(1)(q), businesses located in rural enterprise zones may receive the credit provided under s. 212.096 or s. 220.181 for hiring any person within the jurisdiction of a rural county, as defined by s. 288.106(2)(r). All other provisions of ss. 212.096, 220.03(1)(q), and 220.181 apply to such businesses.

(2) Notwithstanding the requirement specified in ss. 212.08(5)(g)5., (5)(h)5., and (15)(a), 212.096(2)(b)1., 220.181(1)(a)1., and 220.182(1)(b) that no less than 20 percent of a business's employees, excluding temporary and part-time employees, must be residents of an enterprise zone for the business to qualify for the maximum exemption or credit provided in ss. 212.08(5)(g) and (h) and (15), 212.096(2)(b)1., 220.181(1)(a)1., and 220.182, a business that is located in a rural enterprise zone shall be qualified for those maximum exemptions or credits if no less than 20 percent of such employees of the business are residents of a rural county, as defined by s. 288.106(2)(r). All other provisions of ss. 212.08(5)(g) and (h) and (15), 212.096, 220.181, and 220.182 apply to such business.

(3) Notwithstanding the time limitations contained in chapters 212 and 220, a business eligible to receive tax credits under this section from January 1, 2000, to June 1, 2000, must submit an application for the tax credits by December 1, 2000. All other requirements of the enterprise zone program apply to such a business.

Section 57. Section 290.00689, Florida Statutes, is amended to read:

290.00689 Designation of enterprise zone pilot project area.—

(1) The Office of Tourism, Trade, and Economic Development shall designate one pilot project area within one state enterprise zone. The Office of Tourism, Trade, and Economic Development shall select a pilot project area by July 1, 1999, which meets the following qualifications:

(a) The area is contained within an enterprise zone that is composed of one contiguous area and is placed in the category delineated in s. 290.0065(3)(a)1.

(b) The local government having jurisdiction over the enterprise zone grants economic development ad valorem tax exemptions in the enterprise zone pursuant to s. 196.1995, and electrical energy public service tax exemptions pursuant to s. 166.231(8).

(c) The local government having jurisdiction over the enterprise zone has developed a plan for revitalizing the pilot project area or for revitalizing an area within the enterprise zone that contains the pilot project area, and has committed at least $5 million to redevelop an area including the pilot project area.

(d) The pilot project area is contiguous and is limited to no more than 70 acres, or equivalent square miles, to avoid a dilution of additional state assistance and effectively concentrate these additional resources on revitalizing the acute area of economic distress.

(e) The pilot project area contains a diverse cluster or grouping of facilities or space for a mix of retail, restaurant, or service related businesses necessary to an overall revitalization of surrounding neighborhoods through community involvement, investment, and enhancement of employment markets.

(2)(a) Beginning December 1, 1999, no more than four businesses located within the pilot project area are eligible for a credit against any tax due for a taxable year under chapters 212 and 220.

(b) The credit shall be computed as $5,000 times the number of full-time employees of the business and $2,500 times the number of part-time employees of the business. For purposes of this section, a person shall be deemed to be employed by such a business on a full-time basis if the person performs duties in connection with the operations of the business for an average of at least 36 hours per week each month, or on a part-time basis if the person is performing such duties for an average of at least 20 hours per week each month throughout the year. The person must be performing such duties at a business site located in the pilot project area.

(c) The total amount of tax credits that may be granted under this section is $1 million annually. In the event *Enterprise Florida, Inc.,* ~~the Office of Tourism, Trade, and Economic Development~~ receives applications that total more than $1 million in any year, the director shall prorate the amount of tax credit each applicant is eligible to receive to ensure that all eligible applicants receive a tax credit.

(d) In order to be eligible to apply to *Enterprise Florida, Inc.,* ~~the Office of Tourism, Trade, and Economic Development~~ for tax credits under this section a business must:

1. Have entered into a contract with the developer of the diverse cluster or grouping of facilities or space located in the pilot project area, governing lease of commercial space in a facility.

2. Have commenced operations in the facility after July 1, 1999, and before July 1, 2000.

3. Be a business predominantly engaged in activities usually provided for consideration by firms classified under the Standard Industrial Classification Manual Industry Number 5311, Industry Number 5399, or Industry Number 7832.

(e) All applications for the granting of the tax credits allowed under this section shall require the prior *review and recommendation of Enterprise Florida, Inc., and* approval of the director of the Office of Tourism, Trade, and Economic Development. *At the recommendation of Enterprise Florida, Inc.,* the director shall establish one submittal date each year for the receipt of applications for such tax credits.

(f) Any business wishing to receive tax credits pursuant to this section must submit an application to *Enterprise Florida, Inc.,* ~~the Office of Tourism, Trade, and Economic Development~~ which sets forth the business name and address and the number of employees of the business.

(g) *Upon the recommendation of Enterprise Florida, Inc.,* the decision of the director shall be in writing, and, if approved, ~~the application~~ shall state the maximum credits allowable to the business. A copy of the

decision shall be transmitted to *Enterprise Florida, Inc., and to* the executive director of the Department of Revenue, who shall apply such credits to the tax liabilities of the business firm.

(h) If any credit granted pursuant to this section is not fully used in any one year because of insufficient tax liability on the part of the business, the unused amount may be carried forward for a period not to exceed 5 years.

~~(3) The Office of Tourism, Trade, and Economic Development is authorized to adopt all rules necessary to administer this section, including rules for the approval or disapproval of applications for tax incentives by businesses.~~

(3)~~(4)~~ The Department of Revenue shall adopt any rules necessary to ensure the orderly implementation and administration of this section.

(4)~~(5)~~ For purposes of this section, "business" and "taxable year" shall have the same meaning as in s. 220.03.

(5)~~(6)~~ Prior to the 2004 Regular Session of the Legislature, the Office of Program Policy Analysis and Government Accountability shall review and evaluate the effectiveness and viability of the pilot project area created under this section, using the research design prescribed pursuant to s. 290.015. The office shall specifically evaluate whether relief from certain taxes induced new investment and development in the area; increased the number of jobs created or retained in the area; induced the renovation, rehabilitation, restoration, improvement, or new construction of businesses or housing within the area; and contributed to the economic viability and profitability of business and commerce located within the area. The office shall submit a report of its findings and recommendations to the Speaker of the House of Representatives and the President of the Senate no later than January 15, 2004.

(6)~~(7)~~ This section shall stand repealed on June 30, 2010, and any designation made pursuant to this section shall be revoked on that date.

Section 58. Section 290.00694, Florida Statutes, is created to read:

290.00694 Enterprise zone designation for rural champion communities.—An area designated as a rural champion community pursuant to the Taxpayer Relief Act of 1997 may apply to Enterprise Florida, Inc., for designation as an enterprise zone. The application must be submitted by December 31, 2000, and must comply with the requirements of s. 290.0055. Notwithstanding the provisions of s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development upon recommendation of Enterprise Florida, Inc., may designate enterprise zones under this section. The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zones designated pursuant to this section.

Section 59. Section 290.009, Florida Statutes, is amended to read:

290.009 Enterprise Zone Interagency Coordinating Council.—

(1) There is created within the Office of Tourism, Trade, and Economic Development the Enterprise Zone Interagency Coordinating Council. The council shall be composed of the secretaries or executive directors, or their designees, of the Department of Community Affairs, the Office of Tourism, Trade, and Economic Development, the Department of Children and Family Services, the Department of Health, the Department of Juvenile Justice, the Department of Labor and Employment Security, the Department of State, the Department of Transportation, the Department of Environmental Protection, the Department of Law Enforcement, and the Department of Revenue; the Attorney General or his or her designee; and the executive directors or their designees of the Florida Community College System, the Florida Black Business Investment Board, and the Florida State Rural Development Council. *Enterprise Florida, Inc., shall serve as staff to the council.*

(2) The purpose of the council is to:

(a) Advise *Enterprise Florida, Inc., and* the office in planning, developing, implementing, and performing evaluation and reporting activities related to the Florida Enterprise Zone Act of 1994.

(b) Assist in the evaluation and review of enterprise zone designation applications pursuant to s. 290.0065.

(c) Assist in the selection of designated enterprise zones for participation in the enterprise zone linked deposit program pursuant to s. 290.0075.

(d) Encourage state agencies to administer programs in a manner that supports the purposes of this act and the goals and objectives of strategic enterprise zone development plans prepared by local governments.

(3) The director of the office or his or her designee shall serve as the chair of the council.

Section 60. Section 290.014, Florida Statutes, is amended to read:

290.014 Annual reports on enterprise zones.—

(1) By February 1 of each year, the Department of Revenue shall submit an annual report to *Enterprise Florida, Inc.,* ~~the Office of Tourism, Trade, and Economic Development~~ detailing the usage and revenue impact by county of the state incentives listed in s. 290.007.

(2) By March 1 of each year, *Enterprise Florida, Inc.,* ~~the office~~ shall submit an annual report to the Governor, the Speaker of the House of Representatives, ~~and~~ the President of the Senate*, and the director of the Office of Tourism, Trade, and Economic Development*. The report shall include the information provided by the Department of Revenue pursuant to subsection (1) and the information provided by enterprise zone development agencies pursuant to s. 290.0056. In addition, the report shall include an analysis of the activities and accomplishments of each enterprise zone, and any additional information prescribed pursuant to s. 290.015.

Section 61. Subsection (2) of section 290.046, Florida Statutes, is amended to read:

290.046 Applications for grants; procedures; requirements.—

(2)(a) Except as provided in paragraph (c), each eligible local government may submit an application for a grant under either the housing program category or the neighborhood revitalization program category during each annual funding cycle. An applicant may not receive more than one grant in any state fiscal year from any of the following categories: housing, neighborhood revitalization, or commercial revitalization.

(b) Except as provided in paragraph (c), each eligible local government may apply *during each* ~~up to three times in any one~~ annual funding cycle for *grants* ~~a grant~~ under the economic development program category but shall receive *cumulative awards* no more than *the applicable grant ceiling established by the department* ~~one such grant~~ per annual funding cycle *under s. 290.047(2).* Applications for grants under the economic development program category may be submitted at any time during the annual funding cycle, and such grants shall be awarded no less frequently than three times per funding cycle. The department shall establish minimum criteria pertaining to the number of jobs created for persons of low or moderate income, the degree of private sector financial commitment, and the economic feasibility of the proposed project and shall establish any other criteria the department deems appropriate. Assistance to a private, for-profit business may not be provided from a grant award unless sufficient evidence exists to demonstrate that without such public assistance the creation or retention of such jobs would not occur.

(c)1. Local governments with an open housing, neighborhood revitalization, or commercial revitalization contract shall not be eligible to apply for another housing, neighborhood revitalization, or commercial revitalization grant until administrative closeout of their existing contract. The department shall notify a local government of administrative closeout or of any outstanding closeout issues within 45 days of receipt of a closeout package from the local government. Local governments with an open housing, neighborhood revitalization, or commercial revitalization community development block grant contract whose activities are on schedule in accordance with the expenditure rates and accomplishments described in the contract may apply for an economic development grant.

2. Local governments with an open economic development community development block grant contract *or contracts* whose activities are on schedule in accordance with the expenditure rates and accomplishments described in the contract *or contracts* may apply for a housing or

neighborhood revitalization and a commercial revitalization community development block grant. Local governments with an open economic development contract *or contracts* whose activities are on schedule in accordance with the expenditure rates and accomplishments described in the contract *or contracts* may receive ~~no more than one~~ additional economic development *grants* ~~grant~~ in each fiscal year *subject to the grant ceilings established by the department under s. 290.047.*

(d) Beginning October 1, 1988, the department shall award no grant until the department has determined, based upon a site visit, that the proposed area matches and adheres to the written description contained within the applicant's request. If, based upon review of the application or a site visit, the department determines that any information provided in the application which affects eligibility or scoring has been misrepresented, the applicant's request shall be rejected by the department pursuant to s. 290.0475(7). Mathematical errors in applications which may be discovered and corrected by readily computing available numbers or formulas provided in the application shall not be a basis for such rejection.

Section 62. Subsection (7) is added to section 290.048, Florida Statutes, to read:

290.048 General powers of Department of Community Affairs under ss. 290.0401-290.049.—The department has all the powers necessary or appropriate to carry out the purposes and provisions of the program, including the power to:

(7) Establish advisory committees and solicit participation in the design, implementation, and evaluation of the program and its linkages with other housing, community development, and economic development resources.

Section 63. *Section 290.049, Florida Statutes, is repealed.*

Section 64. Subsection (6) of section 373.4149, Florida Statutes, is amended to read:

373.4149 Miami-Dade County Lake Belt Plan.—

(6) The Miami-Dade County Lake Belt Plan Implementation Committee shall be appointed by the governing board of the South Florida Water Management District to develop a strategy for the design and implementation of the Miami-Dade County Lake Belt Plan. The committee shall consist of the chair of the governing board of the South Florida Water Management District, who shall serve as chair of the committee, the policy director of Environmental and Growth Management in the office of the Governor, the secretary of the Department of Environmental Protection, the director of the Division of Water Facilities or its successor division within the Department of Environmental Protection, ~~the director of the Office of Tourism, Trade, and Economic Development within the office of the Governor,~~ the secretary of the Department of Community Affairs, the executive director of the Game and Freshwater Fish Commission, the director of the Department of Environmental Resource Management of Miami-Dade County, the director of the Miami-Dade County Water and Sewer Department, the Director of Planning in Miami-Dade County, a representative of the Friends of the Everglades, a representative of the Florida Audubon Society, a representative of the Florida chapter of the Sierra Club, four representatives of the nonmining private landowners within the Miami-Dade County Lake Belt Area, and four representatives from the limestone mining industry to be appointed by the governing board of the South Florida Water Management District. Two ex officio seats on the committee will be filled by one member of the Florida House of Representatives to be selected by the Speaker of the House of Representatives from among representatives whose districts, or some portion of whose districts, are included within the geographical scope of the committee as described in subsection (3), and one member of the Florida Senate to be selected by the President of the Senate from among senators whose districts, or some portion of whose districts, are included within the geographical scope of the committee as described in subsection (3). The committee may appoint other ex officio members, as needed, by a majority vote of all committee members. A committee member may designate in writing an alternate member who, in the member's absence, may participate and vote in committee meetings.

Section 65. *The Institute of Food and Agricultural Sciences at the University of Florida is authorized to enter into contracts with the U.S. Department of Agriculture and may receive grants of money to support the Florida State Rural Development Council.*

Section 66. *The Workforce Development Board of Enterprise Florida, Inc., shall develop, in consultation with the State Board of Community Colleges and the Division of Workforce Development of the Department of Education, a policy authorizing the placement of Workforce Investment Act clients and other training program clients in self–employment as a means job placement. Notwithstanding any other provision of law, such policy shall define the conditions necessary, including documentation of income, for self–employment to qualify as job placement for Workforce Investment Act programs and Workforce Development Education Fund programs.*

Section 67. *Extraordinary economic development opportunities and threats; responsibilities of the Office of Tourism, Trade, and Economic Development and Enterprise Florida, Inc.; creation of Economic Development Leadership Council.—*

(1) The Office of Tourism, Trade, and Economic Development, in conjunction with Enterprise Florida, Inc., shall establish a unit within the office responsible for forecasting extraordinary economic development opportunities and extraordinary economic development threats with the potential to affect significantly the economy of the state. The unit also shall be responsible for coordinating development and implementation of an action plan to address, in a proactive manner, such opportunities or threats. The unit shall be composed of staff members from the office and from Enterprise Florida, Inc., who are designated by the director of the office and the president of Enterprise Florida, Inc.

(2) For the purposes of this section, the term "extraordinary economic development opportunity" includes an economic development project, whether associated with the expansion of an existing business in the state or the location of a new business to the state, which has the potential to result in the creation of at least 500 jobs in the state or a cumulative investment in the state of at least $100 million. The term "extraordinary economic development threat" includes the potential loss of at least 500 jobs in the state because of the reorganization, closure, or relocation out of the state by an existing business in the state.

(3) Duties of the forecast unit in the Office of Tourism, Trade, and Economic Development shall include, but is not limited to:

(a) Analyzing market conditions for business sectors that are strategically important to the state economy;

(b) Monitoring economic development activities in other states which have the potential to affect this state;

(c) Reviewing and understanding trade publications for business sectors that are strategically important to the state economy;

(d) Identifying private–sector points of contact inside and outside the state which can provide the unit with expertise and insights on matters affecting business sectors that are strategically important to the state economy;

(e) Preparing contingency plans to enable the state to respond rapidly and effectively to extraordinary economic development opportunities or threats;

(f) Documenting lessons learned from extraordinary economic development opportunities and threats once they have occurred; and

(g) Working with local and regional economic development organizations to forecast extraordinary economic development opportunities and threats.

(4) There is created the Economic Development Leadership Council, which shall be responsible for providing state leadership in response to an extraordinary economic development opportunity or an extraordinary economic development threat.

(a) The council shall be composed of the following members;

1. The Governor;

2. The President of the Senate;

3. The Speaker of the House of Representatives;

4. The director of the Office of Tourism, Trade, and Economic Development; and

5. The president of Enterprise Florida, Inc.

(b) The council shall convene at the recommendation of the director of the Office of Tourism, Trade, and Economic Development. Staff of the forecast unit within the office shall serve as staff to the council. The forecast unit within the office shall inform the council about the extraordinary economic development opportunity or threat and shall seek the advice of the council members on development and implementation of a plan of action to address the opportunity or threat. Staff of the forecast unit shall maintain the confidentiality provided under section 288.075, Florida Statutes.

(5) By January 31, 2001, the Office of Tourism, Trade, and Economic Development, in conjunction with Enterprise Florida, Inc., shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives which includes specific recommendations for vesting the Economic Development Leadership Council with powers to respond to an extraordinary economic development opportunity or an extraordinary economic development threat.

Section 68. *Toolkit for Economic Development.—*

(1) LEGISLATIVE INTENT.—The Legislature finds that the state has numerous economically distressed communities with a high proportion of needy families who are current or former recipients of public assistance or who are at risk of becoming dependent upon public assistance. The Legislature also finds that the existence of safe and strong communities with prosperous economies is crucial to reduce dependence on public assistance and to promote employment retention and self–sufficiency. It is the intent of the Legislature to reduce reliance on public assistance, to promote employment retention, and to increase self–sufficiency by providing easily accessed and useable tools that support local initiatives that create economically prosperous communities for needy families.

(2) CREATION; PURPOSE.—There is created a program to be known as the "Toolkit for Economic Development," the purpose of which is to enable economically distressed communities to access easily, and use effectively, federal and state tools to improve conditions in the communities and thereby help needy families in the communities avoid public assistance, retain employment, and become self–sufficient.

(3) DEFINITIONS.—For the purposes of this section, a community is "economically distressed" if the community is experiencing conditions affecting its economic viability and hampering the self–sufficiency of its residents, including, but not limited to, low per capita income, low property values, high unemployment, high under–employment, low weekly wages compared to the state average, low housing values compared to the state or area average, high percentage of the population receiving public assistance, high poverty levels compared to the state average, and high percentage of needy families.

(4) LIAISONS.—

(a) By August 1, 2000, the head of each of the following agencies or organizations shall designate a high–level staff person from within the agency or organization to serve as a liaison to this program:

1. Office of Tourism, Trade, and Economic Development;

2. Office of Urban Opportunity;

3. Department of Community Affairs;

4. Department of Law Enforcement;

5. Department of Juvenile Justice;

6. Department of Transportation;

7. Department of Environmental Protection;

8. Department of Agriculture and Consumer Services;

9. Department of State;

10. Department of Health;

11. Department of Children and Family Services;

12. Department of Corrections;

13. Department of Labor and Employment Security;

14. Department of Education;

15. Department of Military Affairs;

16. Florida Housing Finance Corporation;

17. Institute of Food and Agricultural Sciences;

18. Institute on Urban Policy and Commerce;

19. Florida Tourism Industry Marketing Corporation;

20. Enterprise Florida, Inc.;

21. Workforce Development Board of Enterprise Florida, Inc.;

22. Executive Office of the Governor; and

23. Any other agencies or organizations as determined by the coordinating partners.

(b) An alternate for each designee shall also be chosen, and the names of the designees and alternates shall be sent to the coordinating partners, which shall convene the liaisons as necessary.

(c) Each liaison must have a comprehensive knowledge of the functions, whether regulatory or service–based, of his or her agency or organization. The liaison shall be the primary contact for the agency or organization for the Toolkit for Economic Development, assisting in expediting proposal review, resolving problems, promoting flexible assistance, and identifying opportunities for support within the agency or organization.

(d) As deemed necessary by the coordinating partners, liaisons shall review proposals from economically distressed communities to determine if they would be properly referred or submitted to their agencies or organizations. If such referral and submittal is appropriate, the liaison shall then assist the community as an ombudsman.

(e) The liaisons shall work at the request of the coordinating partners to review statutes and rules for their adverse effects on economically distressed communities and to develop alternative proposals to mitigate these effects.

(f) Liaisons shall review their agencies' or organizations' evaluation and scoring procedures for grant, loan, and aid programs to ensure that economically distressed communities are not unfairly disadvantaged, hampered, or handicapped in competing for awards because of community economic hardship. If they are, new evaluation criteria and scoring procedures shall be considered that recognize disproportionate requirements which an application process makes of a community that lacks the resources of other more prosperous communities. The evaluation criteria should weight contribution in proportion to the amount of resources available at the local level.

(g) Annually, the coordinating partners shall report to the Governor and the head of each agency or organization on the work and accomplishments of the liaisons.

(5) COORDINATING PARTNERS.—

(a) The liaisons from the WAGES State Board of Directors, or its successor organization, the Office of Urban Opportunity, the Department of Community Affairs, Enterprise Florida, Inc., and the Workforce Development Board of Enterprise Florida, Inc., shall serve as the coordinating partners of the Toolkit for Economic Development and act as an executive committee for the liaisons. The coordinating partners shall review any request from a Front Porch Community and shall provide whatever assistance that this section can afford to them.

(b) From time to time, the coordinating partners may recommend to the head of an agency or organization, approval of a project that in the

unanimous judgment of the coordinating partners will have an extraordinary positive impact on an economically distressed community. Upon such recommendation, the head of an agency or organization shall give priority consideration for approval of such project.

(6) MATCHING–FUNDS OPTIONS.—Notwithstanding any other provision of law, an agency or organization may waive any state–required matching–funds requirements at the request of the coordinating partners. This waiver is contingent upon the determination by the coordinating partners that the community is fully committed to the success of a project, but lacks the community resources to meet match requirements. In–kind matches shall be allowed and applied as matching–funds utilizing the same determination criteria. The coordinating partners must unanimously endorse each request to an agency or organization. Any funds appropriated to the coordinating partners may be used to meet matching–funds requirements or fees for federal, state, or foundation application requirements.

(7) INVENTORY.—The coordinating partners shall develop, in consultation with the liaisons, an inventory of recommended federal and state tax credits, incentives, inducements, programs, opportunities, demonstrations or pilot programs, grants, and other resources available through the agencies and organizations which could assist Front Porch Florida or economically distressed communities. Each entry in the inventory must include a summary; a contact person; a simple description of the application process and a timetable; a profile of funding awards and funds availability; and a complexity ranking. The inventory shall be organized into seven categories, including:

(a) Leadership.—Entries that promote the skills and capacities of local leaders, volunteers, organizations, and employees that work on other categories of the inventory. These entries shall include, but are not limited to, grants; scholarships; Individual Training Accounts; Retention Incentive Training Account programs; and other programs that build the resident capacity to create a better community. These entries shall include educational–based institutes that can assist with research, consulting, technical assistance, capacity building, training, and program assistance to communities.

(b) Safety.—Entries that increase safety and reduce crime. These entries shall include, but are not limited to, the training and employment of public safety employees and volunteers; establishing safer businesses and neighborhoods; training residents in safety practices; organizing safety networks and cooperatives; improving lighting; improving the safety of homes, buildings, and streets; and providing for community police and safety projects, including those designed to protect youth in the community. Other entries may be included that reinforce community and local law enforcement.

(c) Clean Up.—Entries that support clean up and enhancement projects that quickly create visible improvements in neighborhoods, including the demolition of drug havens and abandoned buildings. These entries shall include, but are not limited to, projects that plan, design, or implement clean up strategies; main street redevelopment; and renovation projects. These entries may also include planning and implementation for larger neighborhood revitalization and economic development projects.

(d) Business.—Entries that support small business development, including, but not limited to, attraction of national franchises; micro–loans; guaranteed commercial loans; technical assistance; self–employment; linked deposit; loan loss reserves; business incubators; and other activities that support the market economy.

(e) Schools.—Entries that upgrade schools through repair or renovation, as well as training and employment entries to assist with school transportation, services, and security. These entries shall include, but are not limited to, programs that enable school–based childcare; before, after, and summer school programs; programs that broaden the use of school facilities as a hub and haven within the community; scholarships; and grant programs that assist families and individuals to complete and enhance their education.

(f) Partners.—Entries that provide tax credits, incentives, and other inducements to businesses that contribute to community projects, such as the community contribution tax credit under sections 220.183 and 624.5105, Florida Statutes. These entries shall include any programs that help raise federal or foundation grant funds.

(g) Redevelopment.—Entries that support the planning, preparation, construction, marketing, and financing of residential, mixed–use, and commercial redevelopment, as well as residential and business infrastructure projects. These entries shall include, but are not limited to, the workforce development programs that influence business decisions such as the Quick–Response Training Program and Quick–Response Training Program for Work and Gain Economic Self–sufficiency (WAGES) participants.

(8) START-UP INITIATIVE.—

(a) Subject to legislative appropriation and the provisions of this act, the Start-Up Initiative is created to promote the use of the inventory, to boost a community's efforts, and to ensure that federal funds do not go unexpended or unobligated, or are not returned to federal agencies.

(b) The coordinating partners, in consultation with the liaisons, local economic development organizations, and regional workforce development boards, shall identify 15 communities, seven of which must be from the state's seven largest counties, three of which must be from rural counties, and five of which must be from other counties in the state. These communities must be compact, congruent, and contiguous census tracts that have high concentrations of needy families who are current, former, or likely recipients of public assistance. To the maximum extent possible, these communities should coincide with federal empowerment zones, enterprise communities, or similar designations; HOPE VI communities; Front Porch Florida communities; enterprise zones established under chapter 290 or chapter 370, Florida Statutes; Neighborhood Improvement Districts established under chapter 163, Florida Statutes; community redevelopment areas established under chapter 163, Florida Statutes; and Urban High Crime Areas or Rural Job Tax Credit Areas established under chapter 212, Florida Statutes.

(c) The coordinating partners shall solicit proposals from Front Porch Advisory Committees, community–based organizations, local governments, and neighborhood associations located in the communities identified in paragraph (b) and Front Porch communities. The coordinating partners shall provide each applicant with the inventory and recommendations on proposals that can be funded.

(d) Communities may prepare a proposal to access and use various entries from the inventory which will launch or boost their economic development efforts. Proposals must be no more than 20 pages long and include:

1. A brief description of how the community would use entries from the inventory in the community's economic development strategy;

2. Specific evidence of community support for the proposal from community–based organizations, local government, regional workforce development boards, and local economic development organizations;

3. Identification and commitment of local resources for the proposal from community–based organizations, local government, regional workforce development boards, and local economic development organizations;

4. Identification of the specific entity or person responsible for coordinating the community's proposal; and

5. Identification of a local fiscal entity for contracting, administration, and accountability.

(e) The coordinating partners shall appoint a liaison to assist each community with the proposal and its implementation, if awarded.

(f) The coordinating partners shall design an impartial and competitive proposal-review process and evaluation criteria. Based on the evaluation criteria, up to nine communities shall be designated to participate in the Start Up Initiative. Once a community is designated, the coordinating partners and the community's liaison will work to finalize the proposal, including the addition of funding sources for each inventory entry. The finalized proposal shall serve as the contract between the community and the Start-Up Initiative. If sufficient funding does not exist for an entry that is essential for the community's proposal or a community is ineligible for a specific inventory entry, the coordinating partners may allocate funding that is under their control to fulfill the entry. The proposal must be operational within 3 months after approval.

(g) Proposals that would mainly result in gentrification of the community, that would not employ a preponderance of residents, and that predominately create residences or businesses that are beyond the anticipated income level of the working residents of the community are not eligible.

(h) Proposal awards shall be obligated for federal funding purposes, and shall be considered appropriated for purposes of section 216.301, Florida Statutes. The coordinating partners may allocate funding that is under their control to fund this initiative. Any funding appropriated to assist needy families, or to promote job placement and employment retention, which is in excess of revenues necessary to fulfill the appropriated purpose, and which may not be obligated during the budget year, may be allocated to this initiative to support an approved proposal.

(i) Any federal funds must be used for purposes consistent with applicable federal law; however, the coordinating partners, with the assistance of the Department of Children and Family Services, shall aggressively pursue innovative uses of federal funds to support projects that train community leaders, upgrade individuals skills, promote safety, clean up communities, beautify neighborhoods, encourage small business, stimulate employment, increase educational opportunity, promote community partnering, advance community redevelopment, and upgrade housing because it assists needy families, promoting self–sufficiency and job retention.

(j) The coordinating partners shall adopt procedures for the Start-Up Initiative and may, if necessary, adopt, through the Department of Community Affairs, emergency rules to govern the submission of proposals, the evaluation of proposals, the initiative awards, and the implementation procedures for administration of awards.

(9) COMMUNITIES OF CRITICAL ECONOMIC OPPORTUNITY.—The coordinating partners may recommend to the Governor up to three communities of critical economic opportunity. A community of critical economic opportunity must be a community that is economically distressed, that presents a unique economic development opportunity, and that will create more than 1,000 jobs over a 5–year period. The Governor may, by executive order, designate up to three communities of critical economic opportunity which will establish these areas as priority assignments for the liaisons and coordinating partners as well as to allow the Governor, acting through them, to waive criteria, requirements, or similar provisions of any economic development incentive. Such incentives shall include, but not be limited to: the Qualified Target Industry Tax Refund Program under section 288.106, Florida Statutes, the Quick Response Training Program under section 288.047, Florida Statutes, the WAGES Quick Response Training Program under section 288.047(10), Florida Statutes, transportation projects under section 288.063, Florida Statutes, the brownfield redevelopment bonus refund under section 288.107, Florida Statutes, and the job and employment tax credit programs. Designation as a community of critical economic opportunity under this subsection shall be contingent upon the execution of a memorandum or agreement among the coordinating partners; the governing body of the county; and the governing bodies of any municipalities to be included within an area of critical economic opportunity. Such agreement shall specify the terms and conditions of the designation, including, but not limited to, the duties and responsibilities of the county and any participating municipalities to take actions designed to facilitate the retention and expansion of existing businesses in the area, as well as the recruitment of new businesses to the area.

(10) FUNDING.—

(a) To implement the provisions of this act, the coordinating partners are authorized to spend, contingent on a specific appropriation, up to $25 million from the Temporary Assistance for Needy Families (TANF) Block Grant through the TANF administrative entity at the Department of Management Services.

(b) Any expenditure from the TANF Block Grant shall be in accordance with the requirements and limitations of Title IV of the Social Security Act, as amended, or any other applicable federal requirement or limitation in law. Prior to any expenditure of such funds, the Workforce Development Board of Enterprise Florida, Inc., and the secretary of the Department of Children and Family Services, or his or her designee, shall certify that controls are in place to ensure that such funds are expended and reported in accordance with the requirements and limitations of federal law. It shall be the responsibility of any entity to which funds are awarded to obtain the required certification prior to any expenditure of funds.

(11) REPORTING.—The Office of Program Policy Analysis and Government Accountability and the coordinating partners, shall develop measures and criteria by October 1, 2001, for evaluating the effectiveness of the Toolkit for Economic Development including the liaisons, coordinating partners, waivers and matching options, inventory, Start-Up Initiative, and Communities of Critical Economic Opportunity. The Office of Program Policy and Government Accountability shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives, by January 1, 2002, a report detailing the progress that the Toolkit for Economic Development has made toward achievement of established measures.

(12) EXPIRATION.—This section expires June 30, 2002.

Section 69. Section 288.1260, Florida Statutes, is created to read:

288.1260 Front Porch Florida Initiative.—

(1) LEGISLATIVE INTENT.—The Legislature finds that the State of Florida has many communities that, in times of general fiscal prosperity, have not experienced the same levels of economic fulfillment as other areas of our state. These neighborhoods and communities are often found in the urban core areas of our cities, and have been the recipients of top down imposed state and federal programs that have lacked a comprehensive approach to revitalization. The Legislature further finds that these distressed urban cores have often had a narrow set of solutions imposed on them without regard to the unique nature of the problems that face each neighborhood.

(2) CREATION.—The Front Porch Florida initiative will be a community–based effort, giving residents the power to define the causes of their problems and harnessing the collective power of individual neighborhoods to craft unique solutions to these problems. The Front Porch Florida initiative is created to provide a comprehensive, community–based approach to neighborhood revitalization in Florida, engaging the resources of the state as a facilitator for community solutions and a civic switchboard to match communities with resources.

(3) PRINCIPLES.—The Front Porch Florida initiative is built upon the following principles:

(a) Urban revitalization begins in Florida's neighborhoods and not in state government. The resources for solving some of their problems may reside in part in state and local government, but the solutions to the unique challenges of each neighborhood must come from citizens who live in these neighborhoods.

(b) Expanded business opportunities and access to capital are critical to sustaining any urban renewal efforts. There must be a multi–faceted commitment of fiscal resources and increased business opportunities that stimulates entrepreneurship in urban core neighborhoods.

(c) Government cannot raise expectations beyond its capacity to deliver. State and local governments have roles in our urban cores, but government is not the panacea.

(d) An effective state urban policy must support existing efforts and work with the on–going activities of local communities, mayors, and municipalities. The state must also leverage faith–based and community–based groups into the equation in a way that has never been tried before. Churches, ministers, pastors, rabbis, and other community leaders are often the greatest agents of improvement in our urban cores. They must be empowered to be involved in Front Porch Florida to the greatest extent possible.

(4) LIAISONS TO FRONT PORCH FLORIDA COMMUNITIES.—No later than August 1, 2000, the head of each of the following agencies or organizations shall designate a high–level staff person from within the agency or organization to serve as the Front Porch Florida liaison to the Front Porch Florida "A" Team:

1. Department of Community Affairs;

2. Department of Law Enforcement;

3. Department of Juvenile Justice;

4. Department of Corrections;

5. Department of Transportation;

6. Department of Environmental Protection;

7. Department of Agriculture and Consumer Services;

8. Department of State;

9. Department of Health;

10. Department of Children and Family Services;

11. Department of Labor and Employment Security;

12. Department of Education;

13. Department of Military Affairs;

14. Institute of Food and Agricultural Sciences;

15. Enterprise Florida, Inc.;

16. Workforce Development Board of Enterprise Florida, Inc.; and

17. Executive Office of the Governor.

Each Front Porch Florida liaison must have comprehensive knowledge of his or her agency's functions. This person shall be the primary point of contact for his or her agency on issues and projects relating to economically distressed communities, shall ensure a prompt effective response to problems arising with regard to community issues, and shall assist in the identification of opportunities for preferential awards of program funds to facilitate the civic switchboard function of Front Porch Florida.

(5) INVENTORY.—Front Porch Florida communities shall use the inventory of federal and state resources developed as part of the Toolkit for Economic Development to facilitate solutions to their unique challenges.

(6) SELECTION OF FRONT PORCH FLORIDA COMMUNITIES.—

(a) The Office of Urban Opportunity, created in section 14.2015(9)(a), Florida Statutes, will solicit applications from Florida communities that wish to be designated as Front Porch Florida communities. The application should specify the boundaries of the nominated area, quantify the need for revitalization, demonstrate a history of grass–roots activities in the neighborhood, and identify the resources within each community that will contribute to their success as Front Porch Florida communities.

(b) Successful applications for designation may include strategies for expanding business opportunities and access to capital, closing the gap in education, building upon the activities of faith–based and community–based groups, providing affordable, quality housing, strengthening public safety, and creating a healthy environment.

(c) Upon designation as a Front Porch Florida community, the neighborhood will form a Governor's Revitalization Council, comprised of partners and stakeholders in each community. Each council should be representative of the broad diversity and interests in the community and should include residents, neighborhood associations, faith–based organizations, and community–based organizations. Each council should also develop partnerships with local government, law enforcement agencies, lenders, schools, and health care providers. Each council will prepare a specialized Neighborhood Action Plan that will assist the Office of Urban Opportunity in identifying and garnering the resources that are needed to help successfully implement community revitalization.

(7) MONITORING AND REPORTING.—The Office of Urban Opportunity shall require each designated Front Porch Florida community to submit a monthly report which details the activities and accomplishments of the neighborhood. On a quarterly basis, each designated community must submit a report that specifically addresses the elements of each Neighborhood Action Plan to determine progress toward achieving stated goals. The community's Governor's Revitalization Council will submit an annual progress report as part of their recertification process in order to maintain designation as a Front Porch Florida community.

Section 70. Section 239.521, Florida Statutes, is created to read:

239.521 Information-technology workforce-development projects.—The Legislature recognizes that information-technology industries are adding substantial numbers of high-paying, high-technology jobs in the state. The Legislature also recognizes the important contribution of this industry as one of the targeted industries vital to the state's current and future economic growth. The Legislature further recognizes that information-technology industries are in need of a highly skilled workforce to meet the growing demands of the industry as well as to address the needs of additional information-technology companies relocating to the state. The Information Technology Development Task Force, appointed by the 1999 Florida Legislature for the study of key issues in the development of the state's economy, recommended several means for further supporting this valued industry. Therefore, it is the intent of the Legislature that the following initiatives be funded to support the workforce needs of this growing industry consistent with recognized needs of the state.

(1) COMPREHENSIVE DISTANCE-LEARNING CURRICULUM INITIATIVES.—

(a) The Legislature recognizes that there are multiple levels of employee competencies embedded within the various information-technology-industry jobs. Using these competencies as the basis of a curriculum for training incumbent workers to develop additional skills and potential workers to develop entry-level skills, the Legislature intends that a comprehensive vocational-certificate or 2-year distance-learning curriculum be developed.

(b) The comprehensive distance-learning initiative involves the State Technology Office and the State Board of Community Colleges acting through the Florida Community College Distance Learning Consortium to ensure that the curriculum is up-to-date, responsive to industry's changing needs, and delivered in the most cost-effective manner possible. The development of the distance-learning curriculum for statewide dissemination is to be co-built by industry content experts and educational providers. The process should coordinate the existing efforts of individual institutions and consortiums into a combined, comprehensive, and cohesive methodology for providing training through the use of technology and should involve:

1. A statewide review of existing distance-learning courses;

2. Evaluation and purchase of appropriate off-the-shelf products to be licensed for use on a statewide basis; and

3. Development of missing competency training using multi-media methodologies.

(c) The comprehensive distance-learning curriculum developed under this subsection will be by one or more institutions or consortiums. Participation in this project will be competitively based and approved by the State Board of Community Colleges based upon recommendations of the Florida Community College Distance Learning Consortium. Participants must meet the following criteria:

1. Experience in providing training for information-technology companies.

2. Availability of technical infrastructure to support this project.

3. Endorsement from information-technology economic-development agencies and local information-technology business commitments to be actively involved.

4. Demonstrated multi-media course and program development capabilities.

5. Existing consortium efforts.

6. Availability of local support.

(d) Contingent on a specific appropriation, these funds must be used to support, among others, salaries, licensing commercial courseware, purchasing existing courseware and equipment, and related course-development expenses.

(2) INFORMATION TECHNOLOGY INTERNSHIP OPPORTUNITIES FOR FACULTY AND STUDENTS.—

(a) The Legislature recognizes that the preparedness of both high school and postsecondary education students emerging from an educational experience ready to enter the information-technology workplace is dependent upon the quality of instruction provided by faculty and information-technology business interaction with their program of study. The Legislature further recognizes that faculty at high school and postsecondary school levels are better able to integrate technology and current business standards into the curriculum if they can verify from personal experience and knowledge the importance of these for students' future success. Faculty also require the ability to continuously update their knowledge and skills as technology changes, and faculty will be able to increase their skills and knowledge from structured internship opportunities within information-technology businesses. Further, students gain increased knowledge and skills from on-the-job training and direct work experience in a structured internship opportunity. The Legislature, therefore, creates the Information Technology Internship Program to encourage and support information-technology-program faculty and student internships with direct exposure to information-technology industries. The Legislature further intends that the program will provide a minimum of 200 faculty and 200 student internships at various locations across the state.

(b) Local faculty and student internship initiatives will be selected to be part of this project by the State Technology Office, based on the following criteria:

1. Information-technology businesses providing faculty and student internships will pay 50 percent of the salary for each intern as well as provide workers' compensation benefits.

2. Economic-development agencies such as chambers of commerce, economic-development commissions, or regional consortia will be eligible to apply and serve as a local fiscal agent for the program.

3. Establishment of qualifying criteria and process for matching faculty and students with business-internship opportunities.

4. Priority will be given to existing local efforts that have proven successful and can be duplicated statewide.

5. Projects may be combined with federal tax-relief efforts encouraging educational internship programs.

(c) Salaries and other conditions of work shall be set by the Commissioner of Education, the Executive Director of the Florida Community College System, and the Chancellor of the State University System.

(d) The Division of Workforce Development of the Department of Education shall assume administrative responsibility and act as fiscal agent for the information-technology internships.

(e) Contingent on a specific appropriation, these funds must be used to support programs established under this subsection on a statewide basis.

(3) INFORMATION-TECHNOLOGY-TRAINING FACILITY-IMPROVEMENT-STRATEGY INITIATIVES.—

(a) The Legislature recognizes that information-technology businesses need increased numbers of highly skilled workers. The shortage of a qualified labor force has become a barrier to this dynamic industry's continued growth in the state. The limited numbers of highly skilled incumbent workers constantly need to update skills in response to the evolving technologies and in order to move to higher-paid positions within the industry. These incumbent workers require a continuous work-and-learn cycle to maintain their knowledge of new technologies and tools. Businesses demand cutting-edge training opportunities for their employees in order to meet the constantly changing globally competitive marketplace. The Legislature recognizes that increased accessibility and quality facilities are required to address the increasing efforts of educational institutions to respond to information-technology businesses and that information-technology-training providers are expected to have appropriate facilities to address the needs of this dynamic industry. The Legislature further recognizes that additional high-tech labs are required to provide the training for computer-systems engineers, software developers, and related cutting-edge job types. These labs are more expensive than regular facilities because of the additional infrastructure and continuous turnover of equipment in response to changes in global technology. Therefore, it is the intent of the Legislature to provide a process and funding for appropriate and needed information-technology-training-facility upgrades.

(b) The State Board of Community Colleges will administer funds appropriated under paragraph (c) for distribution on a competitive basis by October 1 of each year to support approved projects. Projects may address upgrading current facilities, planning new facilities, and combining the efforts of institutions to serve the information-technology business sector through state-of-the-art training facilities designated to address the multi-media needs of this industry. The projects would be competitively selected based on the following criteria:

1. A concentration of information-technology industries and workers in the service area.

2. Other local funding initiatives or federal funding of an equal value to the state funds requested. These funds must demonstrate a synergistic effort to support information-technology industries.

3. Priority may be given to projects, including partnership effort between two or more educational institutions, so that a broader range of educational services may be provided for information-technology industries.

4. Priorities may be given to projects that include partnerships with a local municipality, county, or economic-development agency as a way of demonstrating a synergy of efforts to support this industry.

(c) Contingent on a specific appropriation, these funds must be used to support two or more projects approved under this subsection.

Section 71. Present subsections (4) through (8) of section 240.311, Florida Statutes, are redesignated as subsections (5) through (9), respectively, and a new subsection (4) is added to that section to read:

240.311 State Board of Community Colleges; powers and duties.—

(4) The State Board of Community Colleges shall identify, using the Critical Jobs Initiative, the occupational forecasting process, or any other compatible mechanism, a collection of programs designed to train broadband digital media specialists. Programs identified by the board shall be added to the statewide lists for demand occupations, if they meet the high-skill/high-wage criteria as established by the Workforce Estimating Conference created under s. 216.136(10).

Section 72. Subsection (5) is added to section 240.3341, Florida Statutes, to read:

240.3341 Incubator facilities for small business concerns.—

(5) Community colleges are encouraged to establish incubator facilities through which emerging small businesses supportive of the development of content and technology for digital broadband media and digital broadcasting may be served.

Section 73. Section 240.710, Florida Statutes, is created to read:

240.710 Digital Media Education Coordination Group.—

(1) The Board of Regents shall create a Digital Media Education Coordination Group composed of representatives of the universities within the State University System which shall work in conjunction with the State Board of Community Colleges and the Articulation Coordinating Committee on the development of a plan to enhance Florida's ability to meet the current and future workforce needs of the digital media industry. The following purposes of the group shall be included in its plan-development process:

(a) Coordination of the use of existing academic programs, research, and faculty resources to promote the development of a digital media industry in Florida;

(b) Addressing strategies to improve opportunities for interdisciplinary study and research within the emerging field of digital media through the development of tracts in existing degree programs, new interdisciplinary degree programs, and interdisciplinary research centers; and

(c) Addressing the sharing of resources among universities in such a way as to allow a student to take courses from multiple departments or

multiple educational institutions in pursuit of competency, certification, and degrees in digital information and media technology.

(2) Where practical, private accredited institutions of higher learning in Florida should be encouraged to participate.

(3) In addition to the elements of the plan governed by the purposes described in subsection (1), the plan shall include, to the maximum extent practicable, the coordination of educational resources to be provided by distance learning and shall facilitate, to the maximum extent, possible articulation and transfer of credits between community colleges and the state universities. The plan must address student enrollment in affected programs with emphasis on enrollment beginning as early as the Fall Term in 2001.

(4) The Digital Media Education Coordination Group shall submit its plan to the President of the Senate and the Speaker of the House of Representatives by January 1, 2001.

Section 74. *The Workforce Development Board of Enterprise Florida, Inc., should reserve up to $1 million of funds dedicated in Fiscal Year 2000-2001 for Incumbent Worker Training for the digital media industry. Training may be provided by public or private training providers for broadband digital media jobs listed on the Occupational Forecast List developed by the Workforce Estimating Conference or the Targeted Occupations List of the Workforce Development Board. Programs that operate outside the normal semester time periods and coordinate the use of industry and public resources should be given priority status for such reserved funds.*

Section 75. *The Workforce Development Board of Enterprise Florida, Inc., shall by August 31, 2000, develop a plan for the use of Targeted Assistance to Needy Families funds, Workforce Investment Act funds, Quick Response funds, Incumbent Worker Training funds, and other training-related resources to enhance the workforce of digital-media-related industries. The plan must provide the industries with a program to train and assess the status of industry workforce readiness for the digital era and should be done in conjunction with the broadcast and cable industries.*

Section 76. *The sum of $1 million is appropriated from the General Revenue Fund to the Digital Media Education Infrastructure Fund for the 2000-2001 fiscal year, provided such infrastructure fund is enacted into law as a result of action taken during the 2000 Regular Session of the Legislature. The Office of Tourism, Trade, and Economic Development shall be responsible for contracting with eligible entities for receipt of such funds. The funds must be spent according to the priorities established by the industry sector group on broadband digital media established by Enterprise Florida, Inc., and must be matched by industry contributions.*

Section 77. *Enterprise Florida, Inc., shall convene an organizational meeting for industries involved in broadband digital media to organize and facilitate future activities of associated industry groups or facilitate the ongoing activities of a similar group. Enterprise Florida, Inc., shall make all necessary preparations to identify and designate a digital-media sector as part of its sector strategy and identify the sector as a priority recruitment/retention set of industries.*

Section 78. *(1) Enterprise Florida, Inc., shall award a contract for the establishment of a digital media incubator to encourage companies developing content and technology for digital broadband media and digital broadcasting to locate and develop their businesses in Florida. Qualifications of an applicant for a contract as a digital media incubator shall at a minimum include the following:*

(a) Demonstrated expertise in developing content and technology for digital broadband media and digital broadcasting;

(b) Demonstrated ability in venture capital fund-raising;

(c) Demonstrated expertise in the development of digital media businesses; and

(d) Demonstrated ability in coordinating public and private educational institutions and business entities in digital technology joint business ventures. The awarding of the contract must follow the procedures outlined in chapter 287, Florida Statutes.

(2) There is appropriated the sum of $2 million from the General Revenue Fund to Enterprise Florida, Inc., for the purpose of providing operational and investment seed funding to encourage the financial and strategic participation of venture capital firms, corporate and institutional sponsors, and targeted start-up companies in the establishment of the digital incubator. Initial state investment in the incubator must be matched with contributions from the industry with participating industry partners, including, but not limited to, venture capitalists, digital media manufacturers, and digital media content providers.

(3) Maximized leveraging of funds must be a priority consideration in the location of the digital media incubator. Consideration must be given to collocation of the incubator with an existing state of the art media lab or an upgraded or newly created media lab funded through the Digital Media Education Infrastructure Fund in the Office of Tourism. Trade, and Economic Development.

Section 79. *ITFlorida, in consultation with Enterprise Florida, Inc., shall develop a marketing plan to promote the state as digital-media-friendly, as a digital-media-ready environment, and as a national leader in the development and distribution of broadband digital media content, technology, and education. The marketing plan must identify critical roles for various public and private partners and establish a marketing timeline and goals. The plan must be completed by December 31, 2000.*

Section 80. *The provisions of this act relating to workforce or economic development for digital media are subject to legislative appropriation.*

Section 81. Section 331.367, Florida Statutes, is amended to read:

331.367 Spaceport Management Council.—

(1) The Spaceport Management Council is created within the Spaceport Florida Authority to provide *intergovernmental* coordination and *to develop* recommendations on projects and activities *to* ~~that will~~ increase the operability and capabilities of Florida's space launch facilities, increase statewide space-related industry and opportunities, and promote space education, ~~and~~ research, *and technology development* ~~within the state~~. The council shall work to *create* ~~develop~~ integrated facility and programmatic development plans to address commercial, state, and federal requirements and to identify appropriate private, state, and federal resources to implement these plans.

(2) The council shall make recommendations regarding:

(a) The development of a spaceport master plan.

(b) The projects and levels of commercial financing required from the Florida Commercial Space Financing Corporation created by s. 331.407.

(c) *In consultation with the Florida Space Research Institute,* development and expansion of space-related education and research *facilities and* programs within Florida, including recommendations to be provided to the State University System, the Division of Community Colleges, and the Department of Education.

(d) The regulation of spaceports and federal and state policy.

(e) *Appropriate levels of governmental and private funding for sustainable* ~~Florida's approach to the Federal Government regarding requests for funding of~~ space development.

(f) The council shall submit its recommendations to the Governor and Lieutenant Governor, and provide copies to the Secretary of Transportation, the director of the Office of Tourism, Trade, and Economic Development, the associate administrator for Space Transportation in the United States Department of Transportation, the administrator of the National Aeronautics and Space Administration, and the Deputy Assistant Secretary of the Air Force for Space Plans and Policy.

(3)(a) The council shall consist of an executive board, which shall consist of representatives of governmental organizations with responsibilities for developing or operating space transportation facilities, and a Space Industry Committee, which shall consist of representatives of Florida's space industry.

(b) The following individuals *or their designees* shall serve on the executive board:

1. The executive director of the Spaceport Florida Authority ~~or his or her designee~~.

~~2. The director of the John F. Kennedy Space Center or his or her designee.~~

~~3. The Commander of the United States Air Force 45th Space Wing or his or her designee.~~

~~4. The Commander of the Naval Ordnance Test Unit or his or her designee.~~

2.~~5.~~ The Secretary of Transportation ~~or his or her designee~~.

3.~~6.~~ The president of Enterprise Florida, Inc., ~~or his or her designee,~~ as an ex officio nonvoting member.

4.~~7.~~ The director of the Office of Tourism, Trade, and Economic Development ~~or his or her designee, as an ex officio nonvoting member~~.

(c)1. Participation by the federal agencies having space-related missions in Florida will contribute to council effectiveness, and the following installation heads or their designees may serve as official liaisons to the council: the director of the John F. Kennedy Space Center, the Commander of the 45th Space Wing, and the Commander of the Naval Ordnance Test Unit.

2. Federal liaison officials will be invited to attend all council meetings, provide federal agency views on issues before the council, and present issues of concern and make recommendations to the council.

3. The council will recognize that the role of federal liaison officials is limited by federal statutes and other constraints, and that determination of such limitation is a federal function.

4. The fiduciary responsibility of the official liaisons shall remain at all times with their respective agencies.

5. To the extent the advice or recommendations of the official liaisons are not adopted or incorporated into the final recommendations of the council, the official liaisons may append to such final recommendations their advice, recommendations, or opinions.

~~(4) Each member shall be appointed to serve for a 3-year term, beginning July 1. Initial appointments shall be made no later than 60 days after the effective date of this act.~~

~~(5) The executive board shall hold its initial meeting no later than 30 days after the members have been appointed. The Space Industry Committee shall hold its initial meeting no later than 60 days after the members have been appointed.~~

~~(6) All council members must be residents of the state.~~

(4)~~(7)~~ The *executive board* ~~council~~ shall adopt bylaws governing the manner in which the business of the council shall be conducted. The bylaws shall specify the procedure by which the chairperson of the council is elected.

(5)~~(8)~~ The council shall provide infrastructure and program requirements and develop other information to be utilized in a 5-year spaceport master plan. The council shall define goals and objectives concerning the development of spaceport facilities and an intermodal transportation system consistent with the goals of the Florida Transportation Plan developed pursuant to s. 339.155.

(6)~~(9)~~ The council shall provide requirements and other information to be utilized in the development of a 5-year Spaceport Economic Development Plan, defining the goals and objectives of the council concerning the development of *facilities for* space manufacturing, ~~research and~~ *technology* development, and *education* ~~educational facilities~~.

(7)~~(10)~~ The council shall meet at the call of its chairperson, at the request of a majority of its membership, or at such times as may be prescribed in its bylaws. However, the council must meet at least semiannually. ~~A majority of voting members of the council constitutes a quorum for the purpose of transacting the business of the council.~~ A *majority* vote ~~of the majority~~ of the ~~voting~~ members present *and voting* is sufficient for any action of the council, unless the bylaws of the council require a greater vote for a particular action.

Section 82. Section 331.368, Florida Statutes, is amended to read:

331.368 Florida Space Research Institute.—

(1) There is created the Florida Space Research Institute, the purpose of which is to serve as an industry-driven center for research, leveraging the state's resources in a collaborative effort to support Florida's space industry and its *expansion, diversification, and* transition to commercialization.

(2) The institute shall operate as a public/private partnership under the direction of a board *composed* ~~comprised~~ of*:*

(a) A representative of the Spaceport Florida Authority.

(b) A representative of Enterprise Florida, Inc.

(c) A representative of the Florida Aviation Aerospace Alliance.

(d) A representative of the Florida Space Business Roundtable.

(e) Additional private–sector representatives from the space industry selected collaboratively by the core members specified in paragraphs (a)–(d). The additional space industry representatives under this paragraph must comprise the majority of members of the board and must be from geographic regions throughout the state.

(f) Two representatives from the educational community who are selected collaboratively by the core members specified in paragraphs (a)–(d) and who are engaged in research or instruction related to the space industry. One representative must be from a community college and one representative must be from a public or private university.

Annually, the members of the board shall select one of the members to serve as chair, who shall be responsible for convening and leading meetings of the board. ~~representatives of the Spaceport Florida Authority, Enterprise Florida, Inc., the Florida Aviation and Aerospace Alliance, and four additional space industry representatives selected by the core membership of the board.~~

(3) The board of the Florida Space Research Institute shall:

(a) Set the strategic direction for the *space-related* ~~institute, including~~ research priorities *of the state and its space-related businesses*, the scope of research projects *for the institute*, and the timeframes for completion.

(b) Invite the participation of public and private universities, including, but not limited to, the University of Central Florida, the University of Florida, the University of South Florida, Florida State University, Florida Institute of Technology, and the University of Miami.

(c) Select a lead university to*:*

1. Serve as coordinator of research and as the administrative entity of the institute*;*~~.~~

2. Support the institute's development of a statewide space research agenda and programs; and

3. Develop, and update as necessary, a report recommending ways that the state's public and private universities can work in partnership to support the state's space–industry requirements, which report must be completed by December 15, 2000.

(d) Establish a partnership with the state Workforce Development Board, or its successor entity, under which the institute coordinates the workforce-training requirements identified by the space industry and supports development of workforce-training initiatives to meet such requirements, using training providers approved by the board or its successor entity.

(e) Co–manage, with the National Aeronautics and Space Administration, operation of a Space Experiment Research and Processing Laboratory, if such a facility is constructed on land of the John F. Kennedy Space Center. Subject to the terms of an agreement with the National Aeronautics and Space Administration (NASA), the institute may coordinate access for public and private universities in the state to the laboratory and may coordinate access for NASA to the off–site resources of such universities.

(f) Develop initiatives to foster the participation of the state's space industry in the International Space Station and to help the state maintain and enhance its competitive position in the commercial space-transportation industry.

(g) Pursue partnerships with the National Aeronautics and Space Administration to coordinate and conduct research in fields, including, but not limited to, environmental monitoring; agriculture; aquatics; resource reutilization technologies for long–duration space missions; and spaceport technologies which support current or next-generation launch vehicles and range systems.

(h) Pursue partnerships with the National Aeronautics and Space Administration for the conduct of space–related research using computer technology to connect experts in a given field of science who are in disparate locations and to perform research experiments in a real–time, virtual environment.

(4) By December *15* ~~1~~ of each year, the institute shall submit a report of its activities and accomplishments for the ~~prior fiscal~~ year to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report shall also include recommendations regarding actions the state should take to enhance the development of space-related businesses, including:

(a) Future research activities.

(b) The development of capital and technology assistance to new and expanding industries.

(c) The removal of regulatory impediments.

(d) The establishment of business development incentives.

(e) The initiation of education and training programs to ensure a skilled workforce.

Section 83. *Space Industry Workforce Initiative.—*

(1) The Legislature finds that the space industry is critical to the economic future of the state and that the competitiveness of the industry in the state depends upon the development and maintenance of a qualified workforce. The Legislature further finds that the space industry in this state has diverse and complex workforce needs, including, but not limited to, the need for qualified entry–level workers, the need to upgrade the skills of technician–level incumbent workers, and the need to ensure continuing education opportunities for workers with advanced educational degrees. It is the intent of the Legislature to support programs designed to address the workforce development needs of the space industry in this state.

(2) The Workforce Development Board of Enterprise Florida, Inc., or it successor entity, shall coordinate development of a Space Industry Workforce Initiative in partnership with the Florida Space Research Institute, the institute's consortium of public and private universities, community colleges, and other training providers approved by the board. The purpose of the initiative is to use or revise existing programs and to develop innovative new programs to address the workforce needs of the space industry.

(3) The initiative shall emphasize:

(a) Curricula content and timeframes developed with industry participation and endorsed by the industry;

(b) Programs that certify persons completing training as meeting industry–approved standards or competencies;

(c) Use of distance–learning and computer–based training modules as appropriate and feasible;

(d) Industry solicitation of public and private universities to develop continuing education programs at the master's and doctoral levels;

(e) Agreements with the National Aeronautics and Space Administration to replicate on a national level successful training programs developed through the initiative; and

(f) Leveraging of state and federal workforce funds.

(4) The Workforce Development Board of Enterprise Florida, Inc., or its successor entity, with the assistance of the Florida Space Research Institute, shall convene representatives from the space industry to identify the priority training and education needs of the industry and to appoint a team to design programs to meet such priority needs.

(5) The Workforce Development Board of Enterprise Florida, Inc., or its successor entity, as part of its statutorily prescribed annual report to the Legislature, shall provide recommendations for policies, programs, and funding to enhance the workforce needs of the space industry.

Section 84. Section 331.3685, Florida Statutes, is created to read:

331.3685 Florida Space-Industry Research-Development Program.—

(1) There is created the Florida Space-Industry Research-Development Program within the Florida Space Research Institute to finance space-industry research and other support projects and programs that will improve the statewide development of space-related economic and academic opportunities.

(2) State taxes imposed pursuant to chapter 212 which are collected at the Kennedy Space Center Visitor Complex shall be retained by the complex and distributed to the Florida Space Research Institute as provided by s. 212.08(18) and shall be used to fund the Florida Space-Industry Research-Development Program. As part of the annual report under s. 331.368(4), the institute shall submit a complete accounting each year of funds distributed and expended under this program. Any funds distributed in a given fiscal year that are not obligated by the end of that fiscal year shall revert to the General Revenue Fund.

(3) Program funds shall be used to support activities authorized under s. 331.368 and this section. The Office of Tourism, Trade, and Economic Development shall review and certify funding proposals for consistency with s. 331.368 and this section.

(4) The Office of Tourism, Trade, and Economic Development shall execute a contract with the Florida Space Research Institute prescribing guidelines and procedures governing the use of, and accountability for, funds distributed under s. 212.08(18).

Section 85. Subsection (18) is added to section 212.08, Florida Statutes, to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(18) SALES GENERATED BY KENNEDY SPACE CENTER VISITOR COMPLEX.—The Kennedy Space Center Visitor Complex shall retain proceeds of sales taxes generated by the complex and distribute such proceeds to the Florida Space Research Institute for use as prescribed in s. 331.3685. The complex shall report sales to the Department of Revenue but shall remit the tax revenues directly to the Florida Space Research Institute in a manner prescribed by rules adopted by the department.

Section 86. Subsection (1) of section 556.108, Florida Statutes, is amended to read:

556.108 Exemptions.—The notification requirements provided in s. 556.105(1) do not apply to:

(1) Any excavation or demolition performed by the owner of single-family residential property, *or for such owner by a member operator or an agent of a member operator,* when such excavation or demolition is made entirely on such land *and only up to a depth of 10 inches,* provided *that due care is used and that* there is no encroachment on any member operator's right-of-way, easement, or permitted use.

Section 87. *(1) Effective upon this act becoming a law, the Commission on Basic Research for the Future of Florida is hereby established. All members of the commission shall be appointed prior to August 1, 2000, and the commission shall hold its first meeting no later than September 1, 2000. The commission shall be composed of 13 members who represent a broad range of experience in basic scientific research and possess an appreciation of the importance of basic scientific research to the future of*

Florida. Members shall include performers and users of research from public and private universities, the armed forces, defense and high technology businesses, and other interested nongovernmental organizations. Five members shall be appointed to the commission by the Governor, four members shall be appointed by the President of the Senate, and four members shall be appointed by the Speaker of the House of Representatives. The Governor shall name one of the appointees as chair of the commission. Members of the commission shall serve 4-year terms, except that two of the initial appointees by the Governor, by the President of the Senate, and by the Speaker of the House of Representatives shall be appointed for 2-year terms. Members of the commission are eligible for reappointment.

(2) The purpose of the commission is to serve as an economic development tool to increase the scientific research dollars allocated to the state by the Federal Government. The commission shall:

(a) Focus attention on the importance of improving the state's basic science research infrastructure;

(b) Provide advice to scientific research driven stakeholders;

(c) Assist in the development of long–range strategies for increasing the state's share of scientific research dollars from all sources; and

(d) Raise public awareness of the importance of basic scientific research to the future of the state.

(3) The commission shall use the resources of the state in implementing the work of the commission, including, but not limited to, the Institute for Science and Health Policy at the University of Florida and similar public and private research groups. The commission shall coordinate with, and not duplicate the efforts of, other scientific research-related organizations.

(4) The commission shall consult with Enterprise Florida, Inc., to ensure that economic development considerations are factored into the work of the commission.

(5) The commission shall be located in the Executive Office of the Governor and staff of the office shall serve as staff for the commission.

(6) Members of the commission shall serve without compensation but will be entitled to per diem and travel expenses pursuant to section 112.061, Florida Statutes, while in the performance of their duties.

(7) The commission may procure information and assistance from any officer or agency of the state or any subdivision thereof. All such officials and agencies shall give the commission all relevant information and assistance on any matter within their knowledge or control.

(8) By February 1 of each year, the commission shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report shall outline activities of the commission and provide specific recommendations for consideration by the Governor and Legislature which are designed to increase the state's share of scientific research dollars.

Section 88. *Section 288.039 and paragraph (c) of subsection (3) of section 288.095, Florida Statutes, are repealed.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 15, after the semicolon (;) insert: amending s. 14.2015, F.S.; eliminating administrative responsibility of the Office of Tourism, Trade, and Economic Development for the sports franchise facility program, the professional golf hall of fame facility program, the Regional Rural Development Grants Program, the Florida Enterprise Zone Act, and the Florida State Rural Development Council; eliminating authority for the Office of Tourism, Trade, and Economic Development to enter into contracts in connection with duties relating to the Florida First Business Bond Pool, the Enterprise Zone Program, and foreign offices; conforming terminology; requiring a report on activities funded under the Economic Development Incentives Account and the Economic Development Transportation Trust Fund; providing for Front Porch Florida requirements; directing the Office of Urban Opportunity to give priority to projects receiving certain federal grants; amending s. 163.2523, F.S.; providing allocation criteria for the Urban Infill and Redevelopment Grant Program; amending s. 420.5087, F.S.; providing allocation criteria for the State Apartment Incentive Loan Program; amending s. 420.5089, F.S.; providing allocation criteria for the HOME Investment Partnership Program; amending s. 420.5093, F.S.; giving priority to certain projects in the State Housing Tax Credit Program; amending s. 420.5099, F.S.; giving priority to certain projects in the allocation of low-income housing tax credits; amending s. 159.705, F.S.; specifying that projects located in research and development parks may be operated by specified organizations; amending s. 159.8083, F.S.; providing for Enterprise Florida, Inc., to recommend Florida First Business projects to the Office of Tourism, Trade, and Economic Development; providing for consultation; amending s. 163.3164, F.S.; exempting certain activities from the term "development" for the purposes of the Local Government Comprehensive Planning and Land Development Regulation Act; amending s. 212.08, F.S.; revising an exemption from taxation for machinery and equipment used in silicon-technology production and research and development; making the exemption applicable to semiconductor-technology production and research and development; providing an exemption from taxation for building materials purchased for use in manufacturing or expanding clean rooms for semiconductor-manufacturing facilities; revising definitions; revising criteria and procedures; specifying that a sales tax exemption for certain repair and labor charges applies to industrial machinery and equipment used in the production and shipping of tangible personal property; applying the exemption to SIC Industry Major Group Number 35; specifying that the sales tax exemption for industries in such group number is remedial in nature and applies retroactively; amending ss. 212.097, 212.098, F.S.; expanding the definition of the term "eligible business" under the Urban High–Crime Area Job Tax Credit Program and Rural Job Tax Credit Program to include certain businesses involved in motion picture production and allied services; amending s. 218.075, F.S.; expanding conditions under which the Department of Environmental Protection and water management districts shall reduce or waive certain fees for counties or municipalities; conforming to the definition of the term "rural community" used elsewhere in the Florida Statutes; amending s. 288.012, F.S.; revising the authority of the Office of Tourism, Trade, and Economic Development to establish foreign offices; providing for the office to approve the establishment and operation of such offices by Enterprise Florida, Inc., and the Florida Commission on Tourism; providing for foreign offices to submit updated operating plans and activity reports; amending s. 288.018, F.S.; providing for Enterprise Florida, Inc., to administer the Regional Rural Development Grants Program and make recommendations for approval by the Office of Tourism, Trade, and Economic Development; creating s. 288.064, F.S.; expressing the intent of the Legislature to provide for efficient and effective delivery of assistance to rural communities; amending s. 288.0655, F.S.; revising deadlines relating to implementation of the Rural Infrastructure Fund; amending s. 288.0656, F.S.; revising criteria for the Rural Economic Development Initiative; requiring certain communities to apply for rural designation; amending s. 288.1088, F.S.; revising criteria and procedures related to the award of funds to certain target industries from the Quick Action Closing Fund; amending s. 288.1162, F.S.; providing for a specified direct-support organization to administer the professional sports franchises and spring training franchises facilities programs; providing for final approval of decisions under such programs by the Office of Tourism, Trade, and Economic Development; amending s. 288.1168, F.S.; deleting obsolete provisions relating to certification of the professional golf hall of fame; providing for a specified direct-support organization to administer that program; amending s. 288.1169, F.S.; providing for a specified direct-support organization to administer the certification program for the International Game Fish Association World Center facility; providing for annual verification of attendance and sales tax revenue projections; transferring, renumbering, and amending s. 288.1185, F.S.; assigning administrative responsibility for the Recycling Markets Advisory Committee to the Department of Environmental Protection; amending s. 288.1223, F.S.; authorizing the Governor to designate a person to serve on the Florida Commission on Tourism and as the chair of the commission; amending s. 288.1226, F.S.; providing for the appointment of the president of the Florida Tourism Industry Marketing Corporation and specifying that the president serves at the pleasure of the Governor; limiting certain employee salaries unless such employees are covered by a performance contract; amending s. 288.1229, F.S.; requiring an annual report on the status of specified sports projects; amending s. 288.1251, F.S.; renaming the Office of the Film Commissioner the Governor's Office of Film and Entertainment; renaming the Film Commissioner as the Commissioner of Film and Entertainment; authorizing receipt and expenditure of certain grants and donations; amending s. 288.1252, F.S.; renaming the Florida Film Advisory Council the Florida

Film and Entertainment Advisory Council; amending s. 288.1253, F.S., relating to travel and entertainment expenses; conforming terminology; amending s. 288.7011, F.S.; revising conditions under which certain assistance and support for a statewide certified development corporation shall cease; amending s. 288.901, F.S.; correcting a cross-reference; providing that the Governor's designee may serve as chairperson of the board of directors of Enterprise Florida, Inc.; amending s. 288.9015, F.S.; requiring Enterprise Florida, Inc., to use specified programs to facilitate economic development; amending s. 288.980, F.S.; providing for Enterprise Florida, Inc., to administer defense grant programs and make recommendations to the Office of Tourism, Trade, and Economic Development on approval of grant awards; providing that certain defense-related grants may be awarded only from specifically appropriated funds; amending s. 288.99, F.S.; assigning certain responsibility for ongoing administration of the Certified Capital Company Act to the Department of Banking and Finance; authorizing additional applications for certification as a certified capital company; amending s. 290.004, F.S.; repealing certain definitions under the enterprise zone program; defining the term "rural enterprise zone"; amending s. 290.0056, F.S.; providing for a reporting requirement for enterprise zone development agencies to Enterprise Florida, Inc.; amending s. 290.0058, F.S.; conforming to administration of the enterprise zone program by Enterprise Florida, Inc.; amending s. 290.0065, F.S.; providing for Enterprise Florida, Inc., to administer the enterprise zone program and make recommendations to the Office of Tourism, Trade, and Economic Development; conforming references; amending s. 290.0066, F.S.; providing for Enterprise Florida, Inc., to make recommendations to the Office of Tourism, Trade, and Economic Development regarding revocations of enterprise zone designations; amending s. 290.00675, F.S.; providing for Enterprise Florida, Inc., to make recommendations to the Office of Tourism, Trade, and Economic Development regarding amendment of enterprise zone boundaries; creating s. 290.00676, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to amend the boundaries of a rural enterprise zone and providing requirements with respect thereto; creating s. 290.00677, F.S.; modifying the employee residency requirements for the enterprise zone job credit against the sales tax and corporate income tax if the business is located in a rural enterprise zone; modifying the employee residency requirements for maximum exemptions or credits with respect to the sales tax credits for enterprise zone job creation, for building materials used in the rehabilitation of real property in an enterprise zone, for business property used in an enterprise zone, and for electrical energy used in an enterprise zone, and the corporate income tax enterprise zone job creation and property tax credits if the business is located in a rural enterprise zone; providing application time limitations; providing an extended application period for certain businesses to claim tax incentives; amending s. 290.00689, F.S.; conforming a cross-reference; revising the eligibility criteria for certain tax credits to include a review and recommendation by Enterprise Florida, Inc.; creating s. 290.00694, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate rural champion communities as enterprise zones; providing requirements with respect thereto; amending s. 290.009, F.S.; specifying that Enterprise Florida, Inc., shall serve as staff to the Enterprise Zone Interagency Coordinating Council; amending s. 290.014, F.S.; conforming cross-references; amending s. 290.046, F.S.; eliminating a limitation on the number of economic development grants that an eligible local government may receive under the Florida Small Cities Community Development Block Grant Program; specifying that cumulative grant awards may not exceed certain ceilings; amending s. 290.048, F.S.; authorizing the Department of Community Affairs to establish advisory committees relating to the Florida Small Cities Community Development Block Grant Program; repealing s. 290.049, F.S., relating to the Community Development Block Grant Advisory Council; amending s. 373.4149, F.S.; removing the director of the Office of Tourism, Trade, and Economic Development from the membership of the Miami-Dade County Lake Belt Plan Implementation Committee; authorizing the Institute of Food and Agricultural Sciences to contract and receive money to support the Florida State Rural Development Council; requiring the Workforce Development Board of Enterprise Florida, Inc., to develop a policy authorizing placement of certain workforce–training clients in self–employment as a means of job placement; directing the Office of Tourism, Trade, and Economic Development and Enterprise Florida, Inc., to establish a unit responsible for forecasting and responding to certain economic development events; creating an Economic Development Leadership Council to provide leadership related to such events; requiring a report and recommendations; providing legislative intent; providing for creation and purpose of the Toolkit for Economic Development; defining the term "economically distressed"; requiring the appointment of liaisons from agencies and organizations; providing for requirements and duties; creating coordinating partners to serve as the program's executive committee; providing for duties and powers; providing for waivers of state–required matching–funds requirements; requiring an inventory of programs that help economically distressed communities; requiring that the inventory be categorized; creating the Start-Up Initiative to promote the use of the inventory; providing for identification of communities; providing for solicitation of proposals; providing for proposal content; providing for review process and evaluation criteria; providing for funding; providing for the designation of communities of critical economic opportunity; providing an appropriation to the coordinating partners; providing for use of funds and certification; providing for reporting; providing for expiration; creating s. 288.1260, F.S.; creating the Front Porch Florida initiative; providing legislative intent; providing for purposes and principles of the program; creating liaisons to Front Porch Florida communities; providing for liaison requirements and duties; providing for use of the inventory of federal and state resources; providing for application requirements; providing for the formation of a Governor's Revitalization Council; providing for duties; providing for monitoring and reporting; creating s. 239.521, F.S.; providing intent; providing for development of a 2-year vocational and technical distance-learning curriculum for information-technology workers; providing for internship opportunities for high school and postsecondary information-technology vocational faculty and students in information-technology businesses; providing a means for increasing the capability and accessibility of information-technology-training providers through state-of-the-art facilities; amending s. 240.311, F.S.; requiring the State Board of Community Colleges to identify training programs for broadband digital media specialists; requiring that such programs be added to lists for demand occupations under certain circumstances; amending s. 240.3341, F.S.; encouraging community colleges to establish incubator facilities for digital media content and technology development; creating s. 240.710, F.S.; requiring the Board of Regents to create a Digital Media Education Coordination Group; providing membership; providing purposes; requiring development of a plan; requiring submission of plans to the Legislature; requiring the Workforce Development Board to reserve funds for digital media industry training; providing direction on training; requiring the Workforce Development Board to develop a plan for the use of certain funds to enhance workforce of digital media related industries; providing direction on plan development; providing a contingent appropriation to the Digital Media Education Infrastructure Fund; providing requirements for contracting and use of funds; requiring Enterprise Florida, Inc., to convene a broadband digital media industries group; requiring identification, designation, and priority of digital media sector in sector strategy; requiring Enterprise Florida, Inc., to contract for establishment of digital media incubator; providing contract requirements; providing an appropriation; requiring industry participation in funding; providing direction for incubator location; requiring ITFlorida, in cooperation with Enterprise Florida, Inc., to prepare a marketing plan promoting the state to digital media industries; providing that certain provisions relating to digital media are subject to legislative appropriation; amending s. 331.367, F.S.; revising provisions with respect to the Spaceport Management Council; directing the council to submit recommendations; providing for the participation of federal officials; amending s. 331.368, F.S.; expanding the purpose of the Florida Space Research Institute; revising the membership of the institute; prescribing additional duties of the institute; creating the Space Industry Workforce Initiative; requiring the Workforce Development Board of Enterprise Florida, Inc., to develop initiatives to address the workforce needs of the industry; prescribing criteria; requiring the board to convene industry representatives; requiring a report; creating s. 331.3685, F.S.; creating the Florida Space-Industry Research-Development Program to finance space–related research projects and programs; providing for certain sales-tax collections to be retained by the Kennedy Space Center Visitor Complex and distributed to the Florida Space Research Institute; prescribing uses of such funds; requiring an annual accounting of such funds; providing for review of funding proposals by the Office of Tourism, Trade, and Economic Development; requiring a contract with the office governing distribution of funds under the program; amending s. 212.08, F.S.; providing for sales-tax collections from the Kennedy Space Center Visitor Complex to be retained by the complex and distributed to the Florida Space Research Institute; providing for reporting of sales to the Department of Revenue as prescribed by rules; amending s. 556.108, F.S.; providing for performing the demolition or excavation of single-family residential property; creating the Commission on Basic Research for the Future of Florida; prescribing membership of the commission; providing a purpose for the commission; requiring the use of state resources; providing for staffing, administration, and information sharing; requiring a report;

repealing s. 288.039, F.S., relating to the Employing and Training our Youths (ENTRY) program; repealing s. 288.095(3)(c), F.S., relating to a required report on activities under the Economic Development Incentives Account of the Economic Development Trust Fund;

On motion by Senator Hargrett, **CS for CS for CS for SB 406** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Madam President	Cowin	Holzendorf	Meek
Bronson	Dawson	Horne	Mitchell
Brown-Waite	Diaz de la Portilla	Jones	Rossin
Burt	Diaz-Balart	King	Saunders
Campbell	Dyer	Klein	Scott
Carlton	Forman	Kurth	Sebesta
Casas	Geller	Latvala	Silver
Childers	Grant	Laurent	Sullivan
Clary	Hargrett	Lee	Webster

Nays—None

The Senate resumed consideration of—

CS for CS for CS for SB 1406—A bill to be entitled An act relating to state regulation of lands; amending s. 190.012, F.S.; authorizing community development districts to fund certain environmental costs under certain circumstances; amending s. 197.432, F.S.; conforming statutory cross-references; amending s. 197.502, F.S.; authorizing local governments to file tax deed applications in a specified manner; amending s. 197.522, F.S.; conforming a statutory cross-reference; amending s. 199.1055, F.S.; broadening the contaminated site rehabilitation tax credit against the intangible personal property tax to include in the preapproved advanced cleanup program petroleum-contaminated sites and other contaminated sites at which cleanup is undertaken pursuant to a voluntary rehabilitation agreement with the Department of Environmental Protection under certain circumstances; amending s. 212.08, F.S.; providing an exemption from the sales and use tax for building materials used in the rehabilitation of real property located in a designated brownfield area; providing an exemption from the sales and use tax for business property purchased for use by businesses located in a designated brownfield area; amending s. 212.096, F.S.; providing for a brownfield area jobs credit against the sales and use tax; amending s. 212.20, F.S.; providing for distribution of funds; amending s. 220.181, F.S.; providing for a designated brownfield area jobs credit against the corporate income tax; amending s. 220.182, F.S.; providing for a designated brownfield area property tax credit against the corporate income tax; amending s. 220.183, F.S.; providing a partial credit against the corporate income tax for community contributions that benefit designated brownfield areas; amending s. 220.1845, F.S.; broadening the contaminated site rehabilitation tax credit against the corporate income tax to include in the preapproved advanced cleanup program petroleum-contaminated sites and other contaminated sites at which cleanup is undertaken pursuant to a voluntary rehabilitation agreement with the Department of Environmental Protection under certain circumstances; amending s. 252.87, F.S.; revising reporting requirements under the Hazardous Materials Emergency Response and Community Right-to-Know Act; amending s. 288.047, F.S.; requiring Enterprise Florida, Inc., to set aside each fiscal year a certain amount of the appropriation for the Quick Response Training Program for businesses located in a brownfield area; amending s. 288.107, F.S.; redefining the term "eligible business"; providing for bonus refunds for businesses that can demonstrate a fixed capital investment in certain mixed use activities in the brownfield area; amending s. 288.905, F.S.; requiring Enterprise Florida, Inc., to develop comprehensive marketing strategies for redevelopment of brownfield areas; amending s. 290.007, F.S.; providing for state incentives in designated brownfield areas; amending s. 376.301, F.S.; redefining the terms "antagonistic effects," "discharge," "institutional controls," and "site rehabilitation"; amending s. 376.3078, F.S.; providing for rehabilitation criteria; amending s. 376.30781, F.S.; broadening the partial tax credits for the rehabilitation of certain contaminated sites; clarifying provisions regarding the filing for the tax credits; amending s. 376.79, F.S.; defining the terms "contaminant" and "risk reduction"; redefining the terms "natural attenuation," "institutional control," and "source removal"; amending s. 376.80, F.S.; allowing local governments or persons responsible for brownfield area rehabilitation and redevelopment to use an existing advisory committee; deleting the requirement that the advisory committee must review and provide recommendations to the local government with jurisdiction on the proposed brownfield site rehabilitation agreement; providing that the person responsible for site rehabilitation must notify the advisory committee of the intent to rehabilitate and redevelop the site before executing the brownfield site rehabilitation agreement; requiring the person responsible for site rehabilitation to hold a meeting or attend a regularly scheduled meeting of the advisory committee to inform the advisory committee of the outcome of the environmental assessment; requiring the person responsible for site rehabilitation to enter into a brownfield site rehabilitation agreement only if actual contamination exists; clarifying provisions relating to the required comprehensive general liability and comprehensive automobile liability insurance; amending s. 376.81, F.S.; providing direction regarding the risk-based corrective action rule; requiring the department to establish alternative cleanup levels under certain circumstances; amending s. 376.82, F.S.; providing immunity for liability regarding contaminated site remediation under certain circumstances; amending s. 376.84, F.S.; authorizing entities approved by the local government for the purpose of redeveloping brownfield areas to use tax increment financing; amending s. 376.86, F.S.; increasing the limits of the state loan guaranty in brownfield areas; creating s. 376.876, F.S.; providing for a Brownfield Redevelopment Grants Program in the Department of Environmental Protection; specifying the uses of grant funds; requiring matching funds; authorizing the department to adopt rules; providing for interim application requirements; creating s. 376.88, F.S.; providing for the Brownfield Program Review Advisory Council; providing duties and responsibilities; amending s. 403.973, F.S.; providing that projects located in a designated brownfield area are eligible for the expedited permitting process; amending ss. 712.01, 712.03, F.S.; prohibiting subsequent property owners from removing certain deed restrictions under other provisions of the Marketable Record Title Act; providing for implementation to the extent funds are appropriated; repealing s. 211.3103(9), F.S.; deleting requirements for a county that accepts real property of mined or reclaimed land from phosphate mining companies to forfeit a portion of its share of severance tax equal to the value of property donated; amending s. 376.051, F.S.; authorizing the Department of Environmental Protection to utilize certain criteria in conducting cleanups on lands owned by the state university system; providing an effective date.

—which was previously considered and amended this day. Pending **Amendment 3** by Senator Latvala was withdrawn.

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

Amendment 4 (320498)(with title amendment)—On page 103, between lines 10 and 11, insert:

Section 35. Paragraph (h) of subsection (1) and subsections (2) and (4) of section 220.191, Florida Statutes, are amended to read:

220.191 Capital investment tax credit.—

(1) DEFINITIONS.—For purposes of this section:

(h) "Qualifying project" means a new or expanding facility in this state which *either:*

1. Creates at least 100 new jobs in this state and is in one of the high-impact sectors identified by Enterprise Florida, Inc., and certified by the office pursuant to s. 288.108(6), including, but not limited to, aviation, aerospace, automotive, and silicon technology industries;~~.~~

2. Creates at least 75 new jobs in this state, is in one of the high-impact sectors identified by Enterprise Florida, Inc., and certified by the office pursuant to s. 288.108(6) and is located in a brownfield area; or

3. Creates at least 1,500 new jobs, with an average projected wage on the date of application of not less than 100 percent of the average private sector wage in the area, is in one of the target industries sectors, commences operation in this state after July 1, 1999, and is located in a county with a population of fewer than 1 million which had an unemployment rate in the previous calendar year of at least 20 percent above the state unemployment rate according to the Department of Labor and Employment Security. Notwithstanding the provisions of subsection (2), the credit granted under this subparagraph shall be available for three years.

(2) An annual credit against the tax imposed by this chapter shall be granted to any qualifying business in an amount equal to 5 percent of the eligible capital costs generated by a qualifying project, for a period not to exceed 20 years beginning with the commencement of operations of the project. The tax credit shall be granted against only the corporate income tax liability or the premium tax liability generated by or arising out of the qualifying project, and the sum of all tax credits provided pursuant to this section shall not exceed 100 percent of the eligible capital costs of the project. In no event may any credit granted under this section be carried forward or backward by any qualifying business with respect to a subsequent or prior year. The annual tax credit granted under this section shall not exceed the following percentages of the annual corporate income tax liability or the premium tax liability generated by or arising out of a qualifying project:

(a) One hundred percent for a qualifying project which results in a cumulative capital investment of at least $100 million.

(b) Seventy-five percent for a qualifying project which results in a cumulative capital investment of at least $50 million but less than $100 million.

(c) Fifty percent for a qualifying project which results in a cumulative capital investment of at least $25 million but less than $50 million.

(d) Twenty-five percent for a qualifying project under subparagraph (1)(h)3. which results in a cumulative capital investment of at least $25 million but less than $50 million.

A qualifying project which results in a cumulative capital investment of less than $25 million is not eligible for the capital investment tax credit. An insurance company claiming a credit against premium tax liability under this program shall not be required to pay any additional retaliatory tax levied pursuant to s. 624.5091 as a result of claiming such credit. Because credits under this section are available to an insurance company, s. 624.5091 does not limit such credit in any manner.

(4) The office, upon *application by the business and evaluation and* ~~a~~ recommendation by Enterprise Florida, Inc., *may* ~~shall first~~ certify a business as eligible to receive tax credits pursuant to this section prior to the commencement of operations of a qualifying project, and such certification shall be transmitted to the Department of Revenue. Upon receipt of the certification, the Department of Revenue shall enter into a written agreement with the qualifying business specifying, at a minimum, the method by which income generated by or arising out of the qualifying project will be determined.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 23, following the semicolon (;) insert: amending s. 220.191, F.S.; redefining the term "qualifying project" with respect to capital investment tax credits; providing capital investment tax credits for certain projects;

On motion by Senator Latvala, **CS for CS for CS for SB 1406** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Madam President	Dawson	Jones	Mitchell
Bronson	Diaz de la Portilla	King	Myers
Brown-Waite	Diaz-Balart	Kirkpatrick	Rossin
Burt	Dyer	Klein	Saunders
Campbell	Forman	Kurth	Scott
Carlton	Geller	Latvala	Sebesta
Casas	Grant	Laurent	Sullivan
Childers	Hargrett	Lee	Webster
Clary	Holzendorf	McKay	
Cowin	Horne	Meek	

Nays—None

The Senate resumed consideration of—

CS for SB 1016—A bill to be entitled An act relating to regulation of professions under the Department of Business and Professional Regulation; amending s. 310.071, F.S.; providing for disqualification from applying for and denial of deputy pilot certification for being found guilty of, or having pled guilty or nolo contendere to, certain crimes; amending s. 310.151, F.S.; providing for deposit and disposition of amounts received from imposition of pilotage rates pending rendition of a final order regarding such rates; amending s. 399.061, F.S.; revising requirements for elevator inspections and service maintenance contracts; amending s. 455.217, F.S.; revising provisions relating to translation of examinations in Spanish; amending s. 455.2179, F.S.; providing for approval of continuing education providers; providing fees; providing rulemaking authority; amending s. 455.219, F.S., and repealing subsection (3), relating to fees required for approval as a continuing education provider; authorizing the department to adopt rules to provide for waiver of license renewal fees under certain circumstances and for a limited period; creating s. 455.32, F.S.; creating the Management Privatization Act; providing definitions; authorizing the department to contract with a corporation or other business entity to perform support services specified pursuant to contract; providing contract requirements; providing corporation powers and responsibilities; establishing reporting and audit requirements; providing for future review and repeal; amending s. 468.382, F.S.; defining the term "absolute auction"; amending s. 468.385, F.S.; revising requirements relating to the conduct, administration, approval, and scope of the examination for licensure as an auctioneer; specifying that an auction may only be conducted by an active licensee; creating s. 468.3855, F.S.; providing requirements for auctioneer apprentices; amending s. 468.388, F.S.; adding requirements and responsibilities relating to the conduct of an auction; deleting exceptions from a requirement that auctions be conducted pursuant to a written agreement; amending s. 468.389, F.S.; providing for disciplinary action against licensees who fail to account for certain property; providing penalties; reenacting ss. 468.385(3), 468.391, F.S., relating to licensure as an auctioneer and to a criminal penalty, respectively, to incorporate the amendment to s. 468.389, F.S., in references thereto; amending s. 468.392, F.S.; authorizing the designee of the Secretary of Business and Professional Regulation to sign vouchers for payment or disbursement from the Auctioneer Recovery Fund; amending s. 468.395, F.S.; revising conditions of recovery from the Auctioneer Recovery Fund; providing for recovery from the fund pursuant to an order issued by the Florida Board of Auctioneers; deleting a requirement that notice be given to the board at the time action is commenced; providing limitations on bringing claims for certain acts; providing subrogation rights for the fund; amending s. 468.397, F.S., relating to payment of claim; correcting language; amending s. 468.433, F.S.; revising requirements for licensure as a community association manager, to include certain prelicensure education; providing for provider approval, including fees; repealing s. 468.525(3)(h), F.S., relating to a prohibition on employee leasing companies and groups from including employees who engage in services or arrangements that are not within the definition of employee leasing; amending s. 468.526, F.S.; modifying qualifications for licensure as an employee leasing company group; amending s. 468.531, F.S.; providing prohibitions against offering to practice employee leasing without being licensed and against the use of certain titles relating to employee leasing without being registered; providing penalties; amending s. 470.005, F.S.; providing rulemaking authority to the Board of Funeral Directors and Embalmers relating to inspection of direct disposal establishments, funeral establishments, and cinerator facilities and the records of each establishment or facility; amending s. 470.015, F.S.; requiring board approval of continuing education providers; revising provisions relating to continuing education hours; amending ss. 470.016, 470.018, F.S.; revising provisions relating to continuing education hours; amending s. 470.017, F.S.; revising provisions relating to registration as a direct disposer, including fee-setting responsibility; providing certain limitations on registration after a specified date; amending s. 470.021, F.S.; prohibiting colocation of certain direct disposal establishments with more than one funeral establishment or direct disposal establishment; amending s. 470.028, F.S.; revising provisions relating to registration of agents for preneed sales; amending s. 470.0301, F.S.; revising provisions relating to registration of centralized embalming facilities to provide for operating procedures; providing requirements for full-time embalmers in charge; amending ss. 471.003, 471.0035, 471.011, 471.023, 471.037, F.S.; updating references relating to regulation of engineering to incorporate provisions relating to the Florida Engineers Management Corporation and engineers performing building code inspector duties; amending s. 471.005, F.S.; defining the terms "retired professional engineer" and "professional engineer, retired"; updating references; amending s. 471.015, F.S.; revising educational requirements for licensure by endorsement; updating references; amending s. 471.017, F.S.; granting the

Board of Professional Engineers rulemaking authority to establish biennial licensure renewal procedures; replacing continuing education provisions with provisions requiring certain demonstration of continuing professional competency; amending s. 471.019, F.S., to create s. 471.0195, F.S.; separating provisions relating to building code training from provisions relating to licensure reactivation requirements; amending s. 471.025, F.S.; requiring final bid documents to be signed, dated, and sealed and authorizing the electronic transfer of such documents; amending s. 471.031, F.S.; providing a penalty for certain activities prohibited under ch. 471, F.S., relating to engineering; updating references; amending s. 474.202, F.S.; revising the definition of the term "veterinarian"; amending s. 474.203, F.S.; revising and providing exemptions from regulation under ch. 474, F.S., relating to veterinary medical practice; providing that certain exempt persons are duly licensed practitioners for purposes of prescribing drugs or medicinal supplies; amending s. 474.211, F.S.; providing that criteria for providers of continuing veterinary medical education shall be approved by the board; amending s. 474.214, F.S.; increasing the administrative fine; reenacting ss. 474.207(2), 474.217(2), F.S., relating to licensure by examination and licensure by endorsement, to incorporate the amendment to s. 474.214, F.S., in references thereto; amending s. 474.215, F.S.; requiring limited service permittees to register each location and providing a registration fee; providing requirements for certain temporary rabies vaccination efforts; providing permit and other requirements for persons who are not licensed veterinarians, but who desire to own and operate a veterinary medical establishment; providing disciplinary actions applicable to holders of premises permits; amending s. 474.2165, F.S.; providing requirements with respect to ownership and control of veterinary medical patient records; providing for the furnishing of reports or copies of records; providing for participation of veterinarians in impaired practitioner treatment programs; amending s. 475.045, F.S.; abolishing the Florida Real Estate Commission Education and Research Foundation Advisory Committee and transferring its duties to the commission; amending s. 477.013, F.S.; revising a definition; amending s. 477.0132, F.S.; restricting to the Board of Cosmetology authority to review, evaluate, and approve courses required for hair braiding, hair wrapping, and body wrapping registration; exempting providers of such courses from certain licensure; amending s. 477.019, F.S.; revising requirements for licensure to practice cosmetology; providing fees; amending ss. 492.101, 492.102, 492.104, 492.105, 492.108, 492.112, 492.113, 492.116, 492.1165, F.S.; revising cross-references; amending s. 492.107, F.S.; revising provisions relating to the use of seals by licensed geologists; amending s. 492.111, F.S.; providing requirements relating to geologists of record for firms, corporations, and partnerships; amending s. 310.0015, F.S.; requiring the establishment of competency-based mentor programs for minority persons seeking to become licensed state pilots or certificated deputy pilots; requiring an annual report thereon to the Governor and Legislature; providing an appropriation; providing an effective date.

—which was previously considered and amended this day.

Senators Lee and Sullivan offered the following amendment which was moved by Senator Lee and adopted by two-thirds vote:

Amendment 5 (840658)(with title amendment)—On page 36, line 26 through page 37, line 25, delete those lines and insert:

Section 24. *The Department of Business and Professional Regulation shall by January 1, 2001, make a recommendation to the President of the Senate and the Speaker of the House of Representatives regarding whether persons should continue to be registered as direct disposers under section 470.017, Florida Statutes, after June 30, 2001.*

And the title is amended as follows:

On page 4, lines 6-11, delete those lines and insert: continuing education hours; requiring a recommendation regarding registration of direct disposers; amending s. 470.021, F.S.; prohibiting

On motion by Senator Sebesta, **CS for SB 1016** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Madam President	Burt	Casas	Cowin
Bronson	Campbell	Childers	Dawson
Brown-Waite	Carlton	Clary	Diaz de la Portilla
Diaz-Balart	Horne	Laurent	Saunders
Dyer	Jones	Lee	Scott
Forman	King	McKay	Sebesta
Geller	Kirkpatrick	Meek	Silver
Grant	Klein	Mitchell	Sullivan
Hargrett	Kurth	Myers	Webster
Holzendorf	Latvala	Rossin	

Nays—None

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator McKay, by two-thirds vote **CS for SB 2494** was withdrawn from the Committee on Fiscal Policy.

MOTIONS

On motion by Senator McKay, the rules were waived and by two-thirds vote **SB 1112** was placed on the Special Order Promptness Calendar for Wednesday, May 3.

On motion by Senator McKay, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Wednesday, May 3.

On motion by Senator McKay, a deadline of 30 minutes after recess this day was set for filing amendments to Bills on Third Reading and the Special Order Calendar to be considered Wednesday, May 3.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, May 3, 2000: CS for SB 1680, CS for CS for SB 1694, SB 1696, SB 1692, SB 2566, CS for CS for SB 2324, CS for SB 238, SB 2618, SB 2422, CS for CS for SB 202, CS for SB 206, CS for SB 420, CS for SB 2034, CS for SB 994, SB 2252, CS for SB 194, CS for SB 2140, CS for SB 266, CS for SB 376, CS for SB 804, SB 874, CS for SB 1382, SB 1396, CS for SB 1458, CS for SB 1604, CS for SB 2074, SB 390, SB 1332, CS for SB 1536, CS for SB 1648, CS for SB 1650, CS for CS for SB 2402, CS for SB 820, CS for SB 1868, CS for SB 2532, CS for SB 182, CS for CS for SB 2414, CS for SB 1846, CS for SB 1872, HB 1997, CS for CS for SB 2260, CS for SB 2368, SB 1460, CS for SB 334, SB 364, CS for SB 366, SB 1656, SB 1652, SB 1502, CS for SB 270, CS for CS for SB 1098, CS for CS for SB 1450, CS for SB 1574, SB 1592, CS for SB 1398, SB 1918, CS for SB 2448, CS for SB 346, CS for SB 1064, CS for SB's 1470 and 2424, CS for SB 316, CS for CS for SB 860, CS for CS for SB 162, CS for SB 80, CS for CS for SB 1824, CS for CS for SB 240, CS for SB 2388, CS for SB 384, CS for CS for CS for SB 832, CS for SB 1612, CS for SB 400, SB 888, CS for SB 2396, CS for SB 866, CS for SB 198, CS for CS for SB 1144, SB 1432, CS for SB 878, SB 928, SB 1102, CS for SB 1122, CS for SB 868, CS for CS for SB 1492, CS for CS for SB 1348, SB 1504, SB 1830, SB 1896, CS for CS for SB 1934, CS for SB 2052, SB 1336, CS for SB 1028, CS for CS for SB 2342, SB 2584, SB 1218, SB 846, CS for HB 1517, HB 2151, HB 2157, CS for SB 848, CS for CS for SB 1888, CS for SB 2494

Respectfully submitted,
John McKay, Chairman

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, May 3, 2000: CS for CS for SB 954, CS for SB 66, SB 1112, CS for SB 1274, CS for CS for SB 1598, CS for SB 1732, CS for SB 1422, CS for SB 2474, CS for SB 1800, CS for SB 1842, CS for SB 1844, CS for SB 1902, CS for SB 2456, CS for SB 1330, CS for SB 2064, SB 1092, CS for CS for SB 1904

Respectfully submitted,
John McKay, Chairman

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

SR 2776—was adopted by publication April 26.

Senate Resolutions 2778—2782—Not referenced.

By Senator Dawson—

SB 2784—A bill to be entitled An act relating to Broward County; creating the charter of the Town of Southwest Ranches; providing for the corporate name and purpose of the charter; establishing form of government and territorial boundaries of the municipality; providing powers of the municipality and of certain officers; providing for election and terms of office of a town council, including the mayor and vice mayor, and providing for qualifications, powers, and duties of and restrictions on its membership; establishing circumstances which create vacancies in office and providing for filling vacancies and for forfeiture and recall; providing a procedure for establishing compensation and expense reimbursement for the mayor and town council; providing for rules of procedure; providing for a town administrator, town clerk, and town attorney and powers and duties of each; providing restrictions on expenditure of town funds; authorizing establishment of town boards and agencies; providing for council meetings, procedural rules, and recordkeeping and voting at meetings; providing for emergency ordinances; providing for budget requirements, adoption, and amendment and establishing a fiscal year; providing procedures for authentication, recording, and disposition of ordinances, resolutions, and charter amendments; establishing the right to determine, order, levy, assess, and collect taxes; providing for borrowing by the town; providing for an annual independent audit; providing for quasi-judicial procedures; establishing election requirements and guidelines; providing for charter amendments and review; providing for severability; providing for standards of conduct; providing for a personnel system; providing requirements for charitable contributions; providing for transition, including a referendum on incorporation and alternate manners of elections for the town council, initial election and terms, and date of creation and establishment of the municipality; providing for interim adoption of codes and ordinances and taxes and fees; providing for payment of certain revenues and for transitional ordinances and resolutions; entitling the town to state shared and local option gas tax revenues; providing for the sharing of certain revenues; providing for precedence of the provisions of this act over conflicting provisions of other laws; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

Senate Resolutions 2786—2792—Not referenced.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed HB 117, HB 663, HB 801, CS for HB 829, HB 927, HB 1007, HB 1089, HB 1443, HB 1489, HB 1505, HB 1543, HB 1587, HB 1593, HB 1603, HB 1605, HB 1613, HB 1629, HB 1637, HB 1683, HB 1717, HB 1719, HB 1769, HB 1789, HB 1803, HB 1841, HB 1853, HB 1855, HB 1861, CS for HB 1923, HB 2105, HB 2289, CS for HB 2339; has passed as amended HB 289, CS for HB's 299 and 231, CS for HB 315, CS for HB 397, CS for CS for HB 567, HB 739, HB 825, HB 839, CS for CS for HB 855, CS for HB 887, HB 925, HB 961, HB 963, HB 965, HB 969, CS for HB 983, HB 1047, HB 1093, HB 1109, HB 1125, CS for HB 1129, HB 1141, CS for HB 1425, CS for HB 1439, HB 1441, HB 1487, HB 1507, HB 1509, HB 1535, HB 1547, HB 1549, HB 1551, HB 1561, HB 1563, CS for CS for HB 1567, HB 1599, HB 1615, HB 1635, HB 1641, HB 1649, HB 1661, HB 1663, HB 1665, HB 1667, HB 1669, HB 1671, HB 1679, HB 1681, HB 1687, HB 1701, HB 1707, HB 1709, HB 1713, HB 1715, HB 1741, HB 1773, HB 1777, HB 1783, HB 1787, HB 1791, HB 1793, HB 1797, HB 1799, HB 1801, HB 1805, CS for HB 1807, HB 1837, CS for CS for HB 1891, HB 1919, HB 1925, CS for HB 1941, CS for HB 1953, HB 1993, CS for HB 2057, CS for HB 2063, CS for HB 2217; has passed by the required Constitutional three-fifths vote of the membership CS for HB 1429; has passed as amended by the required Constitutional three-fifths vote of the membership HB 2035 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Russell and others—

HB 117—A bill to be entitled An act relating to motorcycle riders; amending s. 316.211, F.S.; exempting persons of a specified age from certain safety equipment requirements; providing an effective date.

—was referred to the Committees on Transportation; and Banking and Insurance.

By Representative Cantens—

HB 663—A bill to be entitled An act relating to safe neighborhood improvement districts; amending s. 163.340, F.S.; including university police patrols within a definition; amending s. 163.503, F.S.; revising certain definitions; amending s. 163.5035, F.S.; providing for exercise by university police patrols of law enforcement powers within safe neighborhood improvement districts; amending s. 163.506, F.S.; providing for qualifications of certain safe neighborhood improvement district boards of directors; specifying that university police patrol officers are state law enforcement officers; providing requirements; amending s. 163.5151, F.S.; authorizing certain interlocal agreements for certain purposes; creating s. 163.5235, F.S.; authorizing safe neighborhood improvement districts to enter into certain interlocal agreements for certain purposes; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Criminal Justice.

By Representative Russell—

HB 801—A bill to be entitled An act relating to Hernando County; amending chapter 79-471, Laws of Florida; setting forth the amount of certificates of indebtedness which the School Board of Hernando County may issue; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Health Care Licensing and Regulation; and Representative Kyle—

CS for HB 829—A bill to be entitled An act relating to public records; creating ss. 458.353 and 459.028, F.S.; providing exemptions from public records requirements for information contained in reports made by physicians and osteopathic physicians of adverse incidents occurring in office practice settings; providing for future review and repeal; providing findings of public necessity; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; and Rules and Calendar.

By Representative C. Green—

HB 927—A bill to be entitled An act relating to the Captiva Erosion Prevention District; codifying and reenacting the district's charter, chapter 71-730, Laws of Florida, as amended; providing legislative intent; validating the district as a beach and shore preservation authority under the provisions of chapter 161, Florida Statutes; providing definitions; defining the boundaries of the district; providing for the general powers of the district; providing for the election of the district governing board; providing for a district beach and shore preservation program; providing for benefit categories or zones; providing for the levy and collection of ad valorem taxes on all taxable property within the district; providing for issuance of general obligation bonds; providing for the levy of special assessments against land specially benefitted within the district; providing for the issuance of bonds and other evidence of indebtedness with referendum approval; providing for refunding bonds; providing for additional power to contract; providing for severability; providing for effect in cases of conflict; providing for repeal of prior special acts relating to the Captiva Erosion Prevention District; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Sorensen—

HB 1007—A bill to be entitled An act relating to Islamorada, Village of Islands, Monroe County; authorizing the village to exercise its police powers and jurisdiction extending 1,200 feet into the tidal waters adjacent to its established corporate limits; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Bucher—

HB 1089—A bill to be entitled An act relating to the City of West Palm Beach, Palm Beach County; revising language with respect to the West Palm Beach Firefighters Pension Fund; revising the provisions regarding optional forms of retirement income; revising the beneficiary provisions; revising the deferred retirement option plan provisions; revising the disability provisions; adding a new section regarding penalties for false or misleading statements to obtain benefits; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Spratt—

HB 1443—A bill to be entitled An act relating to the Central County Water Control District in Hendry County, Florida; codifying and reenacting the district's charter, chapter 70-702, Laws of Florida, as amended; providing for creation of the district; providing district boundaries; providing for validation; providing for application of other laws; providing powers of the district; providing for district taxes; providing for levy, apportionment, and collection of taxes; providing penalties for unpaid delinquent taxes; providing for enforcement of taxes; specifying a quorum for certain meetings; prohibiting proxy voting; providing for membership of a board of supervisors; providing for effect of conflict with other acts; providing a savings clause; providing for repeal of prior special acts relating to the Central County Water Control District; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Rules and Calendar.

By Representative Ball—

HB 1489—A bill to be entitled An act relating to the Canaveral Port Authority, Brevard County; amending article VII, chapter 28922, Laws of Florida, 1953; authorizing reimbursement for official travel; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative C. Green—

HB 1505—A bill to be entitled An act relating to Lee County; providing for codification of special laws regarding independent special fire control districts pursuant to s. 191.015, Florida Statutes, relating to the Captiva Island Fire Control District, an independent special taxing fire control district in Lee County; providing legislative intent; codifying, reenacting, and amending chapter 30929, Laws of Florida, 1955, and chapters 75-417 and 87-447, Laws of Florida; providing status, purpose, and boundaries of the district; providing for amendment of the district charter; providing for a district governing body; providing for election and terms of members of the governing body; providing for organization of the governing body; providing powers and duties of the governing body; providing for the adoption of a district budget; requiring the governing body to set and fix a millage rate for the levy of ad valorem taxes; requiring the adoption of a 5-year plan by the district; specifying duties of the tax collector with respect to the collection of taxes under the act; providing for construction of the act; providing severability; repealing chapter 30929, Laws of Florida, 1955, and chapters 75-417 and 87-447, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Waters—

HB 1543—A bill to be entitled An act relating to Pinellas Suncoast Transit Authority; providing for codification of special laws relating to Pinellas Suncoast Transit Authority; providing a short title; providing definitions; creating the Pinellas Suncoast Transit Authority; providing for membership and terms of office; providing purpose and powers; providing boundaries; providing for exemption from regulation and taxation; providing for special district taxation; providing for future expansion; providing for severability; repealing chapters 70-907, 82-368, 82-416, 90-449, 94-433, 94-438, and 99-440, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Lawson—

HB 1587—A bill to be entitled An act relating to road designations; designating a portion of State Road 63 in Havana as Dr. Martin Luther King, Jr., Road; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was referred to the Committee on Transportation.

By Representative Melvin and others—

HB 1593—A bill to be entitled An act relating to the Baker Fire District, Okaloosa County; providing intent; re-creating and providing a charter for the district; providing district boundaries; providing purposes; providing definitions; providing for the election of a district board of commissioners; providing for terms of office; providing for officers and meetings of the board; providing for commissioners' compensation and expenses; requiring a bond; providing for records; providing general and special powers of the district; exempting district assets and property from taxation; providing requirements and procedures for the levy of ad valorem taxes, non-ad valorem assessments, user charges, and impact fees; providing for referenda; providing for enforcement; providing for requirements and procedures for issuance of bonds; providing for expansion and merger of the district boundaries; providing for severability; providing for conflicts; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Crow—

HB 1603—A bill to be entitled An act relating to the Indian Rocks Fire District, Pinellas County; providing for codification of special laws regarding independent special fire control districts pursuant to s. 191.015, Florida Statutes, relating to the Indian Rocks Fire District, an independent special taxing fire control district in Pinellas County; providing legislative intent; codifying, reenacting, and amending chapter 29438, Laws of Florida, 1953, and chapters 59-1744, 67-1930, 71-872, 74-583,

78-593, 84-511, 88-446, and 89-405, Laws of Florida; renaming the Indian Rocks Fire District as the Pinellas Suncoast Fire & Rescue District; fixing the boundaries of the district; providing for a board of commissioners; providing for the authority of the district to levy non-ad valorem assessments; authorizing the board of commissioners to borrow money for specified purposes; authorizing the district to levy ad valorem taxes up to 3 mills per year against the taxable property in the district; specifying uses of district funds; providing powers and duties of the district; requiring the appointment of a Fire Marshal; providing a procedure for district expansion; providing for the imposition of impact fees on new construction within the district; providing construction; providing severability; repealing chapter 29438, Laws of Florida, 1953, and chapters 59-1744, 67-1930, 71-872, 74-583, 78-593, 84-511, 88-446, and 89-405, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative C. Green—

HB 1605—A bill to be entitled An act relating to the Estero Fire Rescue District, Lee County; codifying and reenacting the district's charter, chapter 76-408, Laws of Florida, as amended; providing legislative intent; providing definitions; providing for creation of the district; specifying district boundaries; providing for a board of district commissioners; providing for organization of the board; providing for elections; providing powers and duties of the board; providing for levy of ad valorem taxes; providing for tax rolls; providing duties and responsibilities of the Lee County Tax Collector and the Lee County Property Appraiser; specifying taxes as liens on district lands; providing for collection and enforcement of taxes; providing for disposition of district funds; authorizing the district to borrow money and to issue revenue anticipation certificates; limiting liability of the board and individual commissioners; providing limitations on use of district funds; authorizing the district to buy, own, lease, and maintain a fire department; requiring a record of district meetings; authorizing the board to adopt rules; authorizing the district to adopt a fire prevention code; providing severability; providing effect in cases of conflict; providing for repeal of prior special acts relating to the Estero Fire Protection and Rescue Service District; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative C. Green—

HB 1613—A bill to be entitled An act relating to the Tice Fire Protection and Rescue Service District, Lee County; providing legislative intent; codifying, reenacting, and amending all prior special acts relating to the Tice Fire Protection and Rescue Service District; creating and establishing a fire control and rescue district as an independent district in Lee County and fixing the boundaries of the district; providing for a governing body; prescribing the powers of the board; authorizing the board to establish and maintain emergency medical services and equipment; authorizing the board to make policies, rules, regulations, and a fire code; providing for the assessment and collection of taxes, assessments, impact fees, and user charges; providing that this act shall be construed liberally; providing for severability; providing for the repeal of chapters 76-410, 79-498, 81-414, 83-446, 83-454, 87-447, 88-545, and 93-396, Laws of Florida, as said laws relate to the district; providing for control in the event of a conflict of provisions; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Bradley and others—

HB 1629—A bill to be entitled An act relating to the Hillsborough County Public Transportation Commission; designating the commission an independent special district; prohibiting discrimination in employment and encouraging diversity in appointments to the taxicab advisory council; amending s. 2, ch. 83-323, Laws of Florida, as amended; providing additional powers of the commission; amending s. 3, ch. 83-423, Laws of Florida, as amended; providing definitions; amending s. 5, ch. 83-423, Laws of Florida, as amended; providing for the use of a hearing officer in certain circumstances and for holding public hearings, issuing recommendations, and filing and hearing exceptions; amending s. 10, ch. 83-423, Laws of Florida; revising enforcement powers of the commission; creating s. 16, ch. 83-423, Laws of Florida; providing for an interlocal agreement between the commission and the county and the payment of moneys to the commission by the county; amending s. 9, ch. 83-423, Laws of Florida; revising powers of the commission with respect to adopting rules for the investigation of applicants; repealing s. 6, ch. 423, Laws of Florida, relating to license fees; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Melvin and others—

HB 1637—A bill to be entitled An act relating to the Okaloosa Gas District; codifying the District's charter, chapter 29334, Laws of Florida, 1953, as amended; reestablishing and recreating the Okaloosa Gas District for purposes of acquiring, constructing, owning, operating, managing, maintaining, extending, improving, and financing one or more gas distribution systems or one or more gas transmission systems or gas transmission and gas distribution systems for its member municipalities of Crestview, Niceville, Valparaiso, and Fort Walton Beach and such other municipalities as may become members of said District; providing such services for the benefit of the public and other users of gas in Okaloosa County and areas in Santa Rosa County and areas in Walton County and other areas of service; providing and prescribing the territorial limits and areas of service of the District; granting powers to the District, including the power of eminent domain; providing the means of exercising such powers; declaring the purposes of the District to constitute a public purpose; defining the powers of the District; providing for a Board of Directors as the governing body of the District to exercise the powers of the District and direct District affairs; providing officers for the District; authorizing the District to issue and sell bonds or revenue certificates payable solely from the revenues of a gas system or systems; authorizing judicial validation of such bonds or certificates; providing for execution and delivery by the District of mortgages, deeds of trust, and other instruments of security for the benefit of the holders of such bonds or revenue certificates; providing for remedies and rights available to the holders of the bonds or revenue certificates; prohibiting distribution of net profits to member municipalities; prohibiting the District from exercising any power of taxation; exempting property and income of the District from taxation; exempting District bonds or revenue certificates and interest thereon from taxation; exempting deeds, mortgages, trust indentures, and other instruments of, by, or to the District from taxation; providing for the use and distribution of the revenues of the gas systems of the District; exempting the District, its activities and functions, and the exercise of its powers from the jurisdiction and control of all state regulatory bodies and agencies; regulating the use of the proceeds from the sale of any such bonds or revenue certificates; providing such bonds or revenue certificates as legal investments for banks, trust companies, fiduciaries, and public agencies and bodies; providing for use of public roads by the District; providing for a covenant by the state not to alter the provisions of the act to the detriment of the holders of bonds or revenue certificates of the District; providing for acquisition, construction, maintenance, operation, financing, and refinancing of a gas system or systems by the District; providing for discontinuance of customer service for nonpayment; repealing all prior special acts of the Legislature relating to the Okaloosa County Gas District; providing for protection against impairment of contracts and obligations of the District; providing that the act takes precedence over any conflicting law to the extent of the conflict; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Rules and Calendar.

By Representative Spratt—

HB 1683—A bill to be entitled An act relating to the Collins Slough Water Control District, Hendry County; providing for codification of special laws relating to the Collins Slough Water Control District, a special tax district of the State of Florida composed of the County of Hendry; providing legislative intent; codifying and reenacting chapter 86-393, Laws of Florida; providing for minimum charter requirements; providing for repeal of all prior special acts related to the Collins Slough Water Control District; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative J. Miller and others—

HB 1717—A bill to be entitled An act relating to the City of Pensacola; repealing section 61 of chapter 15425, Laws of Florida, 1931, chapter 23474, Laws of Florida, 1945, and chapter 79-552, Laws of Florida; deleting obsolete provisions relating to City Planning Board; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative J. Miller and others—

HB 1719—A bill to be entitled An act relating to the General Pension and Retirement Fund of the City of Pensacola, Escambia County; amending chapter 99-474, Laws of Florida; redefining "salary"; revising membership requirements and exclusions; revising provisions of eligible rollover distributions; revising provisions providing for separation from service and reemployment; revising provisions relating to normal retirement with 20 or more years of credited service; revising provisions providing for early retirement at 25 years of credited service; revising provisions providing for normal retirement with less than 20 years of credited service; revising provisions providing for disability injury or illness in the line of duty and for disability injury or illness not in the line of duty; revising provisions relating to other benefit provisions; providing for election of members to participate in other defined benefit pension plans; providing for additional benefits; providing for repeal of conflicting laws; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Wasserman Schultz—

HB 1769—A bill to be entitled An act relating to the City of Hollywood, Broward County; amending chapter 30836, Laws of Florida, 1955, as amended, relating to the Employees' Retirement Fund and the Firefighters' Pension Fund, respectively, to provide for amendments to Articles X and XII upon approval by a "majority plus one" vote of the City Commission and 50 percent plus one of the voting members of the respective fund; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Wiles—

HB 1789—A bill to be entitled An act relating to Flagler Estates Road and Water Control District, St. Johns and Flagler Counties, an independent special district; requiring the Flagler Estates Road and Water Control District to obtain an independent feasibility study to determine the effectiveness of the District in providing services, including addressing the feasibility of an interlocal agreement and cost-effectiveness of and alternatives to the provision of services by the District; providing requirements if the District and Flagler and St. Johns Counties are unable to reach agreement by a time certain; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Rules and Calendar.

By Representative C. Green—

HB 1803—A bill to be entitled An act relating to the South Trail Fire Protection and Rescue Service District, Lee County; providing for codification of special laws relating to South Trail Fire Protection and Rescue Service District pursuant to s. 191.015, F.S.; providing legislative intent; amending, codifying, and reenacting all prior special acts; providing for codification of all prior special acts, as amended; providing for the creation, status, purpose, and boundaries of the District; providing for amendment to the District boundaries; providing for charter amendments; providing for a governing board; providing for powers and duties, including, but not limited to, those set forth in chapter 191, F.S., and chapter 97-340, Laws of Florida; providing authority to establish rules and regulations; providing for adoption of a fire code; providing authority to levy ad valorem assessments; providing authority for other means of financing for the District; providing for the effect of annexation by the City of Fort Myers; providing construction and effect; providing for severability; providing for repeal of prior special acts; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative A. Greene—

HB 1841—A bill to be entitled An act relating to Palm Beach County; providing for codification of special laws regarding independent special water control districts pursuant to s. 189.429, Florida Statutes, relating to the East Beach Water Control District, an independent special taxing water control district in Palm Beach County; providing legislative intent; codifying, reenacting, and amending chapters 75-469, 77-624, 80-568, and 91-365, Laws of Florida; providing status, purpose, and boundaries of the district; providing for amendment of the district charter; providing for a board of supervisors; providing for organization of the board of supervisors; providing powers and duties of the board; specifying methods for assessing and collecting non-ad valorem assessments, fees, and service charges; providing for district planning requirements; specifying requirements for financial disclosure, meeting notices, reporting, public records maintenance, and per diem expenses; providing severability; repealing chapters 75-469, 77-624, 80-568, and 91-365, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Jacobs—

HB 1853—A bill to be entitled An act relating to Palm Beach County; amending chapter 87-450, Laws of Florida, as amended, relating to the Palm Beach County Health Care Act; changing name of the Palm Beach County Health Care District to "Health Care District of Palm Beach County"; authorizing the District to implement school health programs; updating references to the County Public Health Department; authorizing establishment of and grant of powers to a District-owned hospital management board under certain conditions; providing for establishment of a Glades Area Rural Support Board; providing for membership and responsibilities; providing organization and recordkeeping requirements; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Murman and others—

HB 1855—A bill to be entitled An act relating to the City of Tampa, Hillsborough County; amending s. 4 of chapter 23559, Laws of Florida, 1945, as amended; revising the definitions of "salaries or wages" and "military service time" and adding the definitions of "actuarial equivalent," "plan year," and "legal heirs"; amending s. 17 of chapter 23559, Laws of Florida, 1945, as amended; providing for 8-year vesting and eligibility in the Deferred Retirement Option Program for elective officers; creating ss. 23, 24, 25, and 26 of chapter 23559, Laws of Florida, 1945, as amended; providing for the sole purpose of the General Employees' Retirement Plan, limitations on amounts of benefits, required distributions, and direct rollovers; repealing all laws in conflict herewith; providing an effective date and providing for retroactive operation of certain provisions.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Hart and others—

HB 1861—A bill to be entitled An act relating to military affairs; creating s. 250.115, F.S.; providing for the organization and operation of a direct-support organization for the Department of Military Affairs and the Florida National Guard; providing definitions; providing for a board of directors; providing for the use of property, facilities, and personal services of the Department of Military Affairs by the direct-support organization; providing restrictions; providing for submission of annual budgets and reports; providing for annual audit; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Fiscal Policy.

By the Committees on Judiciary, General Appropriations and Representative Pruitt—

CS for HB 1923—A bill to be entitled An act relating to lawsuits involving the executive branch; amending s. 45.062, F.S.; providing additional requirements with respect to notification of certain settlements or orders; providing that certain settlements or orders shall be contingent upon and subject to legislative appropriation or statutory amendment; providing for the disposition of funds; providing legislative intent; amending s. 216.023, F.S.; providing for an inventory of all litigation in which an agency is involved that may require additional appropriations to the agency or amendments to the law under which the agency operates as a part of legislative budget requests; amending s. 284.385, F.S.; revising language with respect to the reporting and handling of claims by the Department of Insurance covered by the Florida Casualty Insurance Risk Management Trust Fund; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; and Rules and Calendar.

By Representative Futch and others—

HB 2105—A bill to be entitled An act relating to high school diplomas; amending s. 232.246, F.S.; providing for the award of a high school diploma to certain honorably discharged World War II veterans; providing an effective date.

—was referred to the Committees on Education and Fiscal Policy.

By the Committee on Family Law and Children; and Representative Roberts and others—

HB 2289—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing an exemption from public records requirements for certain records relating to personnel of the Department of Children and Family Services who provide services to abused, neglected, abandoned, or exploited children, disabled adults, and elderly persons and their families; providing for future repeal; providing a finding of public necessity; providing an effective date.

—was referred to the Committees on Children and Families; and Rules and Calendar.

By the Committee on General Appropriations and Representative Feeney and others—

CS for HB 2339—A bill to be entitled An act relating to comprehensive health care; providing a short title; amending s. 400.471, F.S.; deleting the certificate-of-need requirement for licensure of Medicare-certified home health agencies; amending s. 408.032, F.S.; adding definitions of "exemption" and "mental health services"; deleting the definitions of "home health agency," "institutional health service," "intermediate care facility," "multifacility project," and "respite care"; revising the definition of "health services"; amending s. 408.033, F.S.; deleting references to the state health plan; amending s. 408.034, F.S.; deleting a reference to licensing of home health agencies by the Agency for Health Care Administration; amending s. 408.035, F.S.; deleting obsolete certificate-of-need review criteria and revising other criteria; amending s. 408.036, F.S.; revising provisions relating to projects subject to review; deleting references to Medicare-certified home health agencies; deleting the review of certain acquisitions; specifying the types of bed increases subject to review; deleting cost overruns from review; deleting review of combinations or division of nursing home certificates of need; providing for expedited review of certain conversions of licensed hospital beds; deleting the requirement for an exemption for initiation or expansion of obstetric services, provision of respite care services, establishment of a Medicare-certified home health agency, or provision of a health service exclusively on an outpatient basis; providing exemptions for combinations or divisions of nursing home certificates of need and additions of certain hospital beds and nursing home beds within specified limitations; providing exemptions for the addition of temporary acute care beds in certain hospitals and for the establishment of certain types of specialty hospitals through transfer of beds and services from certain existing hospitals; requiring a fee for each request for exemption; amending s. 408.037, F.S.; deleting reference to the state health plan; amending ss. 408.038, 408.039, 408.044, and 408.045, F.S.; replacing "department" with "agency"; clarifying the opportunity to challenge an intended award of a certificate of need; amending s. 408.040, F.S.; deleting an obsolete reference; revising the format of conditions related to Medicaid; creating a certificate-of-need workgroup within the Agency for Health Care Administration; providing for expenses; providing membership, duties, and meetings; requiring reports; providing for termination; amending s. 651.118, F.S.; excluding a specified number of beds from a time limit imposed on extension of authorization for continuing care residential community providers to use sheltered beds for nonresidents; requiring a facility to report such use after the expiration of the extension; amending s. 395.701, F.S.; reducing the annual assessment on hospitals to fund public medical assistance; providing for contingent effect; amending s. 395.7015, F.S.; reducing the annual assessment on certain health care entities; amending s. 408.904, F.S.; increasing certain benefits for hospital outpatient services; amending s. 409.912, F.S.; providing for a contract with reimbursement of an entity in Pasco or Pinellas County that provides in-home physician services to Medicaid recipients with degenerative neurological diseases; providing for future repeal; providing appropriations; providing for effect of amendments to ss. 395.701 and 395.7015, F.S., contingent on a federal waiver; providing for the transfer of certain unexpended Medicaid funds from the Department of Elderly Affairs to the Agency for Health Care Administration; amending ss. 641.31, 641.315, and 641.3155, F.S.; prohibiting a health maintenance organization from restricting a provider's ability to provide inpatient hospital services to a subscriber; requiring payment for medically necessary inpatient hospital services; providing applicability; amending s. 641.51, F.S.; relating to quality assurance program requirements for certain managed care organizations; allowing the rendering of adverse determinations by physicians licensed in any state; requiring the submission of facts and documentation pertaining to rendered adverse determinations; providing timeframe for organizations to submit facts and documentation to providers and subscribers in writing; requiring an authorized representative to sign the notification; creating s. 381.7351, F.S.; creating the "Reducing Racial and Ethnic Health Disparities: Closing the Gap Act"; creating s. 381.7352, F.S.; providing legislative findings and intent; creating s. 381.7353, F.S.; providing for the creation of the Reducing Racial and Ethnic Health Disparities: Closing

the Gap grant program, to be administered by the Department of Health; providing department duties and responsibilities; authorizing appointment of an advisory committee; creating s. 381.7354, F.S.; providing eligibility for grant awards; creating s. 381.7355, F.S.; providing project requirements, an application process, and review criteria; creating s. 381.7356, F.S.; providing for Closing the Gap grant awards; providing for local matching funds; providing factors for determination of the amount of grant awards; providing for award of grants to begin by a specified date, subject to specific appropriation; providing for annual renewal of grants; creating the Florida Commission on Excellence in Health Care; providing legislative findings and intent; providing definitions; providing duties and responsibilities; providing for membership, organization, meetings, procedures, and staff; providing for reimbursement of travel and related expenses of certain members; providing certain evidentiary prohibitions; requiring a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives; providing for termination of the commission; amending s. 408.7056, F.S.; providing additional definitions for the Statewide Provider and Subscriber Assistance Program; amending s. 627.654, F.S.; providing for insuring small employers under policies issued to small employer health alliances; providing requirements for participation; providing limitations; providing for insuring spouses and dependent children; allowing a single master policy to include alternative health plans; amending s. 627.6571, F.S.; including small employer health alliances within policy nonrenewal or discontinuance, coverage modification, and application provisions; amending s. 627.6699, F.S.; revising restrictions relating to premium rates to authorize small employer carriers to modify rates under certain circumstances and to authorize carriers to issue group health insurance policies to small employer health alliances under certain circumstances; requiring carriers issuing a policy to an alliance to allow appointed agents to sell such a policy; amending ss. 240.2995, 240.2996, 240.512, 381.0406, 395.3035, and 627.4301, F.S.; conforming cross references; defining the term "managed care"; creating s. 641.185, F.S.; providing health maintenance organization subscriber protections; specifying the principles to serve as standards for the Department of Insurance and the Agency for Health Care Administration exercising their duties and responsibilities; requiring that a health maintenance organization observe certain standards in providing health care for subscribers; providing for subscribers to receive quality care from a broad panel of providers, referrals, preventive care, emergency screening services, and second opinions; providing for assurance of independent accreditation by a national review organization and financial security of the organization; providing for continuity of health care; providing for timely, concise information regarding reimbursement to providers and services; providing for flexibility to transfer to another health maintenance organization within the state; providing for eligibility without discrimination based on health status; providing requirements for health maintenance organizations that issue group health contracts relating to preexisting conditions, contract renewability, cancellation, extension, termination, and conversion; providing for timely, urgent grievances and appeals within the organization; providing for timely and urgent review of grievances and appeals by an independent state external review agency; providing for notice of rate changes; providing for information regarding contract provisions, services, medical conditions, providers, and service delivery; providing that no civil cause of action is created; amending s. 641.511, F.S.; requiring posting of certain consumer assistance notices; providing requirements; amending s. 627.6699, F.S.; revising a definition; requiring small employer carriers to begin to offer and issue all small employer benefit plans on a specified date; deleting a requirement that basic and standard small employer health benefit plans be issued; providing additional requirements for determining premium rates for benefit plans; providing for application to plans provided by certain small employer carriers under certain circumstances; amending s. 409.212, F.S.; providing for periodic increase in the optional state supplementation rate; amending s. 409.901, F.S.; amending definitions of terms used in ss. 409.910-409.920, F.S.; amending s. 409.902, F.S.; providing that the Department of Children and Family Services is responsible for Medicaid eligibility determinations; amending s. 409.903, F.S.; providing responsibility for determinations of eligibility for payments for medical assistance and related services; amending s. 409.905, F.S.; increasing the maximum amount that may be paid under Medicaid for hospital outpatient services; amending s. 409.906, F.S.; allowing the Department of Children and Family Services to transfer funds to the Agency for Health Care Administration to cover state match requirements as specified; amending s. 409.907, F.S.; specifying bonding requirements for providers; specifying grounds on which provider applications may be denied; amending s. 409.908, F.S.; increasing the maximum amount of reimbursement allowable to Medicaid providers for hospital inpatient care; creating s. 409.9119, F.S.; creating a disproportionate share program for children's hospitals; providing formulas governing payments made to hospitals under the program; providing for withholding payments from a hospital that is not complying with agency rules; amending s. 409.919, F.S.; providing for the adoption and the transfer of certain rules relating to the determination of Medicaid eligibility; authorizing developmental research schools to participate in Medicaid certified school match program; providing for the Agency for Health Care Administration to seek a federal waiver allowing the agency to undertake a pilot project that involves contracting with skilled nursing facilities for the provision of rehabilitation services to adult ventilator dependent patients; providing for evaluation of the pilot program; repealing s. 400.464(3), F.S., relating to home health agency licenses provided to certificate-of-need exempt entities; repealing ss. 408.70(3), 408.701, 408.702, 408.703, 408.704, 408.7041, 408.7042, 408.7045, 408.7055, and 408.706, F.S., relating to community health purchasing alliances; repealing s. 409.912(4)(b), F.S., relating to the authorization of the agency to contract with certain prepaid health care services providers; providing appropriations; reducing certain allocation of positions and funds; providing effective dates.

—was referred to the Committees on Health, Aging and Long-Term Care; Judiciary; and Fiscal Policy.

By Representative Kilmer and others—

HB 289—A bill to be entitled An act relating to educational facilities; amending s. 235.435, F.S.; authorizing school districts to qualify construction projects for funding under the Special Facility Construction Account by using the school capital outlay surtax in lieu of the maximum millage against their nonexempt assessed property value; specifying funding eligibility of certain projects; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Fiscal Resource.

By the Committee on Community Affairs and Representative Maygarden and others—

CS for HB's 299 and 231—A bill to be entitled An act relating to the National World War II Memorial; providing an appropriation to help fund the construction of the National World War II Memorial; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Fiscal Policy.

By the Committee on Transportation and Representative Rojas and others—

CS for HB 315—A bill to be entitled An act relating to the Florida Airport Authority Act; creating ss. 332.201, 332.202, 332.203, 332.204, 332.205, 332.206, 332.207, 332.208, 332.209, 332.210, and 332.211, F.S., the Florida Airport Authority Act; providing definitions; providing that certain counties shall form an airport authority; providing that certain former military facilities redeveloped and operated as an airport shall be redeveloped and operated by an authority under the act, and providing for membership of the governing body of such authorities; providing for appointment of members of the governing body of an authority; providing for officers, employees, expenses, removal from office, and application of financial disclosure provisions; providing purposes and powers of an authority; providing restrictions on authority powers; providing for issuance of bonds; providing that the county may be appointed as an authority's agent for construction; providing for acquisition of lands and property; providing for cooperation with other units, boards, agencies, and individuals; providing a covenant of the state with respect to bond issuance and agreements with federal agencies; providing an exemption from taxation; providing for applicability; requiring members of the authority to file financial disclosure; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Transportation.

By the Committee on Health Care Services and Representative Patterson and others—

CS for HB 397—A bill to be entitled An act relating to health insurance; amending s. 627.410, F.S.; modifying rate filing requirements for approval of health insurance policy forms by the Department of Insurance; amending s. 627.411, F.S.; providing guidelines for determining when benefits are considered reasonable in relation to the premium charged for purposes of disapproval of health insurance policy forms by the department; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By the Committees on Governmental Rules and Regulations; Health Care Licensing and Regulation; and Representative Boyd and others—

CS for CS for HB 567—A bill to be entitled An act relating to nursing; amending part XV of chapter 468, F.S., relating to certified nursing assistants, and transferring that part to chapter 464, F.S., relating to nursing, to transfer from the Department of Health to the Board of Nursing responsibility and rulemaking authority for regulation of certified nursing assistants; changing requirements for nursing assistants; transferring from the Department of Education to the board responsibility for approval of training programs; revising grounds for which the board may impose certain penalties; creating s. 464.2085, F.S.; creating and providing requirements for a Council on Certified Nursing Assistants; amending ss. 20.43, 39.01, 39.304, 110.131, 232.46, 240.4075, 246.081, 310.102, 381.0302, 384.30, 384.31, 394.455, 395.0191, 400.021, 400.211, 400.402, 400.407, 400.4255, 400.426, 400.462, 400.464, 400.506, 400.6105, 401.23, 401.252, 408.706, 409.908, 415.1085, 455.597, 455.604, 455.667, 455.677, 455.694, 455.707, 458.348, 464.001, 464.002, 464.003, 464.006, 464.009, 464.016, 464.018, 464.019, 464.022, 464.023, 464.027, 466.003, 467.003, 467.0125, 467.203, 468.505, 483.041, 483.801, 491.0112, 550.24055, 627.351, 627.357, 627.9404, 641.31, 766.101, 766.110, 766.1115, 877.111, 945.602, 960.28, 984.03, 985.03, F.S.; conforming references; revising application procedures for certified nursing assistants; revising registration requirements for certified nursing assistants; amending ss. 400.215, 400.512, F.S.; revising provisions relating to the granting of exemptions from disqualification for employment in nursing homes or home health agencies; amending s. 400.23, F.S.; authorizing licensed practical nurses in nursing home facilities to supervise the activities of other licensed practical nurses, certified nursing assistants, and other unlicensed personnel working in such facilities in accordance with rules adopted by the Board of Nursing; amending s. 455.557, F.S.; including advanced registered nurse practitioners under the credentialing program; creating s. 455.56503, F.S.; requiring advanced registered nurse practitioners to submit information and fingerprints for profiling purposes; amending s. 455.5651, F.S.; authorizing the department to publish certain information in practitioner profiles; amending s. 455.5653, F.S.; deleting obsolete provisions relating to scheduling and development of practitioner profiles for additional health care practitioners; providing access to information on advanced registered nurse practitioners maintained by the Agency for Health Care Administration for corroboration purposes; amending s. 455.5654, F.S.; providing for adoption by rule of a form for submission of profiling information; repealing s. 400.462(20), F.S., to delete the definition of "screening" under the Home Health Services Act; amending s. 400.471, F.S.; providing for an abuse registry background check through the Agency for Health Care Administration; amending s. 400.484, F.S.; providing for assessment of certain costs of an investigation that results in a successful prosecution; amending s. 400.487, F.S.; requiring home health service agreements; revising requirements for physician's treatment orders; providing for supervisory visits by a registered nurse under certain circumstances; deleting provisions relating to service provision plans; amending s. 400.497, F.S.; providing for a home health aide competency test, criteria for the frequency of onsite licensure surveys, and information to be included in patients' records; amending s. 400.506, F.S.; providing for an abuse registry background check through the Agency for Health Care Administration; authorizing assessment of certain costs of an investigation that results in a successful prosecution; revising a cross reference; making renewal of license contingent on payment or arrangement for payment of any unpaid assessment; amending s. 400.509, F.S.; providing for an abuse registry background check through the Agency for Health Care Administration; authorizing assessment of certain costs of an investigation that results in a successful prosecution; making renewal of registration contingent on payment or arrangement for payment of any unpaid assessment; amending s. 400.512, F.S.; revising provisions relating to the screening of home health agency, nurse registry, and companion and homemaker service personnel; requiring the Agency for Health Care Administration to conduct the search for reports of confirmed abuse; providing an exemption from liability under certain conditions for providing opinions on the job performance of former employees and contract workers; providing conforming changes; amending s. 455.587, F.S.; providing requirements for funding regulation of professions by the Department of Health; providing an appropriation; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; and Fiscal Policy.

By Representative Bainter and others—

HB 739—A bill to be entitled An act relating to governmental reorganization; amending s. 20.04, F.S.; providing an exception to departmental structure requirements; creating s. 20.121, F.S.; creating the Office of Chief Financial Officer; creating s. 20.131, F.S.; creating the Department of Insurance and Financial Services; providing for an executive director; providing for departmental structure; creating the offices of Commissioner of Insurance and Commissioner of Financial Services; providing for appointment and specifying qualifications for each commissioner; providing jurisdiction of the commissioners' offices; providing for exercise of executive authority; transferring the powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the Comptroller to the Office of Chief Financial Officer; transferring the powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the Department of Insurance and the Department of Banking and Finance to the Department of Insurance and Financial Services; specifying that administrative rules of the Department of Banking and Finance and the Department of Insurance become administrative rules of the Department of Insurance and Financial Services; specifying that such rules become administrative rules of the Office of Chief Financial Officer under certain circumstances; providing for preservation of validity of judicial or administrative actions involving such departments; providing for substitution of certain parties in interest in such actions; requiring the Department of Insurance and the Department of Banking and Finance to provide reports to the Governor and the Legislature; directing the Division of Statutory Revision to prepare proposed substantive legislation by a certain time for certain purposes; repealing ss. 20.12 and 20.13, F.S., relating to the Department of Banking and Finance and the Department of Insurance, respectively; providing effective dates.

—was referred to the Committee on Governmental Oversight and Productivity.

By Representative Hart and others—

HB 825—A bill to be entitled An act relating to postsecondary linkage institutes; amending s. 288.8175, F.S.; transferring responsibility for linkage institutes between postsecondary institutions and foreign countries from the Department of Education to the Department of State; correcting cross references; modifying appropriations requirements; providing an effective date.

—was referred to the Committees on Education; and Governmental Oversight and Productivity.

By Representative Crady and others—

HB 839—A bill to be entitled An act relating to the City of Jacksonville and the St. Johns River Power Park; amending chapter 80-513, Laws of Florida, as amended by chapter 90-439, Laws of Florida, to permit a limited number of former employees of JEA who go to work for the St. Johns River Power Park to have the option of staying in the 1937 Employees' Pension Fund of the City of Jacksonville or joining the St. Johns River Power Park retirement plan; permitting a limited number of former employees of the St. Johns River Power Park who go to work for JEA to have the option of staying in the St. Johns River Power Park

retirement plan or joining the 1937 Employees' Pension Fund of the City of Jacksonville; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committees on Law Enforcement and Crime Prevention; Family Law and Children; and Representative Murman and others—

CS for CS for HB 855—A bill to be entitled An act relating to child welfare; amending s. 39.201, F.S.; revising confidentiality of recorded central abuse hotline calls relating to child abuse, neglect, or abandonment; providing clarifying language for community-based care providers of foster care and related services; providing circumstances in which an officer or employee of the judicial branch is not required to report child abuse, abandonment, or neglect; amending s. 39.202, F.S.; providing for the inclusion of the child protection team in the list of those to whom an alleged abuse reporter's name may be released; amending s. 39.205, F.S.; exempting judges from prosecution for failure to report; amending s. 39.301, F.S.; clarifying language relating to initiation of protective investigations and criminal investigations; clarifying that the age of parents shall be factored into risk assessments; changing certain time requirements; amending s. 39.303, F.S.; specifying additional supportive services to be provided by child protection teams; requiring certain training for medical personnel participating in a child protection team; revising reports of abuse, abandonment, or neglect that must be referred to the Department of Health for supportive services; revising requirements relating to review of certain cases of abuse, abandonment, or neglect and standards for face-to-face medical evaluations by a child protection team; requiring collaboration between certain state agencies relating to reports of child abuse, abandonment, and neglect; amending s. 39.304, F.S.; providing for disposition of investigative photographs of physical abuse injuries and sexual abuse trauma; amending s. 39.402, F.S.; clarifying that the court must be informed of identified case plans at shelter hearings; amending s. 383.402, F.S.; deleting a reference to the Kayla McKean Child Protection Act; revising duties of the local child abuse death review committee and district coordinators; amending s. 409.145, F.S.; authorizing the Department of Children and Family Services to provide additional assistance for certain individuals leaving foster care; amending s. 409.1671, F.S.; prescribing times when summaries of investigations must be provided to the community-based agency; amending s. 409.175, F.S.; requiring a plan for streamlining foster parent training; creating s. 409.1753, F.S.; specifying duties of the Department of Children and Family Services or its agents regarding foster care; repealing s. 1, ch. 99-168, Laws of Florida, which provides a short title naming the Act the Kayla McKean Child Protection Act; providing an effective date.

—was referred to the Committee on Criminal Justice.

By the Committees on Judiciary; Crime and Punishment; and Representative Ball and others—

CS for HB 887—A bill to be entitled An act relating to the Florida Evidence Code; amending s. 90.404, F.S.; revising a provision of law governing character evidence to permit the admission of certain evidence of the defendant's commission of acts of child molestation under certain circumstances; providing a definition; providing an effective date.

—was referred to the Committee on Judiciary.

By Representative C. Green—

HB 925—A bill to be entitled An act relating to the Sanibel Fire & Rescue District, Lee County; providing legislative intent; amending chapter 97-340, Laws of Florida, relating to the Sanibel Fire & Rescue District; re-creating and reenacting an independent fire control and rescue district in Lee County; renaming the district; fixing boundaries of the district; providing for a governing body; providing powers, budget, and taxing authority of the district; requiring the development of a plan; providing severability; repealing chapter 30930, Laws of Florida, 1955, chapters 61-2401, 71-742, 75-420, 79-492, 81-414, 81-423, 87-447, and 96-459, Laws of Florida, related to the district; providing that this act shall take precedence over any conflicting law to the extent of such conflict; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Detert—

HB 961—A bill to be entitled An act relating to the Sarasota County Public Hospital Board, Sarasota County; amending chapter 26468, Laws of Florida, 1949, as amended, to provide that candidates for hospital board seats shall be grouped by seat as provided in the Florida Election Code; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Ogles—

HB 963—A bill to be entitled An act relating to Manatee County; merging the Anna Maria Fire Control District and Westside Fire Control District to create a new district; creating and establishing an independent special fire control district to be known as the West Manatee Fire and Rescue District; establishing boundaries; providing purpose of the district; providing definitions; providing for the membership and organization of the governing body of the district; providing for maximum compensation of a governing board member; providing for district elections or referenda and the qualifications of an elector; providing administrative duties of the district; providing applicable financial disclosure, noticing, and reporting requirements of the district; providing powers, functions, and duties; provides for financing the district; provides authority to levy ad valorem taxes and maximum millage that is authorized therefor; providing for collecting non-ad valorem assessments, fees, or service charges; providing a schedule of special assessments; providing for impact fees; providing authority to issue, and the procedures for issuing, bonds by the district; provides exemption from taxation; providing for the establishment of the district; providing for amending the charter of the district; providing for district planning; providing for transfer of the assets and liabilities of the existing districts to the West Manatee Fire and Rescue District; providing for repeal of all acts relating to the Anna Maria Fire Control District and the Westside Fire Control District, including chapter 25994, Laws of Florida, 1949, chapter 27696, Laws of Florida, 1951, chapters 29263 and 29264, Laws of Florida, 1953, and chapters 59-1535, 59-1536, 61-2445, 65-1896, 65-1898, 72-610, 75-427, 75-433, 79-510, 81-427, 81-434, 82-324, 83-458, 84-476, 84-479, 85-455, 85-460, 88-487, 90-456, 90-459, 91-414, and 94-373, Laws of Florida; providing for severability; providing for interpretation; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Ogles—

HB 965—A bill to be entitled An act relating to Southern Manatee Fire and Rescue District; providing for codification of special laws relating to Southern Manatee Fire and Rescue District pursuant to s. 191.015, F.S.; providing legislative intent; amending, codifying, and reenacting all prior special acts; providing for incorporation as a special fire control district; providing a district boundary; providing for a governing board of said district; providing for non-ad valorem assessments and impact fees; providing a schedule of non-ad valorem assessments; providing for district powers, functions, and duties; deleting a reference to the district from chapter 93-352, Laws of Florida, as amended by chapter 94-373, Laws of Florida; providing for construction and effect; providing for repeal of chapter 92-249, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Ogles—

HB 969—A bill to be entitled An act relating to Manatee County; providing legislative intent; providing for the inclusion of certain unincorporated land in Manatee County into the Braden River Fire Control and Rescue District; providing for a board of fire commissioners; providing for the general powers of the district; providing for exemption from taxation; providing for special powers to the district; providing for non-ad valorem assessments; providing for a schedule of special assessments; providing for user charges; providing for impact fees; providing for the borrowing power of the district; providing for existence; providing definitions; providing severability; providing for liberal interpretation; providing for repeal of conflicting laws; providing for codification; repealing chapters 85-454, 88-488, 90-455, 91-396, 93-395, 94-417, and 95-461, Laws of Florida, relating to the Braden River Fire Control and Rescue District; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Rules and Calendar.

By the Committee on Judiciary and Representative Byrd and others—

CS for HB 983—A bill to be entitled An act relating to driving or boating under the influence of alcohol or controlled substances; amending s. 316.193, F.S.; reducing the number of convictions required for a felony DUI; amending conditions for conviction in cases of accident, serious bodily injury, or death; removing a cross reference; allowing a law enforcement officer to place a person in protective custody under certain circumstances; requiring a person placed in protective custody to pay reasonable costs of evaluation and treatment under certain circumstances; amending s. 316.1932, F.S.; requiring a law enforcement officer to inform a person that refusal to submit to certain tests is a misdemeanor; amending s. 316.1933, F.S.; requiring a person to submit to a blood test under certain circumstances; providing that the test need not be incidental to a lawful arrest; providing that a breath alcohol test may substitute for a blood alcohol test under certain circumstances; creating s. 316.1939, F.S.; providing a penalty for refusing to submit to a chemical or physical test of breath, urine, or blood; providing application; amending s. 327.35, F.S.; reducing the number of convictions required for a felony BUI; amending conditions for conviction in cases of accident, serious bodily injury, or death; correcting cross references; allowing a law enforcement officer to place a person in protective custody under certain circumstances; requiring a person placed in protective custody to pay reasonable costs of evaluation and treatment under certain circumstances; amending s. 327.352, F.S.; requiring a law enforcement officer to inform a person that refusal to submit to certain tests is a misdemeanor; amending s. 327.353, F.S.; requiring a person to submit to a blood test under certain circumstances; providing that the test need not be incidental to a lawful arrest; providing that a breath alcohol test may substitute for a blood alcohol test under certain circumstances; creating s. 327.359, F.S.; providing a penalty for refusing to submit to a chemical or physical test of breath, urine, or blood; providing application; creating s. 397.6755, F.S.; specifying grounds for which a court may determine that criteria exist for involuntary admission and treatment of certain persons; requiring payment for such evaluation and treatment from a certain fund; requiring persons placed in such involuntary custody to reimburse the provider of services under certain circumstances; amending s. 921.0022, F.S.; including certain BUI offenses within the offense severity ranking chart; amending s. 938.07, F.S.; providing for application of a fee to persons found guilty of boating under the influence; correcting a cross reference; providing an effective date.

—was referred to the Committees on Criminal Justice, Transportation and Fiscal Policy.

By the Committee on Governmental Rules and Regulations; and Representative Wallace and others—

HB 1047—A bill to be entitled An act relating to state government; creating the "Florida Customer Service Standards Act"; specifying measures that state departments are directed to implement with respect to interaction with their customers; specifying that failure to comply with the act does not constitute a cause of action; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; and Judiciary.

By Representative Melvin and others—

HB 1093—A bill to be entitled An act relating to the Mid-Bay Bridge Authority, Okaloosa County; providing legislative intent; amending, codifying, and reenacting chapters 86-465 and 88-542, Laws of Florida; providing for the repeal of all prior special acts related to the Mid-Bay Bridge Authority; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Stansel and others—

HB 1109—A bill to be entitled An act relating to construction; amending s. 489.118, F.S.; providing for licensing of locally licensed contractors; amending s. 218.72, F.S.; redefining the terms "local government entity," "purchase," and "construction services" and defining the terms "payment request" and "agent" for the purpose of the Florida Prompt Payment Act; amending s. 218.73, F.S.; providing for timely payment for nonconstruction services; amending s. 218.735, F.S.; revising language with respect to timely payment for purchases of construction services; amending s. 218.74, F.S.; revising language with respect to procedures for calculation of payment due dates; amending s. 218.75, F.S.; revising language with respect to mandatory interest; amending s. 218.76, F.S.; revising language with respect to improper invoices and resolution of disputes; providing for the recovery of court costs and attorney's fees under certain circumstances; amending s. 255.05, F.S.; revising language with respect to the bond of a contractor constructing public buildings; requiring the Office of Program Policy Analysis and Government Accountability, in consultation with the Legislative Committee on Intergovernmental Relations, to conduct a study of construction retainage methods; specifying areas to be examined; requiring study conclusions and recommendations; amending s. 399.13, F.S.; correcting a reference with regard to the inspection code; amending s. 468.603, F.S.; redefining "building code inspector" and "categories of building inspectors" and defining "building code enforcement official"; revising intent with respect to the examination required for certification as a building code administrator, plans examiner, or building code inspector; increasing the validity period of a provisional certificate; clarifying to whom a provisional certificate may be issued; authorizing newly employed or hired persons applying for provisional certification to perform for a specified period the duties of a plans examiner or building code inspector under the direct supervision of a building code administrator holding limited or provisional certification in counties with populations below a specified level and the municipalities therein; deleting obsolete standard certificate equivalency provisions; providing for consistency in terminology; creating s. 468.619, F.S.; establishing special disciplinary procedures for building code enforcement officials; amending ss. 112.3145, 125.56, 212.08, 252.924, 404.056, 468.603, 468.604, 468.605, 468.607, 468.617, 468.621, 468.627, 468.631, 468.633, 471.045, 481.222, and 489.103, F.S.; providing for consistency in terminology; amending s. 725.06, F.S.; providing for indemnification in construction contracts and voiding all others as being against public policy; amending s. 471.025, F.S.; adding a circumstance under which engineering documents must be sealed; amending s. 489.13, F.S.; providing additional disciplinary penalties for unlicensed electrical or alarm system contracting; amending s. 489.105, F.S.; revising the scope of work of commercial and residential pool/spa contractors and swimming pool/spa servicing contractors; amending s. 489.118, F.S.; limiting the time period during which registered applicants must apply to receive certification; amending s. 489.128, F.S.; eliminating an exemption from a provision invalidating contracts with unlicensed contractors; amending s. 489.503, F.S.; revising exemptions from regulation under pt. II, ch. 489, F.S., relating to electrical and alarm system contracting; amending s. 489.505, F.S.; revising the definition of "personal emergency response system"; amending s. 489.507, F.S.; limiting the rule making authority of the Electrical Contractors Licensing Board; amending s. 489.514, F.S.; revising grandfathering provisions for certification of registered electrical and alarm

system contractors; amending s. 489.5185, F.S.; providing that persons who perform only monitoring are not required to complete the training required for fire alarm system agents; amending s. 489.522, F.S.; providing requirements when a qualifying agent ceases to qualify a business; amending s. 489.531, F.S.; providing penalties for violations by unlicensed persons of acts prohibited under pt. II, ch. 489, F.S., relating to electrical and alarm system contracting; amending s. 489.532, F.S.; eliminating an exemption from a provision invalidating contracts with unlicensed contractors; amending s. 633.021, F.S.; adding a definition of "layout"; providing an effective date.

—was referred to the Committees on Regulated Industries; and Governmental Oversight and Productivity.

By Representative Bradley and others—

HB 1125—A bill to be entitled An act relating to improving racial and ethnic health outcomes; creating s. 381.7351, F.S.; creating the "Reducing Racial and Ethnic Health Disparities: Closing the Gap Act"; creating s. 381.7352, F.S.; providing legislative findings and intent; creating s. 381.7353, F.S.; providing for the creation of the Reducing Racial and Ethnic Health Disparities: Closing the Gap grant program, to be administered by the Department of Health; providing department duties and responsibilities; authorizing appointment of an advisory committee; creating s. 381.7354, F.S.; providing eligibility for grant awards; creating s. 381.7355, F.S.; providing project requirements, an application process, and review criteria; creating s. 381.7356, F.S.; providing for Closing the Gap grant awards; providing for local matching funds; providing factors for determination of the amount of grant awards; providing for award of grants to begin by a specified date, subject to specific appropriation; providing for annual renewal of grants; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Comprehensive Planning, Local and Military Affairs; and Fiscal Policy.

By the Committees on Health and Human Services Appropriations; Children and Families; and Representative Murman and others—

CS for HB 1129—A bill to be entitled An act relating to Medicaid managed health care; amending s. 409.912, F.S.; authorizing the Agency for Health Care Administration to contract with entities providing behavioral health care services to certain Medicaid recipients in certain counties under certain circumstances; providing requirements; providing limitations; providing definitions; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Banking and Insurance; and Fiscal Policy.

By Representative Merchant—

HB 1141—A bill to be entitled An act relating to Jupiter Inlet District, Palm Beach County; providing legislative intent; codifying the district's charter, chapter 8910 (1921), Laws of Florida, as amended; ratifying, restating, and approving district formation; providing that the district is an independent special taxing district; providing district status and boundaries; providing for applicability of chapter 189, Florida Statutes, and other general laws; providing additional powers, including the power of eminent domain and the power to issue bonds; providing for tax exempt status of district bonds and property; providing for notice of applications for environmental permits to conduct activities in or on the waters of the state within the district; providing for liberal construction; repealing chapters 8910 (1921), 10727 (1925), 13674 (1929), 16057 (1933), 22787 (1945), 22868 (1945), 24154 (1947), 71-818, 74-567, 75-474, 78-580, 79-531, 79-532, 79-533, 80-573, 81-458, 83-492, 85-482, and 87-522, Laws of Florida; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Environmental Protection and Representative Garcia and others—

CS for HB 1425—A bill to be entitled An act relating to governmental operations; providing requirements for local governments providing solid waste collection services in competition with private companies; providing remedies for such private companies; providing procedures and requirements; providing for award of damages, costs, and attorney fees; providing application; providing limitations for local government solid waste collection services outside the jurisdiction of the local government; providing remedies for certain injured parties; providing requirements and procedures; prohibiting local governments from displacing private waste collection companies under certain circumstances; providing requirements; providing procedures and requirements for such displacement; providing definitions; amending s. 171.062, F.S.; providing for continuation of certain solid waste services in certain annexed areas; providing an exception; amending s. 165.061, F.S.; providing for certain merger plans to honor certain solid waste contracts; providing limitations; amending s. 403.087, F.S.; clarifying application of certain permit fees; amending s. 403.7046, F.S.; providing a limitation relating to the local government registration fee for recovered materials dealers; revising local government authority with respect to certain contracts between recovered materials dealers and local commercial establishments that generate source-separated materials; amending s. 403.706, F.S.; authorizing counties and municipalities to grant certain solid waste fee waivers under certain circumstances; amending s. 403.722, F.S.; clarifying requirements for obtaining certain hazardous waste facility permits; creating s. 171.093, F.S.; providing for the assumption of an independent special district's service responsibilities in an area that is within the district's boundaries and that is annexed by a municipality; providing that the municipality may elect to assume such responsibilities; providing for an interlocal agreement regarding the transfer of such responsibilities; providing for the provision of services and payment therefor during a specified period if the municipality and district are unable to enter into an interlocal agreement; specifying effect of a municipality's election not to assume such responsibilities; providing for contraction of the district's boundaries if the municipality elects to assume such responsibilities; providing for levy of ad valorem taxes and assessments, user charges, and impact fees; providing exceptions; amending 190.004, F.S., to modify the preemption relating to Community Development Districts; repealing s. 403.7165(5), F.S., relating to the Applications Demonstration Center for Resource Recovery from Solid Organic Materials; repealing s. 403.7199, F.S., relating to the Florida Packaging Council; creating s. 403.08725, F.S.; providing requirements for citrus juice processing facilities with respect to obtaining air pollution, construction, and operations permits; providing definitions; providing emissions limits for such facilities; requiring certification of information submitted by citrus juice processing facilities to the Department of Environmental Protection; providing requirements with respect to determination and reporting of facility emissions; requiring the submission of annual operating reports; requiring maintenance of records; providing an affirmative defense to certain enforcement actions; adopting and incorporating specified federal regulations by reference; providing requirements, specifications, and restrictions with respect to air emissions trading; providing for annual emissions fees; providing penalty for failure to pay fees; providing for deposit of fees in the Air Pollution Control Trust Fund; providing requirements with respect to construction of new facilities or modification of existing facilities; providing for the adoption of rules by the department; requiring the department to provide a report to the Legislature; providing for submission of the act to the United States Environmental Protection Agency; providing for applicability of the act and compliance requirements for facilities in the event of federal nonapproval; amending s. 120.80, F.S.; providing an exception to specified rulemaking by the Department of Environmental Protection; directing the department to explore alternatives to traditional methods of regulatory permitting and to consider specific limited pilot projects to test new compliance measures; providing reporting requirements; amending s. 403.0872, F.S.; requiring the Department of Environmental Protection to issue a separate acid rain permit for specified major sources of air pollution upon request of the applicant; providing an effective date.

—was referred to the Committees on Natural Resources; Comprehensive Planning, Local and Military Affairs; and Fiscal Resource.

By the Committee on Tourism and Representative Sembler and others—

CS for HB 1439—A bill to be entitled An act relating to spring training franchise facilities; amending s. 212.20, F.S.; providing for a monthly distribution of a portion of revenues under chapter 212, F.S., to certified facilities for retained spring training franchises for a specified period; providing an aggregate limit on monthly distributions to all certified facilities for a retained spring training franchise; amending s. 288.1162, F.S.; redefining the term "new spring training franchise facility"; providing for certification of facilities for a retained spring training franchise by the Office of Tourism, Trade, and Economic Development; providing certification requirements; providing for competitive evaluation of applications for funding; providing evaluation criteria; providing for use of funds distributed pursuant to s. 212.20, F.S., to such facilities; requiring the Office of Tourism, Trade, and Economic Development to certify a specified number of sports facilities, and a specified number of facilities for retained spring training franchises, under s. 288.1162, F.S.; providing an effective date.

—was referred to the Committees on Fiscal Policy; and Comprehensive Planning, Local and Military Affairs.

By Representative Russell—

HB 1441—A bill to be entitled An act relating to Hernando County; providing for application of the act to career-service members of the Hernando County Sheriff's Office; providing certain exceptions; defining the term "member" with respect to career-service personnel of the Hernando County Sheriff's Office; specifying the period of employment required to qualify for career-service membership; providing for implementation of the act; authorizing the Sheriff to adopt rules; creating the Career Service Appeals Board; providing for membership of the board; providing for the board to make nonbinding recommendations to the Sheriff with respect to the dismissal of a member; providing for compensation for witnesses appearing before the board; specifying rights and procedures for hearings before the board; providing that actions of the board and Sheriff are exempt from ch. 120, F.S.; providing immunity from civil liability for certain actions; exempting certain appeals from application of the act; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Melvin and others—

HB 1487—A bill to be entitled An act relating to the Okaloosa County Destin Fire Control District; repealing chapter 82-335, Laws of Florida, as amended; providing for the creation and boundaries of the Destin Fire Control District; providing intent; providing definitions; providing for liberal construction; providing for the election of district board of commissioners; providing for terms of office; providing for officers and meetings of such boards; providing for commissioners' compensation and expenses; requiring a bond; providing general and special powers of districts; exempting district assets and property from taxation; providing requirements and procedures for the levy of ad valorem taxes, non-ad valorem taxes, assessments, user charges, and impact fees; providing for referenda; providing for enforcement; providing for requirements and procedures for issuance of bonds; providing for referenda; providing for creation, expansion, and merger of the district boundaries; providing for use of funds; providing for severability; providing for application; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Rules and Calendar.

By Representative C. Green—

HB 1507—A bill to be entitled An act relating to the Fort Myers Beach Fire Control District, Lee County; providing legislative intent; providing for a codification of the special laws relating to the Fort Myers Beach Fire Control District pursuant to s. 191.015, F.S.; codifying, reenacting, and amending all prior special acts; creating and establishing a fire control and rescue district as an independent district in Lee County and fixing the boundaries of the district; providing for a governing body; prescribing the powers of the board; authorizing the board to establish and maintain emergency medical services and equipment; authorizing the board to make policies, rules, regulations, and a fire code; providing for assessing and collecting taxes, assessments, impact fees, and user charges; providing that this act shall be construed liberally; providing for severability; repealing of chapters 51-27676, 53-29241, 63-1539, 63-1553, 71-743, 73-530, 73-532, 80-528, 81-414, 81-422, 82-314, 87-447, 95-458, and 95-516, Laws of Florida, as said laws relate to the district; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative C. Green—

HB 1509—A bill to be entitled An act relating to the East County Water Control District in Hendry and Lee Counties; providing for codification of special laws relating to the East County Water Control District pursuant to s. 189.429, F.S.; providing legislative intent; codifying, reenacting, and amending chapters 63-1549, 65-1824, 67-901, 70-498, 74-525, 80-525, 81-412, 83-445, 85-445, 86-460, 87-477, 88-509, 90-393, 93-309, and 98-460, Laws of Florida; providing for creation, status, charter amendments, and boundaries of the district; providing for installment assessments and collection thereof; providing for maintenance assessments and collection thereof; providing for a Board of Supervisors; providing for the election of district supervisors; providing election procedures; providing for qualification by candidates for district supervisor; providing for organization of the board of supervisors; authorizing the board of supervisors to employ a General Manager of the district; providing powers and duties of the Board of Supervisors; specifying methods for assessing and collecting non-ad valorem assessments, fees, and service charges; providing for district planning requirements; specifying requirements for financial disclosure, meeting notices, reporting, public records maintenance, and per diem expenses; making District bonds tax exempt and payable within 40 years; providing for electronic assessment records; authorizing the Board of Supervisors to exercise special powers relating to public improvements and community facilities; providing for construction of the act; providing severability; repealing chapters 63-1549, 65-1824, 67-901, 70-498, 74-525, 80-525, 81-412, 83-445, 85-445, 86-460, 87-477, 88-509, 90-393, 93-309, and 98-460, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Rules and Calendar.

By Representative Albright and others—

HB 1535—A bill to be entitled An act relating to taxation; creating the State Tax Reform Task Force; providing for the appointment and organization of the task force; specifying duties; providing for reports; providing for the expiration of the act; providing an appropriation; providing an effective date.

—was referred to the Committees on Fiscal Resource; and Rules and Calendar.

By Representative Harrington—

HB 1547—A bill to be entitled An act relating to Lee and Charlotte Counties; codifying chapters 96-507 and 97-319, Laws of Florida, relating to the Gasparilla Island Bridge Authority, a special taxing district; providing district boundaries; prescribing the purposes, powers, privileges, duties, liability, and officials; providing applicability of the provisions of chapter 189, F.S., to said district; providing definitions; providing for the appointment of the governing board and the election and

appointment of its future members; defining terms of office; prescribing duties, powers, and qualifications, and fixing compensation; providing for the setting of bridge toll rates by the district; providing for the levy of ad valorem taxes upon the lands in said district under certain circumstances and for the collection and enforcement thereof; providing the authority for the district to issue bonds and the authority to pledge revenues for the repayment of those bonds; providing the power of eminent domain; providing provisions with respect to the tax exemption of bonds and tax delinquency enforcement and liens relating thereto; specifying authority decisions requiring a majority vote; providing for interlocal cooperation; providing for fees or costs for the offices of the county property appraisers and tax collectors; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Rules and Calendar.

By Representative Farkas and others—

HB 1549—A bill to be entitled An act relating to Pinellas County; creating and establishing an independent special district in said county to be known as the Lealman Special Fire Control District; creating a charter; providing a short title; providing definitions; providing for the boundaries of the Lealman Special Fire Control District; providing the intent and purposes of this act; providing for the election of a district board of commissioners; providing for terms of office; providing for officers and meetings of the board; providing for commissioners' compensation and expenses; requiring a bond; providing general and special powers of the district; providing for the levy of ad valorem taxes, non-ad valorem assessments, user charges, and impact fees; providing for referenda; providing for issuance of bonds; providing for a 5-year plan; providing for boundaries and merger of the district boundaries; providing for annexation of territory by municipalities; providing for amendment of charter; providing for effect of dissolution; providing for severability; providing for a referendum with respect to taxing authority; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Morroni—

HB 1551—A bill to be entitled An act relating to the Board of Juvenile Welfare, Pinellas County; amending chapter 23483, Laws of Florida, 1945, as amended; providing that the state attorney and the public defender for the county shall be members of the board; reducing the number of board members who are juvenile-division circuit judges and increasing the number of board members who are appointed by the Governor; requiring appointees of the Governor to be confirmed by the Senate; providing terms of office; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative A. Greene—

HB 1561—A bill to be entitled An act relating to South Florida Conservancy District in Hendry and Palm Beach Counties; providing for codification of special laws relating to South Florida Conservancy District pursuant to s. 189.429, F.S.; providing legislative intent; amending, codifying, reenacting, and repealing chapter 7975, Laws of Florida, 1919, chapter 8899, Laws of Florida, 1921, chapter 11015, Laws of Florida, 1925, chapters 12115 and 12116, Laws of Florida, 1927, chapter 13802, Laws of Florida, 1929, chapter 16177, Laws of Florida, 1933, chapter 17258, Laws of Florida, 1935, chapter 20477, Laws of Florida, 1941, chapters 23625 and 23863, Laws of Florida, 1947, chapter 25434, Laws of Florida, 1949, chapter 26738, Laws of Florida, 1951, chapters 28355 and 28648, Laws of Florida, 1953, chapters 30177 and 30273, Laws of Florida, 1955, chapter 59-867, Laws of Florida, chapter 61-1403, Laws of Florida, chapter 61-1404, Laws of Florida, chapter 69-706, Laws of Florida, chapter 71-380, Laws of Florida, chapter 75-378, Laws of Florida, chapter 81-463, Laws of Florida, chapter 85-479, Laws of Florida, and chapter 90-479, Laws of Florida, relating to the South Florida Conservancy District; recreating the district and recreating and reenacting the district's charter; providing for creation, status, charter amendments, and boundaries; providing for a board of supervisors and powers and duties; providing minimum charter requirements in accordance with s. 189.404, F.S.; authorizing fees for using works of the district; providing for property rights; subjecting state lands to assessments by the district; making district bonds tax exempt; providing for construction and effect; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Rules and Calendar.

By Representative Jacobs—

HB 1563—A bill to be entitled An act relating to Palm Beach County; increasing the maximum ad valorem millage rate which the Children's Services Council of Palm Beach County is authorized to levy; providing that Chapter 200, Florida Statutes, applies to any tax levied; directing that the final millage rate must be applied in the same way as other ad valorem taxes; requiring a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Children and Families; and Rules and Calendar.

By the Committees on Education Appropriations; Governmental Rules and Regulations; Colleges and Universities; and Representative Casey and others—

CS for CS for HB 1567—A bill to be entitled An act relating to rulemaking authority within the State University System; amending s. 240.209, F.S.; revising language; clarifying the authority of the Board of Regents to establish certain fees, delegate authority to the Chancellor or the universities, allow the waiver of certain fees, manage systemwide enrollment, govern the admission of students into the State University System, establish policies relating to credit and noncredit offerings, and establish and regulate faculty practice plans for the academic health science centers; providing and clarifying authority to adopt rules to implement such powers and duties; correcting an obsolete cross reference; deleting unnecessary cross references; amending s. 240.227, F.S.; clarifying the rulemaking authority of university presidents regarding conditions of employment of university personnel and the management of property and financial resources of the university; providing rulemaking authority regarding internal procedures of student governments, the use and protection of data and technology, and compliance with federal laws; amending s. 240.229, F.S., relating to the powers of the university with regard to patents, copyrights, and trademarks; authorizing the adoption of rules; amending s. 240.233, F.S., relating to university admission of students; authorizing the adoption of rules by the university president; revising requirements for minimum standards for undergraduate admission relating to foreign language and requiring submission of a test score; prohibiting university admission standards for limiting the ability of high school students to choose electives; amending s. 240.241, F.S., relating to divisions of sponsored research at state universities; authorizing the adoption of rules by the university president; amending s. 240.261, F.S.; clarifying the rulemaking authority of universities with regard to student and employee conduct; amending s. 240.291, F.S.; providing rulemaking authority regarding delinquent accounts; providing an effective date.

—was referred to the Committee on Education.

By Representative Fuller and others—

HB 1599—A bill to be entitled An act relating to Rodman Reservoir Recreation Area; creating s. 258.16, F.S.; designating and establishing a state recreation area; providing duties of the Division of Recreation

and Parks of the Department of Environmental Protection; providing for closure of certain structures; providing for approval by the Legislature of actions which would substantially alter the recreation area; authorizing the Division of State Lands of the department to acquire contiguous property; requiring the Division of State Lands to notify certain easement holders of the state recreation area designation; requiring a report to the Governor and Legislature; providing an effective date.

—was referred to the Committees on Natural Resources; Comprehensive Planning, Local and Military Affairs; and Fiscal Policy.

By Representative C. Green—

HB 1615—A bill to be entitled An act relating to Lee County; codifying chapters 63-1552 and 78-552, Laws of Florida, as amended; revising said acts, as amended; repealing prior acts and reenacting portions thereof; providing for a public health care system in Lee County to be named Lee Memorial Health System; providing for an elected health care system board, and setting forth its duties and powers; providing compensation of board members; providing for the operation and maintenance of said public health care system; providing for deposit and investment of certain funds; authorizing the issuance of bonds; providing for execution and enforcement of liens; providing for the effect of conflicting provisions; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Crady—

HB 1635—A bill to be entitled An act relating to the Baker County Development Commission, an independent special district in Baker County; providing for codification of special laws regarding special districts pursuant to chapter 97-255, Laws of Florida; providing legislative intent; codifying and reenacting chapter 57-1129, Laws of Florida, as amended by chapter 59-1061, Laws of Florida; providing district status and boundaries; providing definitions; providing for membership; authorizing Baker County and its incorporated municipalities to contract with the Commission; prescribing the Commission's powers and duties, including the power to issue and validate revenue-anticipation certificates; providing restrictions; providing construction; providing an allocation from Baker County's share of tax on racing; providing a saving clause in the event any provision of the act is deemed invalid; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Goodlette—

HB 1641—A bill to be entitled An act relating to the East Naples Fire Control and Rescue District, Collier County; codifying the district's charter, chapter 61-2034, Laws of Florida, 1961, as amended; providing a provision that the district is an independent special district; providing for a board of commissioners; defining its duties, powers, and authority; providing for the raising of funds within said district by taxation on all the property therein and the methods of levying, collecting, and disbursing said funds; repealing all prior special acts of the Legislature relating to the East Naples Fire Control and Rescue District; providing that this act shall take precedence over any conflicting law to the extent of such conflict; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Wallace and others—

HB 1649—A bill to be entitled An act relating to Hillsborough County; consolidating, compiling, codifying, revising for the purposes of clarifying, and streamlining the extant law; vesting standard business practices in law and removing gender-specific references; continuing rights, privileges, and benefits accrued by certain employees; retaining membership in the classified service except under certain circumstances, and amending chapter 96-519, Laws of Florida, as amended, relating to the Civil Service Act; providing a statement of policy; providing a short title; providing mandatory and optional applicability of the act; providing, listing in a single section, and adding definitions for purposes of clarification; describing classes of employees and specifying those to whom the act is applicable; creating a civil service board and providing, listing in a single section, and adding powers and duties to vest in law standard business practices of the district not previously enumerated and deleting the requirement that prospective employees be ranked in accordance with relative qualifications; providing for the establishment and use of initial employment lists and promotional lists and deleting the requirement that employment eligibility lists be canceled after 6 months; requiring that the duration of employment eligibility lists be established by rule; providing for the creation and abolition of positions and the filling of vacancies; providing for a probationary period and tenure; providing for the suspension, demotion, and dismissal of employees; providing for an appeal hearing procedure; providing for disciplinary hearings for certain employees of the administrative office of the Thirteenth Judicial Circuit but paid from funds of the county; providing for recommendation and adoption of classification and pay plans; providing an appropriation for the board; providing for a committee to review extant rules; providing for fiscal responsibility; prohibiting certain activities; providing restrictions on individuals qualifying for elective office; providing for an employee advisory committee; deleting the requirement that the board undergo regularly recurring performance audits mandated by special act; providing criminal penalties for violation of the act; providing for future review of the act; providing severability; repealing chapters 96-519, 97-342, 97-343, 97-349, 97-350, 98-450, 98-481, and 99-415, Laws of Florida, relating to the Civil Service Act and performance audits of the board; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Spratt—

HB 1661—A bill to be entitled An act relating to Hendry and Glades Counties; providing for codification of special laws regarding independent special districts pursuant to chapter 97-255, Laws of Florida, and chapter 98-320, Laws of Florida, relating to the Flaghole Drainage District, a special tax district of the State of Florida composed of lands in Hendry and Glades Counties; providing legislative intent; codifying reenacting, and amending chapter 28540, Laws of Florida, 1953, and chapters 59-930, 73-477, and 77-562, Laws of Florida; providing powers, functions, and duties of the district with respect to non-ad valorem assessments, bond issuance, revenue raising, budget preparation and approval, liens and foreclosure of liens, specified use of tax deeds and tax certificates, and contractual agreements; providing for governance of the district by a Board of Supervisors; providing for membership, organization, compensation, and administrative duties of the board; specifying requirements for financial disclosure, meeting notices, reporting, public records maintenance, and per diem expenses; specifying procedures and requirements governing the issuance of bonds, notes, and other forms of indebtedness; providing procedures for District elections and qualification of electors; providing for method of financing the District; authorizing the District to continue to levy a special annual maintenance tax upon all taxable real property in the District; specifying the method for collecting non-ad valorem assessments, fees, and service charges; providing for District planning requirements; fixing the boundaries of the District; authorizing the Board of Supervisors of the District to levy a maintenance indebtedness tax; providing purpose of the District; providing for the levy of an annual maintenance tax; authorizing the Board of Supervisors to designate maintenance areas within the district; providing composition of the Board of Supervisors; providing for ratification of prior actions; providing severability; providing that this act shall take precedence over any conflicting law to the extent of such conflict; repealing chapter 28540, Laws of Florida, 1953, and chapters 59-930, 73-447, and 77-562, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Rules and Calendar.

By Representative Spratt—

HB 1663—A bill to be entitled An act relating to the Disston Island Conservancy District in Hendry and Glades Counties; providing for codification of special laws regarding special districts pursuant to chapter 97-255, Laws of Florida, and chapter 98-320, Laws of Florida, relating to a special tax district of the State of Florida composed of the Counties of Hendry and Glades; providing legislative intent, and codifying, amending, and reenacting chapter 9977, Laws of Florida, 1923; chapter 14709, Laws of Florida, 1931; chapter 75-383, Laws of Florida; and chapter 77-561, Laws of Florida; providing for minimum charter requirements; providing powers, functions, and duties of the District; providing purpose and boundaries of the District; providing for tax assessment for services; providing authority to levy a rehabilitation tax; providing for Supervisor qualifications; providing for a quorum for landowners' meetings; providing for ratification of prior actions; providing for repeal of all prior special acts related to the Disston Island Conservancy District; providing for severability; providing for effect of conflicting laws; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Rules and Calendar.

By Representative Posey and others—

HB 1665—A bill to be entitled An act relating to the City of Orlando, Orange County, revising language with respect to the pension fund of the fire department of the city; amending chapter 23444, Laws of Florida, 1945, as amended; providing that DROP participants shall not participate in the fund; amending the cost-of-living increase for members and beneficiaries, with the actuarial cost thereof being borne by the members; providing an effective date for all retirements; providing for a deferred retirement option plan as an improvement to present pension benefits with the additional cost thereof being borne by the members; providing for employer pick up of member contributions; providing for changes necessary to obtain tax qualification; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative A. Greene—

HB 1667—A bill to be entitled An act relating to the Pahokee Water Control District, Palm Beach County; providing for codification of special laws regarding special districts pursuant to chapters 97-255 and 98-320, Laws of Florida, relating to the Pahokee Water Control District, a special tax district of the State of Florida composed of the County of Palm Beach; providing legislative intent; codifying, reenacting, and amending chapter 10002, Laws of Florida, 1923; chapter 13715, Laws of Florida, 1929; chapter 14779, Laws of Florida, 1931; chapter 18042, Laws of Florida, 1937; chapter 19607, Laws of Florida, 1939; chapters 20652 and 20695, Laws of Florida, 1941; chapter 23622, Laws of Florida, 1947; chapter 28440, Laws of Florida, 1953; chapter 30151, Laws of Florida, 1955; and chapters 57-433, 63-877, 71-817, 77-618, 80-563, 82-354, and 97-335, Laws of Florida; providing for minimum charter requirements; amending the district's maintenance tax cap; providing for repeal of all prior special acts related to the district; providing for precedence over conflicting law to the extent of such conflict; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Posey and others—

HB 1669—A bill to be entitled An act relating to Orange County; providing for codification of special laws regarding special districts pursuant to chapter 97-255, Laws of Florida, relating to the West Orange Healthcare District, an independent special tax district of the State of Florida composed of the County of Orange; providing legislative intent, and codifying and reenacting chapter 26066, Laws of Florida, 1949; chapter 57-1639, Laws of Florida; chapter 61-2588, Laws of Florida; chapter 67-1827, Laws of Florida; chapter 70-839, Laws of Florida; chapter 71-797, Laws of Florida; chapter 76-452, Laws of Florida; chapter 77-610, Laws of Florida; chapter 81-446, Laws of Florida; chapter 83-479, Laws of Florida; chapter 85-476, Laws of Florida; chapter 87-469, Laws of Florida; chapter 92-257, Laws of Florida; chapter 93-385, Laws of Florida; chapter 95-484, Laws of Florida; chapter 95-486, Laws of Florida; amending chapter 93-385, Laws of Florida; changing the term of the Board of Trustees; creating the West Orange Healthcare District; providing boundaries; providing for the governing body; providing powers and duties; providing for a quorum; providing for eminent domain; authorizing the board to borrow money; providing for bonds; providing procedures; providing for the payment of expenses; providing for an annual financial statement; providing rules; providing for liberal construction; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Futch—

HB 1671—A bill to be entitled An act relating to Brevard County; amending chapter 94-419, Laws of Florida, as amended; conforming provisions relating to clam harvesting licenses to the transfer of duties from the Department of Environmental Protection to the Fish and Wildlife Conservation Commission; revising provisions relating to the use of proceeds from the collection of licensing fees; deleting authority to use a portion of such proceeds for boat launching facilities; requiring moneys to be used for clam resource restoration and enhancement projects; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Spratt—

HB 1679—A bill to be entitled An act relating to the Hendry/Hilliard Water Control District, Hendry County; providing for codification of all special acts relating to the Hendry/Hilliard Water Control District; providing legislative intent; amending, codifying, and reenacting chapter 86-394, Laws of Florida; providing for repeal of all prior special acts related to the Hendry/Hilliard Water Control District; providing for severability; providing for control in the event of a conflict of provisions; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Spratt—

HB 1681—A bill to be entitled An act relating to Hendry County; providing for codification of special laws relating to the Clewiston Drainage District, a special tax district of the State of Florida composed of the County of Hendry; providing legislative intent; codifying, amending, reenacting, and repealing chapters 10435 (1925), 17796 (1937), 30795 (1955), 65-803, 71-659, 74-486, 75-380, 77-560, 82-298, and 87-468, Laws of Florida; providing for minimum charter requirements; providing for Supervisor qualifications; providing for supplemental powers of Supervisors; providing for ratification of prior actions; providing for repeal of all prior special acts relating to the Clewiston Drainage District; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative C. Green—

HB 1687—A bill to be entitled An act relating to the Fort Myers Shores Fire Protection and Rescue Service District, Lee County; providing legislative intent; providing for codification of the special acts relating to the Fort Myers Shores Fire Protection and Rescue Service District pursuant to s. 191.015, F.S.; re-creating the district as an independent special district and fixing its boundaries; providing for a governing board; prescribing the powers and duties of the board; authorizing the board to establish and maintain emergency medical services and equipment; authorizing the board to make policies, rules, regulations, and a fire code; providing for assessing and collecting taxes, assessments, impact fees, and user charges; providing for liberal construction; codifying, reenacting, amending, and repealing chapters 76-409, 79-497, 81-414, 83-444, 83-454, 87-447, 88-538, 88-545, 89-498, and 90-390, Laws of Florida; providing severability; providing for precedence over conflicting law to the extent of such conflict; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Wasserman Schultz—

HB 1701—A bill to be entitled An act relating to Broward County; providing for the creation of a countywide independent special district to provide children's services throughout Broward County; providing for a governing board to be known as the Children's Service Council of Broward County; providing for the membership and duties of the council; providing financial requirements and budget procedures; providing for authorization of the levy of ad valorem taxes not to exceed one-half mill; providing for a ballot question; providing for a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative A. Greene—

HB 1707—A bill to be entitled An act relating to Palm Beach County; providing for codification of special laws regarding independent special districts pursuant to chapter 97-255, Laws of Florida, and chapter 98-320, Laws of Florida, relating to the East Shore Water Control District, a special tax district of the State of Florida composed of lands in Palm Beach County; providing legislative intent; codifying, reenacting, and amending chapter 20694, Laws of Florida, 1941; chapter 23621, Laws of Florida, 1947; chapter 25151, Laws of Florida, 1949; chapter 26697, Laws of Florida, 1951; chapter 28419, Laws of Florida, 1953; chapter 30150, Laws of Florida, 1955; and chapters 57-434, 61-1640, 77-621, and 82-351, Laws of Florida; providing powers, functions, and duties of the district with respect to non-ad valorem assessments, bond issuance, revenue-raising, budget preparation and approval, liens and foreclosure of liens, specified use of tax deeds and tax certificates, and contractual agreements; providing for governance of the district by a Board of Supervisors; providing for membership, organization, compensation, and administrative duties of the board; specifying requirements for financial disclosure, meeting notices, reporting, public records, maintenance, and per diem expenses; specifying procedures and requirements governing the issuance of bonds, notes, and other forms of indebtedness; providing procedures for District elections and qualification of electors; providing for method of financing the District; authorizing the District to continue to levy a special annual maintenance tax upon all taxable real property in the District; specifying the method for collecting non-ad valorem assessments, fees, and service charges; providing for District planning requirements; setting the geographic boundary limits of the District; providing for election of the members of the Board of Supervisors; providing for quorum for purpose of holding elections; authorizing the Board of Supervisors to enter into arrangements with other drainage and water control districts for specified purposes; increasing the District maintenance tax cap; authorizing the Board of Supervisors to employ a General Manager of the District; authorizing the Board to require the General Manager to furnish a bond; providing for ratification of prior actions; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative A. Greene—

HB 1709—A bill to be entitled An act relating to Palm Beach County; providing for codification of special acts relating to special districts pursuant to chapters 97-255 and 98-320, Laws of Florida, relating to the Pelican Lake Water Control District, a special tax district of the State of Florida composed of the County of Palm Beach; providing legislative intent, and codifying, reenacting, and repealing chapter 11087, Laws of Florida, 1925; chapter 12118, Laws of Florida, 1927; chapter 18044, Laws of Florida, 1937; chapter 26739, Laws of Florida, 1951; and chapters 77-625, 80-564, and 97-321, Laws of Florida; providing for minimum charter requirements; providing for a District maintenance tax cap; providing for ratification of prior actions; providing for repeal of all prior special acts related to the Pelican Lake Water Control District; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Merchant—

HB 1713—A bill to be entitled An act relating to Palm Beach County; providing for codification of special laws regarding special districts pursuant to chapters 97-255 and 98-320, Laws of Florida, relating to the Northern Palm Beach County Improvement District, an independent special tax district of the State of Florida, located in the County of Palm Beach; providing legislative intent; codifying, reenacting, and amending chapters 59-994, 61-2636, 63-1744, 80-570, 81-461, 83-494, 84-498, 87-518, 88-503, 89-462, 91-408, 92-262, 95-489, 95-504, 96-488, and 97-328, Laws of Florida; expanding the jurisdictional boundaries of the District; removing a 6-percent interest limitation on certain authorized loans; authorizing the use of chapter 170, Florida Statutes, to determine, order, levy, impose, collect, and enforce special assessments; amending and updating a number of statutory and definitional references; removing an assessment percentage limitation for alternative Plan of Improvements amendment process; repealing all prior special acts relating to the Northern Palm Beach County Improvement District; providing that this act shall take precedence over any conflicting law to the extent of such conflict; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Rules and Calendar.

By Representative J. Miller and others—

HB 1715—A bill to be entitled An act relating to the Firefighters' Relief and Pension Fund of the City of Pensacola, Escambia County, Florida; amending chapter 21483, Laws of Florida, 1941, as amended; providing for gender neutrality; creating a board secretary; providing for a Director of Finance; revising provisions relating to disability pensions and death benefits for survivors; providing for protection of benefits from certain legal processes; providing for rollover distribution allocation; conforming provisions of local law to chapter 175, Laws of Florida; authorizing additional benefits required by law to be provided by ordinance; providing definitions; providing for repeal of conflicting laws; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Boyd—

HB 1741—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing an exemption from public records

requirements for certain information on nurses working in correctional or forensic facilities; amending s. 455.5656, F.S.; providing an exemption from public records requirements for information obtained for practitioner profiles of advanced registered nurse practitioners; providing for future review and repeal; providing findings of public necessity; providing a contingent effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; and Rules and Calendar.

By Representative Wasserman Schultz—

HB 1773—A bill to be entitled An act relating to Broward County; extending and enlarging the corporate limits of the Cities of Dania Beach and Hollywood to include specific unincorporated lands within the corporate limits of said cities; providing for transfer of public roads and rights-of-way and responsibilities thereof; providing for exceptions; providing for referenda; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Wasserman Schultz—

HB 1777—A bill to be entitled An act relating to Broward County; creating the charter of the Town of Southwest Ranches; providing for the corporate name and purpose of the charter; establishing form of government and territorial boundaries of the municipality; providing powers of the municipality and of certain officers; providing for election and terms of office of a town council, including the mayor and vice mayor, and providing for qualifications, powers, and duties of and restrictions on its membership; establishing circumstances which create vacancies in office and providing for filling vacancies and for forfeiture and recall; providing a procedure for establishing compensation and expense reimbursement for the mayor and town council; providing for rules of procedure; providing for a town administrator, town clerk, and town attorney and powers and duties of each; providing restrictions on expenditure of town funds; authorizing establishment of town boards and agencies; providing for council meetings, procedural rules, and recordkeeping and voting at meetings; providing for emergency ordinances; providing for budget requirements, adoption, and amendment and establishing a fiscal year; providing procedures for authentication, recording, and disposition of ordinances, resolutions, and charter amendments; establishing the right to determine, order, levy, assess, and collect taxes; providing for borrowing by the town; providing for an annual independent audit; providing for quasi-judicial procedures; establishing election requirements and guidelines; providing for charter amendments and review; providing for severability; providing for standards of conduct; providing for a personnel system; providing requirements for charitable contributions; providing for transition, including a referendum on incorporation and alternate manners of elections for the town council, initial election and terms, and date of creation and establishment of the municipality; providing for interim adoption of codes and ordinances and taxes and fees; providing for payment of certain revenues and for transitional ordinances and resolutions; entitling the town to state shared and local option gas tax revenues; providing for the sharing of certain revenues; providing for precedence of the provisions of this act over conflicting provisions of other laws; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Bilirakis—

HB 1783—A bill to be entitled An act relating to Pinellas County; creating the East Lake Tarpon Special Fire Control District; creating a charter; providing a short title; providing definitions; providing for the boundaries of the East Lake Tarpon Special Fire Control District; providing the intent and purposes of this act; providing for the election of a District Board of Commissioners; providing for terms of office; providing for officers and meetings of the Board; providing for Commissioners' compensation and expenses; requiring a bond; providing general and special powers of the District; providing for the levy of ad valorem taxes, non-ad valorem assessments, user charges, and impact fees; providing for referenda; providing for issuance of bonds; providing for a 5-year plan; providing for boundaries and merger of the District boundaries; providing for annexation of territory by municipalities; providing for amendment of charter; providing for effect of dissolution; providing for severability; providing a referendum question; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By Representative Wiles—

HB 1787—A bill to be entitled An act relating to the St. Augustine Port, Waterway and Beach District; codifying the district's charter; providing for the levy of ad valorem taxes in a manner consistent with general law; eliminating provisions for special taxes for paying judgments and debts of the district; eliminating provisions in conflict with general law pertaining to the budget and taxes; replacing provisions on borrowing of money and issuance of bonds with the power to borrow money and issue bonds as a port district pursuant to chapter 315, Florida Statutes; providing for the exercise by the district of all powers allowed to a port district pursuant to chapter 315, Florida Statutes; eliminating a provision relating to bridges; recognizing the right of other governmental authorities to regulate the waters within the district as allowed by general or special law; providing for investment of district funds; replacing provisions relating to commissioners and employees doing business with the district with the Code of Ethics for Public Officers and Employees as provided in chapter 112, Florida Statutes; eliminating provisions in conflict with general law relating to the interest rate on judgments and judicial procedure in cases involving the district; eliminating conditions precedent to lawsuits and statute of limitations; eliminating the requirement that voters be freeholders; allowing members of the commission to hold the offices of secretary and treasurer and eliminating requirement of a bond for said offices; repealing chapter 17660, Laws of Florida, 1935, chapter 18879, Laws of Florida, 1937, chapter 70-922, Laws of Florida, and chapter 93-368, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Bitner—

HB 1791—A bill to be entitled An act relating to the Sarasota-Manatee Airport Authority; amending s. 3 of chapter 91-358, Laws of Florida, as amended; revising the membership of the governing board of the authority; providing for designating certain positions on the governing board to residents of Manatee County and certain positions on the governing board to residents of Sarasota County; providing for the Governor to appoint the members of the governing board of the authority; limiting the number of consecutive years a member may be reappointed; providing for staggered terms of office; providing qualifications for membership; providing for a member to be suspended or removed from office by the Governor under specified circumstances; deleting provisions requiring the election of members to the governing board of the authority; repealing section 3, (3) and (4) of chapter 91-358, Laws of Florida, providing for nonpartisan ballots; amending s. 17 of chapter 91-358, Laws of Florida; providing that the authority is not an agency for purposes of the Administrative Procedure Act, chapter 120, F.S.; providing for severability; providing for a referendum; providing that candidates receiving a majority vote at the November 2000 general election do not assume office if the referendum is approved; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Rules and Calendar.

By Representative Spratt—

HB 1793—A bill to be entitled An act relating to the Devil's Garden Water Control District, Hendry County; providing for codification of special laws relating to the Devil's Garden Water Control District, a special tax district of the State of Florida; providing legislative intent; codifying, reenacting, and amending chapters 87-473 and 99-436, Laws of Florida; providing for minimum charter requirements; providing for supervisor qualifications; providing for provisions of other laws made applicable; providing for ratification of prior actions; repealing chapters 87-473 and 99-436, Laws of Florida, relating to the district, to conform; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Sorensen—

HB 1797—A bill to be entitled An act relating to Monroe County; authorizing said county to enact amendments to comprehensive plans more frequently than twice a year under certain circumstances; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Rules and Calendar.

By Representative Patterson and others—

HB 1799—A bill to be entitled An act relating to Flagler County; providing a career services act for Flagler County deputies; providing for applicability; providing for status of employees and administration; creating a Career Service Appeals Board; providing for membership and duties; providing procedures and forms for complaints; providing for promotional testing; providing for notice of opportunity; providing application for promotion; providing for a promotional oral review board; providing for selection; providing for final selection for promotion; providing for a promotional eligibility list; providing minimum requirements; providing that certain employees are permanent employees; providing that certain employees shall be deemed public employees; repealing Chapter 90-450, Laws of Florida; relating to a career services act for the Flagler County Sheriff's Office; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Spratt—

HB 1801—A bill to be entitled An act relating to the Sugarland Drainage District, Glades and Hendry Counties; providing for codification of special laws relating to the Sugarland Drainage District, a special taxing district of the State of Florida, composed of the Counties of Glades and Hendry; providing legislative intent; codifying and reenacting chapter 11136, Laws of Florida, 1925, chapter 18287, Laws of Florida, 1937, chapter 26639, Laws of Florida, 1951, chapter 28515, Laws of Florida, 1953, chapter 28516, Laws of Florida, 1953, and chapters 70-532, 72-433, 74-485, 75-381, 75-382, 77-562, and 82-297, Laws of Florida; providing for minimum charter requirements; providing for Supervisor qualifications; providing for ratification of prior actions; providing for repeal of all prior special acts relating to the Sugarland Drainage District; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Rules and Calendar.

By Representative Murman and others—

HB 1805—A bill to be entitled An act relating to the City of Tampa, Hillsborough County, and particularly to the City Pension Fund for Firefighters and Police Officers in the City of Tampa; authorizing the City of Tampa to enter into a supplemental contract with certain firefighters and police officers to provide for compliance with the minimum standards and benefits with respect to pension funds provided under chapters 175 and 185, Florida Statutes; confirming in part the City of Tampa Firefighters and Police Officers Pension Contract; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on General Government Appropriations and Representative Dockery and others—

CS for HB 1807—A bill to be entitled An act relating to the Florida Land Title Protection Act; creating s. 253.90, F.S.; providing legislative intent; validating certain land titles derived from state conveyances; providing for public use of certain waters; defining ordinary high water mark; providing a process for approval of sovereignty claims; protecting certain public access, easements, and common-law rights; providing for severability; providing an effective date.

—was referred to the Committees on Judiciary and Natural Resources.

By Representative A. Greene—

HB 1837—A bill to be entitled An act relating to the South Shore Drainage District, Palm Beach County; codifying the district's charter, chapter 11138, Laws of Florida, (1925), as amended; providing legislative intent; providing for minimum charter requirements; specifying the boundaries of the district; providing for a district board of governors; providing for meetings of district landowners; specifying a quorum; providing for a grant of property and property rights to the district for district purposes; providing supplemental powers of the district governing board; authorizing the governing board to employ a district general manager; providing for taxation of district lands; adopting a district water control plan of reclamation; providing for equal assessment of district lands; providing for ratification of certain prior actions; repealing all prior special acts relating to the South Shore Drainage District; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committees on Judiciary; Utilities and Communications; and Representative Arnall—

CS for CS for HB 1891—A bill to be entitled An act relating to electronic commerce; providing a short title; providing definitions; providing scope; providing for prospective application; providing for use of electronic records and signatures; providing for variation by agreement among parties using electronic records and electronic signatures; providing construction and application; providing for uniformity; providing for legal recognition of electronic records, signatures, and contracts; providing for provision of information in writing; providing for presentation of records; providing for attribution and effect of electronic records and electronic signatures; providing for the effect of changes or errors in electronic records; providing for notarization and acknowledgment; providing for retention of electronic records and originals; providing for admissibility of electronic records as evidence; providing for rules applying to automated transactions; providing for time and place of sending and receiving electronic records and signatures; providing for transferable records; providing for creation and retention of electronic records by governmental agencies; providing for conversion of written records by governmental agencies; providing for acceptance and distribution of electronic records by governmental agencies; providing for interoperability; providing severability; requiring the county recorders to provide

a statewide index of official records available on the Internet by a time certain; providing for security; requiring that the Internet information shall not be admissible in court; authorizing charging a reasonable fee for certain purposes; providing that the official records must be made available for electronic retrieval on the statewide site by a time certain; amending ss. 282.005, 282.101, 282.102, 282.103, 282.104, 282.105, 282.106, 282.107, 282.1095, 282.111, 282.20, 282.21, 282.22, 282.303, 282.3031, 282.3032, 282.3041, 282.3055, 282.3063, F.S.; providing legislative findings and creating the State Technology Office within the Department of Management Services; providing for the Chief Information Officer to be in charge of the office; requiring the office to provide support and guidance to all state agencies in order to enhance the state's use and management of information technology resources; providing for a study and recommendations concerning online voting; providing for enterprise resource planning and management by each state agency in consultation with the office; creating s. 282.3095, F.S.; directing the State Technology Office to create a Task Force on Privacy and Technology; providing for the task force to hold meetings and report to the Legislature and Governor; amending ss. 282.310, 282.315, 282.318, 282.404, F.S.; directing the State Technology Office to prepare and disseminate the State Annual Report on Enterprise Resource Planning and Management; transferring the Florida Geographic Information Board and the Florida Geographic Information Advisory Council from the Executive Office of the Governor to the State Technology Office; amending ss. 119.07, 287.073, F.S.; conforming statutory cross-references; repealing s. 282.3091, F.S., relating to the State Technology Council; repealing s. 282.3093, F.S., relating to the State Technology Office; amending s. 215.322, F.S.; revising legislative intent; specifying circumstances under which governmental agencies or the judicial branch may accept credit cards, charge cards, or debit cards; prescribing duties of the State Technology Office; removing a limitation on convenience fees; amending s. 287.012, F.S.; revising certain definitions to include bids or proposals transmitted or received by electronic means; amending s. 287.042, F.S.; requiring the Department of Management Services to consult with the State Technology Office on joint agreements involving the purchase of information technology resources; amending s. 287.057, F.S., requiring the office to develop a program for on-line procurement of commodities and contractual services; providing a limitation; authorizing the office to contract for certain equipment and services; authorizing the office to adopt rules for certain purposes; requiring Enterprise Florida, Inc., to create and implement a marketing and image campaign; providing purposes of the campaign; requiring development and maintenance of a website for information and technology industry marketing and workforce recruitment; expressing support of activities to enhance information technology, including a network access point; amending s. 212.08, F.S.; providing a sales tax exemption on sales of certain equipment used to deploy broadband technologies associated with a network access point; providing for future repeal of the exemption; providing severability; providing an effective date.

—was referred to the Committees on Judiciary; Governmental Oversight and Productivity; and Fiscal Policy.

By Representative Kilmer—

HB 1919—A bill to be entitled An act relating to South Walton Fire District, Walton County; providing legislative intent; creating and describing the district; prescribing its powers; providing for a board of fire commissioners; providing for terms of office and for filling vacancies in office; providing for meetings, minutes of meetings, and public access; providing for financial matters; authorizing ad valorem taxes; authorizing the district to accept gifts and donations; providing the district's fiscal year; providing for collection of taxes; providing limits and guidelines for indebtedness of the district; prescribing authorized uses of district funds; providing penalties; ratifying actions previously taken; providing for a referendum; providing effective dates.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Johnson—

HB 1925—A bill to be entitled An act relating to the Oklawaha Basin Recreation and Water Conservation and Control Authority, Lake County; amending ch. 29222, Laws of Florida, 1953, as amended; changing the name of the authority to the Lake County Water Authority; increasing the number of members of the board of trustees; requiring that members be elected in nonpartisan elections conducted by the county supervisor of elections in accordance with the Florida Election Code; providing residence requirements; limiting the number of terms a member may serve; providing for transition; prohibiting any board member from serving as executive director of the authority; changing the number of board members required to constitute a quorum, to conform; conforming property assessment procedures to general law; providing for certification of millage to the county tax collector; providing a cap on millage; prescribing additional purposes of the Authority; authorizing the board to delegate duties to the Executive Director under certain conditions; authorizing the Authority to issue revenue bonds; providing for a referendum; requiring the Authority to prepare a plan and annual reports; repealing obsolete provisions; providing for future review of the authority; providing severability; providing effective dates.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Governmental Operations and Representative Albright and others—

CS for HB 1941—A bill to be entitled An act relating to cigarettes; amending s. 210.05, F.S.; requiring the Division of Alcoholic Beverages and Tobacco to design cigarette tax stamps that will permit identification of the agent or wholesale dealer that affixes the stamp; creating s. 210.185, F.S.; prohibiting the sale and distribution of certain cigarettes not intended for sale or distribution in this country; providing for criminal penalties, administrative sanctions, and unfair trade practices; providing for enforcement by the Division of Alcoholic Beverages and Tobacco; amending s. 210.19, F.S.; requiring the division to maintain specified records; providing an effective date.

—was referred to the Committee on Regulated Industries.

By the Committee on Health Care Licensing and Regulation; and Representative Fasano and others—

CS for HB 1953—A bill to be entitled An act relating to telehealth; creating s. 455.5641, F.S.; providing legislative findings and intent; providing a definition; requiring separate licensure to provide telehealth services to patients in this state; providing that telehealth licensure requirements and responsibilities shall be identical to those provided for full licensure in the applicable profession; requiring certain information to be provided in all telehealth communications; providing responsibility for confidentiality of medical records; providing for prosecution of unlicensed and other criminal activity; authorizing certain consultative services without a license; requiring licensure to order out-of-state electronic communications diagnostic-imaging or treatment services for persons in this state; providing exemption from telehealth licensure for health care practitioners treating visitors to this state under certain conditions; providing exemption from telehealth licensure for registered nonresident pharmacies and their employees; providing applicability to regulation of Florida licensees; providing rulemaking authority; amending s. 766.102, F.S.; authorizing the bringing of telehealth malpractice actions in this state regardless of provider location; providing an effective date.

—was referred to the Committees on Criminal Justice; Health, Aging and Long-Term Care; and Fiscal Policy.

By Representative Russell and others—

HB 1993—A bill to be entitled An act relating to protection of vulnerable persons; creating the Task Force on the Availability and Affordability of Long-term Care; providing for membership and duties; providing for staff and expenses; requiring a report; providing for the expiration of the task force; providing an appropriation; amending s. 400.6065, F.S.; providing employment screening requirements for hospice personnel; providing penalties; renumbering and amending s. 402.48, F.S.;

revising the definition of "health care services pool"; providing background screening requirements for applicants for registration, managing employees, and financial officers of such entities, and certain others; providing penalties; requiring such entities to obtain a certificate of registration from the Agency for Health Care Administration; providing for injunction; revising application procedures; revising responsibilities regarding temporary employees; increasing a penalty; transferring powers, duties, functions, and appropriations relating to health care services pools from the Department of Health to the Agency for Health Care Administration; amending s. 415.102, F.S.; revising definitions; amending s. 415.103, F.S.; providing for a central abuse hotline to receive reports of abuse, neglect, or exploitation of vulnerable adults; amending s. 415.1034, F.S.; conforming provisions relating to mandatory reporting; amending s. 415.1035, F.S.; providing duty of the Department of Children and Family Services to ensure that facilities inform residents of their right to report abuse, neglect, or exploitation; amending s. 415.1036, F.S.; conforming provisions relating to immunity of persons making reports; amending ss. 415.104 and 415.1045, F.S.; revising provisions relating to protective investigations; extending the time limit for completion of the department's investigation; providing for access to records and documents; providing for working agreements with law enforcement entities; amending s. 415.105, F.S.; authorizing the department to petition the court to enjoin interference with the provision of protective services; amending s. 415.1051, F.S.; providing for enforcement of court-ordered protective services when any person interferes; amending s. 415.1052, F.S., relating to interference with investigations or provision of services; amending s. 415.1055, F.S.; deleting provisions relating to notification to subjects, reporters, law enforcement, and state attorneys of a report alleging abuse, neglect, or exploitation; amending s. 415.106, F.S., relating to cooperation by criminal justice and other agencies; amending s. 415.107, F.S.; providing certain access to confidential records and reports; providing that information in the central abuse hotline may not be used for employment screening; amending s. 415.1102, F.S.; revising provisions relating to adult protection teams; amending s. 415.111, F.S., relating to criminal penalties; amending s. 415.1111, F.S.; revising provisions relating to civil penalties; amending s. 415.1113, F.S., relating to administrative fines for false reporting; amending s. 415.113, F.S., relating to treatment by spiritual means; amending s. 435.03, F.S.; revising provisions relating to level 1 and level 2 screening standards; amending s. 435.05, F.S.; revising provisions relating to screening requirements for covered employees; amending s. 435.07, F.S., relating to exemptions; amending s. 435.08, F.S., relating to payment for processing records checks; amending s. 435.09, F.S., relating to confidentiality of background check information; creating ss. 435.401, 435.402, 435.403, and 435.405, F.S.; providing special work history checks for caregivers of vulnerable adults; providing definitions; requiring certain organizations that hire, contract with, or register for referral such caregivers to obtain service letters regarding applicants from all previous such organizations with whom the applicant worked within a specified period; providing duties of such applicants and organizations; providing penalties; providing for conditional employment, contract, or registration for referral for a specified period; providing for good faith efforts to perform required duties; providing for certain burden of proof; providing penalties for persons or organizations that knowingly provide certain false or incomplete information; providing certain immunity from civil liability; protecting certain information from discovery in legal or administrative proceedings; providing for enforcement by the Agency for Health Care Administration; providing for disposition of fines; requiring rules; amending ss. 20.43, 455.712, and 468.520, F.S.; deleting references to health care services pools in provisions relating to the Department of Health; correcting a cross reference; amending ss. 39.202, 90.803, 110.1127, 112.0455, 119.07, 232.50, 242.335, 320.0848, 381.0059, 381.60225, 383.305, 390.015, 393.067, 393.0674, 394.459, 394.875, 355.0055, 395.0199, 395.3025, 397.461, 400.022, 400.071, 400.215, 400.414, 400.4174, 400.426, 400.428, 400.462, 400.471, 400.495, 400.506, 400.509, 400.512, 400.5572, 400.628, 400.801, 400.805, 400.906, 400.931, 400.95, 400.953, 400.955, 400.962, 400.964, 402.3025, 402.3125, 402.313, 409.175, 409.912, 430.205, 447.208, 447.401, 464.018, 468.826, 468.828, 483.101, 483.30, 509.032, 744.309, 744.474, 744.7081, 775.21, 916.107, 943.0585, and 985.05, F.S.; conforming to the act provisions relating to protection of vulnerable adults and the central abuse hotline; repealing s. 415.1065, F.S., relating to management of records of the central abuse registry and tracking system; repealing s. 415.1075, F.S., relating to amendment of such records, and expunctions, appeals, and exemptions with respect thereto; repealing s. 415.1085, F.S., relating to photographs and medical examinations pursuant to investigations of abuse or neglect of an elderly person or disabled adult; repealing s. 415.109, F.S., relating to abrogation of privileged communication in cases involving suspected adult abuse, neglect, or exploitation; providing an appropriation; providing effective dates.

—was referred to the Committees on Health, Aging and Long-Term Care; and Fiscal Policy.

By the Committee on Education Appropriations and Representative Alexander and others—

CS for HB 2057—A bill to be entitled An act relating to school-level funding; creating s. 236.08103, F.S., the "Equity in School-Level Funding Act"; requiring school districts to allocate to each school within the district a specified minimum percentage of the funds generated by the school based on the Florida Education Finance Program; providing for graduated increases in such percentage; providing exemptions; providing for carryforward of unused funds allocated to the schools; providing for review of certain task force recommendations for potential inclusion of certain funds in the allocation methodology; providing that funds for supplemental academic instruction are excluded from the school-level allocation; providing an effective date.

—was referred to the Committees on Education and Fiscal Policy.

By the Committee on Education Innovation and Representative Melvin and others—

CS for HB 2063—A bill to be entitled An act relating to the Florida On-Line High School; creating s. 228.082, F.S.; establishing the Florida On-Line High School; establishing a board of trustees; providing for membership, powers, duties, and organization of the board of trustees; requiring the board of trustees to annually prepare and submit a legislative budget request; establishing provisions for the employment of personnel of the board of trustees and the Florida On-Line High School; authorizing the establishment of a personnel loan or exchange program; requiring the board of trustees to establish priorities for student admissions; requiring the distribution of information relating to student enrollment procedures; requiring the submission of forecasted and actual student enrollments; providing requirements for the content and custody of student and employee records; providing requirements for maintenance of financial records and accounts; providing funding requirements; designating the Orange County District School Board as the temporary fiscal agent of the Florida On-Line High School; prohibiting the credit of the state from being pledged on behalf of the Florida On-Line High School; requiring the board of trustees to submit a report; providing an effective date.

—was referred to the Committees on Education; Commerce and Economic Opportunities; and Fiscal Policy.

By the Committee on Regulated Services and Representative Jones—

CS for HB 2217—A bill to be entitled An act relating to dissemination of winning lottery numbers and payout information; creating s. 24.1075, F.S.; providing legislative findings; addressing various public records issues; reiterating and explaining certain Department of Lottery powers; reiterating and reauthorizing the provision of a 1-900 telephone number service and fees charged for that service; providing retroactive applicability; providing an effective date.

—was referred to the Committee on Fiscal Resource.

By the Committee on Corrections and Representative Peaden—

CS for HB 1429—A bill to be entitled An act relating to trust funds; creating s. 946.522, F.S.; creating the Prison Industries Trust Fund; providing for administration of the trust fund; providing for sources of moneys in the trust fund and purposes for which they may be used; exempting the trust fund from s. 215.20, F.S.; providing for carryover of the balance from one fiscal year to the next; providing that the trust fund is not subject to s. 19(f)(2), Art. III of the State Constitution; amending s. 946.512, F.S.; providing that certain funds are to be deposited into the

Prison Industries Trust Fund rather than the Correctional Work Program Trust Fund; providing an effective date.

—was referred to the Committees on Criminal Justice and Fiscal Policy.

By Representative Constantine—

HB 2035—A bill to be entitled An act relating to postsecondary education; amending s. 240.2605, F.S., relating to the Trust Fund for Major Gifts; revising matching requirements for receipt of funds from the trust fund; providing matching level for donations received before July 1, 2000; providing matching levels for gift agreements signed and received by July 1, 1999; providing separate matching requirements for universities endowing two-plus-two scholarships with community colleges; deleting provisions authorizing or requiring encumbrance of state matching funds for challenge grants; deleting a provision requiring university presidents to list donations from private donors for specific types of donations for the 1999-2000 fiscal year only; providing an effective date.

—was referred to the Committees on Education and Fiscal Policy.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 1 was corrected and approved.

CO-SPONSORS

Senator Kurth—CS for CS for CS for SB 1508 and CS for SB's 708 and 2234

RECESS

On motion by Senator McKay, the Senate recessed at 6:00 p.m. to reconvene at 9:30 a.m., Wednesday, May 3.