



# Journal of the Senate

Number 22—Regular Session

Wednesday, May 3, 2000

## CONTENTS

Bills on Third Reading . . . . .	909, 930, 963, 965, 986
Call to Order . . . . .	909, 930
Conference Committee Appointments . . . . .	994
House Messages, Final Action . . . . .	1007
House Messages, First Reading . . . . .	994
House Messages, Returning . . . . .	944, 987
Motions . . . . .	909, 952, 958, 994
Motions Relating to Committee Meetings . . . . .	994
Motions Relating to Committee Reference . . . . .	909, 994
Point of Order . . . . .	973
Point of Order Ruling . . . . .	975
Reports of Committees . . . . .	994
Resolutions . . . . .	929
Special Order Calendar . . . . .	944, 965

## 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 Jackie Wexler, Congregation Shomrei Torah, Tallahassee:

In Proverbs we read: "The human spirit is the light of God." Within each of us is implanted a divine spark. Each of us thus has the obligation and potential to tend this spark and fan it into a flame that will light up one's own life and the lives of others. We can each become the conduit to share that light with others.

Oh, Source of all blessing, bestow your blessings on our leaders. May they be inspired to bring your light to the lives of those whom they serve. May they be imbued with your wisdom and compassion and ever mindful of the awesome responsibility in leading our people. Amen.

## PLEDGE

Senate Pages Ivy Baker and Shannon Blizzard of Tallahassee, 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On motion by Senator McKay, by two-thirds vote **SB 2252** was withdrawn from the Committee on Fiscal Policy.

## MOTIONS

On motion by Senator Grant, the House was requested to return **SB 2080**.

## BILLS ON THIRD READING

**CS for CS for SB's 4 and 380**—A bill to be entitled An act relating to the Florida Building Code; amending s. 120.80, F.S.; prohibiting the Florida Building Commission from granting a waiver or variance from code requirements; providing for alternative means of compliance and enforcement; amending s. 125.01, F.S.; authorizing counties to enforce and amend the Florida Building Code, rather than adopt a building code; amending s. 125.56, F.S.; substituting references to the Florida Building Code for references to locally adopted building codes; providing for enforcement and amendment of the Florida Fire Prevention Code; amending s. 161.0415, F.S.; requiring the permitting agency to cite to a specific provision of the Florida Building Code when requesting information on a coastal construction permit; amending ss. 161.052, 161.053, F.S.; providing that certain provisions must be incorporated into the Florida Building Code; providing rulemaking authority to the Florida Building Commission; preserving certain rights and authority of the Department of Environmental Protection; amending s. 161.05301, F.S.; deleting authority of the department to delegate coastal construction building codes review to local governments; amending the deadline by which current department positions must support implementation of a beach management plan; amending s. 161.55, F.S.; deleting structural requirements for specific types of coastal structures; amending s. 161.56, F.S.; deleting authority of local governments to enforce coastal construction standards; deleting authority of local governments to adopt specific building codes; amending s. 235.26, F.S.; eliminating authority of the Commissioner of Education to adopt a uniform statewide building code for public educational and ancillary facilities; authorizing the commissioner to develop such a code and submit it to the Florida Building Commission for adoption; providing specific requirements for the development of the code; requiring specific types of construction to conform to the Florida Building Code and the Florida Fire Prevention Code; providing for enforcement of the codes by school districts, community colleges, and the Department of Education; providing for review of and updates to the code; creating s. 240.2945, F.S.; exempting state universities from local amendments to the Florida Building Code and the Fire Prevention Code; amending s. 253.033, F.S.; replacing references to local building codes with references to the Florida Building Code; amending s. 255.25, F.S.; deleting the requirement that the Department of Management Services approve design and construction plans for state agency buildings; amending s. 255.31, F.S.; eliminating authority of the department to conduct plan reviews and inspection services; providing exceptions; amending s. 316.1955, F.S.; deleting parking requirements for persons who have disabilities; amending s. 381.006, F.S.; eliminating the Department of Health's authority to adopt regulations governing sanitary facilities in public places and places of employment; amending s. 383.301, F.S.; amending the legislative intent regarding regulation of birth centers; amending s. 383.309, F.S.; eliminating the authority of the Agency for Health Care Administration to adopt certain rules governing birth centers; providing for adoption of those standards within the Florida Building Code and the Florida Fire Prevention Code; authorizing the agency to enforce specified provisions of the Florida Building Code and the Florida Fire Prevention Code; amending s. 394.879, F.S.; eliminating the authority of the Department of Children and Family Services or the Agency for Health Care Administration to adopt certain rules governing crisis stabilization units; providing for adoption of those standards within the Florida Building Code; authorizing the agency to enforce specified provisions of the Florida Building Code; amending s. 395.0163, F.S.; providing that construction of certain facilities is governed by the Florida Building Code and the Florida Fire Prevention Code; providing

for plan reviews and construction surveys by the Agency for Health Care Administration; clarifying that inspection and approval includes compliance with the Florida Building Code; amending s. 395.1055, F.S.; eliminating the authority of the Agency for Health Care Administration to adopt standards for construction of licensed facilities; providing for adoption of those standards within the Florida Building Code; authorizing the agency to enforce specified provisions of the Florida Building Code and the Florida Fire Prevention Code; amending s. 395.10973, F.S.; authorizing the Agency for Health Care Administration to enforce specified provisions of the Florida Building Code; amending s. 399.02, F.S.; eliminating the Division of Elevator Safety's authority to adopt certain codes and provide exceptions thereto; requiring the division to develop a code and submit it to the Florida Building Commission for adoption; authorizing the division to enforce specified provisions of the Florida Building Code; requiring the division to review and recommend revisions to the Florida Building Code; amending ss. 399.03, 399.13, F.S.; substituting references to the Florida Building Code for references to the Elevator Safety Code; amending s. 399.061, F.S.; revising requirements for elevator inspections and service maintenance contracts; amending s. 400.011, F.S.; revising the purpose of part I of ch. 400, F.S., to eliminate the provision of construction standards for nursing homes and related health care facilities; amending s. 400.23, F.S.; eliminating the authority of the Agency for Health Care Administration to adopt construction regulations for nursing homes and related health care facilities; authorizing the agency to enforce specified provisions of the Florida Building Code; directing the agency to assist the Florida Building Commission; amending s. 400.232, F.S.; providing that the design and construction of nursing homes is governed by the Florida Building Code and the Florida Fire Prevention Code; authorizing the agency to conduct plan reviews and construction surveys of those facilities; amending s. 455.2286, F.S.; revising the effective date for implementing an automated information system; amending s. 468.604, F.S.; substituting references to the Florida Building Code for references to listed locally adopted codes; amending s. 468.607, F.S.; providing for the continuing validity of the certifications of certain building inspectors and plans examiners for a certain period of time; amending s. 468.609, F.S.; clarifying the prerequisites for taking certain certification examinations; providing for a limited certificate to be issued to an employee of an educational board before a specified date; amending s. 468.617, F.S.; adding school boards, community college boards, state agencies, and state universities as entities that may contract for joint inspection services or contract with other certified persons to perform plan reviews and inspection services; amending s. 469.002, F.S.; eliminating a required asbestos disclosure statement; providing for inclusion of such a statement within the Florida Building Code; amending s. 471.015, F.S.; authorizing the Board of Professional Engineers to establish qualifications for special inspectors of threshold buildings and to establish qualifications for the qualified representative of such a special inspector; providing for minimum qualifications for qualified representatives; amending s. 481.213, F.S.; authorizing the Board of Architecture and Interior Design to establish qualifications for certifying licensed architects as special inspectors of threshold buildings and to establish qualifications for the qualified representative of such a special inspector; amending s. 489.103, F.S.; substituting references to the Florida Building Code for references to locally adopted codes; amending ss. 489.115, 497.255, 553.06, 553.141, 553.503, 553.506, 553.512, 553.73, 553.74, F.S.; replacing references to the Board of Building Codes and Standards with references to the Florida Building Commission; amending s. 500.09, F.S.; clarifying that the Department of Agriculture and Consumer Services may not adopt construction regulations for food establishments; requiring the adoption of such regulations within the Florida Building Code; authorizing the department to enforce specified provisions of the Florida Building Code; preserving the department's authority to adopt and enforce sanitary regulations; amending s. 500.12, F.S.; authorizing the department to enforce specific provisions of the Florida Building Code; providing a requirement for obtaining or renewing a local occupational license; amending s. 500.147, F.S.; authorizing the department to enforce specific provisions of the Florida Building Code; amending s. 509.032, F.S.; clarifying that the Division of Hotels and Restaurants may not adopt construction standards for public food and public lodging establishments; providing for the adoption of such standards within the Florida Building Code and the Florida Fire Prevention Code; authorizing the division to enforce specified provisions of the Florida Building Code and the Florida Fire Prevention Code; preserving the authority of local governments to inspect public food and public lodging establishments for compliance with the Florida Building Code and the Florida Fire Prevention Code; amending s. 509.221, F.S.; substituting references to the Florida Building Code for references to other state and local codes; amending s. 514.021, F.S.; providing that the

Department of Health may not adopt construction regulations for public swimming pools and bathing places; providing for the adoption of such standards within the Florida Building Code; authorizing the department to conduct plan reviews, to issue approvals, and to enforce specified provisions of the Florida Building Code; preserving the department's authority to adopt and enforce sanitary regulations; amending s. 514.03, F.S.; preserving local governments' authority to conduct plan reviews and inspections for compliance with the Florida Building Code; amending s. 553.06, F.S.; amending portions of the State Plumbing Code by replacing a reference to the board with a reference to the commission; amending s. 553.141, F.S.; deleting specific requirements for the ratio of public restroom facilities for men and women; requiring the incorporation of such requirements into the Florida Building Code; requesting the Division of Statutory Revision to change a title; creating s. 553.355, F.S.; establishing minimum construction requirements for manufactured buildings; amending s. 553.36, F.S.; providing for approval of building components; redefining the term "manufactured building" to include certain storage sheds and to exclude manufactured housing; defining the term "module"; updating references to the Florida Building Code; amending s. 553.37, F.S.; authorizing the Department of Community Affairs to adopt certain rules; providing that, if the department delegates certain authority, manufacturers shall have plan reviews and inspections conducted by a single agency; transferring rulemaking authority to the Florida Building Commission; creating s. 553.375, F.S.; providing for recertification of manufactured buildings; amending s. 553.38, F.S.; transferring to the Florida Building Commission authority to adopt rules governing manufactured buildings; amending s. 553.381, F.S.; providing for certification of manufacturers of manufactured buildings; providing certification requirements; transferring authority for construction standards to the Florida Building Commission; amending s. 553.39, F.S.; replacing the department's rules with the Florida Building Code; creating s. 553.5041, F.S.; providing requirements for parking accommodations for persons who have disabilities; amending s. 553.512, F.S.; providing that the commission may not waive specified requirements for parking for persons who have disabilities; providing that applicants for waiver must have applied for variance from specified local requirements; deleting the word "handicapped"; amending s. 553.71, F.S.; redefining the term "threshold building"; defining the terms "special inspector" and "prototype building"; amending s. 553.72, F.S.; amending legislative intent relating to the Florida Building Code; amending s. 553.73, F.S.; prohibiting the Florida Building Commission from adopting a fire prevention or life safety code; expanding the list of regulations to be included in the Florida Building Code; clarifying the limitations applicable to administrative amendments to the code; clarifying the effect on local governments of adopting and updating the Florida Building Code; specifying that amendments to certain standards or criteria are effective statewide or on a regional basis upon adoption by the commission; providing for the immediate effect of certain amendments to the Florida Building Code in certain circumstances; revising criteria for commission approval of amendments to the Florida Building Code; prescribing which edition of the Florida Building Code applies to a given project; authorizing the Florida Building Commission to provide exceptions to the exemptions; providing for review of decisions of certain local government officials; delegating certain responsibilities to the State Fire Marshal, rather than the Department of Insurance; amending s. 553.77, F.S.; revising the powers of the commission; providing for fees for product approval; correcting a cross-reference; amending s. 553.781, F.S.; clarifying that the Department of Business and Professional Regulation conducts disciplinary investigations and takes disciplinary actions; amending s. 553.79, F.S.; replacing the term "mobile home" with the term "manufactured home"; deleting the authority of the Department of Community Affairs to establish qualifications for and certify special inspectors; revising the responsibilities of special inspectors; requiring the Florida Building Commission to establish standards for specified structures; deleting standards for specified structures; providing for alternative plan review by a registered architect or engineer under certain circumstances; clarifying that building code plan review is required independent of firesafety plan review; deleting specific requirements for the submittal of plans; directing the Florida Building Commission to adopt requirements for plan review; revising standards for determining costs; amending s. 553.80, F.S.; consolidating all exemptions from local enforcement of the building code; providing for uses of facility maintenance permits by school boards, community college boards, and state universities; amending ss. 553.83, 553.84, 553.85, F.S.; replacing references to local codes and state minimum codes with references to the Florida Building Code; amending s. 553.841, F.S.; requiring the Florida Building Commission to establish a training program by rule; providing for consultation with the State Fire Marshal; eliminating

residential designers from the program; creating the Office of Building Code Training Program Administration and providing its duties; amending s. 553.842, F.S.; requiring the commission to make recommendations to the Legislature for a statewide product approval system; exempting certain counties from the statewide product approval system; amending s. 553.901, F.S.; transferring the authority to adopt the thermal efficiency code from the Department of Community Affairs to the Florida Building Commission; amending s. 553.902, F.S.; amending the term "exempted building"; deleting an exemption; authorizing the commission to recommend additional exemptions; deleting the term "energy performance index"; amending s. 553.903, F.S.; deleting an obsolete requirement relating to thermal efficiency; amending s. 553.907, F.S.; deleting requirements for certification of compliance to local governments; amending s. 553.9085, F.S.; deleting obsolete references; amending s. 553.909, F.S.; deleting specific requirements for water heaters; directing that such requirements be set in the energy code; amending s. 627.0629, F.S.; requiring a rating manual to include discounts for certain fixtures and construction techniques; amending ss. 633.01, 633.0215, 633.025, F.S.; replacing references to the Department of Insurance with references to the State Fire Marshal; amending s. 633.0215, F.S., the Florida Fire Prevention Code; providing for triennial adoption of the code; providing requirements for local amendments; exempting certain ordinances from adoption by the State Fire Marshal; amending s. 633.025, F.S.; prescribing minimum firesafety standards; amending provisions relating to smoke detector requirements in residential buildings; providing requirements for adopting local firesafety codes and standards; amending s. 633.72, F.S.; revising the membership of the Florida Fire Code Advisory Council; revising duties of the council with regard to the Florida Building Commission; amending s. 62 of ch. 98-287, Laws of Florida; deleting the requirement that the Legislature approve or reject the Florida Building Code, provide for repeal of local codes on a date certain, and provide for certain local ordinances to remain effective; amending s. 68 of ch. 98-287, Laws of Florida; revising the future repeal of certain sections of the Florida Statutes to provide a date certain, and to transfer and renumber a certain section; providing that the Legislature has reviewed the Florida Building Code and directing the Florida Building Commission to continue the process to adopt the code; providing that certain changes in the code are not subject to rule challenge; providing for determining the cost differential between building under the old code and building under the new code; providing procedures; providing for applicability of the analysis to insurance rates; requiring a report to the Governor and the Legislature; establishing the windborne debris region for the state; deleting disclosure requirements; exempting certain counties from local-amendment procedures; exempting certain types of amendments from the local-amendment procedures; requiring the Florida Building Commission to amend the plumbing, permits, and inspection sections of the Florida Building Code as specified; providing for alternative plan review by a registered architect or engineer under certain circumstances; authorizing the continuation of a select committee; appropriating funds to the State Fire Marshal for training and education; repealing ss. 125.0106, 255.21(2), 553.79(11), F.S.; providing that nothing in the act is intended to imply any repeal or sunset of any existing general or special law not specifically identified; directing the Florida Building Commission to examine the applicability of the code to buildings not intended for human habitation; requiring a report; providing effective dates.

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

Amendments were considered and adopted by two-thirds vote to conform **CS for CS for SB's 4 and 380** to **HB 219**.

Pending further consideration of **CS for CS for SB's 4 and 380** as amended, on motion by Senator Clary, by two-thirds vote **HB 219** was withdrawn from the Committee on Comprehensive Planning, Local and Military Affairs.

On motion by Senator Clary, the rules were waived and by two-thirds vote—

**HB 219**—A bill to be entitled An act relating to the Florida Building Code; amending s. 120.80, F.S.; prohibiting the Florida Building Commission from granting a waiver or variance from code requirements; providing for alternative means of compliance and enforcement; amending s. 125.01, F.S.; authorizing counties to enforce and amend the Florida Building Code, rather than adopt a building code; amending s. 125.56, F.S.; substituting references to the Florida Building Code for references to locally adopted building codes; providing for enforcement

and amendment of the Florida Fire Prevention Code; amending s. 161.0415, F.S.; requiring the permitting agency to cite to a specific provision of the Florida Building Code when requesting information on a coastal construction permit; amending ss. 161.052, 161.053, F.S.; providing that certain provisions must be incorporated into the Florida Building Code; providing rulemaking authority to the Florida Building Commission; preserving certain rights and authority of the Department of Environmental Protection; amending s. 161.05301, F.S.; deleting authority of the department to delegate coastal construction building codes review to local governments; amending the deadline by which current department positions must support implementation of a beach management plan; amending s. 161.55, F.S.; deleting structural requirements for specific types of coastal structures; amending s. 161.56, F.S.; deleting authority of local governments to enforce coastal construction standards; deleting authority of local governments to adopt specific building codes; amending s. 235.26, F.S.; eliminating authority of the Commissioner of Education to adopt a uniform statewide building code for public educational and ancillary facilities; authorizing the commissioner to develop such a code and submit it to the Florida Building Commission for adoption; providing specific requirements for the development of the code; requiring specific types of construction to conform to the Florida Building Code and the Florida Fire Prevention Code; providing for enforcement of the codes by school districts, community colleges, and the Department of Education; providing for review of and updates to the code; creating s. 240.2945, F.S.; exempting state universities from local amendments to the Florida Building Code and the Fire Prevention Code; amending s. 253.033, F.S.; replacing references to local building codes with references to the Florida Building Code; amending s. 255.25, F.S.; deleting the requirement that the Department of Management Services approve design and construction plans for state agency buildings; amending s. 255.31, F.S.; eliminating authority of the department to conduct plan reviews and inspection services; providing exceptions; amending s. 316.1955, F.S.; deleting parking requirements for persons who have disabilities; amending s. 381.006, F.S.; eliminating the Department of Health's authority to adopt regulations governing sanitary facilities in public places and places of employment; amending s. 383.301, F.S.; amending the legislative intent regarding regulation of birth centers; amending s. 383.309, F.S.; eliminating the authority of the Agency for Health Care Administration to adopt certain rules governing birth centers; providing for adoption of those standards within the Florida Building Code and the Florida Fire Prevention Code; authorizing the agency to enforce specified provisions of the Florida Building Code and the Florida Fire Prevention Code; amending s. 394.879, F.S.; eliminating the authority of the Department of Children and Family Services or the Agency for Health Care Administration to adopt certain rules governing crisis stabilization units; providing for adoption of those standards within the Florida Building Code; authorizing the agency to enforce specified provisions of the Florida Building Code; amending s. 395.0163, F.S.; providing that construction of certain facilities is governed by the Florida Building Code and the Florida Fire Prevention Code; providing for plan reviews and construction surveys by the Agency for Health Care Administration; clarifying that inspection and approval includes compliance with the Florida Building Code; amending s. 395.1055, F.S.; eliminating the authority of the Agency for Health Care Administration to adopt standards for construction of licensed facilities; providing for adoption of those standards within the Florida Building Code; authorizing the agency to enforce specified provisions of the Florida Building Code and the Florida Fire Prevention Code; amending s. 395.10973, F.S.; authorizing the Agency for Health Care Administration to enforce specified provisions of the Florida Building Code; amending s. 399.02, F.S.; eliminating the Division of Elevator Safety's authority to adopt certain codes and provide exceptions thereto; requiring the division to develop a code and submit it to the Florida Building Commission for adoption; authorizing the division to enforce specified provisions of the Florida Building Code; requiring the division to review and recommend revisions to the Florida Building Code; amending ss. 399.03, 399.13, F.S.; substituting references to the Florida Building Code for references to the Elevator Safety Code; amending s. 399.061, F.S.; revising requirements for elevator inspections and service maintenance contracts; amending s. 400.011, F.S.; revising the purpose of part I of ch. 400, F.S., to eliminate the provision of construction standards for nursing homes and related health care facilities; amending s. 400.23, F.S.; eliminating the authority of the Agency for Health Care Administration to adopt construction regulations for nursing homes and related health care facilities; authorizing the agency to enforce specified provisions of the Florida Building Code; directing the agency to assist the Florida Building Commission; amending s. 400.232, F.S.; providing that the design and construction of nursing homes is governed by the Florida Building Code and the Florida

Fire Prevention Code; authorizing the agency to conduct plan reviews and construction surveys of those facilities; amending s. 455.2286, F.S.; extending the implementation date for an automated information system; amending s. 468.604, F.S.; substituting references to the Florida Building Code for references to listed locally adopted codes; amending s. 468.607, F.S.; providing for the continuing validity of the certifications of certain building inspectors and plans examiners for a certain period of time; amending s. 468.609, F.S.; clarifying the prerequisites for taking certain certification examinations; providing for certain persons employed by an educational board to continue employment in certain capacities under limited certificates; amending s. 468.617, F.S.; adding school boards, community college boards, state agencies, and state universities as entities that may contract for joint inspection services or contract with other certified persons to perform plan reviews and inspection services; amending s. 469.002, F.S.; eliminating a required asbestos disclosure statement; providing for inclusion of such a statement within the Florida Building Code; amending s. 471.015, F.S.; authorizing the Board of Professional Engineers to establish qualifications for special inspectors of threshold buildings and to establish qualifications for the qualified representative of such a special inspector; providing for minimum qualifications for qualified representatives; amending s. 481.213, F.S.; authorizing the Board of Architecture and Interior Design to establish qualifications for certifying licensed architects as special inspectors of threshold buildings and to establish qualifications for the qualified representative of such a special inspector; amending s. 489.103, F.S.; substituting references to the Florida Building Code for references to locally adopted codes; amending s. 489.109, F.S.; providing for administration of certain fees by the Department of Community Affairs for certain purposes instead of the Department of Education; amending ss. 489.115, 497.255, 553.06, 553.141, 553.503, 553.506, 553.512, 553.73, 553.74, F.S.; replacing references to the Board of Building Codes and Standards with references to the Florida Building Commission; amending s. 500.09, F.S.; clarifying that the Department of Agriculture and Consumer Services may not adopt construction regulations for food establishments; requiring the adoption of such regulations within the Florida Building Code; authorizing the department to enforce specified provisions of the Florida Building Code; preserving the department's authority to adopt and enforce sanitary regulations; amending s. 500.12, F.S.; authorizing the department to enforce specific provisions of the Florida Building Code; providing a requirement for obtaining or renewing a local occupational license; amending s. 500.147, F.S.; authorizing the department to enforce specific provisions of the Florida Building Code; amending s. 509.032, F.S.; clarifying that the Division of Hotels and Restaurants may not adopt construction standards for public food and public lodging establishments; providing for the adoption of such standards within the Florida Building Code and the Florida Fire Prevention Code; authorizing the division to enforce specified provisions of the Florida Building Code and the Florida Fire Prevention Code; preserving the authority of local governments to inspect public food and public lodging establishments for compliance with the Florida Building Code and the Florida Fire Prevention Code; amending s. 509.221, F.S.; substituting references to the Florida Building Code for references to other state and local codes; amending s. 514.021, F.S.; providing that the Department of Health may not adopt construction regulations for public swimming pools and bathing places; providing for the adoption of such standards within the Florida Building Code; authorizing the department to conduct plan reviews, to issue approvals, and to enforce specified provisions of the Florida Building Code; preserving the department's authority to adopt and enforce sanitary regulations; amending s. 514.03, F.S.; preserving local governments' authority to conduct plan reviews and inspections for compliance with the Florida Building Code; amending s. 553.06, F.S.; amending portions of the State Plumbing Code by replacing a reference to the board with a reference to the commission; amending s. 553.141, F.S.; deleting specific requirements for the ratio of public restroom facilities for men and women; requiring the incorporation of such requirements into the Florida Building Code; requesting the Division of Statutory Revision to change a title; creating s. 553.355, F.S.; establishing minimum construction requirements for manufactured buildings; amending s. 553.36, F.S.; providing for approval of building components; redefining the term "manufactured building" to include certain storage sheds and to exclude manufactured housing; defining the term "module"; updating references to the Florida Building Code; amending s. 553.37, F.S.; authorizing the Department of Community Affairs to adopt certain rules; providing that, if the department delegates certain authority, manufacturers shall have plan reviews and inspections conducted by a single agency; transferring rulemaking authority to the Florida Building Commission; creating s. 553.375, F.S.; providing for recertification of manufactured buildings; amending s.

553.38, F.S.; transferring to the Florida Building Commission authority to adopt rules governing manufactured buildings; amending s. 553.381, F.S.; providing for certification of manufacturers of manufactured buildings; providing certification requirements; transferring authority for construction standards to the Florida Building Commission; amending s. 553.39, F.S.; replacing the department's rules with the Florida Building Code; creating s. 553.41, F.S.; providing for construction and installation of factory-built school buildings; providing purposes; providing requirements; requiring the department to adopt certain emergency rules; providing criteria, requirements, and procedures for such construction and installation; creating s. 553.5041, F.S.; providing requirements for parking accommodations for persons who have disabilities; amending s. 553.512, F.S.; providing that the commission may not waive specified requirements for parking for persons who have disabilities; providing that applicants for waiver must have applied for variance from specified local requirements; deleting the word "handicapped"; amending s. 553.71, F.S.; redefining the term "threshold building"; redefining the term "local enforcement agency"; defining the terms "special inspector," "prototype building," and "exposure category C"; amending s. 553.72, F.S.; amending legislative intent relating to the Florida Building Code; amending s. 553.73, F.S.; prohibiting the Florida Building Commission from adopting a fire prevention or life safety code; expanding the list of regulations to be included in the Florida Building Code; clarifying the limitations applicable to administrative amendments to the code; clarifying the effect on local governments of adopting and updating the Florida Building Code; specifying that amendments to certain standards or criteria are effective statewide only upon adoption by the commission; providing for the immediate effect of certain amendments to the Florida Building Code in certain circumstances; revising criteria for commission approval of amendments to the Florida Building Code; prescribing which edition of the Florida Building Code applies to a given project; providing an additional exemption from the Florida Building Code; authorizing the Florida Building Commission to provide exceptions to the exemptions; providing for review of decisions of certain local government officials; delegating certain responsibilities to the State Fire Marshal, rather than the Department of Insurance; amending s. 553.77, F.S.; revising the powers of the commission; providing for fees for product approval; correcting a cross-reference; amending s. 553.781, F.S.; clarifying that the Department of Business and Professional Regulation conducts disciplinary investigations and takes disciplinary actions; amending s. 553.79, F.S.; replacing the term "mobile home" with the term "manufactured home"; deleting the authority of the Department of Community Affairs to establish qualifications for and certify special inspectors; revising the responsibilities of special inspectors; requiring the Florida Building Commission to establish standards for specified structures; deleting standards for specified structures; clarifying that building code plan review is required independent of firesafety plan review; deleting specific requirements for the submittal of plans; directing the Florida Building Commission to adopt requirements for plan review; amending s. 553.80, F.S.; consolidating all exemptions from local enforcement of the building code; providing for uses of facility maintenance permits by school boards, community college boards, and state universities; amending ss. 553.83, 553.84, 553.85, F.S.; replacing references to local codes and state minimum codes with references to the Florida Building Code; amending s. 553.841, F.S.; authorizing the commission to establish the Building Code Training Program by rule; providing that the State Fire Marshal is to be consulted on the Building Code Training Program; amending coursework requirements; establishing the Office of Building Code Training Program Administration; providing responsibilities; amending s. 553.842, F.S.; requiring the commission to make recommendations to the Legislature for a statewide product approval system; transferring, renumbering, and amending s. 553.19, F.S.; authorizing the Florida Building Commission to recommend National Electrical Installation Standards; amending s. 553.901, F.S.; transferring the authority to adopt the thermal efficiency code from the Department of Community Affairs to the Florida Building Commission; amending s. 553.902, F.S.; amending the term "exempted building"; deleting an exemption; authorizing the commission to recommend additional exemptions; deleting the term "energy performance index"; amending s. 553.903, F.S.; deleting an obsolete requirement relating to thermal efficiency; amending s. 553.907, F.S.; deleting requirements for certification of compliance to local governments; amending s. 553.9085, F.S.; deleting obsolete references; amending s. 553.909, F.S.; deleting specific requirements for water heaters; directing that such requirements be set in the energy code; amending s. 627.0629, F.S.; requiring a rating manual on residential property insurance to include certain discounts and credits for certain fixtures or construction techniques; providing requirements; amending ss. 633.01, 633.0215, 633.025, F.S.; replacing references to the

Department of Insurance with references to the State Fire Marshal; amending s. 633.0215, F.S., the Florida Fire Prevention Code; providing for triennial adoption of the code; providing requirements for local amendments; providing requirements for adopting local firesafety codes and standards; amending s. 633.025, F.S.; amending provisions relating to smoke detector requirements in residential buildings; providing requirements for adopting local firesafety codes and standards; amending s. 633.72, F.S.; revising the membership of the Florida Fire Code Advisory Council; revising duties of the council with regard to the Florida Building Commission; amending s. 62 of ch. 98-287, Laws of Florida; deleting the requirement that the Legislature approve or reject the Florida Building Code, provide for repeal of local codes on a date certain, and provide for certain local ordinances to remain effective; amending s. 68 of ch. 98-287, Laws of Florida; revising the future repeal of certain sections of the Florida Statutes to provide a date certain; providing that the Legislature has reviewed the Florida Building Code and directing the Florida Building Commission to continue the process to adopt the code; requiring the commission to continue to review modifications to certain base codes; providing requirements; prescribing a publication format for amendments to the Florida Building Code; requiring the commission to adopt certain wind protection requirements; providing that certain changes in the code are not subject to rule challenge; requiring the Florida Building Commission to amend the plumbing section of the Florida Building Code as specified; directing the Florida Building Commission to revise certain provisions of the Florida Building Code; providing certain responsibilities of certain building officials; requiring the Department of Community Affairs to undertake certain home construction demonstration projects for certain purposes; providing requirements; requiring the Residential Mitigation Construction Advisory Council to serve as an advisory group; requiring the Department of Community Affairs to report the results of the projects to the Governor, President of the Senate, and Speaker of the House of Representatives; continuing the existence of a certain select committee relating to application of fire codes to educational facilities; providing an appropriation to the State Fire Marshal for certain purposes; requiring the Division of State Fire Marshal to review an alternative fire safety code for existing educational facilities and authorizes the division to adopt such code for certain purposes; requiring the Florida Building Commission to consider application of the Florida Building Code to buildings manufactured and assembled offsite but not intended for human habitation; amending sections 1, 2, 3, 4, 5, 7, 9, 13, 14, 15, 16, 17, 18, 21, 24, 29, 31, 32, 34, 38, 40, 44, 46, 47, 49, 51, 56, 57, 58, and 59 of chapter 98-287, Laws of Florida; revising the effective date of amendments to ss. 125.69, 161.54, 161.56, 162.21, 166.0415, 468.602, 468.621, 471.033, 481.215, 481.225, 481.2251, 481.313, 481.325, 489.115, 489.131, 489.533, 489.537, 500.459, 553.18, 553.72, 553.73, 553.76, 553.77, 553.781, 553.79, 627.351, 633.01, 633.0215, and 633.025, F.S.; amending section 61 of chapter 98-419, Laws of Florida; revising the effective date of an amendment to s. 553.73, F.S.; amending section 30 of chapter 98-287, Laws of Florida; revising an effective date; providing that nothing in the act is intended to imply any repeal or sunset of any existing general or special law not specifically identified; specifying the effective date of certain provisions authorizing rulemaking; repealing s. 125.0106, F.S., relating to authorizing ordinances restricting construction of floating residential structures; repealing s. 255.21(2), F.S., relating to Department of Management Services authority to establish a code panel for purposes of modification of or waivers to certain codes and standards; repealing s. 395.1055(1)(d) and (e), F.S., relating to certain rulemaking authority of the Agency for Health Care Administration relating to certain codes and standards; repealing s. 553.79(11), F.S., relating to certain obsolete asbestos notification requirements; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB's 4 and 380** as amended and by two-thirds vote read the second time by title.

Senator Clary moved the following amendment which was adopted:

**Amendment 1 (350056)**—On page 210, line 30, after the period (.) insert: *However, from the eastern border of Franklin County to the Florida-Alabama line, only land within 1 mile of the coast shall be subject to the windborne-debris requirements adopted by the commission.*

On motion by Senator Clary, by two-thirds vote **HB 219** 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

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Consideration of **CS for SB 1466** was deferred.

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The Senate resumed consideration of—

**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.

—which was previously considered and amended April 27 and May 2.

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

**Amendment 2 (343696)(with title amendment)**—On page 23, between lines 15 and 16, insert:

Section 11. Section 784.085, Florida Statutes, is created to read:

*784.085 Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.—*

(1) *It is unlawful for any person to knowingly cause or attempt to cause a child to come into contact with blood, seminal fluid, or urine or feces by throwing, tossing, projecting, or expelling such fluid or material.*

(2) Any person who violates this section commits battery of a child, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) As used in this section, the term "child" means a person under 18 years of age.

Section 12. Paragraph (d) of subsection (3) of section 921.0022, Florida Statutes, is amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(d) LEVEL 4
316.1935(3)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a marked patrol vehicle with siren and lights activated.
784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, intake officer, etc.
784.075	3rd	Battery on detention or commitment facility staff.
784.08(2)(c)	3rd	Battery on a person 65 years of age or older.
784.081(3)	3rd	Battery on specified official or employee.
784.082(3)	3rd	Battery by detained person on visitor or other detainee.
784.083(3)	3rd	Battery on code inspector.
784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
787.03(1)	3rd	Interference with custody; wrongly takes child from appointed guardian.
787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
790.115(2)(b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
790.115(2)(c)	3rd	Possessing firearm on school property.
800.04(7)(c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
810.02(4)(b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
810.06	3rd	Burglary; possession of tools.
810.08(2)(c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
812.014(2)(c)4.-10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.

Florida Statute	Felony Degree	Description
817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
828.125(1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
837.02(1)	3rd	Perjury in official proceedings.
837.021(1)	3rd	Make contradictory statements in official proceedings.
843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
874.05(1)	3rd	Encouraging or recruiting another to join a criminal street gang.
893.13(2)(a)1.	2nd	Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), or (2)(a) or (b) drugs).
914.14(2)	3rd	Witnesses accepting bribes.
914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
918.12	3rd	Tampering with jurors.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 1, after the semicolon (;) insert: creating s. 784.085, F.S.; prohibiting battery of a child by throwing, tossing, projecting, or expelling certain fluids; providing a penalty; providing a definition; amending s. 921.0022, F.S., relating to the criminal Punishment Code; conforming provisions to changes made by the act;

On motion by Senator Cowin, **CS for CS for SB 730** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

**CS for CS for SB 2432**—A bill to be entitled An act relating to school system personnel; amending s. 20.15, F.S.; changing the name of the Division of Human Resource Development to the Division of Professional Educators; amending s. 230.303, F.S.; assigning duties of the Florida Council on Educational Development to the Department of Education; amending ss. 231.15, 231.17, F.S.; revising certification requirements; providing for a competency-based alternative preparation program; directing the State Board of Education to adopt specified rules; providing criteria for out-of-state teachers and administrators; amending s. 231.1725, F.S.; requiring school boards to establish minimal qualifications for career specialists; amending s. 231.24, F.S.; authorizing the State Board of Education to establish a certificate fee; extending the time within which an expired certification may be reinstated; amending s. 231.261, F.S.; expanding the membership of the Education Practices

Commission; revising the method of designating panels to review certificates; amending s. 231.263, F.S.; providing for a deferred prosecution agreement when enrolled in a recovery network treatment program; amending s. 231.28, F.S.; revising disciplinary procedures of the Education Practices Commission; amending s. 231.30, F.S.; providing standards for certification fees; amending s. 231.600, F.S.; providing criteria for inservice activities of professional development programs; requiring the Department of Education to provide a system for recruitment, preparation, and professional development of school administrators; amending ss. 231.625, 231.6255, F.S.; providing for the Department of Education to take over duties of the Office of Teacher Recruitment and Retention Services; amending s. 236.081, F.S.; conforming a statutory cross-reference; amending s. 236.08106, F.S.; providing that the Florida School for the Deaf and the Blind is a school district for specified purposes; deleting the cap on the fee subsidy for the Excellent Teaching Program; authorizing a teacher to qualify for the mentoring bonus for work outside the district; amending s. 240.529, F.S.; modifying certain requirements for continued approval for teacher preparation programs; creating the Florida Mentor Teacher School Pilot Program; providing standards for multiple career paths in teaching; providing criteria for the program; providing for salary incentives; providing for rulemaking authority; amending s. 240.4063, F.S.; defining the term "publicly funded schools"; repealing s. 231.0861, F.S., relating to selection of principals and assistant principals; repealing s. 231.087, F.S., relating to management training; repealing s. 231.173, F.S., relating to out-of-state teachers and administrators; repealing s. 236.0811, F.S., relating to school board educational training programs; 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 CS for SB 2432** to **CS for CS for HB's 63 and 77 and 891, 995, 2009 and 2135**.

Pending further consideration of **CS for CS for SB 2432** as amended, on motion by Senator Cowin, by two-thirds vote **CS for CS for HB's 63 and 77 and 891, 995, 2009 and 2135** was withdrawn from the Committees on Education and Fiscal Policy.

On motion by Senator Cowin, the rules were waived and by two-thirds vote—

**CS for CS for HB's 63 and 77 and 891, 995, 2009 and 2135**—A bill to be entitled An act relating to teacher quality; providing a short title; amending s. 20.15, F.S.; renaming the Division of Human Resource Development within the Department of Education as the Division of Professional Educators; amending s. 230.23, F.S., relating to powers and duties of the school board; clarifying procedures for filling positions within the district; requiring a district school board to consider certain prior professional experience when determining the salaries of instructional personnel; revising the date by which the salary schedule adopted by the district school board must include performance-based pay; clarifying requirements for performance-based pay policies; providing requirements relating to parental involvement; requiring each school district with a school designated as performance grade category "F" to permit transfer of teachers with certain qualifications and providing supplements for those teachers; requiring the Commissioner of Education to adopt rules to define "teaching mastery"; correcting an obsolete cross reference; conforming terminology; amending s. 230.303, F.S.; replacing references to the Florida Council on Educational Management with the Department of Education; amending s. 230.33, F.S., relating to duties and responsibilities of superintendents of schools; requiring that nominations of persons to fill instructional positions within the district consider recommendations received from principals of the respective schools; conforming terminology; amending s. 231.001, F.S., relating to school district personnel policies; revising language; amending s. 231.002, F.S.; revising legislative findings regarding the qualities of effective educators; amending s. 231.02, F.S.; revising language; conforming terminology; amending s. 231.045, F.S., relating to periodic criminal history record checks; revising language; amending s. 231.085, F.S., relating to duties of principals; assigning responsibility for making recommendations to the superintendent of schools regarding the employment of instructional personnel; requiring principals to assist teachers with the diagnostic use of certain student assessment data; conforming terminology; repealing s. 231.0861, F.S., relating to the selection of principals and assistant principals; repealing s. 231.087, F.S., relating to the Management Training Act, the Florida Council on Educational Management, the Florida Academy for School Leaders, and the Center

for Interdisciplinary Advanced Graduate Study; amending s. 231.09, F.S., relating to duties of instructional personnel; conforming terminology; revising language; amending s. 231.095, F.S.; clarifying provisions relating to assignment of teachers out-of-field; providing alternative means for an assignment to be considered in-field; amending s. 231.096, F.S., relating to teachers teaching out-of-field; conforming terminology; revising language; amending s. 231.141, F.S., relating to education paraprofessionals; conforming terminology; revising language; amending s. 231.143, F.S., relating to education paraprofessional career development; deleting legislative findings and intent; conforming terminology; amending s. 231.15, F.S., relating to positions for which certificates are required; deleting requirements for rules adopted by the State Board of Education relating to teacher certification; conforming terminology; revising requirements for exemption of retired military from certain requirements for teacher certification; amending s. 231.17, F.S., relating to teacher certification requirements; providing for application; establishing eligibility criteria; providing requirements for mastery of general knowledge; providing requirements for mastery of subject area knowledge; providing requirements for mastery of professional preparation and education competence; providing types and terms of certification; establishing a professional preparation and education competency program; providing requirements for examinations; providing requirements for the certification of noncitizens; providing for the denial of a certificate; authorizing the adoption of rules; specifying that persons who apply for certification are to be governed by the law and rules in effect at the time of application; requiring the department to keep certain records for persons to whom a certificate is issued; specifying the authority of the commissioner to make certain decisions relating to certification; requiring the department to conduct a study; amending s. 231.1715, F.S., relating to confidentiality of examinations; deleting an obsolete cross reference; amending s. 231.1725, F.S.; including career specialists in provisions relating to the employment of substitute teachers, teachers of adult education, nondegree teachers of career education, and students performing clinical field experience; conforming terminology; repealing s. 231.173, F.S., relating to successful experienced out-of-state teachers and administrators; amending s. 231.24, F.S., relating to the process for the renewal of professional certificates; authorizing the State Board of Education to establish the amount of the fee for renewal of a certificate; clarifying provisions relating to extending the validity period of a professional certificate based on national certification; conforming terminology; revising a cross reference; deleting provisions relating to renewal of a specialization area based on completion of a department-approved summer work program; amending s. 231.261, F.S., relating to the Education Practices Commission; revising language; revising the membership of the commission; revising the composition of panels appointed to review and issue final orders on cases before the commission; deleting a limitation on the number of such panels; specifying that a majority of a quorum of a panel has final authority in certain cases; conforming terminology; amending s. 231.262, F.S., relating to complaints against teachers; revising language; correcting a cross reference; amending s. 231.263, F.S., relating to the recovery network program for educators; revising language; providing requirements for the participation of certain persons; renumbering and amending s. 231.28, F.S., relating to the Education Practices Commission; revising language; conforming terminology; requiring the revocation of an individual's certificate for a minimum of 1 year under certain circumstances; amending s. 231.29, F.S., relating to instructional personnel assessment procedures; conforming terminology; correcting a cross reference; amending s. 231.2905, F.S., relating to the Florida School Recognition Program; clarifying provisions relating to financial awards; amending s. 231.30, F.S., relating to certification fees; revising a fee limitation; requiring each examination fee to sufficiently cover the actual cost of developing and administering the examination; amending s. 231.3505, F.S., relating to the employment of directors of career education; conforming terminology; revising language; amending s. 231.36, F.S., relating to contracts with instructional staff, supervisors, and principals; conforming terminology; amending s. 231.3605, F.S., relating to educational support employees; conforming terminology; reenacting s. 231.361, F.S., relating to the status of vocational teachers; amending s. 231.39, F.S., relating to provisions for leaves of absence; conforming terminology; revising language; amending s. 231.40, F.S., relating to sick leave; conforming terminology; revising language; amending s. 231.41, F.S., relating to leave for illness-in-line-of-duty; conforming terminology; revising language; amending s. 231.424, F.S., relating to sabbatical leave; conforming terminology; amending s. 231.434, F.S., relating to annual leave; revising language; amending s. 231.44, F.S., relating to absence without leave; conforming terminology; amending s. 231.45, F.S., relating to records of absences; conforming terminology; amending s. 231.47, F.S.,

relating to substitute teachers; conforming terminology; amending s. 231.471, F.S., relating to part-time teachers; revising language; conforming terminology; amending s. 231.481, F.S., relating to terminal pay for accrued vacation leave; conforming terminology; amending s. 231.495, F.S., relating to retirement annuities; revising language; amending s. 231.545, F.S., relating to the Education Standards Commission; revising language; conforming terminology; amending s. 231.546, F.S., relating to the Education Standards Commission; revising language; amending s. 231.600, F.S., relating to the School Community Professional Development Act; revising who is included in a school community for purposes of the act; expanding activities to include continuous support for all education professionals; clarifying responsibilities of the Department of Education, school districts, schools, and public colleges and universities; requiring revisions to district professional development systems to be approved by the department; providing additional performance indicators for identification of school and student needs; providing requirements for inservice activities for instructional personnel; requiring district professional development systems to include a master plan for inservice activities which must be updated and submitted to the commissioner annually; requiring each school's principal to establish and maintain an individual professional development plan for each instructional employee; providing requirements for individual professional development plans; requiring the Department of Education to provide a system for the recruitment, preparation, and professional development of school administrative personnel; providing requirements for the system; requiring the Commissioner of Education to appoint a task force to provide certain recommendations; providing for membership of the task force; clarifying funding requirements; authorizing the provision of inservice activities to certain instructional personnel on a fee basis; authorizing the development of professional development systems by certain organizations of nonpublic schools; providing for determination of best practices; clarifying provisions relating to required changes in profession development based on lack of student progress; providing a cross reference; revising language; conforming terminology; amending s. 231.6135, F.S., relating to the statewide system of inservice professional development; clarifying who will be provided inservice training; conforming terminology; providing gender neutral terminology; repealing s. 231.614, F.S., relating to an inservice master plan for vocational educators and a task force; amending s. 231.62, F.S., relating to identification of critical teacher shortage areas; providing a cross reference; conforming terminology; amending s. 231.621, F.S., relating to the Critical Teacher Shortage Student Loan Forgiveness Program; revising language; providing a cross reference; creating s. 231.6215, F.S.; establishing a student fellowship program; providing standards and conditions for receipt and forgiveness of a loan; providing conditions for repayment of loans not eligible for loan forgiveness; authorizing conditions for deferment of repayment; providing for a revolving fund; limiting implementation to the amount specifically funded in the General Appropriations Act; amending s. 231.625, F.S., relating to teacher recruitment and retention; revising language; requiring the department to provide information relating to certification procedures; revising a reference to the Office of Teacher Recruitment and Retention Services; amending s. 231.6255, F.S., relating to the Christa McAuliffe Ambassador for Education Program; revising language; revising references to the Office of Teacher Recruitment and Retention Services; amending s. 231.63, F.S., relating to the Florida Educator Hall of Fame; revising language; deleting obsolete language; repealing s. 231.65, F.S., relating to the Institute for Instructional Research and Practice and Student Educational Evaluation and Performance; amending s. 231.67, F.S., relating to the Florida Teachers Lead Program Stipend; providing for funding of the program; specifying authorized uses of the funds; establishing procedures for determining the amount of each stipend; exempting purchases made with stipend funds from state or local competitive bidding requirements; requiring funds to be disbursed directly to each teacher; requiring each teacher to sign a statement agreeing to certain terms; providing requirements for unused funds; defining "classroom teacher" for purposes of the program; creating s. 231.700, F.S.; creating the Florida Mentor Teacher School Pilot Program; providing legislative findings and intent; providing goals of the program; establishing five teacher career development positions and minimum requirements; authorizing the adoption of rules; limiting implementation to the extent funded by the General Appropriations Act; amending s. 236.081, F.S., relating to funds for the operation of schools; providing bonuses for teachers who provide advanced placement instruction; correcting a cross reference; amending s. 236.08106, F.S., relating to the Excellent Teaching Program; providing that the Florida School for the Deaf and the Blind shall be considered a school district for the purposes of said section; deleting a limitation on the amount of a fee subsidy; requiring

certain participants to provide mentoring and related services to teachers throughout the state; repealing s. 236.0811, F.S., relating to educational training; amending s. 240.529, F.S., relating to public accountability and state approval for teacher preparation programs; deleting provisions relating to a teacher preparation program committee and a report; requiring education accountability concepts and standards emphasized by the departments and colleges of education to include the Sunshine State Standards; deleting an alternative to department approval of a teacher preparation program and deleting definitions, to conform; providing requirements for continued program approval based on measurements of employer satisfaction; revising language; specifying information to be provided to the state and the general public regarding teacher preparation programs; providing cross references; directing the State Board of Education to adopt certain rules; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2432** as amended and by two-thirds vote read the second time by title.

Senator Cowin moved the following amendments which were adopted:

**Amendment 1 (495944)(with title amendment)**—On page 15, line 10 through page 16, line 21, delete those lines and insert: District school boards are encouraged to prioritize

And the title is amended as follows:

On page 1, lines 18-26, delete those lines and insert: to parental involvement; correcting an obsolete cross-reference; conforming terminology; amending s.

**Amendment 2 (725162)(with title amendment)**—On page 144, between lines 16 and 17, insert:

Section 65. Paragraphs (a) and (e) of subsection (3) of section 240.4063, Florida Statutes, are amended to read:

240.4063 Florida Teacher Scholarship and Forgivable Loan Program.—

(3)(a) Within the Florida Teacher Scholarship and Forgivable Loan Program shall be established the Florida Critical Teacher Shortage Forgivable Loan Program which shall make undergraduate and graduate forgivable loans available to eligible students entering programs of study that lead to a degree in a teaching program in a critical teacher shortage area. To be eligible for a program loan, a candidate shall:

1. Be a full-time student at the upper-division undergraduate or graduate level in a teacher training program approved by the department pursuant to s. 240.529 leading to certification in a critical teacher shortage subject area.
2. Have declared an intent to teach, for at least the number of years for which a forgivable loan is received, in *publicly funded* ~~public~~ elementary or secondary schools of Florida in a critical teacher shortage area identified by the State Board of Education. *For purposes of this subsection a school is publicly funded if it receives at least 75 percent of its operating costs from governmental agencies and operates its educational program under contract with a public school district or the Department of Education.*
3. Meet the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section.
4. If applying for an undergraduate forgivable loan, have maintained a minimum cumulative grade point average of 2.5 on a 4.0 scale for all undergraduate work. Renewal applicants for undergraduate loans shall maintain a minimum cumulative grade point average of at least a 2.5 on a 4.0 scale for all undergraduate work and have earned at least 12 semester credits per term, or the equivalent.
5. If applying for a graduate forgivable loan, have maintained an undergraduate cumulative grade point average of at least a 3.0 on a 4.0 scale or have attained a Graduate Record Examination score of at least 1,000. Renewal applicants for graduate loans shall maintain a minimum cumulative grade point average of at least a 3.0 on a 4.0 scale for all graduate work and have earned at least 9 semester credits per term, or the equivalent.

(e) The State Board of Education shall adopt by rule repayment schedules and applicable interest rates under ss. 240.451 and 240.465.

A forgivable loan must be repaid within 10 years of completion of a program of studies.

1. Credit for repayment of an undergraduate or graduate forgivable loan shall be in an amount not to exceed \$4,000 in loan principal plus applicable accrued interest for each full year of eligible teaching service. However, credit in an amount not to exceed \$8,000 in loan principal plus applicable accrued interest shall be given for each full year of eligible teaching service completed at a high-density, low-economic urban school or at a low-density, low-economic rural school, as identified by the State Board of Education.

2. Any forgivable loan recipient who fails to teach in a publicly funded public elementary or secondary school in this state as specified in this subsection is responsible for repaying the loan plus accrued interest at 8 percent annually.

3. Forgivable loan recipients may receive loan repayment credit for teaching service rendered at any time during the scheduled repayment period. However, such repayment credit shall be applicable only to the current principal and accrued interest balance that remains at the time the repayment credit is earned. No loan recipient shall be reimbursed for previous cash payments of principal and interest.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 11, line 21, following the semicolon (;) insert: amending s. 240.4063, F.S.; defining the term "publicly funded schools";

**Amendment 3 (750670)(with title amendment)**—On page 144, between lines 16 and 17, insert:

Section 65. *There is created the Subject Area Teacher Recruitment and Retention Program for areas of critical state concern.—*

(1) *In any year in which the Legislature appropriates funds for the program, full-time middle and high school teachers in the following areas may be eligible for a bonus from the Subject Area Teacher Recruitment and Retention Program:*

- (a) *Foreign language.*
- (b) *Science.*
- (c) *Mathematics.*
- (d) *Computer science.*
- (e) *Exceptional student education.*

(2) *The Department of Education shall allocate funds to each school district based on each district's total proportion of the state total number of teachers in these areas of critical state concern.*

(3) *For the recruitment segment of the program, district and school officials shall use funds provided as an incentive for employment.*

(a) *Newly employed classroom teachers qualified and assigned to teach in an area of critical state concern are eligible for a bonus of up to \$1,200 from the program.*

(b) *The school district may define purposes for the funds, such as payment of moving expenses for a newly employed teacher or purchase of a computer for the teacher's use.*

(4) *For the retention segment of the program, a teacher qualified and assigned to teach in an area of critical state concern is eligible for a bonus of up to \$1,200.*

(a) *To receive a bonus, a teacher must have received a favorable performance appraisal for the previous school year and must agree to maintain employment as a classroom teacher in an area of critical state concern for the 2000-2001 school year.*

(b) *To receive funds for the program, a school district must require an exit interview with every teacher who leaves the district's employment and must report the results of the interviews to the Department of Education every 6 months.*

(c) *The Department of Education shall annually summarize and forward the results of the exit interviews to the Governor and the Legislature.*

Section 66. (1) *There is created the Teacher Recruitment Program to encourage the transfer of teachers with demonstrated teaching mastery to failing schools.*

(2) *By July 1 of each year, each school district that contains a school in grade category "D" or "F" or an alternative school that serves disruptive or violent youths shall develop a plan that authorizes principals of schools in those categories to recruit master teachers as provided by the program.*

(a) *The plan must provide for an annual salary bonus, or it must give evidence of contract negotiations that provide an addition to the salary of teachers recruited for the program. The plan must state the amount of the bonus or salary addition and the maximum number of years a teacher may be eligible for the annual bonus, which must be at least \$1,000. If the plan authorizes a teacher to earn a bonus for more than 1 year, a teacher may be eligible for a bonus for teaching at a school graded "C" or better, provided that the teacher was recruited to the school when the grade was "D" or "F."*

(b) *The plan must authorize the school principal to determine which teachers meet the performance requirements for the program; however, the principal must supply performance data to support the recruitment of each teacher. The district school board shall review the performance data and approve each selection. If the Legislature appropriates funds for bonus payments in an appropriations act, they must be made no later than October 1 of the year in which they are appropriated.*

(c) *The plan must describe the action the school district will take to make it possible for teachers to transfer into and out of the school.*

(3) *A principal may not select a teacher for the program who is already employed at a school in any year in which it receives a grade of "F," unless the teacher is nationally certified or has been selected as district or state Teacher of the Year. However, if a school improves its grade from an "F" to a "C" or better, all teachers assigned to the school may receive a bonus of an amount provided in the plan. For purposes of allocating funds provided by Specific Appropriation 110B in the Conference Report on House Bill 2145, General Appropriations Act FY 2000-2001, the term "outstanding teacher" applies to a teacher who is currently assigned to a school with performance grade designation "F" only if the teacher has been named Teacher of the Year or is nationally certified.*

(4) *The district school board shall evaluate the principal's performance in administering the program and shall consider the performance of students and faculty in its evaluation. If the school fails to improve its grade in the year following implementation of the program, the school district shall recommend corrective action and submit the recommendation to the State Board of Education for approval. This recommendation must include a statement of how well the principal used the recruitment program to the advantage of the school and whether the principal should be retained. It must describe the measures taken by the district to facilitate the transfer of teachers recruited for the program by the principal.*

Section 67. (1) *There is created the Public School Equipment Matching Grants Program to provide equipment for low-performing schools.*

(2) *A school is eligible for the program if it is graded "F" in any year. The amount of each grant is equal to the private contribution made to an eligible school, but the maximum amount that any qualifying school may receive from the program is \$50,000.*

(3) *In-kind contributions may qualify for state match at a value equal to one-half of the fair market value of the in-kind contribution.*

(4) *Before any funds provided for the program may be released to any district for any school, the district school board must, through formal action taken in a public board meeting, certify to the Commissioner of Education that private cash or in-kind contributions have been received by the school seeking a matching grant.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 11, line 21, following the semicolon (;) insert: 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;

On motion by Senator Cowin, by two-thirds vote **CS for CS for HB's 63 and 77 and 891, 995, 2009 and 2135** as amended was read the third time by title, 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
Cowin	Jones	Mitchell	

Nays—1

Dawson

**CS for SB 2434**—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for certain records of an educator who successfully completes a recovery network treatment program; providing an expiration date; providing a finding of public necessity; providing a contingent 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 (443486)**—On page 1, lines 14 and 15, delete "*Committee Substitute for Senate Bill 2432*" and insert: *Committee Substitute for Committee Substitute for House Bills 63 & 77 and 891, 995, 2009 and 2135, First Engrossed, or similar legislation*

Senator Cowin moved the following amendment:

**Amendment 2 (803340)**—On page 1, lines 17 and 18, delete "*investigative records of the educator which relate to treatment received*" and insert: *records of the educator which relate solely to participation and treatment received in a recovery network treatment program*

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

**Amendment 3 (653588)**—On page 1, lines 17-21, delete those lines and insert: *entered into pursuant to that section, the investigative records of the educator created by the Department of Education which relate solely to participation in a recovery network treatment program are exempt from the disclosure provisions of Section 24(a) of Article I of the State Constitution and section 119.07(1), Florida Statutes. This exemption does not include the investigative records of any criminal justice agency. This exemption is subject to the Open Government*

On motion by Senator Cowin, **CS for SB 2434** as amended was passed, ordered engrossed and then 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
Casas	Grant	Laurent	Sullivan
Childers	Hargrett	Lee	Thomas
Clary	Holzendorf	Meek	Webster
Cowin	Horne	Mitchell	
Dawson	Jones	Myers	

Nays—None

Consideration of **CS for CS for SB 940, CS for CS for CS for SB 2154, CS for SB 1900 and SB 282, CS for SB 1352 and SB 292** was deferred.

On motion by Senator Lee, by two-thirds vote **HB 2037** was withdrawn from the Committee on Health, Aging and Long-Term Care.

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

**HB 2037**—A bill to be entitled An act relating to health care; creating the Public Cord Blood Tissue Bank as a statewide consortium; providing purposes, membership, and duties of the consortium; providing duties of the Agency for Health Care Administration and the Department of Health; providing an exception from provisions of the act; requiring specified written disclosure by certain health care facilities and providers; specifying that donation under the act is voluntary; authorizing the consortium to charge fees; amending s. 20.42, F.S.; designating the agency as a department; reorganizing the agency and removing it from under the Department of Business and Professional Regulation; providing for appointment of the Secretary of Health Care Administration by the Governor, subject to confirmation by the Senate; providing for responsibilities and administration of the department; amending s. 440.134, F.S.; deleting obsolete language; amending ss. 120.80, 215.5601, 381.6023, 381.90, 395.0163, 395.10972, 400.0067, 400.235, 400.4415, 400.967, 408.036, 408.05, 408.902, 409.8132, 430.710, 478.44, 627.4236, 641.454, 641.60, 641.70, 732.9216, to conform provisions to changes made by the act; repealing s. 408.001, F.S., relating to the Florida Health Care Purchasing Cooperative; providing for repeal on a date certain or upon the occurrence of a contingency; transferring all powers, duties, and functions and funds of the Agency for Health Care Administration of the Department of Business and Professional Regulation to the new department; providing an effective date.

—a companion measure, was substituted for **CS for SB 2132** as amended and by two-thirds vote read the second time by title. On motion by Senator Lee, by two-thirds vote **HB 2037** 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 CS for HB 593**—A bill to be entitled An act relating to vacation and timeshare plans; amending s. 719.103, F.S.; providing for governance of a timeshare cooperative; defining the term "timeshare estate" for purposes of ch. 719, F.S., the Cooperative Act; amending s. 719.107, F.S.; providing for joint and several liability for payments of assessments and charges with respect to a timeshare unit; amending s.

719.114, F.S.; providing for assessing timeshare estates for purposes of ad valorem taxes and special assessments; amending s. 719.3026, F.S.; exempting certain contracts from provisions governing products and services; amending s. 719.401, F.S.; specifying the term of the leasehold for a timeshare cooperative; amending s. 719.503, F.S.; requiring that certain additional disclosures be made prior to the sale or transfer of a timeshare estate; amending s. 719.504, F.S.; requiring that the creation and sale of a timeshare estate with respect to a cooperative unit be disclosed in the prospectus or offering circular; amending s. 721.03, F.S.; revising language with respect to the scope of the Florida Vacation Plan and Timesharing Act; amending s. 721.05, F.S.; providing definitions; amending s. 721.06, F.S.; revising requirements with respect to contracts for the purchase of timeshare interests; amending s. 721.065, F.S.; providing for resale listings; providing legislative intent; providing for the deposit of certain advance fees in a trust account; providing requirements with respect to resale; providing penalties; amending s. 721.07, F.S.; revising language with respect to public offering statements; providing conditions for the delivery of a purchaser public offering statement which is not yet approved by the Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation; amending s. 721.075, F.S.; revising language with respect to incidental benefits; amending s. 721.08, F.S.; revising language with respect to escrow accounts; providing additional criteria with respect to compliance with certain conditions for the release of escrow funds; providing requirements with respect to unclaimed escrow funds; amending s. 721.09, F.S.; revising language with respect to reservation agreements; amending s. 721.10, F.S.; revising language with respect to cancellation; amending s. 721.11, F.S.; providing a filing fee with respect to advertising materials filed with the division; revising language with respect to advertising materials; providing additional criteria for advertising materials; amending s. 721.111, F.S.; revising language with respect to prize and gift promotional offers; amending s. 721.12, F.S., relating to recordkeeping by a seller; amending s. 721.13, F.S.; revising language with respect to management; providing additional powers of the board of administration of the owners' association; amending s. 721.14, F.S., relating to discharge of the managing entity; amending s. 721.15, F.S.; revising language with respect to assessments for common expenses; providing requirements with respect to insurance; amending s. 721.16, F.S.; revising language with respect to liens for overdue assessments and liens for labor performed on, or materials furnished to a timeshare unit; providing a lien for certain damages done by a guest; amending s. 721.165, F.S.; providing penalties for failure to obtain certain insurance; amending s. 721.17, F.S.; revising language with respect to transfer of interest; amending s. 721.18, F.S., relating to exchange programs; amending s. 721.19, F.S., relating to provisions requiring the purchase or lease of timeshare property by owners' associations or purchasers; amending s. 721.20, F.S.; revising language with respect to licensing requirements; amending s. 721.21, F.S., relating to purchasers' remedies; amending s. 721.24, F.S.; revising language with respect to firesafety; amending s. 721.26, F.S.; revising language with respect to regulation by the division; amending s. 721.27, F.S.; revising language with respect to the annual fee for each timeshare unit in the plan; creating s. 721.29, F.S.; providing for the protection of purchasers' rights when recording is not available in certain jurisdictions; amending s. 721.51, F.S.; revising language with respect to legislative purpose and scope concerning vacation clubs; amending s. 721.52, F.S.; revising the definition of the term "multisite timeshare plan"; amending s. 721.53, F.S.; providing an additional piece of information which the developer may provide to the division prior to offering an accommodation or facility as a part of a multisite timeshare plan; amending s. 721.55, F.S.; revising language with respect to the public offering statement for a multisite timeshare plan; amending s. 721.551, F.S., relating to the delivery of a multisite timeshare plan public offering statement; amending s. 721.552, F.S., relating to additions, substitutions, or deletions of component site accommodations or facilities; repealing s. 721.553, F.S., relating to the portrayal of proposed component sites; amending s. 721.56, F.S.; revising language with respect to the management of multisite timeshare plans; amending s. 721.81, F.S.; revising legislative purpose with respect to the Timeshare Lien Foreclosure Act; amending s. 721.82, F.S.; revising the definition of the term "assessment lien"; amending s. 721.84, F.S., relating to the appointment of a resident agent; amending s. 721.85, F.S., relating to service to notice address or on registered agent; amending s. 721.86, F.S., including a cross reference; amending s. 718.103, F.S.; correcting a cross reference; providing severability; providing an effective date.

—was read the third time by title.

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

**Amendment 1 (090316)(with title amendment)**—On page 178, line 15 through page 179, line 10, delete those lines and insert:

Section 47. Subsection (3) is added to section 617.3075, Florida Statutes, to read:

617.3075 Prohibited clauses in homeowners' association documents.—

(3) *Homeowners' association documents, including declarations of covenants, articles of incorporation, or bylaws, may not preclude the display of one United States flag by property owners. However, the flag must be displayed in a respectful way and may be subject to reasonable standards for size, placement, and safety, as adopted by the homeowners' association, consistent with Title 36 U.S.C. Chapter 10 and any local ordinances.*

Section 48. Section 718.103, Florida Statutes, is amended to read:

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

(1) "Assessment" means a share of the funds which are required for the payment of common expenses, which from time to time is assessed against the unit owner.

(2) "Association" means, in addition to ~~any entity~~ those entities responsible for the operation of common elements owned in undivided shares by unit owners, any entity which operates or maintains other real property in which ~~condominium~~ unit owners have use rights, where ~~unit owner~~ membership in the entity is composed exclusively of ~~condominium~~ unit owners or their elected or appointed representatives; and ~~where membership in the entity~~ is a required condition of unit ownership.

(3) "Association property" means that property, real and personal, which is owned or leased by, or is dedicated by a recorded plat to, the association for the use and benefit of its members.

(4) "Board of administration" or "board" means the board of directors or other representative body which is responsible for administration of the association.

(5) "Buyer" means a person who purchases a condominium *unit*. The term "purchaser" may be used interchangeably with the term "buyer."

(6) "Bylaws" means the bylaws of the association as they *are amended* exist from time to time.

(7) "Committee" means a group of board members, unit owners, or board members and unit owners appointed by the board or a member of the board to make recommendations to the board regarding the *proposed annual association* budget or to take action on behalf of the board.

(8) "Common elements" means the portions of the condominium property ~~which are~~ not included in the units.

(9) "Common expenses" means all expenses ~~and assessments which~~ are properly incurred by the association *in the performance of its duties, including expenses specified in s. 718.115* ~~for the condominium~~.

(10) "Common surplus" means the *amount excess* of all receipts or revenues, ~~of the association collected on behalf of a condominium~~ (including, ~~but not limited to,~~ assessments, rents, or profits, *collected by a condominium association which exceeds, and revenues on account of the common elements*) ~~over the common expenses~~.

(11) "Condominium" means that form of ownership of real property ~~which is~~ created pursuant to the ~~provisions of~~ this chapter, which is comprised *entirely* of units that may be owned by one or more persons, and in which there is, appurtenant to each unit, an undivided share in common elements.

(12) "Condominium parcel" means a unit, together with the undivided share in the common elements ~~which is~~ appurtenant to the unit.

(13) "Condominium property" means the lands, leaseholds, and personal property that are subjected to condominium ownership, whether or not contiguous, and all improvements thereon and all easements and

rights appurtenant thereto intended for use in connection with the condominium.

(14) "Conspicuous type" means *bold* type in capital letters no smaller than the largest type, exclusive of headings, on the page on which it appears and, in all cases, at least 10-point type. Where conspicuous type is required, it must be separated on all sides from other type and print. Conspicuous type may be used in a *contract* ~~contracts~~ for purchase and sale of a unit, a lease of a unit for more than 5 years, or a prospectus or offering circular ~~public offering statements~~ only where required by law.

(15) "Declaration" or "declaration of condominium" means the instrument or instruments by which a condominium is created, as they are from time to time amended.

(16) "Developer" means a person who creates a condominium or offers condominium parcels for sale or lease in the ordinary course of business, but does not include an owner or lessee of a condominium or cooperative unit who has acquired the unit for his or her own occupancy, nor does it include a cooperative association which creates a condominium by conversion of an existing residential cooperative after control of the association has been transferred to the unit owners if, following the conversion, the unit owners will be the same persons who were unit owners of the cooperative and no units are offered for sale or lease to the public as part of the plan of conversion.

(17) "Division" means the Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation.

(18) "Land" means, ~~unless otherwise defined in the declaration as hereinafter provided,~~ the surface of a legally described parcel of real property and includes, unless otherwise specified in the declaration and whether separate from or including such surface, airspace lying above and subterranean space lying below such surface. However, if so defined in the declaration, the term "land" may mean all or any portion of the airspace or subterranean space between two legally identifiable elevations and may exclude the surface of a parcel of real property and may mean any combination of the foregoing, whether or not contiguous.

(19) "Limited common elements" means those common elements which are reserved for the use of a certain ~~condominium~~ unit or units to the exclusion of *all* other units, as specified in the declaration of ~~condominium~~.

(20) "*Multicondominium*" means a real estate development containing two or more condominiums all of which are operated by the same association.

(21)(20) "Operation" or "operation of the condominium" includes the administration and management of the condominium property.

(22)(24) "Rental agreement" means any written agreement, or oral agreement if for less duration than 1 year, providing for use and occupancy of premises.

(23)(22) "Residential condominium" means a condominium consisting of two or more ~~condominium~~ units, any of which are intended for use as a private temporary or permanent residence, except that a condominium is not a residential condominium if the use for which the units are intended is primarily commercial or industrial and not more than three units are intended to be used for private residence, and are intended to be used as housing for maintenance, managerial, janitorial, or other operational staff of the condominium. With respect to a condominium that is not a timeshare condominium, a residential unit includes a unit intended as a private temporary or permanent residence as well as a unit not intended for commercial or industrial use. With respect to a timeshare condominium, the timeshare instrument as defined in s. 721.05(33) ~~s. 721-05(30)~~ shall govern the intended use of each unit in the condominium. If a condominium is a residential condominium but contains units intended to be used for commercial or industrial purposes, then, with respect to those units which are not intended for or used as private residences, the condominium is not a residential condominium. A condominium which contains both commercial and residential units is a mixed-use condominium and is subject to the requirements of s. 718.404.

(24)(23) "Special assessment" means any assessment levied against a unit ~~owner~~ owners other than the assessment required by a budget adopted annually.

(25)(24) "Timeshare estate" means any interest in a unit under which the exclusive right of use, possession, or occupancy of the unit circulates among the various purchasers of a timeshare plan pursuant to chapter 721 on a recurring basis for a period of time.

(26)(25) "Timeshare unit" means a unit in which timeshare estates have been created.

(27)(26) "Unit" means a part of the condominium property which is subject to exclusive ownership. A unit may be in improvements, land, or land and improvements together, as specified in the declaration.

(28)(27) "Unit owner" or "owner of a unit" means a record owner of legal title to a condominium parcel.

(29)(28) "Voting certificate" means a document which designates one of the record title owners, or the corporate, partnership, or entity representative, who is authorized to vote on behalf of a condominium unit that is owned by more than one owner or by any entity.

(30)(29) "Voting ~~interests~~ interest" means the voting rights distributed to the association members pursuant to s. 718.104(4)(i). *In a multicondominium association, the voting interests of the association are the voting rights distributed to the unit owners in all condominiums operated by the association. On matters related to a specific condominium in a multicondominium association, the voting interests of the condominium are the voting rights distributed to the unit owners in that condominium.*

Section 49. Subsection (2) and paragraphs (f) and (g) of subsection (4) of section 718.104, Florida Statutes, are amended, and paragraph (h) is added to subsection (4), to read:

718.104 Creation of condominiums; contents of declaration.—Every condominium created in this state shall be created pursuant to this chapter.

(2) A condominium is created by recording a declaration in the public records of the county where the land is located, executed and acknowledged with the requirements for a deed. All persons who have record title to the interest in the land being submitted to condominium ownership, or their lawfully authorized agents, must join in the execution of the declaration. Upon the recording of the declaration, or an amendment adding a phase to the condominium under s. 718.403(6), all units described in the declaration or phase amendment as being located in or on the land then being submitted to condominium ownership shall come into existence, regardless of the state of completion of planned improvements in which the units may be located. Upon recording the declaration of condominium pursuant to this section, the developer shall file the recording information with the division within *120 calendar* ~~30 business~~ days on a form prescribed by the division.

(4) The declaration must contain or provide for the following matters:

(f) The undivided share of ownership of ~~in~~ the common elements and common surplus of the condominium that is appurtenant to each unit stated as a percentage or a fraction of ~~percentages or fractions, which, in the aggregate, must equal~~ the whole. In the declaration of condominium for residential condominiums created after April 1, 1992, the ownership share of the common elements assigned to each residential unit shall be based either upon the total square footage of each residential unit in uniform relationship to the total square footage of each other residential unit in the condominium or on an equal fractional basis.

(g) The ~~percentage or fractional shares of liability for proportions or percentages of and manner of sharing~~ common expenses of the condominium and owning common surplus, which, for *all* a residential units ~~condominium~~, must be the same as the undivided shares of ownership of ~~in~~ the common elements and common surplus appurtenant to each unit as provided for in paragraph (f).

(h) *If a developer reserves the right, in a declaration recorded on or after July 1, 2000, to create a multicondominium, the declaration must state, or provide a specific formula for determining, the fractional or percentage shares of liability for the common expenses of the association and of ownership of the common surplus of the association to be allocated to the units in each condominium to be operated by the association. If the declaration as originally recorded fails to so provide, the share of liability for the common expenses of the association and of ownership of the com-*

mon surplus of the association allocated to each unit in each condominium operated by the association shall be a fraction of the whole, the numerator of which is the number "one" and the denominator of which is the total number of units in all condominiums operated by the association.

Section 50. Subsection (2) of section 718.106, Florida Statutes, is amended to read:

718.106 Condominium parcels; appurtenances; possession and enjoyment.—

(2) There shall pass with a unit, as appurtenances thereto:

(a) An undivided share in the common elements and common surplus.

(b) The exclusive right to use such portion of the common elements as may be provided by the declaration, including the right to transfer such right to other units or unit owners to the extent authorized by the declaration as originally recorded, or amendments to the declaration adopted under s. 718.110(2).

(c) An exclusive easement for the use of the airspace occupied by the unit as it exists at any particular time and as the unit may lawfully be altered or reconstructed from time to time. An easement in airspace which is vacated shall be terminated automatically.

(d) Membership in the association designated in the declaration, with the full voting rights appertaining thereto.

(e) Other appurtenances as may be provided in the declaration.

Section 51. Subsections (4) and (9) of section 718.110, Florida Statutes, are amended, and subsection (12) is added to that section, to read:

718.110 Amendment of declaration; correction of error or omission in declaration by circuit court.—

(4) Unless otherwise provided in the declaration as originally recorded, no amendment may change the configuration or size of any condominium unit in any material fashion, materially alter or modify the appurtenances to the unit, or change the proportion or percentage by which the unit owner of the parcel shares the common expenses of the condominium and owns the common surplus of the condominium unless the record owner of the unit and all record owners of liens on the unit ~~it~~ join in the execution of the amendment and unless all the record owners of all other units in the same condominium approve the amendment. The acquisition of property by the association, and material alterations or substantial additions to such property or the common elements by the association in accordance with s. 718.111(7) or s. 718.113, shall not be deemed to constitute a material alteration or modification of the appurtenances to the units. A declaration recorded after April 1, 1992, may not require the approval of less than a majority of total voting interests of the condominium for amendments under this subsection, unless otherwise required by a ~~any~~ governmental entity.

(9) If there is an omission or error in a declaration of condominium, or in any other document required by law to establish the condominium, the association may correct the error or omission by an amendment to the declaration or to the other document required to create a condominium in the manner provided in the declaration to amend the declaration or, if none is provided, by vote of a majority of the voting interests of the condominium. The amendment is effective when passed and approved and a certificate of the amendment is executed and recorded as provided in subsections (2) and (3) ~~s. 718.104~~. This procedure for amendment cannot be used if such an amendment would materially or adversely affect property rights of unit owners, unless the affected unit owners consent in writing. This subsection does not restrict the powers of the association to otherwise amend the declaration, or other documentation, but authorizes a simple process of amendment requiring a lesser vote for the purpose of curing defects, errors, or omissions when the property rights of unit owners are not materially or adversely affected.

(12)(a) With respect to an existing multicondominium association, any amendment to change the fractional or percentage share of liability for the common expenses of the association and ownership of the common surplus of the association must be approved by at least a majority of the total voting interests of each condominium operated by the association

unless the declarations of all condominiums operated by the association uniformly require approval by a greater percentage of the voting interests of each condominium.

(b) Unless approval by a greater percentage of the voting interests of an existing multicondominium association is expressly required in the declaration of an existing condominium, the declaration may be amended upon approval of at least a majority of the total voting interests of each condominium operated by the multicondominium association for the purpose of:

1. Setting forth in the declaration the formula currently utilized, but not previously stated in the declaration, for determining the percentage or fractional shares of liability for the common expenses of the multicondominium association and ownership of the common surplus of the multicondominium association.

2. Providing for the creation or enlargement of a multicondominium association by the merger or consolidation of two or more associations and changing the name of the association, as appropriate.

Section 52. Paragraphs (a) and (c) of subsection (12) and subsections (13), (14), and (15) of section 718.111, Florida Statutes, are amended to read:

718.111 The association.—

(12) OFFICIAL RECORDS.—

(a) From the inception of the association, the association shall maintain each of the following items, when applicable, which shall constitute the official records of the association:

1. A copy of the plans, permits, warranties, and other items provided by the developer pursuant to s. 718.301(4).

2. A photocopy of the recorded declaration of condominium of each condominium operated by the association and of each amendment to each declaration.

3. A photocopy of the recorded bylaws of the association and of each amendment to the bylaws.

4. A certified copy of the articles of incorporation of the association, or other documents creating the association, and of each amendment thereto.

5. A copy of the current rules of the association.

6. A book or books which contain the minutes of all meetings of the association, of the board of directors, and of unit owners, which minutes shall be retained for a period of not less than 7 years.

7. A current roster of all unit owners and their mailing addresses, unit identifications, voting certifications, and, if known, telephone numbers.

8. All current insurance policies of the association and condominiums operated by the association.

9. A current copy of any management agreement, lease, or other contract to which the association is a party or under which the association or the unit owners have an obligation or responsibility.

10. Bills of sale or transfer for all property owned by the association.

11. Accounting records for the association and separate accounting records for each condominium which the association operates, according to good accounting practices. All accounting records shall be maintained for a period of not less than 7 years. The accounting records shall include, but are not limited to:

a. Accurate, itemized, and detailed records of all receipts and expenditures.

b. A current account and a monthly, bimonthly, or quarterly statement of the account for each unit designating the name of the unit owner, the due date and amount of each assessment, the amount paid upon the account, and the balance due.

c. All audits, reviews, accounting statements, and financial reports of the association or condominium.

d. All contracts for work to be performed. Bids for work to be performed shall also be considered official records and shall be maintained for a period of 1 year.

12. Ballots, sign-in sheets, voting proxies, and all other papers relating to voting by unit owners, which shall be maintained for a period of 1 year from the date of the election, vote, or meeting to which the document relates.

13. All rental records, when the association is acting as agent for the rental of condominium units.

14. A copy of the current question and answer sheet as described by s. 718.504.

15. All other records of the association not specifically included in the foregoing which are related to the operation of the association.

(c) The official records of the association are open to inspection by any association member or the authorized representative of such member at all reasonable times. The right to inspect the records includes the right to make or obtain copies, at the reasonable expense, if any, of the association member. The association may adopt reasonable rules regarding the frequency, time, location, notice, and manner of record inspections and copying. The failure of an association to provide the records within 10 working days after receipt of a written request shall create a rebuttable presumption that the association willfully failed to comply with this paragraph. A unit owner who is denied access to official records is entitled to the actual damages or minimum damages for the association's willful failure to comply with this paragraph. The minimum damages shall be \$50 per calendar day up to 10 days, the calculation to begin on the 11th working day after receipt of the written request. The failure to permit inspection of the association records as provided herein entitles any person prevailing in an enforcement action to recover reasonable attorney's fees from the person in control of the records who, directly or indirectly, knowingly denied access to the records for inspection. The association shall maintain an adequate number of copies of the declaration, articles of incorporation, bylaws, and rules, and all amendments to each of the foregoing, as well as the question and answer sheet provided for in s. 718.504 and year-end financial information required in this section on the condominium property to ensure their availability to unit owners and prospective purchasers, and may charge its actual costs for preparing and furnishing these documents to those requesting the same. Notwithstanding the provisions of this paragraph, the following records shall not be accessible to unit owners:

1. Any record protected by the lawyer-client privilege as described in s. 90.502, and any record protected by the work-product privilege including any A record which was prepared by an association attorney or prepared at the attorney's express direction, which reflects a mental impression, conclusion, litigation strategy, or legal theory of the attorney or the association, and which was prepared exclusively for civil or criminal litigation or for adversarial administrative proceedings, or which was prepared in anticipation of imminent civil or criminal litigation or imminent adversarial administrative proceedings until the conclusion of the litigation or adversarial administrative proceedings.

2. Information obtained by an association in connection with the approval of the lease, sale, or other transfer of a unit.

3. Medical records of unit owners.

(13) **FINANCIAL REPORTING REPORTS.**—*Within 90 days after the end of the fiscal year, or annually on a date provided in the bylaws, the association shall prepare and complete, or cause to be prepared and completed by a third party, a financial report for the preceding fiscal year. Within 21 days after the financial report is completed or received by the association from the third party, the association shall mail to each unit owner at the address last furnished to the association by the unit owner, or hand deliver to each unit owner, a copy of the financial report or a notice that a copy of the financial report will be mailed or hand delivered to the unit owner, without charge, upon receipt of a written request from the unit owner. The division shall adopt rules setting forth uniform accounting principles and standards to be used by all associations and shall adopt rules addressing financial reporting requirements for multicondominium associations. In adopting such rules, the division*

*shall consider the number of members and annual revenues of an association. Financial reports shall be prepared as follows:*

(a) *An association that meets the criteria of this paragraph shall prepare or cause to be prepared a complete set of financial statements in accordance with generally accepted accounting principles. The financial statements shall be based upon the association's total annual revenues, as follows:*

1. *An association with total annual revenues of \$100,000 or more, but less than \$200,000, shall prepare compiled financial statements.*

2. *An association with total annual revenues of at least \$200,000, but less than \$400,000, shall prepare reviewed financial statements.*

3. *An association with total annual revenues of \$400,000 or more shall prepare audited financial statements.*

(b)1. *An association with total annual revenues of less than \$100,000 shall prepare a report of cash receipts and expenditures.*

2. *An association which operates less than 50 units, regardless of the association's annual revenues, shall prepare a report of cash receipts and expenditures in lieu of financial statements required by paragraph (a).*

3. *A report of cash receipts and disbursements must disclose the amount of receipts by accounts and receipt classifications and the amount of expenses by accounts and expense classifications, including, but not limited to, the following, as applicable: costs for security, professional and management fees and expenses, taxes, costs for recreation facilities, expenses for refuse collection and utility services, expenses for lawn care, costs for building maintenance and repair, insurance costs, administration and salary expenses, and reserves accumulated and expended for capital expenditures, deferred maintenance, and any other category for which the association maintains reserves.*

(c) *An association may prepare or cause to be prepared, without a meeting of or approval by the unit owners:*

1. *Compiled, reviewed, or audited financial statements, if the association is required to prepare a report of cash receipts and expenditures;*

2. *Reviewed or audited financial statements, if the association is required to prepare compiled financial statements; or*

3. *Audited financial statements if the association is required to prepare reviewed financial statements.*

(d) *If approved by a majority of the voting interests present at a properly called meeting of the association, an association may prepare or cause to be prepared:*

1. *A report of cash receipts and expenditures in lieu of a compiled, reviewed, or audited financial statement;*

2. *A report of cash receipts and expenditures or a compiled financial statement in lieu of a reviewed or audited financial statement; or*

3. *A report of cash receipts and expenditures, a compiled financial statement, or a reviewed financial statement in lieu of an audited financial statement.*

*Such meeting and approval must occur prior to the end of the fiscal year and is effective only for the fiscal year in which the vote is taken. With respect to an association to which the developer has not turned over control of the association, all unit owners, including the developer, may vote on issues related to the preparation of financial reports for the first 2 fiscal years of the association's operation, beginning with the fiscal year in which the declaration is recorded. Thereafter, all unit owners except the developer may vote on such issues until control is turned over to the association by the developer. Within 60 days following the end of the fiscal or calendar year or annually on such date as is otherwise provided in the bylaws of the association, the board of administration of the association shall mail or furnish by personal delivery to each unit owner a complete financial report of actual receipts and expenditures for the previous 12 months, or a complete set of financial statements for the preceding fiscal year prepared in accordance with generally accepted accounting principles. The report shall show the amounts of receipts by accounts and receipt classifications and shall show the amounts of ex-*

penses by accounts and expense classifications, including, if applicable, but not limited to, the following:

- (a) ~~Costs for security;~~
- (b) ~~Professional and management fees and expenses;~~
- (c) ~~Taxes;~~
- (d) ~~Costs for recreation facilities;~~
- (e) ~~Expenses for refuse collection and utility services;~~
- (f) ~~Expenses for lawn care;~~
- (g) ~~Costs for building maintenance and repair;~~
- (h) ~~Insurance costs;~~
- (i) ~~Administrative and salary expenses; and~~
- (j) ~~Reserves for capital expenditures, deferred maintenance, and any other category for which the association maintains a reserve account or accounts.~~

(14) ~~The division shall adopt rules which may require that the association deliver to the unit owners, in lieu of the financial report required by subsection (13), a complete set of financial statements for the preceding fiscal year. The financial statements shall be delivered within 90 days following the end of the previous fiscal year or annually on such other date as provided by the bylaws. The rules of the division may require that the financial statements be compiled, reviewed, or audited, and the rules shall take into consideration the criteria set forth in s. 718.501(1)(j). The requirement to have the financial statements compiled, reviewed, or audited does not apply to associations when a majority of the voting interests of the association present at a duly called meeting of the association have determined for a fiscal year to waive this requirement. In an association in which turnover of control by the developer has not occurred, the developer may vote to waive the audit requirement for the first 2 years of the operation of the association, after which time waiver of an applicable audit requirement shall be by a majority of voting interests other than the developer. The meeting shall be held prior to the end of the fiscal year, and the waiver shall be effective for only 1 fiscal year. This subsection does not apply to a condominium which consists of 50 or fewer units.~~

(14)(15) ~~COMMINGLING.—All funds collected by an association shall be maintained separately in the association's name. For investment purposes only, reserve funds may be commingled with operating funds of the association. Commingled operating and reserve funds shall be accounted for separately and a commingled account shall not, at any time, be less than the amount identified as reserve funds. This subsection does not prohibit a multicondominium association from commingling the operating funds of separate condominiums or the reserve funds of separate condominiums. Furthermore, for investment purposes only, a multicondominium association may commingle the operating funds of separate condominiums with the reserve funds of separate condominiums. A manager or business entity required to be licensed or registered under s. 468.432, or an agent, employee, officer, or director of an association, shall not commingle any association funds with his or her funds or with the funds of any other condominium association or the funds of a community association as defined in s. 468.431. All funds shall be maintained separately in the association's name. Reserve and operating funds of the association shall not be commingled unless combined for investment purposes. This subsection is not meant to prohibit prudent investment of association funds even if combined with operating or other reserve funds of the same association, but such funds must be accounted for separately, and the combined account balance may not, at any time, be less than the amount identified as reserve funds in the combined account. No manager or business entity required to be licensed or registered under s. 468.432, and no agent, employee, officer, or director of a condominium association shall commingle any association funds with his or her funds or with the funds of any other condominium association or community association as defined in s. 468.431.~~

Section 53. Paragraphs (d), (e), and (f) of subsection (2) of section 718.112, Florida Statutes, are amended to read:

718.112 Bylaws.—

(2) REQUIRED PROVISIONS.—The bylaws shall provide for the following and, if they do not do so, shall be deemed to include the following:

(d) Unit owner meetings.—

1. There shall be an annual meeting of the unit owners. Unless the bylaws provide otherwise, a vacancy on the board of ~~administration~~ caused by the expiration of a director's term shall be filled by electing a new board member, and the election shall be by secret ballot; however, if the number of vacancies equals or exceeds the number of candidates, no election is required. If there is no provision in the bylaws for terms of the members of the board of ~~administration~~, the terms of all members of the board of ~~administration~~ shall expire upon the election of their successors at the annual meeting. Any unit owner desiring to be a candidate for board membership shall comply with subparagraph 3. ~~In order to be eligible for board membership, a person must meet the requirements set forth in the declaration.~~ A person who has been convicted of any felony by any court of record in the United States and who has not had his or her right to vote restored pursuant to law in the jurisdiction of his or her residence is not eligible for board membership. The validity of an action by the board is not affected if it is later determined that a member of the board is ineligible for board membership due to having been convicted of a felony.

2. The bylaws shall provide the method of calling meetings of unit owners, including annual meetings. Written notice, which notice must include an agenda, shall be mailed or *hand* delivered to each unit owner at least 14 days prior to the annual meeting and shall be posted in a conspicuous place on the condominium property at least 14 continuous days preceding the annual meeting. Upon notice to the unit owners, the board shall by duly adopted rule designate a specific location on the condominium property or association property upon which all notices of unit owner meetings shall be posted; however, if there is no condominium property or association property upon which notices can be posted, this requirement does not apply. Unless a unit owner waives in writing the right to receive notice of the annual meeting by mail, ~~such the notice of the annual meeting shall be hand delivered or mailed sent by mail to each unit owner. Notice for meetings and notice for all other purposes shall be mailed to each unit owner at the address last furnished to the association by the unit owner, or hand delivered to each unit owner. However, if~~ Where a unit is owned by more than one person, the association shall provide notice, for meetings and all other purposes, to that one address which the developer initially identifies for that purpose and thereafter as one or more of the owners of the unit shall so advise the association in writing, or if no address is given or the owners of the unit do not agree, to the address provided on the deed of record. An officer of the association, or the manager or other person providing notice of the association meeting, shall provide an affidavit or United States Postal Service certificate of mailing, to be included in the official records of the association affirming that the notice was mailed or hand delivered, in accordance with this provision, ~~to each unit owner at the address last furnished to the association.~~

3. The members of the board of ~~administration~~ shall be elected by written ballot or voting machine. Proxies shall in no event be used in electing the board of ~~administration~~, either in general elections or elections to fill vacancies caused by recall, resignation, or otherwise, unless otherwise provided in this chapter. Not less than 60 days before a scheduled election, the association shall mail or deliver, whether by separate association mailing or included in another association mailing or delivery including regularly published newsletters, to each unit owner entitled to a vote, a first notice of the date of the election. Any unit owner or other eligible person desiring to be a candidate for the board of ~~administration~~ must give written notice to the association not less than 40 days before a scheduled election. Together with the written notice and agenda as set forth in subparagraph 2., the association shall mail or deliver a second notice of the election to all unit owners entitled to vote therein, together with a ballot which shall list all candidates. Upon request of a candidate, the association shall include an information sheet, no larger than 8½ inches by 11 inches, which must be furnished by the candidate not less than 35 days before the election, to be included with the mailing of the ballot, with the costs of mailing or delivery and copying to be borne by the association. ~~However, the association is not liable has no liability~~ for the contents of the information sheets prepared by the candidates. In order to reduce costs, the association may print or duplicate the information sheets on both sides of the paper. The division shall by rule establish voting procedures consistent with the provisions contained

herein, including rules providing for the secrecy of ballots. Elections shall be decided by a plurality of those ballots cast. There shall be no quorum requirement; however, at least 20 percent of the eligible voters must cast a ballot in order to have a valid election of members of the board of administration. No unit owner shall permit any other person to vote his or her ballot, and any such ballots improperly cast shall be deemed invalid, *provided any unit owner who violates this provision may be fined by the association in accordance with s. 718.303.* A unit owner who needs assistance in casting the ballot for the reasons stated in s. 101.051 may obtain assistance in casting the ballot. ~~Any unit owner violating this provision may be fined by the association in accordance with s. 718.303.~~ The regular election shall occur on the date of the annual meeting. The provisions of this subparagraph shall not apply to timeshare condominium associations. Notwithstanding the provisions of this subparagraph, an election ~~is and balloting are~~ not required unless more candidates file notices of intent to run or are nominated than board vacancies exist ~~on the board.~~

4. Any approval by unit owners called for by this chapter or the applicable declaration or bylaws, including, but not limited to, the approval requirement in s. 718.111(8), shall be made at a duly noticed meeting of unit owners and shall be subject to all requirements of this chapter or the applicable condominium documents relating to unit owner decisionmaking, except that unit owners may take action by written agreement, without meetings, on matters for which action by written agreement without meetings is expressly allowed by the applicable bylaws or declaration or any statute that provides for such action.

5. Unit owners may waive notice of specific meetings if allowed by the applicable bylaws or declaration or any statute.

6. Unit owners shall have the right to participate in meetings of unit owners with reference to all designated agenda items. However, the association may adopt reasonable rules governing the frequency, duration, and manner of unit owner participation.

7. Any unit owner may tape record or videotape a meeting of the unit owners subject to reasonable rules adopted by the division.

8. Unless otherwise provided in the bylaws, any vacancy occurring on the board before the expiration of a term may be filled by the affirmative vote of the majority of the remaining directors, even if the remaining directors constitute less than a quorum, or by the sole remaining director. In the alternative, a board may hold an election to fill the vacancy, in which case the election procedures must conform to the requirements of subparagraph 3. unless the association has opted out of the statutory election process, in which case the bylaws of the association control. Unless otherwise provided in the bylaws, a board member appointed or elected under this section shall fill the vacancy for the unexpired term of the seat being filled. Filling vacancies created by recall is governed by paragraph (j) and rules adopted by the division.

Notwithstanding subparagraphs (b)2. and (d)3., an association may, by the affirmative vote of a majority of the total voting interests, provide for different voting and election procedures in its bylaws, which vote may be by a proxy specifically delineating the different voting and election procedures. The different voting and election procedures may provide for elections to be conducted by limited or general proxy.

(e) Budget meeting.—

1. *Any meeting at which a proposed annual budget of an association will be considered by the board or unit owners shall be open to all unit owners. At least 14 days prior to such a meeting, the board shall hand deliver to each unit owner, or mail to each unit owner at the address last furnished to the association by the unit owner, a notice of such meeting and a copy of the proposed annual budget. An officer or manager of the association, or other person providing notice of such meeting, shall execute an affidavit evidencing compliance with such notice requirement and such affidavit shall be filed among the official records of the association.*

2.a. *If a board adopts in any fiscal year an annual budget which requires assessments against unit owners which exceed 115 percent of assessments for the preceding fiscal year, the board shall conduct a special meeting of the unit owners to consider a substitute budget if the board receives, within 21 days after adoption of the annual budget, a written request for a special meeting from at least 10 percent of all voting interests. The special meeting shall be conducted within 60 days after adoption of the annual budget. At least 14 days prior to such special meeting,*

*the board shall hand deliver to each unit owner, or mail to each unit owner at the address last furnished to the association, a notice of the meeting. An officer or manager of the association, or other person providing notice of such meeting shall execute an affidavit evidencing compliance with this notice requirement and such affidavit shall be filed among the official records of the association. Unit owners may consider and adopt a substitute budget at the special meeting. A substitute budget is adopted if approved by a majority of all voting interests unless the bylaws require adoption by a greater percentage of voting interests. If there is not a quorum at the special meeting or a substitute budget is not adopted, the annual budget previously adopted by the board shall take effect as scheduled.*

b. *Any determination of whether assessments exceed 115 percent of assessments for the prior fiscal year shall exclude any authorized provision for reasonable reserves for repair or replacement of the condominium property, anticipated expenses of the association which the board does not expect to be incurred on a regular or annual basis, or assessments for betterments to the condominium property.*

c. *If the developer controls the board, assessments shall not exceed 115 percent of assessments for the prior fiscal year unless approved by a majority of all voting interests. The board of administration shall hand deliver to each unit owner, or mail to each unit owner at the address last furnished to the association, a meeting notice and copies of the proposed annual budget of common expenses not less than 14 days prior to the meeting of the unit owners or the board of administration at which the budget will be considered. Evidence of compliance with this 14 day notice must be made by an affidavit executed by an officer of the association or the manager or other person providing notice of the meeting and filed among the official records of the association. The meeting must be open to the unit owners. If an adopted budget requires assessments against the unit owners in any fiscal or calendar year which exceed 115 percent of the assessments for the preceding year, the board, upon written application of 10 percent of the voting interests to the board, shall call a special meeting of the unit owners within 30 days upon not less than 10 days' written notice to each unit owner. At the special meeting, unit owners shall consider and enact a budget. Unless the bylaws require a larger vote, the adoption of the budget requires a vote of not less than a majority vote of all the voting interests. The board of administration may propose a budget to the unit owners at a meeting of members or in writing, and if the budget or proposed budget is approved by the unit owners at the meeting or by a majority of all the voting interests in writing, the budget is adopted. If a meeting of the unit owners has been called and a quorum is not attained or a substitute budget is not adopted by the unit owners, the budget adopted by the board of directors goes into effect as scheduled. In determining whether assessments exceed 115 percent of similar assessments in prior years, any authorized provisions for reasonable reserves for repair or replacement of the condominium property, anticipated expenses by the condominium association which are not anticipated to be incurred on a regular or annual basis, or assessments for betterments to the condominium property must be excluded from the computation. However, as long as the developer is in control of the board of administration, the board may not impose an assessment for any year greater than 115 percent of the prior fiscal or calendar year's assessment without approval of a majority of all the voting interests.*

(f) Annual budget.—

1. The proposed annual budget of common expenses shall be detailed and shall show the amounts budgeted by accounts and expense classifications, including, if applicable, but not limited to, those expenses listed in s. 718.504(21) ~~s. 718.504(20)~~. A multicondominium association shall adopt a separate budget of common expenses for each condominium the association operates and shall adopt a separate budget of common expenses for the association. In addition, if the association maintains limited common elements with the cost to be shared only by those entitled to use the limited common elements as provided for in s. 718.113(1), the budget or a schedule attached thereto shall show amounts budgeted therefor. If, after turnover of control of the association to the unit owners, any of the expenses listed in s. 718.504(21) ~~s. 718.504(20)~~ are not applicable, they need not be listed.

2. In addition to annual operating expenses, the budget shall include reserve accounts for capital expenditures and deferred maintenance. These accounts shall include, but are not limited to, roof replacement, building painting, and pavement resurfacing, regardless of the amount

of deferred maintenance expense or replacement cost, and for any other item for which the deferred maintenance expense or replacement cost exceeds \$10,000. The amount to be reserved shall be computed by means of a formula which is based upon estimated remaining useful life and estimated replacement cost or deferred maintenance expense of each reserve item. The association may adjust replacement reserve assessments annually to take into account any changes in estimates or extension of the useful life of a reserve item caused by deferred maintenance. This subsection does not apply to *an adopted budget* budgets in which the members of an association have *determined*, by a majority vote at a duly called meeting of the association, ~~and voting determined for a fiscal year~~ to provide no reserves or *less reserves less adequate* than required by this subsection. However, prior to turnover of control of an association by a developer to unit owners other than a developer pursuant to s. 718.301, the developer may vote to waive the reserves or reduce the funding of reserves for the first 2 *fiscal* years of the *association's* operation of the association, *beginning with the fiscal year in which the initial declaration is recorded*, after which time reserves may be waived or reduced only upon the vote of a majority of all nondeveloper voting interests voting in person or by limited proxy at a duly called meeting of the association. If a meeting of the unit owners has been called to determine *whether to waive or reduce the funding of to provide no reserves or reserves less adequate than required*, and *no such result is achieved not attained* or a quorum is not attained, the reserves as included in the budget shall go into effect. *After the turnover, the developer may vote its voting interest to waive or reduce the funding of reserves.*

3. Reserve funds and any interest accruing thereon shall remain in the reserve account or accounts, and shall be used only for authorized reserve expenditures unless their use for other purposes is approved in advance by a majority vote at a duly called meeting of the association. Prior to turnover of control of an association by a developer to unit owners other than the developer pursuant to s. 718.301, the developer-controlled association shall not vote to use reserves for purposes other than that for which they were intended without the approval of a majority of all nondeveloper voting interests, voting in person or by limited proxy at a duly called meeting of the association.

4. *In a multicondominium association, the only voting interests which are eligible to vote on questions that involve waiving or reducing the funding of reserves, or using existing reserve funds for purposes other than purposes for which the reserves were intended, are the voting interests of the units subject to assessment to fund the reserves in question.*

Section 54. Subsection (2) of section 718.113, Florida Statutes, is amended to read:

718.113 Maintenance; limitation upon improvement; display of flag; hurricane shutters.—

(2) (a) Except as otherwise provided in this section, there shall be no material alteration or substantial additions to the common elements or to real property which is association property, except in a manner provided in the declaration. If the declaration does not specify the procedure for approval of *material* alterations or *substantial* additions, 75 percent of the total voting interests of the association must approve the alterations or additions.

(b) *There shall not be any material alteration of, or substantial addition to, the common elements of any condominium operated by a multicondominium association unless approved in the manner provided in the declaration of the affected condominium or condominiums. If a declaration does not specify a procedure for approving such an alteration or addition, the approval of 75 percent of the total voting interests of each affected condominium is required. This subsection does not prohibit a provision in any declaration, articles of incorporation, or bylaws requiring the approval of unit owners in any condominium operated by the same association or requiring board approval before a material alteration or substantial addition to the common elements is permitted.*

(c) *There shall not be any material alteration or substantial addition made to association real property operated by a multicondominium association, except as provided in the declaration, articles of incorporation, or bylaws. If the declaration, articles of incorporation, or bylaws do not specify the procedure for approving an alteration or addition to association real property, the approval of 75 percent of the total voting interests of the association is required.*

Section 55. Section 718.115, Florida Statutes, is amended to read:

718.115 Common expenses and common surplus.—

(1)(a) Common expenses include the expenses of the operation, maintenance, repair, replacement, or protection of the common elements and association property, costs of carrying out the powers and duties of the association, and any other expense, whether or not included in the foregoing, designated as common expense by this chapter, the declaration, the documents creating the association, or the bylaws. Common expenses also include reasonable transportation services, insurance for directors and officers, road maintenance and operation expenses, in-house communications, and security services, which are reasonably related to the general benefit of the unit owners even if such expenses do not attach to the common elements or property of the condominium. However, such common expenses must either have been services or items provided *on or after* from the date the control of the board of administration of the association *is* was transferred from the developer to the unit owners or must be services or items provided for in the condominium documents or bylaws.

(b) *The common expenses of a condominium within a multicondominium are the common expenses directly attributable to the operation of that condominium. The common expenses of a multicondominium association do not include the common expenses directly attributable to the operation of any specific condominium or condominiums within the multicondominium.*

(c) *The common expenses of a multicondominium association may include categories of expenses related to the property or common elements within a specific condominium in the multicondominium if such property or common elements are areas in which all members of the multicondominium association have use rights or from which all members receive tangible economic benefits. Such common expenses of the association shall be identified in the declaration or bylaws of each condominium within the multicondominium association.*

(d)(b) If so provided in the declaration, the cost of a master antenna television system or duly franchised cable television service obtained pursuant to a bulk contract shall be deemed a common expense. If the declaration does not provide for the cost of a master antenna television system or duly franchised cable television service obtained under a bulk contract as a common expense, the board of administration may enter into such a contract, and the cost of the service will be a common expense but allocated on a per-unit basis rather than a percentage basis if the declaration provides for other than an equal sharing of common expenses, and any contract entered into before July 1, 1998, in which the cost of the service is not equally divided among all unit owners, may be changed by vote of a majority of the voting interests present at a regular or special meeting of the association, to allocate the cost equally among all units. The contract shall be for a term of not less than 2 years.

1. Any contract made by the board after the effective date hereof for a community antenna system or duly franchised cable television service may be canceled by a majority of the voting interests present at the next regular or special meeting of the association. Any member may make a motion to cancel said contract, but if no motion is made or if such motion fails to obtain the required majority at the next regular or special meeting, whichever is sooner, following the making of the contract, then such contract shall be deemed ratified for the term therein expressed.

2. Any such contract shall provide, and shall be deemed to provide if not expressly set forth, that any hearing impaired or legally blind unit owner who does not occupy the unit with a non-hearing-impaired or sighted person, *or any unit owner receiving supplemental security income under Title XVI of the Social Security Act or food stamps as administered by the Department of Children and Family Services pursuant to s. 414.31*, may discontinue the service without incurring disconnect fees, penalties, or subsequent service charges, and as to such units, the owners shall not be required to pay any common expenses charge related to such service. If less than all members of an association share the expenses of cable television, the expense shall be shared equally by all participating unit owners. The association may use the provisions of s. 718.116 to enforce payment of the shares of such costs by the unit owners receiving cable television.

(e)(e) The expense of installation, replacement, operation, repair, and maintenance of hurricane shutters by the board pursuant to s. 718.113(5) shall constitute a common expense as defined herein and

shall be collected as provided in this section. Notwithstanding the provisions of s. 718.116(9), a unit owner who has previously installed hurricane shutters in accordance with s. 718.113(5) or laminated glass architecturally designed to function as hurricane protection which complies with the applicable building code shall receive a credit equal to the pro rata portion of the assessed installation cost assigned to each unit. However, such unit owner shall remain responsible for the pro rata share of expenses for hurricane shutters installed on common elements and association property by the board pursuant to s. 718.113(5), and shall remain responsible for a pro rata share of the expense of the replacement, operation, repair, and maintenance of such shutters.

(f)(d) If any unpaid share of common expenses or assessments is extinguished by foreclosure of a superior lien or by a deed in lieu of foreclosure thereof, the unpaid share of common expenses or assessments are common expenses collectible from all the unit owners in the condominium in which the unit is located.

(2) Except as otherwise provided by this chapter, funds for the payment of the common expenses of a condominium shall be collected by assessments against the units in that condominium unit owners in the proportions or percentages provided in that condominium's the declaration. In a residential condominium, or mixed-use condominium created after January 1, 1996, each unit's share unit owners' shares of the common expenses of the condominium and common surplus of the condominium shall be the same as the unit's appurtenant in the same proportions as their ownership interest in the common elements.

(3) Common surplus is owned by unit owners in the same shares as their ownership interest in the common elements.

(4)(a) Funds for payment of the common expenses of a condominium within a multicondominium shall be collected as provided in subsection (2). Common expenses of a multicondominium association shall be funded by assessments against all unit owners in the association in the proportion or percentage set forth in the declaration as required by s. 718.104(4)(h) or s. 718.110(12), as applicable.

(b) In a multicondominium association, the total common surplus owned by a unit owner consists of that owner's share of the common surplus of the association plus that owner's share of the common surplus of the condominium in which the owner's unit is located, in the proportion or percentage set forth in the declaration as required by s. 718.104(4)(h) or s. 718.110(12), as applicable.

Section 56. Subsection (9) of section 718.116, Florida Statutes, is amended to read:

(Substantial rewording of subsection. See s. 718.116(9), F.S., for present text.)

718.116 Assessments; liability; lien and priority; interest; collection.—

(9)(a) A unit owner may not be excused from payment of the unit owner's share of common expenses unless all other unit owners are likewise proportionately excluded from payment, except as provided in subsection (1) and in the following cases:

1. If authorized by the declaration, a developer who is offering units for sale may elect to be excused from payment of assessments against those unsold units for a stated period of time after the declaration is recorded. However, the developer must pay common expenses incurred during such period which exceed regular periodic assessments against other unit owners in the same condominium. The stated period must terminate no later than the first day of the fourth calendar month following the month in which the first closing occurs of a purchase contract for a unit in that condominium. If a developer-controlled association has maintained all insurance coverage required by s. 718.111(11)(a), common expenses incurred during the stated period resulting from a natural disaster or an act of God occurring during the stated period, which are not covered by proceeds from insurance maintained by the association, may be assessed against all unit owners owning units on the date of such natural disaster or act of God, and their respective successors and assigns, including the developer with respect to units owned by the developer. In the event of such an assessment, all units shall be assessed in accordance with s. 718.115(2).

2. A developer who owns condominium units, and who is offering the units for sale, may be excused from payment of assessments against those unsold units for the period of time the developer has guaranteed to all purchasers or other unit owners in the same condominium that assessments will not exceed a stated dollar amount and that the developer will pay any common expenses that exceed the guaranteed amount. Such guarantee may be stated in the purchase contract, declaration, prospectus, or written agreement between the developer and a majority of the unit owners other than the developer and may provide that after the initial guarantee period, the developer may extend the guarantee for one or more stated periods. If a developer-controlled association has maintained all insurance coverage required by s. 718.111(11)(a), common expenses incurred during a guarantee period, as a result of a natural disaster or an act of God occurring during the same guarantee period, which are not covered by the proceeds from such insurance, may be assessed against all unit owners owning units on the date of such natural disaster or act of God, and their successors and assigns, including the developer with respect to units owned by the developer. Any such assessment shall be in accordance with s. 718.115(2) or (4), as applicable.

(b) If the purchase contract, declaration, prospectus, or written agreement between the developer and a majority of unit owners other than the developer, provides for the developer to be excused from payment of assessments under paragraph (a), only regular periodic assessments for common expenses as provided for in the declaration and prospectus and disclosed in the estimated operating budget shall be used for payment of common expenses during any period in which the developer is excused. Accordingly, no funds which are receivable from unit purchasers or unit owners and payable to the association, including capital contributions or startup funds collected from unit purchasers at closing, may be used for payment of such common expenses.

(c) If a developer of a multicondominium is excused from payment of assessments under paragraph (a), the developer's financial obligation to the multicondominium association during any period in which the developer is excused from payment of assessments is as follows:

1. The developer shall pay the common expenses of a condominium affected by a guarantee, including the funding of reserves as provided in the adopted annual budget of that condominium, which exceed the regular periodic assessments at the guaranteed level against all other unit owners within that condominium.

2. The developer shall pay the common expenses of a multicondominium association, including the funding of reserves as provided in the adopted annual budget of the association, which are allocated to units within a condominium affected by a guarantee and which exceed the regular periodic assessments against all other unit owners within that condominium.

Section 57. Subsection (11) is added to section 718.117, Florida Statutes, to read:

718.117 Termination.—

(11) This section does not apply to the termination of a condominium incident to a merger of that condominium with one or more other condominiums under s. 718.110(7).

Section 58. Subsection (8) of section 718.403, Florida Statutes, is amended to read:

718.403 Phase condominiums.—

(8) Upon recording the declaration of condominium or amendments adding phases pursuant to this section, the developer shall file the recording information with the division within 120 Calendar 30-working days on a form prescribed by the division.

Section 59. Section 718.405, Florida Statutes, is created to read:

718.405 Multicondominiums; multicondominium associations.—

(1) An association may operate more than one condominium if the declaration for each condominium to be operated by that association provides for participation in a multicondominium, in conformity with this section, and discloses or describes:

(a) The manner or formula by which the assets, liabilities, common surplus, and common expenses of the association will be apportioned

among the units within the condominiums operated by the association, in accordance with s. 718.104(4)(g) or (h), as applicable.

(b) Whether unit owners in any other condominium, or any other persons, will or may have the right to use recreational areas or any other facilities or amenities that are common elements of the condominium, and, if so, the specific formula by which the other users will share the common expenses related to those facilities or amenities.

(c) Recreational and other commonly used facilities or amenities which the developer has committed to provide that will be owned, leased by, or dedicated by a recorded plat to the association but which are not included within any condominium operated by the association. The developer may reserve the right to add additional facilities or amenities if the declaration and prospectus for each condominium to be operated by the association contains the following statement in conspicuous type and in substantially the following form: RECREATIONAL FACILITIES MAY BE EXPANDED OR ADDED WITHOUT CONSENT OF UNIT OWNERS OR THE ASSOCIATION.

(d) The voting rights of the unit owners in the election of directors and in other multicondominium association affairs when a vote of the owners is taken, including, but not limited to, a statement as to whether each unit owner will have a right to personally cast his or her own vote in all matters voted upon.

(2) If any declaration requires a developer to convey additional lands or facilities to a multicondominium association and the developer fails to do so within the time specified, or within a reasonable time if none is specified in the declaration, any unit owner or the association may enforce that obligation against the developer or bring an action against the developer for specific performance or for damages that result from the developer's failure or refusal to convey the additional lands or facilities.

(3) The declaration for each condominium to be operated by a multicondominium association may not, at the time of the initial recording of the declaration, contain any provision with respect to allocation of the association's assets, liabilities, common surplus, or common expenses which is inconsistent with this chapter or the provisions of a declaration for any other condominium then being operated by the multicondominium association.

(4) This section does not prevent or restrict the formation of a multicondominium by the merger or consolidation of two or more condominium associations. Mergers or consolidations of associations shall be accomplished in accordance with this chapter, the declarations of the condominiums being merged or consolidated, and chapter 617. Section 718.110(4) does not apply to amendments to declarations necessary to effect a merger or consolidation.

Section 60. Section 718.5019, Florida Statutes, is repealed.

Section 61. Present subsections (15) through (27) of section 718.504, Florida Statutes, are redesignated as subsections (16) through (28), respectively, and a new subsection (15) is added to that section, to read:

718.504 Prospectus or offering circular.—Every developer of a residential condominium which contains more than 20 residential units, or which is part of a group of residential condominiums which will be served by property to be used in common by unit owners of more than 20 residential units, shall prepare a prospectus or offering circular and file it with the Division of Florida Land Sales, Condominiums, and Mobile Homes prior to entering into an enforceable contract of purchase and sale of any unit or lease of a unit for more than 5 years and shall furnish a copy of the prospectus or offering circular to each buyer. In addition to the prospectus or offering circular, each buyer shall be furnished a separate page entitled "Frequently Asked Questions and Answers," which shall be in accordance with a format approved by the division and a copy of the financial information required by s. 718.111. This page shall, in readable language, inform prospective purchasers regarding their voting rights and unit use restrictions, including restrictions on the leasing of a unit; shall indicate whether and in what amount the unit owners or the association is obligated to pay rent or land use fees for recreational or other commonly used facilities; shall contain a statement identifying that amount of assessment which, pursuant to the budget, would be levied upon each unit type, exclusive of any special assessments, and which shall further identify the basis upon which assessments are levied, whether monthly, quarterly, or otherwise; shall state and identify any court cases in which the association is currently

a party of record in which the association may face liability in excess of \$100,000; and which shall further state whether membership in a recreational facilities association is mandatory, and if so, shall identify the fees currently charged per unit type. The division shall by rule require such other disclosure as in its judgment will assist prospective purchasers. The prospectus or offering circular may include more than one condominium, although not all such units are being offered for sale as of the date of the prospectus or offering circular. The prospectus or offering circular must contain the following information:

(15) If the condominium is or may become part of a multicondominium, the following information must be provided:

(a) A statement in conspicuous type in substantially the following form: THIS CONDOMINIUM IS (MAY BE) PART OF A MULTICONDOMINIUM DEVELOPMENT IN WHICH OTHER CONDOMINIUMS WILL (MAY) BE OPERATED BY THE SAME ASSOCIATION. Immediately following this statement, the location in the prospectus or offering circular and its exhibits where the multicondominium aspects of the offering are described must be stated.

(b) A summary of the provisions in the declaration, articles of incorporation, and bylaws which establish and provide for the operation of the multicondominium, including a statement as to whether unit owners in the condominium will have the right to use recreational or other facilities located or planned to be located in other condominiums operated by the same association, and the manner of sharing the common expenses related to such facilities.

(c) A statement of the minimum and maximum number of condominiums, and the minimum and maximum number of units in each of those condominiums, which will or may be operated by the association, and the latest date by which the exact number will be finally determined.

(d) A statement as to whether any of the condominiums in the multicondominium may include units intended to be used for nonresidential purposes and the purpose or purposes permitted for such use.

(e) A general description of the location and approximate acreage of any land on which any additional condominiums to be operated by the association may be located.

Section 62. Paragraph (j) of subsection (1) of section 718.501, Florida Statutes, is repealed.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 2 and 3, delete those lines and insert: An act relating to real property; amending s. 617.3075, F.S.; prohibiting homeowners' associations from prohibiting display of the United States flag; amending s. 718.103, F.S.; revising definitions; providing an additional definition; amending s. 718.104, F.S.; providing additional requirements for a declaration of condominium; modifying time period for filing recorded documents; providing for determining the percentage share of liability for common expenses and ownership; amending s. 718.106, F.S.; providing for the right to assign exclusive use; providing for the right to seek election; amending s. 718.110, F.S.; clarifying requirements for amending and recording the declaration of condominium; providing for determining the percentage share of liability for common expenses and ownership for purposes of condominiums comprising a multicondominium development; amending s. 718.111, F.S.; clarifying an attorney-client privilege; revising requirements for financial reporting; authorizing certain financial statements in lieu of reports; deleting requirements for financial statements; revising certain limitations on the commingling of funds maintained in the name of a condominium association or multicondominium; amending s. 718.112, F.S.; revising requirements for budget meetings; requiring separate budgets for condominiums and associations; providing conditions under which a multicondominium association may waive or reduce its funding of reserves; amending s. 718.113, F.S.; providing certain limitations on making material alterations or additions to multicondominiums; providing a procedure for approving an alteration or addition if not provided for in the bylaws; revising requirements for condominium boards with respect to installing and maintaining hurricane shutters; specifying expenses that constitute common expenses of a multicondominium association; providing for an association's bylaws to allow certain educational expenses of the officers or directors to be a permitted common expense; amending s. 718.115, F.S.; providing

for determining the common surplus owned by a unit owner of a multi-condominium; authorizing condominium households receiving supplemental security income or food stamps to discontinue cable television service without fees, penalties, or service charges; amending s. 718.116, F.S.; revising circumstances under which a developer may be excused from paying certain common expenses and assessments; providing for the developer's obligation for such expenses with respect to a multicondominium association; amending s. 718.117, F.S.; providing that certain requirements governing the termination of a condominium are inapplicable to the merger of a condominium with one or more other condominiums; amending s. 718.403, F.S.; modifying time period for filing recorded documents; creating s. 718.405, F.S.; providing for the creation of multicondominiums; providing requirements for the declaration of condominium; providing for the merger or consolidation of condominium associations; repealing s. 718.5019, F.S., relating to the Advisory Council on Condominiums; amending s. 718.504, F.S.; providing requirements for the prospectus or offering circular for a condominium that is or may become part of a multicondominium; amending s. 721.13, F.S.; conforming a cross-reference; repealing s. 718.501(1)(j), F.S., relating to uniform accounting principles, policies, and standards required to be adopted by the Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation; amending s. 719.103, F.S.; providing for

**Amendment 2 (781922)**—On page 121, delete line 22 and insert: requirement of s. 718.111(13) or s. 719.104(4) (14), the

On motion by Senator Webster, **CS for CS for HB 593** as amended was passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Consideration of **CS for CS for HB 113** was deferred.

**SENATOR SCOTT PRESIDING**

**SB 1084**—A bill to be entitled An act relating to ad valorem taxation; creating s. 196.096, F.S.; providing an exemption for technology-business incubation facilities; defining terms; providing an effective date.

—was read the third time by title.

On motion by Senator Kirkpatrick, **SB 1084** was passed and certified to the House. The vote on passage was:

Yeas—38

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	
Dawson	Jones	Myers	

Nays—None

**THE PRESIDENT PRESIDING**

**CS for SB 290**—A bill to be entitled An act relating to ad valorem taxation; amending s. 196.011, F.S.; delaying the year of implementation of provisions which require that, in connection with renewal of specified exemptions, the applicant's and applicant's spouse's social security numbers are required; creating s. 193.016, F.S.; providing for the assessment of tangible personal property after adjustments by the value adjustment board; amending s. 194.013, F.S.; deleting provision for refund; providing an effective date.

—as amended May 1 was read the third time by title.

Senators Latvala and Sebesta offered the following amendment which was moved by Senator Latvala and adopted by two-thirds vote:

**Amendment 1 (825686)(with title amendment)**—On page 3, before line 1, insert:

Section 4. Section 196.198, Florida Statutes, is amended to read:

196.198 Educational property exemption.—Educational institutions within this state and their property used by them or by any other exempt entity or educational institution exclusively for educational purposes shall be exempt from taxation. Sheltered workshops providing rehabilitation and retraining of disabled individuals and exempted by a certificate under s. (d) of the federal Fair Labor Standards Act of 1938, as amended, are declared wholly educational in purpose and shall be exempted from certification, accreditation, and membership requirements set forth in s. 196.012. Those portions of property of college fraternities and sororities certified by the president of the college or university to the appropriate property appraiser as being essential to the educational process, shall be exempt from ad valorem taxation. The use of property by public fairs and expositions chartered by chapter 616 is presumed to be an educational use of such property and shall be exempt from ad valorem taxation to the extent of such use. Property used exclusively for educational purposes shall be deemed owned by an educational institution if the entity owning 100 percent of the educational institution is owned by the identical persons who own the property. *If legal title to property is held by a governmental agency that leases the property to a lessee, the property shall be deemed to be owned by the governmental agency and used exclusively for educational purposes if the governmental agency continues to use such property exclusively for educational purposes pursuant to a sublease or other contractual agreement with that lessee.* If the title to land is held by the trustee of an irrevocable inter vivos trust and if the trust grantor owns 100 percent of the entity that owns an educational institution that is using the land exclusively for educational purposes, the land is deemed to be property owned by the educational institution for purposes of this exemption. Property owned by an educational institution shall be deemed to be used for an educational purpose if the institution has taken affirmative steps to prepare the property for educational use. Affirmative steps means environmental or land use permitting activities, creation of architectural plans or schematic drawings, land clearing or site preparation, construction or renovation activities, or other similar activities that demonstrate commitment of the property to an educational use.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 12, after the semicolon (;) insert: amending s. 196.198, F.S.; maintaining exemption from taxation for property leased from a governmental agency if the agency continues to use the property exclusively for educational purposes;

On motion by Senator Sullivan, **CS for SB 290** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

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

Myers	Scott	Silver	Thomas
Rossin	Sebesta	Sullivan	Webster
Saunders			

Nays—None

Consideration of **CS for CS for SB 1710** was deferred.

**CS for HB 399**—A bill to be entitled An act relating to newborn hearing screening; providing legislative intent; providing definitions; providing requirements for screening newborns for hearing impairment; providing for certain insurance and managed care coverage; providing for referral for ongoing services; providing a contingent effective date.

—was read the third time by title.

On motion by Senator Dawson, **CS for HB 399** 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 1039**—A bill to be entitled An act relating to domestic violence; creating s. 741.316, F.S.; providing for the establishment of domestic violence fatality review teams to review fatal and near-fatal incidents of domestic violence; providing for representation on the domestic violence fatality review teams; requiring each team to collect data; requiring the Department of Law Enforcement to prepare an annual report on domestic violence; requiring the Governor’s Task Force on Domestic Violence to assist the teams; providing immunity from liability for certain acts; exempting certain information and records acquired by a domestic violence fatality review team from discovery in civil actions or disciplinary proceedings; prohibiting requiring a person to testify about information presented during meetings or other activities of a team; placing the domestic violence fatality review teams administratively within the Department of Children and Family Services; providing an effective date.

—as amended May 1 was read the third time by title.

On motion by Senator Myers, **CS for HB 1039** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Dawson	King	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	Holzendorf	McKay	Thomas
Clary	Horne	Meek	Webster
Cowin	Jones	Mitchell	

Nays—None

**CS for HB 1037**—A bill to be entitled An act relating to public records; creating s. 741.3165, F.S.; continuing confidentiality or exemption

from the public records law of information obtained by a domestic violence fatality review team; exempting certain proceedings and meetings of domestic violence fatality review teams from public meeting requirements; providing that investigations, proceedings, and records of a domestic violence review team are not subject to discovery or introduction as evidence; providing for future legislative review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was read the third time by title.

On motion by Senator Myers, **CS for HB 1037** was passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Dawson	King	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	Holzendorf	McKay	Thomas
Clary	Horne	Meek	Webster
Cowin	Jones	Mitchell	

Nays—None

### CONSIDERATION OF RESOLUTION

On motion by Senator Clary—

By Senator Clary—

**SR 2790**—A resolution honoring Senator W. D. Childers.

WHEREAS, Senator Wyon Dale Childers was born in Okaloosa County, graduated from high school in Bay County and from Florida State University, and now resides in Escambia County, and

WHEREAS, with his wife, Ruth, he raised four daughters, Gail, Jeanna, Karen, and Marvel; and they have been a family beloved by and involved in the community, and

WHEREAS, Senator Childers was elected to the Florida Senate in November 1970 and has demonstrated the ability to be re-elected subsequently with a greater majority, and

WHEREAS, he served as Chairman of the Senate Natural Resources and Conservation Committee during the environmentally oriented period of 1972 to 1974 and became an expert in the natural resources of the State of Florida, our most valuable heritage, and

WHEREAS, Senator Childers has reconstituted his environmental effort on behalf of his constituents of Northwest Florida, turning over a new leaf and becoming an environmentalist, and

WHEREAS, he served as Chairman of the Senate Commerce Committee from 1974 to 1977 and now serves as Chairman of the Appropriations Subcommittee on General Government, and

WHEREAS, he has demonstrated a keen grasp of the fiscal affairs of state government and an ability to balance fairly the priorities of the numerous needs and demands for government services, and

WHEREAS, he served as Chairman of the Senate Rules and Calendar Committee and proved outstanding in his even-handed and fair consideration of all members’ legislation, and

WHEREAS, Senator Childers was elected and served as President of the Senate from 1980-1982, and

WHEREAS, he has been recognized by his Senate colleagues as Most Outstanding in Debate for his ability to relate complex issues to average men and women in their everyday lives, and

WHEREAS, he has passed his skills along to his grandson, Bradley Springer, as demonstrated early this legislative session, and

WHEREAS, he is the longest-serving member and the Dean of the Florida Senate, respected for his wisdom, whose guidance and expertise are often sought in solving state problems to benefit his constituents and all of Florida, and

WHEREAS, Senator Childers' colorful use of the English language is eclipsed only by his often-colorful attire, and

WHEREAS, Senator Childers is the only known person outside the jungle who is able to wrestle a wooly booger to the ground with one hand tied behind his back, and

WHEREAS, in 1993 Senator Childers met with Governor Lawton Chiles, and the two men developed a plan for the State of Florida to recover the moneys the state had expended as a result of the illnesses caused by tobacco, and

WHEREAS, during the 1994 legislative session, Senator Childers took the lead to unanimously pass the amendment in the Senate to establish the Florida 3rd Party Medicaid Recovery Act, which allowed Florida to successfully bring the tobacco companies to task, and

WHEREAS, the loss of Senator W.D. Childers will create a void in the Florida Senate, where his sage advice and counsel will be sorely missed, and the members of the Senate earnestly believe that the needs of Florida and his constituents would best be served by his continued service in the Capitol, where he has expertise, seniority, and the confidence of the members of the legislative, executive, and judicial branches of state government, and

WHEREAS, as a result of Senator Childers' efforts in association with Governor Chiles, this legislation has been called the most significant legislative act ever passed in regard to health care in the United States, and

WHEREAS, Governor Chiles stated that this was the most significant event in his political career and will result in the State of Florida recovering 13 billion dollars and saving 100,000 lives a year, NOW, THEREFORE,

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

That, through the Lawton & Rhea Chiles Center for Healthy Mothers & Babies and the University of South Florida, the Legislature intends to endow a Distinguished Chair/Professorship in Maternal and Child Health: Tobacco, Alcohol, and Drug Abuse Prevention.

—was introduced out of order and read by title. On motion by Senator Clary, **SR 2790** was read the second time in full and adopted.

## RECESS

On motion by Senator McKay, the rules were waived and the Senate recessed at 11:54 p.m. to reconvene at 1:30 p.m.

## AFTERNOON SESSION

The Senate was called to order by the President at 1:41 p.m. A quorum present—35:

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

## BILLS ON THIRD READING, continued

Consideration of **CS for SB 2542** was deferred.

**CS for SB's 1284, 1476, 1528 and 1616**—A bill to be entitled An act relating to improper activity over the Internet; requiring that the Department of Law Enforcement increase public awareness concerning

Internet safety; requiring the department to develop guidelines for using the Internet; requiring the development of a mechanism to report crimes through an Internet site; amending s. 501.203, F.S.; including business or commercial entities within the definition of the term "consumer" for purposes of ch. 501, F.S.; amending s. 501.207, F.S.; authorizing an action on behalf of a governmental entity for damages caused by a violation of part II of ch. 501, F.S.; amending s. 501.2075, F.S.; providing for waiver of civil penalties if restitution is made for actual damages to a governmental entity; repealing s. 501.2091, F.S., relating to an authorization for a stay of proceedings pending trial by a party to an action under part II of ch. 501, F.S.; amending s. 501.211, F.S.; providing for the recovery of actual damages on the part of a person who suffers a loss as a result of a violation of part II of ch. 501, F.S.; amending s. 501.212, F.S.; deleting an exemption from regulation under part II of ch. 501, F.S., for persons regulated under laws administered by other agencies; amending s. 847.001, F.S.; defining the term "child pornography" for purposes of ch. 847, F.S.; clarifying the definition of the term "sexual conduct"; defining the term "transmit"; creating s. 847.0137, F.S.; prohibiting transmissions over the Internet of pornography in specified circumstances; providing penalties; creating s. 847.0139, F.S.; providing immunity from civil liability for reporting child pornography; providing an effective date.

—as amended May 1 was read the third time by title.

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

**Amendment 1 (840746)**—On page 13, line 21; and on page 14, line 2, delete "*to a minor*" and insert: *to a known minor*

On motion by Senator Geller, **CS for SB's 1284, 1476, 1528 and 1616** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

**CS for SB 2542**—A bill to be entitled An act relating to the Department of Business and Professional Regulation; amending s. 509.049, F.S.; revising language with respect to food service employee training; providing for a food service training certificate program; providing for approval of existing programs; providing for requests for competitive sealed proposals; amending s. 509.291, F.S.; revising the membership of the Hotel and Restaurant Advisory Council; amending s. 561.01, F.S.; revising the definition of the term "licensee" under the Beverage Law; amending s. 561.17, F.S.; revising a provision relating to license and registration applications under the Beverage Law; amending s. 561.20, F.S.; revising language with respect to the limitation on the number of alcoholic beverage licenses issued; creating a special license category for caterers; providing conditions for operation; providing for adoption of rules; amending s. 561.29, F.S.; revising language with respect to the revocation and suspension of licenses under the Beverage Law to include another prohibition; amending s. 561.32, F.S.; revising provisions relating to transfer of a license under the Beverage Law; revising a provision relating to the transfer of a license; amending s. 565.05, F.S.; providing an exception regarding the purchase of alcoholic beverages by golf clubs; amending s. 565.06, F.S.; authorizing the sale of alcoholic beverages in certain individual containers at golf clubs; amending s. 561.181, F.S.; revising provisions relating to the duration of temporary initial licenses; amending s. 561.331, F.S.; revising provisions relating to the duration of temporary transfer licenses; providing an effective date.

—as amended May 1 was read the third time by title.

An amendment was considered and adopted by two-thirds vote to conform **CS for SB 2542** to **CS for HB 2281**.

Pending further consideration of **CS for SB 2542** as amended, on motion by Senator King, by two-thirds vote **CS for HB 2281** was withdrawn from the Committee on Regulated Industries.

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

**CS for HB 2281**—A bill to be entitled An act relating to the Department of Business and Professional Regulation; amending s. 509.049, F.S.; revising language with respect to food service employee training; providing for a food service training certificate program; providing for approval of existing programs; providing for requests for competitive sealed proposals; requiring certain food service employees to receive certification by certain times certain; providing for time of validity of certification; amending s. 509.291, F.S.; revising the membership of the Hotel and Restaurant Advisory Council; amending s. 561.01, F.S.; revising the definition of the term “licensee” under the Beverage Law; amending s. 561.17, F.S.; revising a provision relating to license and registration applications under the Beverage Law; amending s. 561.181, F.S.; revising language with respect to temporary initial licenses; amending s. 561.20, F.S.; revising language with respect to the limitation on the number of alcoholic beverage licenses issued; creating a special license category for caterers; providing conditions for operation; providing for adoption of rules; providing for deposit of fees; amending s. 561.29, F.S.; revising language with respect to the revocation and suspension of licenses under the Beverage Law to include another prohibition; amending s. 561.32, F.S.; revising a provision relating to the transfer of a license; prohibiting transfers of certain licenses under the Beverage Law; providing exceptions; providing for reversion to the state of certain licenses deemed abandoned; providing for transfer of certain licenses under certain circumstances; specifying fees for such transfers; amending s. 561.331, F.S.; revising language with respect to a temporary license issued upon application for transfer, change of location, or change of type or series; amending s. 565.05, F.S.; providing an exception regarding the purchase of alcoholic beverages by golf clubs; amending s. 565.06, F.S.; authorizing the sale of alcoholic beverages in certain individual containers at golf clubs; providing an effective date.

—a companion measure, was substituted for **CS for SB 2542** 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 2281** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—1

Lee

**CS for HB 701**—A bill to be entitled An act relating to public school funding; creating the Citizens Commission on Funding K-12 Education; providing legislative intent; providing composition, organization, and duties of the commission; assigning the commission to the Office of Legislative Services for fiscal and administrative purposes; authorizing reimbursement to members for per diem and travel expenses incurred in the performance of commission duties; providing for appointment of a director and employment of staff; authorizing entering into contracts or agreements for required expertise; authorizing application for and acceptance of funds and services from public and private sources; requiring submission of draft and final recommendations to improve the system of funding K-12 education to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Commissioner of Education, and providing for termination of the commission upon submission of the final recommendations; providing for public hearings around the state prior to submission of the final recommendations; amending s. 236.025, F.S.; revising funding for exceptional student education programs; amending s. 236.081, F.S.; revising funding

for exceptional student education programs; amending s. 237.34, F.S.; revising reporting requirements for exceptional student education programs; providing an effective date.

—as amended May 1 was read the third time by title.

**RECONSIDERATION OF AMENDMENT**

On motion by Senator Horne, the Senate reconsidered the vote by which **Amendment 1** as amended was adopted.

Senator Horne moved the following amendment to **Amendment 1** which was adopted by two-thirds vote:

**Amendment 1B (955228)**—On page 3, lines 8-29, delete those lines and insert:

(a) *Shall appoint an executive director, who shall be the chief administrative officer of the task force. With approval of the chair, the director may employ research and support staff to serve the needs of the task force. All members of the task force staff are exempt from the Career Service System and shall be employed in accordance with the legislative personnel plan administered by the Office of Legislative Services.*

(b) *The task force is authorized to enter into contracts or agreements with individuals, organizations, or firms to provide expertise required by the task force to perform its duties.*

(c) *The task force is authorized to apply for and accept funds, grants, donations, expenses, in-kind services, or other valued goods or services from any public or private source, including in-kind services of employees of the state Department of Education, the school districts, and the state universities.*

(Redesignate subsequent subsection.)

Senator Rossin moved the following amendment to **Amendment 1** which was adopted by two-thirds vote:

**Amendment 1C (733238)**—On page 4, line 5, after the period (.) insert: *The recommendations of the task force must include proposed legislation.*

Senator Webster moved the following amendment to **Amendment 1** which was adopted by two-thirds vote:

**Amendment 1D (390776)(with title amendment)**—On page 6, between lines 24 and 25, insert:

Section 4. Section 236.08103, Florida Statutes, is created to read:  
*236.08103 Equity in School-Level Funding Act.—*

(1) *This section may be cited as the “Equity in School-Level Funding Act.”*

(2)(a) *Beginning in the 2000-2001 fiscal year, district school boards shall allocate to each school within the district at least 50 percent of the funds generated by that school based upon the Florida Education Finance Program as provided in s. 236.081 and the General Appropriations Act, including gross state and local funds, discretionary lottery funds, and funds from the school district’s current operating discretionary millage levy.*

(b) *Beginning in the 2001-2002 fiscal year, district school boards shall allocate to each school within the district at least 65 percent of the funds generated by that school based upon the Florida Education Finance Program as provided in s. 236.081 and the General Appropriations Act, including gross state and local funds, discretionary lottery funds, and funds from the school district’s current operating discretionary millage levy.*

(c) *Beginning in the 2002-2003 fiscal year, district school boards shall allocate to each school within the district at least 80 percent of the funds generated by that school based upon the Florida Education Finance Program as provided in s. 236.081 and the General Appropriations Act, including gross state and local funds, discretionary lottery funds, and funds from the school district’s current operating discretionary millage levy.*

(d) Beginning in the 2003-2004 fiscal year, district school boards shall allocate to each school within the district at least 90 percent of the funds generated by that school based upon the Florida Education Finance Program as provided in s. 236.081 and the General Appropriations Act, including gross state and local funds, discretionary lottery funds, and funds from the school district's current operating discretionary millage levy.

Total funding for each school shall be recalculated during the year to reflect the revised calculations under the Florida Education Finance Program by the state and the actual weighted full-time equivalent students reported by the school during the full-time equivalent student survey periods designated by the Commissioner of Education. If the district school board is providing programs or services to students funded by federal funds, any eligible students enrolled in the schools in the district shall be provided federal funds. Only those districts that initially applied for charter school district status, pursuant to s. 228.058, and have been approved by the State Board of Education are exempt from the provisions of this section.

(3) Funds allocated to a school pursuant to this section that are unused at the end of the fiscal year shall not revert to the district, but shall remain with the school. These carryforward funds may be used for any purpose provided by law at the discretion of the principal of the school.

(4) Recommendations made by the Governor's Equity in Educational Opportunity Task Force shall be reviewed to identify potential categorical funds to be included in the district allocation methodology required in subsection (2).

(5) Funds appropriated in the General Appropriations Act for supplemental academic instruction to be used for the purposes described in s. 236.08104 are excluded from the school-level allocation under this section.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 13, after the semicolon (;) insert: 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;

**Amendment 1** as amended was adopted by two-thirds vote.

On motion by Senator Horne, **CS for HB 701** 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	Latvala	Silver
Carlton	Geller	Laurent	Sullivan
Casas	Grant	Lee	Webster
Childers	Hargrett	Meek	
Clary	Holzendorf	Mitchell	
Cowin	Horne	Myers	

Nays—None

**SB 252**—A bill to be entitled An act relating to insurance; creating s. 627.5015, F.S.; prohibiting delivery or issuance of industrial life insurance policies after a certain date; providing application; requiring disclosure of certain information to policyholders or premium payors; providing an effective date.

—as amended May 1 was read the third time by title.

On motion by Senator Mitchell, **SB 252** 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	Webster
Clary	Holzendorf	Meek	
Cowin	Horne	Mitchell	

Nays—None

**CS for CS for SB 1462**—A bill to be entitled An act relating to community service; creating the Florida Volunteer and Community Service Act of 2000; providing legislative intent; authorizing the state to establish policies and procedures which provide for the expenditure of funds to develop and facilitate initiatives that encourage and reward volunteerism; providing purposes of the act; amending s. 14.29, F.S.; expanding the purposes of a required report of the Florida Commission on Community Service; authorizing the Florida Commission on Community Service to provide specified assistance for the establishment and implementation of programs pursuant to the Florida Volunteer and Community Service Act of 2000; providing an effective date.

—was read the third time by title.

On motion by Senator Webster, **CS for CS for SB 1462** 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

**HB 273**—A bill to be entitled An act relating to the placement of rip current warning signs; providing a short title; creating s. 380.275, F.S.; providing for a cooperative effort among state agencies and local governments to plan for and assist in the placement of rip current warning signs; providing that the Department of Community Affairs shall direct and coordinate the program; requiring the development of a uniform rip current warning sign; authorizing the department to coordinate the distribution and erection of rip current warning signs; providing for rules; limiting the liability of participating governmental entities; providing an effective date.

—as amended May 1 was read the third time by title.

On motion by Senator Diaz de la Portilla, **HB 273** as amended was passed and certified to the House. The vote on passage was:

Yeas—35

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

Myers                    Saunders                    Silver                    Webster  
 Rossin                    Sebesta                    Sullivan

Nays—None

**CS for HB 1457**—A bill to be entitled An act relating to regional cultural facilities; creating s. 265.702, F.S.; authorizing the Division of Cultural Affairs of the Department of State to accept and administer funds to provide grants for acquiring, renovating, or constructing regional cultural facilities; providing for eligibility; requiring the Florida Arts Council to review grant applications; requiring the council to submit an annual list to the Secretary of State; requiring the updating of information submitted by an applicant that is carried over from a prior year; providing definitions; providing standards for matching state funds; limiting the maximum amounts of grants; granting rulemaking authority to the division; providing an effective date.

—as amended May 1 was read the third time by title.

**RECONSIDERATION OF AMENDMENT**

On motion by Senator Silver, the Senate reconsidered the vote by which **Amendment 1** was adopted. **Amendment 1** was withdrawn.

**MOTION**

On motion by Senator Silver, the rules were waived to allow the following amendment to be considered:

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

**Amendment 5 (480382)(with title amendment)**—On page 4, between lines 20 and 21, insert:

Section 2. Section 265.2867, Florida Statutes, is created to read:

*265.2867 Official Florida Treasures Program.—*

(1) *It is the intent of the Legislature to honor the cultural, historical, and social treasures of Florida by encouraging the preservation and public display of objects of significant cultural, historical and social importance to the state. Further, it is the intent of the Legislature to encourage research of the cultures and histories of the various groups that have settled in Florida and to encourage the dissemination of information on these diverse cultures and histories throughout the state. In furtherance of this goal, it is the intent of the Legislature to recognize and honor the museums that make significant contributions to the public by preserving and displaying objects of cultural, historical or social significance and by disseminating important cultural, historical, and social information.*

(2) *There is created within the Department of State the Official Florida Treasures Program. Under this program, the Department of State may designate a museum as an "Official Florida Treasure."*

(3) *An "Official Florida Treasure" is a museum that maintains, preserves and displays for public viewing objects of significant cultural, historical, or social importance, that researches and disseminates information related to the culture and history of one or more of the various groups of people that have settled in Florida, and that has been designated by the Department of State as an organization that meets the requirements of this act.*

(4) *In order for a museum to be designated as an "Official Florida Treasure" by the Department of State that museum must:*

(a) *Be devoted to the maintenance, preservation, and public display of objects of significant cultural, historical, or social value to the state;*

(b) *Be dedicated to preserving the history of any racial, ethnic, or cultural group that has settled in Florida and provide information and actively research or support research related to the history in Florida of that racial, ethnic, or cultural group;*

(c) *Provide for statewide outreach programs and traveling exhibits;*

(d) *Be open to the public and, if memberships in the museum or its support organization are offered, offer memberships to the public regardless of race, ethnicity, color, creed, gender, or national origin;*

(e) *Have strong local and statewide support as evidenced by, but not limited to, qualifying for participation in the state's Cultural Endowment Program and membership from throughout the state.*

(f) *Be fiscally responsible and financially stable; and*

(g) *Be a recipient of a designation under s. 501(c)(3) of the Internal Revenue Code.*

(5) *The Department of State shall adopt rules to implement this section, including rules prescribing the process by which applications for the designation of "Official Florida Treasure" are made, reviewed, and approved. This process may include the designation of an advisory committee to review applications and make recommendations to the Secretary of State for final determination.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 17, after the semicolon (;) insert: creating s. 265.2867, F.S.; providing legislative intent; creating the Official Florida Treasures Program; authorizing the Department of State to designate an organization that meets specific standards as an Official Florida Treasure; creating the standards to be followed by the department in the review process; authorizing the department to adopt rules;

On motion by Senator Silver, **CS for HB 1457** as amended was 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	Forman	Latvala	Silver
Carlton	Geller	Laurent	Sullivan
Casas	Hargrett	Lee	Webster
Childers	Holzendorf	Meek	
Clary	Horne	Mitchell	
Cowin	Jones	Myers	

Nays—None

**CS for SB 1916**—A bill to be entitled An act relating to motor vehicle dealers; amending s. 320.61, F.S.; prohibiting the granting of a replacement application until the exhaustion of appellate remedies with respect to certain complaints against licensees; amending s. 320.64, F.S.; providing grounds for denying, suspending, or revoking a license; requiring the maintenance of certain records; amending s. 320.641, F.S.; revising provisions relating to the unfair cancellation of franchise agreements; providing clarification regarding when a complaint may be filed; establishing a burden of proof standard; providing standards for determining when an agreement is unfair; amending s. 320.643, F.S.; prohibiting certain rights of first refusal; amending s. 320.645, F.S.; restricting the ownership of dealerships by licensees; prohibiting licensees from receiving a motor vehicle dealer's license; defining terms; providing exceptions; amending s. 320.695, F.S.; providing additional grounds for issuing injunctions; providing an effective date.

—as amended May 1 was read the third time by title.

On motion by Senator Latvala, **CS for SB 1916** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

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

Scott Silver Sullivan Webster  
 Sebesta  
 Nays—None

**CS for SB 1716**—A bill to be entitled An act relating to obscenity; requiring public libraries to install and maintain computer software or equivalent technology that prohibits access to obscene materials by minors; providing that the installation of software or technology in a library having only one public-access computer is within the library's discretion; providing a finding of important state interest; providing an effective date.

—as amended May 1 was read the third time by title.

On motion by Senator Campbell, **CS for SB 1716** as amended was 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	Forman	Latvala	Silver
Carlton	Geller	Laurent	Sullivan
Casas	Hargrett	Lee	Webster
Childers	Holzendorf	Meek	
Clary	Horne	Mitchell	
Cowin	Jones	Myers	

Nays—None

Consideration of **SB 2186** was deferred.

On motion by Senator Scott, by two-thirds vote **HB 2007** was withdrawn from the Committees on Governmental Oversight and Productivity; and Fiscal Policy.

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

**HB 2007**—A bill to be entitled An act relating to state leases; amending s. 216.043, F.S.; requiring state agencies to present justification before terminating a lease of privately owned property; amending s. 255.249, F.S.; providing for the coordination and assumption of the remaining term of a lease terminated by a state agency before the end of its base term; amending s. 255.25, F.S.; providing for the determination and amortization of the cost of tenant improvements; providing a process for the recovery of unamortized cost of tenant improvements when a lease is terminated before the end of its base term; providing an effective date.

—a companion measure, was substituted for **CS for SB 2322** and by two-thirds vote read the second time by title. On motion by Senator Scott, by two-thirds vote **HB 2007** was read the third time by title, 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

**SB 1024**—A bill to be entitled An act relating to higher education; requiring the State Board of Education to adopt by rule uniform proce-

dures to be implemented when a student athlete is arrested for a crime; providing for such procedures to apply to the State University System, community colleges, and institutions that receive state funds; defining the term "student athlete"; requiring that notice be provided to faculty and students; amending s. 112.19, F.S.; providing for graduate or post-baccalaureate professional educational expenses to be waived for children of officers killed in the line of duty; providing for the waiver to apply to a child who attends a state institution as a full-time or part-time student; providing an appropriation; providing an effective date.

—as amended May 1 was read the third time by title.

On motion by Senator Silver, further consideration of **SB 1024** as amended was deferred.

Consideration of **CS for SB 2162** and **CS for SB 780** was deferred.

**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. 560.111, F.S.; providing penalties for specified violations of the deferred presentment act; 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, 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 appropriation; providing effective dates.

—as amended May 2 was read the third time by title.

On motion by Senator Campbell, **CS for CS for SB 1730** 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

**CS for CS for HB 113**—A bill to be entitled An act relating to suspension of a driver's license; amending s. 322.2615, F.S.; providing that the disposition of any related criminal proceedings shall not affect a suspension of a driver's license for refusal to submit to a blood, breath, or urine

test; directing the Department of Highway Safety and Motor Vehicles to invalidate a suspension for driving with an unlawful blood-alcohol level or breath-alcohol level under certain circumstances; providing an effective date.

—was read the third time by title.

On motion by Senator Hargrett, **CS for CS for HB 113** 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
Carlton	Geller	Latvala	Silver
Casas	Grant	Laurent	Sullivan
Childers	Hargrett	Lee	Thomas
Clary	Holzendorf	MEEK	Webster
Cowin	Horne	Mitchell	
Dawson	Jones	Myers	

Nays—None

**RECONSIDERATION OF BILL**

On motion by Senator Hargrett, the Senate reconsidered the vote by which—

**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 passed May 2.

On motion by Senator Holzendorf, the Senate reconsidered the vote by which **Amendment 1** was adopted. **Amendment 1** was withdrawn.

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

**Amendment 2 (485610)**—In title, on page 1, delete line 2 and insert: An act relating to economic development;

**Amendment 3 (334656)(with title amendment)**—On page 5, line 11 through page 11, line 14, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 2, line 22 through page 4, line 8, delete those lines

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

**Amendment 4 (685116)(with title amendment)**—On page 24, between lines 8 and 9, insert:

Section 14. 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~~ **space-related** 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 and subject to the terms of an agreement with NASA, operation of a Space Experiment Research and Processing Laboratory, if such a facility is constructed on land of the John F. Kennedy Space Center. The institute shall carry out such responsibility through a consortium of public and private universities in the state led by the University of Florida.

(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<sup>th</sup> 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 15. *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 its 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.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 21, after the first semicolon (;) insert: 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;

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

**Amendment 5 (321550)(with title amendment)**—On page 23, line 1 through page 24, line 4, delete those lines and insert:

#### Section 12. *Florida-Caribbean Basin Trade Initiative.*—

(1) *Contingent upon a specific appropriation, the Seaport Employment Training Grant Program (STEP) shall establish and administer the Florida-Caribbean Basin Trade Initiative for the purpose of assisting small and medium-sized businesses to become involved in international activities and helping them to identify markets with product demand, identify strategic alliances in those markets, and obtain the financing to effectuate trade opportunities in the Caribbean Basin. The initiative must focus assistance to businesses located in urban communities. The initiative shall offer export readiness, assistance and referral services, internships, seminars, workshops, conferences, and e-commerce plus mentoring and matchmaking services, but shall coordinate with and not duplicate those services provided by Enterprise Florida, Inc.*

(2) *To enhance initiative effectiveness and leverage resources, STEP shall coordinate initiative activities with Enterprise Florida, Inc., United States Export Assistance Centers, Florida Export Finance Corporation, Florida Trade Data Center, Small Business Development Centers, and any other organizations STEP deems appropriate. The coordination may encompass export assistance and referral services, export financing, job-training programs, educational programs, market research and development, market promotion, trade missions, e-commerce, and mentoring*

and matchmaking services relative to the expansion of trade between Florida and the Caribbean Basin. The initiative shall also form alliances with multilateral, international, and domestic funding programs from Florida, the United States, and the Caribbean Basin to coordinate systems and programs for fundamental assistance in facilitating trade and investment.

(3) STEP shall administer the Florida-Caribbean Basin Trade Initiative pursuant to a performance-based contract with the Office of Tourism, Trade, and Economic Development. The Office of Tourism, Trade, and Economic Development shall develop performance measures, standards, and sanctions for the initiative. Performance measures must include, but are not limited to, the number of businesses assisted; the number of urban businesses assisted; and the increase in value of exports to the Caribbean which is attributable to the initiative.

Section 13. Paragraphs (n) and (o) are added to subsection (5) of 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.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(n) Materials for construction of single-family homes in certain areas.—

1. As used in this paragraph, the term:

a. “Building materials” means tangible personal property that becomes a component part of a qualified home.

b. “Qualified home” means a single-family home having an appraised value of no more than \$160,000 which is located in an enterprise zone, empowerment zone, or Front Porch Florida Community and which is constructed and occupied by the owner thereof for residential purposes.

c. “Substantially completed” has the same meaning as provided in s. 192.042(1).

2. Building materials used in the construction of a qualified home and the costs of labor associated with the construction of a qualified home are exempt from the tax imposed by this chapter upon an affirmative showing to the satisfaction of the department that the requirements of this paragraph have been met. This exemption inures to the owner through a refund of previously paid taxes. To receive this refund, the owner must file an application under oath with the department which includes:

a. The name and address of the owner.

b. The address and assessment roll parcel number of the home for which a refund is sought.

c. A copy of the building permit issued for the home.

d. A certification by the local building inspector that the home is substantially completed.

e. A sworn statement, under penalty of perjury, from the general contractor licensed in this state with whom the owner contracted to construct the home, which statement lists the building materials used in the construction of the home and the actual cost thereof, the labor costs associated with such construction, and the amount of sales tax paid on these materials and labor costs. If a general contractor was not used, the owner shall provide this information in a sworn statement, under penalty of perjury. Copies of invoices evidencing payment of sales tax must be attached to the sworn statement.

f. A sworn statement, under penalty of perjury, from the owner affirming that he or she is occupying the home for residential purposes.

3. An application for a refund under this paragraph must be submitted to the department within 6 months after the date the home is deemed to be substantially completed by the local building inspector. Within 30 working days after receipt of the application, the department shall determine if it meets the requirements of this paragraph. A refund approved

pursuant to this paragraph shall be made within 30 days after formal approval of the application by the department. The provisions of s. 212.095 do not apply to any refund application made under this paragraph.

4. The department shall establish by rule an application form and criteria for establishing eligibility for exemption under this paragraph.

5. The exemption shall apply to purchases of materials on or after July 1, 2000.

(o) Building materials in redevelopment projects.—

1. As used in this paragraph, the term:

a. “Building materials” means tangible personal property that becomes a component part of a housing project or a mixed-use project.

b. “Housing project” means the conversion of an existing manufacturing or industrial building to housing units in an urban high-crime area, enterprise zone, empowerment zone, Front Porch Community, designated brownfield area, or urban infill area and in which the developer agrees to set aside at least 20 percent of the housing units in the project for low-income and moderate-income persons.

c. “Mixed-use project” means the conversion of an existing manufacturing or industrial building to mixed-use units that include artists’ studios, art and entertainment services, or other compatible uses. A mixed-use project must be located in an urban high-crime area, enterprise zone, empowerment zone, Front Porch Community, designated brownfield area, or urban infill area and the developer must agree to set aside at least 20 percent of the square footage of the project for low-income and moderate-income housing.

d. “Substantially completed” has the same meaning as provided in s. 192.042(1).

2. Building materials used in the construction of a housing project or mixed-use project are exempt from the tax imposed by this chapter upon an affirmative showing to the satisfaction of the department that the requirements of this paragraph have been met. This exemption inures to the owner through a refund of previously paid taxes. To receive this refund, the owner must file an application under oath with the department which includes:

a. The name and address of the owner.

b. The address and assessment roll parcel number of the project for which a refund is sought.

c. A copy of the building permit issued for the project.

d. A certification by the local building inspector that the project is substantially completed.

e. A sworn statement, under penalty of perjury, from the general contractor licensed in this state with whom the owner contracted to construct the project, which statement lists the building materials used in the construction of the project and the actual cost thereof, and the amount of sales tax paid on these materials. If a general contractor was not used, the owner shall provide this information in a sworn statement, under penalty of perjury. Copies of invoices evidencing payment of sales tax must be attached to the sworn statement.

3. An application for a refund under this paragraph must be submitted to the department within 6 months after the date the project is deemed to be substantially completed by the local building inspector. Within 30 working days after receipt of the application, the department shall determine if it meets the requirements of this paragraph. A refund approved pursuant to this paragraph shall be made within 30 days after formal approval of the application by the department. The provisions of s. 212.095 do not apply to any refund application made under this paragraph.

4. The department shall establish by rule an application form and criteria for establishing eligibility for exemption under this paragraph.

5. The exemption shall apply to purchases of materials on or after July 1, 2000.

Section 14. *The agencies involved with the Urban Infill Implementation Project Grants Program under section 163.2523, Florida Statutes, the State Apartment Incentive Loan Program under section 420.5087, Florida Statutes, the HOME Investment Partnership Program under section 420.5089, Florida Statutes, and the State Housing Tax Credit Program under section 420.5093, Florida Statutes, shall give priority consideration to projects that would convert vacant industrial and manufacturing facilities to affordable housing units within urban high-crime areas, enterprise zones, empowerment zones, Front Porch Communities, designated brownfield areas, or urban infill areas.*

Section 15. *The Department of Community Affairs, in conjunction with the Office of Tourism, Trade, and Economic Development, the Office of Urban Opportunities, and Enterprise Florida, Inc., shall recommend new economic incentives or revisions to existing economic incentives in order to promote the reuse of vacant industrial and manufacturing facilities for affordable housing and mixed-use development. The report must also identify any state regulatory or programmatic barriers to the reuse of such facilities. The department shall submit a report to the President of the Senate and the Speaker of the House of Representatives containing its recommendations by January 31, 2001. Based upon consultation with the Department of Environmental Protection, the department shall include, as a component of the report, any recommended modifications to the Brownfields Redevelopment Act, sections 376.77-376.85, Florida Statutes, for revising liability protection or economic incentives under the act to promote reuse of such facilities.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, delete line 21 and insert: duties; 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; amending s. 212.08, F.S.; 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 and other economic incentives for consideration by the Legislature; providing an effective date.

On motion by Senator Hargrett, by two-thirds vote **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—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

The Senate resumed consideration of—

**SB 1024**—A bill to be entitled An act relating to higher education; requiring the State Board of Education to adopt by rule uniform procedures to be implemented when a student athlete is arrested for a crime; providing for such procedures to apply to the State University System, community colleges, and institutions that receive state funds; defining the term "student athlete"; requiring that notice be provided to faculty

and students; amending s. 112.19, F.S.; providing for graduate or post-baccalaureate professional educational expenses to be waived for children of officers killed in the line of duty; providing for the waiver to apply to a child who attends a state institution as a full-time or part-time student; providing an appropriation; providing an effective date.

—which was previously considered this day.

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

**Amendment 1 (443298)(with title amendment)**—On page 9, after line 23, insert:

Section 4. *Short title.—This act may be referred to as the "Higher Educational Facilities Financing Act."*

Section 5. *Findings and declarations.—It is declared that for the benefit of the people of the state, the increase of their commerce, welfare, and prosperity, and the improvement of their health and living conditions, it is essential that this and future generations of youth be given the fullest opportunity to learn and to develop their intellectual and mental capacities; that it is essential for private institutions of higher education in the state to be provided with appropriate additional means to assist such youth in achieving the required levels of learning and development of their intellectual and mental capacities; that it is the purpose of this act to provide a measure of assistance and an alternative method enabling private institutions of higher education of this state to provide the facilities and structures that are sorely needed to accomplish the purposes of this act; and that it is essential to provide additional assistance to private institutions of higher education by enabling those institutions to coordinate their budgetary needs with the timing of receipt of tuition revenues.*

Section 6. *Definitions.—As used in this act, the term:*

(1) "Authority" or "educational facilities authority" means the public corporation created by this act.

(2) "Real property" includes all lands, including improvements and fixtures thereon, and any such property appurtenant thereto, or used in connection therewith and every estate, interest and right, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage, or otherwise and the indebtedness secured by such liens. This definition does not affect the classification of property as real property or tangible personal property for purposes of ad valorem taxation under chapters 192 and 193, Florida Statutes, or sales and use taxation under chapter 212, Florida Statutes.

(3) "Project" means a structure suitable for use as a dormitory or other housing facility, dining hall, student union, administration building, academic building, library, laboratory, research facility, classroom, athletic facility, health care facility, and maintenance, storage, or utility facility, and other structures or facilities related thereto, or required thereby, or required or useful for the instruction of students, or the conducting of research, or the operation of an institution of higher education, including parking and other facilities or structures, essential for the orderly conduct of an institution of higher education and shall also include equipment and machinery and other similar items necessary for the operation of a particular facility or structure in the manner for which its use is intended, but the term does not include such items as books, fuel, supplies, or other items that are customarily considered to result in a current operating charge. The term also includes a loan in anticipation of tuition revenues by a private institution of higher education.

(4) "Cost," as applied to a project or any portion thereof financed under this act, embraces all or any part of the cost of construction and acquisition of all lands, structures, real or personal property, rights, rights-of-way, franchises, easements, and interests acquired or used for a project, the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which the buildings or structures may be removed, the cost of all machinery and equipment, financing charges, interest before, during, and for a period of 30 months after completion of the construction, provisions for working capital, reserves for principal, interest and rebate, and for extensions, enlargements, additions and improvements, cost of engineering, financial and legal services, plans, specifications, studies, surveys, estimates of cost and of revenues, administrative expenses, expenses necessary to determining the feasibility or practicability of constructing the project

and other expenses as may be necessary to the construction and acquisition of the project, the financing of the construction and acquisition and the placing of the project in operation. In the case of a loan in anticipation of tuition revenues, the term "cost" means the amount of the loan in anticipation of revenues which does not exceed the amount of tuition revenues anticipated to be received by the borrowing institution of higher education in the 1-year period following the date of the loan, plus costs related to the issuance of the loans, or bonds, the proceeds of which fund the loans, and any related cost of debt service reserve funds and rebate associated therewith.

(5) "Bond" or "revenue bond" means a revenue bond of the authority issued under this act, including a revenue refunding bond, notwithstanding that it may be secured by mortgage or the full faith and credit of a participating institution of higher education or any other lawfully pledged security of a participating institution of higher education.

(6) "Institution of higher education" means an educational institution that by virtue of law or charter is a nonprofit educational institution empowered to provide a project of education beyond the high school level; is not owned or controlled by the state or any political subdivision, agency, instrumentality, district, or municipality of the state; and otherwise meets the requirements of section 196.012 (5), Florida Statutes.

(7) "Participating institution" means an institution of higher education that undertakes the financing and construction or acquisition of a project or undertakes the refunding or refinancing of obligations or of a mortgage or of advances as provided in and permitted by this act.

(8) "Loan in anticipation of tuition revenues" means a loan to an institution of higher education under circumstances in which tuition revenues anticipated to be received by the institution in any budget year are estimated to be insufficient at any time during the budget year to pay the operating expenses or other obligations of the institution in accordance with the budget of the institution.

#### Section 7. Creation of Higher Educational Facilities Financing Authority.—

(1) There is created a public body corporate and politic to be known as the Higher Educational Facilities Financing Authority. The authority is constituted as a public instrumentality and the exercise by the authority of the powers conferred by this act is considered to be the performance of an essential public function. Chapters 119 and 286, Florida Statutes, shall apply to the authority.

(2) The authority shall consist of five members to be appointed by the Governor, subject to confirmation by the Senate. One member shall be a trustee, director, officer, or employee of an institution of higher education. Of the members first appointed, one shall serve for 1 year, one for 2 years, one for 3 years, one for 4 years, and one for 5 years, and in each case until his or her successor is appointed and has qualified. Thereafter, the Governor shall appoint for terms of 5 years each a member or members to succeed those whose terms expire. The Governor shall fill any vacancy for an unexpired term. A member of the authority is eligible for reappointment. Any member of the authority may be removed by the Governor for misfeasance, malfeasance, or willful neglect of duty. Each member of the authority before entering upon his or her duties shall take and subscribe to the oath or affirmation required by the State Constitution. A record of each oath must be filed in the office of the Department of State and with the authority.

(3) The authority shall annually elect one of its members as chair and one as vice chair, and shall also appoint an executive director who is not a member of the authority and who serves at the pleasure of the authority and receives compensation as fixed by the authority. The duties of the executive director may be discharged under a contract with the Independent Colleges and Universities of Florida, a not-for-profit corporation representing the independent colleges and universities of the state, or any successor corporation or other such entity providing similar representation, chosen by the authority, or an agency or other entity representing independent colleges and universities providing such services, in which case the entity shall designate a person to perform those duties.

(4) The executive director shall keep a record of the proceedings of the authority and shall be custodian of all books, documents, and papers filed with the authority and of the minute book or journal of the authority and of its official seal. He or she may cause copies to be made of all minutes and other records and documents of the authority and may give

certificates under the official seal of the authority to the effect that the copies are true copies, and all persons dealing with the authority may rely upon the certificates.

(5) A majority of the members of the authority constitutes a quorum, and the affirmative vote of a majority of the members present at a meeting of the authority is necessary for any action taken by the authority. A vacancy in the membership of the authority may not impair the right of a quorum to exercise all the rights and perform all the duties of the authority. Any action taken by the authority under this act may be authorized by resolution at any regular or special meeting, and each resolution shall take effect immediately and need not be published or posted.

(6) The members of the authority shall receive no compensation for the performance of their duties, but each member shall be paid his or her necessary expenses incurred while engaged in the performance of his or her duties.

(7) The authority is assigned to the Department of Education for administrative purposes.

Section 8. Powers of authority.—The purpose of the authority is to assist institutions of higher education in the construction, financing, and refinancing of projects throughout the state and for this purpose the authority may:

(1) Exercise all powers granted to corporations under the Florida Business Corporation Act, chapter 607, Florida Statutes.

(2) Have perpetual succession as a body politic and corporate and adopt bylaws for the regulation of its affairs and the conduct of its business.

(3) Adopt an official seal and alter the same at its pleasure.

(4) Maintain an office at any place in the state that it may designate.

(5) Sue and be sued in its own name, and plead and be impleaded.

(6) Make and execute financing agreements, leases, as lessee or as lessor, contracts, deeds, and other instruments necessary or convenient in the exercise of the powers and functions of the authority under this act, including contracts with persons, firms, corporations, federal and state agencies, and other authorities, which state agencies and other authorities are hereby authorized to enter into contracts and otherwise cooperate with the authority to facilitate the financing, construction, leasing, or sale of any project or the institution of any program; engage in sale-leaseback, lease-purchase, lease-leaseback, or other undertakings and provide for the sale of certificates of participation incident thereto; enter into interlocal agreements in the manner provided in section 163.01, Florida Statutes.

(7) Determine the location and character of any project to be financed under this act and may:

(a) Construct, reconstruct, maintain, repair, operate, lease as lessee or lessor, and regulate the project;

(b) Enter into contracts for any of those purposes;

(c) Enter into contracts for the management and operation of a project; and

(d) Designate a participating institution of higher education as its agent to determine the location and character of a project undertaken by a participating institution of higher education under this act and, as the agent of the authority, construct, reconstruct, maintain, repair, operate, own, lease as lessee or lessor, and regulate the project, and, as the agent of the authority, enter into contracts for any of those purposes, including contracts for the management and operation of the project.

(8) Issue bonds, bond anticipation notes, and other obligations of the authority for any of its corporate purposes, including the providing of funds to pay all or any part of the cost of any project, and to fund or refund the cost of any project as provided in this act.

(9) Generally fix and revise and charge and collect rates, rents, fees, and charges for the use of and for the services furnished or to be furnished by a project or any portion thereof and to contract with any person,

partnership, association, or corporation or other body public or private in respect thereof.

(10) Establish rules and regulations for the use of a project or any portion thereof and designate a participating institution of higher education as its agent to establish rules and regulations for the use of a project undertaken by the participating institution of higher education.

(11) Employ consulting engineers, architects, attorneys, accountants, construction and financial experts, superintendents, managers, and other employees and agents as may be necessary in its judgment, and fix their compensation.

(12) Receive and accept from any public agency loans or grants for or in aid of the construction of a project or any portion thereof, and receive and accept loans, grants, aid, or contributions from any source of either money, property, labor, or other things of value, to be held, used, and applied only for the purposes for which the loans, grants, aid, and contributions are made.

(13) Mortgage any project and the site thereof for the benefit of the holders of revenue bonds issued to finance projects or those providing credit for that purpose.

(14) Make loans to any participating institution of higher education for the cost of a project, including a loan in anticipation of tuition revenues, in accordance with an agreement between the authority and the participating institution of higher education; but no loan may exceed the total cost of the project as determined by the participating institution of higher education and approved by the authority.

(15) Make loans to a participating institution of higher education to refund outstanding obligations, mortgages, or advances issued, made, or given by the participating institution of higher education for the cost of a project.

(16) Charge to and equitably apportion among participating institutions of higher education its administrative costs and expenses incurred in the exercise of the powers and duties conferred by this act.

(17) Contract with an entity representing independent colleges and universities as its agent to assist the authority in screening applications of institutions of higher education for loans under this act and receive any recommendations the entity may make.

(18) Do all things necessary or convenient to carry out the purposes of this act.

Section 9. *Payment of expenses.*—All expenses incurred in carrying out this act are payable solely from funds provided under the authority of this act, and no liability or obligation may be incurred by the authority beyond the extent to which moneys have been provided under this act.

Section 10. *Acquisition of real property.*—The authority may directly, or by and through a participating institution of higher education as its agent, acquire by purchase or lease solely from funds provided under this act, or by gift or devise, any lands, structures, property, real or personal, rights, rights-of-way, franchises, easements, and other interests in lands, including lands lying underwater, and riparian rights, which are located within or outside the state as it may consider necessary or convenient for the construction or operation of a project, upon terms and at prices as are considered by it to be reasonable and that can be agreed upon between it and the owner thereof, and to take title thereto in the name of the authority or in the name of a participating institution of higher education as its agent or as an owner and borrower.

Section 11. *Conveyance of title or interest to participating institutions.*—When the principal of and interest on revenue bonds of the authority issued to finance the cost of a particular project or projects at a participating institution of higher education, including any revenue refunding bonds issued to refund and refinance the revenue bonds, have been fully paid and retired, or when adequate provision has been made to pay fully and retire them, and all other conditions of the resolution or trust agreement authorizing and securing the revenue bonds have been satisfied and the lien of the resolution or trust agreement has been released in accordance with the provisions thereof, the authority shall promptly execute deeds and conveyances necessary and required to convey title to the project or projects to the participating institution of higher education, free and clear of all liens and encumbrances.

Section 12. *Criteria and requirements.*—In undertaking any project under this act, the authority shall be guided by and shall observe the following criteria and requirements; however, the determination of the authority as to compliance with the criteria and requirements is final and conclusive:

(1) The project, in the determination of the authority, is appropriate to the needs and circumstances of, and shall make a significant contribution to the purposes of, the authority and this act as set forth in the findings and declarations, and shall serve a public purpose by advancing the prosperity and general welfare of the state and its people.

(2) A financing agreement for a project may not be entered into with a participating institution that is not financially responsible and fully capable of and willing to fulfill its obligations under the financing agreement, including the obligations to make payments in the amounts and at the times required; to operate, repair, and maintain at its own expense the project owned or leased; and to serve the purposes of this act and any other responsibilities that may be imposed under the financing agreement. In determining the financial responsibility of the participating institution, consideration must be given to the party's ratio of current assets to current liabilities; net worth; endowments; pledges; earning trends; coverage of all fixed charges; the nature of the project involved; its inherent stability; any guarantee of the obligations by some other financially responsible corporation, firm, or person; means by which the bonds are to be marketed to the public; and other factors determinative of the capability of the participating institution, financially and otherwise, to fulfill its obligations consistently with the purposes of this act. In making findings and determinations, the authority may rely upon the recommendations of the entity representing independent colleges and universities.

(3) Adequate provision must be made for the operation, repair, and maintenance of the project at the expense of the owner or lessee and for the payment of principal of and interest on the bonds.

(4) The costs to be paid from the proceeds of the bonds are costs of a project within the meaning of this act, except for payments included in the purposes for which revenue refunding bonds may be issued under this act.

Section 13. *Approval required to issue bonds.*—The authority is created for the purpose of promoting higher education and issuing bonds on behalf of the state, and the Governor may approve any bonds issued by the authority which require approval under federal law.

Section 14. *Agreements of sale, lease, or loan.*—

(1) A project financed under this act may not be operated by the authority or any other governmental agency, except that the authority may temporarily operate or cause to be operated all or any part of a project to protect its interest therein, pending any leasing or sale of the project. A project acquired or constructed by the authority, unless sold or contracted to be sold, must be leased to one or more persons, firms, or private corporations for operation and maintenance in a manner as will effectuate the purposes of this act, under an agreement of sale, installment sale, lease or loan, in form and substance not inconsistent herewith. Any agreement may provide, among other provisions, that:

(a) The owner or lessee shall at its own expense operate, repair, and maintain the project sold or leased thereunder.

(b) The payments or rent payable under the agreement will in the aggregate be not less than an amount sufficient to pay all of the interest, principal, and redemption premiums, if any, on the bonds that will be issued by the authority to pay the cost of the project sold or leased thereunder.

(c) The owner or lessee shall pay all other costs incurred by the authority in connection with the financing, construction, and administration of the project sold or leased, except as may be paid out of the proceeds of bonds or otherwise, including, but without being limited to, insurance costs, the cost of administering the bond resolution authorizing the bonds and any trust agreement securing the bonds, and the fees and expenses of the authority, trustees, paying agents, attorneys, consultants, and others.

(d) The term of an agreement will terminate not earlier than the date on which all bonds and all other obligations incurred by the authority in

connection with the project sold or leased thereunder are paid in full, including interest, principal, and redemption premiums, if any, or on which adequate funds for payment are deposited in trust.

(e) The owner or lessee's obligation to pay payments or rent is not subject to cancellation, termination, or abatement until payment of the bonds or provision for payment is made.

(2) An agreement may contain additional provisions that in the determination of the authority are necessary to effectuate the purposes of this act, including provisions for extensions of the term and renewals of the sale or the lease and vesting in the lessee an option to purchase the project leased thereunder pursuant to any terms and conditions consistent with this act that are prescribed in the lease; however, except as is otherwise expressly stated in the agreement and except to provide for any contingencies involving the damaging, destruction, or condemnation of the project or any substantial portion thereof, an option to purchase may not be exercised unless all bonds issued for the project, including all principal, interest, and redemption premiums, if any, and all other obligations incurred by the authority in connection with the project have been paid in full or sufficient funds have been deposited in trust or sufficient arrangements have been made for payment. However, the purchase price of the project may not be less than an amount sufficient to pay in full all of the bonds, including all principal, interest, and redemption premium, if any, issued for the project then outstanding and all other obligations incurred by the authority in connection with the project.

**Section 15. Notes of authority.**—The authority may issue its negotiable notes for any corporate purpose and renew any notes by the issuance of new notes, whether the notes to be renewed have or have not matured. The authority may issue notes partly to renew notes or to discharge other obligations then outstanding and partly for any other purpose. The notes may be authorized, sold, executed, and delivered in the same manner as bonds. Any resolution authorizing notes of the authority or any issue thereof may contain any provisions that the authority is authorized to include in any resolution authorizing revenue bonds of the authority or any issue thereof, and the authority may include in any notes any terms, covenants, or conditions that it is authorized to include in any bonds. All the notes must be payable solely from the revenues of the project to be financed, subject only to any contractual rights of the holders of any of its notes or other obligations then outstanding.

**Section 16. Revenue bonds.**—

(1) The authority may issue its negotiable revenue bonds for any corporate purpose, including the provision of funds to pay all or any part of the cost of any project. In anticipation of the sale of revenue bonds, the authority may issue negotiable bond anticipation notes and may renew them from time to time, but the maximum maturity of any note, including renewals thereof, may not exceed 5 years from the date of issue of the original note. The notes must be paid from any revenues of the authority available therefor or of the project and not otherwise pledged, or from the proceeds of sale of the revenue bonds of the authority in anticipation of which they were issued. The notes must be issued in the same manner as the revenue bonds. The notes and the resolution authorizing them may contain any provisions, conditions, or limitations that a bond resolution of the authority may contain.

(2) The revenue bonds and notes of every issue must be payable solely out of revenues of the authority, including the provision of funds of the participating institution to pay all or any part of the cost of any project, subject only to any agreements with the holders of particular revenue bonds or notes pledging any particular revenues. Notwithstanding that revenue bonds and notes may be payable from a special fund, they are for all purposes negotiable instruments, subject only to the provisions of the revenue bonds and notes for registration.

(3) The revenue bonds may be issued as serial bonds or as term bonds; or the authority may issue bonds of both types. The revenue bonds must be authorized by resolution of the authority; must bear the date of issuance, the date of maturity, not exceeding 50 years from issuance, and the interest rate of the bonds, which may be a variable rate, notwithstanding any limitation in other laws relating to maximum interest rates; must be payable at a specified time; must be in specified denominations; must be in specified form, carry registration privileges, be executed in a specified manner, be payable in lawful money of the United States at a specified place, and be subject to the terms of redemption, as the resolution may provide. The revenue bonds or notes may be sold at public or private sale

for the price the authority determines. Pending preparation of the definitive bonds, the authority may issue interim receipts or certificates that may be exchanged for the definitive bonds. In case any officer whose signature, or a facsimile of whose signature, appears on any bonds or coupons ceases to be that officer before the delivery of the bonds, the signature or facsimile is nevertheless valid and sufficient for all purposes as if he or she had remained in office until delivery. The authority may also provide for the authentication of the bonds by a trustee or fiscal agent. The bonds may be issued in coupon form or in registered form, or both, as the authority may determine, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest; for the reconversion into coupon bonds of any bonds registered as to both principal and interest; and for the interchange of registered and coupon bonds. The authority may sell the bonds either at public or private sale, and for the price it determines will best effectuate the purpose of this act, notwithstanding any limitation in other laws relating to the maximum interest rate permitted for bonds or limitations on the manner by which bonds are sold.

(4) Any resolution authorizing any revenue bonds may contain provisions, which are a part of the contract with the holders of the revenue bonds to be authorized, as to:

(a) Pledging of all or any part of the revenues of a project or any revenue-producing contract made by the authority with any individual, partnership, corporation, or association or other body, public or private, to secure the payment of the revenue bonds or of any particular issue of revenue bonds, subject to any agreements with bondholders as may then exist.

(b) The rentals, fees, and other charges to be charged, and the amounts to be raised in each year thereby, and the use and disposition of the revenues.

(c) The setting aside of reserves or sinking funds and the regulation and disposition thereof.

(d) Limitations on the right of the authority or its agent to restrict and regulate the use of the project.

(e) Limitations on the purpose to which the proceeds of sale of any issue of revenue bonds then or thereafter to be issued may be applied and pledging the proceeds to secure the payment of the revenue bonds or any issue of the revenue bonds.

(f) Limitations on the issuance of additional bonds, the terms upon which additional bonds may be issued and secured, and the refunding of outstanding bonds.

(g) The procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, including the amount of bonds the holders of which must consent thereto and the manner in which consent may be given.

(h) Limitations on the amount of moneys derived from the project to be expended for operating, administrative, or other expenses of the authority.

(i) The acts or omissions to act that constitute a default in the duties of the authority to holders of its obligations and providing the rights and remedies of the holders in the event of a default.

(j) The mortgaging of or granting of a security interest in the project or the site thereof for the purpose of securing the bondholders.

(5) Neither the members of the authority nor any person executing the revenue bonds or notes is liable personally on the revenue bonds or notes or is subject to any personal liability or accountability by reason of the issuance thereof.

(6) The authority may purchase its bonds or notes out of any funds available therefor. The authority may hold, pledge, cancel, or resell the bonds, subject to and in accordance with agreements with bondholders.

(7) Incident to its powers to issue bonds and notes, the authority may enter into interest rate swap agreements, collars, caps, forward securities purchase agreements, delayed delivery bond purchase agreements, and any other financial agreements considered to be in the best interest of the authority.

(8) Bonds may be issued under this act without obtaining, except as otherwise expressly provided in this act, the consent of any department, division, commission, board, body, bureau, or agency of the state or any local government, and without any other proceedings or the happening of any conditions or things other than those proceedings, conditions, or things that are specifically required by this act and the resolution authorizing the issuance of bonds or the trust agreement securing them.

**Section 17. Authority reporting requirement.—**

(1) Any authority that issues any revenue bonds under this act shall supply the Division of Bond Finance of the State Board of Administration with a copy of the report required in s. 103 of the Internal Revenue Code of 1954, as amended, at the times required under that section.

(2) The Division of Bond Finance shall, upon receipt, provide a copy of the information supplied under subsection (1) to the Department of Education.

**Section 18. Covenants.—**Any resolution authorizing the issuance of bonds may contain any covenants the authority considers advisable, including those provisions set forth in section 13(4), and all those covenants constitute valid and legally binding and enforceable contracts between the authority and the bondholders, regardless of the time of issuance thereof. The covenants may include, without limitation, covenants concerning the disposition of the bond proceeds, the use and disposition of project revenues, the pledging of revenues and assessments, the obligations of the authority with respect to the operation of the project and the maintenance of adequate project revenues, the issuance of additional bonds, the appointment, powers, and duties of trustees and receivers, the acquisition of outstanding bonds and obligations, restrictions on the establishing of competing projects or facilities, restrictions on the sale or disposal of the assets and property of the authority, the maintenance of deposits to assure the payment of the bonds issued hereunder, acceleration upon default, the execution of necessary instruments, the procedure for amending or abrogating covenants with the bondholders, and any other covenants considered necessary for the security of the bondholders.

**Section 19. Validity of bonds; validation proceedings.—**Any bonds issued by the authority are incontestable in the hands of bona fide purchasers or holders for value and are not invalid because of any irregularity or defect in the proceedings for the issue and sale thereof. Before the issuance of any bonds, the authority shall publish a notice at least once in a newspaper or newspapers published or of general circulation in the county or counties in the state in which the project will be located, stating the date of adoption of the resolution authorizing the obligations, the amount, maximum rate of interest, and maturity of the obligations, and the purpose in general terms for which the obligations are to be issued, and further stating that no action or proceeding questioning the validity of the obligations or of the proceedings authorizing the issuance thereof, or of any covenants made therein, must be instituted within 20 days after the first publication of the notice, or the validity of the obligations, proceedings, and covenants may not be thereafter questioned in any court. If no action or proceeding is instituted within the 20-day period, then the validity of the obligations, proceedings, and covenants is conclusive, and all persons or parties whatsoever are forever barred from questioning the validity of the obligations, proceedings, or covenants in any court. Notwithstanding this section, the bonds, notes, or other obligations issued by the authority and the obligations of any participating institution, or others providing credit for the obligations, who may be before the jurisdiction of the court, must be validated in the manner provided by chapter 75, Florida Statutes, and the jurisdiction of the action may be in the jurisdiction of the circuit court where the project is to be located, or in the discretion of the authority, in the county seat of state government.

**Section 20. Act furnishes full authority for issuance of bonds.—**This act constitutes full authority for the issuance of bonds and the exercise of the powers of the authority provided in this act. Any bonds issued by the authority are not secured by the full faith and credit of the state and do not constitute an obligation, either general or special, of the state.

**Section 21. Security of bondholders.—**In the discretion of the authority any revenue bonds issued under this act may be secured by a trust agreement by and between the authority and a corporate trustee or trustees, which may be any trust company or bank having the powers of a trust company within or without the state. The trust agreement or the resolution providing for the issuance of revenue bonds may pledge or assign the revenues to be received or the proceeds of any contract or contracts

pledged and may convey or mortgage the project or any portion thereof. The trust agreement or resolution providing for the issuance of revenue bonds may contain provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including particularly those provisions specifically authorized by this act to be included in any resolution of the authority authorizing revenue bonds. Any bank or trust company incorporated under the laws of this state or of any other state or the United States which may legally act as depository of the proceeds of bonds or of revenues or other moneys or security may furnish indemnifying bonds or pledge securities required by the authority, if any. Any trust agreement may set forth the rights and remedies of the bondholders and of the trustee or trustees, and may restrict the individual right of action by bondholders. In addition any trust agreement or resolution may contain any other provisions the authority may consider reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the trust agreement or resolution may be treated as a part of the cost of the operation of a project.

**Section 22. Payment of bonds.—**Revenue bonds issued under this act may not be considered to constitute a debt or liability of the authority, any municipality, the state or any political subdivision thereof or a pledge of the faith and credit of the state, of the authority, of any municipality or of any political subdivision, but are payable solely from revenues of the authority pertaining to the project relating to the issue; payments by participating institutions of higher education, banks, insurance companies, or others under letters of credit or purchase agreements; investment earnings from funds or accounts maintained under the bond resolution; insurance proceeds; loan funding deposits; proceeds of sales of education loans; proceeds of refunding obligations; and fees, charges, and other revenues of the authority from the project. All revenue bonds must contain on the face thereof a statement to the effect that neither the authority, any municipality, the state, nor any political subdivision thereof is obligated to pay the bond or the interest thereon except from revenues of the project or the portion thereof for which they are issued, and that neither the faith and credit nor the taxing power of the authority, any municipality, the state, or any political subdivision thereof is pledged to the payment of the principal of or the interest on the bonds. The issuance of revenue bonds under this act may not directly or indirectly or contingently obligate the authority, any municipality, the state, or any political subdivision thereof to levy or to pledge any form of taxation therefor or to make any appropriation for their payment.

**Section 23. Rates, rents, fees, and charges.—**

(1) The authority may fix, revise, charge, and collect rates, rents, fees, and charges for the use of and for the services furnished or to be furnished by each project and may contract with any person, partnership, association or corporation, or other body, public or private, in respect thereof. The rates, rents, fees, and charges must be fixed and adjusted in respect of the aggregate of rates, rents, fees, and charges from the project so as to provide funds sufficient with other revenues, if any:

(a) To pay the cost of maintaining, repairing, and operating the project and each portion thereof, to the extent that the payment of the cost has not otherwise been adequately provided for.

(b) To pay the principal of and the interest on outstanding revenue bonds of the authority issued in respect of the project as the bonds become due and payable.

(c) To create and maintain reserves required or provided for in any resolution authorizing, or trust agreement securing, the revenue bonds of the authority. The rates, rents, fees, and charges are not subject to supervision or regulation by any department, commission, board, body, bureau, or agency of this state other than the authority.

(2) A sufficient amount of the revenues derived in respect of a project, except the part of the revenues necessary to pay the cost of maintenance, repair, and operation and to provide reserves and for renewals, replacements, extensions, enlargements, and improvements provided for in the resolution authorizing the issuance of any revenue bonds of the authority or in the trust agreement securing them must be set aside at regular intervals as provided in the resolution or trust agreement in a sinking or other similar fund that is hereby pledged to, and charged with, the payment of the principal of and the interest on the revenue bonds as they become due and the redemption price or the purchase price of bonds retired by call or purchase as therein provided. The pledge must be valid

and binding from the time when the pledge is made; the rates, rents, fees, charges, and other revenues or other moneys so pledged and thereafter received by the authority must immediately be subject to the lien of the pledge without any physical delivery thereof or further act, and the lien of any pledge is valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the authority, irrespective of whether the parties have notice thereof. Neither the resolution nor any trust agreement by which a pledge is created need be filed or recorded except in the records of the authority.

(3) The use and disposition of moneys to the credit of a sinking or other similar fund must be subject to the resolution authorizing the issuance of the bonds or of the trust agreement. Except as may otherwise be provided in the resolution or the trust agreement, the sinking or other similar fund must be a fund for all revenue bonds issued to finance projects at a particular institution for higher education without distinction or priority of one over another. However, the authority in any resolution or trust agreement may provide that the sinking or other similar fund be the fund for a particular project at an institution for higher education and for the revenue bonds issued to finance a particular project, and may, additionally, permit and provide for the issuance of revenue bonds having a subordinate lien in respect of the security authorized to other revenue bonds of the authority, and, in such case, the authority may create separate sinking or other similar funds in respect of the subordinate lien bonds.

**Section 24. Trust funds.**—All moneys received under the authority of this act, whether as proceeds from the sale of bonds or as revenues, are considered to be trust funds to be held and applied solely as provided in this act. Any officer with whom, or any bank or trust company with which, the moneys are deposited shall act as trustee of the moneys and shall hold and apply them for the purposes of this act, subject to the regulations this act and the resolution authorizing the bonds of any issue or the trust agreement securing the bonds provides.

**Section 25. Remedies of bondholders.**—Any holder of revenue bonds issued under this act or any of the coupons appertaining thereto, and the trustee or trustees under any trust agreement, except to the extent the rights given may be restricted by any resolution authorizing the issuance of, or any such trust agreement securing, the bonds, may, either at law or in equity, by suit, action, mandamus, or other proceedings, protect and enforce any rights under the laws of the state or granted hereunder or under the resolution or trust agreement, and may enforce and compel the performance of all duties required by this act or by the resolution or trust agreement to be performed by the authority or by any officer, employee, or agent thereof, including the fixing, charging, and collecting of the rates, rents, fees, and charges authorized and required by the provisions of the resolution or trust agreement to be fixed, established, and collected.

**Section 26. Tax exemption.**—The exercise of the powers granted by this act will be in all respects for the benefit of the people of this state, for the increase of their commerce, education, welfare, and prosperity, and for the improvement of their health and living conditions, and because the operation and maintenance of a project by the authority or its agent or the owner or lessee thereof, as authorized in this act, will constitute the performance of an essential public function, neither the authority nor its agent is required to pay any taxes or assessments upon or in respect of a project or any property acquired or used by the authority or its agent under the provisions of this act or upon the income therefrom, and any bonds issued under this act, any security therefor, their transfer, and the income therefrom, including any profit made on the sale thereof, and all notes, mortgages, security agreements, letters of credit, or other instruments that arise out of or are given to secure the repayment of bonds issued in connection with a project financed under this part, shall at all times be free from taxation by the state or any local unit, political subdivision, or other instrumentality of the state. The exemption granted by this section is not applicable to any tax imposed by chapter 220, Florida Statutes, on interest, income, or profits or on debt obligations owned by corporations.

**Section 27. Refunding bonds.**—

(1) The authority may provide for the issuance of revenue bonds of the authority for the purpose of refunding any revenue bonds of the authority then outstanding, including the payment of any redemption premium thereon and any interest accrued or to accrue to the earliest or subsequent date of redemption, purchase, or maturity of the revenue bonds, and, if considered advisable by the authority, for the additional purpose of paying all or any part of the cost of constructing and acquiring additions,

improvements, extensions, or enlargements of a project or any portion thereof.

(2) The proceeds of any revenue bonds issued for the purpose of refunding outstanding revenue bonds may be applied to the purchase or retirement at maturity or redemption of the outstanding revenue bonds either on their earliest or any subsequent redemption date or upon the purchase or at the maturity thereof and may, pending the application, be placed in escrow to be applied to the purchase or retirement at maturity or redemption on the date as may be determined by the authority.

(3) Any escrowed proceeds, pending use, may be invested and reinvested in direct obligations of the United States of America, or in certificates of deposit or time deposits secured by direct obligations of the United States, or other investments as the resolution authorizing the issuance and sale of the bonds, or the trust agreement, may provide, maturing at the time or times as shall be appropriate to assure the prompt payment, as to principal, interest, and redemption premium, if any, of the outstanding revenue bonds to be so refunded. The interest, income, and profits, if any, earned or realized on any such investment may also be applied to the payment of the outstanding revenue bonds to be so refunded. After the terms of the escrow have been fully satisfied and carried out, any balance of the proceeds and interest, income and profits, if any, earned or realized on the investments thereof may be returned to the authority or to the participating institution for use by it in any lawful manner.

(4) The portion of the proceeds of any revenue bonds issued for the additional purpose of paying all or any part of the cost of constructing and acquiring additions, improvements, extensions, or enlargements of a project may be invested and reinvested in direct obligations of the United States, or in certificates of deposit or time deposits secured by direct obligations of the United States, or other investments as the resolution authorizing the issuance and sale of the bonds, or the trust agreement, may provide, maturing not later than the time or times when the proceeds will be needed for the purpose of paying all or any part of the cost. The interest, income, and profits, if any, earned or realized on the investment may be applied to the payment of all or any part of the cost or may be used by the authority or the participating institution in any lawful manner.

(5) All refunding revenue bonds are subject to this act in the same manner and to the same extent as other revenue bonds issued under this act.

**Section 28. Legal investment.**—Bonds issued by the authority under this act are made securities in which all public officers and public bodies of the state and its political subdivisions, all insurance companies, trust companies, banking associations, investment companies, executors, administrators, trustees, and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them. The bonds are made securities that may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision of the state for any purpose for which the deposit of bonds or obligations of the state is now or may hereafter be authorized by law.

**Section 29. Reports.**—Within the first 90 days of each calendar year, the authority shall make a report to the Department of Education of its activities for the preceding calendar year. Each report must set forth a complete operating and financial statement covering its operations during the year. The authority shall cause an audit of its books and accounts to be made at least once each year by a certified public accountant and the cost of the audit shall be paid by the authority from funds available to it under this act.

**Section 30. State agreement.**—The state agrees with the holders of any obligations issued under this act, and with those parties who may enter into contracts with the authority under this act, that the state will not limit or alter the rights vested in the authority until the obligations, together with the interest thereon, are fully met and discharged and the contracts are fully performed on the part of the authority. However, this act does not preclude any limitation or alteration if adequate provision is made by law for the protection of the holders of the obligations of the authority or those entering into contracts with the authority. The authority is authorized to include this pledge and undertaking for the state in any obligations or contracts.

Section 31. *Alternative means.*—This act provides an additional and alternative method for the doing of the things authorized, and shall be regarded as supplemental and additional to powers conferred by other laws; but the issuance of notes, certificates of participation, revenue bonds, and revenue refunding bonds under this act need not comply with the requirements of any other law applicable to the issuance of bonds or such obligations. Except as otherwise expressly provided in this act, the powers granted to the authority under this act are not subject to the supervision or regulation of, or require the approval or consent of, any municipality or political subdivision or any commission, board, body, bureau, official, or agency thereof or of the state.

Section 32. *Liberal construction.*—This act shall be liberally construed to effectively carry out its purposes.

Section 33. *Act controlling.*—To the extent that this act is inconsistent with any general statute or special act or parts thereof, this act controls.

Section 34. Subsection (5) of section 196.012, Florida Statutes, is amended to read:

196.012 Definitions.—For the purpose of this chapter, the following terms are defined as follows, except where the context clearly indicates otherwise:

(5) “Educational institution” means a federal, state, parochial, church, or private school, college, or university conducting regular classes and courses of study required for eligibility to certification by accreditation to, or membership in the State Department of Education of Florida, Southern Association of Colleges and Schools, or the Florida Council of Independent Schools; a nonprofit private school the principal activity of which is conducting regular classes and courses of study accepted for continuing postgraduate dental education credit by a board of the Division of Medical Quality Assurance; educational direct-support organizations created pursuant to ss. 229.8021, 240.299, and 240.331; and facilities located on the property of eligible entities which will become owned by those entities on a date certain; and institutions of higher education as defined under and participating in the Higher Educational Facilities Financing Act created pursuant to chapter 2000-, Laws of Florida.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 18, after the semicolon (;) insert: providing findings and declarations; creating the Higher Educational Facilities Financing Authority; providing for its powers; providing for criteria for and covenants relating to the authorization of the issuance of notes and revenue bonds not obligating the full faith and credit of the authority, any municipality, the state, or any political subdivision thereof; providing for loans from revenue bonds to participating institutions; requiring bond-validation proceedings; providing for trust funds and remedies of bondholders; providing for a tax exemption; providing for agreement of the state; providing other powers and authorities incident thereto; requiring reports and audits; amending s. 196.012, F.S.; providing that institutions funded by this act are educational institutions for purposes of state taxation;

On motion by Senator Silver, **SB 1024** 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	King	Rossin
Bronson	Diaz-Balart	Klein	Saunders
Brown-Waite	Dyer	Kurth	Scott
Burt	Forman	Latvala	Sebesta
Campbell	Geller	Laurent	Silver
Carlton	Grant	Lee	Sullivan
Casas	Hargrett	McKay	Webster
Clary	Holzendorf	Meek	
Cowin	Horne	Mitchell	
Dawson	Jones	Myers	

Nays—None

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

### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has returned as requested CS for SB 2080.

John B. Phelps, Clerk

**CS for SB 2080**—A bill to be entitled An act relating to child protection; creating s. 383.50, F.S.; prescribing duties of hospitals and fire stations with respect to abandoned newborn infants, as defined; providing for anonymity of such infants’ parents; amending s. 39.01, F.S.; redefining the term “abandoned”; amending s. 39.201, F.S.; revising duties of the central abuse hotline to accept specified reports of abandoned newborn infants and disclose names of eligible licensed child-placing agencies; amending s. 63.167, F.S.; providing duties of the state adoption information center with respect to maintaining a list of child-placing agencies with which abandoned newborns may be placed; creating s. 63.0423, F.S.; prescribing rights, duties and procedures for licensed child-placing agencies with respect to custody, placement, and adoption of abandoned newborn infants; providing limited relief from judgment of termination of parental rights; amending s. 63.182, F.S.; providing a statute of repose for setting aside adoptions; providing duties of the Department of Children and Family Services in conjunction with the Department of Health to produce media campaign with respect to abandoned newborns; creating s. 827.035, F.S.; providing that it is an affirmative defense to certain child-abuse charges that the parent of a newborn infant arranged its placement under this act; providing an effective date.

### SPECIAL ORDER CALENDAR

#### MOTIONS

On motions by Senator Grant, the rules were waived and by two-thirds vote **CS for SB 2080** was placed on the Special Order Calendar and taken up instanter.

On motion by Senator Grant, the Senate reconsidered the vote by which **CS for SB 2080** as amended passed March 30.

Pending further consideration of **CS for SB 2080** as amended, on motion by Senator Grant, by two-thirds vote **CS for HB 1901** was withdrawn from the Committee on Judiciary.

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

**CS for HB 1901**—A bill to be entitled An act relating to child protection; creating s. 383.50, F.S.; prescribing duties of hospitals and fire stations with respect to abandoned newborn infants, as defined; providing for anonymity of such infants’ parents; amending s. 39.01, F.S.; redefining the term “abandoned”; amending s. 39.201, F.S.; revising duties of the central abuse hotline to accept specified reports of abandoned newborn infants and disclose names of eligible licensed child-placing agencies; amending s. 63.167, F.S.; providing duties of the state adoption information center with respect to maintaining a list of child-placing agencies with which abandoned newborns may be placed; creating s. 63.0423, F.S.; prescribing rights, duties and procedures for licensed child-placing agencies with respect to custody, placement, and adoption of abandoned newborn infants; providing limited relief from judgment of termination of parental rights; amending s. 63.182, F.S.; providing a statute of repose for setting aside adoptions; providing duties of the Department of Children and Family Services in conjunction with the Department of Health to produce media campaign with respect to abandoned newborns; creating s. 827.035, F.S.; providing that certain actions with respect to a newborn infant shall not constitute neglect or contributing to the dependency of a child; providing an effective date.

—a companion measure, was substituted for **CS for SB 2080** as amended and read the second time by title. On motion by Senator Grant, by two-thirds vote **CS for HB 1901** 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	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

Consideration of **CS for SB 1680, CS for CS for SB 1694, SB 1696 and SB 1692** was deferred.

On motion by Senator Diaz-Balart—

**SB 2566**—A bill to be entitled An act relating to the Department of Children and Family Services; amending s. 20.04, F.S.; providing for program offices to be headed by program directors rather than assistant secretaries; amending s. 20.19, F.S.; revising mission and purpose of the department; providing duties and responsibilities of the secretary, deputy secretary, and program directors; providing for program offices and support offices; providing for local services, service areas, service networks, and lead agencies; providing for service area directors; providing certain budget transfer authority; providing for transition from the district structure of the department; providing for community alliances; providing for consultation with counties on mandated programs; amending s. 39.3065, F.S.; providing for the sheriff in any county to provide child protective investigative services; requiring individuals providing such services to complete protective investigation training; providing for funding; providing for performance evaluation; requiring annual reports to the department; providing for program performance evaluation; amending ss. 393.502, 393.503, F.S.; providing for appointment of family care councils by the Governor; deleting references to health and human services boards; creating s. 402.73, F.S.; providing contracting and performance standards for contracted client services; providing conditions for competitive procurement; providing for procurement and contract for services that involve multiple providers; providing requirements relating to matching contributions; providing for independent contract for assessment and case management services; providing penalties; requiring certain notice; providing for standards of conduct and disciplinary actions with respect to department employees carrying out contracting responsibilities; providing requirements relating to the developmental services Medicaid waiver service system; requiring a report; providing for cancellation of provider contracts; restricting new contracts with canceled providers; providing for liens against facility properties; providing for performance-based incentives; creating s. 402.731, F.S.; authorizing certification programs for department employees and service providers; providing rulemaking authority; authorizing employment programs for staff to facilitate transition to privatized community-based care; authorizing contracts for outpatient services; authorizing certain time-limited exempt positions; amending s. 409.1671, F.S., relating to foster care and related services; deleting obsolete provisions relating to a state-wide privatization plan; providing for the designation of more than one eligible lead community-based provider within a single county under certain circumstances; providing for the establishment of a risk pool to reduce financial risk to community-based providers; providing for any excess earnings to be distributed to all entities contributing to the excess; creating s. 409.1675, F.S.; providing conditions and procedures for placing a lead community-based provider in receivership; providing for notice and hearing; providing powers and duties of a receiver; providing for compensation; providing liability; requiring a receiver to post a bond under certain circumstances; providing for termination of receivership; amending ss. 20.43, 39.001, 39.0015, 39.01, 39.201, 39.302, 92.53, 216.136, 381.0072, 383.14, 393.064, 393.13, 394.462, 394.4674, 394.67, 397.311, 397.321, 397.821, 397.901, 400.435, 402.17, 402.3015, 402.40, 402.47, 409.152, 410.0245, 411.01, 411.223, 411.224, 414.028, 414.105, 414.36, 916.107, 985.223, 985.413, F.S.; providing changes to conform with the provisions of the act; repealing s. 402.185(2), F.S., relating to funding for staff of the Office of Standards and Evaluation of the department; repealing s. 409.152(6), F.S., relating to designation of family

preservation programs by the health and human services boards; providing for preparation of a reviser's bill; providing an effective date.

—was read the second time by title.

The Committee on Children and Families recommended the following amendments which were moved by Senator Diaz-Balart and adopted:

**Amendment 1 (451594)(with title amendment)**—On page 10, line 10 through page 11, line 5, delete those lines and insert:

(a) *Notwithstanding the provisions of this section, the department may consolidate the management and administrative structure or function of the geographic area that includes the counties in the sixth, twelfth, and thirteenth judicial circuits as defined in s. 26.021. Any such additional consolidation shall comply with the provisions of subsection (4) unless legislative authorization to the contrary is provided.*

(b) *Except as provided in this subsection relative to the prototype region, the role and scope of lead agencies are limited to the provisions of s. 409.1671 until the Legislature specifically provides otherwise. Prior to any changes being implemented concerning the scope or duties of the lead agency outside the prototype region, there must be an evaluation of the prototype region that includes the duties of the lead agency as defined in this section. The evaluation must be conducted by an independent evaluator with experience in the evaluation of organizational change and organizational effectiveness. The evaluation must include a review of the following:*

1. *The duties and responsibilities of the lead agencies;*
2. *The relationship of the department with the lead agencies;*
3. *The accountability of the system involving lead agencies and sub-contractors in carrying out the department's statutory obligations;*
4. *The quality of services provided to clients by the lead agencies and their sub-contractors;*
5. *Size of the prototype region and its effect on service priorities and service delivery within local communities;*
6. *The effect on existing service providers who may or may not be lead agencies or sub-contractors; and*
7. *Any demonstrated improvements in the management and oversight of services or cost savings that have resulted from the lead agency structure or other elements implemented in the prototype region.*

*The report must be submitted to the Secretary of the department, the President of the Senate and the Speaker of the House of Representatives by February 1, of each year beginning in 2001, and the final report submitted by February 1, 2003. Each report will address the progress and findings of the evaluation and will include recommendations for policy or statutory changes.*

(c) *Within the prototype region, the budget transfer authority defined in paragraph (4)(b) shall apply to the consolidated geographic area.*

And the title is amended as follows:

On page 1, line 17, after the semicolon (;) insert: requiring an independent evaluation; requiring a report to the Legislature;

**Amendment 2 (981352)**—On page 24, line 22 through page 25, line 6, delete those lines and insert: *contract document a requirement that any state funds provided for the purchase of or improvements to real property are contingent upon the contractor or political subdivision granting to the state a security interest in the property at least to the amount of the state funds provided for at least 5 years from the date of purchase or the completion of the improvements or as further required by law. The contract must include a*

The Committee on Governmental Oversight and Productivity recommended the following amendments which were moved by Senator Diaz-Balart and adopted:

**Amendment 3 (320418)**—On page 27, delete line 4 and insert:

Section 8. Paragraphs (a), (b), and (d) of subsection (1),

**Amendment 4 (330712)(with title amendment)**—On page 31, between lines 24 and 25, insert:

(d) *Except as provided for counties and municipalities under s. 768.28, any eligible lead community-based provider, as defined in paragraph (b), or its employees or officers, except as otherwise provided in paragraph (e), must, as a part of its contract, obtain a minimum of \$1 million per claim/\$3 million per incident in general liability insurance coverage. In any tort action brought against such an eligible lead community-based provider, net economic damages shall be limited to \$1 million per claim, including, but not limited to, past and future medical expenses, wage loss, and loss of earning capacity, offset by any collateral source payment paid or payable. In any tort action brought against such an eligible lead community-based provider, noneconomic damages shall be limited to \$200,000 per claim. A claims bill may be brought on behalf of a claimant pursuant to s. 768.28 for any amount exceeding the limits specified in this paragraph. Any offset of collateral source payments made as of the date of the settlement or judgment shall be in accordance with s. 768.76. The lead community-based provider shall not be liable in tort for the acts or omissions of its subcontractors or the officers, agents, or employees of its subcontractors.*

And the title is amended as follows:

On page 3, line 2, after the semicolon (;) insert: providing for application of state sovereign immunity to counties and municipalities;

Senator Klein moved the following amendment which was adopted:

**Amendment 5 (653178)(with title amendment)**—Between page 76, line 31; and on page 77, line 1, insert:

Section 45. Subsection (5) of section 216.136, Florida Statutes, is amended to read:

216.136 Consensus estimating conferences; duties and principals.—

(5) CRIMINAL JUSTICE ESTIMATING CONFERENCE.—

(a) Duties.—The Criminal Justice Estimating Conference shall:

1. Develop such official information relating to the criminal justice system, including forecasts of prison admissions by offense categories specified in Rule 3.701, Florida Rules of Criminal Procedure, as the conference determines is needed for the state planning and budgeting system.

2. Develop such official information relating to the number of eligible discharges and the projected number of civil commitments for determining space needs pursuant to the civil proceedings provided under part V. of chapter 394.

Section 46. Section 216.1365, Florida Statutes is repealed.

Section 47. Section 960.07, Florida Statutes, is amended to read:

960.07 Filing of claims for compensation.—

(1) A claim for compensation may be filed by a person eligible for compensation as provided in s. 960.065 or, if such person is a minor, by his or her parent or guardian or, if the person entitled to make a claim is mentally incompetent, by the person's guardian or such other individual authorized to administer his or her estate.

(2) Except as provided in subsection (3), a claim must be filed not later than 1 year after:

(a) The occurrence of the crime upon which the claim is based.

(b) The death of the victim or intervenor.

(c) The death of the victim or intervenor is determined to be the result of a crime, and the crime occurred after June 30, 1994.

However, for good cause the department may extend the time for filing for a period not exceeding 2 years after such occurrence.

(3) Notwithstanding the provisions of subsection (2) and regardless of when the crime occurred, if the victim or intervenor was under the age of 18 at the time the crime upon which the claim is based occurred, a claim may be filed in accordance with this subsection.

(a) The victim's or intervenor's parent or guardian may file a claim on behalf of the victim or intervenor while the victim or intervenor is less than 18 years of age; or

(b) When a victim or intervenor who was under the age of 18 at the time the crime occurred reaches the age of 18, the victim or intervenor has 1 year within which to file a claim.

For good cause, the department may extend the time period allowed for filing a claim under paragraph (b) for an additional period not to exceed 1 year.

(4) *The provisions of subsection (2) notwithstanding, and regardless of when the crime occurred, a victim of a sexually violent offense as defined in s. 394.912, may file a claim for compensation for counseling or other mental health services within one year after the filing of a petition under s. 394.914, to involuntarily civilly commit the individual who perpetrated the sexually violent offense.*

(5)(4) Claims may be filed in the Tallahassee office of the department in person or by mail. Any employee of the department receiving a claim for compensation shall, immediately upon receipt of such claim, mail the claim to the department at its office in Tallahassee. In no event and under no circumstances shall the rights of a claimant under this chapter be prejudiced or lost by the failure or delay of the employees of the department in mailing claims to the department in Tallahassee.

(6)(5) Upon filing of a claim pursuant to this chapter, in which there is an identified offender, the department shall promptly notify the state attorney of the circuit wherein the crime is alleged to have occurred. If within 10 days after such notification such state attorney advises the department that a criminal prosecution or delinquency petition is pending upon the same alleged crime and requests that action by the department be deferred, the department shall defer all proceedings under this chapter until such time as a trial verdict or delinquency adjudication has been rendered, and shall so notify such state attorney and claimant. When a trial verdict or delinquency adjudication has been rendered, such state attorney shall promptly notify the department. Nothing in this subsection shall limit the authority of the department to grant emergency awards pursuant to s. 960.12.

(7)(6) The state attorney's office shall aid claimants in the filing and processing of claims, as may be required.

Section 48. Paragraph (e) of subsection (3) of section 394.913, Florida Statutes, is amended to read:

394.913 Notice to state attorney and multidisciplinary team of release of sexually violent predator; establishing multidisciplinary teams; information to be provided to multidisciplinary teams.—

(3)

(e) Within 90<sup>45</sup> days after receiving notice, there shall be a written assessment as to whether the person meets the definition of a sexually violent predator and a written recommendation, which shall be provided to the state attorney. The written recommendation shall be provided by the Department of Children and Family Services and shall include the written report of the multidisciplinary team.

The provisions of this section are not jurisdictional, and failure to comply with them in no way prevents the state attorney from proceeding against a person otherwise subject to the provisions of this part.

Section 49. Section 394.930, Florida Statutes, is amended to read:

394.930 Authority to adopt rules.—The Department of Children and Family Services shall adopt rules for:

(1) Procedures that must be followed by members of the multidisciplinary teams when assessing and evaluating persons subject to this part;

(2) Education and training requirements for members of the multidisciplinary teams and professionals who assess and evaluate persons under this part;

(3)(2) The criteria that must exist in order for a multidisciplinary team to recommend to a state attorney that a petition should be filed to involuntarily commit a person under this part. The criteria shall include, but are not limited to, whether:

- (a) The person has a propensity to engage in future acts of sexual violence;
  - (b) The person should be placed in a secure, residential facility; and
  - (c) The person needs long-term treatment and care.
- (4)(3) The designation of secure facilities for sexually violent predators who are subject to involuntary commitment under this part;
- (5)(4) The components of the basic treatment plan for all committed persons under this part;
- (6)(5) The protocol to inform a person that he or she is being examined to determine whether he or she is a sexually violent predator under this part.

Section 50. Section 394.931, Florida Statutes, is amended to read:

394.931 Quarterly reports.—Beginning July 1, 1999, the Department of Corrections shall collect information and compile quarterly reports with statistics profiling inmates released the previous quarter who fit the criteria and were referred to the Department of Children and Family Services pursuant to this act. The quarterly reports must be produced beginning October 1, 1999. At a minimum, the information that must be collected and compiled for inclusion in the reports includes: whether the qualifying offense was the current offense or the prior offense; the most serious sexual offense; the total number of distinct victims of the sexual offense; whether the victim was known to the offender; whether the sexual act was consensual; whether the sexual act involved multiple victims; whether direct violence was involved in the sexual offense; the age of each victim at the time of the offense; the age of the offender at the time of the first sexual offense; whether a weapon was used; length of time since the most recent sexual offense; and the total number of prior and current sexual-offense convictions. *In addition, the Department of Children and Family Services shall implement a long-term study to determine the overall efficacy of the provisions of this part.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 24, after the semicolon (;) insert: repealing s. 216.1365, F.S.; requiring the Criminal Justice Estimating Conference to project future bed needs and other program needs for sexually violent predators; amending s. 216.136, F.S.; requiring the Criminal Justice Estimating Conference to project future bed needs and other program needs for sexually violent predators; amending s. 960.07, F.S.; expanding the time within which a victim of an offense committed by a sexually violent predator may apply for compensation from the Crimes Compensation Trust Fund; amending s. 394.913, F.S.; increasing the period of time for the multidisciplinary team to determine if an offender is a sexually violent predator; amending s. 394.930, F.S.; requiring the Department of Children and Family Services to adopt rules for education and training for members of multidisciplinary teams and other professionals who evaluate sexually violent predators; amending s. 394.931, F.S.; requiring the Department of Children and Family Services to implement a long-term study to determine the effectiveness of involuntary civil commitment of sexually violent predators;

Senator Kurth moved the following amendment which was adopted:

**Amendment 6 (105394)**—On page 7, between lines 28 and 29, insert:

(d) *Each fiscal year the secretary shall, in consultation with the relevant employee representatives, develop projections of the number of child abuse and neglect cases and shall include in the department's legislative budget request a specific appropriation for funds and positions for the next fiscal year in order to provide an adequate number of full-time equivalent:*

- 1. *Child protection investigation workers so that caseloads do not exceed the Child Welfare League Standards by more than two cases; and*
- 2. *Child protection case workers so that caseloads do not exceed the Child Welfare League Standard by more than two cases.*

Senator Diaz-Balart moved the following amendments which were adopted:

**Amendment 7 (613064)**—On page 11, line 6 through line 17, delete those lines and insert:

(d) *The department is authorized to contract for children's services with a lead agency in each county of the prototype area, except that the lead agency contract may cover more than one county when it is determined that such coverage will provide more effective or efficient services. The duties of the lead agency shall include, but are not limited to:*

- 1. *Directing and coordinating the programs and services with the scope of its contract.*
- 2. *Contracting for the provision of core services, including intake and eligibility, assessment, service planning, and case management. However, a lead agency may obtain approval from the department to provide core services, including intake and eligibility, assessment, service planning, and case management, upon a finding by the department that such lead agency is the only appropriate organization within the service district capable of providing such services or services within the department's quality assurance and performance standards.*

**Amendment 8 (422122)(with title amendment)**—On page 17, line 7 through page 18, line 12, delete those lines and insert: (1) ~~CREATION; APPOINTMENT.~~—There shall be established and located within each service district of the department of Children and Family Services a district family care council. *No member of the Family Care Council shall be an employee of, or contract provider to, the program in the department to which it makes recommendations.*

(2) ~~MEMBERSHIP.~~—

(a) *Each district family care council shall consist of at least 10 and no more than 15 members ~~nine persons~~ recommended by a majority vote of the district family care council and appointed by the Governor ~~district health and human services board.~~*

(b) *At least three ~~One-half~~ of the members of the council must be consumers. One such member shall be a consumer who received developmental services within the 4 years prior to the date of recommendation, or the legal guardian of such a consumer. The remainder of the council members shall be parents, guardians, or siblings ~~who are family members or legal guardians~~ of persons with developmental disabilities who qualify for developmental services pursuant to this chapter. ~~At least one-half of the members of the council shall be current consumers of developmental services.~~*

(c) *A person who is currently serving on another board or council of the department may not be appointed to a district family care council.*

(d) *Employees of the department are not eligible to serve on a district family care council.*

(e) *Persons related by consanguinity or affinity within the third degree shall not serve on the same district family care council at the same time.*

(f) *A chair ~~chairperson~~ for the council shall ~~must~~ be chosen by the council members to serve for 1 year. A person may serve no more than four 1-year terms as chair.*

(3) ~~TERMS; VACANCIES.~~—

(a) *Council members shall be appointed for a 3-year ~~2-year~~ term, except as provided in subsection (8), and may be reappointed to ~~not more than one~~ additional term. ~~A person who is currently serving on another board or council of the department may not be appointed to a family care council.~~*

(b) *A member who has served two consecutive terms shall not be eligible to serve again until 12 months have elapsed since ending his or her service on the district council.*

(c) *Upon expiration of a term or in the case of any other vacancy, the district council shall, by majority vote, recommend to the Governor for appointment a person for each vacancy. If the Governor does not act on the council's recommendations within 45 days after receiving them, the persons recommended shall be considered to be appointed.*

(4) ~~COMMITTEE APPOINTMENTS.~~—*The chair of the district family care council may appoint persons to serve on council committees. Such*

persons may include former members of the council and persons not eligible to serve on the council.

(5) TRAINING.—

(a) The department, in consultation with the district councils, shall establish a training program for district family care council members. Each district shall provide the training program when new persons are appointed to the district council and at other times as the secretary deems necessary.

(b) The training shall assist the council members to understand the laws, rules, and policies applicable to their duties and responsibilities.

(c) All persons appointed to a district council must complete this training within 90 days after their appointment. A person who fails to meet this requirement shall be considered to have resigned from the council.

(6)(2) MEETINGS; CONTINUED EXISTENCE.—Council members shall serve on a voluntary basis without payment for their services but shall be reimbursed for per diem and travel expenses as provided for in s. 112.061. The council shall meet at least six times per year ~~once a month~~.

(7)(3) PURPOSE.—The purpose of the district family care councils shall be to advise the health and human services boards of the department and its district advisory boards, to develop a plan for the delivery of developmental services family support within the district, and to monitor the implementation and effectiveness of services and support provided under the plan. The primary functions of the district family care councils shall be to:

- (a) Assist in providing information and outreach to families.
- (b) Review the effectiveness of developmental services programs and make recommendations with respect to program implementation.
- (c) Advise district developmental services administrators with respect to policy issues relevant to the community and family support system in the district.
- (d) Meet and share information with other district family care councils.

(8) NEW COUNCILS.—When a district family care council is established for the first time in a district, the Governor shall appoint the first four council members, who shall serve 3-year terms. These members shall submit to the Governor, within 90 days after their appointment, recommendations for at least six additional members, selected by majority vote. If the Governor does not act on the recommendations within 45 days after receiving them, the persons recommended shall be considered to be appointed. Those members recommended for appointment by the Governor shall serve for 2 years.

(9) FUNDING; FINANCIAL REVIEW.—The district family care council may apply for, receive, and accept grants, gifts, donations, bequests, and other payments from any public or private entity or person. Each district council shall be subject to an annual financial review by district staff assigned by the district administrator. Each district council shall exercise care and prudence in the expenditure of funds. The district family care councils shall comply with state expenditure requirements.

And the title is amended as follows:

On page 1, lines 26-30, delete those lines and insert: program performance evaluation; amending s. 393.502, F.S.; revising provisions relating to creation, appointment, and operation of family care councils; requiring establishment of a training program for council members; providing for reimbursement for members' per diem and travel expenses; deleting references to health and human services boards; amending s. 393.503, F.S.; deleting references to health and human services boards; creating s. 402.73,

**Amendment 9 (591498)(with title amendment)**—On page 77, between lines 13 and 14, insert:

Section 47. Paragraph (a) of subsection (2) of section 318.21, Florida Statutes, as amended by section 135 of chapter 98-403, Laws of Florida, is amended to read:

318.21 Disposition of civil penalties by county courts.—All civil penalties received by a county court pursuant to the provisions of this chapter shall be distributed and paid monthly as follows:

(2) Of the remainder:

(a) Five and six-tenths percent shall be paid to the General Revenue Fund of the state, except that the first \$300,000 shall be deposited into the Grants and Donations Trust Fund in the state courts system Department of Children and Family Services for administrative costs, training costs, and costs associated with the implementation and maintenance of Florida foster care citizen review panels in a constitutional charter county as provided for in s. 39.702 ~~39.4534~~.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 31, after the semicolon (;) insert: amending s. 318.21, F.S.; providing for disposition of civil penalties to the Grants and Donations Trust Fund in the Office of State Courts Administrator;

Senator McKay moved the following amendment which was adopted:

**Amendment 10 (430308)(with title amendment)**—On page 76, following line 31 insert:

Section 45. Pilot program for attorneys ad litem for dependent children.—

(1) LEGISLATIVE INTENT.—In furtherance of the goals set forth in section 39.4085, Florida Statutes, it is the intent of the Legislature that children who are maintained in out-of-home care by court order under section 39.402, Florida Statutes, receive competent legal representation.

(2) RESPONSIBILITIES.—

(a) The Office of the State Courts Administrator shall establish a 3-year pilot Attorney Ad Litem Program in the Ninth Judicial Circuit.

(b) The Office of the State Courts Administrator shall establish the pilot program in the Ninth Judicial Circuit by October 1, 2000. The Ninth Judicial Circuit may contract with a private or public entity in the Ninth Judicial Circuit to establish the pilot program. The private or public entity must have appropriate expertise in representing the rights of children taken into custody by the Department of Children and Family Services. The Office of the State Court Administrator shall identify measurable outcomes, including, but not limited to, the impact of counsel on child safety, improvements in the provision of appropriate services, and any reduction in the length of stay of children in state care. The pilot program shall be established and operate independently of any other state agency responsible for the care of children taken into custody.

(c) The Ninth Judicial Circuit shall designate an attorney within the Ninth Judicial Circuit to conduct the administrative oversight of the pilot program. The program administrator must be a member in good standing of The Florida Bar and must have 5 or more years of experience in the area of child advocacy, child welfare, or juvenile law. The administrative oversight of the pilot program is subject to supervision by the Ninth Judicial Circuit.

(d) The Office of the State Courts Administrator in conjunction with the pilot program shall develop a training program for attorneys ad litem which includes, but need not be limited to, appropriate standards of practice for attorneys who represent children.

(e) Within funds specifically appropriated for this pilot program, the Office of the State Courts Administrator in conjunction with the pilot program shall design an appropriate attorney ad litem program and may establish the number of attorneys needed to serve as attorneys ad litem and may employ attorneys and other personnel. An attorney ad litem must be a member in good standing of The Florida Bar and may not serve as an attorney ad litem until he or she has completed the training program.

(f) The court shall appoint the entity responsible for representation of children in the Ninth Judicial Circuit under the pilot program who are continued in out-of-home care at the shelter hearing conducted under section 39.402, Florida Statutes, if the court deems attorney ad litem representation necessary. At any time following the shelter hearing, the

court may appoint an attorney ad litem upon the motion of any party, or upon the court's own motion if an attorney ad litem has not yet been appointed and the court deems such representation necessary. The attorney ad litem's representation shall be limited to proceedings initiated under chapter 39, Florida Statutes, only. The court must appoint a guardian ad litem pursuant to section 39.822, Florida Statutes, for all children who have been appointed an attorney ad litem. Upon this action by the court, the department shall provide to the administrator, at a minimum, the name of the child, the location and placement of the child, the name of the department's authorized agent and contact information, copies of all notices sent to the parent or legal custodian of the child, and other information or records concerning the child.

(g) Upon the court's direction, the pilot program administrator shall assign an attorney ad litem to represent the child. Once assigned, the attorney ad litem shall represent the child's wishes for purposes of proceedings under chapter 39, Florida Statutes, as long as the child's wishes are consistent with the safety and well being of the child. The child's attorney must in all circumstances fulfill the same duties of advocacy, loyalty, confidentiality, and competent representation which are due an adult client. The court must approve any action by the attorney ad litem restricting access to the child by the guardian ad litem or by any other party. The attorney ad litem shall represent the child until the program is discharged by order of the court because permanency has been achieved or the court believes that the attorney ad litem is no longer necessary.

(h) The Office of the State Courts Administrator shall conduct research and gather statistical information to evaluate the establishment, operation, and impact of the pilot program in meeting the legal needs of dependent children. In assessing the effects of the pilot program, including achievement of outcomes identified under paragraph (2)(b), the evaluation must include a comparison of children within the Ninth Judicial Circuit who are appointed an attorney ad litem with those who are not. The office shall submit a report to the Legislature and the Governor by October 1, 2001 and by October 1, 2002, regarding its findings. The office shall submit a final report by October 1, 2003, which must include an evaluation of the pilot program; findings on the feasibility of a statewide program; and recommendations, if any, for locating, establishing, and operating a statewide program.

(3) **STANDARDS.**—The Supreme Court is requested, by October 1, 2000, to adopt rules of juvenile procedure which include the duties, responsibilities, and conduct of an attorney ad litem. The Office of the State Courts Administrator, in consultation with the Dependency Court Improvement Committee of the Supreme Court, shall develop implementation guidelines for the attorney ad litem pilot program.

(4) **FUNDING.**—The sums of \$1,040,111 in recurring funds and \$48,674 in nonrecurring funds are appropriated from the General Revenue Fund and two full-time-equivalent positions are authorized for Court Operations - Circuit Courts in the State Court System to operate the attorney ad litem pilot program in the Ninth Judicial Circuit and provide adequate guardian ad litem representation that is in the best interests of all children involved in the pilot program. The sum of \$696,798 in recurring funds is appropriated from the General Revenue Fund, and 14 full-time equivalent positions are authorized, for the circuit court budget to ensure best interests representation by the Guardian Ad Litem Program as part of the pilot program. The sum of \$75,000 in nonrecurring funds is appropriated from the General Revenue Fund to the Supreme Court for the Office of the State Courts Administrator for the purpose of evaluating the pilot program.

(5) The provisions in this section of the act shall take effect October 1, 2000.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 24, following the semicolon (;) insert: providing legislative intent with respect to providing competent legal representation for children in state custody; requiring that the Office of the State Courts Administrator create a pilot Attorney Ad Litem Program in the Ninth Judicial Circuit; authorizing the office to contract with a private or public entity to operate the pilot program; providing for the pilot program to operate independently of other state agencies responsible for the care of children in state custody; providing for administration of the program; requiring that the Office of the State Courts Administrator develop a training program for attorneys ad litem; requiring that the

court direct the pilot program to assign an attorney ad litem; requiring that the Department of Children and Family Services provide information to the pilot-program administrator; providing for assigning an attorney ad litem to represent the child's wishes; requiring the Office of the State Courts Administrator to make annual reports to the Legislature; requiring that the Office of the States Courts Administrator evaluate the pilot program; requesting that the Supreme Court adopt rules of juvenile procedure; providing appropriations for the pilot program;

Senator Silver moved the following amendment which was adopted:

**Amendment 11 (104520)(with title amendment)**—On page 77, before line 1, insert:

Section 45. (1) *The Correctional Privatization Commission created under chapter 957, Florida Statutes, in consultation with the Department of Children and Family Services, shall develop and issue a request for proposal for the financing, design, construction, acquisition, ownership, leasing, and operation of a secure facility of at least 400 beds to house and rehabilitate sexual predators committed under the Jimmy Ryce Act of 1998. The Secretary of Children and Family Services shall retain final approval of the request for proposal, the successful bidder, and the contract.*

(2) *This constitutes specific legislative authorization for the Correctional Privatization Commission to enter into a contract with a provider for the financing, design, construction, acquisition, ownership, leasing, and operation of a secure facility to house and rehabilitate sexual predators, to be constructed upon the grounds of the DeSoto Correctional Facility in DeSoto County which houses the DeSoto Correctional Institute.*

(3) *The selected contractor for the financing, design, construction, acquisition, ownership, leasing, and operation of the secure facility is authorized to enter into a lease arrangement or other private financing, or to sponsor the issuance of tax-exempt bonds, certificates of participation, or other public or private means to finance the facility. The department is authorized to enter into all such agreements as are necessary, including lease alternatives, to bring the facility to an operational state and to commence leasing of the facility.*

(4) *Upon completion of the secure treatment facility in DeSoto County for sexual predators, the Martin Sexually Violent Predator Treatment and Retaining Program shall be phased out, to be terminated within 1 year after completion of the facility.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 24, after the semicolon (;) insert: requiring the Correctional Privatization Commission, in consultation with the Department of Children and Family Services, to issue a request for proposal for the financing, design, construction, acquisition, ownership, leasing, and operation of a specified secure facility to house and rehabilitate certain sexual predators; authorizing the Secretary of Children and Family Services to approve the request for proposal, the successful bidder, and the contract; providing authority for the commission to enter into a contract with a provider; providing authority of the contractor with respect to financing of the project; providing authority of the department to enter into certain agreements; providing for termination of a specified program upon completion of the facility;

Senator Diaz-Balart moved the following amendment which was adopted:

**Amendment 12 (332176)(with title amendment)**—On page 77, before line 1, insert:

Section 45. Paragraph (g) in subsection (6) of section 409.176, Florida Statutes, is created to read:

409.176 Registration of residential child-caring agencies and family foster homes.—

(6) Each child served by a Type II facility shall be covered by a written contract, executed at the time of admission or prior thereto, between the facility and the parent, legal guardian, or person having legal custody of the child. Such person shall be given a copy of the contract at the time of its execution, and the facility shall retain the original contract. Each contract shall:

- (a) Enumerate the basic services and accommodations provided by the facility.
- (b) State that the facility is a Type II facility.
- (c) Contain the address and telephone number of the qualified association.
- (d) Specify the charges, if any, to the parent, legal guardian, or person having legal custody of the child.
- (e) Contain a clear statement regarding disciplinary procedures.
- (f) State that the goal of the facility is to return the child it serves to the parent, legal guardian, or person having legal custody of the child, within 1 year from the time the child enters the facility.

(g) *Authorize the facility administrator or his or her designee to consent to routine and emergency medical care on behalf of the parent, legal guardian, or person having legal custody of the child, provided the facility administrator shall immediately notify the parent, legal guardian, or person having legal custody of the child of medical care being provided on their behalf. Authorization of this power shall be granted only upon the separate consent in the contract of the parent, legal guardian, or person having legal custody of the child.*

A copy of the contract signed by the parent, legal guardian, or person having legal custody of the child shall be filed with the qualified association within 10 days after the child enters the facility.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 24, after the semicolon (;) insert: amending s. 409.176, F.S.; authorizing the facility administrator or designee to consent to routine and emergency medical care and to immediately notify the parent, legal guardian, or persons with legal custody of the child;

Senators McKay and Rossin offered the following amendment which was moved by Senator McKay and adopted:

**Amendment 13 (622084)(with title amendment)**—On page 77, before line 1, insert:

Section 45. *Residential Group Care Placements.*—

(1) *Subject to a specific appropriation, the Department of Children and Family Services shall contract for residential group care placements:*

(a) *In Districts 6, 7, 13, and 14 in order to eliminate the placement of more than five children per foster home and,*

(b) *On a statewide basis when there is no appropriate foster care placement available for a child with special needs. For the purposes of this section, a "child with special needs" means a child with a learning or developmental disability or a chronic physical, medical, or emotional condition.*

*Standard board and care rates shall be established and uniformly applied by the Department of Children and Family Services.*

(2) *The Department of Children and Family Services must submit a report to the President of the Senate and the Speaker of the House of Representatives by October 1, 2001, any difficulties with contracting for these placements because of a facility shortage or limited provider capacity. Included in the report, the department shall recommend solutions to any problems contracting for placements and shall recommend expansion to one or more districts beyond the four districts identified in (1), providing the reasons for recommending the selected districts and the associated costs.*

(3) *The sum of \$12,700,000 is appropriated from the General Revenue Fund and \$6,300,000 is appropriated from the Federal Grants Trust Fund to the Department of Children and Family Services to contract for residential group care placements as provided in (1) and (2). No less than 3 million dollars shall be spent on residential group care placements for children with special needs.*

(4) *This section shall take effect upon becoming a law.*

And the title is amended as follows:

On page 3, line 24, after the semicolon (;) insert: providing for the Department of Children and Family Services to contract for residential group care placements in specified districts and statewide for children with special needs; providing for a report to the Legislature; providing for an appropriation;

Senator Diaz-Balart moved the following amendment which was adopted:

**Amendment 14 (925078)(with title amendment)**—On page 77, before line 1, insert:

Section 45. *Children Service Council or Juvenile Welfare Board incentive grants.*—

(1) *Subject to specific appropriations, it is the intent of the Legislature to provide incentives to encourage Children Service Councils or Juvenile Welfare Boards to provide support to local child welfare programs related to implementation of community-based care.*

(a) *A Children Service Council or Juvenile Welfare Board as authorized in section 125.901, Florida Statutes, may submit a request for funding or continued funding to the Department of Children and Families to support programs funded by the council or board for local child welfare services related to implementation of community-based care.*

(b) *The Department of Children and Families shall establish grant application procedures.*

(2) *The Department of Children and Families shall make award determinations no later than October 1 of each year. All applicants shall be notified by the department of its final action.*

(3) *Each council or board that is awarded a grant as provided for in this section shall submit performance and output information as determined by the Department of Children and Families.*

(4) *The Department of Children and Families shall establish rules as necessary to implement this section.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 24, after the semicolon (;) insert: providing incentive grants for children service council or juvenile welfare board; providing requirements; authorizing rules;

Senator Kurth moved the following amendment which was adopted:

**Amendment 15 (534770)(with title amendment)**—On page 77, between lines 13 and 14, insert:

Section 47. Paragraphs (a) and (b) of subsection (3) of section 409.145, Florida Statutes, are amended to read:

409.145 Care of children.—

(3)(a) The department is authorized to continue to provide the services of the children's foster care program to individuals 18 to 21 years of age who are enrolled in high school, in a program leading to a high school equivalency diploma as defined in s. 229.814, or in a full-time career education program, and to continue to provide services of the children's foster care program to individuals 18 to 23 years of age who are enrolled full-time in a postsecondary educational institution granting a degree, a certificate, or an applied technology diploma, if the following requirements are met:

1. The individual was committed to the legal custody of the department for placement in foster care as a dependent child;

2. All other resources have been thoroughly explored, and it can be clearly established that there are no alternative resources for placement; and

3. A written service agreement which specifies responsibilities and expectations for all parties involved has been signed by a representative of the department, the individual, and the foster parent or licensed child-caring agency providing the placement resources.

(b) The services of the foster care program shall continue for those individuals 18 to 21 years of age only for the period of time the individual is continuously enrolled in high school, in a program leading to a high school equivalency diploma as defined in s. 229.814, or in a full-time career education program; and shall continue for those individuals 18 to 23 years of age only for the period of time the individual is continuously enrolled full-time in a postsecondary educational institution granting a degree, a certificate, or an applied technology diploma. Services shall be terminated upon completion of or withdrawal or permanent expulsion from high school, the program leading to a high school equivalency diploma, or the full-time career education program, or the postsecondary educational institution granting a degree, a certificate, or an applied technology diploma.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 31, after the semicolon (;) insert: amending s. 409.145, F.S.; authorizing the Department of Children and Family Services to continue providing foster care services to certain individuals who are enrolled full-time in a degree-granting program in a postsecondary educational institution; specifying circumstances under which such services shall be terminated;

Senator McKay moved the following amendment which was adopted:

**Amendment 16 (550148)**—On page 77, line 14, delete “*This*” and insert: Except as otherwise provided, this

Senators Cowin and Diaz-Balart offered the following amendment which was moved by Senator Cowin and adopted:

**Amendment 17 (380440)(with title amendment)**—On page 77, between lines 13 and 14, insert:

Section 47. Section 784.085, Florida Statutes, is created to read:

*784.085 Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.—*

(1) *It is unlawful for any person to knowingly cause or attempt to cause a child to come into contact with blood, seminal fluid, or urine or feces by throwing, tossing, projecting, or expelling such fluid or material.*

(2) *Any person who violates this section commits battery of a child, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

(3) *As used in this section, the term “child” means a person under 18 years of age.*

Section 48. Paragraph (d) of subsection (3) of section 921.0022, Florida Statutes, is amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(d) LEVEL 7
316.1935(3)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a marked patrol vehicle with siren and lights activated.
784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, intake officer, etc.
784.075	3rd	Battery on detention or commitment facility staff.
784.08(2)(c)	3rd	Battery on a person 65 years of age or older.
784.081(3)	3rd	Battery on specified official or employee.
784.082(3)	3rd	Battery by detained person on visitor or other detainee.

Florida Statute	Felony Degree	Description
784.083(3) 784.085	3rd 3rd	Battery on code inspector. <i>Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.</i>
787.03(1)	3rd	Interference with custody; wrongly takes child from appointed guardian.
787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
790.115(2)(b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
790.115(2)(c)	3rd	Possessing firearm on school property.
800.04(7)(c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
810.02(4)(b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
810.06	3rd	Burglary; possession of tools.
810.08(2)(c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
812.014 (2)(c)4.-10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
828.125(1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
837.02(1)	3rd	Perjury in official proceedings.
837.021(1)	3rd	Make contradictory statements in official proceedings.
843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreatment or bond jumping).
874.05(1)	3rd	Encouraging or recruiting another to join a criminal street gang.
893.13(2)(a)1.	2nd	Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), or (2)(a) or (b) drugs).
914.14(2)	3rd	Witnesses accepting bribes.
914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
918.12	3rd	Tampering with jurors.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 31, after the semicolon (;) insert: creating s. 784.085, F.S.; prohibiting battery of a child by throwing, tossing, projecting, or expelling certain fluids; providing a penalty; providing a definition; amending s. 921.0022, F.S., relating to the criminal Punishment Code; conforming provisions to changes made by the act;

Pursuant to Rule 4.19, **SB 2566** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

#### MOTION

On motion by Senator Burt, the House was requested to return **CS for CS for SB 1998**.

Consideration of **CS for CS for SB 2324**, **CS for SB 238** and **SB 2618** was deferred.

On motion by Senator Clary—

**SB 2422**—A bill to be entitled An act relating to rural hospitals; amending s. 395.602, F.S.; redefining the term “rural hospital”; amending s. 409.9116, F.S.; providing that certain hospitals are eligible for funding; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **SB 2422** to **HB 2319**.

Pending further consideration of **SB 2422** as amended, on motion by Senator Clary, by two-thirds vote **HB 2319** was withdrawn from the Committees on Health, Aging and Long-Term Care; and Fiscal Policy.

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

**HB 2319**—A bill to be entitled An act relating to rural hospitals; amending ss. 395.602 and 408.07, F.S.; revising the definition of the term “rural hospital”; amending s. 409.9116, F.S.; revising eligibility for funding under the disproportionate share/financial assistance program for rural hospitals; providing an effective date.

—a companion measure, was substituted for **SB 2422** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 2319** was placed on the calendar of Bills on Third Reading.

**CS for CS for SB 202**—A bill to be entitled An act relating to motor vehicles; amending s. 320.08058, F.S.; revising provisions relating to the Sea Turtle License Plate; providing for a distribution of funds from the Share the Road license plate to Bike Florida, Inc., rather than to the Governor’s Council on Physical Fitness and Amateur Sports; amending s. 320.084, F.S.; allowing certain disabled veterans to purchase additional disabled veterans license plates; amending s. 320.0848, F.S.; eliminating disabled-parking-permit fees; providing an administrative processing fee; revising provisions relating to fees for temporary disabled-parking permits; providing an effective date.

—was read the second time by title.

Senator Sullivan moved the following amendment:

**Amendment 1 (543900)(with title amendment)**—On page 4, lines 17-21, delete those lines and insert: of this state’s eligibility guidelines, *by an advanced registered nurse practitioner licensed under chapter 464 in a facility operated by the United States Department of Veterans Affairs under the protocol of a licensed physician as stated in this subparagraph, or by a physician assistant licensed under chapter 458 or chapter 459 in a facility operated by the United States Department of Veterans Affairs.*

And the title is amended as follows:

On page 1, line 12, after the first semicolon (;) insert: authorizing certain additional health care professionals to issue certifications of disability;

On motion by Senator Clary, further consideration of **CS for CS for SB 202** with pending **Amendment 1** was deferred.

On motion by Senator Clary, by two-thirds vote **HB 407** was withdrawn from the Committee on Transportation.

On motion by Senator Clary—

**HB 407**—A bill to be entitled An act relating to toll facilities; amending s. 338.155, F.S.; exempting certain vehicles on official business from the payment of tolls on toll facilities; providing an effective date.

—a companion measure, was substituted for **CS for SB 206** and read the second time by title.

Pursuant to Rule 4.19, **HB 407** was placed on the calendar of Bills on Third Reading.

On motion by Senator Clary, consideration of **CS for SB 420** was deferred.

On motion by Senator Clary—

**CS for SB 2034**—A bill to be entitled An act relating to the Department of Health; amending s. 20.43, F.S.; requiring the department to include certain assessments, projections, and recommendations in the department’s strategic plan rather than in the state health plan; amending s. 39.303, F.S.; providing duties of the Children’s Medical Services Program within the department with respect to child protection teams; amending s. 120.80, F.S.; revising procedures for hearings conducted with respect to the Brain and Spinal Cord Injury Program; amending s. 154.011, F.S.; revising duties of the department with respect to monitoring and administering certain primary care programs; amending s. 215.5602, F.S.; revising the goals of and expenditures for the Florida Biomedical Research Program within the Lawton Chiles Endowment Fund; amending s. 381.0011, F.S.; providing requirements for the department’s strategic plan; amending s. 381.003, F.S.; requiring the department to develop an immunization registry; requiring that the registry include all children born in this state; providing procedures under which a parent or guardian may elect not to participate in the immunization registry; providing for the electronic transfer of records between health care professionals and other agencies; authorizing the department to adopt rules for administering the registry; amending s. 381.0031, F.S.; authorizing the department to obtain and inspect copies of certain medical records and information, notwithstanding laws governing the confidentiality of patient records; exempting health care practitioners, health care facilities, and agents and employees thereof from liability for the authorized release of patient records; amending s. 381.004, F.S.; revising requirements for the release of certain preliminary test results for human immunodeficiency virus; revising the definition of the term “medical personnel” to include additional personnel; amending s. 381.0059, F.S.; defining the term “person who provides services under a school health services plan” for purposes of background screening requirements for school health services personnel; amending s. 381.0101, F.S.; revising certification requirements for certain environmental health professionals; amending s. 381.731, F.S.; requiring that the department include certain strategies in the department’s strategic plan rather than in the Healthy Communities, Healthy People Plan; amending s. 381.734, F.S.; revising the requirements of the Healthy Communities, Healthy People Program; transferring, renumbering, and amending s. 413.46, F.S.; revising legislative intent with respect to the brain and spinal cord injury program; creating s. 381.745, F.S.; providing definitions for purposes of the Charlie Mack Overstreet Brain or Spinal Cord Injuries Act; amending s. 381.75, F.S., relating to duties of the department under the brain and spinal cord injury program; conforming provisions to changes made by the act; creating s. 381.755, F.S.; providing that the right to benefits under the program is not assignable; amending s. 381.76, F.S.; revising eligibility requirements for the brain and spinal cord injury program; creating s. 381.765, F.S.; authorizing the department to retain title to property and equipment and to dispose

of surplus equipment; authorizing the department to adopt rules; creating s. 381.775, F.S.; continuing the confidentiality provided for records and information that pertains to applicants for and recipients of services under the brain and spinal cord injury program; specifying circumstances under which the department may release such records or information; amending s. 381.78, F.S., relating to the advisory council on brain and spinal cord injuries; authorizing reimbursement for per diem and travel expenses for members of the council; prohibiting a council member from voting on matters that provide a financial benefit or create a conflict of interest; providing for removal of members for cause; creating s. 381.785, F.S.; authorizing the department to recover third-party payments for funded services; providing for the enforcement of such right to recovery pursuant to a lien; requiring the department to adopt rules governing the recovery of payments; amending s. 381.79, F.S., relating to the Brain and Spinal Cord Injury Rehabilitation Trust Fund; redesignating the fund as the "Brain and Spinal Cord Injury Program Trust Fund"; providing additional purposes for which moneys in the trust fund may be used; authorizing the department to accept certain gifts; amending s. 385.103, F.S.; providing for the department to operate community intervention programs rather than comprehensive health improvement projects; revising definitions; revising duties of the department in operating such services; requiring the department to adopt rules governing the operation of community intervention programs; amending s. 385.207, F.S., relating to programs in epilepsy control; conforming a cross-reference; amending s. 402.181, F.S.; providing for certain damages and injuries caused by patients of institutions under the Department of Health and specified other state agencies to be reimbursed under the State Institutions Claims Program; amending s. 514.021, F.S.; requiring the department to review rules; providing an effective date.

—was read the second time by title.

Senator Clary moved the following amendment:

**Amendment 1 (830326)(with title amendment)**—On page 5, lines 1-16, delete those lines and insert:

Section 1. Paragraph (l) of subsection (1) of section 20.43, Florida Statutes, is amended and subsection (8) is added to that section to read:

20.43 Department of Health.—There is created a Department of Health.

(1) The purpose of the Department of Health is to promote and protect the health of all residents and visitors in the state through organized state and community efforts, including cooperative agreements with counties. The department shall:

(l) *Include in the department's strategic plan developed under s. 186.021 an assessment of Biennially publish, and annually update, a state health plan that assesses current health programs, systems, and costs; makes projections of future problems and opportunities; and recommended recommends changes that are needed in the health care system to improve the public health.*

(8) *The department may hold copyrights, trademarks, and service marks and enforce its rights with respect thereto.*

And the title is amended as follows:

On page 1, line 7, after "plan;" insert: authorizing the department to hold copyrights, trademarks, and service marks and to enforce its rights to them;

Senator Brown-Waite moved the following amendment to **Amendment 1** which was adopted:

**Amendment 1A (355880)**—On page 2, lines 3-4, delete those lines and insert:

(8) *The department may hold copyrights, trademarks, and service marks and enforce its rights with respect thereto, except such authority does not extend to any public records relating to the department's responsibilities for health care practitioners regulated under part II, chapter 455.*

**Amendment 1** as amended was adopted.

Senator Clary moved the following amendment which was adopted:

**Amendment 2 (332290)**—On page 13, lines 6 and 10, delete "*participate*" and insert: *have the child included*

Senator Saunders moved the following amendment which was adopted:

**Amendment 3 (220558)(with title amendment)**—On page 53, between lines 18 and 19, insert:

Section 28. *February 6th of each year is designated Florida Alzheimer's Disease Day.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 27, following the semicolon (;) insert: designating Florida Alzheimer's Disease Day;

Senator Forman moved the following amendments which were adopted:

**Amendment 4 (324728)(with title amendment)**—On page 53, between lines 18 and 19, insert:

Section 28. *Long-term community-based supports.—The department shall, contingent upon specific appropriations for these purposes:*

(1) *Study the long-term needs for community-based supports and services for individuals who have sustained traumatic brain or spinal cord injuries. The purpose of this study is to prevent inappropriate residential and institutional placement of these individuals, and promote placement in the most cost effective and least restrictive environment. Any placement recommendations for these individuals shall ensure full utilization of and collaboration with other state agencies, programs, and community partners. This study shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives not later than December 31, 2000.*

(2) *Based upon the results of this study, establish a plan for the implementation of a program of long-term community-based supports and services for individuals who have sustained traumatic brain or spinal cord injuries who may be subject to inappropriate residential and institutional placement as a direct result of such injuries.*

(a) *The program shall be payor of last resort for program services and expenditures for such services shall be considered funded services for purposes of section 381.785, Florida Statutes; however, notwithstanding section 381.79(5), Florida Statutes, proceeds resulting from this subsection shall be used solely for this program.*

(b) *The department shall create, by rule, procedures to ensure, that in the event the program is unable to directly or indirectly provide such services to all eligible individuals due to lack of funds, those individuals most at risk to suffer the greatest harm from an imminent inappropriate residential or institutional placement are served first.*

(c) *Every applicant or recipient of the long-term community-based supports and services program shall have been a resident of the state for 1 year immediately preceding application and be a resident of the state at the time of application.*

(d) *The department shall adopt rules pursuant to sections 120.536(1) and 120.54, Florida Statutes, to implement the provision of this subsection.*

Section 29. *If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 27, after the semicolon (;) insert: providing planning for long-term community-based supports for specified brain and spinal cord injury individuals; providing purpose; providing for compliance with s. 381.775, F.S.; providing for a study and report; providing base standard for ranking for services; providing limitation on use of funding;

providing the department with certain rulemaking authority; providing residency requirement; providing severability;

**Amendment 5 (435386)(with title amendment)**—On page 53, between lines 18 and 19, insert:

Section 28. (1) *It is the intent of the Legislature to:*

(a) *Reduce the rates of illness and death from lung cancer and other cancers and improve the quality of life among low-income African-American and Hispanic populations through increased access to early, effective screening and diagnosis, education, and treatment programs.*

(b) *Create a community faith-based disease-prevention program in conjunction with the Health Choice Network and other community health centers to build upon the natural referral and education networks in place within minority communities and to increase access to health service delivery in South Florida.*

(c) *Establish a funding source to build upon local private participation to sustain the operation of the program.*

(2)(a) *There is created the Jessie Trice Cancer Prevention Program, to be located, for administrative purposes, within the Department of Health, and operated from the community health centers within the Health Choice Network in South Florida.*

(b) *Funding will be provided to develop contracts with community health centers and local community faith-based education programs to provide cancer screening, diagnosis, education, and treatment services to low-income populations throughout the state. Pilot programs will be initially created in the communities of Goulds, Naranja, Coconut Grove, Liberty City, and East Little Havana in Dade County and Dunbar in Lee County.*

Section 29. *Funds to implement the provisions in this act are contingent upon a specific appropriation for that purpose in the General Appropriations Act.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 27, after the semicolon (;) insert: providing intent; creating the Jessie Trice Cancer Prevention Program within the Department of Health; providing funding contingent upon an appropriation;

Senator Diaz-Balart moved the following amendment which was adopted:

**Amendment 6 (670122)(with title amendment)**—On page 53, between lines 18 and 19, insert:

Section 28. *Florida Commission on Excellence in Health Care.*—

(1) **LEGISLATIVE FINDINGS AND INTENT.**—*The Legislature finds that the health care delivery industry is one of the largest and most complex industries in Florida. The Legislature finds that additional focus on strengthening health care delivery systems by eliminating avoidable mistakes in the diagnosis and treatment of Floridians holds tremendous promise to increase the quality of health care services available to Floridians. To achieve this enhanced focus, it is the intent of the Legislature to create the Florida Commission on Excellence in Health Care to facilitate the development of a comprehensive statewide strategy for improving health care delivery systems through meaningful reporting standards, data collection and review, and quality measurement.*

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

(a) *“Agency” means the Agency for Health Care Administration.*

(b) *“Commission” means the Florida Commission on Excellence in Health Care.*

(c) *“Department” means the Department of Health.*

(d) *“Error,” with respect to health care, means an unintended act, by omission or commission.*

(e) *“Health care practitioner” means any person licensed under chapter 457; chapter 458; chapter 459; chapter 460; chapter 461; chapter 462;*

*chapter 463; chapter 464; chapter 465; chapter 466; chapter 467; part I, part II, part III, part V, part X, part XIII, or part XIV of chapter 468; chapter 478; chapter 480; part III or part IV of chapter 483; chapter 484; chapter 486; chapter 490; or chapter 491, Florida Statutes.*

(f) *“Health care provider” means any health care facility or other health care organization licensed or certified to provide approved medical and allied health services in this state.*

(3) **COMMISSION; DUTIES AND RESPONSIBILITIES.**—*There is created the Florida Commission on Excellence in Health Care. The commission shall:*

(a) *Identify existing data sources that evaluate quality of care in Florida and collect, analyze, and evaluate this data.*

(b) *Establish guidelines for data sharing and coordination.*

(c) *Identify core sets of quality measures for standardized reporting by appropriate components of the health care continuum.*

(d) *Recommend a framework for quality measurement and outcome reporting.*

(e) *Develop quality measures that enhance and improve the ability to evaluate and improve care.*

(f) *Make recommendations regarding research and development needed to advance quality measurement and reporting.*

(g) *Evaluate regulatory issues relating to the pharmacy profession and recommend changes necessary to optimize patient safety.*

(h) *Facilitate open discussion of a process to ensure that comparative information on health care quality is valid, reliable, comprehensive, understandable, and widely available in the public domain.*

(i) *Sponsor public hearings to share information and expertise, identify “best practices,” and recommend methods to promote their acceptance.*

(j) *Evaluate current regulatory programs to determine what changes, if any, need to be made to facilitate patient safety.*

(k) *Review public and private health care purchasing systems to determine if there are sufficient mandates and incentives to facilitate continuous improvement in patient safety.*

(l) *Analyze how effective existing regulatory systems are in ensuring continuous competence and knowledge of effective safety practices.*

(m) *Develop a framework for organizations that license, accredit, or credential health care practitioners and health care providers to more quickly and effectively identify unsafe providers and practitioners and to take action necessary to remove the unsafe provider or practitioner from practice or operation until such time as the practitioner or provider has proven safe to practice or operate.*

(n) *Recommend procedures for development of a curriculum on patient safety and methods of incorporating such curriculum into training, licensure, and certification requirements.*

(o) *Develop a framework for regulatory bodies to disseminate information on patient safety to health care practitioners, health care providers, and consumers through conferences, journal articles and editorials, newsletters, publications, and Internet websites.*

(p) *Recommend procedures to incorporate recognized patient safety considerations into practice guidelines and into standards related to the introduction and diffusion of new technologies, therapies, and drugs.*

(q) *Recommend a framework for development of community-based collaborative initiatives for error reporting and analysis and implementation of patient safety improvements.*

(r) *Evaluate the role of advertising in promoting or adversely affecting patient safety.*

(4) **MEMBERSHIP, ORGANIZATION, MEETINGS, PROCEDURES, STAFF.**—

(a) *The commission shall consist of:*

1. *The Secretary of Health and the Director of Health Care Administration;*
2. *One representative each from the following agencies or organizations: the Board of Medicine, the Board of Osteopathic Medicine, the Board of Pharmacy, the Board of Dentistry, the Board of Nursing, the Florida Dental Association, the Florida Medical Association, the Florida Osteopathic Medical Association, the Florida Chiropractic Association, the Florida Chiropractic Society, the Florida Podiatric Medical Association, the Florida Nurses Association, the Florida Organization of Nursing Executives, the Florida Pharmacy Association, the Florida Society of Health System Pharmacists, Inc., the Florida Hospital Association, the Association of Community Hospitals and Health Systems of Florida, Inc., the Florida League of Health Systems, the Florida Health Care Risk Management Advisory Council, the Florida Health Care Association, the Florida Statutory Teaching Hospital Council, Inc., the Florida Statutory Rural Hospital Council, the Florida Association of Homes for the Aging, and the Florida Society for Respiratory Care;*
3. *Two health lawyers, appointed by the Secretary of Health, one of whom must be a member of the Health Law Section of The Florida Bar who defends physicians and one of whom must be a member of the Academy of Florida Trial Lawyers;*
4. *Two representatives of the health insurance industry, appointed by the Director of Health Care Administration, one of whom shall represent indemnity plans and one of whom shall represent managed care;*
5. *Five consumer advocates, consisting of one from the Association for Responsible Medicine, two appointed by the Governor, one appointed by the President of the Senate, and one appointed by the Speaker of the House of Representatives;*
6. *Two legislators, one appointed by the President of the Senate and one appointed by the Speaker of the House of Representatives; and*
7. *One representative of a Florida medical school appointed by the Secretary of Health.*

*Commission membership shall reflect the geographic and demographic diversity of the state.*

(b) *The Secretary of Health and the Director of Health Care Administration shall jointly chair the commission. Subcommittees shall be formed by the joint chairs, as needed, to make recommendations to the full commission on the subjects assigned. However, all votes on work products of the commission shall be at the full commission level, and all recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives must pass by a two-thirds vote of the full commission. Sponsoring agencies and organizations may designate an alternative member who may attend and vote on behalf of the sponsoring agency or organization in the event the appointed member is unable to attend a meeting of the commission or any subcommittee. The commission shall be staffed by employees of the Department of Health and the Agency for Health Care Administration. Sponsoring agencies or organizations must fund the travel and related expenses of their appointed members on the commission. Travel and related expenses for the consumer members of the commission shall be reimbursed by the state pursuant to section 112.061, Florida Statutes. The commission shall hold its first meeting no later than July 15, 2000.*

(5) **EVIDENTIARY PROHIBITIONS.—**

(a) *The findings, recommendations, evaluations, opinions, investigations, proceedings, records, reports, minutes, testimony, correspondence, work product, and actions of the commission shall be available to the public, but may not be introduced into evidence at any civil, criminal, special, or administrative proceeding against a health care practitioner or health care provider arising out of the matters which are the subject of the findings of the commission. Moreover, no member of the commission shall be examined in any civil, criminal, special, or administrative proceeding against a health care practitioner or health care provider as to any evidence or other matters produced or presented during the proceedings of this commission or as to any findings, recommendations, evaluations, opinions, investigations, proceedings, records, reports, minutes, testimony, correspondence, work product, or other actions of the commission or any members thereof. However, nothing in this section*

*shall be construed to mean that information, documents, or records otherwise available and obtained from original sources are immune from discovery or use in any civil, criminal, special, or administrative proceeding merely because they were presented during proceedings of the commission. Nor shall any person who testifies before the commission or who is a member of the commission be prevented from testifying as to matters within his or her knowledge in a subsequent civil, criminal, special, or administrative proceeding merely because such person testified in front of the commission.*

(b) *The findings, recommendations, evaluations, opinions, investigations, proceedings, records, reports, minutes, testimony, correspondence, work product, and actions of the commission shall be used as a guide and resource and shall not be construed as establishing or advocating the standard of care for health care practitioners or health care providers unless subsequently enacted into law or adopted in rule. Nor shall any findings, recommendations, evaluations, opinions, investigations, proceedings, records, reports, minutes, testimony, correspondence, work product, or actions of the commission be admissible as evidence in any way, directly or indirectly, by introduction of documents or as a basis of an expert opinion as to the standard of care applicable to health care practitioners or health care providers in any civil, criminal, special, or administrative proceeding unless subsequently enacted into law or adopted in rule.*

(c) *No person who testifies before the commission or who is a member of the commission may specifically identify any patient, health care practitioner, or health care provider by name. Moreover, the findings, recommendations, evaluations, opinions, investigations, proceedings, records, reports, minutes, testimony, correspondence, work product, and actions of the commission may not specifically identify any patient, health care practitioner, or health care provider by name.*

(6) **REPORT; TERMINATION.—***The commission shall provide a report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than February 1, 2001. After submission of the report, the commission shall continue to exist for the purpose of assisting the Department of Health, the Agency for Health Care Administration, and the regulatory boards in their drafting of proposed legislation and rules to implement its recommendations and for the purpose of providing information to the health care industry on its recommendations. The commission shall be terminated June 1, 2001.*

**Section 29.** *The sum of \$91,000 in nonrecurring general revenue is hereby appropriated from the General Revenue Fund to the Department of Health to cover costs of the Florida Commission on Excellence in Health Care relating to the travel and related expenses of staff and consumer members and the reproduction and dissemination of documents.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 27, after the semicolon (;) insert: 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; providing an appropriation;

Senator Clary moved the following amendment which was adopted:

**Amendment 7 (525946)(with title amendment)**—On page 53, between lines 18 and 19, insert:

**Section 28.** *Pursuant to section 187 of chapter 99-397, Laws of Florida, the Agency for Health Care Administration was directed to conduct a detailed study and analysis of clinical laboratory services for kidney dialysis patients in the State of Florida and to report back to the Legislature no later than February 1, 2000. The agency reported that additional time and investigative resources were necessary to adequately respond to the legislative directives. Therefore, the sum of \$230,000 from the Agency for Health Care Administration Tobacco Settlement Trust Fund is appropriated to the Agency for Health Care Administration to contract with the University of South Florida to conduct a review of laboratory test utilization, any self-referral to clinical laboratories, financial arrangements*

among kidney dialysis centers, their medical directors, referring physicians, and any business relationships and affiliations with clinical laboratories, and the quality and effectiveness of kidney dialysis treatment in this state. A report on the findings from such review shall be presented to the President of the Senate, the Speaker of the House of Representatives, and the chairs of the appropriate substantive committees of the Legislature no later than February 1, 2001.

(Renumber subsequent sections)

And the title is amended as follows:

On page 1, delete line 2 and insert: An act relating to health care; providing an appropriation for continued review of clinical laboratory services for kidney dialysis patients and requiring a report thereon;

Senator Myers moved the following amendment which was adopted:

**Amendment 8 (351918)(with title amendment)**—On page 53, between lines 18 and 19, insert:

Section 28. Section 381.00325, Florida Statutes, is created to read:

*381.00325 Hepatitis A awareness program.—The Department of Health shall develop a Hepatitis A awareness program. This program shall include information regarding the appropriate education of the public and information regarding the availability of Hepatitis A vaccine. The department shall work with private businesses and associations in developing the program and in disseminating the information.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 27, following the semicolon (;) insert: creating s. 381.00325, F.S.; providing for a Hepatitis A awareness program;

Senator Silver offered the following amendment which was moved by Senator Clary and adopted:

**Amendment 9 (511048)(with title amendment)**—On page 53, between lines 18 and 19, insert:

Section 28. Section 154.247, Florida Statutes, is created to read:

*154.247 Financing of projects located outside of local agency.—Notwithstanding any provision of this part to the contrary, an authority may, if it finds that there will be a benefit or a cost savings to a health facility located within its jurisdiction, issue bonds for such health facility to finance projects for such health facility, or for another not-for-profit corporation under common control with such health facility, located outside the geographical limits of the local agency or outside this state.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 27, after the semicolon (;) insert: creating s. 154.247, F.S.; authorizing authorities to issue bonds to finance projects for health facilities or not-for-profit corporations under their common control outside the geographical limits of the local agency or outside the state;

Pursuant to Rule 4.19, **CS for SB 2034** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

**CS for CS for SB 202**—A bill to be entitled An act relating to motor vehicles; amending s. 320.08058, F.S.; revising provisions relating to the Sea Turtle License Plate; providing for a distribution of funds from the Share the Road license plate to Bike Florida, Inc., rather than to the Governor's Council on Physical Fitness and Amateur Sports; amending s. 320.084, F.S.; allowing certain disabled veterans to purchase additional disabled veterans license plates; amending s. 320.0848, F.S.; eliminating disabled-parking-permit fees; providing an administrative processing fee; revising provisions relating to fees for temporary disabled-parking permits; providing an effective date.

—which was previously considered this day. Pending **Amendment 1** by Senator Sullivan was adopted.

Pursuant to Rule 4.19, **CS for CS for SB 202** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Clary—

**CS for SB 994**—A bill to be entitled An act relating to the International Cancer Physician Visitor Program; creating s. 458.3135, F.S.; providing for the issuance of temporary certificates to foreign medical graduates studying at National Cancer Institute-designated cancer centers; requiring a fee; providing an effective date.

—was read the second time by title.

Senator Clary moved the following amendments which were adopted:

**Amendment 1 (132564)(with title amendment)**—On page 3, between lines 2 and 3, insert:

Section 2. Paragraph (d) is added to subsection (9) of section 458.347, Florida Statutes, to read:

458.347 Physician assistants.—

(9) COUNCIL ON PHYSICIAN ASSISTANTS.—The Council on Physician Assistants is created within the department.

(d) If the council finds that an applicant for licensure has failed to meet each of the requirements for licensure set forth in this section to the satisfaction of the council, the council may enter an order to:

1. Refuse to certify the applicant for licensure;
2. Approve the applicant for licensure with restrictions on the scope of practice or licensure; or
3. Approve the applicant for conditional licensure. Such conditions may include placement of the licensee on probation for a period of time and conditions specified by the council, including, but not limited to, requiring the licensee to undergo treatment, to attend continuing education courses, to work under the direct supervision of a physician licensed in this state, or to take corrective action.

Section 3. Paragraph (d) is added to subsection (9) of section 459.022, Florida Statutes, to read:

459.022 Physician assistants.—

(9) COUNCIL ON PHYSICIAN ASSISTANTS.—The Council on Physician Assistants is created within the department.

(d) If the council finds that an applicant for licensure has failed to meet each of the requirements for licensure set forth in this section to the satisfaction of the council, the council may enter an order to:

1. Refuse to certify the applicant for licensure;
2. Approve the applicant for licensure with restrictions on the scope of practice or licensure; or
3. Approve the applicant for conditional licensure. Such conditions may include placement of the licensee on probation for a period of time and conditions specified by the council, including, but not limited to, requiring the licensee to undergo treatment, to attend continuing education courses, to work under the direct supervision of a physician licensed in this state, or to take corrective action.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 2 and 3, delete those lines and insert: An act relating to physician licensure; amending ss. 458.347, 459.022, F.S.; providing for restricted or conditional licensure of physician assistants;

**Amendment 2 (451084)(with title amendment)**—On page 3, between lines 2 and 3, insert:

Section 2. Subsection (5) is added to section 458.315, Florida Statutes, to read:

458.315 Temporary certificate for practice in areas of critical need.— Any physician who is licensed to practice in any other state, whose license is currently valid, and who pays an application fee of \$300 may be issued a temporary certificate to practice in communities of Florida where there is a critical need for physicians. A certificate may be issued to a physician who will be employed by a county health department, correctional facility, community health center funded by s. 329, s. 330, or s. 340 of the United States Public Health Services Act, or other entity that provides health care to indigents and that is approved by the State Health Officer. The Board of Medicine may issue this temporary certificate with the following restrictions:

(5) *The application fee and all licensure fees, including neurological injury compensation assessments, shall be waived for those persons obtaining a temporary certificate to practice in areas of critical need for the purpose of providing volunteer, uncompensated care for low-income Floridians. The applicant must submit an affidavit from the employing agency or institution stating that the physician will not receive any compensation for any service involving the practice of medicine.*

Section 3. Section 458.345, Florida Statutes, is amended to read:

458.345 Registration of resident physicians, interns, and fellows; list of hospital employees; prescribing of medicinal drugs; penalty.—

(1) Any person desiring to practice as a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training which leads to subspecialty board certification in this state, *or any person desiring to practice as a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training in a teaching hospital as defined in s. 408.07(44) or s. 395.805(2)*, who does not hold a valid, active license issued under this chapter shall apply to the department to be registered and shall remit a fee not to exceed \$300 as set by the board. The department shall register any applicant the board certifies has met the following requirements:

- (a) Is at least 21 years of age.
- (b) Has not committed any act or offense within or without the state which would constitute the basis for refusal to certify an application for licensure pursuant to s. 458.331.
- (c) Is a graduate of a medical school or college as specified in s. 458.311(1)(f).

(2) The board shall not certify to the department for registration any applicant who is under investigation in any state or jurisdiction for an act which would constitute the basis for imposing a disciplinary penalty specified in s. 458.331(2)(b) until such time as the investigation is completed, at which time the provisions of s. 458.331 shall apply.

(3) Every hospital *or teaching hospital* employing or utilizing the services of a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training ~~registered under this section which leads to subspecialty board certification~~ shall designate a person who shall, on dates designated by the board, in consultation with the department, furnish the department with a list of ~~such~~ the hospital's employees and such other information as the board may direct. The chief executive officer of each such hospital shall provide the executive director of the board with the name, title, and address of the person responsible for furnishing such reports.

(4) Registration under this section shall automatically expire after 2 years without further action by the board or the department unless an application for renewal is approved by the board. No person registered under this section may be employed or utilized as a house physician or act as a resident physician, an assistant resident physician, an intern, or a fellow in fellowship training ~~which leads to a subspecialty board certification~~ in a hospital *or teaching hospital* of this state for more than 2 years without a valid, active license or renewal of registration under this section. Requirements for renewal of registration shall be established by rule of the board. An application fee not to exceed \$300 as set by the board shall accompany the application for renewal, except that resident physicians, assistant resident physicians, interns, and fellows in fellowship training ~~registered under this section are which leads to subspecialty board certification~~ shall be exempt from payment of any renewal fees.

(5) Notwithstanding any provision of this section or s. 120.52 to the contrary, any person who is registered under this section is subject to the provisions of s. 458.331.

(6) A person registered as a resident physician under this section may in the normal course of his or her employment prescribe medicinal drugs described in schedules set out in chapter 893 when:

(a) The person prescribes such medicinal drugs through use of a Drug Enforcement Administration number issued to the hospital *or teaching hospital* by which the person is employed or at which the person's services are used;

(b) The person is identified by a discrete suffix to the identification number issued to ~~such~~ the hospital; and

(c) The use of the institutional identification number and individual suffixes conforms to the requirements of the federal Drug Enforcement Administration.

(7) Any person willfully violating this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(8) *The board shall adopt rules to implement this section.*

Section 4. Section 459.021, Florida Statutes, is amended to read:

459.021 Registration of resident physicians, interns, and fellows; list of hospital employees; penalty.—

(1) Any person who holds a degree of Doctor of Osteopathic Medicine from a college of osteopathic medicine recognized and approved by the American Osteopathic Association who desires to practice as a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training which leads to subspecialty board certification in this state, *or any person desiring to practice as a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training in a teaching hospital in this state as defined in s. 408.07(44) or s. 395.805(2)*, who does not hold an active license issued under this chapter shall apply to the department to be registered, on an application provided by the department, within 30 days of commencing such a training program and shall remit a fee not to exceed \$300 as set by the board.

(2) Any person required to be registered under this section shall renew such registration annually. Such registration shall be terminated upon the registrant's receipt of an active license issued under this chapter. No person shall be registered under this section for an aggregate of more than 5 years, unless additional years are approved by the board.

(3) Every hospital *or teaching hospital* having employed or contracted with or utilized the services of a person who holds a degree of Doctor of Osteopathic Medicine from a college of osteopathic medicine recognized and approved by the American Osteopathic Association as a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training ~~under this section which leads to subspecialty board certification~~ shall designate a person who shall furnish, on dates designated by the board, in consultation with the department, to the department a list of all such persons who have served in ~~such~~ the hospital during the preceding 6-month period. The chief executive officer of each such hospital shall provide the executive director of the board with the name, title, and address of the person responsible for filing such reports.

(4) The registration may be revoked or the department may refuse to issue any registration for any cause which would be a ground for its revocation or refusal to issue a license to practice osteopathic medicine, as well as on the following grounds:

(a) Omission of the name of an intern, resident physician, assistant resident physician, house physician, or fellow in fellowship training from the list of employees required by subsection (3) to be furnished to the department by the hospital *or teaching hospital* served by the employee.

(b) Practicing osteopathic medicine outside of a bona fide hospital training program.

(5) It is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083 for any hospital *or teaching hospital*, and also

for the superintendent, administrator, and other person or persons having administrative authority in *such* a hospital:

(a) To employ the services in *such* the hospital of any person listed in subsection (3), unless such person is registered with the department under the law or the holder of a license to practice osteopathic medicine under this chapter.

(b) To fail to furnish to the department the list and information required by subsection (3).

(6) Any person desiring registration pursuant to this section shall meet all the requirements of s. 459.0055.

(7) The board shall promulgate rules pursuant to ss. 120.536(1) and 120.54 as necessary to implement this section.

(8) Notwithstanding any provision of this section or s. 120.52 to the contrary, any person who is registered under this section is subject to the provisions of s. 459.015.

(9) A person registered as a resident physician under this section may in the normal course of his or her employment prescribe medicinal drugs described in schedules set out in chapter 893 when:

(a) The person prescribes such medicinal drugs through use of a Drug Enforcement Administration number issued to the hospital or teaching hospital by which the person is employed or at which the person's services are used;

(b) The person is identified by a discrete suffix to the identification number issued to *such* the hospital; and

(c) The use of the institutional identification number and individual suffixes conforms to the requirements of the federal Drug Enforcement Administration.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 2-8, delete those lines and insert: An act relating to temporary physician licensure; creating s. 458.3135, F.S.; providing for the issuance of temporary certificates to foreign medical graduates studying at National Cancer Institute-designated cancer centers; requiring a fee; amending s. 458.315, F.S.; waiving application and licensure fees for physicians obtaining a temporary certificate to practice in areas of critical need when such practice is limited to volunteer, uncompensated care for low-income persons; amending ss. 458.345, 459.021, F.S.; providing for registration of certain unlicensed physicians to practice at teaching hospitals; providing rulemaking authority; providing an effective date.

Pursuant to Rule 4.19, **CS for SB 994** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

## SENATOR CHILDERS PRESIDING

### MOTIONS

On motions by Senator Horne, the House was requested to return **CS for SB 60, SB 64** and **CS for SB 1070**.

On motion by Senator Burt—

**SB 2252**—A bill to be entitled An act relating to law enforcement communications; providing for a review panel to evaluate and select a strategy to complete implementation of the statewide law enforcement radio system; providing for membership and staffing of the panel; providing for the reduction of certain funds appropriated; providing for termination of the panel; providing an appropriation; providing an effective date.

—was read the second time by title.

Senator Burt moved the following amendment which was adopted:

**Amendment 1 (531300)**—Delete everything after the enacting clause and insert:

Section 1. (1) *There is created the State Agency Law Enforcement Radio System Review Panel. The membership of the panel shall consist of three State Senators appointed by the President of the Senate; three State Representatives appointed by the Speaker of the House of Representatives; two members appointed by the Governor; the chairman of the Joint Task Force on State Agency Law Enforcement Communications; and the Director of the Division of Bond Finance within the State Board of Administration. All appointments to the panel must be made by May 19, 2000, or within 30 days after the effective date of this act, whichever occurs later. Members of the panel are not entitled to compensation except for reimbursement, in accordance with section 112.061, Florida Statutes, for travel and per diem expenses associated with official activities of the panel. Such travel and per diem expenses shall be paid by the Department of Management Services.*

(2) *The panel shall review and evaluate a proposal presented to the panel in one or more public meetings by the Department of Management Services to complete the implementation of the statewide law enforcement radio system as authorized by section 282.1095, Florida Statutes. The presentation must be made within 30 days after the successful conclusion of negotiations between the department and the prospective vendor, with the department awarding a contract to the vendor subject to approval of a budget amendment to secure funds for the proposal. The panel shall evaluate whether the proposal provides the best long-term solution for an effective communications system statewide, protects both the investments previously made by the state in developing the system and the future investments to be made, and ensures the optimal value to the state in the future with regard to state resources and assets invested in the system. The panel shall issue a report of its findings and recommendations regarding the proposal, and shall submit the report, within 15 days after the presentation of the proposal by the department, to the Governor, the Speaker of the House of Representatives, the President of the Senate, and the chairperson of the Senate Budget Committee and the House Fiscal Responsibility Council.*

(3) *After presenting the proposal to the review panel, the Department of Management Services may:*

(a) *Recommend to the Board of Trustees of the Internal Improvement Trust Fund that specified state lands and assets associated with the state-agency law enforcement radio system be leased, sold, or otherwise controlled by nonstate entities as part of the proposal.*

(b) *Submit a budget amendment to redirect any funds appropriated specifically for implementation and operation of the radio system in the General Appropriations Act for fiscal year 2000-2001 and the unexpended balances of any prior year appropriations from the State Agency Law Enforcement Radio System Trust Fund as deemed necessary to carry out the proposal, notwithstanding the provisions of sections 216.241 and 216.301, Florida Statutes, and pursuant to the provisions of section 216.351, Florida Statutes. Notwithstanding the provisions of section 216.292, Florida Statutes, and pursuant to the provisions of section 216.351, Florida Statutes, such redirection may include establishing new fixed-capital-outlay appropriation categories and may also include transferring funds from fixed-capital-outlay appropriations to operational-appropriation categories.*

(c) *Execute contracts between private vendors and the Department of Management Services which implement the proposal. However, the contracts may not obligate the state to expenditures beyond those which can be met by the unexpended balance of funds specifically appropriated for the law enforcement radio system together with the official projected future revenues of the State Agency Law Enforcement Radio System Trust Fund established by section 282.1095, Florida Statutes. The official projections shall be based on the most recently available forecasts of the Revenue Estimating Conference. Before entering into a contract with any successful bidder, the department shall assure that the contractor's systems are functionally proven, shall undertake a due-diligence review of the contractor's fitness to perform its contracted responsibilities, and shall require that the contractor have an internal system of quality assurance.*

(4) *If the chairpersons of the House Fiscal Responsibility Council and the Senate Budget Committee, or if the Speaker of the House of Representatives and the President of the Senate object to the budget amendment*

submitted by the department pursuant to subsection (3), in accordance with the provisions of section 216.177, Florida Statutes, the Department of Management Services shall continue to implement the law enforcement radio system as authorized by existing appropriations made by law.

(5) The Department of Management Services shall provide adequate staffing for the panel within appropriated staff and resources.

(6) The panel is abolished 15 days after the submission of its report, or on March 15, 2001, whichever occurs sooner.

Section 2. The sum of \$15,000 is appropriated from the General Revenue Fund to the Department of Management Services for fiscal year 1999-2000, and the sum of \$15,000 is appropriated from the General Revenue Fund to the Department of Management Services for fiscal year 2000-2001, to be used for travel and per diem expenses incurred by members of the State Law Enforcement Radio System Review Panel.

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

Pursuant to Rule 4.19, **SB 2252** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Horne, consideration of **CS for SB 194** was deferred.

On motion by Senator Latvala—

**CS for SB 2140**—A bill to be entitled An act relating to water management; amending s. 287.042, F.S.; providing requirements to protest contracts administered by water management districts; amending s. 373.083, F.S.; authorizing a water management district governing board to delegate its powers, duties, and functions to district staff; amending s. 373.414, F.S.; revising the criteria to be considered in determining the cumulative impacts of activities upon surface waters and wetlands; creating s. 403.065, F.S.; providing findings and declarations; providing for classification and permitting of aquifer storage and recovery wells; providing a zone of discharge for aquifer storage and recovery wells meeting specific criteria; providing monitoring requirements for aquifer storage and recovery wells; requiring an aquifer exemption for aquifer storage and recovery wells exceeding primary drinking water standards other than total coliform bacteria or sodium; requiring the Department of Environmental Protection to make a reasonable effort to issue or deny permits within 90 days; providing the department with rulemaking authority; amending s. 403.0882, F.S.; reorganizing and clarifying provisions; directing the department to adopt rules; creating a technical advisory committee to assist in rule development; providing permitting requirements relating to failure of toxicity tests due to naturally occurring constituents; amending s. 403.061, F.S.; providing an exemption allowing demineralization concentrate mixing zones in Outstanding Florida Waters with specific requirements; amending s. 403.852, F.S.; redefining the terms “public water system,” “noncommunity water system,” and “nontransient noncommunity water system,” and defining the term “transient noncommunity water system”; amending s. 403.853, F.S.; requiring the department to adopt and enforce certain primary and secondary drinking water regulations for nontransient noncommunity water systems and transient noncommunity water systems; amending s. 403.8532, F.S.; authorizing the department to make loans to nonprofit transient noncommunity water systems; amending s. 403.854, F.S.; allowing the department to waive disinfection requirements and operator requirements for certain water systems on a case-by-case basis; amending s. 403.866, F.S.; redefining the term “water distribution system”; providing an effective date.

—was read the second time by title.

Senator Latvala moved the following amendment which was adopted:

**Amendment 1 (085516)(with title amendment)**—On page 4, between lines 24 and 25, insert:

Section 3. Subsection (5) of section 373.323, Florida Statutes, is amended, and subsection (10) is added to said section, to read:

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

(5) The water management district shall issue a water well contracting license to any applicant who receives a passing grade on the examination, has paid the initial application fee, takes and completes to the satisfaction of the department a minimum of 12 hours of approved course work, and has complied with the requirements of this section. A passing grade on the examination shall be as established by the department by rule. A license issued by any water management district shall be valid in every water management district in the state.

(10) Effective July 1, 2001, water well contractors licensed under the provisions of this section shall be able to install, repair, and modify pumps and tanks in accordance with the Florida Building Code, Chapter 29, section 612—Well Pumps and Tanks Used for Potable Water Systems.

Section 4. Subsection (2) of section 373.324, Florida Statutes, is amended, subsections (3), (4), and (5) are renumbered as subsections (4), (5), and (6), respectively, and a new subsection (3) is added to said section, to read:

373.324 License renewal.—

(2) The water management district shall renew a license upon receipt of the renewal application, proof of completion of 12 classroom hours of continuing education annually, and renewal fee.

(3) The department shall prescribe by rule the method for renewal of licenses, which shall include continuing education requirements of not less than 12 classroom hours annually.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 8, after the semicolon (;) insert: amending s. 373.323, F.S.; providing additional licensure requirements for water well contractors; amending s. 373.324, F.S.; providing for a continuing education requirement for license renewal; providing for rules;

#### THE PRESIDENT PRESIDING

Senator Hargrett moved the following amendment which failed:

**Amendment 2 (511168)(with title amendment)**—On page 5, line 26 through page 9, line 22, delete those lines and insert:

Section 4. Section 403.065, Florida Statutes, is created to read:

*403.065 Aquifer Storage and Recovery Wells.—The Legislature hereby authorizes the Department of Environmental Protection, with the advice of the Department of Health, to commence rulemaking regarding the construction and operation of aquifer storage and recovery wells in Florida. Any rule adopted by the Department of Environmental Protection shall conform to requirements established pursuant to the federal Safe Drinking Water Act.*

And the title is amended as follows:

On page 1, lines 12-26, delete those lines and insert: wetlands; creating s. 403.065, F.S.; authorizing the Department of Environmental Protection to adopt rules relating to aquifer storage and recovery wells; amending

Senator Latvala moved the following amendments which were adopted:

**Amendment 3 (530682)**—On page 6, line 18 through page 9, line 9, delete those lines and insert:

(a) *The native groundwater within the proposed zone of discharge contains no less than 1,500 milligrams per liter total dissolved solids;*

(b) *The native groundwater within the proposed zone of discharge is not currently being used as a public or private drinking water supply, nor can any other person other than the permit applicant be reasonably expected to withdraw water from the zone of discharge in the future for such use;*

(c) *The presence of the stored water will not cause any person other than the permit applicant to treat its source water in any way that would not have been required in the absence of the aquifer storage and recovery well;*

(d) *The department has approved a monitoring plan that specifies the number and location of monitor wells, monitoring parameters, and frequency of monitoring;*

(e) *Total coliform bacteria is the only primary drinking water standard other than sodium that will not be met prior to injection;*

(f) *The permit applicant demonstrates that biological contaminants will experience die-off such that primary drinking water standards will be met at the edge of the zone of discharge and that those contaminants will not pose an adverse risk to human health;*

(g) *The permit applicant documents the environmental benefits to be derived from the storage, recovery, and future use of the injected water;*

(h) *The use of the recovered water is consistent with its intended primary purpose; and*

(i) *The storage of water will not endanger drinking water sources, as defined in the federal Safe Drinking Water Act, 42 U.S.C. s. 300h.*

(5) *The department may allow a zone of discharge for sodium, total coliform bacteria, and secondary drinking water standards if the total dissolved solids concentration of the native groundwater within the proposed zone of discharge is less than 1,500 milligrams per liter and if the requirements of paragraphs (4)(b)-(i) are satisfied and:*

(a) *The applicant for the aquifer storage and recovery well permit demonstrates that no person, other than the permit applicant, may in the future withdraw water from the zone of discharge for use as a public or private drinking water supply because of legal restrictions imposed by a water management district, state agency, local government, or other governmental entity having jurisdiction over water supply or well construction;*

(b) *The permit applicant provides written notice, including specific information about the proposed aquifer storage and recovery project, to each land owner whose property overlies the zone of discharge.*

(6) *A zone of discharge for aquifer storage and recovery wells shall not intersect or include any part of a 500-foot radius surrounding any well that uses the injection zone to supply drinking water.*

(7) *The department shall specify in the permit for the aquifer storage and recovery well the vertical and lateral limits of the approved zone of discharge. The zone of discharge limits shall be based on hydrogeological conditions, for which the permit applicant shall provide calculations or the results of modeling that include, but are not limited to, reasonable assumptions about the expected volume of water to be stored and recovered and reasonable assumptions regarding aquifer thickness and porosity. Compliance with the primary drinking water standard for total coliform bacteria, sodium, and the secondary drinking water standards shall be required at the edge of the zone of discharge.*

(8) *After the aquifer storage and recovery well is in operation, groundwater monitoring must demonstrate that biological die-off is occurring, no exceedances of the primary drinking water standards have occurred outside of the zone of discharge, and there is no adverse risk to human health from the injection activity. Failure of the applicant to make this demonstration shall result in revocation of the zone of discharge.*

(9) *If drinking water supply wells are present in the injection zone within 2.5 miles of the edge of the zone of discharge, additional monitor wells may be required to detect the possible movement of injected fluids in the direction of the drinking water wells.*

(10) *Monitor wells shall be sampled at least monthly for the parameters specified in the permit for the aquifer storage and recovery well. The department may modify the monitoring requirements if necessary to provide reasonable assurance that underground sources of drinking water are adequately protected.*

(11) *An aquifer exemption shall be obtained prior to injection if the injection fluid exceeds any primary drinking water standard maximum contaminant level other than total coliform bacteria or sodium, or if the presence of any contaminant in the injection fluid may adversely affect the health of persons and the applicant cannot demonstrate with reasonable certainty that such contaminant will experience die-off within the proposed zone of discharge.*

**Amendment 4 (895856)(with title amendment)**—On page 20, between lines 29 and 30, insert:

Section 13. Section 403.865, Florida Statutes, is amended to read:

403.865 Water and wastewater facility personnel; legislative purpose.—The Legislature finds that the threat to the public health and the environment from the operation of water and wastewater treatment plants *and water distribution systems* mandates that qualified personnel operate these facilities. It is the legislative intent that any person who performs the duties of an operator and who falls below minimum competency or who otherwise presents a danger to the public be prohibited from operating a plant or system in this state.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 22, after “basis;” insert: amending s. 403.865, F.S.; expanding the legislative declaration to include water distribution systems;

**Amendment 5 (113790)(with title amendment)**—On page 21, between lines 9 and 10, insert:

Section 12. Section 403.867, Florida Statutes, is amended to read:

403.867 License required.—A person may not perform the duties of an operator of a water treatment plant, *water distribution system*, or a domestic wastewater treatment plant unless he or she holds a current operator’s license issued by the department.

Section 13. Subsection (1) of section 403.872, Florida Statutes, is amended to read:

403.872 Requirements for licensure.—

(1) Any person desiring to be licensed as a water treatment plant operator, *a water distributions system operator*, or a domestic wastewater treatment plant operator must apply to the department to take the licensure examination.

Section 14. Paragraphs (a), (b), and (f) of subsection (1) of section 403.875, Florida Statutes, are amended to read:

403.875 Prohibitions; penalties.—

(1) A person may not:

(a) Perform the duties of an operator of a water treatment plant, *water distribution system*, or domestic wastewater treatment plant unless he or she is licensed under ss. 403.865-403.876.

(b) Use the name or title “water treatment plant operator,” “*water distribution system operator*,” or “domestic wastewater treatment plant operator” or any other words, letters, abbreviations, or insignia indicating or implying that he or she is an operator, or otherwise holds himself or herself out as an operator, unless the person is the holder of a valid license issued under ss. 403.865-403.876.

(f) Employ unlicensed persons to perform the duties of an operator of a water treatment or domestic wastewater treatment plant *or a water distribution system*.

Section 15. Subsection (1) of section 403.88, Florida Statutes, is amended to read:

403.88 Classification of water and wastewater treatment facilities and facility operators.—

(1) The department shall classify water *treatment plants*, ~~and~~ wastewater treatment plants, *and water distribution systems* by size, complexity, and level of treatment necessary to render the wastewater or source water suitable for its intended purpose in compliance with this chapter and department rules.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 24, after the semicolon (;) insert: amending ss. 403.867, 403.872, 403.875, and 403.88, F.S.; expanding provisions relat-

ing to water and wastewater facilities personnel to include "water distribution systems," as required by federal law;

Senator Clary moved the following amendment which was adopted:

**Amendment 6 (735662)(with title amendment)**—On page 21, between lines 9 and 10, insert:

Section 12. *The Department of Environmental Protection in cooperation with the Santa Rosa Shores Homeowners Association shall develop a proposal for dredging of a single access channel connected to the existing channels and canals within Santa Rosa Shores, Santa Rosa County, and extending to navigable depths in Santa Rosa Sound. The proposal shall include a plan of mitigation for offsetting adverse impacts of the dredging, a plan for disposing of dredged materials, a plan for protecting water quality and sea grass habitat during dredging, a plan for long-term maintenance of the channel, and a plan for inspection and study of the project, with annual progress reports to be prepared by the Santa Rosa Shores Homeowners Association for submittal to the Department of Environmental Protection. The Santa Rosa Shores Homeowners Association shall be responsible for the payment of costs involved with the project and for submitting all required applications required to authorize the project. Santa Rosa Shores Homeowners Association and the Department of Environmental Protection may contract with the University of West Florida to provide the necessary monitoring services and reports. The Department of Environmental Protection shall assist in expediting the processing of the required state dredge and fill permit, and any associated authorizations required from the Board of Trustees and the United States Army Corps of Engineers. The Department of Environmental Protection shall assist the Santa Rosa Shores Homeowners Association in developing project criteria, including but not limited to: the length, width, and depth of the access channel; where and how material is to be excavated and disposed; the method for protecting water quality and sea grass habitat; long-term maintenance of the channel as needed; mitigation design; and design of the monitoring and reporting program.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 24, after the semicolon (;) insert: providing for the development of a proposal to dredge an access channel in Santa Rosa Sound; providing for a plan of mitigation; providing responsibility for costs; providing for an expedited process for state dredge and fill permits; developing project criteria;

Senator Latvala moved the following amendment which was adopted:

**Amendment 7 (892538)(with title amendment)**—On page 21, between lines 9 and 10, insert:

Section 20. Subsection (10) of section 20.255, Florida Statutes, is amended to read:

20.255 Department of Environmental Protection.—There is created a Department of Environmental Protection.

(10) There is created as a part of the Department of Environmental Protection an Environmental Regulation Commission. The commission shall be composed of seven residents of this state appointed by the Governor, subject to confirmation by the Senate. *In making appointments, the Governor shall provide reasonable representation from all sections of the state. The commission shall include one, but not more than two, members from each water management district who have resided in the district for at least 1 year, and the remainder shall be selected from the state at large.* Membership shall be representative of agriculture, the development industry, local government, the environmental community, lay citizens, and members of the scientific and technical community who have substantial expertise in the areas of the fate and transport of water pollutants, toxicology, epidemiology, geology, biology, environmental sciences, or engineering. The Governor shall appoint the chair, and the vice chair shall be elected from among the membership. The members serving on the commission on July 1, 1995, shall continue to serve on the commission for the remainder of their current terms. All appointments thereafter shall continue to be for 4-year terms. The Governor may at any time fill a vacancy for the unexpired term. The members of the commission shall serve without compensation, but shall be paid travel and per diem as provided in s. 112.061 while in the performance of their official duties. Administrative, personnel, and other sup-

port services necessary for the commission shall be furnished by the department.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 24, after the semicolon (;) insert: amending s. 20.255, F.S.; requiring the Governor to provide reasonable representation from all sections of the state in making appointments to the Environmental Regulation Commission;

Senators Childers and Clary offered the following amendment which was moved by Senator Latvala and adopted:

**Amendment 8 (931928)(with title amendment)**—On page 21, between lines 9 and 10, insert:

Section 12. Subsection (5) is added to section 403.088, Florida Statutes, to read:

403.088 Water pollution operation permits; conditions.—

(5)(a) *A person permitted under this section shall report to the department, upon discovery, any noncompliance that may endanger public health or the environment. Notification shall be provided orally to the department immediately after notification of appropriate local health and emergency management authorities. A written report detailing the noncompliance circumstances and actions taken to resolve the noncompliance also shall be provided to the department within five days of discovery unless the department waives the report.*

(b) *The department may adopt rules to:*

1. *Specify the circumstances of noncompliance that warrant notification, including but not limited to bypasses, upsets, violations of permitted discharge limits, and unauthorized discharges to surface or ground waters;*

2. *Specify the information to be included in oral and written notifications of noncompliance;*

3. *Specify the persons to be notified of noncompliance and the manner of notification, with consideration given to use of the statewide emergency response system;*

4. *Specify any follow-up actions necessary to ensure resolution of the noncompliance and prevention of future noncompliance; and*

5. *Otherwise carry out the purposes of this subsection.*

(c) *Until such rules are implemented, the department shall notify all affected permittees about the existing statewide toll-free emergency management communications system and other appropriate means of reporting the instances of noncompliance identified in this subsection.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 24, after the semicolon (;) insert: amending s. 403.088, F.S.; requiring persons holding water pollution operation permits to report certain noncompliance; providing for the adoption of rules;

Senator Burt moved the following amendment which was adopted:

**Amendment 9 (113088)(with title amendment)**—On page 21, between lines 9 and 10, insert:

Section 12. Paragraph (c) of subsection (1), paragraph (a) of subsection (2), and subsection (8) of section 201.15, Florida Statutes, are amended to read:

201.15 Distribution of taxes collected.—All taxes collected under this chapter shall be distributed as follows and shall be subject to the service charge imposed in s. 215.20(1), except that such service charge shall not be levied against any portion of taxes pledged to debt service on bonds to the extent that the amount of the service charge is required to pay any amounts relating to the bonds:

(1) Sixty-two and sixty-three hundredths percent of the remaining taxes collected under this chapter shall be used for the following purposes:

(c) The remainder of the moneys distributed under this subsection, after the required payments under paragraphs (a) and (b), shall be paid into the State Treasury to the credit of the General Revenue Fund of the state to be used and expended for the purposes for which the General Revenue Fund was created and exists by law or to the Ecosystem Management and Restoration Trust Fund or to the Marine Resource Conservation Trust Fund as provided in subsection (8).

(2) Seven and fifty-six hundredths percent of the remaining taxes collected under this chapter shall be used for the following purposes:

(a) Beginning in the month following the final payment for a fiscal year under paragraph (1)(b), available moneys shall be paid into the State Treasury to the credit of the General Revenue Fund of the state to be used and expended for the purposes for which the General Revenue Fund was created and exists by law or to the Ecosystem Management and Restoration Trust Fund or to the Marine Resource Conservation Trust Fund as provided in subsection (8). Payments made under this paragraph shall continue until the cumulative amount credited to the General Revenue Fund for the fiscal year under this paragraph equals the cumulative payments made under paragraph (1)(b) for the same fiscal year.

(8) From the moneys specified in paragraphs (1)(c) and (2)(a) and prior to deposit of any moneys into the General Revenue Fund, \$30 \$40 million shall be paid into the State Treasury to the credit of the Ecosystem Management and Restoration Trust Fund in fiscal year 1998-1999, \$20 million in fiscal year 1999-2000, and \$30 million in fiscal year 2000-2001 and each fiscal year thereafter, to be used for the preservation and repair of the state's beaches as provided in ss. 161.091-161.212 and \$2 million shall be paid into the State Treasury to the credit of the Marine Resources Conservation Trust Fund to be used for marine mammal care as provided in s. 370.0603(3).

Section 13. Effective July 1, 2001, paragraph (c) of subsection (1), paragraph (a) of subsection (2), and subsection (11) of section 201.15, Florida Statutes, as amended by section 2 of chapter 99-247, Laws of Florida, are amended to read:

201.15 Distribution of taxes collected.—All taxes collected under this chapter shall be distributed as follows and shall be subject to the service charge imposed in s. 215.20(1), except that such service charge shall not be levied against any portion of taxes pledged to debt service on bonds to the extent that the amount of the service charge is required to pay any amounts relating to the bonds:

(1) Sixty-two and sixty-three hundredths percent of the remaining taxes collected under this chapter shall be used for the following purposes:

(c) The remainder of the moneys distributed under this subsection, after the required payments under paragraph (a), shall be paid into the State Treasury to the credit of the General Revenue Fund of the state to be used and expended for the purposes for which the General Revenue Fund was created and exists by law or to the Ecosystem Management and Restoration Trust Fund or to the Marine Resources Conservation Trust Fund as provided in subsection (11).

(2) Seven and fifty-six hundredths percent of the remaining taxes collected under this chapter shall be used for the following purposes:

(a) Beginning in the month following the final payment for a fiscal year under paragraph (1)(b), available moneys shall be paid into the State Treasury to the credit of the General Revenue Fund of the state to be used and expended for the purposes for which the General Revenue Fund was created and exists by law or to the Ecosystem Management and Restoration Trust Fund or to the Marine Resources Conservation Trust Fund as provided in subsection (11). Payments made under this paragraph shall continue until the cumulative amount credited to the General Revenue Fund for the fiscal year under this paragraph equals the cumulative payments made under paragraph (1)(b) for the same fiscal year.

(11) From the moneys specified in paragraphs (1)(c) and (2)(a) and prior to deposit of any moneys into the General Revenue Fund, \$30 \$40 million shall be paid into the State Treasury to the credit of the Ecosystem Management and Restoration Trust Fund in fiscal year 1998-1999, \$20 million in fiscal year 1999-2000, and \$30 million in fiscal year 2000-2001 and each fiscal year thereafter, to be used for the preservation and repair of the state's beaches as provided in ss. 161.091-161.212 and \$2 million shall be paid into the State Treasury to the credit of the Marine

Resources Conservation Trust Fund to be used for marine mammal care as provided in s. 370.0603(3).

Section 14. Subsection (11) of section 328.72, Florida Statutes, is amended to read:

328.72 Classification; registration; fees and charges; surcharge; disposition of fees; fines; marine turtle stickers.—

(11) VOLUNTARY CONTRIBUTIONS.—The application form for boat registration shall include a provision to allow each applicant to indicate a desire to pay an additional voluntary contribution to the Save the Manatee Trust Fund for manatee and marine mammal research, protection, recovery, rescue, rehabilitation, and release. This contribution shall be in addition to all other fees and charges. The amount of the request for a voluntary contribution solicited shall be \$2 or \$5 per registrant. A registrant who provides a voluntary contribution of \$5 or more shall be given a sticker or emblem by the tax collector to display, which signifies support for the Save the Manatee Trust Fund. All voluntary contributions shall be deposited in the Save the Manatee Trust Fund for use according to this subsection. The first \$2 of Voluntary contribution by a vessel registrant shall be available for the manatee protection and recovery effort pursuant to s. 370.12(4) s. 370.12(4)(a). Any additional amount of voluntary contribution by a vessel registrant shall also be for the purpose of the manatee protection and recovery effort, except that any voluntary contribution in excess of the first \$2 voluntary contribution by a vessel registrant but not exceeding \$2 shall be available for manatee rehabilitation by those facilities approved to rescue, rehabilitate, and release manatees pursuant to s. 370.12(4)(b). The form shall also include language permitting a voluntary contribution of \$5 per applicant, which contribution shall be transferred into the Election Campaign Financing Trust Fund. A statement providing an explanation of the purpose of the trust fund shall also be included.

Section 15. Subsection (1) of section 328.76, is amended to read:

328.76 Marine Resources Conservation Trust Fund; vessel registration funds; appropriation and distribution.—

(1) Except as otherwise specified and less any administrative costs, all funds collected from the registration of vessels through the Department of Highway Safety and Motor Vehicles and the tax collectors of the state shall be deposited in the Marine Resources Conservation Trust Fund for recreational channel marking; public launching facilities; law enforcement and quality control programs; aquatic weed control; manatee protection, recovery, rescue, rehabilitation, and release; and marine mammal protection and recovery. The funds collected pursuant to s. 328.72(1) shall be transferred as follows:

(a) In each fiscal year, an amount equal to \$1.50 \$4 for each vessel registered in this state shall be transferred to the Save the Manatee Trust Fund for manatee and marine mammal research, protection, and recovery in accordance with the provisions of s. 370.12(4)(a).

~~(b) In addition, in each fiscal year, an amount equal to 50 cents for each vessel registered in this state shall be transferred to the Save the Manatee Trust Fund in accordance with the provisions of s. 370.12(4)(b) for use by those facilities approved to rescue, rehabilitate, and release manatees as authorized pursuant to the Fish and Wildlife Service of the United States Department of the Interior.~~

~~(b)(e)~~ Two dollars from each noncommercial vessel registration fee, except that for class A-1 vessels, shall be transferred to the Invasive Plant Control Trust Fund for aquatic weed research and control.

~~(c)(d)~~ Forty percent of the registration fees from commercial vessels shall be used for law enforcement and quality control programs.

~~(d)(e)~~ Forty percent of the registration fees from commercial vessels shall be transferred to the Invasive Plant Control Trust Fund for aquatic plant research and control.

Section 16. Subsection (3)(c) is added to section 370.0603, Florida Statutes, to read:

370.0603 Marine Resources Conservation Trust Fund; purposes.—

(3) Funds provided to the Marine Resources Conservation Trust Fund from taxes distributed under s. 201.15(9), shall be used for the following purposes:

(a) ~~To reimburse the cost of activities authorized pursuant to the Fish and Wildlife Service of the United States Department of the Interior. Such facilities must be involved in the actual rescue and full-time acute care veterinarian-based rehabilitation of manatees. The cost of activities includes, but is not limited to, costs associated with expansion, capital outlay, repair, maintenance, and operation related to the rescue, treatment, stabilization, maintenance, release, and monitoring of manatees. Moneys distributed through the contractual agreement to each facility for manatee rehabilitation must be proportionate to the number of manatees under acute care rehabilitation and those released during the previous fiscal year. The commission may set a cap on the total amount reimbursed per manatee per year.~~

(b) ~~For training on the care, treatment, and rehabilitation of marine mammals at the Whitney Laboratory and the Veterinary School of Medicine at the University of Florida.~~

(c) ~~For program administration costs of the agency.~~

(d) ~~Funds not distributed in any 1 fiscal year must be carried over for distribution in subsequent years.~~

Section 17. Subsection (4) of section 370.12, Florida Statutes, is amended to read:

370.12 Marine animals; regulation.—

(4) ANNUAL FUNDING OF PROGRAMS FOR MARINE ANIMALS.—

(a) Each fiscal year the Save the Manatee Trust Fund shall be available to fund an impartial scientific benchmark census of the manatee population in the state. Weather permitting, the study shall be conducted annually by the Fish and Wildlife Conservation Commission and the results shall be made available to the President of the Senate, the Speaker of the House of Representatives, and the Governor and Cabinet for use in the evaluation and development of manatee protection measures. In addition, the Save the Manatee Trust Fund shall be available for annual funding of activities of public and private organizations and those of the commission intended to provide manatee and marine mammal protection and recovery effort; manufacture and erection of informational and regulatory signs; production, publication, and distribution of educational materials; participation in manatee and marine mammal research programs, including carcass salvage and other programs; programs intended to assist the recovery of the manatee as an endangered species, assist the recovery of the endangered or threatened marine mammals, and prevent the endangerment of other species of marine mammals; and other similar programs intended to protect and enhance the recovery of the manatee and other species of marine mammals. The commission shall annually solicit advisory recommendations from the Save the Manatee Committee affiliated with the Save the Manatee Club, as identified and recognized in Executive Order 85-19, on the use of funds from the Save the Manatee Trust Fund.

(b) ~~Each fiscal year moneys in the Save the Manatee Trust Fund shall also be used, pursuant to s. 328.76(1)(b), to reimburse the cost of activities related to manatee rehabilitation by facilities that rescue, rehabilitate, and release manatees as authorized pursuant to the Fish and Wildlife Service of the United States Department of the Interior. Such facilities must be involved in the actual rescue and full-time acute care veterinarian-based rehabilitation of manatees. The cost of activities includes, but is not limited to, costs associated with expansion, capital outlay, repair, maintenance, and operations related to the rescue, treatment, stabilization, maintenance, release, and monitoring of manatees. Moneys distributed through contractual agreement to each facility for manatee rehabilitation shall be proportionate to the number of manatees under acute care rehabilitation and those released during the previous fiscal year. However, the reimbursement may not exceed the total amount available pursuant to ss. 328.72(11) and 328.76(1)(b) for the purposes provided in this paragraph. Prior to receiving reimbursement for the expenses of rescue, rehabilitation, and release, a facility that qualifies under state and federal regulations shall submit a plan to the Fish and Wildlife Conservation Commission for assisting the commission and the Department of Highway Safety and Motor Vehicles in marketing the manatee specialty license plates. At a minimum, the plan shall include provisions for graphics, dissemination of brochures, recorded oral and visual presentation, and maintenance of a marketing exhibit. The plan shall be updated annually, and the Fish and Wildlife Conservation Commission shall inspect each marketing exhibit at least~~

~~once each year to ensure the quality of the exhibit and promotional material. Each facility that receives funds for manatee rehabilitation shall annually provide the commission a written report, within 30 days after the close of the state fiscal year, documenting the efforts and effectiveness of the facility's promotional activities.~~

(b)(e) By December 1 each year, the Fish and Wildlife Conservation Commission shall provide the President of the Senate and the Speaker of the House of Representatives a written report, enumerating the amounts and purposes for which all proceeds in the Save the Manatee Trust Fund for the previous fiscal year are expended, in a manner consistent with those recovery tasks enumerated within the manatee recovery plan as required by the Endangered Species Act.

(c)(d) When the federal and state governments remove the manatee from status as an endangered or threatened species, the annual allocation may be reduced.

Section 18. *The sum of \$2 million is appropriated to the Fish and Wildlife Conservation Commission from the Marine Resources Conservation Trust Fund beginning in fiscal year 2000-2001 to be expended as follows: \$810,000 for training in the care of marine mammals at the Whitney Laboratory and the Veterinary School of Medicine at the University of Florida, up to \$1,150,000 for the care of marine mammals at licensed research facilities pursuant to section 370.0603(3), Florida Statutes, and up to \$40,000 for program administration costs of the agency.*

And the title is amended as follows:

On page 2, line 24, after the semicolon (;) insert: 201.15, F.S.; providing for the distribution of certain documentary stamp tax revenues to the Marine Resource Conservation Trust Fund to be used for marine mammal care; amending s. 201.15, F.S.; providing for the distribution of certain documentary stamp tax revenues to the Marine Resource Conservation Trust Fund to be used for marine mammal care, effective July 1, 2001; amending s. 328.72, F.S.; revising the process of handling voluntary contributions for manatee protection; amending s. 328.76, F.S.; eliminating the transfer of certain registered vessel revenues to the Save the Manatee Trust Fund; amending s. 370.0603, F.S.; providing requirements for the use of funds in the Marine Resource Conservation Trust Fund; amending s. 370.12, F.S.; eliminating requirements for the use of specified funds for manatee rehabilitation from the Save the Manatee Trust Fund; providing an appropriation;

Pursuant to Rule 4.19, **CS for SB 2140** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

## BILLS ON THIRD READING

On motion by Senator Forman, by two-thirds vote **CS for HB 2365** was withdrawn from the Committee on Natural Resources.

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

**CS for HB 2365**—A bill to be entitled An act relating to wetlands mitigation; amending s. 373.4135, F.S.; requiring establishment and operation of mitigation projects under a memorandum of agreement, under certain conditions; providing requirements and exclusions; authorizing certain mitigation options for private single-family lots or homeowners; providing for notice; amending s. 373.4136, F.S.; revising provisions relating to size and characteristics of the mitigation service area; providing for use of regional watersheds to guide establishment of mitigation service areas; requiring satisfaction of cumulative impact considerations; amending s. 373.414, F.S.; revising reporting requirements relating to money donated as wetlands mitigation; specifying conditions under which proposed mitigation shall satisfy cumulative impact considerations for a regulated activity; requiring the Department of Environmental Protection and certain water management districts to adopt a single uniform wetland mitigation assessment method, by rule, by a specified date; directing local government use of the assessment method; providing conditions and procedures for use of the assessment method; deleting obsolete language; directing study by the Office of Program Policy Analysis and Government Accountability on mitigation cumulative impact considerations; directing the St. Johns River Water Management District to classify the Lake Jesup Basin as a separate and distinct

basin for certain purposes, and to treat it as a vested basin; creating s. 373.200, F.S.; specifying the role of the Seminole Tribe Water Rights Compact; providing an effective date.

—a companion measure, was substituted for **CS for SB 2162** as amended and by two-thirds vote read the second time by title.

Senator Forman moved the following amendments which were adopted:

**Amendment 1 (662822)**—On page 14, lines 25, after the comma (,) insert: *including those adopted by a county which is an approved local program under s. 403.182.*

**Amendment 2 (520692)**—On page 14, lines 5-16, delete those lines and insert: *different areas of the state. In developing the uniform wetland mitigation assessment method, the department and water management districts shall consult with approved local programs under s. 403.182 which have an established wetland mitigation program. The department and water management districts shall consider the recommendations submitted by such approved local programs, including any recommendations relating to the adoption by the department and water management districts of any uniform wetland mitigation methodology that has been adopted and used by an approved local program in its established wetland mitigation program. Environmental resource permitting rules may*

**Amendment 3 (192230)(with title amendment)**—On page 2, line 10, insert:

Section 1. Subsection (5) is added to section 373.083, Florida Statutes, to read:

373.083 General powers and duties of the governing board.—In addition to other powers and duties allowed it by law, the governing board is authorized to:

(5) *Execute any of the powers, duties, and functions vested in the governing board through a member or members thereof, the executive director, or other district staff as designated by the governing board. The governing board may establish the scope and terms of any delegation. However, if the governing board delegates the authority to take final action on permit applications under part II or part IV, or petitions for variances or waivers of permitting requirements under part II or part IV, the governing board shall provide a process for referring any denial of such application or petition to the governing board to take final action. The authority in this subsection is supplemental to any other provision of this chapter granting authority to the governing board to delegate specific powers, duties, or functions.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 2, after the semicolon (;) insert: amending s. 373.083, F.S.; authorizing a water management district governing board to delegate its powers, duties, and functions;

Senator Latvala moved the following amendment which was adopted:

**Amendment 4 (621724)(with title amendment)**—On page 16, between lines 19 and 20, insert:

Section 4. Subsection 10 of section 20.255, Florida Statutes, is amended to read:

20.255 Department of Environmental Protection.—There is created a Department of Environmental Protection.

(10) There is created as a part of the Department of Environmental Protection an Environmental Regulation Commission. The commission shall be composed of seven residents of this state appointed by the Governor, subject to confirmation by the Senate. *In making appointments, the Governor shall provide reasonable representation from all sections of the state. The commission shall include one, but not more than two, members from each water management district who have resided in the district for at least 1 year, and the remainder shall be selected from the state at large.* Membership shall be representative of agriculture, the development industry, local government, the environmental community, lay citizens, and members of the scientific and technical

community who have substantial expertise in the areas of the fate and transport of water pollutants, toxicology, epidemiology, geology, biology, environmental sciences, or engineering. The Governor shall appoint the chair, and the vice chair shall be elected from among the membership. The members serving on the commission on July 1, 1995, shall continue to serve on the commission for the remainder of their current terms. All appointments thereafter shall continue to be for 4-year terms. The Governor may at any time fill a vacancy for the unexpired term. The members of the commission shall serve without compensation, but shall be paid travel and per diem as provided in s. 112.061 while in the performance of their official duties. Administrative, personnel, and other support services necessary for the commission shall be furnished by the department.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 6, after the semicolon (;) insert: amending s. 20.255, F.S.; requiring the Governor to provide reasonable representation from all sections of the state in making appointments to the Environmental Regulation Commission;

Senator Bronson moved the following amendment which was adopted:

**Amendment 5 (145714)(with title amendment)**—On page 16, between lines 19 and 20, insert:

Section 4. Paragraph (c) of subsection (2) of section 287.042, Florida Statutes, is amended to read:

287.042 Powers, duties, and functions.—The department shall have the following powers, duties, and functions:

(2)

(c) Any person who files an action protesting a decision or intended decision pertaining to contracts administered by the department, *a water management district*, or a state agency pursuant to s. 120.57(3)(b) shall post with the department, *the water management district*, or the state agency at the time of filing the formal written protest a bond payable to the department, *the water management district*, or state agency in an amount equal to 1 percent of the department's, *the water management district's* or the state agency's estimate of the total volume of the contract or \$5,000, whichever is less, which bond shall be conditioned upon the payment of all costs which may be adjudged against him or her in the administrative hearing in which the action is brought and in any subsequent appellate court proceeding. For protests of decisions or intended decisions of the department pertaining to agencies' requests for approval of exceptional purchases, the bond shall be in an amount equal to 1 percent of the requesting agency's estimate of the contract amount for the exceptional purchase requested or \$5,000, whichever is less. In lieu of a bond, the department, *the water management district*, or state agency may, in either case, accept a cashier's check or money order in the amount of the bond. If, after completion of the administrative hearing process and any appellate court proceedings, *the water management district* or agency prevails, it shall recover all costs and charges which shall be included in the final order or judgment, excluding attorney's fees. This section shall not apply to protests filed by the Minority Business Advocacy and Assistance Office. Upon payment of such costs and charges by the person protesting the award, the bond, cashier's check, or money order shall be returned to him or her. If the person protesting the award prevails, he or she shall recover from the agency or *water management district*, all costs and charges which shall be included in the final order of judgment, excluding attorney's fees.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 6, after the semicolon (;) insert: amending s. 287.042, F.S.; providing specific procurement powers for water management districts;

On motion by Senator Forman, by two-thirds vote **CS for HB 2365** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Madam President	Burt	Carlton	Childers
Bronson	Campbell	Casas	Clary

Cowin	Hargrett	Laurent	Sebesta
Dawson	Holzendorf	Lee	Silver
Diaz de la Portilla	Horne	Meek	Sullivan
Diaz-Balart	Jones	Mitchell	Thomas
Dyer	King	Myers	Webster
Forman	Klein	Rossin	
Geller	Kurth	Saunders	
Grant	Latvala	Scott	

Nays—None

**SPECIAL ORDER CALENDAR, continued**

On motion by Senator Thomas, by unanimous consent—

**CS for SB 820**—A bill to be entitled An act relating to state employees; authorizing the Department of Management Services and the Board of Regents to adopt tax-sheltered plans for state employees who are eligible for payment for accumulated leave upon termination of employment; providing conditions; providing for funding; providing for review of proposed plans by the State Board of Administration; providing for continuous departmental oversight; authorizing employees to withdraw such funds upon termination of employment; providing that employees are to be held harmless by the state for early withdrawal penalties imposed by the Internal Revenue Service; providing for participation in the plan by employees enrolled in the Deferred Retirement Option Program; authorizing the department and the Board of Regents to determine the design of the plans and the eligible participants; providing an effective date.

—was taken up out of order and read the second time by title.

Pursuant to Rule 4.19, **CS for SB 820** was placed on the calendar of Bills on Third Reading.

On motion by Senator Thomas, by unanimous consent—

**CS for SB 1868**—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.02, F.S.; defining “agricultural production”; amending s. 212.08, F.S.; revising application of the partial exemption for self-propelled, power-drawn, or power-driven farm equipment used exclusively on a farm or in a forest in specified activities and including rental or lease of such equipment in such exemption; reducing the rate of tax on such equipment; amending s. 212.12, F.S., relating to promulgation of tax brackets by the Department of Revenue, to conform; providing an effective date.

—was taken up out of order and read the second time by title.

Amendments were considered and adopted to conform **CS for SB 1868** to **CS for HB 1105**.

Pending further consideration of **CS for SB 1868** as amended, on motion by Senator Thomas, by two-thirds vote **CS for HB 1105** was withdrawn from the Committees on Agriculture and Consumer Services; and Fiscal Resource.

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

**CS for HB 1105**—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.02, F.S.; defining “agricultural production”; amending s. 212.08, F.S.; revising application of the partial exemption for self-propelled, power-drawn, or power-driven farm equipment used exclusively on a farm or in a forest in specified activities and including rental or lease of such equipment in such exemption; reducing the rate of tax on such equipment; requiring that the purchaser, renter, or lessee sign a certificate regarding the use of such equipment; specifying effect of possession of such certificate by a seller or other dealer; amending s. 212.12, F.S., relating to promulgation of tax brackets by the Department of Revenue, to conform; amending s. 212.06, F.S.; revising the application of provisions which exempt from use tax a person who secures rock, fill dirt, or similar materials from a location he or she owns for use on his or her own property, to include corporations and affiliated groups; providing effective dates.

—a companion measure, was substituted for **CS for SB 1868** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1105** was placed on the calendar of Bills on Third Reading.

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

**BILLS ON THIRD READING**

**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; amending s. 715.05, F.S.; deleting requirements that notices of unclaimed motor vehicles be submitted to insurance companies; amending s. 316.211, F.S.; exempting persons of a specified age from certain motorcycle safety equipment requirements; providing an effective date.

—as amended April 27 and May 2 was read the third time by title.

On motion by Senator Webster, further consideration of **CS for SB 780** was deferred.

**SPECIAL ORDER CALENDAR, continued**

**CS for SB 194**—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.031, F.S.; providing exemptions from the tax on renting, leasing, letting, or granting a license for the use of real property; amending s. 212.04, F.S.; providing exemptions from the tax on admissions; including a sports authority or a sports commission as sponsors of an event; providing a definition; providing for the due date of the tax on admissions for events at specified facilities; specifying that the exemptions are provided to publicly owned facilities; providing retroactive relief to certain taxpayers; providing an effective date.

—was read the second time by title.

Senator Horne moved the following amendment:

**Amendment 1 (133044)(with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. (1) Paragraph (a) of subsection (1) and subsection (3) of section 212.031, Florida Statutes, are amended, and subsection (10) is added to that section, to read:

212.031 Lease or rental of or license in real property.—

(1)(a) It is declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of renting, leasing, letting, or granting a license for the use of any real property unless such property is:

1. Assessed as agricultural property under s. 193.461.
2. Used exclusively as dwelling units.
3. Property subject to tax on parking, docking, or storage spaces under s. 212.03(6).
4. Recreational property or the common elements of a condominium when subject to a lease between the developer or owner thereof and the condominium association in its own right or as agent for the owners of individual condominium units or the owners of individual condominium units. However, only the lease payments on such property shall be exempt from the tax imposed by this chapter, and any other use made by the owner or the condominium association shall be fully taxable under this chapter.
5. A public or private street or right-of-way and poles, conduits, fixtures, and similar improvements located on such streets or rights-of-way, occupied or used by a utility or franchised cable television company for utility or communications or television purposes. For purposes of this subparagraph, the term "utility" means any person providing utility services as defined in s. 203.012. This exception also applies to property, excluding buildings, wherever located, on which antennas, cables, adjacent accessory structures, or adjacent accessory equipment used in the provision of cellular, enhanced specialized mobile radio, or personal communications services are placed.
6. A public street or road which is used for transportation purposes.
7. Property used at an airport exclusively for the purpose of aircraft landing or aircraft taxiing or property used by an airline for the purpose of loading or unloading passengers or property onto or from aircraft or for fueling aircraft.
- 8.a. Property used at a port authority, as defined in s. 315.02(2), exclusively for the purpose of oceangoing vessels or tugs docking, or such vessels mooring on property used by a port authority for the purpose of loading or unloading passengers or cargo onto or from such a vessel, or property used at a port authority for fueling such vessels, or to the extent that the amount paid for the use of any property at the port is based on the charge for the amount of tonnage actually imported or exported through the port by a tenant.
- b. The amount charged for the use of any property at the port in excess of the amount charged for tonnage actually imported or exported shall remain subject to tax except as provided in sub-subparagraph a.
9. Property used as an integral part of the performance of qualified production services. As used in this subparagraph, the term "qualified production services" means any activity or service performed directly in connection with the production of a qualified motion picture, as defined in s. 212.06(1)(b), and includes:
  - a. Photography, sound and recording, casting, location managing and scouting, shooting, creation of special and optical effects, animation, adaptation (language, media, electronic, or otherwise), technological modifications, computer graphics, set and stage support (such as electricians, lighting designers and operators, greensmen, prop managers and assistants, and grips), wardrobe (design, preparation, and management), hair and makeup (design, production, and application), performing (such as acting, dancing, and playing), designing and executing stunts, coaching, consulting, writing, scoring, composing, choreographing, script supervising, directing, producing, transmitting dailies, dubbing, mixing, editing, cutting, looping, printing, processing, duplicating, storing, and distributing;
  - b. The design, planning, engineering, construction, alteration, repair, and maintenance of real or personal property including stages, sets, props, models, paintings, and facilities principally required for the performance of those services listed in sub-subparagraph a.; and
  - c. Property management services directly related to property used in connection with the services described in sub-subparagraphs a. and b.

10. Leased, subleased, licensed, or rented to a person providing food and drink concessionaire services within the premises of a convention hall, exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, *publicly owned* recreational facility, or any business operated under a permit issued pursuant to chapter 550. A person providing retail concessionaire services involving the sale of food and drink or other tangible personal property within the premises of an airport shall be subject to tax on the rental of real property used for that purpose, but shall not be subject to the tax on any license to use the property. For purposes of this subparagraph, the term "sale" shall not include the leasing of tangible personal property.

11. Property occupied pursuant to an instrument calling for payments which the department has declared, in a Technical Assistance Advisement issued on or before March 15, 1993, to be nontaxable pursuant to rule 12A-1.070(19)(c), Florida Administrative Code; provided that this subparagraph shall only apply to property occupied by the same person before and after the execution of the subject instrument and only to those payments made pursuant to such instrument, exclusive of renewals and extensions thereof occurring after March 15, 1993.

12. *Rented, leased, subleased, or licensed to a concessionaire by a convention hall, exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility, during an event at the facility, to be used by the concessionaire to sell souvenirs, novelties, or other event-related products. This subparagraph applies only to that portion of the rental, lease, or license payment which is based on a percentage of sales and not based on a fixed price.*

(3) The tax imposed by this section shall be in addition to the total amount of the rental or license fee, shall be charged by the lessor or person receiving the rent or payment in and by a rental or license fee arrangement with the lessee or person paying the rental or license fee, and shall be due and payable at the time of the receipt of such rental or license fee payment by the lessor or other person who receives the rental or payment. *Notwithstanding any other provision of this chapter, the tax imposed by this section on the rental, lease, or license for the use of a convention hall, exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility to hold an event of not more than 7 consecutive days' duration shall be collected at the time of the payment for that rental, lease, or license but is not due and payable to the department until the first day of the month following the last day that the event for which the payment is made is actually held, and becomes delinquent on the 21st day of that month.* The owner, lessor, or person receiving the rent or license fee shall remit the tax to the department at the times and in the manner hereinafter provided for dealers to remit taxes under this chapter. The same duties imposed by this chapter upon dealers in tangible personal property respecting the collection and remission of the tax; the making of returns; the keeping of books, records, and accounts; and the compliance with the rules and regulations of the department in the administration of this chapter shall apply to and be binding upon all persons who manage any leases or operate real property, hotels, apartment houses, rooming-houses, or tourist and trailer camps and all persons who collect or receive rents or license fees taxable under this chapter on behalf of owners or lessors.

*(10) Separately stated charges imposed by a convention hall, exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility upon a lessee or licensee for food, drink, or services required or available in connection with a lease or license to use real property, including charges for laborers, stagehands, ticket takers, event staff, security personnel, cleaning staff, and other event-related personnel, advertising, and credit card processing, are exempt from the tax imposed by this section.*

*(2) No tax imposed by chapter 212, Florida Statutes, on the transactions exempted under this section, and not actually paid or collected by a taxpayer before the effective date of this section, shall be due from such taxpayer. However, any tax actually collected shall be remitted to the Department of Revenue, and no refund shall be due.*

Section 2. (1) Paragraph (b) of subsection (1), paragraph (a) of subsection (2), and subsection (3) of section 212.04, Florida Statutes, are amended to read:

212.04 Admissions tax; rate, procedure, enforcement.—

(1)

(b) For the exercise of such privilege, a tax is levied at the rate of 6 percent of sales price, or the actual value received from such admissions, which 6 percent shall be added to and collected with all such admissions from the purchaser thereof, and such tax shall be paid for the exercise of the privilege as defined in the preceding paragraph. Each ticket must show on its face the actual sales price of the admission, or each dealer selling the admission must prominently display at the box office or other place where the admission charge is made a notice disclosing the price of the admission, and the tax shall be computed and collected on the basis of the actual price of the admission charged by the dealer. The sale price or actual value of admission shall, for the purpose of this chapter, be that price remaining after deduction of federal taxes and state or locally imposed or authorized seat surcharges, taxes, or fees, if any, imposed upon such admission. *The sale price or actual value does not include separately stated ticket service charges that are imposed by a facility ticket office or a ticketing service and added to a separately stated, established ticket price.*—and The rate of tax on each admission shall be according to the brackets established by s. 212.12(9).

(2)(a)1. No tax shall be levied on admissions to athletic or other events sponsored by elementary schools, junior high schools, middle schools, high schools, community colleges, public or private colleges and universities, deaf and blind schools, facilities of the youth services programs of the Department of Children and Family Services, and state correctional institutions when only student, faculty, or inmate talent is used. However, this exemption shall not apply to admission to athletic events sponsored by an institution within the State University System, and the proceeds of the tax collected on such admissions shall be retained and used by each institution to support women's athletics as provided in s. 240.533(3)(c).

2.a. No tax shall be levied on dues, membership fees, and admission charges imposed by not-for-profit sponsoring organizations. To receive this exemption, the sponsoring organization must qualify as a not-for-profit entity under the provisions of s. 501(c)(3) of the Internal Revenue Code of 1954, as amended.

b. No tax imposed by this section and not actually collected before August 1, 1992, shall be due from any museum or historic building owned by any political subdivision of the state.

c. *No tax shall be levied on admission charges to an event sponsored by a governmental entity, sports authority, or sports commission when held in a convention hall, exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility and when 100 percent of the risk of success or failure lies with the sponsor of the event and 100 percent of the funds at risk for the event belong to the sponsor, and student or faculty talent is not exclusively used. As used in this sub-subparagraph, the terms "sports authority" and "sports commission" mean a nonprofit organization that is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code and that contracts with a county or municipal government for the purpose of promoting and attracting sports-tourism events to the community with which it contracts.*

3. No tax shall be levied on an admission paid by a student, or on the student's behalf, to any required place of sport or recreation if the student's participation in the sport or recreational activity is required as a part of a program or activity sponsored by, and under the jurisdiction of, the student's educational institution, provided his or her attendance is as a participant and not as a spectator.

4. No tax shall be levied on admissions to the National Football League championship game, on admissions to any semifinal game or championship game of a national collegiate tournament, or on admissions to a Major League Baseball all-star game.

5. A participation fee or sponsorship fee imposed by a governmental entity as described in s. 212.08(6) for an athletic or recreational program is exempt when the governmental entity by itself, or in conjunction with an organization exempt under s. 501(c)(3) of the Internal Revenue Code of 1954, as amended, sponsors, administers, plans, supervises, directs, and controls the athletic or recreational program.

6. Also exempt from the tax imposed by this section to the extent provided in this subparagraph are admissions to live theater, live opera,

or live ballet productions in this state which are sponsored by an organization that has received a determination from the Internal Revenue Service that the organization is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code of 1954, as amended, if the organization actively participates in planning and conducting the event, is responsible for the safety and success of the event, is organized for the purpose of sponsoring live theater, live opera, or live ballet productions in this state, has more than 10,000 subscribing members and has among the stated purposes in its charter the promotion of arts education in the communities which it serves, and will receive at least 20 percent of the net profits, if any, of the events which the organization sponsors and will bear the risk of at least 20 percent of the losses, if any, from the events which it sponsors if the organization employs other persons as agents to provide services in connection with a sponsored event. Prior to March 1 of each year, such organization may apply to the department for a certificate of exemption for admissions to such events sponsored in this state by the organization during the immediately following state fiscal year. The application shall state the total dollar amount of admissions receipts collected by the organization or its agents from such events in this state sponsored by the organization or its agents in the year immediately preceding the year in which the organization applies for the exemption. Such organization shall receive the exemption only to the extent of \$1.5 million multiplied by the ratio that such receipts bear to the total of such receipts of all organizations applying for the exemption in such year; however, in no event shall such exemption granted to any organization exceed 6 percent of such admissions receipts collected by the organization or its agents in the year immediately preceding the year in which the organization applies for the exemption. Each organization receiving the exemption shall report each month to the department the total admissions receipts collected from such events sponsored by the organization during the preceding month and shall remit to the department an amount equal to 6 percent of such receipts reduced by any amount remaining under the exemption. Tickets for such events sold by such organizations shall not reflect the tax otherwise imposed under this section.

7. Also exempt from the tax imposed by this section are entry fees for participation in freshwater fishing tournaments.

8. Also exempt from the tax imposed by this section are participation or entry fees charged to participants in a game, race, or other sport or recreational event if spectators are charged a taxable admission to such event.

9. No tax shall be levied on admissions to any postseason collegiate football game sanctioned by the National Collegiate Athletic Association.

(3) Such taxes shall be paid and remitted at the same time and in the same manner as provided for remitting taxes on sales of tangible personal property, as hereinafter provided. *Notwithstanding any other provision of this chapter, the tax on admission to an event at a convention hall, exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility shall be collected at the time of payment for the admission but is not due to the department until the first day of the month following the actual date of the event for which the admission is sold and becomes delinquent on the 21st day of that month.*

(2) *No tax imposed by chapter 212, Florida Statutes, on the transactions exempted under this section, and not actually paid or collected by a taxpayer before the effective date of this section, shall be due from such taxpayer. However, any tax actually collected shall be remitted to the Department of Revenue, and no refund shall be due.*

Section 3. Effective July 1, 2001, subsection (10) of section 212.031, Florida Statutes, as created by this act, is repealed, and paragraph (a) of subsection (1) and subsection (3) of that section, as amended by this act, are amended, to read:

212.031 Lease or rental of or license in real property.—

(1)(a) It is declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of renting, leasing, letting, or granting a license for the use of any real property unless such property is:

1. Assessed as agricultural property under s. 193.461.

2. Used exclusively as dwelling units.
3. Property subject to tax on parking, docking, or storage spaces under s. 212.03(6).
4. Recreational property or the common elements of a condominium when subject to a lease between the developer or owner thereof and the condominium association in its own right or as agent for the owners of individual condominium units or the owners of individual condominium units. However, only the lease payments on such property shall be exempt from the tax imposed by this chapter, and any other use made by the owner or the condominium association shall be fully taxable under this chapter.
5. A public or private street or right-of-way and poles, conduits, fixtures, and similar improvements located on such streets or rights-of-way, occupied or used by a utility or franchised cable television company for utility or communications or television purposes. For purposes of this subparagraph, the term "utility" means any person providing utility services as defined in s. 203.012. This exception also applies to property, excluding buildings, wherever located, on which antennas, cables, adjacent accessory structures, or adjacent accessory equipment used in the provision of cellular, enhanced specialized mobile radio, or personal communications services are placed.
6. A public street or road which is used for transportation purposes.
7. Property used at an airport exclusively for the purpose of aircraft landing or aircraft taxiing or property used by an airline for the purpose of loading or unloading passengers or property onto or from aircraft or for fueling aircraft.
  - 8.a. Property used at a port authority, as defined in s. 315.02(2), exclusively for the purpose of oceangoing vessels or tugs docking, or such vessels mooring on property used by a port authority for the purpose of loading or unloading passengers or cargo onto or from such a vessel, or property used at a port authority for fueling such vessels, or to the extent that the amount paid for the use of any property at the port is based on the charge for the amount of tonnage actually imported or exported through the port by a tenant.
    - b. The amount charged for the use of any property at the port in excess of the amount charged for tonnage actually imported or exported shall remain subject to tax except as provided in sub-subparagraph a.
  9. Property used as an integral part of the performance of qualified production services. As used in this subparagraph, the term "qualified production services" means any activity or service performed directly in connection with the production of a qualified motion picture, as defined in s. 212.06(1)(b), and includes:
    - a. Photography, sound and recording, casting, location managing and scouting, shooting, creation of special and optical effects, animation, adaptation (language, media, electronic, or otherwise), technological modifications, computer graphics, set and stage support (such as electricians, lighting designers and operators, greensmen, prop managers and assistants, and grips), wardrobe (design, preparation, and management), hair and makeup (design, production, and application), performing (such as acting, dancing, and playing), designing and executing stunts, coaching, consulting, writing, scoring, composing, choreographing, script supervising, directing, producing, transmitting dailies, dubbing, mixing, editing, cutting, looping, printing, processing, duplicating, storing, and distributing;
    - b. The design, planning, engineering, construction, alteration, repair, and maintenance of real or personal property including stages, sets, props, models, paintings, and facilities principally required for the performance of those services listed in sub-subparagraph a.; and
    - c. Property management services directly related to property used in connection with the services described in sub-subparagraphs a. and b.
  10. Leased, subleased, licensed, or rented to a person providing food and drink concessionaire services within the premises of a convention hall, exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, publicly owned recreational facility, or any business operated under a permit issued pursuant to chapter 550. A person providing retail concessionaire services involving the sale of food and drink or other tangible personal property within the premises of an

airport shall be subject to tax on the rental of real property used for that purpose, but shall not be subject to the tax on any license to use the property. For purposes of this subparagraph, the term "sale" shall not include the leasing of tangible personal property.

11. Property occupied pursuant to an instrument calling for payments which the department has declared, in a Technical Assistance Advisement issued on or before March 15, 1993, to be nontaxable pursuant to rule 12A-1.070(19)(c), Florida Administrative Code; provided that this subparagraph shall only apply to property occupied by the same person before and after the execution of the subject instrument and only to those payments made pursuant to such instrument, exclusive of renewals and extensions thereof occurring after March 15, 1993.

~~12. Rented, leased, subleased, or licensed to a concessionaire by a convention hall, exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility, during an event at the facility, to be used by the concessionaire to sell souvenirs, novelties, or other event-related products. This subparagraph applies only to that portion of the rental, lease, or license payment which is based on a percentage of sales and not based on a fixed price.~~

(3) The tax imposed by this section shall be in addition to the total amount of the rental or license fee, shall be charged by the lessor or person receiving the rent or payment in and by a rental or license fee arrangement with the lessee or person paying the rental or license fee, and shall be due and payable at the time of the receipt of such rental or license fee payment by the lessor or other person who receives the rental or payment. ~~Notwithstanding any other provision of this chapter, the tax imposed by this section on the rental, lease, or license for the use of a convention hall, exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility to hold an event of not more than 7 consecutive days' duration shall be collected at the time of the payment for that rental, lease, or license but is not due and payable to the department until the first day of the month following the last day that the event for which the payment is made is actually held, and becomes delinquent on the 21st day of that month.~~ The owner, lessor, or person receiving the rent or license fee shall remit the tax to the department at the times and in the manner hereinafter provided for dealers to remit taxes under this chapter. The same duties imposed by this chapter upon dealers in tangible personal property respecting the collection and remission of the tax; the making of returns; the keeping of books, records, and accounts; and the compliance with the rules and regulations of the department in the administration of this chapter shall apply to and be binding upon all persons who manage any leases or operate real property, hotels, apartment houses, roominghouses, or tourist and trailer camps and all persons who collect or receive rents or license fees taxable under this chapter on behalf of owners or lessors.

Section 4. Effective July 1, 2001, paragraph (b) of subsection (1), paragraph (a) of subsection (2), and subsection (3) of section 212.04, Florida Statutes, as amended by this act, are amended to read:

212.04 Admissions tax; rate, procedure, enforcement.—

(1)

(b) For the exercise of such privilege, a tax is levied at the rate of 6 percent of sales price, or the actual value received from such admissions, which 6 percent shall be added to and collected with all such admissions from the purchaser thereof, and such tax shall be paid for the exercise of the privilege as defined in the preceding paragraph. Each ticket must show on its face the actual sales price of the admission, or each dealer selling the admission must prominently display at the box office or other place where the admission charge is made a notice disclosing the price of the admission, and the tax shall be computed and collected on the basis of the actual price of the admission charged by the dealer. The sale price or actual value of admission shall, for the purpose of this chapter, be that price remaining after deduction of federal taxes and state or locally imposed or authorized seat surcharges, taxes, or fees, if any, imposed upon such admission, ~~and the sale price or actual value does not include separately stated ticket service charges that are imposed by a facility ticket office or a ticketing service and added to a separately stated, established ticket price.~~ the rate of tax on each admission shall be according to the brackets established by s. 212.12(9).

(2)(a)1. No tax shall be levied on admissions to athletic or other events sponsored by elementary schools, junior high schools, middle

schools, high schools, community colleges, public or private colleges and universities, deaf and blind schools, facilities of the youth services programs of the Department of Children and Family Services, and state correctional institutions when only student, faculty, or inmate talent is used. However, this exemption shall not apply to admission to athletic events sponsored by an institution within the State University System, and the proceeds of the tax collected on such admissions shall be retained and used by each institution to support women's athletics as provided in s. 240.533(3)(c).

2.a. No tax shall be levied on dues, membership fees, and admission charges imposed by not-for-profit sponsoring organizations. To receive this exemption, the sponsoring organization must qualify as a not-for-profit entity under the provisions of s. 501(c)(3) of the Internal Revenue Code of 1954, as amended.

b. No tax imposed by this section and not actually collected before August 1, 1992, shall be due from any museum or historic building owned by any political subdivision of the state.

~~c. No tax shall be levied on admission charges to an event sponsored by a governmental entity, sports authority, or sports commission when held in a convention hall, exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility and when 100 percent of the risk of success or failure lies with the sponsor of the event and 100 percent of the funds at risk for the event belong to the sponsor, and student or faculty talent is not exclusively used. As used in this sub-subparagraph, the terms "sports authority" and "sports commission" mean a nonprofit organization that is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code and that contracts with a county or municipal government for the purpose of promoting and attracting sports tourism events to the community with which it contracts.~~

3. No tax shall be levied on an admission paid by a student, or on the student's behalf, to any required place of sport or recreation if the student's participation in the sport or recreational activity is required as a part of a program or activity sponsored by, and under the jurisdiction of, the student's educational institution, provided his or her attendance is as a participant and not as a spectator.

4. No tax shall be levied on admissions to the National Football League championship game, on admissions to any semifinal game or championship game of a national collegiate tournament, or on admissions to a Major League Baseball all-star game.

5. A participation fee or sponsorship fee imposed by a governmental entity as described in s. 212.08(6) for an athletic or recreational program is exempt when the governmental entity by itself, or in conjunction with an organization exempt under s. 501(c)(3) of the Internal Revenue Code of 1954, as amended, sponsors, administers, plans, supervises, directs, and controls the athletic or recreational program.

6. Also exempt from the tax imposed by this section to the extent provided in this subparagraph are admissions to live theater, live opera, or live ballet productions in this state which are sponsored by an organization that has received a determination from the Internal Revenue Service that the organization is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code of 1954, as amended, if the organization actively participates in planning and conducting the event, is responsible for the safety and success of the event, is organized for the purpose of sponsoring live theater, live opera, or live ballet productions in this state, has more than 10,000 subscribing members and has among the stated purposes in its charter the promotion of arts education in the communities which it serves, and will receive at least 20 percent of the net profits, if any, of the events which the organization sponsors and will bear the risk of at least 20 percent of the losses, if any, from the events which it sponsors if the organization employs other persons as agents to provide services in connection with a sponsored event. Prior to March 1 of each year, such organization may apply to the department for a certificate of exemption for admissions to such events sponsored in this state by the organization during the immediately following state fiscal year. The application shall state the total dollar amount of admissions receipts collected by the organization or its agents from such events in this state sponsored by the organization or its agents in the year immediately preceding the year in which the organization applies for the exemption. Such organization shall receive the exemption only to the extent of \$1.5 million multiplied by the ratio that such receipts bear to the total of such

receipts of all organizations applying for the exemption in such year; however, in no event shall such exemption granted to any organization exceed 6 percent of such admissions receipts collected by the organization or its agents in the year immediately preceding the year in which the organization applies for the exemption. Each organization receiving the exemption shall report each month to the department the total admissions receipts collected from such events sponsored by the organization during the preceding month and shall remit to the department an amount equal to 6 percent of such receipts reduced by any amount remaining under the exemption. Tickets for such events sold by such organizations shall not reflect the tax otherwise imposed under this section.

7. Also exempt from the tax imposed by this section are entry fees for participation in freshwater fishing tournaments.

8. Also exempt from the tax imposed by this section are participation or entry fees charged to participants in a game, race, or other sport or recreational event if spectators are charged a taxable admission to such event.

9. No tax shall be levied on admissions to any postseason collegiate football game sanctioned by the National Collegiate Athletic Association.

(3) Such taxes shall be paid and remitted at the same time and in the same manner as provided for remitting taxes on sales of tangible personal property, as hereinafter provided. ~~Notwithstanding any other provision of this chapter, the tax on admission to an event at a convention hall, exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility shall be collected at the time of payment for the admission but is not due to the department until the first day of the month following the actual date of the event for which the admission is sold and becomes delinquent on the 21st day of that month.~~

Section 5. Except as otherwise provided in this act, 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 tax on sales, use, and other transactions; amending s. 212.031, F.S., relating to the tax on the lease or rental of or license in real property; revising application of the exemption for property leased, subleased, licensed, or rented to a person providing food and drink concessionaire services in certain facilities; providing an exemption for property rented, leased, subleased, or licensed by certain facilities to a concessionaire selling event-related products during an event at the facility; providing for repeal effective July 1, 2001; specifying when the tax on the rental, lease, or license to use certain facilities for certain events shall be collected and when it is due to the Department of Revenue; providing for repeal effective July 1, 2001; providing that separately stated charges by certain facilities for certain food, drink, or services in connection with use of their property are exempt from said tax; repealing s. 212.031(10), F.S., to remove such exemption for such separately stated charges, effective July 1, 2001; amending s. 212.04, F.S., relating to the tax on admissions; providing that the value of an admission does not include state or local seat surcharges, taxes, or fees, or certain ticket service charges under certain conditions; providing for repeal effective July 1, 2001; providing an exemption for admission charges to events sponsored by governmental entities, sports authorities, or sports commissions under certain conditions; providing for repeal effective July 1, 2001; specifying when the tax on admissions to events at certain facilities shall be collected and when it is due to the department; providing for repeal effective July 1, 2001; providing that no tax imposed on the transactions exempted by the act and not actually paid or collected prior to the effective date of the act shall be due; providing effective dates.

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

**Amendment 1A (570700)(with title amendment)**—On page 11, line 30; and on page 16, line 25, delete "2001" and insert: 2003

And the title is amended as follows:

On page 22, lines 14, 19, 25, and 31; and on page 23, lines 5 and 9, delete "2001" and insert: 2003

On motion by Senator Horne, further consideration of **CS for SB 194** with pending **Amendment 1** as amended was deferred.

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On motion by Senator Sebesta—

**CS for SB 266**—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.06, F.S.; expanding a partial exemption from the indexed tax on manufactured asphalt which applies to manufactured asphalt used for any federal, state, or local government public works project; specifying that the exemption includes federal projects; providing an effective date.

—was read the second time by title.

#### SENATOR SCOTT PRESIDING

Amendments were considered and adopted to conform **CS for SB 266** to **CS for HB 411**.

Pending further consideration of **CS for SB 266** as amended, on motion by Senator Sebesta, by two-thirds vote **CS for HB 411** was withdrawn from the Committee on Fiscal Resource.

On motion by Senator Sebesta, the rules were waived and by two-thirds vote—

**CS for HB 411**—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.06, F.S.; increasing the exemption from the indexed tax on manufactured asphalt that applies to manufactured asphalt used for any state or local government public works project; specifying that the exemption includes federal public works projects; providing intent; amending s. 212.08, F.S.; providing an exemption for railroad roadway materials used in the construction, repair, or maintenance of railways; amending s. 212.20, F.S.; providing a lump sum payment to the International Game Fish Association World Center; reducing the maximum number of monthly distributions to account for the lump sum payment; providing an effective date.

—a companion measure, was substituted for **CS for SB 266** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 411** was placed on the calendar of Bills on Third Reading.

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On motion by Senator Laurent, by two-thirds vote **CS for HB 389** was withdrawn from the Committee on Fiscal Resource.

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

**CS for HB 389**—A bill to be entitled An act relating to taxes on the severance of solid minerals; amending s. 211.31, F.S.; increasing the amount of funds credited to the Minerals Trust Fund from severance taxes that remains in the trust fund at the end of the fiscal year; amending s. 211.3103, F.S.; revising the distribution of the revenues from the tax on the severance of phosphate rock under specified circumstances; repealing s. 211.3103(9), F.S., which requires that when a county accepts a donation of real or other property from a producer the amount of the proceeds of said tax returned to that county be reduced by the value of the donation; amending s. 378.036, F.S.; revising requirements relating to a list identifying certain nonmandatory lands developed by the Department of Environmental Protection and the Fish and Wildlife Conservation Commission and purposes for which lands may be acquired with funds from the Nonmandatory Land Reclamation Trust Fund; providing an effective date.

—a companion measure, was substituted for **CS for SB 376** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 389** was placed on the calendar of Bills on Third Reading.

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On motion by Senator Saunders, by two-thirds vote **HB 743** was withdrawn from the Committee on Fiscal Resource.

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

**HB 743**—A bill to be entitled An act relating to entertainment industry incentives; creating s. 288.1258, F.S.; authorizing entertainment industry production companies to apply to the Department of Revenue for approval by the Office of the Film Commissioner as a qualified production company for the purpose of receiving sales tax exemptions; directing the office to develop application procedures; providing for denial and revocation of a certificate of exemption; providing a penalty for falsification of an application or unauthorized use of a certificate of exemption; providing categories of qualification for a certificate of exemption; providing duties of the Department of Revenue with respect to issuance of a certificate of exemption for qualified production companies; requiring the Office of the Film Commissioner to keep specified records; requiring an annual report to the Legislature; amending s. 212.031, F.S., relating to the tax on the lease or rental of or license in real property; providing that the exemption for property used as an integral part of the performance of qualified production services inures to the taxpayer upon presentation of a certificate of exemption issued under s. 288.1258, F.S.; amending s. 212.06, F.S.; providing that the exemption for fabrication labor used in the production of a qualified motion picture inures to the taxpayer upon presentation of a certificate of exemption issued under s. 288.1258, F.S.; amending s. 212.08, F.S.; providing that the exemption for certain motion picture or video equipment and sound recording equipment shall be a point of sale exemption rather than by refund; providing that the exemption inures to the taxpayer upon presentation of a certificate of exemption issued under s. 288.1258, F.S.; providing that the partial exemption for master tapes, records, films, or video tapes inures to the taxpayer upon presentation of a certificate of exemption issued under s. 288.1258, F.S.; amending s. 213.053, F.S.; authorizing the Department of Revenue to share certain information with the Office of the Film Commissioner; providing effective dates.

—a companion measure, was substituted for **CS for SB 804** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 743** was placed on the calendar of Bills on Third Reading.

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On motion by Senator Bronson—

**SB 874**—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.031, F.S.; providing an exemption from the tax on the lease or rental of or license in real property for property used predominantly for space flight business purposes; providing definitions; providing an effective date.

—was read the second time by title.

Amendments were considered and failed to conform **SB 874** to **HB 775**.

Pending further consideration of **SB 874**, on motion by Senator Bronson, by two-thirds vote **HB 775** was withdrawn from the Committee on Fiscal Resource.

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

**HB 775**—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.031, F.S.; providing an exemption from the tax on the lease or rental of or license in real property for property used predominantly for space flight business purposes; providing definitions; providing an effective date.

—a companion measure, was substituted for **SB 874** and by two-thirds vote read the second time by title.

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

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On motion by Senator Sebesta, by two-thirds vote **HB 879** was withdrawn from the Committee on Fiscal Resource.

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

**HB 879**—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.06, F.S.; providing that printers are

not responsible for collecting said tax on printed materials under certain circumstances; providing for rules; providing an effective date.

—a companion measure, was substituted for **CS for SB 1382** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 879** was placed on the calendar of Bills on Third Reading.

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On motion by Senator Mitchell—

**SB 1396**—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; exempting certain nonprofit water systems from the tax; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 1396** to **HB 1933**.

Pending further consideration of **SB 1396** as amended, on motion by Senator Mitchell, by two-thirds vote **HB 1933** was withdrawn from the Committee on Fiscal Resource.

On motion by Senator Mitchell, the rules were waived and by two-thirds vote—

**HB 1933**—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; revising application of the exemption for nonprofit water systems; providing an exemption for sales or leases to certain nonprofit organizations that provide crime prevention, drunk driving prevention, or juvenile delinquency prevention services; providing an exemption for sales or leases to the Florida Fire and Emergency Services Foundation; amending s. 265.289, F.S.; revising the definition of state theater contract organizations; amending s. 212.08, F.S., which provides a sales tax exemption for such organizations; revising said exemption; reenacting s. 265.2901(2), F.S., which relates to disposition of certain revenues of such organizations, to incorporate the amendment to s. 265.289, F.S., in a reference thereto; providing an effective date.

—a companion measure, was substituted for **SB 1396** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 1933** was placed on the calendar of Bills on Third Reading.

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Consideration of **CS for SB 1458** was deferred.

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On motion by Senator Sullivan—

**CS for SB 1604**—A bill to be entitled An act relating to the tax on sales, use, and other transactions; 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; providing a partial exemption for machinery and equipment for use in defense and space technology research and development and production; providing definitions; providing an effective date.

—was read the second time by title.

#### MOTION

On motion by Senator McKay, the rules were waived to allow the following amendment to be considered:

Senator McKay moved the following amendment which was adopted:

**Amendment 1 (932752)(with title amendment)**—On page 7, between lines 13 and 14, insert:

Section 2. *Notwithstanding the General Appropriations Act for 2000-2001, any school district that has submitted a proposal to be a charter school district under section 228.058, Florida Statutes, prior to March 1, 2000, may levy up to 1.0 of additional discretionary school millage, for 1 year only, to provide funds necessary to implement the transition to charter district status.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 2-18, delete those lines and insert: An act relating to taxation; 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; providing a partial exemption for machinery and equipment for use in defense and space technology research and development and production; providing definitions; authorizing certain school districts to levy additional discretionary millage; providing an effective date.

Senator Diaz de la Portilla moved the following amendment which was adopted:

**Amendment 2 (775038)(with title amendment)**—On page 7, between lines 13 and 14, insert:

Section 4. *Any tax liability that accrued under section 550.09515(2)(a)2., Florida Statutes, between January 1, 2000, and May 22, 2000, is forgiven, and the Department of Business and Professional Regulation may not maintain an action to collect such taxes.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 2-18, delete those lines and insert: An act relating to the tax on sales, use, and other transactions; 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; providing a partial exemption for machinery and equipment for use in defense and space technology research and development and production; providing definitions; forgiving certain taxes; providing an effective date.

Pursuant to Rule 4.19, **CS for SB 1604** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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**CS for SB 2074**—A bill to be entitled An act relating to sports industry economic development projects; amending s. 212.20, F.S.; providing for the Department of Revenue to distribute sales tax reimbursements to certified sports industry economic development projects under certain circumstances; amending s. 213.053, F.S.; extending the current information sharing with the Office of Tourism, Trade, and Economic Development to include the sales tax reimbursement program for certified sports industry economic development projects; creating s. 288.113, F.S.; creating a tax reimbursement program for certified sports industry economic development projects; providing legislative findings and declarations; providing definitions; providing eligibility criteria for amateur sports businesses; prescribing the terms and amounts of tax reimbursements; providing a certification procedure, to be established and administered by the Office of Tourism, Trade, and Economic Development; providing for periodic recertification; abating or reducing funding in specified circumstances; providing a maximum number of years for which an amateur sports business may be certified; providing for decertification; providing a penalty for falsifying an application; providing for a tax reimbursement agreement and prescribing terms of the agreement; providing for annual claims for reimbursement; providing duties of the Department of Revenue; providing for administration of the program; providing for recordkeeping and submission of an annual report to the Legislature; amending s. 288.1229, F.S.; providing an additional

purpose for which the Office of Tourism, Trade, and Economic Development may authorize a direct-support organization to assist the office; providing for the creation of new jobs in this state; providing an effective date.

—was read the second time by title.

The Committee on Fiscal Resource recommended the following amendments which were moved by Senator Bronson and adopted:

**Amendment 1 (880190)(with title amendment)**—On page 4, lines 3-9, delete those lines and insert:

c. Beginning 30 days after notice by the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ to the Department of Revenue that the applicant has been certified as the International Game Fish Association World Center facility pursuant to s. 288.1169, and the facility is open to the public, \$83,333 shall be distributed monthly, for up to ~~168~~ 180 months, to the applicant. This distribution is subject to reduction pursuant to s. 288.1169. *A lump sum payment of \$999,996 shall be made, after certification and before July 1, 2000.*

And the title is amended as follows:

On page 1, line 3, after "F.S." insert: providing a lump sum payment to the International Game Fish Association World Center; reducing the maximum number of monthly distributions to account for the lump sum payment;

**Amendment 2 (882330)**—On page 6, lines 21-26, delete those lines and insert: *industry economic development project.*

(b) *The number of certified sports industry economic development projects shall not exceed three. However, prior to June 30, 2005, the number of certified sports industry economic development projects shall not exceed one.*

Senator Bronson moved the following amendment which was adopted:

**Amendment 3 (565814)**—On page 6, line 26, after the period (.) insert: *However, prior to June 30, 2005, the total appropriations for projects shall not exceed \$2 million.*

## MOTION

On motion by Senator McKay, the rules were waived to allow the following amendment to be considered:

Senator McKay moved the following amendment which was adopted:

**Amendment 4 (631738)(with title amendment)**—On page 15, between lines 11 and 12, insert:

Section 4. *Notwithstanding the General Appropriations Act for 2000-2001, any school district that has submitted a proposal to be a charter school district under section 228.058, Florida Statutes, prior to March 1, 2000, may levy up to 1.0 of additional discretionary school millage, for 1 year only, to provide funds necessary to implement the transition to charter district status.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 2 through page 2, line 11, delete those lines and insert: An act relating to taxation; amending s. 212.20, F.S.; providing for the Department of Revenue to distribute sales tax reimbursements to certified sports industry economic development projects under certain circumstances; amending s. 213.053, F.S.; extending the current information sharing with the Office of Tourism, Trade, and Economic Development to include the sales tax reimbursement program for certified sports industry economic development projects; creating s. 288.113, F.S.; creating a tax reimbursement program for certified sports industry economic development projects; providing legislative findings and declarations; providing definitions; providing eligibility criteria for amateur sports businesses; prescribing the terms and amounts of tax reimbursements; providing a certification procedure, to be established and administered by the Office of Tourism, Trade, and Economic Development; providing for periodic recertification; abating or reducing funding in specified circumstances; providing a maximum number of years for

which an amateur sports business may be certified; providing for decertification; providing a penalty for falsifying an application; providing for a tax reimbursement agreement and prescribing terms of the agreement; providing for annual claims for reimbursement; providing duties of the Department of Revenue; providing for administration of the program; providing for recordkeeping and submission of an annual report to the Legislature; amending s. 288.1229, F.S.; providing an additional purpose for which the Office of Tourism, Trade, and Economic Development may authorize a direct-support organization to assist the office; providing for the creation of new jobs in this state; authorizing certain school districts to levy additional discretionary millage; providing an effective date.

Senators Thomas and Laurent offered the following amendment which was moved by Senator Laurent and adopted:

**Amendment 5 (695928)(with title amendment)**—On page 15, between lines 11 and 12, insert:

Section 5. *The Department of Agriculture and Consumer Services is authorized to negotiate agreements with landowners for water supply in rural areas, provided that:*

(1) *The water to be supplied is currently available to property owned or controlled by the department; and*

(2) *The intended use and quantity are not inconsistent with any permit required under part II of chapter 373, Florida Statutes, for the source of supply in effect at the time of the agreement.*

Section 6. Section 570.249, Florida Statutes, is created to read:

570.249 *Agricultural Economic Development Program Disaster Loans.—*

(1) *USE OF LOAN FUNDS.—Loan funds to agricultural producers who have experienced crop losses from a natural disaster or a socio-economic condition or event may be used to restore or replace essential physical property, such as animals, fences, equipment, structural production facilities, or orchard trees; pay all or part of production costs associated with the disaster year; pay essential family living expenses; and restructure farm debts. Funds may be issued as direct loans, or as loan guarantees for up to 90 percent of the total loan, in amounts not less than \$30,000 nor more than \$250,000. Applicants must provide at least 10 percent equity.*

(2) *ELIGIBLE CROPS.—Crops eligible for the emergency loan program include:*

(a) *Crops grown for human consumption;*

(b) *Crops planted and grown for livestock consumption, including, but not limited to, grain, seed, and forage crops;*

(c) *Crops grown for fiber, except for trees; and*

(d) *Speciality crops, such as aquacultural, floricultural, or ornamental nursery crops; Christmas trees; turf for sod; industrial crops; and seed crops used to produce eligible crops.*

(3) *FARMING INFORMATION.—A borrower must keep complete and acceptable farm records and present them as proof of production levels. A borrower must operate in accordance with a farm plan that he or she develops and that is approved by the commissioner. A borrower may be required to participate in a financial management training program and obtain crop insurance.*

(4) *LOAN APPLICATION.—In order to qualify for a loan under this section an applicant must submit an application to the committee within 30 days after the natural disaster or socio-economic condition or event occurs or the date the crop damage becomes apparent. An applicant must be a citizen of the United States, a bona fide resident of the state, and, together with the applicant's spouse and their dependents, have a total net worth of less than the \$100,000. The value of any residential homestead owned by the applicant must not be included in determining the applicant's net worth. An applicant must also demonstrate the need for economic assistance, be worthy of credit according to standards established by the commissioner, prove that he or she cannot obtain commercial credit, and demonstrate that he or she has the ability to repay the loan.*

(5) *LOAN SECURITY REQUIREMENTS.*—All loans must be fully collateralized. A first lien is required on all property or product acquired, produced, or refinanced with loan funds. The specific type of collateral required may vary depending upon the loan purpose, repayment ability, and the particular circumstances of the applicant.

(6) *LOAN REPAYMENT.*—Repayment of loans for crops, livestock, and non-real-estate losses shall normally be repaid within 7 years, or, in special circumstances within 20 years. Loans for physical losses to real estate and buildings shall not exceed 30 years. Borrowers are expected to return to conventional credit sources when they are financially able. Loans are a temporary source of credit and borrowers must be reviewed periodically to determine whether they can return to conventional credit.

Section 7. Section 570.911, Florida Statutes, is created to read:

*570.911 Equestrian educational sports program.*—The Department of Agriculture and Consumer Services shall establish an equestrian educational sports program with one or more accredited 4-year state universities designed to give student riders the opportunity to learn, compete, and succeed at the collegiate level, while at the same time promoting the state's multi-billion dollar equine industry.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 11, after the semicolon (;) insert: providing authority to the Department of Agriculture and Consumer Services to negotiate agreements with certain land owners for water use in rural areas; creating s. 570.249, F.S.; creating the Agricultural Economic Development Program Disaster Loans; creating s. 570.911, F.S.; providing for an equestrian educational sports program at 4-year state universities;

**MOTION**

On motion by Senator Childers, the rules were waived to allow the following amendment to be considered:

Senator Childers moved the following amendment:

**Amendment 6 (180162)(with title amendment)**—On page 15, between lines 11 and 12, insert:

Section 5. Paragraph (d) of subsection (7) of section 212.08, Florida Statutes, is 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.

(7) MISCELLANEOUS EXEMPTIONS.—

(d) Feeds.—Feeds for poultry, ostriches, and livestock, including racehorses, racing greyhounds, and dairy cows, are 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.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 2 through page 2, line 11, delete those lines and insert: An act relating to taxation; amending s. 212.20, F.S.; providing for the Department of Revenue to distribute sales tax reimbursements to certified sports industry economic development projects under certain circumstances; amending s. 213.053, F.S.; extending the current information sharing with the Office of Tourism, Trade, and Economic Development to include the sales tax reimbursement program for certified sports industry economic development projects; creating s. 288.113, F.S.; creating a tax reimbursement program for certified sports industry economic development projects; providing legislative findings and declarations; providing definitions; providing eligibility criteria for amateur sports businesses; prescribing the terms and amounts of tax reimbursements; providing a certification procedure, to be established and administered by the Office of Tourism, Trade, and Economic Development;

providing for periodic recertification; abating or reducing funding in specified circumstances; providing a maximum number of years for which an amateur sports business may be certified; providing for decertification; providing a penalty for falsifying an application; providing for a tax reimbursement agreement and prescribing terms of the agreement; providing for annual claims for reimbursement; providing duties of the Department of Revenue; providing for administration of the program; providing for recordkeeping and submission of an annual report to the Legislature; amending s. 288.1229, F.S.; providing an additional purpose for which the Office of Tourism, Trade, and Economic Development may authorize a direct-support organization to assist the office; providing for the creation of new jobs in this state; amending s. 212.08, F.S.; providing an exemption for feeds for racing greyhounds; providing an effective date.

**POINT OF ORDER**

Senator Horne raised a point of order that pursuant to rule 7.1 **Amendment 6** contained language of a bill not reported favorably by a Senate committee and was therefore out of order.

The President referred the point of order and the amendment to Senator McKay, Chairman of the Committee on Rules and Calendar.

On motion by Senator Bronson, further consideration of **CS for SB 2074** with pending point of order and **Amendment 6** was deferred.

On motion by Senator Horne—

**SB 390**—A bill to be entitled An act relating to the aviation fuel tax; amending s. 206.9825, F.S.; rescinding the repeal of the alternative tax rate; providing an effective date.

—was read the second time by title.

Senator Horne moved the following amendments which were adopted:

**Amendment 1 (700160)(with title amendment)**—On page 2, between lines 2 and 3, insert:

Section 2. 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, lines 2-4, delete those lines and insert: An act relating to taxation; amending s. 206.9825, F.S.; rescinding the repeal of the alternative tax rate; amending s. 199.185, F.S.; providing an exemption from the tax on government leaseholds; providing

**Amendment 2 (704540)(with title amendment)**—On page 2, between lines 2 and 3, insert:

Section 2. Subsection (4) of section 626.916, Florida Statutes, is amended to read:

626.916 Eligibility for export.—

(4) A reasonable per-policy fee, not to exceed \$25, may be charged by the filing surplus lines agent for each policy certified for export.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 2-4, delete those lines and insert: An act relating to taxation; amending s. 206.9825, F.S.; rescinding the repeal of the alternative tax rate; amending s. 626.916, F.S.; deleting a fee cap on the per-policy fee charged by surplus lines agents; providing

Pursuant to Rule 4.19, **SB 390** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Horne—

**SB 1332**—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 read the second time by title.

Pursuant to Rule 4.19, **SB 1332** was placed on the calendar of Bills on Third Reading.

On motion by Senator Klein—

**CS for SB 1536**—A bill to be entitled An act relating to revenue sharing with municipal governments; amending s. 210.20, F.S.; eliminating transfers of net cigarette tax collections to the Municipal Financial Assistance Trust Fund and Revenue Sharing Trust Fund for Municipalities; amending s. 212.20, F.S.; authorizing a distribution to the Revenue Sharing Trust Fund for Municipalities; amending s. 288.1169, F.S.; revising a cross reference, to conform; amending s. 218.21, F.S.; redefining the term “guaranteed entitlement” as applied to eligible municipalities; repealing s. 200.132, F.S., relating to the Municipal Financial Assistance Trust Fund; amending s. 11.45, F.S.; revising a reference, to conform; providing an effective date.

—was read the second time by title.

The Committee on Comprehensive Planning, Local and Military Affairs recommended the following amendment which was moved by Senator Klein and failed:

**Amendment 1 (081658)**—On page 3, line 10, delete “1.09475” and insert: 1.06481

Senator Klein moved the following amendments which were adopted:

**Amendment 2 (931496)**—On page 3, lines 10 and 11, delete those lines and insert: 1.0715 percent of the available proceeds pursuant to this paragraph shall be transferred

**Amendment 3 (931712)**—On page 3, lines 12-15, delete those lines and insert: *monthly to the Revenue Sharing Trust Fund for Municipalities pursuant to s. 218.215. If the total revenue to be distributed pursuant to this subparagraph is at least as great as the amount due from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Trust Fund in state fiscal year 1999-2000, no municipality shall receive less than the amount due from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Trust Fund in state fiscal year 1999-2000. If the total proceeds to be distributed are less than the amount received in combination from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Trust Fund in state fiscal year 1999-2000, each municipality shall receive an amount proportionate to the amount it was due in state fiscal year 1999-2000.*

**Amendment 4 (514206)(with title amendment)**—On page 5, line 11 through page 6, line 3, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 1, lines 11-13, delete those lines and insert: to conform; repealing

Pursuant to Rule 4.19, **CS for SB 1536** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Kurth—

**CS for SB 1648**—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.12, F.S.; providing that, when a dealer’s records are adequate but voluminous and the Department of Revenue statistically samples those records to determine the dealer’s tax liability, overpayments shall be projected over the entire audit period, and the tax liability reduced or refund made as necessary; providing intent; providing an effective date.

—was read the second time by title.

Senator Kurth moved the following amendment which was adopted:

**Amendment 1 (954518)(with title amendment)**—On page 1, line 24, delete “statistically” and insert: *statistically*

And the title is amended as follows:

On page 1, line 6, delete “statistically”

Senator Horne moved the following amendments which were adopted:

**Amendment 2 (604696)(with title amendment)**—On page 2, between lines 20 and 21, insert:

*Section 3. For the period July 1, 1998, through June 30, 1999, every business classified under Industry Group Number 212, which has collected and paid tax imposed by chapter 212, Florida Statutes, on charges for steam or electrical energy used in the manner provided by section 212.08(7)(ii), Florida Statutes, shall qualify for a refund of said taxes pursuant to sections 213.255 and 215.26, Florida Statutes, or shall be relieved of the requirement to pay such taxes if those taxes have not been collected and paid. It is the intent of the Legislature that this provision shall be applied as if Industry Group Number 212 had never been excluded from this exemption. As used in this section, the term “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.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 10, after the second semicolon (;) insert: providing for a refund of certain taxes paid;

**Amendment 3 (691784)(with title amendment)**—On page 2, between lines 20 and 21, insert:

Section 3. Paragraph (f) of subsection (6) of section 212.20, Florida Statutes, is amended to read:

212.20 Funds collected, disposition; additional powers of department; operational expense; refund of taxes adjudicated unconstitutionally collected.—

(6) Distribution of all proceeds under this chapter shall be as follows:

(f) The proceeds of all other taxes and fees imposed pursuant to this chapter shall be distributed as follows:

1. In any fiscal year, the greater of \$500 million, minus an amount equal to 4.6 percent of the proceeds of the taxes collected pursuant to chapter 201, or 5 percent of all other taxes and fees imposed pursuant to this chapter shall be deposited in monthly installments into the General Revenue Fund.

2. Two-tenths of one percent shall be transferred to the Solid Waste Management Trust Fund.

3. After the distribution under subparagraphs 1. and 2., 9.653 percent of the amount remitted by a sales tax dealer located within a participating county pursuant to s. 218.61 shall be transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund.

4. After the distribution under subparagraphs 1., 2., and 3., 0.054 percent shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and distributed pursuant to s. 218.65.

5. Of the remaining proceeds:

a. Beginning July 1, 1992, \$166,667 shall be distributed monthly by the department to each applicant that has been certified as a "facility for a new professional sports franchise" or a "facility for a retained professional sports franchise" pursuant to s. 288.1162 and \$41,667 shall be distributed monthly by the department to each applicant that has been certified as a "new spring training franchise facility" pursuant to s. 288.1162. Distributions shall begin 60 days following such certification and shall continue for 30 years. Nothing contained herein shall be construed to allow an applicant certified pursuant to s. 288.1162 to receive more in distributions than actually expended by the applicant for the public purposes provided for in s. 288.1162(7). However, a certified applicant shall receive distributions up to the maximum amount allowable and undistributed under this section for additional renovations and improvements to the facility for the franchise without additional certification.

b. Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development to the Department of Revenue that an applicant has been certified as the professional golf hall of fame pursuant to s. 288.1168 and is open to the public, \$166,667 shall be distributed monthly, for up to 300 months, to the applicant.

c. Beginning 30 days after notice by the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ to the Department of Revenue that the applicant has been certified as the International Game Fish Association World Center facility pursuant to s. 288.1169, and the facility is open to the public, \$83,333 shall be distributed monthly, for up to ~~168~~ 180 months, to the applicant. This distribution is subject to reduction pursuant to s. 288.1169. *A lump-sum payment of \$999,996 shall be made after certification and before July 1, 2000.*

6. All other proceeds shall remain with the General Revenue Fund. (Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 10, after the second semicolon (;) insert: amending s. 212.20, F.S.; providing a lump-sum payment to the International Game Fish Association World Center; reducing the maximum number of monthly distributions to account for the lump-sum payment;

Pursuant to Rule 4.19, **CS for SB 1648** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

**CS for SB 2074**—A bill to be entitled An act relating to sports industry economic development projects; amending s. 212.20, F.S.; providing for the Department of Revenue to distribute sales tax reimbursements to certified sports industry economic development projects under certain circumstances; amending s. 213.053, F.S.; extending the current information sharing with the Office of Tourism, Trade, and Economic Development to include the sales tax reimbursement program for certified sports industry economic development projects; creating s. 288.113, F.S.; creating a tax reimbursement program for certified sports industry economic development projects; providing legislative findings and declarations; providing definitions; providing eligibility criteria for amateur sports businesses; prescribing the terms and amounts of tax reimbursements; providing a certification procedure, to be established and administered by the Office of Tourism, Trade, and Economic Development; providing for periodic recertification; abating or reducing funding in specified circumstances; providing a maximum number of years for which an amateur sports business may be certified; providing for decertification; providing a penalty for falsifying an application; providing for a tax reimbursement agreement and prescribing terms of the agreement; providing for annual claims for reimbursement; providing duties of the Department of Revenue; providing for administration of the program; providing for recordkeeping and submission of an annual report to the Legislature; amending s. 288.1229, F.S.; providing an additional purpose for which the Office of Tourism, Trade, and Economic Development may authorize a direct-support organization to assist the office; providing for the creation of new jobs in this state; providing an effective date.

—which was previously considered and amended this day with pending point of order by Senator Horne on **Amendment 6**.

**RULING ON POINT OF ORDER**

On recommendation of Senator McKay, Chairman of the Committee on Rules and Calendar, the President ruled the point well taken and the amendment out of order.

Pending **Amendment 6** by Senator Childers was withdrawn.

Pursuant to Rule 4.19, **CS for SB 2074** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

**THE PRESIDENT PRESIDING**

On motion by Senator Klein—

**CS for SB 1650**—A bill to be entitled An act relating to revenue sharing with county governments; amending s. 199.292, F.S.; eliminating distribution of a portion of intangible personal property tax revenues to the Revenue Sharing Trust Fund for Counties; amending s. 210.20, F.S.; eliminating distribution of a portion of cigarette tax revenues to the trust fund; amending s. 212.20, F.S.; providing for distribution of a portion of sales and use tax proceeds to the trust fund; amending s. 218.21, F.S.; revising the method for determining the guaranteed entitlement for eligible counties from the trust fund; eliminating the second guaranteed entitlement for counties; amending s. 218.23, F.S.; providing for an annual distribution from the trust fund to certain consolidated units of local government; amending s. 218.25, F.S.; removing provisions relating to the assignment or pledge of the second guaranteed entitlement for counties; amending s. 288.1169, F.S., to conform; repealing s. 218.251, F.S., which provides for an additional distribution to certain consolidated governments, subject to annual appropriations; providing an effective date.

—was read the second time by title.

The Committee on Comprehensive Planning, Local and Military Affairs recommended the following amendment which was moved by Senator Klein and failed:

**Amendment 1 (152230)**—On page 4, line 7, delete "2.56323" and insert: 2.66968

Senator Klein moved the following amendment which was adopted:

**Amendment 2 (401974)(with title amendment)**—Delete every-thing after the enacting clause and insert:

Section 1. Subsection (3) of section 199.292, Florida Statutes, is amended to read:

199.292 Disposition of intangible personal property taxes.—All intangible personal property taxes collected pursuant to this chapter shall be placed in a special fund designated as the "Intangible Tax Trust Fund." The fund shall be disbursed as follows:

(3) Of the remaining intangible personal property taxes collected, ~~the balance an amount equal to 35.3 percent in state fiscal year 1998-1999 and an amount equal to 37.7 percent in each year thereafter, shall be transferred to the Revenue Sharing Trust Fund for Counties. Of the remaining taxes collected, an amount equal to 64.7 percent in state fiscal year 1998-1999 and an amount equal to 62.3 percent in each year there- after, shall be transferred to the General Revenue Fund of the state.~~

Section 2. Paragraph (f) of subsection (6) of section 212.20, Florida Statutes, is amended to read:

212.20 Funds collected, disposition; additional powers of depart-ment; operational expense; refund of taxes adjudicated unconstitution-ally collected.—

(6) Distribution of all proceeds under this chapter shall be as follows:

(f) The proceeds of all other taxes and fees imposed pursuant to this chapter shall be distributed as follows:

1. In any fiscal year, the greater of \$500 million, minus an amount equal to 4.6 percent of the proceeds of the taxes collected pursuant to chapter 201, or 5 percent of all other taxes and fees imposed pursuant

to this chapter shall be deposited in monthly installments into the General Revenue Fund.

2. Two-tenths of one percent shall be transferred to the Solid Waste Management Trust Fund.

3. After the distribution under subparagraphs 1. and 2., 9.653 percent of the amount remitted by a sales tax dealer located within a participating county pursuant to s. 218.61 shall be transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund.

4. After the distribution under subparagraphs 1., 2., and 3., ~~0.065~~ 0.054 percent shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and distributed pursuant to s. 218.65.

5. *For proceeds received after July 1, 2000, and after the distributions under subparagraphs 1., 2., 3., and 4., 2.25 percent of the available proceeds pursuant to this paragraph shall be transferred monthly to the Revenue Sharing Trust Fund for Counties pursuant to s. 218.215.*

6.5. Of the remaining proceeds:

a. Beginning July 1, 1992, \$166,667 shall be distributed monthly by the department to each applicant that has been certified as a "facility for a new professional sports franchise" or a "facility for a retained professional sports franchise" pursuant to s. 288.1162 and \$41,667 shall be distributed monthly by the department to each applicant that has been certified as a "new spring training franchise facility" pursuant to s. 288.1162. Distributions shall begin 60 days following such certification and shall continue for 30 years. Nothing contained herein shall be construed to allow an applicant certified pursuant to s. 288.1162 to receive more in distributions than actually expended by the applicant for the public purposes provided for in s. 288.1162(7). However, a certified applicant shall receive distributions up to the maximum amount allowable and undistributed under this section for additional renovations and improvements to the facility for the franchise without additional certification.

b. Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development to the Department of Revenue that an applicant has been certified as the professional golf hall of fame pursuant to s. 288.1168 and is open to the public, \$166,667 shall be distributed monthly, for up to 300 months, to the applicant.

c. Beginning 30 days after notice by the Department of Commerce to the Department of Revenue that the applicant has been certified as the International Game Fish Association World Center facility pursuant to s. 288.1169, and the facility is open to the public, \$83,333 shall be distributed monthly, for up to 180 months, to the applicant. This distribution is subject to reduction pursuant to s. 288.1169.

7.6. All other proceeds shall remain with the General Revenue Fund.

Section 3. Section 218.23, Florida Statutes, is amended to read:

218.23 Revenue sharing with units of local government.—

(1) To be eligible to participate in revenue sharing beyond the minimum entitlement in any fiscal year, a unit of local government is required to have:

(a) Reported its finances for its most recently completed fiscal year to the Department of Banking and Finance, pursuant to s. 218.32.

(b) Made provisions for annual postaudits of its financial accounts in accordance with provisions of law.

(c) Levied, as shown on its most recent financial report pursuant to s. 218.32, ad valorem taxes, exclusive of taxes levied for debt service or other special millages authorized by the voters, to produce the revenue equivalent to a millage rate of 3 mills on the dollar based on the 1973 taxable values as certified by the property appraiser pursuant to s. 193.122(2) or, in order to produce revenue equivalent to that which would otherwise be produced by such 3-mill ad valorem tax, to have received a remittance from the county pursuant to s. 125.01(6)(a), collected an occupational license tax or a utility tax, levied an ad valorem tax, or received revenue from any combination of these four sources. If a new municipality is incorporated, the provisions of this paragraph shall apply to the taxable values for the year of incorporation as certified

by the property appraiser. This paragraph requires only a minimum amount of revenue to be raised from the ad valorem tax, the occupational license tax, and the utility tax. It does not require a minimum millage rate.

(d) Certified that persons in its employ as law enforcement officers, as defined in s. 943.10(1), meet the qualifications for employment as established by the Criminal Justice Standards and Training Commission; that its salary structure and salary plans meet the provisions of chapter 943; and that no law enforcement officer is compensated for his or her services at an annual salary rate of less than \$6,000. However, the department may waive the minimum law enforcement officer salary requirement if a city or county certifies that it is levying ad valorem taxes at 10 mills.

(e) Certified that persons in its employ as firefighters, as defined in s. 633.30(1), meet the qualification for employment as established by the Division of State Fire Marshal pursuant to the provisions of ss. 633.34 and 633.35 and that the provisions of s. 633.382 have been met.

(f) Certified that each dependent special district that is budgeted separately from the general budget of the local governing authority has met the provisions for annual postaudit of its financial accounts in accordance with the provisions of law.

Additionally, to receive its share of revenue sharing funds, a unit of local government shall certify to the Department of Revenue that the requirements of s. 200.065, if applicable, were met. The certification shall be made annually within 30 days of adoption of an ordinance or resolution establishing a final property tax levy or, if no property tax is levied, not later than November 1. The portion of revenue sharing funds which, pursuant to this part, would otherwise be distributed to a unit of local government which has not certified compliance or has otherwise failed to meet the requirements of s. 200.065 shall be deposited in the General Revenue Fund for the 12 months following a determination of noncompliance by the department.

(2) *Any unit of local government which is consolidated as provided by s. 9, Art. VIII of the State Constitution of 1885, as preserved by s. 6(e), Art. VII of the 1968 revised constitution, shall receive an annual distribution from the Revenue Sharing Trust Fund for Counties equal to \$6.24 times its population.*

(3)(2) The distribution to a unit of local government under this part is determined by the following formula:

(a) First, the entitlement of an eligible unit of local government shall be computed on the basis of the apportionment factor provided in s. 218.245, which shall be applied for all eligible units of local government to all receipts available for distribution in the respective revenue sharing trust fund.

(b) Second, revenue shared with eligible units of local government for any fiscal year shall be adjusted so that no eligible unit of local government receives less funds than its guaranteed entitlement.

(c) Third, revenues shared with counties for any fiscal year shall be adjusted so that no county receives less funds than its guaranteed entitlement plus the second guaranteed entitlement for counties.

(d) Fourth, revenue shared with units of local government for any fiscal year shall be adjusted so that no unit of local government receives less funds than its minimum entitlement.

(e) Fifth, after the adjustments provided in paragraphs (b), (c), and (d), and after deducting the amount committed to all the units of local government, the funds remaining in the respective trust funds shall be distributed to those eligible units of local government which qualify to receive additional moneys beyond the guaranteed entitlement, on the basis of the additional money of each qualified unit of local government in proportion to the total additional money of all qualified units of local government.

(4)(3) Notwithstanding the provisions of paragraph (1)(c), no unit of local government which was eligible to participate in revenue sharing in the 3 years prior to initially participating in the local government half-cent sales tax shall be ineligible to participate in revenue sharing solely due to a millage or utility tax reduction afforded by the local government half-cent sales tax.

Section 4. Subsection (3) is added to section 218.25, Florida Statutes, to read:

218.25 Limitation of shared funds; holders of bonds protected; limitation on use of second guaranteed entitlement for counties.—

(3) *As an additional assurance to holders of bonds issued before April 18, 2000, which are secured by the guaranteed entitlement or second guaranteed entitlement for counties, or bonds issued to refund such bonds which mature no later than the bonds that they refunded and which result in a reduction of debt service payable in each fiscal year, it is the intent of the Legislature that, to the extent the elimination of tax sources dedicated to funding the guaranteed entitlement or the second guaranteed entitlement for counties or a reduction in the rate of assessment of such taxes results in an inability of a county to pay debt service on such bonds, the Legislature will provide alternative funding sources in an amount sufficient to pay any deficit in the amount required for such debt service. This commitment of the Legislature is contingent on the county first using any funds available under this part for the payment of such debt service.*

Section 5. Subsection (6) of section 288.1169, Florida Statutes, is amended to read:

288.1169 International Game Fish Association World Center facility; department duties.—

(6) The 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 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) 6.5.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 6. *Section 218.251, Florida Statutes, is repealed.*

Section 7. This act shall take effect July 1, 2000.

And the title is amended as follows:

On page 1, line 3, delete everything after “governments;” and insert: amending s. 199.292, F.S.; eliminating distribution of a portion of intangible personal property tax revenues to the Revenue Sharing Trust Fund for Counties; amending s. 212.20, F.S.; increasing the distribution of sales and use tax proceeds to the Local Government Half-cent Sales Tax Clearing Trust Fund; providing for distribution of a portion of sales and use tax proceeds to the Revenue Sharing Trust Fund for Counties; amending s. 218.23, F.S.; providing for an annual distribution from the trust fund to certain consolidated units of local government; amending s. 218.25, F.S.; providing additional assurance to holders of bonds secured by shared funds; amending s. 288.1169, F.S.; correcting a reference; repealing s. 218.251, F.S.; which provides for an additional distribution to certain consolidated governments, subject to annual appropriations; providing an effective date.

Pursuant to Rule 4.19, **CS for SB 1650** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

**MOTION**

On motion by Senator McKay, the rules were waived and time of recess was extended until completion of **CS for CS for SB 2402, CS for SB 1458, CS for SB 194, CS for SB 780, CS for CS for SB 1998** and motions and announcements.

On motion by Senator Sebesta—

**CS for CS for SB 2402**—A bill to be entitled An act relating to the tax on sales, use, and other transactions; 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; providing an effective date.

—was read the second time by title.

Senator Horne moved the following amendments which were adopted:

**Amendment 1 (674302)(with title amendment)**—On page 5, delete line 28 and insert:

Section 2. Effective upon this act becoming a law, paragraph (f) of subsection (6) of section 212.20, Florida Statutes, is amended to read:

212.20 Funds collected, disposition; additional powers of department; operational expense; refund of taxes adjudicated unconstitutionally collected.—

(6) Distribution of all proceeds under this chapter shall be as follows:

(f) The proceeds of all other taxes and fees imposed pursuant to this chapter shall be distributed as follows:

1. In any fiscal year, the greater of \$500 million, minus an amount equal to 4.6 percent of the proceeds of the taxes collected pursuant to chapter 201, or 5 percent of all other taxes and fees imposed pursuant to this chapter shall be deposited in monthly installments into the General Revenue Fund.

2. Two-tenths of one percent shall be transferred to the Solid Waste Management Trust Fund.

3. After the distribution under subparagraphs 1. and 2., 9.653 percent of the amount remitted by a sales tax dealer located within a participating county pursuant to s. 218.61 shall be transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund.

4. After the distribution under subparagraphs 1., 2., and 3., 0.054 percent shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and distributed pursuant to s. 218.65.

5. Of the remaining proceeds:

a. Beginning July 1, 1992, \$166,667 shall be distributed monthly by the department to each applicant that has been certified as a “facility for a new professional sports franchise” or a “facility for a retained professional sports franchise” pursuant to s. 288.1162 and \$41,667 shall be distributed monthly by the department to each applicant that has been certified as a “new spring training franchise facility” pursuant to s. 288.1162. Distributions shall begin 60 days following such certification and shall continue for 30 years. Nothing contained herein shall be construed to allow an applicant certified pursuant to s. 288.1162 to receive more in distributions than actually expended by the applicant for the public purposes provided for in s. 288.1162(7). However, a certified applicant shall receive distributions up to the maximum amount allowable and undistributed under this section for additional renovations and improvements to the facility for the franchise without additional certification.

b. Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development to the Department of Revenue that an applicant has been certified as the professional golf hall of fame pursuant to s. 288.1168 and is open to the public, \$166,667 shall be distributed monthly, for up to 300 months, to the applicant.

c. Beginning 30 days after notice by the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ to the Department of Revenue that the applicant has been certified as the International Game Fish Association World Center facility pursuant to s. 288.1169, and the facility is open to the public, \$83,333 shall be distributed monthly, for up to ~~168~~ 180 months, to the applicant. This distribution is subject to reduction pursuant to s. 288.1169. *A lump-sum payment of \$999,996 shall be made after certification and before July 1, 2000.*

6. All other proceeds shall remain with the General Revenue Fund.

Section 3. This act shall take effect upon becoming a law, except that section 1 of this act shall take effect January 1, 2001.

And the title is amended as follows:

On page 1, lines 14 and 15, delete those lines and insert: criteria and procedures; amending s. 212.20, F.S.; providing a lump-sum payment to the International Game Fish Association World Center; reducing the maximum number of monthly distributions to account for the lump-sum payment; providing effective dates.

**Amendment 2 (764790)(with title amendment)**—On page 5, delete line 28 and insert:

Section 2. *Effective July 1, 2000, for the period July 1, 1998, through June 30, 1999, every business classified under Industry Group Number 212, which has collected and paid tax imposed by chapter 212, Florida Statutes, on charges for steam or electrical energy used in the manner provided by section 212.08(7)(i), Florida Statutes, shall qualify for a refund of said taxes pursuant to sections 213.255 and 215.26, Florida Statutes, or shall be relieved of the requirement to pay such taxes if those taxes have not been collected and paid. It is the intent of the Legislature that this provision shall be applied as if Industry Group Number 212 had never been excluded from this exemption. As used in this section, the term "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.*

Section 3. This act shall take effect July 1, 2000, except that section 1 of this act shall take effect January 1, 2001.

And the title is amended as follows:

On page 1, lines 14 and 15, delete those lines and insert: criteria and procedures; providing for a refund of certain taxes paid; providing effective dates.

Senator Diaz de la Portilla moved the following amendment which was adopted:

**Amendment 3 (715686)(with title amendment)**—On page 5, between lines 27 and 28, insert:

Section 2. *Any tax liability that accrued under section 550.09515(2)(a)2., Florida Statutes, between January 1, 2000, and May 22, 2000, is forgiven, and the Department of Business and Professional Regulation may not maintain an action to collect such taxes.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 2-14, delete those lines and insert: An act relating to taxation; 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; forgiving certain taxes; providing an effective

Pursuant to Rule 4.19, **CS for CS for SB 2402** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator King—

**CS for SB 1458**—A bill to be entitled An act relating to tax on sales, use, and other transactions; providing legislative intent; amending s. 212.08, F.S.; revising the amount of the exemption for industrial machinery and equipment used in an expanding business; providing for application of the exemption for repair and labor charges for industrial machinery and equipment to machinery and equipment used to prepare tangible personal property for shipment; providing for such exemption to apply to additional industries; providing for a refund of certain taxes paid; providing an effective date.

—was read the second time by title.

Senator King moved the following amendment:

**Amendment 1 (764286)(with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Paragraph (b) of subsection (5) of section 212.08, Florida Statutes, is 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.—

(b) Machinery and equipment used to increase productive output.—

1. Industrial machinery and equipment purchased for exclusive use by a new business in spaceport activities as defined by s. 212.02 or for use in new businesses which manufacture, process, compound, or produce for sale items of tangible personal property at fixed locations are exempt from the tax imposed by this chapter upon an affirmative showing by the taxpayer to the satisfaction of the department that such items are used in a new business in this state. Such purchases must be made prior to the date the business first begins its productive operations, and delivery of the purchased item must be made within 12 months of that date.

2.a. Industrial machinery and equipment purchased for exclusive use by an expanding facility which is engaged in spaceport activities as defined by s. 212.02 or for use in expanding manufacturing facilities or plant units which manufacture, process, compound, or produce for sale items of tangible personal property at fixed locations in this state are exempt from any amount of tax imposed by this chapter in excess of \$15,000 ~~\$50,000~~ per calendar year upon an affirmative showing by the taxpayer to the satisfaction of the department that such items are used to increase the productive output of such expanded facility or business by not less than 10 percent.

b. Notwithstanding any other provision of this section, industrial machinery and equipment purchased for use in expanding printing manufacturing facilities or plant units that manufacture, process, compound, or produce for sale items of tangible personal property at fixed locations in this state are exempt from any amount of tax imposed by this chapter upon an affirmative showing by the taxpayer to the satisfaction of the department that such items are used to increase the productive output of such an expanded business by not less than 10 percent.

3.a. To receive an exemption provided by subparagraph 1. or subparagraph 2., a qualifying business entity shall apply to the department for a temporary tax exemption permit. The application shall state that a new business exemption or expanded business exemption is being sought. Upon a tentative affirmative determination by the department pursuant to subparagraph 1. or subparagraph 2., the department shall issue such permit.

b. The applicant shall be required to maintain all necessary books and records to support the exemption. Upon completion of purchases of qualified machinery and equipment pursuant to subparagraph 1. or subparagraph 2., the temporary tax permit shall be delivered to the department or returned to the department by certified or registered mail.

c. If, in a subsequent audit conducted by the department, it is determined that the machinery and equipment purchased as exempt under subparagraph 1. or subparagraph 2. did not meet the criteria mandated by this paragraph or if commencement of production did not occur, the amount of taxes exempted at the time of purchase shall immediately be due and payable to the department by the business entity, together with the appropriate interest and penalty, computed from the date of purchase, in the manner prescribed by this chapter.

d. In the event a qualifying business entity fails to apply for a temporary exemption permit or if the tentative determination by the department required to obtain a temporary exemption permit is negative, a qualifying business entity shall receive the exemption provided in subparagraph 1. or subparagraph 2. through a refund of previously paid

taxes. No refund may be made for such taxes unless the criteria mandated by subparagraph 1. or subparagraph 2. have been met and commencement of production has occurred.

4. The department shall promulgate rules governing applications for, issuance of, and the form of temporary tax exemption permits; provisions for recapture of taxes; and the manner and form of refund applications and may establish guidelines as to the requisites for an affirmative showing of increased productive output, commencement of production, and qualification for exemption.

5. The exemptions provided in subparagraphs 1. and 2. do not apply to machinery or equipment purchased or used by electric utility companies, communications companies, oil or gas exploration or production operations, publishing firms that do not export at least 50 percent of their finished product out of the state, any firm subject to regulation by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation, or any firm which does not manufacture, process, compound, or produce for sale items of tangible personal property or which does not use such machinery and equipment in spaceport activities as required by this paragraph. The exemptions provided in subparagraphs 1. and 2. shall apply to machinery and equipment purchased for use in phosphate or other solid minerals severance, mining, or processing operations only by way of a prospective credit against taxes due under chapter 211 for taxes paid under this chapter on such machinery and equipment.

6. For the purposes of the exemptions provided in subparagraphs 1. and 2., these terms have the following meanings:

a. "Industrial machinery and equipment" means "section 38 property" as defined in s. 48(a)(1)(A) and (B)(i) of the Internal Revenue Code, provided "industrial machinery and equipment" shall be construed by regulations adopted by the Department of Revenue to mean tangible property used as an integral part of spaceport activities or of the manufacturing, processing, compounding, or producing for sale of items of tangible personal property. Such term includes parts and accessories only to the extent that the exemption thereof is consistent with the provisions of this paragraph.

b. "Productive output" means the number of units actually produced by a single plant or operation in a single continuous 12-month period, irrespective of sales. Increases in productive output shall be measured by the output for 12 continuous months immediately following the completion of installation of such machinery or equipment over the output for the 12 continuous months immediately preceding such installation. However, if a different 12-month continuous period of time would more accurately reflect the increase in productive output of machinery and equipment purchased to facilitate an expansion, the increase in productive output may be measured during that 12-month continuous period of time if such time period is mutually agreed upon by the Department of Revenue and the expanding business prior to the commencement of production; provided, however, in no case may such time period begin later than 2 years following the completion of installation of the new machinery and equipment. The units used to measure productive output shall be physically comparable between the two periods, irrespective of sales.

7. Notwithstanding any other provision in this paragraph to the contrary, in order to receive the exemption provided in this paragraph a taxpayer must register with the WAGES Program Business Registry established by the local WAGES coalition for the area in which the taxpayer is located. Such registration establishes a commitment on the part of the taxpayer to hire WAGES program participants to the maximum extent possible consistent with the nature of their business.

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: An act relating to tax on sales, use, and other transactions; amending s. 212.08, F.S.; revising the amount of the exemption for industrial machinery and equipment used in an expanding business; providing an effective date.

Senator Diaz de la Portilla moved the following amendment to **Amendment 1** which was adopted:

**Amendment 1A (705430)(with title amendment)**—On page 6, between lines 1 and 2, insert:

Section 2. *Any tax liability that accrued under section 550.09515(2)(a)2., Florida Statutes, between January 1, 2000, and May 22, 2000, is forgiven, and the Department of Business and Professional Regulation may not maintain an action to collect such taxes.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 6, lines 11-15, delete those lines and insert: An act relating to taxation; providing legislative intent; amending s. 212.08, F.S.; revising the amount of the exemption for industrial machinery and equipment used in an expanding business; forgiving certain taxes; providing an effective

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

**Amendment 1B (750202)(with title amendment)**—On page 6, between lines 1 and 2, insert:

Section 2. *Notwithstanding the General Appropriations Act for 2000-2001, any school district that has submitted a proposal to be a charter school district under section 228.058, Florida Statutes, prior to March 1, 2000, may levy up to 1.0 of additional discretionary school millage, for 1 year only, to provide funds necessary to implement the transition to charter district status.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 6, line 15, after the semicolon (;) insert: authorizing certain school districts to levy additional discretionary millage;

**Amendment 1** as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 1458** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

**CS for SB 194**—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.031, F.S.; providing exemptions from the tax on renting, leasing, letting, or granting a license for the use of real property; amending s. 212.04, F.S.; providing exemptions from the tax on admissions; including a sports authority or a sports commission as sponsors of an event; providing a definition; providing for the due date of the tax on admissions for events at specified facilities; specifying that the exemptions are provided to publicly owned facilities; providing retroactive relief to certain taxpayers; providing an effective date.

—which was previously considered this day, with pending **Amendment 1** as amended by Senator Horne.

Senators Kurth and Klein offered the following amendment to **Amendment 1** which was moved by Senator Kurth and adopted:

**Amendment 1B (653880)(with title amendment)**—On page 21, between lines 22 and 23, insert:

Section 5. Section 196.1975, Florida Statutes, is amended to read:

196.1975 Exemption for property used by nonprofit homes for the aged.—Nonprofit homes for the aged are exempt to the extent that they meet the following criteria:

(1) The applicant must be a corporation not for profit pursuant to the provisions of chapter 617 or a Florida limited partnership, the sole general partner of which is a corporation not for profit pursuant to the provisions of chapter 617, and the corporation not for profit must have been exempt as of January 1 of the year for which exemption from ad valorem property taxes is requested from federal income taxation by having qualified as an exempt charitable organization under the provisions of s. 501(c)(3) of the Internal Revenue Code of 1954 or of the corresponding section of a subsequently enacted federal revenue act.

(2) A facility will not qualify as a "home for the aged" unless at least 75 percent of the occupants are over the age of 62 years or totally and permanently disabled. For homes for the aged which are exempt from paying income taxes to the United States as specified in subsection (1), licensing by the Agency for Health Care Administration is required for ad valorem tax exemption hereunder only if the home:

(a) Furnishes medical facilities or nursing services to its residents, or

(b) Qualifies as an assisted living facility under part III of chapter 400.

(3) Those portions of the home for the aged which are devoted exclusively to the conduct of religious services or the rendering of nursing or medical services are exempt from ad valorem taxation.

(4)(a) After removing the assessed value exempted in subsection (3), *units or apartments* in homes for the aged shall be exempt only to the extent that residency in the *existing unit or apartment* of the applicant home is *reserved for or* restricted to or *the unit or apartment* is occupied by persons who have resided in the applicant home and in good faith made this state their permanent residence as of January 1 of the year in which exemption is claimed and who also meet the requirements set forth in one of the following subparagraphs:

1. Persons who have gross incomes of not more than \$7,200 per year and who are 62 years of age or older.

2. Couples, one of whom must be 62 years of age or older, having a combined gross income of not more than \$8,000 per year, or the surviving spouse thereof, who lived with the deceased at the time of the deceased's death in a home for the aged.

3. Persons who are totally and permanently disabled and who have gross incomes of not more than \$7,200 per year.

4. Couples, one or both of whom are totally and permanently disabled, having a combined gross income of not more than \$8,000 per year, or the surviving spouse thereof, who lived with the deceased at the time of the deceased's death in a home for the aged.

However, the income limitations do not apply to totally and permanently disabled veterans, provided they meet the requirements of s. 196.081.

(b) The maximum income limitations permitted in this subsection shall be adjusted, effective January 1, 1977, and on each succeeding year, by the percentage change in the average cost-of-living index in the period January 1 through December 31 of the immediate prior year compared with the same period for the year prior to that. The index is the average of the monthly consumer price index figures for the stated 12-month period, relative to the United States as a whole, issued by the United States Department of Labor.

(5) Nonprofit housing projects which are financed by a mortgage loan made or insured by the United States Department of Housing and Urban Development under s. 202, s. 202 with a s. 8 subsidy, s. 221(d)(3) or (4), or s. 236 of the National Housing Act, as amended, and which are subject to the income limitations established by that department shall be exempt from ad valorem taxation.

(6) For the purposes of this section, gross income includes social security benefits payable to the person or couple or assigned to an organization designated specifically for the support or benefit of that person or couple.

(7) It is hereby declared to be the intent of the Legislature that subsection (3) implements the ad valorem tax exemption authorized in the third sentence of s. 3(a), Art. VII, State Constitution, and the remaining subsections implement s. 6(e), Art. VII, State Constitution, for purposes of granting such exemption to homes for the aged.

(8) Physical occupancy on January 1 is not required in those instances in which a home restricts occupancy to persons meeting the income requirements specified in this section. Those portions of a ~~such~~ property failing to meet those requirements shall qualify for an alternative exemption as provided in subsection (9). In a home in which at least 25 percent of the units or apartments of the home are restricted to or occupied by persons meeting the income requirements specified in this section, the common areas of that home are exempt from taxation.

(9)(a) Each unit or apartment of a home for the aged not exempted in subsection (3) or subsection (4), which is operated by a not for profit corporation and is owned by such corporation or leased by such corporation from a health facilities authority pursuant to part III of chapter 154 or an industrial development authority pursuant to part III of chapter 159, and which property is used by such home for the aged for the purposes for which it was organized, is exempt from all ad valorem taxation, except for assessments for special benefits, to the extent of \$25,000 of assessed valuation of such property for each apartment or unit:

1. Which is used by such home for the aged for the purposes for which it was organized; and

2. Which is occupied, on January 1 of the year in which exemption from ad valorem property taxation is requested, by a person who resides therein and in good faith makes the same his or her permanent home.

(b) Each home applying for an exemption under paragraph (a) of this subsection or paragraph (4)(a) must file with the annual application for exemption an affidavit from each person who occupies a unit or apartment for which an exemption under ~~either of those paragraphs that paragraph~~ is claimed stating that the person resides therein and in good faith makes that unit or apartment his or her permanent residence.

(10) Homes for the aged, or life care communities, however designated, which are financed through the sale of health facilities authority bonds or bonds of any other public entity, whether on a sale-leaseback basis, a sale-repurchase basis, or other financing arrangement, or which are financed without public-entity bonds, are exempt from ad valorem taxation only in accordance with the provisions of this section.

(11) Any portion of such property used for nonexempt purposes may be valued and placed upon the tax rolls separately from any portion entitled to exemption pursuant to this chapter.

(12) When it becomes necessary for the property appraiser to determine the value of a unit, he or she shall include in such valuation the proportionate share of the common areas, including the land, fairly attributable to such unit, based upon the value of such unit in relation to all other units in the home, unless the common areas are otherwise exempted by subsection (8).

(13) *Sections 196.195 and 196.196 do not apply to this section.*

Section 6. Effective January 1, 2001, subsections (2) and (3) and paragraph (a) of subsection (5) of section 159.805, Florida Statutes, are amended to read:

159.805 Procedures for obtaining allocations; requirements; limitations on allocations; issuance reports.—

(2) Any written confirmation issued by the director pursuant to subsection (1) ceases to be effective unless the bonds to which that confirmation applies have been issued by the agency and written notice of such issuance has been provided to the director within ~~155~~ 90 calendar days after the date the confirmation was issued or December 29, whichever occurs first.

(3) Upon the expiration of the confirmation or at any time the agency decides the allocation is no longer necessary, but, in any event, not later than the ~~160th~~ 95th calendar day after the date the confirmation was issued, the agency shall notify the division, by overnight common carrier delivery service, of its failure to issue any bonds pursuant to the written confirmation. Such notice of failure to issue shall be filed with the division and the allocation provided in the expired confirmation shall be made available for reallocation pursuant to this part. Upon determining that it will not be using allocation for mortgage credit certificates, the issuer will notify the division in writing within 5 business days that such allocation for mortgage credit certificates, referencing the dollar amount, will not be used, thereby allowing the division to reallocate such amounts.

(5)(a) When bonds with a written confirmation of an allocation are issued, the agency issuing such bonds, or its designee, shall provide the division with same-day telephonic notice of such issuance, the principal amount of bonds issued, and the availability of any excess unissued allocation. On the day of issuance of the bonds, the agency, or its designee, shall send a written issuance report to the division *to arrive no later*

~~than the following business day by overnight common carrier delivery service~~ containing the information described in paragraph (b). At issuance, any excess allocation unissued, except in the case of a project that received an allocation of \$50 million or more, immediately reverts to the pool from which the allocation was made, except that, after June 30 of such year, it reverts to the state allocation pool and shall be made available for reallocation. Except for allocations for which an election has been made to issue mortgage credit certificates, any allocation made under this part is contingent upon the filing of the issuance report by ~~overnight common carrier delivery service~~ with the division no later than the following business day.

Section 7. Effective January 1, 2001, subsection (1) of section 159.806, Florida Statutes, is amended to read:

159.806 Regional allocation pools.—

(1) Each region listed in s. 159.804(2) has an allocation pool for issuing written confirmations of allocation for private activity bonds. In issuing such written confirmations, the division must first use the allocation pool for the region in which the agency issuing such bonds or on whose behalf such bonds are being issued is located, except prior to ~~June April~~ 1, when the state allocation pool or the Florida First Business allocation pool must be used to finance priority projects until such allocation is exhausted unless the agency requests an allocation for a priority project from the regional allocation pool. Unless otherwise agreed to by the affected agencies, when such bonds are to be issued by an agency whose boundaries include more than one region, the division must first issue an allocation from the allocation pool for the region in which the project is to be located.

Section 8. Effective January 1, 2001, subsection (2) of section 159.807, Florida Statutes, is amended to read:

159.807 State allocation pool.—

(2) *Except as provided in subsection (1), prior to June April 1 of each year, the state allocation pool shall be available solely to provide written confirmations for private activity bonds to finance priority projects except manufacturing facilities. To obtain a written allocation for private activity bonds to finance a priority project from the state allocation pool prior to June April 1 of each year, the notice of intent to issue must be filed with the division no later than May March 1. If the total amount requested in notices of intent to issue for priority projects does not exceed the total amount of the state allocation pool, the director shall issue written confirmation for each notice of intent to issue by May March 15. If the total amount requested in notices of intent to issue private activity bonds for priority projects exceeds the total amount of the state allocation pool, the director shall forward all timely notices of intent to issue received by the division for those projects to the Governor who shall render a decision by June April 1 as to which notices of intent to issue are to receive written confirmations. If additional portions of the state volume limitation of private activity bonds permitted to be issued in the state are subsequently placed into the state allocation pool, the remainder of the timely notices of intent to issue for priority projects shall be provided written confirmations in the order established by the Governor prior to any other notices of intent to issue filed with the division.*

Section 9. Section 159.809, Florida Statutes, is amended to read:

159.809 Recapture of unused amounts.—

(1) On April 1 of each year, any portion of each initial allocation made pursuant to s. 159.804(4) for which ~~the division has not issued a written confirmation has not been issued by the director or for which an issuance report for bonds utilizing such an allocation has not been received by the division prior to such date~~ shall be added to the Florida First Business allocation pool.

(2) On July 1 of each year, any portion of each initial allocation made pursuant to s. 159.804(2) ~~or (3) for which the division has not issued a written confirmation has not been issued by the director or for which an issuance report for bonds utilizing such an allocation has not been received by the division prior to that date~~ shall be added to the Florida First Business allocation pool. *On July 1 of each year, any portion of each allocation made pursuant to s. 159.804(3) for which the division has not issued a written confirmation or has not received an issuance report shall be added to the Florida First Business allocation pool.* On and after July

2 of each year, any portion of such allocations for which a written confirmation has been issued and which confirmation expires or is relinquished by the agency receiving the allocation, shall be added to the state allocation pool.

(3) *On October 1 of each year, any portion of the allocation made to the Florida First Business allocation pool pursuant to s. 159.804(5) or subsection (1) or subsection (2), which is eligible for carryforward pursuant to s. 146(f) of the Code but which has not been certified for carryforward by the Office of Tourism, Trade, and Economic Development, shall be returned to the Florida First Business allocation pool.*

(4)(3) On November 16 of each year, any portion of the initial allocation, made pursuant to s. 159.804(1), s. 159.804(5), or subsection (1), or subsection (2), or subsection (3), other than as provided in s. 159.8083, for which an issuance report for bonds utilizing such an allocation has not been received by the division prior to that date shall be added to the state allocation pool.

Section 10. Subsection (1) of section 159.81, Florida Statutes, is amended to read:

159.81 Unused allocations; carryforwards.—

(1) The division shall, when requested, provide carryforwards pursuant to s. 146(f) of the Code for written confirmations for priority projects which qualify for a carryforward pursuant to s. 146(f) of the Code, if such request is accompanied by an opinion of bond counsel to that effect. *In addition, in the case of Florida First Business projects, the division shall, when requested, grant requests for carryforward only after receipt of a certification from the Office of Tourism, Trade, and Economic Development that the project has been approved by such office to receive carryforward.*

Section 11. 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 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 pursuant to s. 159.809(3) on October 1, or pursuant to s. 159.809(4) on November 16, if they have applied for and have been granted a carryforward by the division pursuant to s. 159.81(1). 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, 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 12. Effective upon this act becoming a law and operating retroactively to January 1, 2000, section 196.1978, Florida Statutes, is amended to read:

196.1978 *Affordable Low-income housing property exemption.—Property used to provide affordable housing serving eligible pursuant to*

any state housing program authorized under chapter 420 to low income or very low income persons as defined by s. 159.603(7) and persons meeting income limits specified in s. 420.0004(9), (10), and (14), which property is owned entirely by a nonprofit entity corporation which is qualified as charitable under s. 501(c)(3) of the Internal Revenue Code and which complies with Rev. Proc. 96-32, 1996-1 C.B. 717, shall be considered property owned by an exempt entity and used for a charitable purpose, and those portions of the affordable housing property which provide housing to individuals with incomes as defined in s. 420.0004(9) and (14) such property shall be exempt from ad valorem taxation to the extent authorized in s. 196.196. All property identified in this section shall comply with the criteria for determination of exempt status to be applied by property appraisers on an annual basis as defined in s. 196.195. *The Legislature intends that any property owned by a limited liability company which is disregarded as an entity for federal income tax purposes pursuant to Treasury Regulation 301.7701-3(b)(1)(ii) shall be treated as owned by its sole member.*

Section 13. Subsections (37) and (38) are added to section 420.507, Florida Statutes, to read:

420.507 Powers of the corporation.—The corporation shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this part, including the following powers which are in addition to all other powers granted by other provisions of this part:

(37) *To provide by rule, in connection with any corporation competitive program, for the reservation of future allocation or funding to provide a remedy for a litigant which is ultimately successful in its litigation regarding a competitive application, and to establish a date certain by which, if litigation is not resolved, the successful litigant will be funded from a subsequent year's available allocation or funding.*

(38) *To designate private activity allocation for tax-exempt bonds received by the corporation pursuant to part VI of chapter 159 between single-family and multifamily projects.*

Section 14. Subsection (3) of section 420.5099, Florida Statutes, is amended to read:

420.5099 Allocation of the low-income housing tax credit.—

(3) The corporation may request such information from applicants as will enable it to make the allocations according to the guidelines set forth in subsection (2), including, but not limited to, the information required to be provided the corporation by chapter 6791-21, Florida Administrative Code.

Section 15. Section 420.526, Florida Statutes, is amended to read:

420.526 Predevelopment Loan Program; loans and grants authorized; activities eligible for support.—

(1) The corporation is authorized to underwrite and make loans and grants from the Housing Predevelopment Fund to eligible sponsors when it determines that:

(a) A need for housing for the target population exists in the area described in the application; and

(b) Federal, state, or local public funds or private funds are available or likely to be available to aid in the site acquisition, site development, construction, rehabilitation, maintenance, or support of the housing proposed in the application.

(2) *If a loan is made, the corporation is authorized to forgive such loan, and thereby make a grant to a sponsor for any moneys which are unable to be repaid due to the sponsor's inability to obtain construction or permanent financing for the development. The corporation shall not forgive the portion of the loan, if any, which is secured by a mortgage to the extent such loan could be repaid from the sale of the mortgaged property shall not award a grant or loan to a sponsor that is unable to demonstrate the ability to proceed as verified by a qualified development team.*

(3) The corporation shall establish rules for the equitable distribution of the funds in a manner that meets the need and demand for housing for the target population. ~~However, during the first 6 months of~~

~~fund availability, at least 40 percent of the total funds made available under this program shall be reserved for Sponsors of farmworker housing, if any, shall receive first priority under this program, and further priorities shall be as established by rule of the corporation.~~

(4) The activities of sponsors which are eligible for housing predevelopment loans and grants shall include, but not be limited to:

(a) Site acquisition.

(b) Site development.

(c) Fees for requisite services from architects, engineers, surveyors, attorneys, and other professionals.

(d) Marketing expenses relating to advertisement.

~~(5) The activities of sponsors which are eligible for housing predevelopment grants shall include, but not be limited to:~~

~~(e)(a) Administrative expenses.~~

~~(f)(b) Market and feasibility studies.~~

~~(g)(c) Consulting fees.~~

~~(5)(6) Any funds paid out of the Housing Predevelopment Fund for activities under ss. 420.521-420.529 which are reimbursed to the sponsor from another source shall be repaid to the fund.~~

~~(7) Sponsors receiving loans for professional fees may receive forgiveness of such loans if it is determined that the proposed project would not be feasible for housing for the target population.~~

~~(6)(8) Terms and conditions of housing predevelopment loan agreements shall be established by rule and shall include:~~

~~(a) Provision for interest, which shall be set at between 0 and 3 percent per year, as established by the corporation.~~

~~(b) Provision of a schedule for the repayment of principal and interest for a term not to exceed 3 years or initiation of permanent financing, whichever event occurs first. However, the corporation may extend the term of a loan for an additional period not to exceed 1 year if extraordinary circumstances exist and if such extension would not jeopardize the corporation's security interest.~~

~~(c) Provision of reasonable security for the housing predevelopment loan to ensure the repayment of the principal and any interest accrued within the term specified. Reasonable security shall be a promissory note secured by a mortgage from the sponsor on the property to be purchased, improved, or purchased and improved with the proceeds of the housing predevelopment loan or other collateral acceptable to the corporation.~~

~~(d) Provisions to ensure that the land acquired will be used for the development of housing and related services for the target population.~~

~~(e) Provisions to ensure, to the extent possible, that any accrued savings in cost due to the availability of these funds will be passed on to the target population in the form of lower land prices. The corporation shall ensure that such savings in land prices shall be passed on in the form of lower prices or rents for dwellings constructed on such land.~~

~~(f) Provisions to ensure that any land acquired through assistance under ss. 420.521-420.529 for housing for the target population shall not be disposed of or alienated in a manner that violates Title VII of the 1968 Civil Rights Act, which specifically prohibits discrimination based on race, sex, color, religion, or national origin or that violates other applicable federal or state laws.~~

~~(7)(9) No predevelopment loan made under this section shall exceed the lesser of:~~

~~(a) The development and acquisition costs for the project, as determined by rule of the corporation; or~~

~~(b) Five hundred thousand dollars.~~

~~(8)(10) Any real property or any portion thereof purchased or developed under ss. 420.521-420.529 may be disposed of by the eligible spon-~~

son upon the terms and conditions established by rule of the corporation and consistent with ss. 420.521-420.529, at a price not to exceed the actual prorated land costs, development costs, accrued taxes, and interest.

Section 16. Subsections (3), (5), (7), and (8) of section 420.609, Florida Statutes, are amended to read:

420.609 Affordable Housing Study Commission.—Because the Legislature firmly supports affordable housing in Florida for all economic classes:

(3) The department and the *corporation agency* shall supply such information, assistance, and facilities as are deemed necessary for the commission to carry out its duties under this section and shall provide such staff assistance as is necessary for the performance of required clerical and administrative functions of the commission.

(5) The commission shall review, evaluate, and make recommendations regarding existing and proposed housing programs and initiatives. The commission shall provide these and any other housing recommendations to the secretary of the Department of Community Affairs and the executive director of the corporation.

(7) By ~~July 15 December 31~~ of each year beginning in ~~2001 1992~~, the commission shall prepare and submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report detailing its findings and making specific program, legislative, and funding recommendations and any other recommendations it deems appropriate.

(8) The commission shall recommend studies to be *conducted for included in the annual research agenda of the Multidisciplinary Center for affordable housing. These recommendations shall be submitted to the department and the center in order to assist them in establishing an appropriate research agenda for the center.*

Section 17. Subsections (4) and (27) of section 420.9071, Florida Statutes, are amended to read:

420.9071 Definitions.—As used in ss. 420.907-420.9079, the term:

(4) “Annual gross income” means annual income as defined under the Section 8 housing assistance payments programs in 24 C.F.R. part 5; annual income as reported under the census long form for the recent available decennial census; or adjusted gross income as defined for purposes of reporting under Internal Revenue Service Form 1040 for individual federal annual income tax purposes. Counties and eligible municipalities shall calculate income by *annualizing verified sources projecting the prevailing annual rate of income for all adults in the household as the amount of income to be received in a household during the 12 months following the effective date of the determination.*

(27) “Sales price” or “value” means, in the case of acquisition of an existing or newly constructed unit, the amount on the executed sales contract. For eligible persons who are building a unit on land that they own, the sales price is determined by an appraisal performed by a state-certified appraiser. The appraisal must include the value of the land and the improvements using the after-construction value of the property and must be dated within 12 months of the date construction is to commence. The sales price of any unit must include the value of the land in order to qualify as eligible housing as defined in subsection (8). In the case of rehabilitation or emergency repair of an existing unit *that does not create additional living space, sales price or value means the value of the real property, as determined by an appraisal performed by a state-certified appraiser and dated within 12 months of the date construction is to commence or the assessed value of the real property as determined by the county property appraiser, plus the cost of the improvements. In the case of rehabilitation of an existing unit that includes the addition of new living space, sales price or value means the value of the real property, as determined by an appraisal performed by a state-certified appraiser and dated within 12 months of the date construction is to commence or the assessed value of the real property as determined by the county property appraiser, plus the cost of the improvements in either case.*

Section 18. Paragraph (e) of subsection (3) and paragraph (c) of subsection (4) of section 420.9075, Florida Statutes, are amended to read:

420.9075 Local housing assistance plans; partnerships.—

(3) Each local housing assistance plan is governed by the following criteria and administrative procedures:

(e) The staff or entity that has administrative authority for implementing a local housing assistance plan assisting rental developments shall annually monitor and determine tenant eligibility *or, to the extent the Florida Housing Finance Corporation provides the same monitoring and determination, a municipality, county, or local housing financing authority may rely on such monitoring and determination of tenant eligibility.*

(4) The following criteria apply to awards made to eligible sponsors or eligible persons for the purpose of providing eligible housing:

(c) The sales price or value of new or existing eligible housing may not exceed 90 percent of the ~~average median~~ area purchase price in the *statistical area in which where* the eligible housing is located, *which housing was purchased during the most recent 12-month period for which sufficient statistical information is available or*, as established by the United States Department of Treasury.

If both an award under the local housing assistance plan and federal low-income housing tax credits are used to assist a project and there is a conflict between the criteria prescribed in this subsection and the requirements of s. 42 of the Internal Revenue Code of 1986, as amended, the county or eligible municipality may resolve the conflict by giving precedence to the requirements of s. 42 of the Internal Revenue Code of 1986, as amended, in lieu of following the criteria prescribed in this subsection with the exception of paragraphs (a) and (d) of this subsection.

Section 19. Section 760.26, Florida Statutes, is created to read:

760.26 Prohibited discrimination in land use decisions and in permitting of development.—*It is unlawful to discriminate in land use decisions or in the permitting of development based on race, color, national origin, sex, disability, familial status, religion, or, except as otherwise provided by law, the source of financing of a development or proposed development.*

Section 20. *State Farmworker Housing Pilot Loan Program.—The State Farmworker Housing Pilot Loan Program is created for the purpose of demonstrating the ability to use state dedicated funds to leverage Federal Government, local government, and private resources to provide affordable, safe, and sanitary rental housing units for farmworkers.*

(1) *Subject to the availability of funds appropriated to fund the State Farmworker Housing Pilot Loan Program, the Florida Housing Finance Corporation shall have the authority to make farmworker housing loans to a sponsor, as defined in s. 420.503(37), Florida Statutes, provided the sponsor:*

(a) *Agrees to:*

1. *Set aside at least 80 percent of the units for eligible farmworkers, as defined in s. 420.503(18), Florida Statutes;*

2. *Set aside 100 percent of the units for households whose family income does not exceed:*

a. *Fifty percent of the adjusted local median income in areas which are not metropolitan statistical areas; or*

b. *Forty percent of adjusted local median income in metropolitan statistical areas; and*

3. *Limit rents to no more than 30 percent of the maximum household income adjusted to unit size; or*

(b) *Uses federal funds provided under section 514 or section 516 of Title V of the Federal Housing Act of 1949 and meets maximum rental limits, tenant eligibility, and other regulatory requirements established pursuant to such programs.*

(2) *The corporation shall issue a request for proposals to solicit applications for loans offered pursuant to this section and shall establish a funding cycle to distribute funds pursuant to this section. The corporation shall coordinate this cycle with the fiscal year 2001 federal funding cycle for section 514 or section 516 of Title V of the Federal Housing Act of 1949. The corporation may distribute through this funding cycle any*

additional funds set aside for farmworker housing under the State Apartment Incentive Loan Program authorized by s. 420.5087, Florida Statutes, or other funds appropriated for the State Farmworker Housing Pilot Loan Program.

(3) All eligible applications shall:

(a) Demonstrate that the sponsor possesses title to or firm site control of land and evidences availability of required infrastructure.

(b) Have grants, donations of land, or contributions from other sources collectively totaling at least 25 percent of the total development cost. Such grants, donations of land, or contributions need not be committed at the time of application. The corporation shall establish a set time for receipt of such commitments.

(c) Have local government contributions and private agriculture producer funds and other private leveraged funds totaling no less than 3 percent of the total development cost.

(d) Demonstrate accessibility to commercial businesses and services needed to serve the needs of the resident farmworkers or include a viable plan to provide access to those commercial businesses and services.

(e) Limit developer fees to no more than 15 percent of the total development cost, less developer fees and land cost.

(4) The corporation shall establish a review committee composed of staff of the Department of Community Affairs selected by the Secretary of Community Affairs and staff of the corporation and shall establish a scoring system for evaluation and competitive ranking of applications submitted in this program.

(a) Each application shall address and be evaluated and ranked based on the following criteria:

1. A demonstrated need for farmworker housing: Proposed developments in a county determined by the Shimberg Center for Affordable Housing's April 1997 Migrant Farm Worker Needs Assessment, or any subsequent assessment, to have a shortage of affordable housing for 3,000 or more farmworkers shall receive maximum points. Sponsors proposing developments in other counties and demonstrating a high need for farmworker housing through other state or local governmental reports or market studies are eligible for funding under this section, but shall receive less points.

2. Developer fees: Sponsors with developer fees less than 15 percent shall be awarded additional points. There shall be no identity of interest between the sponsor, affiliated entities, and the contractor, and the sponsor or affiliated entities shall not receive any financial or other remuneration from the contractor as a condition of the contractor's selection.

3. The project's mix: Applications providing a set-aside of 20 percent or more units for seasonal, temporary, or migrant workers, including unaccompanied workers, shall receive additional points.

4. Innovation: Innovative planning concepts such as a phased development plan for mixed-income or occupational groups, home ownership, or commercial uses on a nearby parcel shall receive additional points.

5. Innovative building designs: Innovative building designs, which are targeted to meet the needs of the hard-to-serve population of migrant, seasonal, and very-low-income tenants which lower costs and rents while providing safe, sanitary, and decent housing shall receive additional points.

6. Federal Government contributions: Scoring shall provide additional points based on the percentage of federal funds leveraged. Such funds need not be committed to the proposed project. The corporation shall establish a set time for receipt of such commitments, taking into consideration the application deadlines and projected determination periods set by each of the agencies responsible for the federal funds proposed as leveraged. The corporation may give more points to applications with commitments of federal contributions.

7. Local government participation: Evidence of local government participation in project planning demonstrating a commitment to the project's success, including, but not limited to, comprehensive planning, letters of support, and other activities, shall receive additional points.

8. A provision for supportive services accessible onsite or through cooperative agreements with service providers in the community: Scoring shall provide additional points to eligible applications that provide one or more qualified tenant programs to enhance quality of life for residents. Such programs include, but are not limited to, the inclusion of a Title XX or Head Start child care facility for children onsite or within 3 miles of the development, tenant activities, health care, financial counseling, English as a Second Language courses, and GED courses.

9. The quality of the project's design: All developments shall include the equivalent of 0.25 full bathroom facilities per bed or tenant; onsite laundry, laundry sink, or hookups and space for a washer and dryer inside each unit; and appropriate minimum storage space. Flexibility shall be permitted for innovative designs which meet the needs of the population served.

a. The following items are not required and shall receive no points in the scoring of applications: two full bathrooms in all three-bedroom units, one and one-half bathrooms in all two-bedroom units, swimming pool, dishwasher, garbage disposals, and cable television hookups.

b. The following items are not required but shall receive additional points in the scoring of applications: window treatments, 30-year roofing on all buildings, gated community with carded entry or security guard, car care area, covered picnic area, playground, outdoor recreation area for older children, two or more parking spaces per unit, large multipurpose room or clubhouse, air conditioning or whole-house fan as determined by geographic region or seasonal occupancy, hurricane shutters or resistant glass, and energy conservation features.

10. The feasibility and economic viability of the project.

11. The sponsor's development experience: Scoring shall provide the most points to eligible applicants with successful experience in the development of farmworker housing commensurate to the size and scope of the proposed development. Applicants with less development experience or experience in projects substantially smaller than that proposed shall receive less points. The experience may be that of an affiliated or controlling corporation where the eligible applicant is established to limit liability of the affiliated group.

12. The sponsor's management experience: Scoring shall provide the most points to eligible applicants with successful experience in the management of farmworker housing commensurate to the size and scope of the proposed development. Applicants with less management experience or experience in projects substantially smaller than the proposed development shall receive less points. The experience may be that of an affiliated or controlling nonprofit corporation where the eligible applicant is established to limit liability of the affiliated group.

13. The ability to proceed with construction: Scoring shall provide the most points to those applicants able to proceed in a timely manner. In addition to local government participation as addressed in subparagraph 7., items to be scored shall include, but not be limited to: environmental safety, infrastructure availability, schematic site plans and elevations, and conceptual, preliminary, or final site plan approval.

14. A management plan to attract, serve, and keep eligible farmworker tenants.

(b) The corporation may reject any application.

(c) The review committee established by the corporation shall make recommendations to the board of directors of the corporation regarding program participation under the State Farmworker Housing Pilot Loan Program. The corporation board shall make the final ranking and the decisions regarding which applicants shall become program participants based on the scores received in the competitive ranking, further review of applications, and the recommendations of the review committee. The corporation board shall approve or reject applications for loans and shall determine the tentative loan amount available to each applicant selected for participation in the program.

(5) Loans provided pursuant to this section shall be nonamortizing. The corporation shall establish interest rates for loans made pursuant to this section. Loans to not-for-profit applicants shall have interest rates of zero percent if no low-income housing tax credits are allocated to the development. If low-income housing tax credits are allocated to the development, the interest rate may be adjusted upward to meet appropriate

federal requirements. Loans to for-profit applicants shall have interest rates of 3 percent if no low-income housing tax credits are allocated to the development. If low-income housing tax credits are allocated to the development, the interest rate may be adjusted upward to meet appropriate federal requirements. Loans shall not exceed \$5 million. The following provisions shall apply to all loans provided under this section:

(a) No loan combined with any other mortgage in a superior position shall exceed the development cost or the value of security, whichever is less.

(b) The loan term shall be for a period of not less than 20 years. The corporation may renegotiate and extend the loan in order to extend the availability of housing for farmworkers. The term of a loan may not extend beyond the period for which the sponsor agrees to provide housing for farmworkers as provided in subsection (1). Payment on the loans shall be based on the actual development cash flow and principal and interest may be deferred without constituting a default on the loan. The corporation may defer repayment of loans made under this section until the end of the loan period, including any extension, or until the housing no longer meets the requirements of subsection (1), whichever occurs first.

(c) The discrimination provisions of s. 420.516, Florida Statutes, shall apply to all loans.

(d) The proceeds of all loans shall be used for new construction or substantial rehabilitation which creates affordable, safe, and sanitary housing units.

(e) Sponsors shall annually certify the eligibility status and adjusted gross income of all persons or families qualified under subsection (1) who are residing in a project funded by this program. For monitoring purposes, the corporation may rely on a federal governmental entity which is also required to monitor and determine tenant eligibility.

(f) If agricultural and market conditions change substantially in a market area in which a project is located, the sponsor may request approval from the corporation for changes in the occupational or income set-aside requirements. The sponsor shall submit evidence of such market changes, including, but not limited to, a market study and statements from agricultural producers and agricultural labor representatives. The board of directors of the corporation may amend set-aside requirements; however, such changes shall preserve the maximum percentage of units for eligible farmworkers as market conditions permit.

(6) If a default on a loan occurs, the corporation may foreclose on any mortgage or security interest or commence any legal action to protect the interest of the corporation and recover the amount of the unpaid principal, accrued interest, and fees. The corporation may acquire real or personal property or any interest in such property when that acquisition is necessary or appropriate to: protect any loan; sell, transfer, and convey any such property to a buyer without regard to the provisions of chapters 253 and 270, Florida Statutes; and, if that sale, transfer, or conveyance cannot be effected within a reasonable time, lease such property for occupancy by eligible persons. All sums recovered from the sale, transfer, conveyance, or lease of such property shall be deposited into an account established by the corporation in a qualified public depository meeting the requirements of chapter 280, Florida Statutes, for purposes of expending moneys appropriated to fund the State Farmworker Housing Pilot Loan Program as provided in subsection (1).

(7) Subject to the availability of funds appropriated to fund the State Farmworker Housing Pilot Loan Program, the Florida Housing Finance Corporation shall contract with a nonprofit corporation, qualified under s. 501(c)(3) of the Internal Revenue Code, representing a mix of stakeholders concerned with housing conditions faced by migrant and seasonal farmworkers with demonstrated expertise in housing issues. The corporation shall select such contractor within 90 days after the effective date of this section to assist the corporation in establishing and implementing the State Farmworker Housing Pilot Loan Program, and to prepare a research report that includes a needs assessment and strategic plan for agricultural labor housing in this state. The research report shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report shall:

(a) Identify localities throughout this state having the greatest need for newly-constructed or rehabilitated agricultural labor housing.

(b) Identify successful project prototypes to provide safe, decent, and affordable agricultural housing.

(c) Provide an analysis of state and local barriers to the development of agricultural housing.

(d) Profile successful state and local government programs within and without this state that address agricultural housing needs.

Section 21. Nothing in this act shall serve to remove the exemption from any entity that is currently eligible for and receives the exemption.

And the title is amended as follows:

On page 22, line 2 through page 23, line 3, delete those lines and insert: A bill to be entitled An act relating to taxation; amending s. 196.1975, F.S., which provides exemptions for nonprofit homes for the aged; specifying that the exemption applicable to such homes whose residents meet certain income limitations applies to certain individual units or apartments of such homes; providing for application of a residency affidavit requirement to applicants for such exemption; revising provisions relating to qualification for the alternative exemption provided by that section for those portions of a home which do not meet the income limitations; providing that s. 196.195, F.S., which provides requirements and criteria for determining the profit or nonprofit status of an applicant for exemption, and s. 196.196, F.S., which provides criteria for determining whether property is entitled to a charitable, religious, scientific, or literary exemption, do not apply to that section; amending s. 159.805, F.S.; revising procedures for obtaining allocations of private activity bonds; amending s. 159.806, F.S.; specifying use of Florida First Business allocation pool for priority projects before using regional allocation pools; amending s. 159.807, F.S.; requiring availability of the state allocation pool for certain purposes; amending s. 159.8083, F.S.; clarifying preservation of allocations for certain Florida First Business projects; amending s. 159.809, F.S.; clarifying recapture by the Florida First Business allocation pool of portions of certain unused allocations; amending s. 159.81, F.S.; providing for granting requests for carryforward of certain allocations relating to Florida First Business projects under certain circumstances; amending s. 196.1978, F.S.; expanding the classes of certain low-income housing property as property owned by an exempt entity and used for charitable purposes; amending s. 420.507, F.S.; providing special powers of the corporation with respect to reservation of future allocation or funding and designation of private activity bond allocation; amending s. 420.5099, F.S.; correcting an administrative rule cross reference; amending s. 420.526, F.S.; revising provisions of the Predevelopment Loan Program to provide for targeting of funds and forgiveness of loans under certain circumstances; amending s. 420.609, F.S.; requiring the corporation to assist the Affordable Housing Study Commission for certain purposes; requiring the commission to provide certain commission recommendations to the corporation; changing the date of submittal for the commission's report; revising the commission's recommended studies requirements; amending s. 420.9071, F.S.; revising certain definitions; amending s. 420.9075, F.S.; revising entities authorized to monitor and determine tenant eligibility under local housing assistance plans; revising criteria for eligibility awards under such plans; creating s. 760.26, F.S.; prohibiting discrimination in land use decisions and in permitting of development; establishing the State Farmworker Housing Pilot Loan Program; providing for administration by the Florida Housing Finance Corporation; providing sponsor requirements; requiring the corporation to issue a request for proposals for loan applications for certain purposes; requiring the corporation to establish a loan distribution mechanism; providing eligible loan applicant requirements; providing for establishment of an application review committee; providing criteria for loan applications; providing duties and responsibilities of the corporation and review committee; providing requirements for such loans; providing procedures and requirements for loan defaults; requiring the corporation to contract with the Florida Farmworker Housing Coalition, Inc., for certain purposes; requiring a report to the Governor and Legislature; providing report requirements; amending s. 212.031, F.S.; providing that the act does not remove the exemption from any entity that currently is eligible for and receives the exemption

**Amendment 1** as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 194** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

### BILLS ON THIRD READING

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; amending s. 715.05, F.S.; deleting requirements that notices of unclaimed motor vehicles be submitted to insurance companies; amending s. 316.211, F.S.; exempting persons of a specified age from certain motorcycle safety equipment requirements; providing an effective date.

—which was previously considered this day and amended May 2.

Pending further consideration of **CS for SB 780** as amended, on motion by Senator Webster, by two-thirds vote **CS for CS for HB 1911** was withdrawn from the Committee on Transportation.

On motion by Senator Webster, the rules were waived and by two-thirds vote—

**CS for CS for HB 1911**—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. 316.0775, Florida Statutes; providing increased penalties for defacement, damage or removal of official traffic control devices or railroad signs or signals; 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. 316.211, F.S.; exempting persons of a specified age from certain motorcycle safety equipment requirements; exempts passengers of specified vehicles; 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. 316.220, F.S.; prohibiting the covering of headlamps to alter the color of the lamp; amending s. 316.221, F.S.; prohibiting the covering of tail-lamps; amending s. 316.228, F.S.; providing that any vehicle or trailer transporting logs, pulpwood, poles, or posts extending 4 feet or more from the rear of the vehicle must have an amber strobe light affixed to the projecting load; amending s. 316.234, F.S.; prohibiting the covering of signal lamps and signal devices; amending s. 316.237, F.S.; prohibiting the coverings of certain lamps; amending s. 316.2954, F.S.; revising

language with respect to restrictions on suncreening material on a motor vehicle; providing applicability; providing a penalty; amending s. 316.515, F.S.; providing length limitations on boat trailers; revising width limits with respect to certain noncommercial travel trailers, camping trailers, truck campers, motor homes, and private motor coaches; providing a length limit on motor homes; amending s. 316.530, F.S.; authorizing the use of cables and other devices meeting federal safety standards in the towing of certain vehicles; 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. 319.001, F.S.; redefining the term “new motor vehicle”; providing the Department of Highway Safety and Motor Vehicles regulatory authority over the approval process for courses related to basic driver improvement courses that use technology as the delivery method; redefining the term “approved courses” to mean those courses which have passed and have maintained standards approved for statewide delivery; amending s. 319.17, F.S.; providing for the use of electronic records; revising language with respect to certain liens on motor vehicles; amending s. 319.24; revising record-retention requirements; amending s. 319.30, F.S.; providing a certificate of destruction to be assigned to a motor vehicle or mobile home; requires the dismantling or destruction of a motor vehicle or mobile home after the second reassignment of the certificate of destruction; 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; providing for fees charged by financial institutions relating to a credit or debit card transaction; 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. 320.27, F.S.; revising language with respect to certificate of title to provide additional indicia of ownership; amending s. 320.27, F.S.; revising language with respect to supplemental licenses for motor vehicle dealers; 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; providing for voluntary contribution on a driver’s license application; amending s. 322.095, F.S.; prohibiting any governmental entity or court from providing, issuing, or maintaining any information or orders regarding traffic law and substance abuse education program schools or course providers; providing exceptions; requiring the Department of Highway Safety and Motor Vehicles to prepare for governmental entities to distribute driver’s license applicant referral guides; amending s. 322.292, F.S.; revising DUI program eligibility requirements; amending s. 320.60, F.S.; redefining the term “motor vehicle”; amending s. 328.15, F.S.; revising records-retention requirements; amending s. 328.40, F.S.; providing for electronic retention of records; amending ss. 328.48, 328.72, 328.73, and 328.735, F.S.; providing for the creation of the Used Motor Vehicle Industry Task Force; providing for membership, organization, and meetings; providing for per diem, travel and staffing; providing responsibilities; requiring review and assessment of the used motor vehicle industry; requiring reports; providing for termination of the task force; providing an effective date.

—a companion measure, was substituted for **CS for SB 780** as amended and by two-thirds vote read the second time by title. On motion by Senator Webster, by two-thirds vote **CS for CS for HB 1911** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—1

Campbell

Vote after roll call:

Yea to Nay—Sullivan

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

**MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has returned as requested CS for CS for SB 1998.

*John B. Phelps, Clerk*

**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.

**RECONSIDERATION OF BILL**

On motion by Senator Burt, the Senate reconsidered the vote by which **CS for CS for SB 1998** as amended passed May 2.

Pending further consideration of **CS for CS for SB 1998** as amended, on motion by Senator Burt, by two-thirds vote **CS for HB 1721** was withdrawn from the Committee on Governmental Oversight and Productivity.

On motion by Senator Burt, the rules were waived and by two-thirds vote—

**CS for HB 1721**—A bill to be entitled An act relating to tobacco settlement proceeds; providing legislative intent; creating s. 215.5600, F.S.; providing definitions; creating the Tobacco Settlement Financing Corporation; providing purposes; providing for a governing board of directors; providing for membership; providing powers of the corporation; authorizing the corporation to enter into certain purchase agreements with the Department of Banking and Finance for certain purposes; authorizing the corporation to issue bonds for certain purposes; providing requirements, limitations, and procedures for issuing such bonds; providing application; providing limitations; limiting liability of the corporation; exempting the corporation from taxation; providing for continued existence of the corporation; authorizing the Auditor General to conduct financial audits of the corporation; providing severability; specifying powers of the Department of Banking and Finance; amending s. 17.41, F.S.; revising provisions relating to deposit into and disbursement of moneys from the Tobacco Settlement Clearing Trust Fund; authorizing sale of the state’s right, title, and interest in the tobacco settlement agreement to the corporation; providing for payment of certain moneys into the Tobacco Settlement Clearing Trust Fund; providing for deposit of net proceeds of the sale of the tobacco settlement agreement into the Lawton Chiles Endowment Fund; amending s. 215.5601, F.S.; providing for additional funding of the Lawton Chiles Endowment Fund; revising provisions relating to transfer of endowment moneys; clarifying administration of the endowment; providing for receipt by the endowment of minimum amounts in certain fiscal years; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1998** as amended and by two-thirds vote read the second time by title.

Senator Horne moved the following amendment which was adopted:

**Amendment 1 (090144)(with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Section 215.5601, Florida Statutes, is amended to read:

215.5601 Lawton Chiles Endowment Fund.—

(1) **SHORT TITLE.**—This section may be cited as the “Lawton Chiles Endowment Fund.”

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

(a) “Board” means the State Board of Administration established by s. 16, Art. IX of the State Constitution of 1885 and incorporated into s. 9(c), Art. XII of the State Constitution of 1968.

(b) “Endowment” means the Lawton Chiles Endowment Fund.

(c) “Earnings” means all income generated by investments and the net change in the market value of assets.

(d) *“Participating manufacturer” means any manufacturer of tobacco products which meets the requirements of subsection (4).*

(e) ~~(d)~~ “State agency” or “state agencies” means the Department of Health, the Department of Children and Family Services, the Department of Elderly Affairs, or the Agency for Health Care Administration, or any combination thereof, as the context indicates.

(3) **LEGISLATIVE INTENT.**—It is the intent of the Legislature to:

(a) 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.

(b) Ensure that enhancement revenues will be available to finance these important initiatives.

(c) Use funds received from the Tobacco Settlement Clearing Trust Fund moneys to ensure the financial security of vital health and human services programs.

(d) Encourage the development of community-based solutions to strengthen and improve the quality of life of Florida’s most vulnerable citizens.

(e) Provide funds for cancer research and public-health research for diseases linked to tobacco use.

(f) *Provide tobacco manufacturers the opportunity to voluntarily participate in mitigating the impact of the use of tobacco on the residents of this state.*

(4) **PARTICIPATING MANUFACTURERS; QUALIFICATIONS.**—

(a)1. A tobacco manufacturer may become a participating manufacturer by entering into an agreement with the Attorney General which provides for the following:

a. *Elimination of the manufacturer’s outdoor advertising and transit advertisements at the earlier of the expiration of applicable contracts or 4 months after the date the final list of outdoor advertising signs is supplied to the Attorney General. The manufacturer shall provide a final list of all its outdoor advertising signs and transit advertisements to the Attorney General within 45 days after entering the agreement.*

b. *Support of the state’s efforts to mitigate the impact of the use of tobacco through annual payments to the state. On January 1 of each year, the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation shall calculate the payment amount, which is due by January 31 of that year. The payment amount shall be based on the number of cigarette packages delivered to wholesale dealers for sale in this state by the manufacturer from January 1 until December 31 of the prior year. The payment amount per package shall be*

calculated as the total annual payment due to the state pursuant to the settlement agreement in the case of *The State of Florida et al., v. American Tobacco Company et al.*, divided by the total number of packages delivered to wholesale dealers for sale in this state by the four settling manufacturers during the previous 12 months, rounded to the nearest tenth of a cent.

2. Cigarettes produced by each manufacturer that fully complies with the agreement entered into with the Attorney General under subparagraph 1. and makes the annual payment by January 31 are exempt from the surtax on cigarettes imposed under s. 210.02(6) for the subsequent 12-month period.

(b) All tobacco manufacturers that are signatories to the settlement agreement entered on August 25, 1997, in the case of *The State of Florida et al., v. American Tobacco Company et al.*, and the settlement agreement entered on March 15, 1996, in the case of *State of West Virginia, State of Florida, State of Mississippi, Commonwealth of Massachusetts, and State of Louisiana v. Brooke Group Ltd. and Liggett Group, Inc.*, are participating manufacturers. Cigarettes produced by each such manufacturer that fully complies with the applicable settlement agreement and makes the annual payment required under the agreement by December 31 are exempt from the surtax on cigarettes imposed under s. 210.02(6) for the subsequent 12-month period.

(c) Funds received from participating manufacturers shall be deposited into the Department of Banking and Finance Tobacco Settlement Clearing Trust Fund.

(5)(4) LAWTON CHILES ENDOWMENT FUND; CREATION; PURPOSES AND USES.—

(a) There is created the Lawton Chiles Endowment Fund, to be administered by the State Board of Administration. The endowment shall serve as a clearing trust fund not subject to termination pursuant to s. 19(f), Art. III of the State Constitution and shall be funded by settlement moneys received from the Tobacco Settlement Clearing Trust Fund industry. The endowment fund shall be exempt from the service charges imposed by s. 215.20.

(b) Funds from the endowment shall be distributed by the board to trust funds of the state agencies in the amounts indicated by reference to the legislative appropriations for the state agencies, except as otherwise provided in this section.

(c) The state agencies shall use the funds from the endowment to enhance or support increases in clients served or in program costs in health and human services program areas.

(d) The Secretary of Health, the Secretary of Children and Family Services, the Secretary of Elderly Affairs, and the Director of Health Care Administration shall conduct meetings to discuss program priorities for endowment funding prior to submitting their budget requests to the Executive Office of the Governor and the Legislature. The purpose of the meetings shall be to gain consensus for priority requests and recommended endowment funding levels for those priority requests. An agency head may not designate a proxy for these meetings.

(e) Funds from the endowment may not be used to supplant existing revenues.

(f) When advised by the Revenue Estimating Conference that a deficit will occur with respect to the appropriations from the Tobacco Settlement Clearing Trust Fund in any fiscal year, the Governor shall develop a plan of action to eliminate the deficit. Before implementing the plan of action, the Governor must comply with the provisions of s. 216.177(2). In developing the plan of action, the Governor shall, to the extent possible, preserve legislative policy and intent, and, absent any specific directions to the contrary in the General Appropriations Act, any reductions in appropriations from the Tobacco Settlement Clearing Trust Fund for a fiscal year shall be prorated among the purposes for which funds were appropriated from the Tobacco Settlement Clearing Trust Fund for that year.

(6)(5) ADMINISTRATION OF THE ENDOWMENT.—

(a) The board is authorized to invest and reinvest funds of the endowment in those securities listed in s. 215.47, in accordance with the fiduciary standards set forth in s. 215.47(9) and consistent with an

investment plan developed by the executive director and approved by the board. Costs and fees of the board for investment services shall be deducted from the earnings accruing to the endowment.

(b) The endowment shall be managed as an annuity. The investment objective shall be long-term preservation of the real value of the principal and a specified regular annual cash outflow for appropriation, as nonrecurring revenue. The schedule of annual cash outflow shall be included within the investment plan adopted pursuant to paragraph (a).

(c) The board shall establish a separate account for the funds of the endowment. The board shall design and operate an investment portfolio that maximizes the financial return to the endowment, consistent with the risks inherent in each investment, and that is designed to preserve an appropriate diversification of the portfolio.

(d) No later than February 15, 2000, the board shall report on the financial status of the endowment to the Governor, the Speaker of the House of Representatives, the President of the Senate, the chairs of the respective appropriations and appropriate substantive committees of each chamber, and the Revenue Estimating Conference. Thereafter, the board shall make a status report to such persons no later than August 15 and February 15 of each year.

(e) Accountability for funds from the endowment which have been appropriated to a state agency and distributed by the board shall reside with the state agency. The board is not responsible for the proper expenditure or accountability of funds from the endowment after distribution to a state agency.

(f) The board may collect a fee for service from the endowment no greater than that charged to the Florida Retirement System.

(7)(6) AVAILABILITY OF FUNDS.—

(a) Funds from the endowment shall not be available for appropriation to a state agency until July 1, 2000. Beginning July 1, 2000, the maximum annual amount of endowment funds that may be appropriated shall be in accordance with the following, based on earnings averaged over 3 years:

1. Beginning July 1, 2000, no more than a level of spending representing earnings at a rate of 3 percent.

2. Beginning July 1, 2001, no more than a level of spending representing earnings at a rate of 4 percent.

3. Beginning July 1, 2002, no more than a level of spending representing earnings at a rate of 5 percent.

4. Beginning July 1, 2003, and thereafter, no more than a level of spending representing earnings at a rate of 6 percent.

(b) *The Legislature may not appropriate more than 85 percent of the revenue that is received from participating manufacturers or pursuant to s. 210.02 in any fiscal year and made available for appropriation in the subsequent fiscal year. Revenue received from participating manufacturers or pursuant to s. 210.02 in any fiscal year which is not appropriated by the Legislature shall be deposited into the Lawton Chiles Endowment Fund.*

(c)(b) Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, all unencumbered balances of appropriations as of June 30 or undisbursed balances as of December 31 shall revert to the endowment's principal.

(8)(7) ENDOWMENT PRINCIPAL; APPROPRIATION OF EARNINGS.—The following amounts are appropriated from the Department of Banking and Finance Tobacco Settlement Clearing Trust Fund to the Lawton Chiles Endowment Fund for Health and Human Services:

(a) For fiscal year 1999-2000, \$1.1 billion;

(b) For fiscal year 2000-2001, \$200 million;

(c) For fiscal year 2001-2002, \$200 million; and

(d) For fiscal year 2002-2003, \$200 million; and

(e) For all subsequent fiscal years, a minimum of \$25 million.

Section 2. Section 210.02, Florida Statutes, is amended to read:

210.02 Cigarette tax imposed; collection.—

(1) An excise or privilege tax, in addition to all other taxes of every kind imposed by law, is imposed upon the sale, receipt, purchase, possession, consumption, handling, distribution, and use of cigarettes in this state, in the following amounts, except as hereinafter otherwise provided, for cigarettes of standard dimensions:

(a) Upon all cigarettes weighing not more than 3 pounds per thousand, 16.95 mills on each cigarette.

(b) Upon all cigarettes weighing more than 3 pounds per thousand and not more than 6 inches long, 33.9 mills on each cigarette.

(c) Upon all cigarettes weighing more than 3 pounds per thousand and more than 6 inches long, 67.8 mills on each cigarette.

(2) The description of cigarettes contained in paragraphs (a), (b), and (c) of subsection (1) are hereby declared to be standard as to dimensions for taxing purposes as provided in this law and should any cigarette be received, purchased, possessed, sold, offered for sale, given away, or used of a size other than of standard dimensions, the same shall be taxed at the rate of 1.41 cents on each such cigarette.

(3) When cigarettes as described in paragraph (1)(a) are packed in varying quantities of 20 cigarettes or less, except manufacturer's free samples authorized under s. 210.04(9), the following rate shall govern:

(a) Packages containing 10 cigarettes or less require a 16.95-cent tax.

(b) Packages containing more than 10 but not more than 20 cigarettes require a 33.9-cent tax.

(4) When cigarettes as described in paragraph (1)(b) are packed in varying quantities of 20 cigarettes or less, except manufacturer's free samples authorized under s. 210.04(9), the following rates shall govern:

(a) Packages containing 10 cigarettes or less require a 33.9-cent tax.

(b) Packages containing more than 10 but not more than 20 cigarettes require a 67.8-cent tax.

(5) When cigarettes as described in paragraph (1)(c) are packed in varying quantities of 20 cigarettes or less, except manufacturer's free samples authorized under s. 210.04(9), the following rates shall govern:

(a) Packages containing 10 cigarettes or less require a 67.8-cent tax.

(b) Packages containing more than 10 but not more than 20 cigarettes require a 135.6-cent tax.

(6) Beginning February 1, 2001, an additional surtax shall be added to the amounts otherwise provided in this section. The division shall calculate the surtax on January 1 of each year, and the surtax shall apply on February 1. The surtax per package shall be calculated as the total annual payment due to the state pursuant to the settlement agreement in the case of *The State of Florida et al., v. American Tobacco Company et al.*, divided by the total number of packages of cigarettes delivered to wholesale dealers for sale in this state by the four settling manufacturers during the previous 12 months, rounded to the nearest tenth of a cent.

(7)(6) This tax shall be paid by the dealer to the division for deposit and distribution as hereinafter provided upon the first sale or transaction within the state, whether or not such sale or transfer be to the ultimate purchaser or consumer. The seller or dealer shall collect the tax from the purchaser or consumer, and the purchaser or consumer shall pay the tax to the seller. The seller or dealer shall be responsible for the collection of the tax and the payment of the same to the division. All taxes are due not later than the 10th day of the month following the calendar month in which they were incurred, and thereafter shall bear interest at the rate of 1 percent per month. If the amount of tax due for a given period is assessed without allocating it to any particular month, the interest shall begin with the date of the assessment. Whenever cigarettes are shipped from outside the state to any other than a

distributing agent or wholesale dealer, the person receiving the cigarettes shall be responsible for the tax on said cigarettes and the payment of same to the division.

(8)(7) It is the legislative intent that the tax on cigarettes shall be uniform throughout the state.

Section 3. Section 210.20, Florida Statutes, is amended to read:

210.20 Employees and assistants; distribution of funds.—

(1) The division under the applicable rules of the Department of Management Services shall have the power to employ such employees and assistants and incur such other expenses as may be necessary for the administration of this part, within the limits of an appropriation for the operation of the Department of Business and Professional Regulation as may be authorized by the General Appropriations Act.

(2) As collections are received by the division from such cigarette taxes, it shall pay the same into a trust fund in the State Treasury designated "Cigarette Tax Collection Trust Fund" which shall be paid and distributed as follows:

(a) The division shall from month to month certify to the Comptroller the amount derived from the cigarette tax imposed by s. 210.02(1)-(5) ~~s. 210.02~~, less the service charges provided for in s. 215.20 and less 0.9 percent of the amount derived from the cigarette tax imposed by s. 210.02, which shall be deposited into the Alcoholic Beverage and Tobacco Trust Fund, specifying the amounts to be transferred from the Cigarette Tax Collection Trust Fund and credited on the basis of 5.8 percent of the net collections to the Municipal Financial Assistance Trust Fund, 32.4 percent of the net collections to the Revenue Sharing Trust Fund for Municipalities, 2.9 percent of the net collections to the Revenue Sharing Trust Fund for Counties, and 29.3 percent of the net collections for the funding of indigent health care to the Public Medical Assistance Trust Fund.

(b) *The division shall from month to month certify to the Comptroller the amount derived from the cigarette surtax imposed by s. 210.02(6), and that amount shall be transferred from the Cigarette Tax Collection Trust Fund and credited to the Department of Banking and Finance Tobacco Settlement Clearing Trust Fund.*

(c)(b) The division shall from month to month certify to the Comptroller the amount derived from the cigarette tax imposed by s. 210.02 on all cigarettes sold at retail on any property of the Inter-American Center Authority, created by chapter 554, and such amount, less the service charge provided for in s. 215.20, shall be paid to said Inter-American Center Authority by warrant drawn by the Comptroller upon the State Treasury, which amount is hereby appropriated monthly out of such Cigarette Tax Collection Trust Fund.

(d)(e) Beginning January 1, 1999, and continuing for 10 years thereafter, the division shall from month to month certify to the Comptroller the amount derived from the cigarette tax imposed by s. 210.02, less the service charges provided for in s. 215.20 and less 0.9 percent of the amount derived from the cigarette tax imposed by s. 210.02 which shall be deposited into the Alcoholic Beverage and Tobacco Trust Fund, specifying an amount equal to 2.59 percent of the net collections, and that amount shall be paid to the Board of Directors of the H. Lee Moffitt Cancer Center and Research Institute, established under s. 240.512, by warrant drawn by the Comptroller upon the State Treasury. These funds are hereby appropriated monthly out of the Cigarette Tax Collection Trust Fund, to be used for the purpose of constructing, furnishing, and equipping a cancer research facility at the University of South Florida adjacent to the H. Lee Moffitt Cancer Center and Research Institute. In fiscal years 1999-2000 and thereafter with the exception of fiscal year 2008-2009, the appropriation to the H. Lee ~~Moffitt~~ Moffitt Cancer Center and Research Institute authorized by this paragraph shall not be less than the amount which would have been paid to the H. Lee Moffitt Cancer Center and Research Institute for fiscal year 1998-1999 had payments been made for the entire fiscal year rather than for a 6-month period thereof.

(3) After all distributions hereinabove provided for have been made, the balance of the revenue produced from the tax imposed by this part shall be deposited in the General Revenue Fund.

Section 4. Section 215.5603, Florida Statutes, is created to read:

215.5603 Tobacco Settlement Financing Corporation.—

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

(a) “Bond” means any bond, debenture, note, certificate, or other obligation of financial indebtedness issued by the corporation under this section.

(b) “Corporation” means the Tobacco Settlement Financing Corporation created by this section.

(c) “Department” means the Department of Banking and Finance or its successor.

(d) “Insurance” means a contract whereby one undertakes to indemnify another or pay or allow a specified amount or a determinable benefit upon determinable contingencies.

(e) “Purchase agreement” means a contract between the corporation and the state, acting by and through the department, in which the state sells to the corporation any or all of the state’s right, title, and interest in and to the tobacco settlement agreement, including, but not limited to, the moneys to be received thereunder.

(f) “Tobacco settlement agreement” means the settlement agreement, as amended, entered into by the state and participating cigarette manufacturers in settlement of State of Florida et al. v. American Tobacco Co., Case No. 95-1466AH (Fla. 15th Cir. Ct. 1996).

(2) CORPORATION CREATION AND AUTHORITY.—

(a) The Tobacco Settlement Financing Corporation is created as a special purpose, not-for-profit, public benefits corporation for the purpose of:

1. Developing a plan which is subject to the review, modification, and approval of the Legislature, by which it will purchase any or all of the state’s right, title, and interest in and to the tobacco settlement agreement and will issue bonds to pay the purchase price therefor. The sale of bonds is subject to ratification by law. Funds generated by the sale of the bonds shall be used to provide funding for the Lawton Chiles Endowment Fund; or

2. Purchasing insurance, subject to the review, modification, and approval of the Legislature, to insure the state against the loss of proceeds from the tobacco settlement agreement.

(b) The corporation shall be governed by a board of directors consisting of the Governor, the Treasurer, the Comptroller, the Attorney General, two directors appointed from the membership of the Senate by the President of the Senate, and two directors appointed from the membership of the House of Representatives by the Speaker of the House of Representatives. On January 7, 2003, the board shall include the Chief Financial Officer in place of the Treasurer and the Comptroller.

(c) The corporation shall have all the powers of a corporate body under the laws of this state, including, but not limited to, the powers of corporations under chapter 617, to the extent not inconsistent with or restricted by the provisions of this section, including, but not limited to, the power to:

1. Adopt, amend, and repeal bylaws not inconsistent with this section.

2. Sue and be sued.

3. Adopt and use a common seal.

4. Acquire, purchase, hold, lease, and convey real and personal property, contract rights, general intangibles, revenues, moneys, and accounts as is proper or expedient to carry out the purposes of the corporation and this section and to assign, convey, sell, transfer, lease, or otherwise dispose of such property.

5. Elect or appoint and employ such officers, agents, and employees as the corporation deems advisable to operate and manage the affairs of the corporation, which officers, agents, and employees may be employees

of the state or of the state officers and agencies represented on the board of directors of the corporation.

6. Make and execute any and all contracts, trust agreements, trust indentures, and other instruments and agreements necessary or convenient to accomplish the purposes of the corporation and this section, including, but not limited to, investment contracts approved by the Legislature, swap agreements, liquidity facilities, or the purchase, as approved by the Legislature, of insurance or reinsurance.

7. Select, retain, and employ professionals, contractors, or agents, which may include the Division of Bond Finance of the State Board of Administration and the Division of State Purchasing of the Department of Management Services, as are necessary or convenient to enable or assist the corporation in carrying out the purposes of the corporation.

8. Do any act or thing necessary or convenient to carry out the purposes of the corporation subject to the review, modification, and approval of the Legislature as provided herein.

(d) With the approval of at least six of its directors, the corporation may plan to purchase insurance to insure the state, for 7 years, against the loss of 50 percent of the revenues to be paid to the state pursuant to the tobacco settlement agreement. The total premium paid for this insurance may not exceed \$200 million. The plan is subject to review, modification, and approval of the Legislature. Purchase of insurance is subject to legislative approval.

(e) With the approval of at least six of its directors, the corporation may develop a plan to enter into one or more purchase agreements with the department pursuant to which the corporation will purchase any or all of the state’s right, title, and interest in and to the tobacco settlement agreement and will execute and deliver any other documents necessary or desirable to effectuate such purchase. The plan is subject to review, modification, and approval of the Legislature. Sale of all or part of the state’s right, title, and interest in and to the tobacco settlement agreement is subject to approval by the Legislature.

(f) Subject to the review, modification, and approval by the Legislature, the corporation may issue bonds payable from and secured by amounts payable to the corporation from proceeds of the tobacco settlement agreement. The corporation is additionally authorized to issue bonds to refund previously issued bonds and to deposit the proceeds of such bonds as provided in the documents authorizing the issuance of such bonds. Upon legislative approval of the issuance of bonds, the corporation is authorized, to do all things necessary or desirable in connection with the issuance of the bonds, including, but not limited to, establishing debt service reserves or other additional security for the bonds, providing for capitalized interest, and executing and delivering any and all documents and agreements. The total principal amount of bonds issued by the corporation shall not exceed \$3 billion. The principal amount of bonds issued in any single fiscal year shall not exceed \$1.5 billion, beginning with the 2000-2001 fiscal year. The limitation on the principal amount of bonds does not apply the bonds issued to refund previously issued bonds. The term of any such bonds shall not exceed 40 years, and the rate of interest on such bonds may not exceed 10 percent. The corporation may sell bonds through competitive bidding or negotiated contracts, whichever method of sale is determined by the corporation to be in the best interest of the corporation.

(g) The corporation does not have the power to pledge the credit, the general revenues, or the taxing power of the state or of any political subdivision of the state. The obligations of the department and the corporation under the purchase agreement and under any bonds shall not constitute a general obligation of the state or a pledge of the faith and credit or taxing power of the state. The bonds shall be payable from and secured by payments received under the tobacco settlement agreement, and neither the state nor any of its agencies shall have any liability on such bonds. Such bonds shall not be construed in any manner as an obligation of the state or any of its agencies, the department, the State Board of Administration or entities for which it invests funds, or board members or their respective agencies.

(h) Notwithstanding any other provision of law, any pledge of or other security interest in revenues, money, accounts, contract rights, general intangibles, or other personal property made or created by the corporation resulting from the authority granted by law shall be valid, binding, and perfected from the time such pledge is made or other security interest attaches without any physical delivery of the collateral or further act, and

the lien of any such pledge or other security interest shall be valid, binding, and perfected against all parties having claim of any kind in tort, in contract, or otherwise against the corporation irrespective of whether such parties have notice of such claims. No instrument by which such a pledge or security interest is created nor any financing statement need be recorded or filed.

(i) The corporation may validate any bonds issued pursuant to this section and the security for payment therefor, as provided in chapter 75. The validation proceedings may be brought only in the circuit court for Leon County. The notice required under s. 75.06 must be published in Leon County, and the petition and order of the circuit court shall be served only on the State Attorney for the Second Judicial Circuit. The provisions of ss. 75.04(2) and 75.06(2) shall not apply to validation proceedings brought under this paragraph. The validation of the first bonds issued pursuant to this section may be appealed to the Supreme Court, and the Court shall process such appeal expeditiously.

(j) The state covenants with the holders of bonds of the corporation that the state will not limit or alter the authority or the rights under this section vested in the corporation to fulfill the terms of any agreements, including the terms of any purchase agreement, or in any way impair the rights and remedies of such bondholders as long as any such bonds remain outstanding unless adequate provision has been made for the payment of such bonds pursuant to the documents authorizing such bonds.

(k) The corporation shall not take any action that will materially and adversely affect the rights of holders of any bonds issued under this section as long as such bonds are outstanding.

(l) As long as the corporation has any bonds outstanding, the corporation may not file a voluntary petition under chapter 9 of the federal Bankruptcy Code or such corresponding chapter or sections as are in effect from time to time, and neither any public officer nor any organization, entity, or other person may authorize the corporation, while bonds are outstanding, to be or become a debtor under chapter 9 of the federal Bankruptcy Code or such corresponding chapter or sections as are in effect from time to time.

(m) The corporation may contract with the State Board of Administration to serve as trustee with respect to bonds issued by the corporation as provided by this section and to hold, administer, and invest proceeds of such bonds and other funds of the corporation and to perform other services required by the corporation. The State Board of Administration may perform such services and may contract with others to provide any such services and to recover the costs and expenses of providing such services.

(n) The corporation shall not be deemed to be a special district or a unit of local government. The provisions of chapter 120, part I of chapter 287, and ss. 215.57-215.83 do not apply to the corporation, to any purchase agreements entered into under this section, or to any bonds issued by the corporation as provided in this section, except that underwriters, financial advisors, and legal counsel must be selected in a manner consistent with the rules adopted pursuant to the State Bond Act for the selection of service providers and underwriters.

(o) In no event shall any of the benefits or earnings of the corporation inure to the benefit of any private person.

(p) Unless such officer, employee, or agent acted outside the course and scope of her or his employment or acted in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property, there shall be no liability on the part of, and no cause of action shall arise against, any board member of the corporation or any employee of the corporation or the state for any action taken by them in the performance of their duties under this section.

(q) The corporation is exempt from taxation and assessments of any nature whatsoever upon its income and any property, assets, or revenues acquired, received, or used in the furtherance of the purposes provided in this section.

(r) The corporation and its corporate existence shall continue until terminated by law; however, the corporation may not be terminated while it has bonds outstanding unless adequate provision is made for the payment of such bonds pursuant to the documents authorizing the issuance of such bonds. Upon termination of the corporation, all its rights and

assets in excess of its obligations shall pass to and be vested in the Lawton Chiles Endowment Fund.

(s) The Auditor General may conduct a financial audit of the accounts and records of the corporation.

(3) POWERS OF THE DEPARTMENT.—

(a) The department is authorized, on behalf of the state, to do all things necessary or desirable to assist the corporation in the execution of its responsibilities, and may:

1. Enter into one or more purchase agreements, which may not take effect until ratified by law, to sell to the corporation any or all of the state's right, title, and interest in and to the tobacco settlement agreement;

2. Enter any administrative agreements with the corporation, which may not take effect until ratified by law, to fund the administration, operation, and expenses of the corporation from moneys appropriated for such purpose; and

3. Execute and deliver any and all other documents and agreements, which may not take effect until ratified by law, necessary or desirable in connection with the sale of any or all of the state's right, title, and interest in and to the tobacco settlement agreement to the corporation or the issuance of the bonds by the corporation.

(b) The state covenants with the holders of bonds of the corporation that the state will not limit or alter the authority or the rights under this section vested in the department to fulfill the terms of any agreements, including the terms of any purchase agreement, or in any way impair the rights and remedies of such bondholders as long as any such bonds remain outstanding, unless adequate provision has been made for the payment of such bonds pursuant to the documents authorizing such bonds.

(c) Subject to the prior legislative approval set forth in paragraph (2)(e), the department is authorized, on behalf of the state, to make any covenant, representation, or warranty necessary or desirable in connection with the sale of any or all of the state's right, title, and interest in and to the tobacco settlement agreement to the corporation or the issuance of the bonds by the corporation.

Section 5. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Section 6. Subsection (2) of section 210.05, Florida Statutes, is amended to read:

210.05 Preparation and sale of stamps; discount.—

(2) The division shall prescribe, prepare, and furnish stamps of such denominations and quantities as may be necessary for the payment of the tax imposed by this part, and may from time to time and as often as it deems advisable provide for the issuance and exclusive use of stamps of a new design and forbid the use of stamps of any other design. However, all stamps prescribed by the division must be designed and furnished in a fashion that permits identification of the agent or wholesale dealer that affixed the stamp to the particular package of cigarettes by means of a serial number or other mark on the stamp. The division shall make provisions for the sale of such stamps at such places and at such time as it may deem necessary.

Section 7. Section 210.185, Florida Statutes, is created to read:

210.185 Prohibition on sale or distribution of cigarettes; criminal penalties; administrative sanctions; applicability.—

(1) PROHIBITIONS.—It is unlawful for any person:

(a) To sell or distribute in this state; to acquire, hold, own, possess, or transport, for sale or distribution in this state; or to import, or cause to be imported, into this state for sale or distribution in this state:

1. Any cigarettes the package of which:

a. Bears any statement, label, stamp, sticker, or notice indicating that the manufacturer did not intend the cigarettes to be sold, distributed, or used in the United States, including but not limited to labels stating "For Export Only," "U.S. Tax-Exempt," "For Use Outside U.S.," or similar wording; or

b. Does not comply with:

(I) All requirements imposed by or under federal law regarding warnings and other information on packages of cigarettes manufactured, packaged, or imported for sale, distribution, or use in the United States, including but not limited to the precise warning labels specified in the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. 1333; and

(II) All federal trademark and copyright laws;

2. Any cigarettes imported into the United States in violation of 26 U.S.C. 5754 or any other federal law, or implementing federal regulations;

3. Any cigarettes that a person otherwise knows or has reason to know the manufacturer did not intend to be sold, distributed, or used in the United States; or

4. Any cigarettes for which there has not been submitted to the Secretary of the U.S. Department of Health and Human Services the list or lists of the ingredients added to tobacco in the manufacture of those cigarettes required by the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. 1335a;

(b) To alter the package of any cigarettes, before sale or distribution to the ultimate consumer, so as to remove, conceal, or obscure any statement, label, stamp, sticker, or notice described in sub-paragraph (a)1.a. or any health warning that is not specified in or does not conform with the requirements of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. 1333;

(c) To affix any stamp required under this part to the package of any cigarettes described in paragraph (a) or altered in violation of paragraph (b).

(2) **DOCUMENTATION.**—On or before the tenth day of each month, each person permitted to affix the tax stamp to cigarettes shall file with the division, for all cigarettes imported into the United States to which the person has affixed the tax stamp in the preceding month, a copy of the permit issued under the Internal Revenue Code, 26 U.S.C. 5713, to the person importing the cigarettes into the United States which allows that person to import those cigarettes; a copy of the customs form containing, with respect to the cigarettes, the internal revenue tax information required by the U.S. Bureau of Alcohol, Tobacco and Firearms; and a statement, signed by an officer of the manufacturer or importer under penalty of perjury, certifying that the manufacturer or importer has complied with the package health warning and ingredient reporting requirements of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. 1333 and 1335a, with respect to those cigarettes.

(3) **CRIMINAL PENALTIES.**—Any person who violates subsection (1), either knowing or having reason to know he or she is doing so, or who fails to comply with subsection (2), commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) **ADMINISTRATIVE SANCTIONS.**—

(a) The division may revoke or suspend the permit of any distributing agent or wholesale dealer, or the retail tobacco dealer permit of any retailer, and impose on the permittee a civil penalty, in an amount not to exceed the greater of 500 percent of the retail value of the cigarettes involved or \$5,000, upon finding a violation of this section or any implementing rule adopted by the division.

(b) Cigarettes that are acquired, held, owned, possessed, transported in, imported into, or sold or distributed in this state in violation of this section are considered contraband and are subject to seizure and forfeiture under this part. Any cigarettes so seized and forfeited shall be destroyed. The cigarettes are considered contraband whether the violation of this section is knowing or otherwise.

(5) **UNFAIR TRADE PRACTICES.**—A violation of subsection (1) or subsection (2) constitutes an unlawful trade practice under part II of

chapter 501 and, in addition to any remedies or penalties set forth in this section is subject to any remedies or penalties available for a violation of that part.

(6) **GENERAL PROVISIONS.**—

(a) The division shall enforce this section. However, at the request of the division, any law enforcement agency shall enforce this section.

(b) For the purpose of enforcing this act, the division and any agency to which the division has delegated enforcement responsibility may request information from any state or local agency, and may share information with, and request information from, any federal agency or any agency of any other state or any local agency thereof.

(c) In addition to any other remedy provided by law, including enforcement as provided in paragraph (a), any person may bring an action for appropriate injunctive or other equitable relief for a violation of this section; for actual damages, if any, sustained by reason of the violation; and, as determined by the court, for interest on the damages from the date of the complaint, taxable costs, and reasonable attorney's fees. If the trier of fact finds that the violation is flagrant, it may increase recovery to an amount not in excess of 3 times the actual damages sustained by reason of the violation.

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

(a) "Cigarette" means:

1. Any roll of tobacco wrapped in paper or tobacco leaf or in any substance not containing tobacco, including a bidi, kretek, or other similar product, which is to be burned;

2. Any roll of tobacco wrapped in any substance containing tobacco, including a bidi, kretek, or other similar product, which, because of its appearance, the type of tobacco used in the filler, or its packaging or labeling is likely to be offered to or purchased by consumers as a cigarette described in subparagraph 1.; or

3. Loose rolling tobacco that, because of its appearance, type, packaging, or labeling, is likely to be offered to or purchased by consumers as tobacco for making cigarettes.

(b) "Importer" means "importer" as that term is defined in 26 U.S.C. 5702(l).

(c) "Package" means "package" as that term is defined in 15 U.S.C. 1332(4).

(8) **APPLICABILITY.**—

(a) This section does not apply to cigarettes allowed to be imported or brought into the United States for personal use and cigarettes sold or intended to be sold as duty-free merchandise by a duty-free sales enterprise in accordance with 19 U.S.C. 1555(b) and any implementing regulations, but this section does apply to any such cigarettes that are brought back into the customs territory for resale within the customs territory.

(b) The penalties provided in this section are in addition to any penalties imposed under any other law.

Section 8. Section 210.19, Florida Statutes, is amended to read:

210.19 Records to be kept by division.—The division shall keep records showing the total amount of taxes collected, which records shall be open to the public during the regular office hours of the division. The division shall maintain records that identify which agent or wholesale dealer affixed the tax stamp to each package of cigarettes. The identifying records must be made available for public inspection and retained for at least 3 years.

Section 9. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 10. Section 768.733, Florida Statutes, is created to read:

768.733 Punitive damages and bonds in class actions; limitations.—

(1) In any civil action that is brought as a certified class action, the court may not enter a judgment for punitive damages against a defendant in an amount that, if fully executed upon, would financially destroy or bankrupt the defendant.

(2) In any civil action that is brought as a certified class action, the trial court, upon the posting of a bond or equivalent surety as provided in this section, shall stay the execution of any judgment, or portion thereof, entered on account of punitive damages pending completion of any appellate review of the judgment.

(3) The required bond or equivalent surety acceptable to the court for imposition of the stay shall be the lower of:

(a) The amount of the punitive-damages judgment, plus twice the statutory rate of interest; or

(b) Ten percent of the net worth of the defendant as determined by applying generally accepted accounting principles to the defendant's financial status as of December 31 of the year prior to the judgment for punitive damages.

Provided that in no case shall the amount of the required bond or equivalent surety exceed \$100 million, regardless of the amount of punitive damages.

(4) If, at any time after notice and hearing, the court finds that a defendant who has posted a bond or equivalent surety pursuant to subsection (3) is purposefully moving assets with the intent to avoid the punitive-damages judgment, the court shall increase the bond or equivalent surety to the amount determined pursuant to paragraph (3)(a). If the defendant does not post the additional bond required by the court, the stay shall be revoked.

Section 11. This act applies to all cases pending on the effective date of this act in which an award for punitive damages has not been finally reduced to judgment through trial and subsequent appeals and to all cases commenced on or after the effective date of this act.

Section 12. (1) The Task Force on Tobacco-Settlement-Revenue Protection is created to determine the need for and evaluate methods for protecting the state's tobacco settlement revenue from significant loss. The task force shall, at a minimum, study and make a determination of:

(a) The degree of risk posed to the amount of tobacco-settlement revenue as a consequence of a decline in domestic tobacco sales.

(b) The degree of risk posed to the tobacco-settlement revenue by potential dissolution or restructure of the tobacco companies that were defendants in the state's suit.

(c) The necessity and advisability of taking action to protect the asset value of the tobacco settlement.

(d) The options available for protecting the asset value of tobacco-settlement revenues, including securitization, insurance, self-insurance, or a combination of these options.

(2) The task force shall submit a report to the Legislature by February 1, 2001. The report shall include findings and results of the task force's studies and determinations and any specific recommendations including recommendations for legislative revisions to address the issues and meet the needs identified under paragraphs (a)-(d) of subsection (1). The task force shall continue to serve for the purpose of providing assistance to the Legislature as needed to review legislative efforts to implement any of the task force's recommendations.

(3) The task force is to be composed of:

(a) The Governor, who shall serve as chair of the task force;

(b) The Comptroller;

(c) The Insurance Commissioner;

(d) Three members of the Senate, who shall be appointed by the President of the Senate; and

(e) Three members of the House of Representatives, who shall be appointed by the Speaker of the House of Representatives.

(4) The task force may conduct research, hold public hearings, receive testimony, employ consultants, and undertake other activities determined by its members to be necessary.

(5) Each task force member may designate a designee as an ex-officio nonvoting member.

(6) All official actions by the task force shall be by a majority vote of the membership designated in subsection (3).

(7) Staff support for the task force shall be provided by the State Board of Administration.

(8) The term of the task force shall expire on July 1, 2001.

Section 13. For the 2000-2001 fiscal year, the nonrecurring sum of \$100,000 from tobacco-settlement revenues is appropriated to the State Board of Administration to support operation of the task force.

Section 14. (1) In order to assist Florida tobacco farmers in reducing encumbered debt on stranded investment in equipment, the nonrecurring sum of \$5 million is appropriated from the General Revenue Fund to the Department of Agriculture and Consumer Services for the purchase at fair market value of equipment associated with agricultural production of tobacco from persons or entities that:

(a) Were using such equipment for production of tobacco between April 1 and October 1, 2000, on land within this state; and

(b) Sign a binding agreement with the department to cease production of tobacco in this state within 12 months after execution of the agreement.

The department may adopt rules that, at a minimum, define and describe the equipment to be purchased under this section, prescribe criteria for identifying persons and entities who are eligible to have such equipment purchased by the department, and prescribe procedures to be followed for equipment purchases. From the funds appropriated by this section, the department is authorized to expend such sums as are reasonable and necessary to administer the program.

(2) Equipment purchased by the Department of Agriculture and Consumer Services under this section may be resold by the Department of Management Services. However, no such equipment may be sold, leased, or conveyed to or for use by a person or entity who produces tobacco in this state or holds a quota for production of tobacco in this state. The Department of Management Services shall deposit proceeds of such sale, less reasonable administrative costs, in the General Inspections Trust Fund of the Department of Agriculture and Consumer Services.

(3) The Department of Agriculture and Consumer Services may use proceeds from the resale of equipment purchased under this section to continue purchasing equipment and to assist tobacco producers to seek out, experiment with, and develop diverse profitable enterprises and retain ownership of their land so that their farms can remain productive agricultural entities and provide ancillary environmental benefits.

Section 15. This act shall take effect October 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 tobacco; 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; 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; 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 for a 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 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.

On motion by Senator Burt, by two-thirds vote **CS for HB 1721** as amended was read the third time by title, 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 Burt, the House was requested to concur in the Senate amendment to **CS for HB 1721**, and in the event the House refuses to concur, moved that a conference committee be appointed.

#### CONFEREES APPOINTED

The President appointed the following conferees on **CS for HB 1721**: Senator Burt, Chairman; Senators Horne and Rossin

The action of the Senate was certified to the House.

#### MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Burt, the rules were waived and the conferees on **CS for HB 1721** were granted permission to meet May 4 at 2:00 p.m. in Committee Room 110, Senate Office Building.

#### MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator McKay, by two-thirds vote **CS for CS for SB 2336** was withdrawn from the Committee on Fiscal Policy; **SB 2222** was withdrawn from the Committee on Fiscal Resource; **HB 1563** was withdrawn from the Committee on Children and Families; and **HB 969, HB 1443, HB 1487, HB 1509, HB 1547, HB 1561, HB 1637, HB 1661, HB 1663, HB 1713, HB 1789, HB 1791** and **HB 1801** were withdrawn from the Committee on Comprehensive Planning, Local and Military Affairs.

#### MOTIONS

On motion by Senator McKay, by two-thirds vote all bills remaining on the Special Order Calendar and the Special Order Promptness Calendar this day were placed on the Special Order Calendar for Thursday, May 4.

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 Thursday, May 4.

#### REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Local Bill Calendar for Thursday, May 4, 2000: SB 1138, SB 1818, SB 1914, CS for SB 2664, CS for HB 563, CS for HB 565, HB 791, HB 793, HB 795, HB 801, HB 815, HB 835, HB 839, HB 841, HB 865, HB 867, HB 869, HB 871, HB 875, HB 877, HB 925, HB 927, HB 961, HB 963, HB 965, HB 967, HB 969, HB 971, HB 985, HB 987, HB 1007, HB 1089, HB 1091, HB 1093, HB 1141, HB 1197, HB 1441, HB 1443, HB 1445, HB 1487, HB 1489, HB 1495, HB 1505, HB 1507, HB 1509, HB 1543, HB 1547, HB 1549, HB 1551, HB 1559, HB 1561, HB 1563, HB 1593, HB 1595, HB 1603, HB 1605, HB 1613, HB 1615, HB 1629, HB 1635, HB 1637, HB 1641, HB 1649, HB 1661, HB 1663, HB 1665, HB 1667, HB 1669, HB 1671, HB 1679, HB 1681, HB 1683, HB 1685, HB 1687, HB 1689, HB 1693, HB 1695, HB 1697, HB 1701, HB 1703, HB 1705, HB 1707, HB 1709, HB 1711, HB 1713, HB 1715, HB 1717, HB 1719, HB 1761, HB 1765, HB 1769, HB 1773, HB 1777, HB 1779, HB 1783, HB 1787, HB 1789, HB 1791, HB 1793, HB 1799, HB 1801, HB 1803, HB 1805, HB 1837, HB 1841, HB 1843, HB 1853, HB 1855, HB 1919, HB 1925

Respectfully submitted,  
*John McKay*, Chairman

#### 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 CS for HB's 67 and 187, CS for HB 255, CS for HB 389, HB 775, CS for HB 1725, CS for HB 1849, HB 2243, HB 2427; has passed as amended CS for CS for HB's 63 and 77 and 891, 995, 2009 and 2135, CS for CS for CS for HB 71, HB 161, HB 219, CS for HB 411, CS for HB 465, CS for CS for HB 725, HB 743, CS for CS for HB's 769 and 1087, CS for HB's 819 and 473, HB 879, HB 931, HB 1091, CS for HB 1105, HB 1559, HB 1625, HB 1627, CS for HB 1721, CS for CS for HB 1911, HB 1933, HB 2007, CS for CS for HB 2023, HB 2037, HB 2127, HB 2167, HB 2179, HB 2189, CS for HB 2281, HB 2307, HB 2319, HB 2325, CS for HB 2365, HB 2393, HB 2403, HB 2417, HB 2433; has passed by the required Constitutional three-fifths vote of the membership HB 2395, HB 2397; has passed as amended by the required Constitutional three-fifths vote of the membership HJR 1899 and requests the concurrence of the Senate.

*John B. Phelps*, Clerk

By the Committee on Finance and Taxation; and Representative Fasano and others—

**CS for HB's 67 and 187**—A bill to be entitled An act relating to taxation; amending s. 199.023, F.S.; revising the definition of a "beneficial interest" in a trust for intangible personal property tax purposes; amending s. 199.032, F.S.; reducing the rate of the annual intangible personal property tax; amending s. 199.033, F.S.; reducing the rates of the tax on securities in a Florida's Future Investment Fund to conform; amending s. 199.052, F.S.; providing that a trustee is not responsible for returns and is not required to pay annual tax on trust property; providing that a Florida resident with a beneficial interest in a trust is responsible for returns and payment of tax for his or her equitable share; revising provisions relating to the responsibilities of a bank or savings association acting as agent of a trust other than as a trustee and providing that its management or control shall not be used as a basis for imposing the annual tax; providing that intangible assets managed by a fiduciary or agent shall not have taxable situs in this state solely by virtue of such management; amending s. 199.175, F.S.; revising the definition of "any person domiciled in this state"; amending s. 199.183, F.S.; providing that intangible personal property owned, managed, or controlled by a trustee of a trust is exempt from the annual tax; amending s. 199.185, F.S.; providing that all accounts receivable are exempt from intangible personal property taxes; revising the exemption from the annual tax granted to natural persons; amending s. 199.292, F.S.; eliminating distribution of a portion of intangible personal property tax revenues to the Revenue Sharing Trust Fund for Counties; amending s.

212.20, F.S.; increasing the distribution of sales and use tax proceeds to the Local Government Half-cent Sales Tax Clearing Trust Fund; providing for distribution of a portion of sales and use tax proceeds to the Revenue Sharing Trust Fund for Counties; amending s. 218.23, F.S.; providing for an annual distribution from the trust fund to certain consolidated units of local government; amending s. 218.25, F.S.; providing additional assurance to holders of bonds secured by shared funds; amending s. 288.1169, F.S.; correcting a reference; repealing s. 218.251, F.S.; which provides for an additional distribution to certain consolidated governments, subject to annual appropriations; providing an effective date.

—was referred to the Committees on Fiscal Resource; and Commerce and Economic Opportunities.

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By the Committee on Finance and Taxation; and Representative Kyle and others—

**CS for HB 255**—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing an exemption for diapers and incontinence undergarments; providing an appropriation; providing for repeal; providing effective dates.

—was referred to the Committees on Fiscal Resource; and Commerce and Economic Opportunities.

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By the Committee on Finance and Taxation; and Representative Harrington and others—

**CS for HB 389**—A bill to be entitled An act relating to taxes on the severance of solid minerals; amending s. 211.31, F.S.; increasing the amount of funds credited to the Minerals Trust Fund from severance taxes that remains in the trust fund at the end of the fiscal year; amending s. 211.3103, F.S.; revising the distribution of the revenues from the tax on the severance of phosphate rock under specified circumstances; repealing s. 211.3103(9), F.S., which requires that when a county accepts a donation of real or other property from a producer the amount of the proceeds of said tax returned to that county be reduced by the value of the donation; amending s. 378.036, F.S.; revising requirements relating to a list identifying certain nonmandatory lands developed by the Department of Environmental Protection and the Fish and Wildlife Conservation Commission and purposes for which lands may be acquired with funds from the Nonmandatory Land Reclamation Trust Fund; providing an effective date.

—was referred to the Committee on Fiscal Resource.

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By Representative Goode and others—

**HB 775**—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.031, F.S.; providing an exemption from the tax on the lease or rental of or license in real property for property used predominantly for space flight business purposes; providing definitions; providing an effective date.

—was referred to the Committee on Fiscal Resource.

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By the Committee on Transportation and Economic Development Appropriations; and Representative Sublette—

**CS for HB 1725**—A bill to be entitled An act relating to debtors and creditors; amending s. 30.17, F.S.; providing for phaseout of sheriff's execution docket; amending s. 30.231, F.S.; clarifying seizure of property for levy; amending s. 55.10, F.S.; increasing the time period to rerecord a lien in order to get the lien extended for a certain time; providing for application; creating s. 55.201, F.S.; requiring the Department of State to establish a database of judgment lien records; creating s. 55.202, F.S.; providing for acquisition of a judgment lien on personal property; creating s. 55.203, F.S.; providing requirements for the content, recording, and indexing of judgment lien certificates by the Department of State; creating s. 55.204, F.S.; providing for lapse of a judgment lien; providing

for acquisition of a second judgment lien; creating s. 55.205, F.S.; providing for the effect of a judgment lien; creating s. 55.206, F.S.; providing for amendment, termination, partial release, assignment, continuation, tolling, or correction of a recorded judgment lien; creating s. 55.207, F.S.; providing for filing and effect of a correction statement as to a judgment lien record; creating s. 55.208, F.S.; providing for phaseout of the effect of writs of execution delivered to a sheriff prior to a date certain; creating s. 55.209, F.S.; providing for the responsibilities of the Department of State and for filing fees; amending s. 55.604, F.S.; eliminating requirement for the filing of a foreign judgment with the Department of State; conditioning the effect of a foreign judgment as a lien on personal property in this state based on the recording of a lien certificate; amending s. 56.21, F.S.; providing for notice of levy and execution sale and affidavit of levying creditor to judgment creditors and certain secured creditors; amending s. 56.27, F.S.; providing for distribution of money collected under execution; amending s. 56.29, F.S.; clarifying who may file an affidavit for purposes of supplementary proceedings; amending s. 77.01, F.S.; providing entities with right to writ of garnishment; creating s. 77.041, F.S.; providing for notice of procedures for asserting exemptions and requesting a hearing; amending s. 77.055, F.S.; clarifying requirements for service of garnishee's answer and notice of right to dissolve writ of garnishment; amending s. 77.06, F.S.; providing for creation of judgment lien upon service of writ of garnishment; amending s. 222.01, F.S.; revising provisions relating to designation of homestead by the owner before levy; providing procedures; amending s. 222.12, F.S.; providing for taking of oath before notary public regarding exemptions from garnishment; amending s. 679.301, F.S.; revising the definition of a lien creditor; providing appropriations from the Corporations Trust Fund in the Department of State; amending s. 607.1901, F.S.; providing for the transfer of funds from the Corporations Trust Fund; providing effective dates.

—was referred to the Committees on Judiciary and Fiscal Policy.

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By the Committee on Finance and Taxation; and Representative Waters and others—

**CS for HB 1849**—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing an exemption for child restraint systems for use in motor vehicles; providing for repeal; providing an effective date.

—was referred to the Committees on Fiscal Resource and Transportation.

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By the Committee on Children and Families; and Representative Murman and others—

**HB 2243**—A bill to be entitled An act relating to the Interstate Compact on Adoption and Medical Assistance; creating s. 409.406, F.S.; providing authority for the Department of Children and Family Services to enter into interstate agreements with other participating states for medical and other necessary services for special needs children; establishing procedures for interstate delivery of adoption assistance and related services and benefits; providing for the adoption of administrative rules; creating s. 409.407, F.S.; prohibiting expansion of Florida's financial commitment; providing an effective date.

—was referred to the Committees on Children and Families; Health, Aging and Long-Term Care; and Governmental Oversight and Productivity.

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By the Committee on Health Care Services and Representative Pea-den and others—

**HB 2427**—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; providing for certain disclosures and requiring notice; requiring procedures for requesting and granting authorization for utilization of services; creating s. 641.3154, F.S.; providing for health maintenance organization liability for payment for services rendered to subscribers; prohibiting provider billing of subscribers under specified circumstances; 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; providing the Department of Insurance with discretionary rulemaking authority for coding standards; providing requirements; providing for payment of 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 timeframe; 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 another provision of law; providing a cross reference; amending s. 641.3903, F.S.; providing that certain actions by a health maintenance organization are unfair methods of competition and unfair or deceptive acts or practices; amending s. 641.3909, F.S.; authorizing the Department of Insurance to issue a cease and desist order for a violation of certain payment of claims requirements; 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 provider and managed care organization claim dispute resolution program; providing rulemaking authority to the Agency for Health Care Administration; amending s. 395.1065, F.S.; authorizing administrative sanctions against a hospital's license for improper subscriber billing and violations of requirements relating to claims payment; amending s. 817.234, F.S.; providing for administrative fines against providers for certain actions; providing that certain actions by a provider are fraud, punishable as a felony; amending s. 817.50, F.S.; expanding applicability of certain provisions relating to fraud against hospitals to health care providers; providing a cross reference; providing applicability; amending ss. 395.0193 and 395.0197, F.S.; providing cross references; providing effective dates.

—was referred to the Committees on Banking and Insurance; and Health, Aging and Long-Term Care.

By the Committees on Education/K-12, Education Innovation and Representative Lynn and others—

**CS for CS for HB's 63 and 77 and 891, 995, 2009 and 2135**—A bill to be entitled An act relating to teacher quality; providing a short title; amending s. 20.15, F.S.; renaming the Division of Human Resource Development within the Department of Education as the Division of Professional Educators; amending s. 230.23, F.S., relating to powers and duties of the school board; clarifying procedures for filling positions within the district; requiring a district school board to consider certain prior professional experience when determining the salaries of instructional personnel; revising the date by which the salary schedule adopted by the district school board must include performance-based pay; clarifying requirements for performance-based pay policies; providing requirements relating to parental involvement; requiring each school district with a school designated as performance grade category "F" to permit transfer of teachers with certain qualifications and providing supplements for those teachers; requiring the Commissioner of Education to adopt rules to define "teaching mastery"; correcting an obsolete cross reference; conforming terminology; amending s. 230.303, F.S.; replacing references to the Florida Council on Educational Management with the Department of Education; amending s. 230.33, F.S., relating to duties

and responsibilities of superintendents of schools; requiring that nominations of persons to fill instructional positions within the district consider recommendations received from principals of the respective schools; conforming terminology; amending s. 231.001, F.S., relating to school district personnel policies; revising language; amending s. 231.002, F.S.; revising legislative findings regarding the qualities of effective educators; amending s. 231.02, F.S.; revising language; conforming terminology; amending s. 231.045, F.S., relating to periodic criminal history record checks; revising language; amending s. 231.085, F.S., relating to duties of principals; assigning responsibility for making recommendations to the superintendent of schools regarding the employment of instructional personnel; requiring principals to assist teachers with the diagnostic use of certain student assessment data; conforming terminology; repealing s. 231.0861, F.S., relating to the selection of principals and assistant principals; repealing s. 231.087, F.S., relating to the Management Training Act, the Florida Council on Educational Management, the Florida Academy for School Leaders, and the Center for Interdisciplinary Advanced Graduate Study; amending s. 231.09, F.S., relating to duties of instructional personnel; conforming terminology; revising language; amending s. 231.095, F.S.; clarifying provisions relating to assignment of teachers out-of-field; providing alternative means for an assignment to be considered in-field; amending s. 231.096, F.S., relating to teachers teaching out-of-field; conforming terminology; revising language; amending s. 231.141, F.S., relating to education paraprofessionals; conforming terminology; revising language; amending s. 231.143, F.S., relating to education paraprofessional career development; deleting legislative findings and intent; conforming terminology; amending s. 231.15, F.S., relating to positions for which certificates are required; deleting requirements for rules adopted by the State Board of Education relating to teacher certification; conforming terminology; revising requirements for exemption of retired military from certain requirements for teacher certification; amending s. 231.17, F.S., relating to teacher certification requirements; providing for application; establishing eligibility criteria; providing requirements for mastery of general knowledge; providing requirements for mastery of subject area knowledge; providing requirements for mastery of professional preparation and education competence; providing types and terms of certification; establishing a professional preparation and education competency program; providing requirements for examinations; providing requirements for the certification of noncitizens; providing for the denial of a certificate; authorizing the adoption of rules; specifying that persons who apply for certification are to be governed by the law and rules in effect at the time of application; requiring the department to keep certain records for persons to whom a certificate is issued; specifying the authority of the commissioner to make certain decisions relating to certification; requiring the department to conduct a study; amending s. 231.1715, F.S., relating to confidentiality of examinations; deleting an obsolete cross reference; amending s. 231.1725, F.S.; including career specialists in provisions relating to the employment of substitute teachers, teachers of adult education, nondegree teachers of career education, and students performing clinical field experience; conforming terminology; repealing s. 231.173, F.S., relating to successful experienced out-of-state teachers and administrators; amending s. 231.24, F.S., relating to the process for the renewal of professional certificates; authorizing the State Board of Education to establish the amount of the fee for renewal of a certificate; clarifying provisions relating to extending the validity period of a professional certificate based on national certification; conforming terminology; revising a cross reference; deleting provisions relating to renewal of a specialization area based on completion of a department-approved summer work program; amending s. 231.261, F.S., relating to the Education Practices Commission; revising language; revising the membership of the commission; revising the composition of panels appointed to review and issue final orders on cases before the commission; deleting a limitation on the number of such panels; specifying that a majority of a quorum of a panel has final authority in certain cases; conforming terminology; amending s. 231.262, F.S., relating to complaints against teachers; revising language; correcting a cross reference; amending s. 231.263, F.S., relating to the recovery network program for educators; revising language; providing requirements for the participation of certain persons; renumbering and amending s. 231.28, F.S., relating to the Education Practices Commission; revising language; conforming terminology; requiring the revocation of an individual's certificate for a minimum of 1 year under certain circumstances; amending s. 231.29, F.S., relating to instructional personnel assessment procedures; conforming terminology; correcting a cross reference; amending s. 231.2905, F.S., relating to the Florida School Recognition Program; clarifying provisions relating to financial awards; amending s. 231.30, F.S., relating to certification fees; revising a fee limitation; requiring

each examination fee to sufficiently cover the actual cost of developing and administering the examination; amending s. 231.3505, F.S., relating to the employment of directors of career education; conforming terminology; revising language; amending s. 231.36, F.S., relating to contracts with instructional staff, supervisors, and principals; conforming terminology; amending s. 231.3605, F.S., relating to educational support employees; conforming terminology; reenacting s. 231.361, F.S., relating to the status of vocational teachers; amending s. 231.39, F.S., relating to provisions for leaves of absence; conforming terminology; revising language; amending s. 231.40, F.S., relating to sick leave; conforming terminology; revising language; amending s. 231.41, F.S., relating to leave for illness-in-line-of-duty; conforming terminology; revising language; amending s. 231.424, F.S., relating to sabbatical leave; conforming terminology; amending s. 231.434, F.S., relating to annual leave; revising language; amending s. 231.44, F.S., relating to absence without leave; conforming terminology; amending s. 231.45, F.S., relating to records of absences; conforming terminology; amending s. 231.47, F.S., relating to substitute teachers; conforming terminology; amending s. 231.471, F.S., relating to part-time teachers; revising language; conforming terminology; amending s. 231.481, F.S., relating to terminal pay for accrued vacation leave; conforming terminology; amending s. 231.495, F.S., relating to retirement annuities; revising language; amending s. 231.545, F.S., relating to the Education Standards Commission; revising language; conforming terminology; amending s. 231.546, F.S., relating to the Education Standards Commission; revising language; amending s. 231.600, F.S., relating to the School Community Professional Development Act; revising who is included in a school community for purposes of the act; expanding activities to include continuous support for all education professionals; clarifying responsibilities of the Department of Education, school districts, schools, and public colleges and universities; requiring revisions to district professional development systems to be approved by the department; providing additional performance indicators for identification of school and student needs; providing requirements for inservice activities for instructional personnel; requiring district professional development systems to include a master plan for inservice activities which must be updated and submitted to the commissioner annually; requiring each school's principal to establish and maintain an individual professional development plan for each instructional employee; providing requirements for individual professional development plans; requiring the Department of Education to provide a system for the recruitment, preparation, and professional development of school administrative personnel; providing requirements for the system; requiring the Commissioner of Education to appoint a task force to provide certain recommendations; providing for membership of the task force; clarifying funding requirements; authorizing the provision of inservice activities to certain instructional personnel on a fee basis; authorizing the development of professional development systems by certain organizations of nonpublic schools; providing for determination of best practices; clarifying provisions relating to required changes in profession development based on lack of student progress; providing a cross reference; revising language; conforming terminology; amending s. 231.6135, F.S., relating to the statewide system of inservice professional development; clarifying who will be provided inservice training; conforming terminology; providing gender neutral terminology; repealing s. 231.614, F.S., relating to an inservice master plan for vocational educators and a task force; amending s. 231.62, F.S., relating to identification of critical teacher shortage areas; providing a cross reference; conforming terminology; amending s. 231.621, F.S., relating to the Critical Teacher Shortage Student Loan Forgiveness Program; revising language; providing a cross reference; creating s. 231.6215, F.S.; establishing a student fellowship program; providing standards and conditions for receipt and forgiveness of a loan; providing conditions for repayment of loans not eligible for loan forgiveness; authorizing conditions for deferment of repayment; providing for a revolving fund; limiting implementation to the amount specifically funded in the General Appropriations Act; amending s. 231.625, F.S., relating to teacher recruitment and retention; revising language; requiring the department to provide information relating to certification procedures; revising a reference to the Office of Teacher Recruitment and Retention Services; amending s. 231.6255, F.S., relating to the Christa McAuliffe Ambassador for Education Program; revising language; revising references to the Office of Teacher Recruitment and Retention Services; amending s. 231.63, F.S., relating to the Florida Educator Hall of Fame; revising language; deleting obsolete language; repealing s. 231.65, F.S., relating to the Institute for Instructional Research and Practice and Student Educational Evaluation and Performance; amending s. 231.67, F.S., relating to the Florida Teachers Lead Program Stipend; providing for

funding of the program; specifying authorized uses of the funds; establishing procedures for determining the amount of each stipend; exempting purchases made with stipend funds from state or local competitive bidding requirements; requiring funds to be disbursed directly to each teacher; requiring each teacher to sign a statement agreeing to certain terms; providing requirements for unused funds; defining "classroom teacher" for purposes of the program; creating s. 231.700, F.S.; creating the Florida Mentor Teacher School Pilot Program; providing legislative findings and intent; providing goals of the program; establishing five teacher career development positions and minimum requirements; authorizing the adoption of rules; limiting implementation to the extent funded by the General Appropriations Act; amending s. 236.081, F.S., relating to funds for the operation of schools; providing bonuses for teachers who provide advanced placement instruction; correcting a cross reference; amending s. 236.08106, F.S., relating to the Excellent Teaching Program; providing that the Florida School for the Deaf and the Blind shall be considered a school district for the purposes of said section; deleting a limitation on the amount of a fee subsidy; requiring certain participants to provide mentoring and related services to teachers throughout the state; repealing s. 236.0811, F.S., relating to educational training; amending s. 240.529, F.S., relating to public accountability and state approval for teacher preparation programs; deleting provisions relating to a teacher preparation program committee and a report; requiring education accountability concepts and standards emphasized by the departments and colleges of education to include the Sunshine State Standards; deleting an alternative to department approval of a teacher preparation program and deleting definitions, to conform; providing requirements for continued program approval based on measurements of employer satisfaction; revising language; specifying information to be provided to the state and the general public regarding teacher preparation programs; providing cross references; directing the State Board of Education to adopt certain rules; providing an effective date.

—was referred to the Committees on Education and Fiscal Policy.

By the Committees on Health and Human Services Appropriations; Community Affairs; Health Care Licensing and Regulation; and Representative Lacasa and others—

**CS for CS for CS for HB 71**—A bill to be entitled An act relating to the county public hospital surtax; amending s. 212.055, F.S.; revising provisions that require the counties authorized to levy the surtax to annually appropriate a specified minimum amount for operation, administration, and maintenance of the county public general hospital; providing procedure for disbursement of funds; requiring a governing board, agency, or authority in such counties to adopt and implement a health care plan for indigent health care services; providing for appointment of members of such entity; specifying provisions of the plan; providing for compensation to service providers; providing for annual audit; providing for future review and repeal; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Health, Aging and Long-Term Care; and Fiscal Resource.

By Representative Kilmer and others—

**HB 161**—A bill to be entitled An act relating to the tax on sales, use, and other transactions; specifying a period during which the sale of clothing and certain other items shall be exempt from such tax; defining "clothing"; providing exceptions; providing for rules; providing an appropriation; providing an effective date.

—was referred to the Committees on Fiscal Resource; and Commerce and Economic Opportunities.

By Representative Constantine and others—

**HB 219**—A bill to be entitled An act relating to the Florida Building Code; amending s. 120.80, F.S.; prohibiting the Florida Building Commission from granting a waiver or variance from code requirements; providing for alternative means of compliance and enforcement; amending s. 125.01, F.S.; authorizing counties to enforce and amend the Flor-

ida Building Code, rather than adopt a building code; amending s. 125.56, F.S.; substituting references to the Florida Building Code for references to locally adopted building codes; providing for enforcement and amendment of the Florida Fire Prevention Code; amending s. 161.0415, F.S.; requiring the permitting agency to cite to a specific provision of the Florida Building Code when requesting information on a coastal construction permit; amending ss. 161.052, 161.053, F.S.; providing that certain provisions must be incorporated into the Florida Building Code; providing rulemaking authority to the Florida Building Commission; preserving certain rights and authority of the Department of Environmental Protection; amending s. 161.05301, F.S.; deleting authority of the department to delegate coastal construction building codes review to local governments; amending the deadline by which current department positions must support implementation of a beach management plan; amending s. 161.55, F.S.; deleting structural requirements for specific types of coastal structures; amending s. 161.56, F.S.; deleting authority of local governments to enforce coastal construction standards; deleting authority of local governments to adopt specific building codes; amending s. 235.26, F.S.; eliminating authority of the Commissioner of Education to adopt a uniform statewide building code for public educational and ancillary facilities; authorizing the commissioner to develop such a code and submit it to the Florida Building Commission for adoption; providing specific requirements for the development of the code; requiring specific types of construction to conform to the Florida Building Code and the Florida Fire Prevention Code; providing for enforcement of the codes by school districts, community colleges, and the Department of Education; providing for review of and updates to the code; creating s. 240.2945, F.S.; exempting state universities from local amendments to the Florida Building Code and the Fire Prevention Code; amending s. 253.033, F.S.; replacing references to local building codes with references to the Florida Building Code; amending s. 255.25, F.S.; deleting the requirement that the Department of Management Services approve design and construction plans for state agency buildings; amending s. 255.31, F.S.; eliminating authority of the department to conduct plan reviews and inspection services; providing exceptions; amending s. 316.1955, F.S.; deleting parking requirements for persons who have disabilities; amending s. 381.006, F.S.; eliminating the Department of Health's authority to adopt regulations governing sanitary facilities in public places and places of employment; amending s. 383.301, F.S.; amending the legislative intent regarding regulation of birth centers; amending s. 383.309, F.S.; eliminating the authority of the Agency for Health Care Administration to adopt certain rules governing birth centers; providing for adoption of those standards within the Florida Building Code and the Florida Fire Prevention Code; authorizing the agency to enforce specified provisions of the Florida Building Code and the Florida Fire Prevention Code; amending s. 394.879, F.S.; eliminating the authority of the Department of Children and Family Services or the Agency for Health Care Administration to adopt certain rules governing crisis stabilization units; providing for adoption of those standards within the Florida Building Code; authorizing the agency to enforce specified provisions of the Florida Building Code; amending s. 395.0163, F.S.; providing that construction of certain facilities is governed by the Florida Building Code and the Florida Fire Prevention Code; providing for plan reviews and construction surveys by the Agency for Health Care Administration; clarifying that inspection and approval includes compliance with the Florida Building Code; amending s. 395.1055, F.S.; eliminating the authority of the Agency for Health Care Administration to adopt standards for construction of licensed facilities; providing for adoption of those standards within the Florida Building Code; authorizing the agency to enforce specified provisions of the Florida Building Code and the Florida Fire Prevention Code; amending s. 395.10973, F.S.; authorizing the Agency for Health Care Administration to enforce specified provisions of the Florida Building Code; amending s. 399.02, F.S.; eliminating the Division of Elevator Safety's authority to adopt certain codes and provide exceptions thereto; requiring the division to develop a code and submit it to the Florida Building Commission for adoption; authorizing the division to enforce specified provisions of the Florida Building Code; requiring the division to review and recommend revisions to the Florida Building Code; amending ss. 399.03, 399.13, F.S.; substituting references to the Florida Building Code for references to the Elevator Safety Code; amending s. 399.061, F.S.; revising requirements for elevator inspections and service maintenance contracts; amending s. 400.011, F.S.; revising the purpose of part I of ch. 400, F.S., to eliminate the provision of construction standards for nursing homes and related health care facilities; amending s. 400.23, F.S.; eliminating the authority of the Agency for Health Care Administration to adopt construction regulations for nursing homes and related health care facilities; authorizing the agency to enforce specified provisions of the Florida Building

Code; directing the agency to assist the Florida Building Commission; amending s. 400.232, F.S.; providing that the design and construction of nursing homes is governed by the Florida Building Code and the Florida Fire Prevention Code; authorizing the agency to conduct plan reviews and construction surveys of those facilities; amending s. 455.2286, F.S.; extending the implementation date for an automated information system; amending s. 468.604, F.S.; substituting references to the Florida Building Code for references to listed locally adopted codes; amending s. 468.607, F.S.; providing for the continuing validity of the certifications of certain building inspectors and plans examiners for a certain period of time; amending s. 468.609, F.S.; clarifying the prerequisites for taking certain certification examinations; providing for certain persons employed by an educational board to continue employment in certain capacities under limited certificates; amending s. 468.617, F.S.; adding school boards, community college boards, state agencies, and state universities as entities that may contract for joint inspection services or contract with other certified persons to perform plan reviews and inspection services; amending s. 469.002, F.S.; eliminating a required asbestos disclosure statement; providing for inclusion of such a statement within the Florida Building Code; amending s. 471.015, F.S.; authorizing the Board of Professional Engineers to establish qualifications for special inspectors of threshold buildings and to establish qualifications for the qualified representative of such a special inspector; providing for minimum qualifications for qualified representatives; amending s. 481.213, F.S.; authorizing the Board of Architecture and Interior Design to establish qualifications for certifying licensed architects as special inspectors of threshold buildings and to establish qualifications for the qualified representative of such a special inspector; amending s. 489.103, F.S.; substituting references to the Florida Building Code for references to locally adopted codes; amending s. 489.109, F.S.; providing for administration of certain fees by the Department of Community Affairs for certain purposes instead of the Department of Education; amending ss. 489.115, 497.255, 553.06, 553.141, 553.503, 553.506, 553.512, 553.73, 553.74, F.S.; replacing references to the Board of Building Codes and Standards with references to the Florida Building Commission; amending s. 500.09, F.S.; clarifying that the Department of Agriculture and Consumer Services may not adopt construction regulations for food establishments; requiring the adoption of such regulations within the Florida Building Code; authorizing the department to enforce specified provisions of the Florida Building Code; preserving the department's authority to adopt and enforce sanitary regulations; amending s. 500.12, F.S.; authorizing the department to enforce specific provisions of the Florida Building Code; providing a requirement for obtaining or renewing a local occupational license; amending s. 500.147, F.S.; authorizing the department to enforce specific provisions of the Florida Building Code; amending s. 509.032, F.S.; clarifying that the Division of Hotels and Restaurants may not adopt construction standards for public food and public lodging establishments; providing for the adoption of such standards within the Florida Building Code and the Florida Fire Prevention Code; authorizing the division to enforce specified provisions of the Florida Building Code and the Florida Fire Prevention Code; preserving the authority of local governments to inspect public food and public lodging establishments for compliance with the Florida Building Code and the Florida Fire Prevention Code; amending s. 509.221, F.S.; substituting references to the Florida Building Code for references to other state and local codes; amending s. 514.021, F.S.; providing that the Department of Health may not adopt construction regulations for public swimming pools and bathing places; providing for the adoption of such standards within the Florida Building Code; authorizing the department to conduct plan reviews, to issue approvals, and to enforce specified provisions of the Florida Building Code; preserving the department's authority to adopt and enforce sanitary regulations; amending s. 514.03, F.S.; preserving local governments' authority to conduct plan reviews and inspections for compliance with the Florida Building Code; amending s. 553.06, F.S.; amending portions of the State Plumbing Code by replacing a reference to the board with a reference to the commission; amending s. 553.141, F.S.; deleting specific requirements for the ratio of public restroom facilities for men and women; requiring the incorporation of such requirements into the Florida Building Code; requesting the Division of Statutory Revision to change a title; creating s. 553.355, F.S.; establishing minimum construction requirements for manufactured buildings; amending s. 553.36, F.S.; providing for approval of building components; redefining the term "manufactured building" to include certain storage sheds and to exclude manufactured housing; defining the term "module"; updating references to the Florida Building Code; amending s. 553.37, F.S.; authorizing the Department of Community Affairs to adopt certain rules; providing that, if the department delegates certain authority, manufacturers shall have plan reviews and

inspections conducted by a single agency; transferring rulemaking authority to the Florida Building Commission; creating s. 553.375, F.S.; providing for recertification of manufactured buildings; amending s. 553.38, F.S.; transferring to the Florida Building Commission authority to adopt rules governing manufactured buildings; amending s. 553.381, F.S.; providing for certification of manufacturers of manufactured buildings; providing certification requirements; transferring authority for construction standards to the Florida Building Commission; amending s. 553.39, F.S.; replacing the department's rules with the Florida Building Code; creating s. 553.41, F.S.; providing for construction and installation of factory-built school buildings; providing purposes; providing requirements; requiring the department to adopt certain emergency rules; providing criteria, requirements, and procedures for such construction and installation; creating s. 553.5041, F.S.; providing requirements for parking accommodations for persons who have disabilities; amending s. 553.512, F.S.; providing that the commission may not waive specified requirements for parking for persons who have disabilities; providing that applicants for waiver must have applied for variance from specified local requirements; deleting the word "handicapped"; amending s. 553.71, F.S.; redefining the term "threshold building"; redefining the term "local enforcement agency"; defining the terms "special inspector," "prototype building," and "exposure category C"; amending s. 553.72, F.S.; amending legislative intent relating to the Florida Building Code; amending s. 553.73, F.S.; prohibiting the Florida Building Commission from adopting a fire prevention or life safety code; expanding the list of regulations to be included in the Florida Building Code; clarifying the limitations applicable to administrative amendments to the code; clarifying the effect on local governments of adopting and updating the Florida Building Code; specifying that amendments to certain standards or criteria are effective statewide only upon adoption by the commission; providing for the immediate effect of certain amendments to the Florida Building Code in certain circumstances; revising criteria for commission approval of amendments to the Florida Building Code; prescribing which edition of the Florida Building Code applies to a given project; providing an additional exemption from the Florida Building Code; authorizing the Florida Building Commission to provide exceptions to the exemptions; providing for review of decisions of certain local government officials; delegating certain responsibilities to the State Fire Marshal, rather than the Department of Insurance; amending s. 553.77, F.S.; revising the powers of the commission; providing for fees for product approval; correcting a cross-reference; amending s. 553.781, F.S.; clarifying that the Department of Business and Professional Regulation conducts disciplinary investigations and takes disciplinary actions; amending s. 553.79, F.S.; replacing the term "mobile home" with the term "manufactured home"; deleting the authority of the Department of Community Affairs to establish qualifications for and certify special inspectors; revising the responsibilities of special inspectors; requiring the Florida Building Commission to establish standards for specified structures; deleting standards for specified structures; clarifying that building code plan review is required independent of firesafety plan review; deleting specific requirements for the submittal of plans; directing the Florida Building Commission to adopt requirements for plan review; amending s. 553.80, F.S.; consolidating all exemptions from local enforcement of the building code; providing for uses of facility maintenance permits by school boards, community college boards, and state universities; amending ss. 553.83, 553.84, 553.85, F.S.; replacing references to local codes and state minimum codes with references to the Florida Building Code; amending s. 553.841, F.S.; authorizing the commission to establish the Building Code Training Program by rule; providing that the State Fire Marshal is to be consulted on the Building Code Training Program; amending coursework requirements; establishing the Office of Building Code Training Program Administration; providing responsibilities; amending s. 553.842, F.S.; requiring the commission to make recommendations to the Legislature for a statewide product approval system; transferring, renumbering, and amending s. 553.19, F.S.; authorizing the Florida Building Commission to recommend National Electrical Installation Standards; amending s. 553.901, F.S.; transferring the authority to adopt the thermal efficiency code from the Department of Community Affairs to the Florida Building Commission; amending s. 553.902, F.S.; amending the term "exempted building"; deleting an exemption; authorizing the commission to recommend additional exemptions; deleting the term "energy performance index"; amending s. 553.903, F.S.; deleting an obsolete requirement relating to thermal efficiency; amending s. 553.907, F.S.; deleting requirements for certification of compliance to local governments; amending s. 553.9085, F.S.; deleting obsolete references; amending s. 553.909, F.S.; deleting specific requirements for water heaters; directing that such requirements be set in the energy code; amending s. 627.0629, F.S.; requiring a rating manual on

residential property insurance to include certain discounts and credits for certain fixtures or construction techniques; providing requirements; amending ss. 633.01, 633.0215, 633.025, F.S.; replacing references to the Department of Insurance with references to the State Fire Marshal; amending s. 633.0215, F.S., the Florida Fire Prevention Code; providing for triennial adoption of the code; providing requirements for local amendments; providing requirements for adopting local firesafety codes and standards; amending s. 633.025, F.S.; amending provisions relating to smoke detector requirements in residential buildings; providing requirements for adopting local firesafety codes and standards; amending s. 633.72, F.S.; revising the membership of the Florida Fire Code Advisory Council; revising duties of the council with regard to the Florida Building Commission; amending s. 62 of ch. 98-287, Laws of Florida; deleting the requirement that the Legislature approve or reject the Florida Building Code, provide for repeal of local codes on a date certain, and provide for certain local ordinances to remain effective; amending s. 68 of ch. 98-287, Laws of Florida; revising the future repeal of certain sections of the Florida Statutes to provide a date certain; providing that the Legislature has reviewed the Florida Building Code and directing the Florida Building Commission to continue the process to adopt the code; requiring the commission to continue to review modifications to certain base codes; providing requirements; prescribing a publication format for amendments to the Florida Building Code; requiring the commission to adopt certain wind protection requirements; providing that certain changes in the code are not subject to rule challenge; requiring the Florida Building Commission to amend the plumbing section of the Florida Building Code as specified; directing the Florida Building Commission to revise certain provisions of the Florida Building Code; providing certain responsibilities of certain building officials; requiring the Department of Community Affairs to undertake certain home construction demonstration projects for certain purposes; providing requirements; requiring the Residential Mitigation Construction Advisory Council to serve as an advisory group; requiring the Department of Community Affairs to report the results of the projects to the Governor, President of the Senate, and Speaker of the House of Representatives; continuing the existence of a certain select committee relating to application of fire codes to educational facilities; providing an appropriation to the State Fire Marshal for certain purposes; requiring the Division of State Fire Marshal to review an alternative fire safety code for existing educational facilities and authorizes the division to adopt such code for certain purposes; requiring the Florida Building Commission to consider application of the Florida Building Code to buildings manufactured and assembled offsite but not intended for human habitation; amending sections 1, 2, 3, 4, 5, 7, 9, 13, 14, 15, 16, 17, 18, 21, 24, 29, 31, 32, 34, 38, 40, 44, 46, 47, 49, 51, 56, 57, 58, and 59 of chapter 98-287, Laws of Florida; revising the effective date of amendments to ss. 125.69, 161.54, 161.56, 162.21, 166.0415, 468.602, 468.621, 471.033, 481.215, 481.225, 481.2251, 481.313, 481.325, 489.115, 489.131, 489.533, 489.537, 500.459, 553.18, 553.72, 553.73, 553.76, 553.77, 553.781, 553.79, 627.351, 633.01, 633.0215, and 633.025, F.S.; amending section 61 of chapter 98-419, Laws of Florida; revising the effective date of an amendment to s. 553.73, F.S.; amending section 30 of chapter 98-287, Laws of Florida; revising an effective date; providing that nothing in the act is intended to imply any repeal or sunset of any existing general or special law not specifically identified; specifying the effective date of certain provisions authorizing rulemaking; repealing s. 125.0106, F.S., relating to authorizing ordinances restricting construction of floating residential structures; repealing s. 255.21(2), F.S., relating to Department of Management Services authority to establish a code panel for purposes of modification of or waivers to certain codes and standards; repealing s. 395.1055(1)(d) and (e), F.S., relating to certain rulemaking authority of the Agency for Health Care Administration relating to certain codes and standards; repealing s. 553.79(11), F.S., relating to certain obsolete asbestos notification requirements; providing effective dates.

—was referred to the Committee on Comprehensive Planning, Local and Military Affairs.

By the Committee on Finance and Taxation; and Representative Bradley and others—

**CS for HB 411**—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.06, F.S.; increasing the exemption from the indexed tax on manufactured asphalt that applies to manufactured asphalt used for any state or local government public works project; specifying that the exemption includes federal public

works projects; providing intent; amending s. 212.08, F.S.; providing an exemption for railroad roadway materials used in the construction, repair, or maintenance of railways; amending s. 212.20, F.S.; providing a lump sum payment to the International Game Fish Association World Center; reducing the maximum number of monthly distributions to account for the lump sum payment; providing an effective date.

—was referred to the Committee on Fiscal Resource.

By the Committee on Real Property and Probate; and Representative Turnbull and others—

**CS for HB 465**—A bill to be entitled An act relating to home inspection services; creating s. 501.935, F.S.; providing requirements relating to home inspection services; providing legislative intent; providing definitions; requiring rulemaking by the Department of Agriculture and Consumer Services; providing exemptions; requiring, prior to inspection, provision of inspector credentials, a caveat, a disclosure of conflicts of interest and certain relationships, and a statement or agreement of scope, limitations, terms, and conditions; requiring a report to the client on the results of the inspection and requiring provision of relevant portions thereof to homeowners under certain circumstances; prohibiting certain acts, for which there are civil penalties; providing that failure to comply is a deceptive and unfair trade practice; providing for injunction against use of the title “certified home inspector” under certain circumstances and requiring notice thereof to potential clients; providing for the filing of complaints; requiring maintenance of records regarding complaints and compilation of statistics regarding such complaints; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Agriculture and Consumer Services.

By the Committees on Finance and Taxation; Regulated Services; and Representative Fasano and others—

**CS for CS for HB 725**—A bill to be entitled An act relating to pari-mutuel wagering; amending s. 212.20, F.S.; providing for an annual distribution of sales and use tax proceeds to the counties in lieu of funds distributed under s. 550.135, F.S.; providing for existing obligations and bonded indebtedness; amending s. 550.135, F.S.; eliminating distribution of funds from the Pari-mutuel Wagering Trust Fund to the counties; providing for minimum balance in trust fund; amending s. 550.0951, F.S.; providing that the daily license fee tax credit provided by said section and the \$360,000 or \$500,000 tax exemption provided by s. 550.09514(1), F.S., may be applied to any tax and daily license fees imposed under ch. 550, F.S.; removing restrictions on the transfer of the daily license fee tax credit by greyhound permitholders; authorizing transfer of the \$360,000 or \$500,000 tax exemption by a greyhound permitholder to a greyhound permitholder that acts as host track to such permitholder for intertrack wagering; providing for repayment; providing for rules; reducing the taxes on handle for greyhound dogracing, for intertrack wagering when the host track is a dog track, and for intertrack wagers accepted by certain dog tracks; providing exceptions; specifying the rate of the tax on handle for greyhound simulcast races, or rebroadcasts of such races, received from outside the United States; eliminating deposit into the General Revenue Fund of a portion of the admission tax, tax on handle, and breaks tax imposed under said section; amending s. 550.09514, F.S.; revising application and administration of the \$360,000 or \$500,000 tax exemption provided by said section; providing for payment of additional purses by greyhound permitholders in an amount equal to a percentage of the tax reduction resulting from the reduction of the taxes on handle; providing requirements with respect thereto; providing for audits; amending s. 550.09515, F.S.; providing for deposit of the tax on handle for certain intertrack wagering on certain horseracing in the Pari-mutuel Wagering Trust Fund rather than the General Revenue Fund; creating s. 550.1647, F.S.; authorizing a credit against taxes imposed under ch. 550, F.S., for unclaimed ticket amounts that are remitted to the state by greyhound permitholders; providing for payments to organizations that promote the adoption of greyhounds; providing for retention of breaks by greyhound permitholders; amending ss. 288.1169 and 849.086, F.S.; correcting references; providing an effective date.

—was referred to the Committees on Regulated Industries and Fiscal Resource.

By the Committee on Tourism and Representative Starks and others—

**HB 743**—A bill to be entitled An act relating to entertainment industry incentives; creating s. 288.1258, F.S.; authorizing entertainment industry production companies to apply to the Department of Revenue for approval by the Office of the Film Commissioner as a qualified production company for the purpose of receiving sales tax exemptions; directing the office to develop application procedures; providing for denial and revocation of a certificate of exemption; providing a penalty for falsification of an application or unauthorized use of a certificate of exemption; providing categories of qualification for a certificate of exemption; providing duties of the Department of Revenue with respect to issuance of a certificate of exemption for qualified production companies; requiring the Office of the Film Commissioner to keep specified records; requiring an annual report to the Legislature; amending s. 212.031, F.S., relating to the tax on the lease or rental of or license in real property; providing that the exemption for property used as an integral part of the performance of qualified production services inures to the taxpayer upon presentation of a certificate of exemption issued under s. 288.1258, F.S.; amending s. 212.06, F.S.; providing that the exemption for fabrication labor used in the production of a qualified motion picture inures to the taxpayer upon presentation of a certificate of exemption issued under s. 288.1258, F.S.; amending s. 212.08, F.S.; providing that the exemption for certain motion picture or video equipment and sound recording equipment shall be a point of sale exemption rather than by refund; providing that the exemption inures to the taxpayer upon presentation of a certificate of exemption issued under s. 288.1258, F.S.; providing that the partial exemption for master tapes, records, films, or video tapes inures to the taxpayer upon presentation of a certificate of exemption issued under s. 288.1258, F.S.; amending s. 213.053, F.S.; authorizing the Department of Revenue to share certain information with the Office of the Film Commissioner; providing effective dates.

—was referred to the Committee on Fiscal Resource.

By the Committees on Health and Human Services Appropriations; Health Care Services; and Representative Argenziano and others—

**CS for CS for HB's 769 and 1087**—A bill to be entitled An act relating to delivery of health care services; creating a pharmaceutical expense assistance program; providing eligibility; providing program parameters; prescribing duties of the Agency for Health Care Administration and other entities; providing for rules; requiring a report; prescribing prerequisite that drug manufacturers must meet in order for their drug products to be covered under the program; establishing a prescription discount program for Medicare recipients; requiring pharmacy participation as a condition for a pharmacy's participation in the pharmaceutical expense assistance program; providing individual eligibility; providing appropriations; providing for conditional repeal; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; and Fiscal Policy.

By the Committee on Environmental Protection and Representative Fuller and others—

**CS for HB's 819 and 473**—A bill to be entitled An act relating to motor vehicle emissions; amending s. 316.008, F.S.; to provide enforcement vehicle emissions violations; amending s. 325.202, F.S.; revising definitions; amending s. 320.055, F.S.; revising a cross reference to conform; amending s. 325.203, F.S.; exempting certain new motor vehicles from inspection requirements; providing for termination of program under certain circumstances; creating s. 325.205, F.S.; conforming the state implementation plan; amending s. 325.207, F.S.; providing for a new contract term with annual renewals; eliminating liquidated damages; revising provisions relating to the termination of motor vehicle emissions contracts; providing for contracts in each program area; amending s. 325.2135, F.S.; revising procedures to be included in motor vehicle emissions contracts; reducing maximum fee for inspection; expanding inspection testing; creating s. 325.2175, F.S.; providing for testing the accuracy of inspection equipment; providing an effective date.

—was referred to the Committees on Transportation; Comprehensive Planning, Local and Military Affairs; and Fiscal Policy.

By Representative Lynn and others—

**HB 879**—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.06, F.S.; providing that printers are not responsible for collecting said tax on printed materials under certain circumstances; providing for rules; providing an effective date.

—was referred to the Committee on Fiscal Resource.

By the Committee on Health Care Licensing and Regulation; and Representative Fasano and others—

**HB 931**—A bill to be entitled An act relating to public medical assistance; 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 ss. 408.904, 409.905, and 409.908, F.S.; increasing benefits for hospital out patient services under the Medicaid and Medicaid programs; 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; requiring certain entities to conduct an annual survey and produce an annual report on uncompensated care; providing appropriations; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; and Fiscal Policy.

By Representative Frankel—

**HB 1091**—A bill to be entitled An act relating to the City of West Palm Beach, Palm Beach County; amending chapter 24981, Laws of Florida, 1947, as amended; revising language with respect to the West Palm Beach Police Pension Fund; revising language relating to early retirement; revising the provisions regarding optional forms of retirement income; revising the beneficiary provisions; revising the disability provisions; providing for a definition of the actuarial equivalent value; providing for retirement pension calculations; providing for supplemental pension distributions; providing for actuarial assumptions; adding language imposing penalties for false or misleading statements to obtain benefits; providing for retroactive effect; 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 Finance and Taxation; and Representative Putnam and others—

**CS for HB 1105**—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.02, F.S.; defining “agricultural production”; amending s. 212.08, F.S.; revising application of the partial exemption for self-propelled, power-drawn, or power-driven farm equipment used exclusively on a farm or in a forest in specified activities and including rental or lease of such equipment in such exemption; reducing the rate of tax on such equipment; requiring that the purchaser, renter, or lessee sign a certificate regarding the use of such equipment; specifying effect of possession of such certificate by a seller or other dealer; amending s. 212.12, F.S., relating to promulgation of tax brackets by the Department of Revenue, to conform; amending s. 212.06, F.S.; revising the application of provisions which exempt from use tax a person who secures rock, fill dirt, or similar materials from a location he or she owns for use on his or her own property, to include corporations and affiliated groups; providing effective dates.

—was referred to the Committees on Agriculture and Consumer Services and Fiscal Resource.

By Representative A. Greene—

**HB 1559**—A bill to be entitled An act relating to Seminole Water Control District, Palm Beach County; codifying and reenacting provisions of chapters 70-854 and 88-504, Laws of Florida; providing for codification of special acts relating to Seminole Water Control District, a special tax district created pursuant to chapter 70-854, Laws of Florida, as amended, pursuant to s. 189.429, F.S.; providing that the name of the District shall be the Seminole Improvement District; providing for legislative intent; providing for applicability of chapter 298, F.S., and other general laws; providing additional authority relating to the provision of public infrastructure, services, assessment, levy and collection of taxes, non-ad valorem assessments and fees, public finance, and District operations; providing powers of the District; providing for compliance with county plans and regulations; providing for election of a Board of Supervisors; providing for organization, powers, duties, terms of office, and compensation of the board; providing for levy of ad valorem taxes and non-ad valorem assessments; providing for costs; requiring referendums under specified circumstances; providing for collection, enforcement, and penalties; providing for issuance of revenue bonds, assessment bonds, and bond anticipation notes; providing for general obligation bonds; providing a District charter; providing for repeal of prior special acts related to the Seminole Water Control District; providing severability; 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 the Committee on Health Care Licensing and Regulation; and Representative Fasano and others—

**HB 1625**—A bill to be entitled An act relating to health care; providing an appropriation for continued review of clinical laboratory services for kidney dialysis patients and requiring a report thereon; 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; providing appropriations; amending s. 455.564, F.S.; revising general licensing provisions for professions under the jurisdiction of the Department of Health; providing for processing of applications from foreign or nonresident applicants not yet having a social security number; providing for temporary licensure of such applicants; revising provisions relating to ongoing criminal investigations or prosecutions; requiring proof of restoration of civil rights under certain circumstances; authorizing requirement for personal appearance prior to grant or denial of a license; providing for tolling of application decision deadlines under certain circumstances; amending s. 455.565, F.S.; eliminating duplicative submission of fingerprints and other information required for criminal history checks; providing for certain access to criminal history information through the department’s health care practitioner credentialing system; amending s. 455.5651, F.S.; authorizing the department to publish certain information in practitioner profiles; amending s. 455.5653, F.S.; deleting obsolete language relating to scheduling and development of practitioner profiles for additional health care practitioners; providing the department access to information on health care 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; amending s. 455.567, F.S.; expanding the prohibition against sexual misconduct to cover violations against guardians and representatives of patients or clients; providing penalties; amending s. 455.624, F.S.; revising and providing grounds for disciplinary action relating to having a license to practice a regulated health care profession acted against, sexual misconduct, inability to practice properly due to alcohol or substance abuse or a mental or physical condition, and testing positive for a drug without a lawful prescription therefor; providing for restriction of license as a disciplinary action; providing for issuance of a citation and assessment of a fine for certain first-time violations; reenacting ss. 455.577, 455.631, 455.651(2), 455.712(1), 458.347(7)(g), 459.022(7)(f), 468.1755(1)(a), 468.719(1)(a) and (2), 468.811, and 484.056(1)(a), F.S.,

relating to theft or reproduction of an examination, giving false information, disclosure of confidential information, business establishments providing regulated services without an active status license, and practice violations by physician assistants, nursing home administrators, athletic trainers, orthotists, prosthetists, pedorthists, and hearing aid specialists, to incorporate the amendment to s. 455.624, F.S., in references thereto; repealing s. 455.704, F.S., relating to the Impaired Practitioners Committee; amending s. 455.707, F.S., relating to impaired practitioners, to conform; clarifying provisions relating to complaints against impaired practitioners; amending s. 310.102, F.S.; revising and removing references, to conform; amending s. 455.711, F.S.; revising provisions relating to active and inactive status licensure; eliminating reference to delinquency as a licensure status; providing rulemaking authority; amending ss. 455.587 and 455.714, F.S.; revising references, to conform; creating s. 455.719, F.S.; providing that the appropriate medical regulatory board, or the department when there is no board, has exclusive authority to grant exemptions from disqualification from employment or contracting with respect to persons under the licensing jurisdiction of that board or the department, as applicable; amending s. 455.637, F.S.; revising provisions relating to sanctions against the unlicensed practice of a health care profession; providing legislative intent; revising and expanding provisions relating to civil and administrative remedies; providing criminal penalties; incorporating and modifying the substance of current provisions that impose a fee to combat unlicensed activity and provide for disposition of the proceeds thereof; providing statutory construction relating to dietary supplements; creating s. 458.3135, F.S.; providing for temporary certification for visiting physicians to practice in approved cancer centers; providing certification requirements; providing fees; providing for approval of cancer centers and annual review of such approval; providing practice limitations and conditions; limiting the number of certificates that may be issued; providing rulemaking authority; amending s. 458.3145, F.S.; adding medical schools to list of programs at which medical faculty certificateholders may practice; amending s. 458.315, F.S.; waiving application and licensure fees for physicians obtaining a temporary certificate to practice in areas of critical need when such practice is limited to volunteer, uncompensated care for low-income persons; amending ss. 458.345 and 459.021, F.S.; providing for registration of persons desiring to practice as a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training in a statutory teaching hospital; providing requirements; providing fees; providing penalties; providing rulemaking authority; amending s. 458.348, F.S.; requiring protocols to contain specified requirements; amending s. 458.347, F.S.; providing authority to the Council on Physician Assistants to refuse to certify an applicant for licensure or place restrictions or conditions on license; amending s. 459.022, F.S.; providing authority to the Council on Physician Assistants to refuse to certify an applicant for licensure or place restrictions or conditions on license; providing applicability; repealing s. 455.641, F.S., relating to unlicensed activity fees, to conform; reenacting ss. 455.574(1)(d), 468.1295(1), 484.014(1), and 484.056(1), F.S., relating to violation of security provisions for examinations and violations involving speech-language pathology, audiology, opticianry, and the dispensing of hearing aids, to incorporate the amendment to s. 455.637, F.S., in references thereto; amending s. 921.0022, F.S.; modifying the criminal offense severity ranking chart to add or increase the level of various offenses relating to the practice of a health care profession, the practice of medicine, osteopathic medicine, chiropractic medicine, podiatric medicine, naturopathy, optometry, nursing, pharmacy, dentistry, dental hygiene, midwifery, respiratory therapy, and medical physics, practicing as clinical laboratory personnel, and the dispensing of hearing aids; reading ss. 458.327, 459.013, 460.411, 461.012, 462.17, 463.015, 464.016, 465.015, 466.026, 467.201, 468.366, 483.828, 483.901, 484.053, F.S.; providing penalties; amending s. 457.102, F.S.; revising the definition of "acupuncture"; amending s. 457.105, F.S.; revising licensure qualifications to practice acupuncture; amending s. 457.107, F.S.; modifying the fee for renewal of a license to practice acupuncture; amending s. 483.824, F.S.; revising qualifications of clinical laboratory directors; amending s. 641.51, F.S.; providing for referral to ophthalmologist under certain circumstances; designating Florida Alzheimer's Disease Day; amending s. 766.106, F.S.; providing that following the initiation of a suit alleging medical malpractice the claimant must provide notice to the Department of Health along with a copy of the service of process; 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 Florida or states with similar requirements; 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; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; and Fiscal Policy.

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By Representative Murman and others—

**HB 1627**—A bill to be entitled An act relating to Hillsborough County; repealing the requirements for completing performance audits of certain entities; repealing chapters 94-412, 96-516, and 98-482, Laws of Florida, relating to the Hillsborough County Aviation Authority; repealing section 20 of chapter 96-519 and chapter 98-481, Laws of Florida, relating to the Hillsborough County Civil Service Board; repealing chapters 94-405 and 96-513, Laws of Florida, relating to the Hillsborough County Environmental Protection Commission; repealing section 10 of chapter 96-449 and chapter 98-479, Laws of Florida, relating to the Hillsborough County Hospital Authority; repealing section 7 of chapter 97-351 and chapter 98-480, Laws of Florida, relating to the Hillsborough County City-County Planning Commission; repealing section 27 of chapter 95-488 and chapters 96-518 and 98-478, Laws of Florida, relating to the Tampa Port Authority; repealing chapters 94-408, 96-515, and 98-477, Laws of Florida, relating to the Hillsborough County Public Transportation Commission; repealing only sections 13A, 13B, and 13C of chapter 96-520, Laws of Florida, and chapter 98-476, Laws of Florida, relating to the Tampa Sports Authority; repealing chapter 99-476, Laws of Florida, relating to the completion dates of the performance audits; providing an effective date.

—was referred to the Committee on Rules and Calendar.

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By the Committee on Financial Services and Representative Lacasa and others—

**CS for HB 1721**—A bill to be entitled An act relating to tobacco settlement proceeds; providing legislative intent; creating s. 215.5600, F.S.; providing definitions; creating the Tobacco Settlement Financing Corporation; providing purposes; providing for a governing board of directors; providing for membership; providing powers of the corporation; authorizing the corporation to enter into certain purchase agreements with the Department of Banking and Finance for certain purposes; authorizing the corporation to issue bonds for certain purposes; providing requirements, limitations, and procedures for issuing such bonds; providing application; providing limitations; limiting liability of the corporation; exempting the corporation from taxation; providing for continued existence of the corporation; authorizing the Auditor General to conduct financial audits of the corporation; providing severability; specifying powers of the Department of Banking and Finance; amending s. 17.41, F.S.; revising provisions relating to deposit into and disbursement of moneys from the Tobacco Settlement Clearing Trust Fund; authorizing sale of the state's right, title, and interest in the tobacco settlement agreement to the corporation; providing for payment of certain moneys into the Tobacco Settlement Clearing Trust Fund; providing for deposit of net proceeds of the sale of the tobacco settlement agreement into the Lawton Chiles Endowment Fund; amending s. 215.5601, F.S.; providing for additional funding of the Lawton Chiles Endowment Fund; revising provisions relating to transfer of endowment moneys; clarifying administration of the endowment; providing for receipt by the endowment of minimum amounts in certain fiscal years; providing an effective date.

—was referred to the Committee on Governmental Oversight and Productivity.

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By the Committees on Finance and Taxation; Transportation; and Representative Kyle—

**CS for CS for HB 1911**—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. 316.0775, Florida Statutes; providing increased

penalties for defacement, damage or removal of official traffic control devices or railroad signs or signals; 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. 316.211, F.S.; exempting persons of a specified age from certain motorcycle safety equipment requirements; exempts passengers of specified vehicles; 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. 316.220, F.S.; prohibiting the covering of headlamps to alter the color of the lamp; amending s. 316.221, F.S.; prohibiting the covering of tail-lamps; amending s. 316.228, F.S.; providing that any vehicle or trailer transporting logs, pulpwood, poles, or posts extending 4 feet or more from the rear of the vehicle must have an amber strobe light affixed to the projecting load; amending s. 316.234, F.S.; prohibiting the covering of signal lamps and signal devices; amending s. 316.237, F.S.; prohibiting the coverings of certain lamps; amending s. 316.2954, F.S.; revising language with respect to restrictions on sunscreening material on a motor vehicle; providing applicability; providing a penalty; amending s. 316.515, F.S.; providing length limitations on boat trailers; revising width limits with respect to certain noncommercial travel trailers, camping trailers, truck campers, motor homes, and private motor coaches; providing a length limit on motor homes; amending s. 316.530, F.S.; authorizing the use of cables and other devices meeting federal safety standards in the towing of certain vehicles; 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. 319.001, F.S.; redefining the term "new motor vehicle"; providing the Department of Highway Safety and Motor Vehicles regulatory authority over the approval process for courses related to basic driver improvement courses that use technology as the delivery method; redefining the term "approved courses" to mean those courses which have passed and have maintained standards approved for statewide delivery; amending s. 319.17, F.S.; providing for the use of electronic records; revising language with respect to certain liens on motor vehicles; amending s. 319.24; revising record-retention requirements; amending s. 319.30, F.S.; providing a certificate of destruction to be assigned to a motor vehicle or mobile home; requires the dismantling or destruction of a motor vehicle or mobile home after the second reassignment of the certificate of destruction; 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; providing for fees charged by financial institutions relating to a credit or debit card transaction; 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. 320.27, F.S.; revising language with respect to certificate of title to provide additional indicia of ownership; amending s. 320.27, F.S.; revising language with respect to supplemental licenses for motor vehicle dealers; 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; providing for voluntary contribution on a driver's license application; amending s. 322.095, F.S.; prohibiting any governmental entity or court from providing, issuing, or maintaining any information or orders regarding traffic law and substance abuse education program schools or course providers; providing exceptions; requiring the Department of Highway Safety and Motor Vehicles to prepare for governmental entities to distribute driver's license applicant referral guides; amending s. 322.292, F.S.; revising DUI program eligibility requirements; amending s. 320.60, F.S.; redefining the term "motor vehicle"; amending s. 328.15, F.S.; revising records-retention requirements; amending s. 328.40, F.S.; providing for electronic retention of records; amending ss. 328.48, 328.72, 328.73, and 328.735, F.S.; providing for the creation of the Used Motor Vehicle Industry Task Force; providing for membership, organization, and meetings; providing for per diem, travel and staffing; providing responsibilities; requiring review and assessment of the used motor vehicle industry; requiring reports; providing for termination of the task force; providing an effective date.

—was referred to the Committee on Transportation.

By Representative Boyd and others—

**HB 1933**—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; revising application of the exemption for nonprofit water systems; providing an exemption for sales or leases to certain nonprofit organizations that provide crime prevention, drunk driving prevention, or juvenile delinquency prevention services; providing an exemption for sales or leases to the Florida Fire and Emergency Services Foundation; amending s. 265.289, F.S.; revising the definition of state theater contract organizations; amending s. 212.08, F.S., which provides a sales tax exemption for such organizations; revising said exemption; reenacting s. 265.2901(2), F.S., which relates to disposition of certain revenues of such organizations, to incorporate the amendment to s. 265.289, F.S., in a reference thereto; providing an effective date.

—was referred to the Committee on Fiscal Resource.

By Representative Rubio—

**HB 2007**—A bill to be entitled An act relating to state leases; amending s. 216.043, F.S.; requiring state agencies to present justification before terminating a lease of privately owned property; amending s. 255.249, F.S.; providing for the coordination and assumption of the remaining term of a lease terminated by a state agency before the end of its base term; amending s. 255.25, F.S.; providing for the determination and amortization of the cost of tenant improvements; providing a process for the recovery of unamortized cost of tenant improvements when a lease is terminated before the end of its base term; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; and Fiscal Policy.

By the Committees on General Government Appropriations, Judiciary and Representative Bense and others—

**CS for CS for HB 2023**—A bill to be entitled An act relating to administrative procedure; amending s. 57.111, F.S.; increasing the maximum net worth for qualification as a small business party under the Florida Equal Access to Justice Act; increasing the limitation on the amount of attorney's fees and costs that may be awarded under the act; amending s. 120.569, F.S.; revising requirements for pleadings, motions, and other papers filed under ch. 120, F.S.; providing for sanctions, including an award of attorney's fees; amending s. 120.595, F.S.; redefining the term "improper purpose" for purposes of provisions authorizing challenges to agency action; amending s. 373.114, F.S.; providing that water management district orders resulting from certain evidentiary hearings are not subject to the Land and Water Adjudicatory Commission's review authority; amending s. 403.412, F.S.; providing that a citizen of this state who is not a substantially affected person may not initiate certain administrative proceedings under the Environmental Protection Act of 1971; amending s. 120.52, F.S.; clarifying which governmental entities are subject to the Administrative Procedure Act; providing an effective date.

—was referred to the Committees on Judiciary; and Governmental Oversight and Productivity.

By Representative Farkas and others—

**HB 2037**—A bill to be entitled An act relating to health care; creating the Public Cord Blood Tissue Bank as a statewide consortium; providing purposes, membership, and duties of the consortium; providing duties of the Agency for Health Care Administration and the Department of Health; providing an exception from provisions of the act; requiring specified written disclosure by certain health care facilities and providers; specifying that donation under the act is voluntary; authorizing the consortium to charge fees; amending s. 20.42, F.S.; designating the

agency as a department; reorganizing the agency and removing it from under the Department of Business and Professional Regulation; providing for appointment of the Secretary of Health Care Administration by the Governor, subject to confirmation by the Senate; providing for responsibilities and administration of the department; amending s. 440.134, F.S.; deleting obsolete language; amending ss. 120.80, 215.5601, 381.6023, 381.90, 395.0163, 395.10972, 400.0067, 400.235, 400.4415, 400.967, 408.036, 408.05, 408.902, 409.8132, 430.710, 478.44, 627.4236, 641.454, 641.60, 641.70, 732.9216, to conform provisions to changes made by the act; repealing s. 408.001, F.S., relating to the Florida Health Care Purchasing Cooperative; providing for repeal on a date certain or upon the occurrence of a contingency; transferring all powers, duties, and functions and funds of the Agency for Health Care Administration of the Department of Business and Professional Regulation to the new department; providing an effective date.

—was referred to the Committee on Health, Aging and Long-Term Care.

By the Committee on Business Development and International Trade; and Representative Bradley—

**HB 2127**—A bill to be entitled An act relating to state procurement; amending s. 287.094, F.S.; revising provisions relating to minority business enterprise programs; providing for revoking the certification of certain minority businesses under certain circumstances; providing exceptions; prohibiting agencies from denying contractors, firms, or individuals an opportunity to compete in public procurement of commodities and services under certain circumstances; providing for filing of certain complaints; providing procedures and requirements; providing a penalty for certain discrimination; amending s. 287.0943, F.S.; requiring the Office of Supplier Diversity to accept certain businesses as certified minority businesses for certain purposes under certain circumstances; revising the appointment criteria for the Minority Business Certification Task Force; revising criteria for certification of minority business enterprises; requiring businesses to comply with state licensing requirements for certain certification; providing for review or audit of certain businesses under certain circumstances; providing for random reviews or audits of certain business by the Office of Supplier Diversity; authorizing the Auditor General to review or audit certain minority businesses for certain purposes; transferring the Minority Business Advocacy and Assistance Office from the Department of Labor and Employment Security to the Department of Management Services and renaming the office as the Office of Supplier Diversity; amending s. 287.09451, F.S., to conform to such transfer and renaming; amending s. 288.703, F.S.; revising certain definitions; creating s. 287.134, F.S.; providing definitions; prohibiting certain entities or affiliates from bidding on certain contracts; prohibiting public entities from accepting certain bids from, awarding certain contracts to, or transacting business with certain entities; requiring invitations to bid, requests for proposals, and certain written contracts to contain notice of provisions; providing requirements, procedures, and limitations for determinations of discrimination by certain entities; providing for notice and administrative hearings; providing for nonapplication to certain activities; amending ss. 17.11, 255.102, 287.012, 287.042, 287.057, and 287.9431, F.S., to conform; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; and Commerce and Economic Opportunities.

By the Committee on Governmental Operations and Representative Posey—

**HB 2167**—A bill to be entitled An act relating to the Department of Management Services; requiring the Department of Management Services to establish a central database to maintain a record of all state-related travel; providing an appropriation for the development, maintenance, and improvements to the database; requiring the Comptroller to establish object codes that uniquely identify expenses related to air travel, car rental, and motel or hotel accommodations; authorizing the Department of Management Services to negotiate and contract with an air carrier for service; requiring local matching funds; providing an appropriation; providing legislative intent; establishing the Small and Minority Business Surety Program; providing for a plan; providing eligibility; providing state responsibility; providing for an annual report;

providing penalties for default; providing an appropriation; amending s. 255.25, F.S., providing an exception to competitive bidding for those leases negotiated pursuant to the department pilot project to be established; providing for negotiation of a replacement lease for currently occupied space under certain conditions; allowing agencies to negotiate leases in designated Front Porch Communities without competitive bidding; establishing a tenant broker pilot project in certain designated Florida counties to assist with property procurement and providing goals for the project; providing for automatic repeal of the pilot project; amending s. 255.2501, F.S., extending the conditions of this section to any lease that, during the term of the lease, becomes financed with local government obligations of any type; amending s. 272.161, F.S., providing for the rental of "permit" parking spaces in addition to "reserved" parking spaces; amending s. 287.022, F.S.; prohibiting the Department of Management Services from limiting certain insurers and others from competing for certain insurance products or plans on the basis of a compensation arrangement; amending s. 287.042, F.S., authorizing emergency medical services organizations to purchase under state term contracts; amending s. 365.171, F.S.; authorizing the Public Service Commission to enforce the remittance of the collected "911" fee to the county; providing the department with rulemaking authority for establishing the methods for collecting data and the "911" fee; creating s. 110.1315, F.S.; requiring that the Department of Management Services contract with a private vendor for an alternative retirement program for other personal services employees; providing contract requirements; requiring the private vendor to indemnify the state and participating employees from certain adverse tax consequences; providing for oversight of the program; directing the Department of Management Services to make a report; directing the Executive Office of the Governor to determine certain savings made; amending s. 110.123, F.S.; revising language with respect to the state group insurance program; providing that certain organizations may not be prohibited or limited from competing for the plan; amending s. 110.1521, F.S.; combining current ss. 110.1522 and 110.1523, F.S., into this section; repealing s. 110.1522, F.S., relating to model rule establishing family support personnel policies; repealing s. 110.1523, F.S., relating to adoption of model rule; amending s. 110.17, F.S.; changing "personal holiday" to "personal day" and replacing "entitled to" with "eligible for"; amending s. 110.122, F.S.; providing that state employees who terminate employment for reasons of disability shall be eligible for payment of accumulated and unused sick leave; providing for application of this section to each employee upon termination of employment; providing that former state officers and employees who are vested in the Florida Retirement System may participate in the state group health insurance plan at the time of receiving their state retirement benefits; directing the Department of Management Services and the Florida School for the Deaf and Blind to develop a report and recommendation; providing for its submission by January 1, 2001; amending s. 110.123, F.S.; requiring solicitations or contracts or a state group dental program to include a comprehensive indemnity dental plan option providing enrollees an unrestricted access to dentists; repealing ss. 272.12 and 272.121, Florida Statutes, relating to the Capital Center Planning Commission; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Regulated Industries; and Fiscal Policy.

By Representative Lacasa—

**HB 2179**—A bill to be entitled An act relating to school district revenue; amending s. 125.01, F.S.; limiting the ability of counties to levy school impact fees; providing for the distribution to school boards of certain funds appropriated in the General Appropriations Act; providing an effective date.

—was referred to the Committee on Fiscal Resource.

By Representative Dockery and others—

**HB 2189**—A bill to be entitled An act relating to underground facilities; amending s. 556.108, F.S.; providing for exemptions for the excavation or demolition of single family residential property; providing an effective date.

—was referred to the Committee on Comprehensive Planning, Local and Military Affairs.

By the Committee on Regulated Services and Representative Bitner and others—

**CS for HB 2281**—A bill to be entitled An act relating to the Department of Business and Professional Regulation; amending s. 509.049, F.S.; revising language with respect to food service employee training; providing for a food service training certificate program; providing for approval of existing programs; providing for requests for competitive sealed proposals; requiring certain food service employees to receive certification by certain times certain; providing for time of validity of certification; amending s. 509.291, F.S.; revising the membership of the Hotel and Restaurant Advisory Council; amending s. 561.01, F.S.; revising the definition of the term “licensee” under the Beverage Law; amending s. 561.17, F.S.; revising a provision relating to license and registration applications under the Beverage Law; amending s. 561.181, F.S.; revising language with respect to temporary initial licenses; amending s. 561.20, F.S.; revising language with respect to the limitation on the number of alcoholic beverage licenses issued; creating a special license category for caterers; providing conditions for operation; providing for adoption of rules; providing for deposit of fees; amending s. 561.29, F.S.; revising language with respect to the revocation and suspension of licenses under the Beverage Law to include another prohibition; amending s. 561.32, F.S.; revising a provision relating to the transfer of a license; prohibiting transfers of certain licenses under the Beverage Law; providing exceptions; providing for reversion to the state of certain licenses deemed abandoned; providing for transfer of certain licenses under certain circumstances; specifying fees for such transfers; amending s. 561.331, F.S.; revising language with respect to a temporary license issued upon application for transfer, change of location, or change of type or series; amending s. 565.05, F.S.; providing an exception regarding the purchase of alcoholic beverages by golf clubs; amending s. 565.06, F.S.; authorizing the sale of alcoholic beverages in certain individual containers at golf clubs; providing an effective date.

—was referred to the Committee on Regulated Industries.

By the Committee on Family Law and Children; and Representative Roberts and others—

**HB 2307**—A bill to be entitled An act relating to public records; amending s. 39.202, F.S.; providing an exemption from public records requirements for records held by a guardian ad litem in cases regarding allegations of child abuse, neglect, or abandonment; providing for certain authorized access; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was referred to the Committees on Judiciary; and Rules and Calendar.

By the Committee on Health Care Services and Representative Peaden and others—

**HB 2319**—A bill to be entitled An act relating to rural hospitals; amending ss. 395.602 and 408.07, F.S.; revising the definition of the term “rural hospital”; amending s. 409.9116, F.S.; revising eligibility for funding under the disproportionate share/financial assistance program for rural hospitals; providing an effective date.

—was referred to the Committees on Health, Aging and Long Term Care; and Fiscal Policy.

By Representative Brummer and others—

**HB 2325**—A bill to be entitled An act relating to post prison release; providing for a study to be conducted; providing an effective date.

—was referred to the Committees on Criminal Justice and Fiscal Policy.

By the Committee on General Appropriations and Representative Pruitt and others—

**HB 2393**—A bill to be entitled An act relating to retirement; amending s. 112.65, F.S.; providing that certain benefits under chapter 121, F.S., shall be considered supplemental benefits; amending s. 121.021, F.S.; redefining the term “system” with respect to the Florida Retirement System; designating ss. 121.011-121.45, F.S., as part I of chapter 121, F.S.; designating ss. 121.4501-121.571, F.S., as part II of chapter 121, F.S.; creating s. 121.4501, F.S.; directing the State Board of Administration to establish an optional defined contribution retirement program for members of the Florida Retirement System; providing definitions; providing for eligibility and retirement service credit; providing for participation and enrollment; providing for contributions; providing vesting requirements; providing benefits; providing for administration; providing for investment options or products; providing for performance review; providing for an education component; providing participant information requirements; providing that advisory committees shall provide advice and assistance; providing for federal requirements; providing an investment policy statement; providing a statement of fiduciary standards and responsibilities; providing for disability benefits; providing for social security and health insurance subsidy coverage; creating s. 121.571, F.S.; providing for contributions; amending ss. 121.021, 121.051, 121.0515, 121.052, 121.053, 121.081, 121.1115, 121.1122, 121.121, and 215.32, F.S.; providing that members employed in a regularly established position shall be vested after 6 years of creditable service; conforming to the act; amending s. 112.665, F.S.; correcting cross references to conform to the act; amending s. 121.091, F.S.; upgrading service credit for certain years for special risk members; providing funding for the benefit increase; providing a contingent contribution rate increase; amending s. 121.091, F.S.; reducing the service time required to qualify for disability benefits to 8 years; amending s. 112.363, F.S.; revising provisions relating to the retiree health insurance subsidy to include applicability to retirees under the optional retirement program; amending s. 121.055, F.S.; increasing the number of personnel that may be designated as Senior Management Service Class by local governments; requiring participation in the Senior Management Service Class by certain legal staff; allowing senior management optional annuity program benefits to be distributed through a direct rollover; providing for funding of the revision of the Florida Retirement System by this act; revising contribution rates as part of the funding process; providing implementation requirements for the State Board of Administration, the Department of Management Services, and participating employers; amending s. 121.031, F.S.; requiring an actuarial study of the retirement system at least annually; requiring the actuarial model to include a rate stabilization mechanism; defining the mechanism; requiring a report on the effects of 6-year vesting on the disability benefit and the health insurance subsidy; amending s. 121.021, F.S.; including certain community-based correctional probation officers within the Special Risk Class of the Florida Retirement System; amending s. 121.0515, F.S.; specifying criteria for inclusion of community-based correctional probation officers in the Special Risk Class; providing for inclusion of probation and parole circuit and deputy circuit administrators in the Special Risk Class; including certain members of the system who are employed by the Department of Corrections or the Department of Children and Family Services for membership in the special risk class; providing exceptions; providing a finding of important state interest; directing the State Board of Administration to request an opinion from the Internal Revenue Service; providing future effect for certain provisions; providing a contingent effective date.

—was referred to the Committees on Governmental Oversight and Productivity; and Fiscal Policy.

By the Committee on Environmental Protection and Representative Alexander—

**CS for HB 2365**—A bill to be entitled An act relating to wetlands mitigation; amending s. 373.4135, F.S.; requiring establishment and operation of mitigation projects under a memorandum of agreement, under certain conditions; providing requirements and exclusions; authorizing certain mitigation options for private single-family lots or homeowners; providing for notice; amending s. 373.4136, F.S.; revising provisions relating to size and characteristics of the mitigation service area; providing for use of regional watersheds to guide establishment of mitigation service areas; requiring satisfaction of cumulative impact considerations; amending s. 373.414, F.S.; revising reporting requirements

relating to money donated as wetlands mitigation; specifying conditions under which proposed mitigation shall satisfy cumulative impact considerations for a regulated activity; requiring the Department of Environmental Protection and certain water management districts to adopt a single uniform wetland mitigation assessment method, by rule, by a specified date; directing local government use of the assessment method; providing conditions and procedures for use of the assessment method; deleting obsolete language; directing study by the Office of Program Policy Analysis and Government Accountability on mitigation cumulative impact considerations; directing the St. Johns River Water Management District to classify the Lake Jesup Basin as a separate and distinct basin for certain purposes, and to treat it as a vested basin; creating s. 373.200, F.S.; specifying the role of the Seminole Tribe Water Rights Compact; providing an effective date.

—was referred to the Committee on Natural Resources.

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By the Committee on Environmental Protection and Representative Dockery and others—

**HB 2403**—A bill to be entitled An act relating to land acquisition; amending s. 201.15, F.S.; clarifying the Division of Bond Finance's authority to issue Florida Forever bonds on an annual basis; providing an exclusion for certain revenues collected to address nonagricultural non-point source water quality impacts from calculation of an applicable excise tax rate under the Water Quality Assurance Trust Fund; amending s. 215.618, F.S.; providing that the limitation on issuance of Florida Forever bonds does not apply to refunding bonds; amending s. 163.01, F.S.; revising provisions which authorize a separate legal entity created to administer an interlocal agreement and controlled by counties or municipalities, or a combination thereof, to issue bonds to finance capital projects, and which provide powers and duties with respect thereto, to include such entities controlled by independent special districts or by independent special districts in combination with counties and municipalities; revising provisions which extend certain privileges, immunities, exemptions, and benefits to such entities controlled by municipalities or counties and their officers, agents, and employees, to include such entities controlled by independent special districts and their officers, agents, and employees; amending s. 253.03, F.S.; revising leasing and permitting requirements for structures built in certain conservation areas; providing for imposition of reasonable conditions by the Department of Environmental Protection or a water management district; providing notification requirements for landowners of structures on privately owned lands; providing that noncompliance with lease or permit conditions subjects a structure to removal; amending s. 259.032, F.S., relating to reports of entities managing Conservation and Recreation Lands; revising payment in lieu of taxes requirements; amending s. 253.034, F.S., relating to state-owned lands; requiring the Board of Trustees of the Internal Improvement Trust Fund to adopt certain rules; modifying definitions of "multiple use" and "single use"; revising provisions relating to management agreements and management plans; providing that certain lands acquired by the state are not purchased for conservation purposes; providing requirements regarding the sale of certain surplus lands; providing procedure relating to review and recommendation to the board of trustees of proposed uses of conservation lands; correcting cross references; amending s. 259.0345, F.S.; revising reporting requirements of the Florida Forever Advisory Council; amending s. 259.035, F.S.; providing duties and required procedures of the Acquisition and Restoration Council relating to selection of Conservation and Recreation Lands, Florida Preservation 2000, and Florida Forever projects; amending s. 259.101, F.S., relating to Florida Preservation 2000; conforming language and references; deleting repealer date and legislative review requirement; deleting requirement to redistribute unencumbered balances; removing requirement that the Department of Environmental Protection or the water management districts shall carry over unspent funds to the subsequent fiscal year; deleting provisions that repeal Preservation 2000 allocation of bond proceeds to certain programs; amending s. 259.105, F.S., relating to the Florida Forever Act; revising amount of distribution of bond proceeds to the Department of Community Affairs; providing that a certain sum be retained by the Department of Environmental Protection; providing additional goals for funded projects or acquisitions; postponing beginning date for project applications; revising provisions relating to selection of Florida Forever and Conservation and Recreation Lands projects; providing for authority of the Acquisition and Restoration Council as successor to the Land Acquisition and Management Advisory Council; amending s. 260.018,

F.S., relating to agency recognition of the statewide system of greenways and trails; amending s. 373.139, F.S.; revising provisions relating to public hearings, and notice thereof, for water management district acquisition of real property; requiring certain disclosure of appraisals; amending s. 373.1391, F.S.; providing that the Acquisition and Restoration Council, rather than the Florida Forever Advisory Council, is to review water management district disputes; amending s. 373.199, F.S.; revising water management district responsibilities regarding the Florida Forever water management district work plans; postponing due date for the initial 5-year work plans; creating s. 373.1995, F.S.; requiring a joint report by the water management districts establishing goals and performance measures for Florida Forever funding of district priority projects; amending s. 373.59, F.S.; authorizing the Water Management Lands Trust Fund to pay debt service on certain bonds; revising provisions relating to payment in lieu of taxes; amending s. 375.075, F.S., relating to financial assistance to local governments for outdoor recreation; amending s. 380.507, F.S.; clarifying rulemaking authority of the Florida Communities Trust; providing a restriction on use of the Water Management Lands Trust Fund; amending 380.510(7), F.S.; relating to the uses of Florida Forever funds; repealing s. 211.3103(9), F.S., relating to property donations by solid minerals producers, which impact the proceeds of phosphate severance taxes returned to a county; providing an appropriation; amending s. 373.1501, F.S.; providing definitions; providing for acquisition of certain lands by eminent domain by the South Florida Water Management District; creating s. 259.037, F.S.; creating the Land Management Uniform Accounting Council; providing membership; providing duties and responsibilities relating to review and categorization of land management activities, needs, and costs; providing for accounting procedures; requiring reports; providing effective dates.

—was referred to the Committees on Natural Resources and Fiscal Resource.

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By the Committee on Utilities and Communications; and Representative Rojas—

**HB 2417**—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for certain telecommunications or cable company records; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was referred to the Committees on Regulated Industries; and Rules and Calendar.

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By the Committee on Finance and Taxation; and Representative Albright and others—

**HB 2433**—A bill to be entitled An act relating to taxation; creating s. 196.2002, F.S., providing an exemption for not-for-profit water and wastewater corporations; amending s. 95.091, F.S.; specifying the time period within which the Department of Revenue and Department of Business and Professional Regulation may determine and assess the amount of certain taxes, penalties, or interest due beginning July 1, 2002; correcting a reference; amending s. 106.265, F.S.; providing that the Florida Elections Commission, rather than the Department of Revenue, shall have responsibility for collecting civil penalties for violation of chapter 104 or chapter 106, F.S.; 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. 166.231(1), F.S., to allow a municipality to levy tax on water service outside municipal boundaries if an agreement is reached by specific date; amending ss. 175.111 and 185.09, F.S.; removing a requirement that insurers subject to a premium tax for a municipal or special district firefighter pension plan or a municipal police pension plan file an annual premium receipt report with the Division of Retirement; amending s. 213.053, F.S.; authorizing the Department of Revenue to share information regarding such reports with the Department of Management Services, and to share certain identifying information with the Department of Highway Safety and Motor Vehicles; creating s. 189.420, F.S.; providing requirements with respect to special district assessments on facilities regulated under ch. 513, F.S.; amending s. 203.01, F.S.; authorizing the department to require quarterly, semiannual, or annual

returns for the tax on gross receipts for utility services under certain conditions; amending ss. 206.09 and 206.095, F.S.; authorizing the department to suspend a requirement for certain reports from carriers transporting, or terminal operators handling, motor fuel and similar products, under certain conditions; amending s. 212.051, F.S.; including specialty chemicals and bioaugmentation products within the sales tax exemption for equipment and machinery used for pollution control in connection with the manufacture of items of tangible personal property for sale; providing definitions; amending s. 212.06, F.S.; clarifying language with respect to the exemption from the indexed tax on manufactured asphalt for asphalt used for government public works projects; specifying that the exemption includes federal projects; amending s. 212.08, F.S.; revising application of the exemption for portable containers used for processing farm products; providing conditions under which the full sales tax exemption for machinery and equipment used to produce electrical or steam energy will apply when both residual and non-residual fuels are used; revising application of the sales tax exemption for repair and labor charges for certain industrial machinery and equipment; providing intent; providing an exemption for people-mover systems and parts thereof purchased or manufactured by certain contractors; providing an exemption for the purchase of component parts by, and other manufacturing costs incurred by, certain contractors who manufacture and install such systems and parts; providing definitions; amending s. 212.11, F.S.; authorizing the department to allow a sales tax dealer to continue to use a filing frequency when the dealer exceeds the maximum tax for that frequency, under certain conditions; amending s. 212.12, F.S.; revising provisions which authorize the department to sample a dealer's records when such records are adequate but voluminous, in order to determine the dealer's tax liability; providing that overpayments and deficiencies shall be projected over the entire audit period, and the tax deficiency reduced or refund made as necessary; providing intent; amending s. 213.015, F.S.; specifying additional taxpayer rights with respect to treatment by department personnel and explanation of the reason for audit selection; 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; repealing s. 213.235(6), F.S., which relates to application of the annual rate of interest applicable to tax payment deficiencies as determined under said section; amending s. 213.27, F.S.; authorizing the department to contract with public or private vendors to develop and implement a voluntary system for sales and use tax collection and administration; providing for compensation; requiring reports; providing for application of provisions of chapter 212, F.S., to system users; providing for maintenance of confidentiality of certain information; providing a penalty; amending s. 220.03, F.S.; updating references to the Internal Revenue Code for corporate income tax purposes; providing for retroactive effect; amending s. 220.62, F.S.; including savings association holding companies registered under the Homeowners' Loan Act within the definition of "savings association" for purposes of the franchise tax on banks and savings associations; providing that s. 1 of ch. 98-187, Laws of Florida, which amends s. 201.09, F.S., to provide liability for the excise tax on documents when a renewal note increases the unpaid balance or the original face amount of the original contract and obligation, applies retroactively to certain term obligations; directing the Division of Retirement to adjust a municipality's 1997 base year revenue for purposes of its own pension plan for firefighters or police officers based on specified information; authorizing the department to provide data to the division; providing that, for a specified period, persons classified under SIC Industry Group Number 212 who paid tax under ch. 212, F.S., on certain charges for steam or electrical energy entitled to exemption are entitled to a refund, and that such persons who did not pay the tax are not required to pay the tax, penalty, or interest; providing that failure to timely file a consolidated return for intangible personal property tax for any one or more years shall not prejudice a taxpayer's right to file a consolidated return under certain conditions; amending s. 210.20, F.S.; eliminating transfers of net cigarette tax collections to the Municipal Financial Assistance Trust Fund and Revenue Sharing Trust Fund for Municipalities; amending s. 212.20, F.S.; authorizing a distribution of proceeds under ch. 212, F.S., to the Revenue Sharing Trust Fund for Municipalities; amending s. 288.1169, F.S.; revising a cross reference, to conform;

amending s. 11.45, F.S.; revising a reference, to conform; repealing s. 200.132, F.S., relating to the Municipal Financial Assistance Trust Fund; providing effective dates.

—was referred to the Committee on Fiscal Resource.

By the Committee on General Appropriations and Representative Pruitt—

**HB 2395**—A bill to be entitled An act relating to trust funds; creating s. 121.465, F.S.; creating the Public Employee Optional Retirement Program Trust Fund, to be administered by the State Board of Administration; 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 referred to the Committees on Governmental Oversight and Productivity; and Fiscal Policy.

By the Committee on General Appropriations and Representative Pruitt—

**HB 2397**—A bill to be entitled An act relating to trust funds; creating s. 121.467, F.S.; creating the Public Employee Disability Trust Fund within the Division of Retirement of the Department of Management Services; 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 referred to the Committees on Governmental Oversight and Productivity; and Fiscal Policy.

By Representative Maygarden and others—

**HJR 1899**—A joint resolution proposing an amendment to Section 3 of Article VII of the State Constitution relating to tax exemptions, to exempt from taxation certain property owned by municipalities or special districts and used for seaport purposes, as provided by general law.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Transportation; Fiscal Policy; and Rules and Calendar.

#### RETURNING MESSAGES—FINAL ACTION

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed SB 130, SB 160, CS for SB 326, CS for CS for CS for SB 806, SB 932, CS for SB 1016, CS for SB 1018, CS for SB 1212, SB 1264, SB 1550, SB 2104 and CS for CS for SB 2390.

*John B. Phelps, Clerk*

The bills contained in the foregoing message were ordered enrolled.

#### CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 2 was corrected and approved.

#### RECESS

On motion by Senator McKay, the Senate recessed at 6:27 p.m. to reconvene at 9:30 a.m., Thursday, May 4.