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CALL TO ORDER

The Senate was called to order by President McKay at 9:00 a.m. A quorum present—39:

Mr. President	Dawson	Laurent	Sanderson
Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	

Excused: Conferees periodically for the purpose of working on the appropriations bills: Senator Horne, Chairman; Senators Rossin, Sullivan, Dyer, Garcia, Holzendorf, Latvala, Miller, Webster, Clary, Jones, King, Laurent, Lawson, Silver, Mitchell, Peaden, Sanderson, Saunders, Cowin, Burt, Dawson, Meek and Villalobos; Conferees periodically for the purpose of working on CS for SB 1118 relating to elections: Senator Posey, Chairman; Senators Carlton, Sebesta and Smith

PRAYER

The following prayer was offered by Dr. James Wise, Pastor, Mt. Pleasant Baptist Church, Miami:

O God, the source of all of our being, we thank thee for the bright beauty of early morning and for the swift and awesome gift of life; for its opportunities and obligations; for its light moments and for its solemn time. We thank thee for every gift which gives grace and gladness to our days. We recognize that we are not worthy to be called thy children and yet thou, through Him, has given us that great and rich privilege. Grant that we may ever be mindful of our unworthiness and ever seek to be worthy always recognizing that we are protected by your grace and mercy. We thank thee for the State of Florida, for all of its long and grand history, and for those who come this way to help make it a community of love and togetherness.

We pray thee that we may hold our State in high esteem because thou hast been our guide in the past. Inspire all of our people to hold sacred this glorious heritage. Keep us from strife and may we live together in unity.

Bless, we pray thee for our Governor. Give him wisdom and strength. Be with all of our Senators, and those in power and help them to be concerned about the things that enhance the lives of those they represent.

We pray a special prayer today for those who might be ill, Aileen Pruitt, wife of Senator Ken Pruitt, LéJean Miller, daughter of Senator Les Miller. And then help us to seek to do your will. It is in thy name we pray. Amen.

PLEDGE

Senate Pages Joshua Pritchard of Orlando, Elizabeth Crew of Monticello and Kerry Myers of Shalimar, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Whit Curry of Gainesville, sponsored by Senator Mitchell, as doctor of the day. Dr. Curry specializes in Family Practice.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **CS for SB 256** and **CS for SB 348** were withdrawn from the Committees on Appropriations Subcommittee on General Government; and Appropriations; **CS for SB 386** was withdrawn from the Committees on Banking and Insurance; Health, Aging and Long-Term Care; Agriculture and Consumer Services; Appropriations Subcommittee on General Government; and Appropriations; **CS for SB 402** and **SB 696** were withdrawn from the Committees on Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations; **CS for SB 1410** was withdrawn from the Committee on Rules and Calendar; **CS for SB 1772** was withdrawn from the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations; **CS for SB 2096** was withdrawn from the Committee on Governmental Oversight and Productivity; and **SB 2374** was withdrawn from the Committee on Comprehensive Planning, Local and Military Affairs.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has returned as requested CS for SB 238.

John B. Phelps, Clerk

CS for SB 238—A bill to be entitled An act relating to the death penalty; creating s. 921.137, F.S.; defining the term "mental retardation"; prohibiting imposition of the sentence of death if the court determines that the defendant has mental retardation; requiring that a defendant notify the court of an intention to raise mental retardation as a bar to the sentence of death; providing requirements for the court in determining whether the defendant has mental retardation; providing that the sentence of death may not be imposed unless the court finds by clear and convincing evidence that the defendant has mental retardation; requiring notice to the defendant if the state requests a sentence of death, notwithstanding the jury's recommendation for life imprisonment; authorizing the state to appeal a determination of mental retardation; providing for application of the act; providing an effective date.

RECONSIDERATION OF BILL

On motion by Senator Mitchell, the Senate reconsidered the vote by which **CS for SB 238** as amended passed March 29.

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

Amendment 1 (084010)—In title, on page 1, line 13, delete “unless” and insert: if

On motion by Senator Mitchell, **CS for SB 238** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

Bronson	Crist	Laurent	Rossin
Brown-Waite	Dawson	Lee	Saunders
Burt	Dyer	Meek	Sebesta
Campbell	Garcia	Miller	Smith
Carlton	Geller	Mitchell	Sullivan
Clary	King	Peaden	Villalobos
Constantine	Klein	Posey	Wasserman Schultz
Cowin	Latvala	Pruitt	Webster

Nays—None

Vote after roll call:

Yea—Jones, Lawson, Sanderson

BILLS ON THIRD READING

Consideration of **CS for SB 1704** was deferred.

CS for CS for SB's 1970 and 164—A bill to be entitled An act relating to governmental reorganization; creating s. 17.001, F.S.; establishing the Office of the Chief Financial Officer; creating s. 20.121, F.S.; creating the Department of Financial Services; providing for the Office of the Commissioner of Insurance; providing for the Office of the Commissioner of Financial Institutions; providing for the Office of the Commissioner of Securities and Finance; providing for the Office of the Commissioner of the Treasury; establishing the manner of appointment; providing qualifications; transferring the Department of Banking and Finance and the Department of Insurance to the Department of Financial Services; repealing s. 20.12, F.S.; abolishing the Department of Banking and Finance; repealing s. 20.13, F.S.; abolishing the Department of Insurance; requesting the Division of Statutory Revision to prepare draft legislation; establishing the Financial Services Transition Task Force; providing membership; establishing duties; creating ss. 633.801, 633.802, 633.803, 633.804, 633.805, 633.806, 633.807, 633.808, 633.809, 633.810, 633.812, 633.813, 633.814, 633.815, 633.816, 633.817, 633.818, 633.819, 633.820, 633.823, 633.825, F.S.; designating such sections as the Florida Firefighter Occupational Safety and Health Act; providing definitions; providing legislative intent; authorizing the Division of State Fire Marshal to adopt rules related to firefighter safety inspections; requiring the division to conduct a study; authorizing representatives of the division to enter and inspect any place of firefighter employment; providing criminal penalties for refusal to allow inspection; requiring firefighter employers to provide safe employment conditions; authorizing the division to adopt rules that prescribe means for preventing accidents in firefighter places of employment and establish standards for construction, repair, and maintenance, and related rules; requiring the division to inspect firefighter employers; requiring firefighter employers to establish workplace safety committees and to maintain certain records; providing penalties for firefighter employers who violate provisions of this act; providing exemptions; providing for the source of funding of the division; specifying firefighter employees' rights and responsibilities; providing penalties for firefighter employers who make false statements to the division or to an insurer; authorizing the division to adopt rules for assuring safe working conditions for all firefighter employees; providing an effective date.

—as amended April 20 was read the third time by title.

An amendment was considered and adopted by two-thirds vote to conform **CS for CS for SB's 1970 and 164** to **CS for CS for HB 681**.

Pending further consideration of **CS for CS for SB's 1970 and 164** as amended, on motion by Senator Latvala, by two-thirds vote **CS for CS for HB 681** was withdrawn from the Committees on Governmental Oversight and Productivity; Banking and Insurance; Appropriations Subcommittee on General Government; and Appropriations.

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

CS for CS for HB 681—A bill to be entitled An act relating to governmental reorganization; amending s. 20.04, F.S.; providing an exception to departmental structure requirements; deleting reference to the Department of Banking and Finance and substituting the Department of Insurance and Financial Services; creating s. 20.121, F.S.; creating the Office of Chief Financial Officer; providing duties; creating s. 20.131, F.S.; creating the Department of Insurance and Financial Services; providing for an executive director; providing for departmental structure; creating the Offices of Commissioner of Insurance, Commissioner of Financial Services, and Commissioner of Securities; providing for appointment and specifying qualifications for each commissioner; providing jurisdiction for each commissioner's office; transferring certain powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds to the Office of Chief Financial Officer and the Department of Insurance and Financial Services; specifying that rules of the Department of Banking and Finance and the Department of Insurance become rules of the Department of Insurance and Financial Services; specifying that such rules become rules of the Office of Chief Financial Officer under certain circumstances; providing for preservation of validity of judicial or administrative actions involving such departments; providing for substitution of certain parties in interest in such actions; creating the Office of Transition Management; specifying powers and duties thereof; requiring reports to the Governor and the Legislature; directing the Division of Statutory Revision to prepare proposed substantive legislation by a certain time for certain purposes; repealing ss. 20.12 and 20.13, F.S., relating to the Department of Banking and Finance and the Department of Insurance, respectively; providing an appropriation; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB's 1970 and 164** as amended and read the second time by title.

Senator Latvala moved the following amendment which was adopted:

Amendment 1 (594984)(with title amendment)—Delete everything after the enacting clause and insert:

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

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

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

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

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

(2) The Department of Financial Services shall consist of the following divisions:

(a) Division of Treasury.

(b) Division of Consumer Services.

(c) Division of Insurance Rates and Forms. This division shall have all powers and duties as provided by law to the Department of Financial Services related to approval of insurance rates and forms.

(d) Division of Insurer Services. This division shall have all powers and duties as provided by law to the Department of Financial Services related to insurance except those related to approval of insurance rates and forms.

(e) *Division of Financial Institutions which shall consist of the following bureaus:*

1. *Bureau of Banking; and*
2. *Bureau of Credit Unions.*
- (f) *Division of Risk Management.*
- (g) *Division of State Fire Marshal.*
- (h) *Division of Insurance Fraud.*
- (i) *Division of Rehabilitation and Liquidation.*
- (j) *Division of Securities.*
- (k) *Division of Information Systems.*
- (l) *Division of Legal Services.*
- (m) *Division of Financial Investigations.*
- (n) *Division of Accounting and Auditing.*
- (o) *Division of Workers Compensation.*
- (p) *Division of Insurance Agent and Agency Services.*
- (q) *Division of Administration.*

(3) *The Division of Financial Institutions, the Division of Securities, and the Division of Insurance Rates and Forms shall each be headed by a "Director." The Directors of these divisions shall act as agency head for purposes of chapter 120, and shall be responsible for final agency action with regard to the implementation and enforcement of statutes and rules under the regulatory authority delegated to their division. The Director of the Division of Financial Institutions, the Director of the Division of Securities, and the Director of the Division of Insurance Rates and Forms shall each be appointed by the Chief Financial Officer, subject to confirmation by the trustees of the State Board of Administration, and shall serve at the pleasure of the trustees of the State Board of Administration.*

(4) *The Division of Financial Investigations shall function as a criminal justice agency within the meaning of ss. 943.045(10)(e).*

(5)(a) *The Division of Treasury, in addition to other matters that may be assigned to or located within said division, shall administer the Government Employees Deferred Compensation Plan established under ss. 112.215 for state employees.*

(b) *To carry out the purpose of paragraph (a), a Section of Government Employee Deferred Compensation is created within the Division of Treasury.*

Section 3. Section 627.0623, Florida Statutes, is amended to read:

627.0623 Restrictions on expenditures and solicitations of insurers and affiliates.—

(1) As used in this section:

(a) "Insurer" means any entity holding a certificate of authority under chapter 624, chapter 628, chapter 629, chapter 632, or chapter 641.

(b) "Affiliate" means any insurance holding company required to be registered under s. 628.801 or any subsidiary of such holding company.

(2) No insurer, affiliate, or officer of an insurer or affiliate, and no political committee or committee of continuous existence representing the interests of such insurer, affiliate, or officer shall make a contribution in excess of \$100, for any election, to or on behalf of the Treasurer or Chief Financial Officer or to or on behalf of any candidate for the office of Chief Financial Officer ~~Treasurer~~. The provisions of this subsection shall not prevent any candidate or members of that candidate's family from contributing to that candidate's campaign as otherwise permitted by law.

(3) The Treasurer or Chief Financial Officer or a candidate for the office of Chief Financial Officer ~~Treasurer~~ may not accept a campaign

contribution in excess of \$100 from any insurer, affiliate, or officer of an insurer or affiliate, or any political committee or committee of continuous existence that represents such insurer, affiliate, or officer.

(4) No employee of the department or the Department of Financial Services may solicit a campaign contribution for the Treasurer or Chief Financial Officer or any candidate for the office of Chief Financial Officer ~~Treasurer~~ from any insurer, affiliate, or officer of an insurer or affiliate, or any political committee or committee of continuous existence that represents such insurer, affiliate, or officer. For purposes of this section, "employee of the department" means any person employed in the Department of Insurance, or the Treasurer's office, the Department of Financial Services, or the Office of the Chief Financial Officer, holding a position in the Senior Management Service as defined in s. 110.402; any person holding a position in the Selected Exempt Service as defined in s. 110.602; any person having authority over insurance policy, regulation, or supervision; or any person hired on a contractual basis, having the power normally conferred upon such person, by whatever title.

(5) The Department of Insurance and the Department of Financial Services shall make available by electronic means a list of persons whose names are filed with such the department and who are insurers, affiliates, or officers subject to this section. Either The department may charge a fee for the furnishing of a list under this subsection in an amount to cover the cost of preparing the list.

(6) Any person who commits a knowing and willful violation of this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 4. Section 655.019, Florida Statutes, is amended to read:

655.019 Campaign contributions; limitations.—

(1) Notwithstanding the limits provided in s. 106.08, no financial institution which is licensed or otherwise authorized to do business pursuant to chapters 655-665, nor an officer, executive officer, affiliate, subsidiary or service corporation of a financial institution that is licensed or otherwise authorized to do business pursuant to chapters 655-665, and no political committee or committee of continuous existence representing the interests of such financial institution shall make a contribution in excess of \$100, for any election, to or on behalf of the Comptroller or Chief Financial Officer or any candidate for the office of Chief Financial Officer ~~Comptroller~~. The provisions of this subsection shall not prevent any candidate or members of that candidate's immediate family from contributing to that candidate's campaign as otherwise permitted by law.

(2) The Comptroller, Chief Financial Officer, or candidate for the office of Chief Financial Officer ~~Comptroller~~ may not accept a campaign contribution in excess of \$100 from any financial institution which is licensed or otherwise authorized to do business pursuant to chapters 655-665, or an officer, executive officer, affiliate, subsidiary or service corporation of such financial institution, or any political committee or committee of continuous existence that represents that financial institution.

(3) No employee of the department or of the Department of Financial Services may solicit a campaign contribution for the Comptroller or Chief Financial Officer or any candidate for the office of the Chief Financial Officer ~~Comptroller~~ from any person who is licensed or otherwise authorized to do business by the department or the Department of Financial Services or who has an application pending for licensure or other authorization to do business pending with the department or the Department of Financial Services, or any director, officer, employee, agent, retained legal counsel, lobbyist, or partner or affiliate of that person or any political committee or committee of continuous existence that represents that person. For purposes of this section, "employee of the department" means any person employed in the department, Department of Financial Services, or the Comptroller's office, or the Office of the Chief Financial Officer, holding a position in the Senior Management Service as defined in s. 110.402; any person holding a position in the Selected Exempt Service as defined in s. 110.602; any person having authority over institution policy, regulation, or supervision; or any person hired on a contractual basis, having the power normally conferred upon such person, by whatever title.

(4) Any person who knowingly and willfully commits a violation of this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 5. *This act shall not affect the validity of any judicial or administrative action involving the Department of Banking and Finance or the Department of Insurance pending on January 7, 2003, and the Department of Financial Services shall be substituted as a party in interest in any such action. However, if the action involves the constitutional functions of the Comptroller or Treasurer, the Chief Financial Officer shall instead be substituted as a party in interest.*

Section 6. *Effective January 7, 2003, the Department of Banking and Finance and the Department of Insurance are transferred by a type two transfer, as defined in section 20.06, Florida Statutes, to the Department of Financial Services.*

Section 7. *Sections 20.12 and 20.13, Florida Statutes, are repealed. This section takes effect January 7, 2003.*

Section 8. *By January 31, 2002, the Division of Statutory Revision of the Office of Legislative Services shall prepare and submit to the President of the Senate and the Speaker of the House of Representatives substantive legislation to conform the Florida Statutes to the provisions of this act. The legislation shall not be drafted as a reviser's bill. The draft shall include provisions:*

(1) *Changing the term "Comptroller" or "Treasurer" to "Chief Financial Officer" with respect to functions of the Chief Financial Officer where appropriate;*

(2) *Changing references to the "Department of Banking and Finance" or the "Department of Insurance" to the "Department of Financial Services" where appropriate; and*

(3) *Otherwise conforming the statutes to the abolition of the offices of Comptroller and Treasurer, the creation of the Office of the Chief Financial Officer, the abolition of the Department of Banking and Finance and the Department of Insurance, and the creation of the Department of Financial Services.*

Section 9. (1) *The Financial Services Transition Task Force is established. The task force shall be composed of:*

- (a) *One consumer representative appointed by the Governor;*
- (b) *Two members appointed by the President of the Senate;*
- (c) *Two members appointed by the Speaker of the House of Representatives;*
- (d) *Two members appointed by the Comptroller; and*
- (e) *Two members appointed by the Insurance Commissioner and Treasurer.*

(2) *The organizational meeting of the task force must be held by August 1, 2001. The members of the task force shall elect a chair by majority vote. Members of the task force shall serve without compensation, but shall be reimbursed for per diem and travel expenses as provided in section 112.061, Florida Statutes.*

(3) *The purpose of the task force is to review the Florida Statutes and state rules and:*

- (a) *Recommend amendments to statutes and rules made necessary by the changes made by this act.*
- (b) *Identify any organizational problems involving, without limitation, communication among divisions, technical assistance, and other services and recommend solutions to the identified problems.*
- (c) *Identify any issues related to technology, including the coordination or incompatibility of technology systems, and suggest solutions to the identified problems.*
- (d) *Recommend methods to improve departmental accountability, including, but not limited to, modification of performance measures.*
- (4) *The task force may procure information and assistance from any officer or agency of the state or any subdivision thereof. All such officials and agencies shall give the task force all relevant information and assistance with respect to any matter within their knowledge or control.*

(5) *The task force shall submit a final report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1, 2002.*

(6) *The task force terminates upon submission of its final report.*

Section 10. Except as otherwise provided in this act, this act shall take effect July 1, 2001.

And the title is amended as follows:

Delete everything after the enacting clause and insert: A bill to be entitled An act relating to governmental reorganization; creating s. 17.001, F.S.; establishing the Office of the Chief Financial Officer; creating s. 20.121, F.S.; creating the Department of Financial Services; providing for the divisions of the department; specifying division directors who shall act as agency head for purposes of chapter 120; establishing the manner of appointment and confirmation; amending s. 627.0623, F.S.; limiting campaign contributions from certain persons to or on behalf of the Treasurer or Chief Financial Officer; providing a criminal penalty for a violation; amending s. 655.019, F.S.; limiting campaign contributions from certain persons to or on behalf of the Comptroller or Chief Financial Officer; providing a criminal penalty for a violation; providing that this act shall not affect the validity of certain judicial and administrative actions; transferring the Department of Banking and Finance and the Department of Insurance to the Department of Financial Services; repealing s. 20.12, F.S.; abolishing the Department of Banking and Finance; repealing s. 20.13, F.S.; abolishing the Department of Insurance; requesting the Division of Statutory Revision to prepare draft legislation; establishing the Financial Services Transition Task Force; providing membership; establishing duties; providing an effective date.

On motion by Senator Latvala, by two-thirds vote **CS for CS for HB 681** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Laurent	Sanderson
Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	

Nays—None

On motion by Senator Pruitt, consideration of **CS for CS for SB 2108** was deferred.

CS for SB 660—A bill to be entitled An act relating to the Money Transmitters' Code; amending s. 560.119, F.S.; eliminating examination fees; shifting the deposit of funds from one trust fund to another; amending s. 560.204, F.S.; providing that a person registered under part II of ch. 560, F.S., is exempt from the registration fee required to engage in activities under part III of ch. 560, F.S.; amending s. 560.205, F.S.; providing for application fees; amending s. 560.206, F.S.; providing for an extended registration period; amending s. 560.207, F.S.; revising renewal dates and fees; amending s. 560.208, F.S.; providing for notice of branch location openings and closings; providing fees for branch locations and authorized vendors; amending s. 560.307, F.S.; providing fees and notice of openings and closings of branch locations or authorized vendors; amending s. 560.308, F.S.; revising renewal dates and fees; repealing s. 560.118(1)(d) and (e), F.S., which provides for examination costs; providing an effective date.

—as amended April 30 was read the third time by title.

On motion by Senator Brown-Waite, **CS for SB 660** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Dawson	Laurent	Saunders
Bronson	Diaz de la Portilla	Lawson	Sebesta
Brown-Waite	Dyer	Lee	Smith
Burt	Garcia	Meek	Sullivan
Campbell	Geller	Miller	Villalobos
Carlton	Holzendorf	Mitchell	Wasserman Schultz
Clary	Jones	Peaden	Webster
Constantine	King	Posey	
Cowin	Klein	Pruitt	
Crist	Latvala	Sanderson	

Nays—None

SENATOR DYER PRESIDING

CS for CS for SB 366—A bill to be entitled An act relating to DNA evidence; creating s. 925.11, F.S.; providing for the examination of DNA evidence collected at the time a crime is investigated; providing a procedure under which a defendant who has been found guilty may petition the trial court to order an examination of DNA evidence; providing guidelines for seeking postsentencing DNA testing; requiring that the court make certain findings; providing for preservation of evidence for which testing of DNA may be requested; providing for right to appeal; creating s. 943.3251, F.S.; prescribing duties of the Department of Law Enforcement with respect to postsentencing DNA testing; amending s. 943.325, F.S.; requiring the Department of Law Enforcement to add certain felony offenses in a scheduled order to the DNA data bank's enumerated offenses; requiring the Department of Corrections to test certain violent felons in addition to those enumerated in the statute before being released from custody; providing effective dates.

—as amended April 30 was read the third time by title.

On motion by Senator Villalobos, **CS for CS for SB 366** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Bronson	Dyer	Lee	Sebesta
Brown-Waite	Garcia	Meek	Silver
Burt	Geller	Miller	Smith
Campbell	Holzendorf	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	
Dawson	Laurent	Sanderson	
Diaz de la Portilla	Lawson	Saunders	

Nays—None

Vote after roll call:

Yea—Carlton

CS for CS for SB 144—A bill to be entitled An act relating to computer crimes; amending s. 827.071, F.S.; revising the definition of "sexual conduct"; amending s. 847.001, F.S.; revising and adding definitions; amending s. 847.0135, F.S.; revising the "Computer Pornography and Child Exploitation Act of 1986" to clarify certain penalties; creating s. 847.0137, F.S.; prohibiting transmissions of child pornography and any image, information, or data harmful to minors; providing penalties; creating s. 847.0138, F.S.; prohibiting transmission of material harmful to minors by electronic device or equipment; providing definitions; providing penalties; creating s. 847.0139, F.S.; providing immunity from civil liability for reporting child pornography, transmission of child pornography, or unlawful transmission of any image, information, or data harmful to minors; amending s. 905.34, F.S.; providing jurisdiction of the statewide grand jury over offenses relating to computer pornography, child exploitation, or violations of s. 847.0135, F.S.; providing severability; amending s. 815.03, F.S.; providing definitions; repealing s. 815.05, F.S., relating to definitions; amending s. 815.06, F.S.; creating offenses against computer equipment or supplies, computers, computer system,

and computer networks; providing penalties; amending s. 16.56, F.S., adding violations of computer and computer-related crimes under chapter 815, F.S., expanding prosecutorial jurisdiction of the Office of State-wide Prosecution; amending s. 905.34, F.S.; expanding subject matter jurisdiction of the statewide grand jury to include violations of computer and computer-related crimes under chapter 815, F.S.; providing effective dates.

—as amended April 30 was read the third time by title.

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

Amendment 1 (220414)—On page 11, lines 1-15, delete those lines and insert:

(a) *"Known by the defendant to be a minor"* means that the defendant had actual knowledge or believed that the recipient of the communication was a minor.

(b) *"Transmit"* means to send to a specific individual known by the defendant to be a minor via electronic mail.

(2) *Notwithstanding ss. 847.012 and 847.0133, any person in this state who knew or believed that he or she was transmitting an image, information, or data that is harmful to minors, as defined in s. 847.001, to a specific individual known by the defendant to be a minor in this state commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

(3) *Notwithstanding ss. 847.012 and 847.0133, any person in any jurisdiction other than this state who knew or believed that he or she was transmitting*

Amendment 2 (675640)(with title amendment)—On page 5, line 6, insert:

Section 1. Effective October 1, 2001, section 784.048, Florida Statutes, is amended to read:

784.048 Stalking; definitions; penalties.—

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

(a) "Harass" means to engage in a course of conduct directed at a specific person that causes substantial emotional distress in such person and serves no legitimate purpose.

(b) "Course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct." Such constitutionally protected activity includes picketing or other organized protests.

(c) "Credible threat" means a threat made with the intent to cause the person who is the target of the threat to reasonably fear for his or her safety. The threat must be against the life of, or a threat to cause bodily injury to, a person.

(d) *"Cyberstalk"* means to communicate words, images, or language by or through the use of electronic mail or electronic communication, which communication is directed at a specific person, causes substantial emotional distress in such person, and does not serve a legitimate purpose.

(2) Any person who willfully, maliciously, and repeatedly follows, or harasses, or cyberstalks another person commits the offense of stalking, a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3) Any person who willfully, maliciously, and repeatedly follows, or harasses, or cyberstalks another person, and makes a credible threat with the intent to place that person in reasonable fear of death or bodily injury of the person or the person's child, sibling, spouse, or dependent, commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) Any person who, after an injunction for protection against repeat violence pursuant to s. 784.046, or an injunction for protection against domestic violence pursuant to s. 741.30, or after any other court-imposed

prohibition of conduct toward the subject person or that person's property, knowingly, willfully, maliciously, and repeatedly follows, or harasses, or *cyberstalks* another person commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) Any person who willfully, maliciously, and repeatedly follows, or harasses, or *cyberstalks* a minor under 16 years of age commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(6) Any law enforcement officer may arrest, without a warrant, any person he or she has probable cause to believe has violated the provisions of this section.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 2, after the semicolon (;) insert: amending s. 784.048, F.S.; defining the term "cyberstalk" to mean communication by means of electronic mail or electronic communication which causes substantial emotional distress and does not serve a legitimate purpose; including within the offenses of stalking and aggravated stalking the willful, malicious, and repeated cyberstalking of another person; providing penalties; revising the elements of the offense of aggravated stalking to include placing a person in fear of death or bodily injury of the person or the person's child, sibling, spouse, or dependent;

On motion by Senator Geller, **CS for CS for SB 144** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	
Dawson	Laurent	Sanderson	

Nays—None

CS for SB 1318—A bill to be entitled An act relating to correctional facilities; creating s. 784.074, F.S.; providing penalties for an assault or battery upon specified facility staff; creating s. 784.078, F.S.; defining the terms "facility" and "employee"; defining the offense of battery of facility employee by throwing, tossing, or expelling certain fluids or materials on an employee of a correctional facility of the state or local government or a secure facility operated and maintained by the Department of Corrections or the Department of Juvenile Justice or other facility employee, so as to cause or attempt to cause such employee to come into contact with the fluid or material; providing penalties; amending s. 921.0022, F.S.; providing for ranking the offense of battery of a facility employee for purposes of the Criminal Punishment Code offense severity ranking chart; amending s. 945.35, F.S.; providing an educational requirement for correctional facility inmates on communicable diseases; providing, upon the request of a correctional officer or other employee or any unincarcerated person lawfully present in a correctional facility, for testing of such persons and any inmate who may have transmitted a communicable disease to such persons; providing for results to be communicated to affected parties; providing for access to health care; providing that test results are inadmissible in court cases; requiring the department to adopt rules; amending s. 806.13, F.S.; providing a penalty for damaging specified detention or commitment facilities; providing an effective date.

—was read the third time by title.

On motion by Senator Saunders, **CS for SB 1318** was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	
Dawson	Laurent	Sanderson	

Nays—None

On motion by Senator Bronson, consideration of **CS for SB's 1864 and 2086** was deferred.

CS for SB 1932—A bill to be entitled An act relating to controlled substances; authorizing the creation of a pilot program in Orange County to intercept illegal drug shipments through package delivery services; amending ss. 823.10, 823.01, F.S.; providing that a person who willfully keeps or maintains or aids or abets another in keeping or maintaining certain types of places where controlled substances are unlawfully used, kept, sold, or delivered commits the offense of keeping or maintaining a public nuisance; providing a penalty; amending s. 877.111, F.S., relating to inhalation, ingestion, sale, purchase, or transfer of certain harmful chemical substances; providing exceptions to applications of offenses relating to unlawful distribution, sale, purchase, transfer, or possession of nitrous oxide; amending s. 893.03, F.S., relating to controlled substance standards and schedules; adding 4-methoxymethamphetamine, 1, 4-Butanediol, Gamma-butyrolactone (GBL), Gamma-hydroxybutyric acid (GBH), methaqualone, and mecloqualone to Schedule I; deleting 1, 4-Butanediol and Gamma-hydroxybutyric acid from Schedule II; adding drug products containing Gamma-hydroxybutyric acid which are approved under the Federal Food, Drug, and Cosmetic Act to Schedule III; amending s. 893.033, F.S., relating to listed chemicals; adding chloroephedrine and chloropseudoephedrine to the list of precursor chemicals; amending s. 893.135, F.S., relating to drug trafficking; creating offenses for trafficking in Gamma-butyrolactone (GBL) and lysergic acid diethylamide (LSD); providing penalties; amending scheduling references for trafficking in Gamma-hydroxybutyric acid (GHB) and 1, 4-Butanediol; providing effective dates.

—as amended April 30 was read the third time by title.

On motion by Senator Laurent, **CS for SB 1932** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	
Dawson	Laurent	Sanderson	

Nays—None

CS for SB's 1864 and 2086—A bill to be entitled An act relating to law enforcement; amending s. 943.031, F.S.; renaming the Florida Violent Crime Council as the Florida Violent Crime and Drug Control Council; revising membership; providing circumstances for additional meetings; prescribing the duties and responsibilities of the Florida Violent Crime and Drug Control Council; providing statutory limits on funding of investigative efforts by the council; authorizing the Victim and Witness Protection Review Committee to conduct meetings by teleconference under certain circumstances; amending s. 943.17, F.S.; conforming

a reference; amending s. 943.042, F.S.; renaming the Violent Crime Emergency Account as the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account; revising provisions relating to use of emergency supplemental funds; clarifying limits on disbursement of funds for certain purposes; requiring the Department of Law Enforcement to adopt rules pertaining to certain investigations; requiring reports by recipient agencies; providing circumstances for limitation or termination of funding or return of funds by recipient agencies; amending s. 943.0585, F.S., relating to court-ordered expunction of certain criminal history records; adding sexual offenses that require an offender to register with the state to the list of excluded offenses; amending s. 943.059, F.S., relating to court-ordered sealing of certain criminal history records; adding offenses relating to sexual offenses that require an offender to register with the state to the list of excluded offenses; amending s. 943.325, F.S.; permitting collection of approved biological specimens other than blood for purposes of DNA testing; permitting collection of specimens from certain persons who have never been incarcerated; limiting liability; authorizing use of force to collect specimens under certain circumstances; amending s. 760.40, F.S., to conform to changes made by s. 943.325, F.S.; creating s. 843.167, F.S.; prohibiting the interception of police communications for certain purposes; prohibiting disclosure of police communications; providing presumptions; providing penalties; amending s. 943.053, F.S.; providing clarification of the manner in which the Department of Law Enforcement determines the actual cost of producing criminal history information; creating s. 943.0582, F.S.; providing for prearrest, postarrest, or teen court diversion program expunction under certain circumstances; providing definitions; providing for retroactive effect; amending s. 985.3065, F.S.; providing for postarrest diversion programs; providing for expunction of certain records pursuant to s. 943.0582, F.S.; providing an effective date.

—as amended April 30 was read the third time by title.

On motion by Senator Bronson, **CS for SB's 1864 and 2086** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	
Dawson	Laurent	Sanderson	

Nays—None

RECONSIDERATION OF BILL

On motion by Senator Bronson, the Senate reconsidered the vote by which **CS for SB's 1864 and 2086** as amended passed this day.

Pending further consideration of **CS for CS for SB's 1864 and 2086** as amended, on motion by Senator Bronson, by two-thirds vote **CS for HB 1425** was withdrawn from the Committee on Criminal Justice.

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

CS for HB 1425—A bill to be entitled An act relating to law enforcement; amending s. 943.031, F.S.; renaming the Florida Violent Crime Council as the Florida Violent Crime and Drug Control Council; revising membership; providing circumstances for additional meetings; prescribing the duties and responsibilities of the Florida Violent Crime and Drug Control Council; providing statutory limits on funding of investigative efforts by the council; authorizing the Victim and Witness Protection Review Committee to conduct meetings by teleconference under certain circumstances; amending s. 943.17, F.S.; conforming a reference; amending s. 943.042, F.S.; renaming the Violent Crime Emergency Account as the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account; revising provisions relating to use of emergency supplemental funds; clarifying limits on disbursement of funds for certain purposes; requiring the Department of Law Enforcement to adopt rules pertaining to certain investigations; requiring reports by recipient agencies; providing circumstances for limitation or

termination of funding or return of funds by recipient agencies; amending s. 943.0585, F.S., relating to court-ordered expunction of certain criminal history records; adding sexual offenses that require an offender to register with the state to the list of excluded offenses; amending s. 943.059, F.S., relating to court-ordered sealing of certain criminal history records; adding offenses relating to sexual offenses that require an offender to register with the state to the list of excluded offenses; amending s. 943.325, F.S.; permitting collection of approved biological specimens other than blood for purposes of DNA testing; permitting collection of specimens from certain persons who have never been incarcerated; limiting liability; authorizing use of force to collect specimens under certain circumstances; amending s. 760.40, F.S., to conform to changes made by s. 943.325, F.S.; creating s. 843.167, F.S.; prohibiting the interception of police communications for certain purposes; prohibiting disclosure of police communications; providing presumptions; providing penalties; amending s. 943.053, F.S.; providing clarification of the manner in which the Department of Law Enforcement determines the actual cost of producing criminal history information; creating s. 943.0582, F.S.; providing for prearrest, postarrest, or teen court diversion program expunction under certain circumstances; providing definitions; providing for retroactive effect; amending s. 985.3065, F.S.; providing for postarrest diversion programs; providing for expunction of certain records pursuant to s. 943.0582, F.S.; providing an effective date.

—a companion measure, was substituted for **CS for SB's 1864 and 2086** as amended and by two-thirds vote read the second time by title. On motion by Senator Bronson, by two-thirds vote **CS for HB 1425** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	
Dawson	Laurent	Sanderson	

Nays—None

Consideration of **CS for SB 1956** was deferred.

SB 106—A bill to be entitled An act relating to children and families; creating s. 752.011, F.S.; providing for court-ordered visitation for grandparents and great-grandparents under certain circumstances; providing for appointment of a guardian ad litem and family mediation if the court makes a preliminary finding that the minor is threatened with demonstrable significant mental or emotional harm without such visitation; requiring court-ordered evaluation of the child if mediation fails; providing for a hearing to determine whether the minor is threatened with demonstrable significant mental or emotional harm; providing criteria for such a determination; providing for attorney's fees and costs; applying the Uniform Child Custody Jurisdiction Act; repealing s. 752.01, F.S., relating to grandparental visitation; encouraging consolidation of actions under ss. 61.13, 752.011, F.S.; amending ss. 752.015, 752.07, F.S., to conform cross-references; amending s. 39.01, F.S.; including references to great-grandparents in definitions relating to dependent children; amending s. 39.509, F.S.; providing for great-grandparents' visitation rights; amending ss. 39.801, 63.0425, F.S.; providing for a great-grandparent's right to adopt; amending s. 61.13, F.S.; providing for great-grandparents' visitation rights and standing with regard to evaluating custody arrangements; conforming this section to provisions of this act; amending s. 63.172, F.S.; conforming references relating to great-grandparental visitation rights under ch. 752, F.S.; providing an effective date.

—was read the third time by title.

On motion by Senator Campbell, further consideration of **SB 106** was deferred.

CS for CS for SB 374—A bill to be entitled An act relating to elderly persons and disabled adults; amending s. 825.101, F.S.; defining the term “position of trust and confidence”; amending s. 772.11, F.S.; prescribing civil remedies for theft and other offenses in which the victim is an elderly person or disabled adult; providing that a violation of patient rights is not a cause of action under the act; providing for continuation of a cause of action upon the death of the elderly person or disabled adult; authorizing the court to advance a trial on the docket which involves a victim who is an elderly person or disabled adult; creating s. 744.1083, F.S.; providing guidelines for the registration of public guardians; authorizing rulemaking; authorizing certain financial institutions to register; amending s. 744.534, F.S.; revising provisions relating to disposition of unclaimed funds; amending s. 744.703, F.S.; authorizing the establishment of public guardian offices; providing for the staffing of offices; creating s. 744.7082, F.S.; defining the term “direct-support organization”; providing for the purposes of a direct-support organization; amending s. 744.387, F.S.; raising the amount of a claim that may be settled by a natural guardian of a minor without the necessity of appointment of a legal guardian; amending s. 744.301, F.S.; raising the amount of a claim that may be settled by a natural guardian of a minor without the necessity of appointment of a guardian ad litem; providing an effective date.

—as amended April 30 was read the third time by title.

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

Amendment 1 (240792)—On page 6, line 3, delete “*subsection*” and insert: *section*

On motion by Senator Carlton, **CS for CS for SB 374** as amended was passed, ordered engrossed and certified to the House. The vote on passage was:

Yeas—35

Bronson	Diaz de la Portilla	Laurent	Saunders
Burt	Dyer	Lawson	Sebesta
Campbell	Garcia	Meek	Silver
Carlton	Geller	Miller	Smith
Clary	Holzendorf	Mitchell	Sullivan
Constantine	Jones	Posey	Villalobos
Cowin	King	Pruitt	Wasserman Schultz
Crist	Klein	Rossin	Webster
Dawson	Latvala	Sanderson	

Nays—None

Vote after roll call:

Yea—Brown-Waite, Lee, Peaden

CS for SB 1956—A bill to be entitled An act relating to motor vehicles; amending s. 320.01, F.S.; conforming the length limitation for a motor home to that established in ch. 316, F.S.; amending s. 320.699, revising provisions relating to administrative hearings; amending s. 681.115, F.S.; providing that a motor vehicle sales agreement that prohibits disclosure of its terms is void; providing definitions; prohibiting certain unfair or deceptive acts by such dealers; requiring the trial court to consider certain information when awarding attorney’s fees; repealing s. 320.27(9)(n), F.S., relating to licensure sanctions for dealers who fail to disclose certain new vehicle damages to a purchaser; providing an effective date.

—as amended April 30 was read the third time by title.

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

Yeas—38

Bronson	Clary	Diaz de la Portilla	Jones
Brown-Waite	Constantine	Dyer	King
Burt	Cowin	Garcia	Klein
Campbell	Crist	Geller	Latvala
Carlton	Dawson	Holzendorf	Laurent

Lawson	Peaden	Saunders	Villalobos
Lee	Posey	Sebesta	Wasserman Schultz
Meek	Pruitt	Silver	Webster
Miller	Rossin	Smith	
Mitchell	Sanderson	Sullivan	

Nays—None

RECONSIDERATION OF BILL

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

CS for CS for SB 144—A bill to be entitled An act relating to computer crimes; amending s. 827.071, F.S.; revising the definition of “sexual conduct”; amending s. 847.001, F.S.; revising and adding definitions; amending s. 847.0135, F.S.; revising the “Computer Pornography and Child Exploitation Act of 1986” to clarify certain penalties; creating s. 847.0137, F.S.; prohibiting transmissions of child pornography and any image, information, or data harmful to minors; providing penalties; creating s. 847.0138, F.S.; prohibiting transmission of material harmful to minors by electronic device or equipment; providing definitions; providing penalties; creating s. 847.0139, F.S.; providing immunity from civil liability for reporting child pornography, transmission of child pornography, or unlawful transmission of any image, information, or data harmful to minors; amending s. 905.34, F.S.; providing jurisdiction of the statewide grand jury over offenses relating to computer pornography, child exploitation, or violations of s. 847.0135, F.S.; providing severability; amending s. 815.03, F.S.; providing definitions; repealing s. 815.05, F.S., relating to definitions; amending s. 815.06, F.S.; creating offenses against computer equipment or supplies, computers, computer system, and computer networks; providing penalties; amending s. 16.56, F.S., adding violations of computer and computer-related crimes under chapter 815, F.S., expanding prosecutorial jurisdiction of the Office of Statewide Prosecution; amending s. 905.34, F.S.; expanding subject matter jurisdiction of the statewide grand jury to include violations of computer and computer-related crimes under chapter 815, F.S.; providing effective dates.

—as amended passed this day.

RECONSIDERATION OF AMENDMENT

On motion by Senator Geller, the Senate reconsidered the vote by which **Amendment 2** was adopted. **Amendment 2** was withdrawn.

On motion by Senator Geller, **CS for CS for SB 144** as amended was passed, ordered engrossed and certified to the House. The vote on passage was:

Yeas—37

Bronson	Dyer	Lee	Sebesta
Brown-Waite	Garcia	Meek	Silver
Burt	Geller	Miller	Smith
Campbell	Holzendorf	Mitchell	Sullivan
Carlton	Jones	Peaden	Villalobos
Clary	King	Posey	Wasserman Schultz
Constantine	Klein	Pruitt	Webster
Cowin	Latvala	Rossin	
Crist	Laurent	Sanderson	
Dawson	Lawson	Saunders	

Nays—None

On motion by Senator Villalobos, by two-thirds vote **HB 947** was withdrawn from the Committee on Judiciary.

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

HB 947—A bill to be entitled An act relating to medical malpractice presuit investigations; amending s. 766.104, F.S.; authorizing the release of certain records relating to medical care and treatment of a decedent upon the request of certain persons; providing exemption from liability and discipline for health care practitioners complying in good faith; providing an effective date.

—a companion measure, was substituted for **CS for SB 1084** and by two-thirds vote read the second time by title. On motion by Senator Villalobos, by two-thirds vote **HB 947** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Bronson	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	
Dawson	Laurent	Sanderson	
Diaz de la Portilla	Lawson	Saunders	

Nays—None

Vote after roll call:

Yea—Brown-Waite

Consideration of **CS for SB 1558** was deferred.

THE PRESIDENT PRESIDING

SB 414—A bill to be entitled An act relating to public records; amending s. 408.185, F.S.; abrogating the repeal of provisions relating to confidential information submitted to the Office of the Attorney General for review of antitrust issues; providing an effective date.

—was read the third time by title.

On motion by Senator Saunders, **SB 414** was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	
Dawson	Laurent	Sanderson	

Nays—None

RECONSIDERATION OF BILL

On motion by Senator Saunders, the Senate reconsidered the vote by which **SB 414** passed this day.

Pending further consideration of **SB 414**, on motion by Senator Saunders, by two-thirds vote **HB 401** was withdrawn from the Committees on Health, Aging and Long-Term Care; Governmental Oversight and Productivity; and Rules and Calendar.

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

HB 401—A bill to be entitled An act relating to a public records exemption for certain information submitted to the Office of the Attorney General by members of the health care community; amending s. 408.185, F.S., which provides an exemption from public records requirements for certain documents, contracts, and proprietary confidential business information submitted by such entities in connection with a request for an antitrust no-action letter for a specified period; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

—a companion measure, was substituted for **SB 414** and read the second time by title. On motion by Senator Saunders, by two-thirds vote **HB 401** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Laurent	Sanderson
Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	

Nays—None

On motion by Senator Cowin, by two-thirds vote **HB 1673** was withdrawn from the Committee on Children and Families.

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

HB 1673—A bill to be entitled An act relating to acts of violence; providing a short title; amending s. 39.301, F.S.; requiring that staff who conduct child protective investigations receive training on removing a perpetrator of domestic violence from the home by use of injunction; creating s. 741.283, F.S.; requiring that the court order a person to serve a minimum term of imprisonment as part of any sentence imposed for an offense of domestic violence that intentionally caused bodily harm to another person; providing an exception if the person is incarcerated for such offense; amending s. 784.03, F.S.; providing that a person commits felony battery if the offense is a second or subsequent conviction of any type of battery offense; creating s. 938.08, F.S.; requiring that the court impose an additional surcharge for any offense of domestic violence and other assault, battery, and stalking offenses; providing for deposit of a portion of the surcharge into the Domestic Violence Trust Fund; providing for the clerk of the court to retain a service charge; requiring that a portion of the surcharge be used to train law enforcement personnel in combating domestic violence; amending s. 948.03, F.S.; requiring that a person convicted of an offense of domestic violence complete a batterers' intervention program; requiring that the offender pay the cost of attending the program; amending s. 741.01, F.S.; authorizing the Executive Office of the Governor to use a specified amount from the Domestic Violence Trust Fund to fund a public-awareness campaign on domestic violence; amending s. 741.281, F.S.; requiring the court to impose the batterers' intervention program as a condition of probation; providing for an exception; requiring that the batterers' intervention program be certified; providing an effective date.

—a companion measure, was substituted for **CS for SB 1778** as amended and by two-thirds vote read the second time by title. On motion by Senator Cowin, by two-thirds vote **HB 1673** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Dawson	Lawson	Sanderson
Bronson	Diaz de la Portilla	Lee	Saunders
Burt	Garcia	Meek	Sebesta
Campbell	Geller	Miller	Silver
Carlton	Jones	Mitchell	Smith
Clary	King	Peaden	Sullivan
Constantine	Klein	Posey	Villalobos
Cowin	Latvala	Pruitt	Wasserman Schultz
Crist	Laurent	Rossin	Webster

Nays—None

Vote after roll call:

Yea—Brown-Waite

SENATOR COWIN PRESIDING

CS for SB 1652—A bill to be entitled An act relating to nursing homes and related health care facilities; amending s. 400.235, F.S.; revising membership and terms of the Governor’s Panel on Excellence in Long-Term Care; providing for selection of a panel chair; providing a definition; amending s. 400.4195, F.S.; providing conditions under which the prohibition against payment of referral fees by assisted living facilities does not apply; providing an effective date.

—as amended April 30 was read the third time by title.

On motion by Senator Crist, CS for SB 1652 as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Table with 4 columns: Name, Name, Name, Name. Rows include Bronson, Brown-Waite, Burt, Campbell, Carlton, Clary, Constantine, Crist, Dawson, Diaz de la Portilla, Dyer, Garcia, Geller, Holzendorf, Jones, King, Klein, Latvala, Laurent, Lawson, Lee, Meek, Miller, Mitchell, Peaden, Posey, Pruitt, Rossin, Sanderson, Saunders, Sebasta, Silver, Smith, Sullivan, Villalobos, Wasserman Schultz, Webster.

Nays—None

Vote after roll call:

Yea—Cowin

CS for SJR 526—A joint resolution proposing an amendment to Section 1 of Article VIII of the State Constitution, relating to local government, to provide for the nonpartisan election of supervisors of elections.

Be It Resolved by the Legislature of the State of Florida:

That the following amendment to Section 1 of Article VIII of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE VIII LOCAL GOVERNMENT

SECTION 1. Counties.—

(a) POLITICAL SUBDIVISIONS. The state shall be divided by law into political subdivisions called counties. Counties may be created, abolished or changed by law, with provision for payment or apportionment of the public debt.

(b) COUNTY FUNDS. The care, custody and method of disbursing county funds shall be provided by general law.

(c) GOVERNMENT. Pursuant to general or special law, a county government may be established by charter which shall be adopted, amended or repealed only upon vote of the electors of the county in a special election called for that purpose.

(d) COUNTY OFFICERS. There shall be elected by the electors of each county, for terms of four years, a sheriff, a tax collector, a property appraiser, a supervisor of elections, and a clerk of the circuit court; except, when provided by county charter or special law approved by vote of the electors of the county, any county officer, other than the supervisor of elections, may be chosen in another manner therein specified, or any county office may be abolished when all the duties of the office prescribed by general law are transferred to another office. The supervisor of elections in each county, including counties referred to in section 6 of this article, shall be elected in a nonpartisan election. When not otherwise provided by county charter or special law approved by vote of the electors, the clerk of the circuit court shall be ex officio clerk of the board of county commissioners, auditor, recorder and custodian of all county funds.

(e) COMMISSIONERS. Except when otherwise provided by county charter, the governing body of each county shall be a board of county commissioners composed of five or seven members serving staggered terms of four years. After each decennial census the board of county commissioners shall divide the county into districts of contiguous territory as nearly equal in population as practicable. One commissioner residing in each district shall be elected as provided by law.

(f) NON-CHARTER GOVERNMENT. Counties not operating under county charters shall have such power of self-government as is provided by general or special law. The board of county commissioners of a county not operating under a charter may enact, in a manner prescribed by general law, county ordinances not inconsistent with general or special law, but an ordinance in conflict with a municipal ordinance shall not be effective within the municipality to the extent of such conflict.

(g) CHARTER GOVERNMENT. Counties operating under county charters shall have all powers of local self-government not inconsistent with general law, or with special law approved by vote of the electors. The governing body of a county operating under a charter may enact county ordinances not inconsistent with general law. The charter shall provide which shall prevail in the event of conflict between county and municipal ordinances.

(h) TAXES; LIMITATION. Property situate within municipalities shall not be subject to taxation for services rendered by the county exclusively for the benefit of the property or residents in unincorporated areas.

(i) COUNTY ORDINANCES. Each county ordinance shall be filed with the custodian of state records and shall become effective at such time thereafter as is provided by general law.

(j) VIOLATION OF ORDINANCES. Persons violating county ordinances shall be prosecuted and punished as provided by law.

(k) COUNTY SEAT. In every county there shall be a county seat at which shall be located the principal offices and permanent records of all county officers. The county seat may not be moved except as provided by general law. Branch offices for the conduct of county business may be established elsewhere in the county by resolution of the governing body of the county in the manner prescribed by law. No instrument shall be deemed recorded until filed at the county seat, or a branch office designated by the governing body of the county for the recording of instruments, according to law.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT ARTICLE VIII, SECTION 1

SUPERVISORS OF ELECTIONS; NONPARTISAN ELECTION.— Proposing an amendment to the State Constitution under which the supervisors of elections in all counties of the state, including charter counties, would be elected on a nonpartisan basis.

—as amended April 30 was read the third time in full.

On motion by Senator Meek, CS for SJR 526 as amended was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—25

Table with 4 columns: Name, Name, Name, Name. Rows include Brown-Waite, Campbell, Carlton, Clary, Constantine, Dawson, Diaz de la Portilla, Dyer, Geller, Holzendorf, Jones, King, Klein, Lawson, Lee, Meek, Miller, Mitchell, Peaden, Rossin, Saunders, Sebasta, Silver, Smith, Wasserman Schultz.

Nays—13

Table with 4 columns: Name, Name, Name, Name. Rows include Bronson, Burt, Cowin, Crist, Garcia, Latvala, Laurent, Posey, Pruitt, Sanderson, Sullivan, Villalobos, Webster.

Consideration of **HB 657** was deferred.

CS for SB 1468—A bill to be entitled An act relating to land acquisition and management; amending s. 259.105, F.S.; revising goals and performance measures for Florida Forever projects of the Department of Environmental Protection and water management districts; amending s. 253.034, F.S.; defining “conservation lands”; providing procedure for disposition of certain surplus conservation lands by the Board of Trustees of the Internal Improvement Trust Fund; revising procedure for evaluating and offering for sale of surplus lands; providing for disposition of proceeds from the sale of surplus nonconservation lands; amending ss. 253.111 and 253.115, F.S.; exempting Greenway lands from certain public notice and hearing requirements prior to sale, lease, exchange, or grant of easement; amending s. 253.82, F.S.; revising conditions under which certain lands titled to the board of trustees may be declared surplus lands; revising appraisal requirements; providing rule-making authority; creating s. 253.86, F.S.; providing for management and use of certain uplands; providing rulemaking authority of the Office of Coastal and Aquatic Managed Areas; providing for fees; providing a penalty; amending s. 259.035, F.S., correcting a cross reference; amending s. 259.0345, F.S.; repealing authority for certain members of the Legislature to be appointed as ad hoc nonvoting members to the Florida Forever Advisory Council; deleting obsolete provisions; amending s. 298.22, F.S.; authorizing boards of supervisors of water control districts to construct and manage resource-based recreational facilities; amending s. 369.255, F.S.; authorizing certain municipalities to create a funding mechanism for greenspace management and exotic plant control; providing intent of the Legislature to repay any Preservation 2000 funds redirected for other purposes; repealing subsection (8) of s. 259.101, F.S.; relating to the disposal and use of certain state owned lands; providing an effective date.

—as amended April 30 was read the third time by title.

On motion by Senator Latvala, **CS for SB 1468** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	
Dawson	Laurent	Sanderson	

Nays—None

HB 399—A bill to be entitled An act relating to a public records exemption for certain information relating to emergency telephone number “911”; amending s. 365.171, F.S., which provides an exemption from public records requirements for information that reveals the name, address, telephone number, or personal information about, or other information that would identify, a person requesting emergency service or reporting an emergency; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; correcting a reference; providing an effective date.

—was read the third time by title.

On motion by Senator Constantine, **HB 399** was passed and certified to the House. The vote on passage was:

Yeas—37

Bronson	Carlton	Dawson	Geller
Brown-Waite	Clary	Diaz de la Portilla	Holzendorf
Burt	Constantine	Dyer	Jones
Campbell	Crist	Garcia	King

Klein	Miller	Sanderson	Villalobos
Latvala	Mitchell	Saunders	Wasserman Schultz
Laurent	Peaden	Sebesta	Webster
Lawson	Posey	Silver	
Lee	Pruitt	Smith	
Meek	Rossin	Sullivan	

Nays—None

Vote after roll call:

Yea—Cowin

MOTION

On motion by Senator Geller, the House was requested to return **CS for SB 2060**.

SB 2240—A bill to be entitled An act relating to warranty associations; amending s. 634.011, F.S.; defining the term “additive product”; redefining the terms “motor vehicle service agreement” and “salesperson”; amending s. 634.044, F.S.; including part inventories among the allowable assets of a service agreement company; amending s. 634.137, F.S.; providing for submission of financial reports to the Department of Insurance in a computer-readable form; amending s. 634.171, F.S.; providing that a motor vehicle service agreement company is not required to be licensed as a salesperson to solicit, sell, issue, or otherwise transact the motor vehicle service agreements issued by the company; repealing s. 634.281, F.S., which provides that service agreement companies and their salespersons shall be subject to pt. IX of ch. 626, F.S., relating to service agreement companies and their salespersons; creating s. 634.2815, F.S.; prohibiting engaging in any trade practice determined to be an unfair method of competition or an unfair or deceptive act or practice involving the business of motor vehicle service agreements; creating s. 634.282, F.S.; defining unfair methods of competition and unfair or deceptive acts or practices; creating s. 634.2825, F.S.; requiring vendors and lenders to separately state and identify the amount charged and to be paid for a motor vehicle service agreement; providing applicability; creating s. 634.283, F.S.; providing power of the Department of Insurance to examine and investigate the affairs of persons involved in the business of motor vehicle service agreements in the state; creating s. 634.284, F.S.; authorizing the department to conduct hearings with respect to specified prohibited practices; providing a fine for failure to comply with a subpoena or an order directing discovery; creating s. 634.285, F.S.; providing for the issuance of cease and desist orders by the department; providing specified penalties; creating s. 634.286, F.S.; providing for appeals of orders of the department; creating s. 634.287, F.S.; providing penalties for violation of a cease and desist order of the department; creating s. 634.288, F.S.; providing for civil liability; amending s. 634.3077, F.S.; eliminating specified assets to be deducted in computing the net asset requirement of a home warranty association; creating s. 634.3078, F.S.; specifying allowable assets and liabilities with respect to the determination of the financial condition of a service warranty association; amending s. 634.312, F.S.; amending provisions relating to the filing and approval of forms; amending s. 634.313, F.S.; providing for the submission of annual statements and financial reports to the Department of Insurance in a computer-readable form; amending s. 634.318, F.S.; providing that a home warranty association is not required to be licensed as a salesperson to solicit, sell, issue, or otherwise transact the home warranty agreements issued by the association; amending s. 634.331, F.S.; revising terminology with respect to coverage of property for sale; amending s. 634.415, F.S.; providing for the submission of statements and reports to the Department of Insurance in a computer-readable form; amending s. 634.419, F.S.; providing that a service warranty association is not required to be licensed as a sales representative to solicit, sell, or issue service warranty agreements issued by the association; amending s. 634.436, F.S.; including advertising, offering, or providing a free service warranty as an inducement to specified purchases or sales among acts or practices that constitute unfair methods of competition and unfair or deceptive acts or practices; amending ss. 624.124, 628.4615, F.S.; correcting cross-references; creating s. 634.289, F.S.; providing rulemaking authority; amending s. 634.302, F.S.; providing rulemaking authority; amending s. 634.402, F.S.; providing rulemaking authority; providing for effective dates.

—as amended April 30 was read the third time by title.

On motion by Senator Garcia, **SB 2240** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Villalobos
Clary	Jones	Peaden	Wasserman Schultz
Constantine	King	Posey	Webster
Cowin	Klein	Pruitt	
Crist	Latvala	Rossin	
Dawson	Laurent	Sanderson	

Nays—None

Vote after roll call:

Yea—Sullivan

The Senate resumed consideration of—

SB 106—A bill to be entitled An act relating to children and families; creating s. 752.011, F.S.; providing for court-ordered visitation for grandparents and great-grandparents under certain circumstances; providing for appointment of a guardian ad litem and family mediation if the court makes a preliminary finding that the minor is threatened with demonstrable significant mental or emotional harm without such visitation; requiring court-ordered evaluation of the child if mediation fails; providing for a hearing to determine whether the minor is threatened with demonstrable significant mental or emotional harm; providing criteria for such a determination; providing for attorney’s fees and costs; applying the Uniform Child Custody Jurisdiction Act; repealing s. 752.01, F.S., relating to grandparental visitation; encouraging consolidation of actions under ss. 61.13, 752.011, F.S.; amending ss. 752.015, 752.07, F.S., to conform cross-references; amending s. 39.01, F.S.; including references to great-grandparents in definitions relating to dependent children; amending s. 39.509, F.S.; providing for great-grandparents’ visitation rights; amending ss. 39.801, 63.0425, F.S.; providing for a great-grandparent’s right to adopt; amending s. 61.13, F.S.; providing for great-grandparents’ visitation rights and standing with regard to evaluating custody arrangements; conforming this section to provisions of this act; amending s. 63.172, F.S.; conforming references relating to great-grandparental visitation rights under ch. 752, F.S.; providing an effective date.

—which was previously considered this day.

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

Amendment 1 (381408)—On page 2, line 23 through page 3, line 1, delete those lines and insert: *742.091; or*

(e) *A deceased parent of the minor has made a written*

THE PRESIDENT PRESIDING

On motion by Senator Campbell, **SB 106** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—19

Burt	Garcia	Lee	Rossin
Campbell	Geller	Miller	Saunders
Constantine	Jones	Mitchell	Villalobos
Cowin	Klein	Peaden	Webster
Crist	Latvala	Pruitt	

Nays—16

Mr. President	Brown-Waite	Dawson	Dyer
Bronson	Carlton	Diaz de la Portilla	Holzendorf

Laurent	Posey	Sebesta	Sullivan
Meek	Sanderson	Smith	Wasserman Schultz

Vote after roll call:

Nay—King

HB 657—A bill to be entitled An act relating to the official Florida Statutes; amending ss. 11.2421, 11.2422, 11.2424, and 11.2425, Florida Statutes; adopting the Florida Statutes 2001 and designating the portions thereof that are to constitute the official law of the state; providing that the Florida Statutes 2001 shall be effective immediately upon publication; providing that general laws enacted during the 2000 regular session and prior thereto and not included in the Florida Statutes 2001 are repealed; providing that general laws enacted during the 2001 regular session are not repealed by this adoption act.

—as amended April 30 was read the third time by title.

On motion by Senator Lee, **HB 657** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Diaz de la Portilla	Lawson	Sanderson
Brown-Waite	Dyer	Lee	Saunders
Burt	Garcia	Meek	Sebesta
Campbell	Geller	Miller	Silver
Clary	Holzendorf	Mitchell	Smith
Constantine	Jones	Peaden	Sullivan
Cowin	Klein	Posey	Villalobos
Crist	Latvala	Pruitt	Wasserman Schultz
Dawson	Laurent	Rossin	Webster

Nays—None

Vote after roll call:

Yea—King

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Burt, the rules were waived and the Committee on Judiciary was granted permission to meet this day from 5:30 p.m. until 6:30 p.m. to consider **CS for HB 415** and **SB 1832**.

On motion by Senator Carlton, the rules were waived and the Committee on Finance and Taxation was granted permission to meet this day from 4:30 p.m. until 5:30 p.m. to consider **SB 128**, **SB 1598**, **HB 21** and **SB 156**.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **CS for SB 2**, **SB 430**, **SB 432**, **CS for CS for SB 460**, **CS for SB 1566**, **SB 1620**, **CS for CS for CS for SB 1758** and **SB 1868** were withdrawn from the Committees on Appropriations Subcommittee on General Government; and Appropriations; **CS for SB 876**, **CS for SB 978** and **CS for SB 986** were withdrawn from the Committee on Rules and Calendar; **CS for SB 1342** was withdrawn from the Committee on Appropriations; **CS for CS for SB 180**, **CS for SB 812** and **SB 1810** were withdrawn from the Committees on Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations; **CS for CS for SB 294** was withdrawn from the Committees on Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations; **CS for SB 364** was withdrawn from the Committee on Governmental Oversight and Productivity; **SJR 434** was withdrawn from the Committee on Criminal Justice; **SJR 1176** was withdrawn from the Committee on Finance and Taxation; **SB 2046** was withdrawn from the Committee on Comprehensive Planning, Local and Military Affairs; and **CS for SB 2218** was withdrawn from the Committees on Governmental Oversight and Productivity; and Rules and Calendar.

RECESS

On motion by Senator Lee, the Senate recessed at 12:00 noon to reconvene at 1:00 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 1:04 p.m. A quorum present—40:

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

BILLS ON THIRD READING, continued

SENATOR SEBESTA PRESIDING

CS for SB 1922—A bill to be entitled An act relating to the state government; amending s. 121.0515, F.S., relating to special risk membership; revising criteria for firefighters; amending s. 120.80, F.S.; providing that marketing orders under ch. 527, F.S., are not rules; amending s. 125.27, F.S.; authorizing the Department of Agriculture and Consumer Services to lease or lend equipment to governmental entities that have fire/rescue responsibilities; limiting liability for civil damages resulting from use or possession of such equipment; amending s. 193.461, F.S.; providing that, for purposes of the income methodology approach to such assessment, certain litter containment and animal waste nutrient containment structures shall be considered a part of the average yields per acre and have no separately assessable contributory value; amending s. 201.15, F.S.; authorizing the department to adopt rules regarding the distribution of funds for best management practices; amending s. 316.228, F.S.; revising requirements for lamps on projecting loads; amending s. 320.08, F.S.; redefining the term "goat" to include certain additional farm equipment for purposes of the annual license tax imposed on trucks; amending s. 403.714, F.S.; deleting a requirement that the department coordinate development of uniform product specifications for compost used by state agencies; amending s. 487.041, F.S.; authorizing the department to require and review data relating to the claims of pesticide products used as preventive treatment for termites; authorizing the department to adopt rules; amending s. 500.09, F.S.; authorizing fees for certain reinspection of food establishments; amending s. 500.12, F.S.; increasing the maximum fee for a food permit; limiting the use of such fees; amending ss. 502.012, 502.014, F.S.; revising references relating to the pasteurized milk ordinance and milk sanitation; deleting a requirement that a copy of a federal temporary marketing permit for milk and milk products be forwarded to the department; amending s. 502.053, F.S.; clarifying milk testing requirements; amending s. 502.091, F.S.; authorizing the department to forgo the grading of certain milk products in an emergency; providing for labeling; amending s. 503.041, F.S.; providing that an attempted or purported transfer of a frozen dessert plant license is grounds for its suspension or revocation; repealing ss. 504.21, 504.22, 504.23, 504.24, 504.25, 504.26, 504.27, 504.28, 504.29, 504.31, 504.32, 504.33, 504.34, 504.35, 504.36, F.S.; eliminating the Florida Organic Farming and Food Law; providing an effective date; repealing ss. 536.20, 536.21, 536.22, F.S., relating to timber and lumber; repealing s. 570.381, F.S., relating to Appaloosa racing; amending ss. 550.2625, 550.2633, F.S.; conforming cross-references; amending s. 570.07, F.S.; authorizing the department to conduct investigations of violations of laws relating to consumer protection; amending s. 503.071, F.S.; providing for the embargo, detainment, or destruction of food or food processing equipment of a frozen dessert manufacturer; amending s. 570.244, F.S.; clarifying powers and duties of the department relating to the development of agribusinesses; amending s. 570.249, F.S.; clarifying aquacultural crops eligible for Agricultural Economic Development Program disaster loans; revising loan application requirements; directing the department to establish an agribusiness market development grant program; amending s. 570.38, F.S.; increasing membership of the Animal Industry Technical Council; amending s. 580.031, F.S.; revising definitions; amending s. 580.051, F.S.; revising

label requirements for feed; amending s. 580.065, F.S.; revising feed laboratory procedures; amending s. 580.091, F.S.; removing intent language regarding feed sampling and analysis; amending s. 580.112, F.S.; expanding prohibited acts; amending s. 581.211, F.S.; providing a penalty for violation of rules relating to plant industry; amending s. 585.145, F.S.; prescribing requirements with respect to veterinarians who may inspect animals for disease; amending s. 585.155, F.S.; revising vaccination requirements for calves; amending s. 589.19, F.S.; naming a state forest; amending s. 616.242, F.S.; providing additional exemptions from amusement ride safety standards; amending s. 828.22, F.S.; creating the "Humane Slaughter Act"; revising provisions relating to humane slaughter and livestock euthanasia; amending s. 828.23, F.S.; revising definitions; amending s. 828.24, F.S.; revising provisions relating to prohibited acts; amending s. 828.25, F.S.; revising provisions relating to administration of the act by the department; creating s. 828.251, F.S.; directing the department to make current technical information available to slaughterers; creating s. 828.252, F.S.; providing for humane treatment of nonambulatory animals; amending s. 828.26, F.S.; revising penalties; amending ss. 427.804, 559.921, F.S.; conforming cross-references; creating s. 604.60, F.S.; providing that certain agricultural growers or producers shall have a right to recover damages as a result of willful and knowing damage or destruction of specified agricultural products; providing considerations and limits in award of damages; providing for costs and attorney's fees; amending s. 810.09, F.S.; prohibiting trespass upon specified legally posted agricultural sites; providing a penalty; reenacting ss. 260.0125(5)(b) and 810.011(5)(b), F.S., to incorporate the amendment to s. 810.09, F.S., in references thereto; repealing s. 570.544(10) and (11), F.S., relating to authority of the Division of Consumer Services of the department to conduct investigations of violations of laws relating to consumer protection; creating s. 373.621, F.S.; providing consideration for certain applicants who implement water conservation practices; amending section 601.48, F.S.; eliminating provisions relating to inspection of processed citrus products for grade and subsequent grading and designation thereof; authorizing the Florida Department of Citrus or its successor, to collect dues, contributions, or any other financial payment upon request by and on behalf of any not-for-profit corporation; amending s. 232.246, F.S.; authorizing Agri-science Foundations I to count as a science credit; providing an effective date; abolishing specified authorities and councils advisory to the department; creating s. 570.085, F.S.; creating an agricultural water conservation program within the department; designating the official citrus archive of Florida; providing for severability; providing effective dates.

—as amended April 30 was read the third time by title.

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

Amendment 1 (472586)(with title amendment)—On page 58, between lines 16 and 17, insert:

Section 59. (1) *The Department of Agriculture and Consumer Services shall provide compensation to eligible homeowners whose citrus trees have been removed under a citrus canker eradication program. Funds to pay this compensation may be derived from both state and federal matching sources, and shall be specifically appropriated by law. Eligible homeowners shall be compensated subject to the availability of appropriated funds.*

(2) *To be eligible to receive compensation under the program, a homeowner must:*

(a) *Be the homeowner of record on the effective date of this act for residential property where one or more citrus trees have been removed as part of a citrus canker eradication program;*

(b) *Have had one or more citrus trees removed from the property by a tree-cutting contractor as part of a citrus canker eradication program on or after January 1, 1995; and*

(c) *Have received no commercial compensation and is not eligible to receive commercial compensation from the United States Department of Agriculture for citrus trees removed as part of a citrus canker eradication program.*

(3) *The amount of compensation for each tree removed from residential property by the citrus canker eradication program shall be \$100 per tree. If the homeowner's property is eligible for a Shade Dade or a Shade Florida Card, the homeowner may not receive compensation under this*

section for the first citrus tree removed from the property as part of a citrus canker eradication program.

(4) The specification of a per-tree amount paid for the residential citrus canker compensation program does not limit the amount of any other compensation that may be paid by another entity or pursuant to court order for the removal of citrus trees as part of a citrus canker eradication program.

(5) Of the funds appropriated to the department under this section, the department may use up to \$500,000 to administer the residential citrus canker compensation program. Specifically, the department shall:

(a) Take reasonable steps to identify and notify owners of citrus trees removed as part of a citrus canker eradication program of the availability of the compensation program.

(b) Notify homeowners of the manner in which the owner may request funding.

(c) Develop a compensation request form and make it available to eligible homeowners.

(d) Develop a process to resolve disputes relating to compensation. The department's decision is final and is not subject to chapter 120, Florida Statutes.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 26, after "severability;" insert: requiring the Department of Agriculture and Consumer Services to administer a residential citrus canker compensation program; providing for sources of funds; providing for homeowners to receive compensation for citrus trees removed on or after a specified date as part of a citrus canker eradication program; providing eligibility criteria for receiving compensation; specifying the amount of compensation provided under the program, subject to availability of funds; requiring that the department notify homeowners of the program and develop a dispute-resolution process;

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

Amendment 2 (924058)(with title amendment)—On page 58, between lines 16 and 17, insert:

Section 3. *Short title.*—Sections 3 through 7 of this act may be cited as the "Rural and Family Lands Protection Act."

Section 4. *Definitions.*—As used in sections 5 and 6 of this act, the term "department" means the Department of Agriculture and Consumer Services.

Section 5. Section 570.70, Florida Statutes, is created to read:

570.70 *Legislative findings.*—The Legislature finds and declares that:

(1) A thriving rural economy with a strong agricultural base, healthy natural environment, and viable rural communities is an essential part of Florida. Rural areas also include the largest remaining intact ecosystems and best examples of remaining wildlife habitats as well as a majority of privately owned land targeted by local, state, and federal agencies for natural-resource protection.

(2) The growth of Florida's population can result in agricultural and rural lands being converted into residential or commercial development.

(3) The agricultural, rural, natural-resource, and commodity values of rural lands are vital to the state's economy, productivity, rural heritage, and quality of life.

(4) The Legislature further recognizes the need for enhancing the ability of rural landowners to obtain economic value from their property, protecting rural character, controlling urban sprawl, and providing necessary open space for agriculture and the natural environment, and the importance of maintaining and protecting Florida's rural economy through innovative planning and development strategies in rural areas and the use of incentives that reward landowners for good stewardship of land and natural resources.

(5) The purpose of this act is to bring under public protection lands that serve to limit subdivision and conversion of agricultural and natural areas that provide economic, open space, water, and wildlife benefits by acquiring land or related interests in land such as perpetual, less-than-fee acquisitions, agricultural protection agreements, and resource conservation agreements and innovative planning and development strategies in rural areas.

Section 6. Section 570.71, Florida Statutes, is created to read:

570.71 *Conservation easements and agreements.*—

(1) The department, on behalf of the Board of Trustees of the Internal Improvement Trust Fund, may allocate moneys to acquire perpetual, less-than-fee interest in land, to enter into agricultural protection agreements, and to enter into resource conservation agreements for the following public purposes:

(a) Promotion and improvement of wildlife habitat;

(b) Protection and enhancement of water bodies, aquifer recharge areas, wetlands, and watersheds;

(c) Perpetuation of open space on lands with significant natural areas; or

(d) Protection of agricultural lands threatened by conversion to other uses.

(2) To achieve the purposes of this act, beginning no sooner than July 1, 2002, and every year thereafter, the department may accept applications for project proposals that:

(a) Purchase conservation easements, as defined in s. 704.06.

(b) Purchase rural-lands-protection easements pursuant to this act.

(c) Fund resource conservation agreements pursuant to this act.

(d) Fund agricultural protection agreements pursuant to this act.

No funds may be expended to implement this subsection prior to July 1, 2002.

(3) Rural-lands-protection easements shall be a perpetual right or interest in agricultural land which is appropriate to retain such land in predominantly its current state and to prevent the subdivision and conversion of such land into other uses. This right or interest in property shall prohibit only the following:

(a) Construction or placing of buildings, roads, billboards or other advertising, utilities, or structures, except those structures and unpaved roads necessary for the agricultural operations on the land or structures necessary for other activities allowed under the easement, and except for linear facilities described in s. 704.06(11);

(b) Subdivision of the property;

(c) Dumping or placing of trash, waste, or offensive materials; and

(d) Activities that affect the natural hydrology of the land or that detrimentally affect water conservation, erosion control, soil conservation, or fish or wildlife habitat, except those required for environmental restoration; federal, state, or local government regulatory programs; or best management practices.

(4) Resource conservation agreements will be contracts for services which provide annual payments to landowners for services that actively improve habitat and water restoration or conservation on their lands over and above that which is already required by law or which provide recreational opportunities. They will be for a term of not less than 5 years and not more than 10 years. Property owners will become eligible to enter into a resource conservation agreement only upon entering into a conservation easement or rural lands protection easement.

(5) Agricultural protection agreements shall be for terms of 30 years and will provide payments to landowners having significant natural areas on their land. Public access and public recreational opportunities may be negotiated at the request of the landowner.

(a) For the length of the agreement, the landowner shall agree to prohibit:

1. Construction or placing of buildings, roads, billboards or other advertising, utilities, or structures, except those structures and unpaved roads necessary for the agricultural operations on the land or structures necessary for other activities allowed under the easement, and except for linear facilities described in s. 704.06(11);

2. Subdivision of the property;

3. Dumping or placing of trash, waste, or offensive materials; and

4. Activities that affect the natural hydrology of the land, or that detrimentally affect water conservation, erosion control, soil conservation, or fish or wildlife habitat.

(b) As part of the agricultural protection agreement, the parties shall agree that the state shall have a right to buy a conservation easement or rural land protection easement at the end of the 30-year term or prior to the landowner transferring or selling the property, whichever occurs later. If the landowner tenders the easement for the purchase and the state does not timely exercise its right to buy the easement, the landowner shall be released from the agricultural agreement. The purchase price of the easement shall be established in the agreement and shall be based on the value of the easement at the time the agreement is entered into, plus a reasonable escalator multiplied by the number of full calendar years following the date of the commencement of the agreement. The landowner may transfer or sell the property before the expiration of the 30-year term, but only if the property is sold subject to the agreement and the buyer becomes the successor in interest to the agricultural protection agreement. Upon mutual consent of the parties, a landowner may enter into a perpetual easement at any time during the term of an agricultural protection agreement.

(6) Payment for conservation easements and rural land protection easements shall be a lump-sum payment at the time the easement is entered into.

(7) Landowners entering into an agricultural protection agreement may receive up to 50 percent of the purchase price at the time the agreement is entered into and remaining payments on the balance shall be equal annual payments over the term of the agreement.

(8) Payments for the resource conservation agreements shall be equal annual payments over the term of the agreement.

(9) Easements purchased pursuant to this act may not prevent landowners from transferring the remaining fee value with the easement.

(10) The department, in consultation with the Department of Environmental Protection, the water management districts, the Department of Community Affairs, and the Florida Fish and Wildlife Conservation Commission, shall adopt rules that establish an application process, a process and criteria for setting priorities for use of funds consistent with the purposes specified in s. 570.71(1) and giving preference to ranch and timber lands managed using sustainable practices, an appraisal process, and a process for title review and compliance and approval of the rules by the Board of Trustees of the Internal Improvement Trust Fund.

(11) If a landowner objects to having his property included in any lists or maps developed to implement this act, the department shall remove the property from any such lists or maps upon receipt of the landowner's written request to do so.

(12) The department is authorized to use funds from the following sources to implement this act:

(a) State funds;

(b) Federal funds;

(c) Other governmental entities;

(d) Nongovernmental organizations; or

(e) Private individuals.

Any such funds provided shall be deposited into the Conservation and Recreation Lands Program Trust Fund within the Department of Agriculture and Consumer Services and used for the purposes of this act.

(13) No more than ten percent of any funds made available to implement this act shall be expended for resource conservation agreements and agricultural protection agreements.

(14) The department, in consultation with the Department of Environmental Protection, the Fish and Wildlife Conservation Commission, and the water management districts shall conduct a study to determine and prioritize needs for implementing the act.

(a) The department may contract with the Florida Natural Areas Inventory for an analysis of the geographic distribution of certain types of natural resources, or resource-based land uses that have been identified for acquisition by previous conservation and recreation land acquisition programs.

(b) The needs assessment shall locate areas of the state where existing privately-owned ranch and timber lands containing resources of the type identified in (a) can be preserved or protected through implementation of the Rural and Family Lands Protection Act.

(c) The department shall report its findings to the Governor, President of the Senate, and Speaker of the House of Representatives by December 31, 2001. At a minimum, the report must include a prioritization of the types of resources to be preserved or protected, the location of privately-owned ranch and timber lands containing such resources that could be preserved or protected by easements or agreements pursuant to this act, and the funding needs for the program.

Section 7. Subsection (11) of section 163.3177, Florida Statutes, is amended to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(11)(a) The Legislature recognizes the need for innovative planning and development strategies which will address the anticipated demands of continued urbanization of Florida's coastal and other environmentally sensitive areas, and which will accommodate the development of less populated regions of the state which seek economic development and which have suitable land and water resources to accommodate growth in an environmentally acceptable manner. The Legislature further recognizes the substantial advantages of innovative approaches to development which may better serve to protect environmentally sensitive areas, maintain the economic viability of agricultural and other predominantly rural land uses, and provide for the cost-efficient delivery of public facilities and services.

(b) It is the intent of the Legislature that the local government comprehensive plans and plan amendments adopted pursuant to the provisions of this part provide for a planning process which allows for land use efficiencies within existing urban areas and which also allows for the conversion of rural lands to other uses, where appropriate and consistent with the other provisions of this part and the affected local comprehensive plans, through the application of innovative and flexible planning and development strategies and creative land use planning techniques, which may include, but not be limited to, urban villages, new towns, satellite communities, area-based allocations, clustering and open space provisions, mixed-use development, and sector planning.

(c) It is the further intent of the Legislature that local government comprehensive plans and implementing land development regulations shall provide strategies which maximize the use of existing facilities and services through redevelopment, urban infill development, and other strategies for urban revitalization.

(d)1. The department, in cooperation with the Department of Agriculture and Consumer Services, shall provide assistance to local governments in the implementation of this paragraph and s. 9J-5.006(5)(l), Florida Administrative Code. Implementation of those provisions shall include a process by which the department may authorize up to five local governments to designate all or portions of lands classified in the future land use element as predominantly agricultural, rural, open, open-rural, or a substantively equivalent land use, as a rural land stewardship area within which planning and economic incentives are applied to encourage the implementation of innovative and flexible planning and development strategies and creative land use planning techniques, including those contained in Rule 9J-5.006(5)(l), Florida Administrative Code.

2. The department shall encourage participation by local governments of different sizes and rural characteristics. It is the intent of the Legislature that rural land stewardship areas be used to further the following broad principles of rural sustainability: restoration and maintenance of the economic value of rural land; control of urban sprawl; identification and protection of ecosystems, habitats, and natural resources; promotion of rural economic activity; maintenance of the viability of Florida's agricultural economy; and protection of the character of rural areas of Florida.

3. A local government may apply to the department in writing requesting consideration for authorization to designate a rural land stewardship area and shall describe its reasons for applying for the authorization with supporting documentation regarding its compliance with criteria set forth in this section.

4. In selecting a local government, the department shall, by written agreement:

a. Ensure that the local government has expressed its intent to designate a rural land stewardship area pursuant to the provisions of this subsection and clarify that the rural land stewardship area is intended.

b. Ensure that the local government has the financial and administrative capabilities to implement a rural land stewardship area.

5. The written agreement shall include the basis for the authorization and provide criteria for evaluating the success of the authorization including the extent the rural land stewardship area enhances rural land values; control urban sprawl; provides necessary open space for agriculture and protection of the natural environment; promotes rural economic activity; and maintains rural character and the economic viability of agriculture. The department may terminate the agreement at any time if it determines that the local government is not meeting the terms of the agreement.

6. A rural land stewardship area shall be not less than 50,000 acres and shall not exceed 250,000 acres in size, shall be located outside of municipalities and established urban growth boundaries, and shall be designated by plan amendment. The plan amendment designating a rural land stewardship area shall be subject to review by the Department of Community Affairs pursuant to s. 163.3184, F.S., and shall provide for the following:

a. Criteria for the designation of receiving areas within rural land stewardship areas in which innovative planning and development strategies may be applied. Criteria shall at a minimum provide for the following: adequacy of suitable land to accommodate development so as to avoid conflict with environmentally sensitive areas, resources, and habitats; compatibility between and transition from higher density uses to lower intensity rural uses; the establishment of receiving area service boundaries which provide for a separation between receiving areas and other land uses within the rural and stewardship are through limitations on the extension of services; and connection of receiving areas with the rest of the rural land stewardship area using rural design and rural road corridors.

b. Goals, objectives, and policies setting forth the innovative planning and development strategies to be applied within rural land stewardship areas pursuant to the provisions of this section.

c. A process for the implementation of innovative planning and development strategies within the rural land stewardship area, including those described in this subsection and s. 9J-5.006(5)(l), Florida Administrative Code, which provide for a functional mix of land uses and which are applied through the adoption by the local government of zoning and land development regulations applicable to the rural land stewardship area.

d. A process which encourages visioning pursuant to s. 163.3167(11) to ensure that innovative planning and development strategies comply with the provisions of this section.

e. The control of sprawl through the use of innovative strategies and creative land use techniques consistent with the provisions of this subsection and rural 9J-5.006(5)(l), Florida Administrative Code.

7. A receiving area shall be designated by the adoption of a land development regulation. Prior to the designation of a receiving area, the

local government shall provide the Department of Community Affairs a period of 30 days in which to review a proposed receiving area for consistency with the rural land stewardship area plan amendment and to provide comments to the local government.

8. Upon the adoption of a plan amendment creating a rural land stewardship area, the local government shall, by ordinance, assign to the area a certain number of credits, to be known as "transferable rural land use credits," which shall not constitute a right to develop land, nor increase density of land, except as provided by this section. The total amount of transferrable rural land use credits assigned to the rural land stewardship area must correspond to the 25-year or greater projected population of the rural land stewardship area. Transferable rural land use credits are subject to the following limitations:

a. Transferable rural land use credits may only exist within a rural land stewardship area.

b. Transferable rural land use credits may only be used on lands designated as receiving areas and then solely for the purpose of implementing innovative planning and development strategies and creative land use planning techniques adopted by the local government pursuant to this section.

c. Transferable rural land use credits assigned to a parcel of land within a rural land stewardship area shall cease to exist if the parcel of land is removed from the rural land stewardship area by plan amendment.

d. Neither the creation of the rural land stewardship area by plan amendment nor the assignment of transferable rural land use credits by the local government shall operate to displace the underlying density of land uses assigned to a parcel of land within the rural land stewardship area; however, if transferable rural land use credits are transferred from a parcel for use within a designated receiving area, the underlying density assigned to the parcel of land shall cease to exist.

e. The underlying density on each parcel of land located within a rural land stewardship area shall not be increased or decreased by the local government, except as a result of the conveyance or use of transferable rural land use credits, as long as the parcel remains within the rural land stewardship area.

f. Transferable rural land use credits shall cease to exist on a parcel of land where the underlying density assigned to the parcel of land is utilized.

g. An increase in the density of use on a parcel of land located within a designated receiving area may occur only through the assignment or use of transferable rural land use credits and shall not require a plan amendment.

h. A change in the density of land use on parcels located within receiving areas shall be specified in a development order which reflects the total number of transferable rural land use credits assigned to the parcel of land and the infrastructure and support services necessary to provide for a functional mix of land uses corresponding to the plan of development.

i. Land within a rural land stewardship area may be removed from the rural land stewardship area through a plan amendment.

j. Transferable rural land use credits may be assigned at different ratios of credits per acre according to the land use remaining following the transfer of credits, with the highest number of credits per acre assigned to preserve environmentally valuable land and a lesser number of credits to be assigned to open space and agricultural land.

k. The use or conveyance of transferable rural land use credits must be recorded in the public records of the county in which the property is located as a covenant or restrictive easement running with the land in favor of the county and either the Department of Environmental Protection, Department of Agriculture and Consumer Services, a water management district, or a recognized statewide land trust.

9. Owners of land within rural land stewardship areas should be provided incentives to enter into rural land stewardship agreements, pursuant to existing law and rules adopted thereto, with state agencies, water management districts, and local governments to achieve mutually

agreed upon conservation objectives. Such incentives may include, but not be limited to, the following:

- a. Opportunity to accumulate transferable mitigation credits.
- b. Extended permit agreements.
- c. Opportunities for recreational leases and ecotourism.
- d. Payment for specified land management services on publicly owned land, or property under covenant or restricted easement in favor of a public entity.
- e. Option agreements for sale to government, in either fee or easement, upon achievement of conservation objectives.

10. The department shall report to the Legislature on an annual basis on the results of implementation of rural land stewardship areas authorized by the department, including successes and failures in achieving the intent of the Legislature as expressed in this paragraph. It is further the intent of the Legislature that the success of authorized rural land stewardship areas be substantiated before implementation occurs on a state-wide basis.

(e)(d) The implementation of this subsection shall be subject to the provisions of this chapter, chapters 186 and 187, and applicable agency rules.

(f)(e) The department may adopt rules necessary to shall implement the provisions of this subsection by rule.

Section 8. Paragraph (e) of subsection (2) of section 380.06, Florida Statutes, is amended to read:

380.06 Developments of regional impact.—

(2)

(e) With respect to residential, hotel, motel, office, and retail developments, the applicable guidelines and standards shall be increased by 50 percent in urban central business districts and regional activity centers of jurisdictions whose local comprehensive plans are in compliance with part II of chapter 163. With respect to multiuse developments, the applicable guidelines and standards shall be increased by 100 percent in urban central business districts and regional activity centers of jurisdictions whose local comprehensive plans are in compliance with part II of chapter 163, if one land use of the multiuse development is residential and amounts to not less than 35 percent of the jurisdiction's applicable residential threshold. With respect to resort or convention hotel developments, the applicable guidelines and standards shall be increased by 150 percent in urban central business districts and regional activity centers of jurisdictions whose local comprehensive plans are in compliance with part II of chapter 163 and where the increase is specifically for a proposed resort or convention hotel located in a county with a population greater than 500,000 and the local government specifically designates that the proposed resort or convention hotel development will serve an existing convention center of more than 250,000 gross square feet built prior to July 1, 1992. ~~The Administration Commission, upon the recommendation of the state land planning agency, shall implement this paragraph by rule no later than December 1, 1993. The increased guidelines and standards authorized by this paragraph shall not be implemented until the effectiveness of the rule which, among other things, shall set forth the pertinent characteristics of urban central business districts and regional activity centers.~~

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 26, after the second semicolon (;) insert: creating the "Rural and Family Lands Protection Act"; defining terms; creating s. 570.70, F.S.; providing legislative intent; creating s. 570.71, F.S.; providing for the purchase of rural-lands-protection easements by the Department of Agriculture and Consumer Services; providing criteria; providing for resource conservation agreements and agricultural protection agreements; prescribing allowable land uses; providing for an application process; providing for the sale of an easement; requiring the department to adopt rules; authorizing the use of specified funds; authorizing the removal of property from lists and maps; providing for the deposit of funds; directing the completion of a needs assessment and a report;

amending s. 163.3177, F.S.; directing the department to authorize up to five local governments to designate rural land stewardship areas; requiring a written agreement; providing requirements for comprehensive plan amendments for such designations; providing that owners of land within such areas may convey development rights in return for the assignment of transferable rural land use credits; providing requirements with respect to such credits; specifying incentives that should be provided such landowners; requiring reports; providing intent; amending s. 380.06, F.S., relating to developments of regional impact; deleting obsolete language;

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

Amendment 3 (392574)—In title, on page 1, delete line 2 and insert: An act relating to agriculture and consumer services;

Amendment 4 (035406)—On page 22, between lines 12 and 13, insert:

(38) To repair or build structures, from existing appropriations authority, notwithstanding chapters 216 and 255, not to exceed a cost of \$250,000 per structure. These structures must meet all applicable building codes.

RECONSIDERATION OF AMENDMENT

On motion by Senator Geller, the Senate reconsidered the vote by which **Amendment 2** was adopted. **Amendment 2** was withdrawn.

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

Amendment 5 (970672)(with title amendment)—On page 58, between lines 16 and 17, insert:

Section 3. *Short title.*—Sections 3 through 7 of this act may be cited as the "Rural and Family Lands Protection Act."

Section 4. *Definitions.*—As used in sections 5 and 6 of this act, the term "department" means the Department of Agriculture and Consumer Services.

Section 5. Section 570.70, Florida Statutes, is created to read:

570.70 *Legislative findings.*—The Legislature finds and declares that:

(1) A thriving rural economy with a strong agricultural base, healthy natural environment, and viable rural communities is an essential part of Florida. Rural areas also include the largest remaining intact ecosystems and best examples of remaining wildlife habitats as well as a majority of privately owned land targeted by local, state, and federal agencies for natural-resource protection.

(2) The growth of Florida's population can result in agricultural and rural lands being converted into residential or commercial development.

(3) The agricultural, rural, natural-resource, and commodity values of rural lands are vital to the state's economy, productivity, rural heritage, and quality of life.

(4) The Legislature further recognizes the need for enhancing the ability of rural landowners to obtain economic value from their property, protecting rural character, controlling urban sprawl, and providing necessary open space for agriculture and the natural environment, and the importance of maintaining and protecting Florida's rural economy through innovative planning and development strategies in rural areas and the use of incentives that reward landowners for good stewardship of land and natural resources.

(5) The purpose of this act is to bring under public protection lands that serve to limit subdivision and conversion of agricultural and natural areas that provide economic, open space, water, and wildlife benefits by acquiring land or related interests in land such as perpetual, less-than-fee acquisitions, agricultural protection agreements, and resource conservation agreements and innovative planning and development strategies in rural areas.

Section 6. Section 570.71, Florida Statutes, is created to read:

570.71 Conservation easements and agreements.—

(1) The department, on behalf of the Board of Trustees of the Internal Improvement Trust Fund, may allocate moneys to acquire perpetual, less-than-fee interest in land, to enter into agricultural protection agreements, and to enter into resource conservation agreements for the following public purposes:

- (a) Promotion and improvement of wildlife habitat;
 - (b) Protection and enhancement of water bodies, aquifer recharge areas, wetlands, and watersheds;
 - (c) Perpetuation of open space on lands with significant natural areas; or
 - (d) Protection of agricultural lands threatened by conversion to other uses.
- (2) To achieve the purposes of this act, beginning no sooner than July 1, 2002, and every year thereafter, the department may accept applications for project proposals that:
- (a) Purchase conservation easements, as defined in s. 704.06.
 - (b) Purchase rural-lands-protection easements pursuant to this act.
 - (c) Fund resource conservation agreements pursuant to this act.
 - (d) Fund agricultural protection agreements pursuant to this act.

No funds may be expended to implement this subsection prior to July 1, 2002.

(3) Rural-lands-protection easements shall be a perpetual right or interest in agricultural land which is appropriate to retain such land in predominantly its current state and to prevent the subdivision and conversion of such land into other uses. This right or interest in property shall prohibit only the following:

- (a) Construction or placing of buildings, roads, billboards or other advertising, utilities, or structures, except those structures and unpaved roads necessary for the agricultural operations on the land or structures necessary for other activities allowed under the easement, and except for linear facilities described in s. 704.06(11);
- (b) Subdivision of the property;
- (c) Dumping or placing of trash, waste, or offensive materials; and
- (d) Activities that affect the natural hydrology of the land or that detrimentally affect water conservation, erosion control, soil conservation, or fish or wildlife habitat, except those required for environmental restoration; federal, state, or local government regulatory programs; or best management practices.

(4) Resource conservation agreements will be contracts for services which provide annual payments to landowners for services that actively improve habitat and water restoration or conservation on their lands over and above that which is already required by law or which provide recreational opportunities. They will be for a term of not less than 5 years and not more than 10 years. Property owners will become eligible to enter into a resource conservation agreement only upon entering into a conservation easement or rural lands protection easement.

(5) Agricultural protection agreements shall be for terms of 30 years and will provide payments to landowners having significant natural areas on their land. Public access and public recreational opportunities may be negotiated at the request of the landowner.

(a) For the length of the agreement, the landowner shall agree to prohibit:

- 1. Construction or placing of buildings, roads, billboards or other advertising, utilities, or structures, except those structures and unpaved roads necessary for the agricultural operations on the land or structures necessary for other activities allowed under the easement, and except for linear facilities described in s. 704.06(11);

- 2. Subdivision of the property;
- 3. Dumping or placing of trash, waste, or offensive materials; and
- 4. Activities that affect the natural hydrology of the land, or that detrimentally affect water conservation, erosion control, soil conservation, or fish or wildlife habitat.

(b) As part of the agricultural protection agreement, the parties shall agree that the state shall have a right to buy a conservation easement or rural land protection easement at the end of the 30-year term or prior to the landowner transferring or selling the property, whichever occurs later. If the landowner tenders the easement for the purchase and the state does not timely exercise its right to buy the easement, the landowner shall be released from the agricultural agreement. The purchase price of the easement shall be established in the agreement and shall be based on the value of the easement at the time the agreement is entered into, plus a reasonable escalator multiplied by the number of full calendar years following the date of the commencement of the agreement. The landowner may transfer or sell the property before the expiration of the 30-year term, but only if the property is sold subject to the agreement and the buyer becomes the successor in interest to the agricultural protection agreement. Upon mutual consent of the parties, a landowner may enter into a perpetual easement at any time during the term of an agricultural protection agreement.

(6) Payment for conservation easements and rural land protection easements shall be a lump-sum payment at the time the easement is entered into.

(7) Landowners entering into an agricultural protection agreement may receive up to 50 percent of the purchase price at the time the agreement is entered into and remaining payments on the balance shall be equal annual payments over the term of the agreement.

(8) Payments for the resource conservation agreements shall be equal annual payments over the term of the agreement.

(9) Easements purchased pursuant to this act may not prevent landowners from transferring the remaining fee value with the easement.

(10) The department, in consultation with the Department of Environmental Protection, the water management districts, the Department of Community Affairs, and the Florida Fish and Wildlife Conservation Commission, shall adopt rules that establish an application process, a process and criteria for setting priorities for use of funds consistent with the purposes specified in s. 570.71(1) and giving preference to ranch and timber lands managed using sustainable practices, an appraisal process, and a process for title review and compliance and approval of the rules by the Board of Trustees of the Internal Improvement Trust Fund.

(11) If a landowner objects to having his property included in any lists or maps developed to implement this act, the department shall remove the property from any such lists or maps upon receipt of the landowner's written request to do so.

(12) The department is authorized to use funds from the following sources to implement this act:

- (a) State funds;
- (b) Federal funds;
- (c) Other governmental entities;
- (d) Nongovernmental organizations; or
- (e) Private individuals.

Any such funds provided shall be deposited into the Conservation and Recreation Lands Program Trust Fund within the Department of Agriculture and Consumer Services and used for the purposes of this act.

(13) No more than ten percent of any funds made available to implement this act shall be expended for resource conservation agreements and agricultural protection agreements.

(14) The department, in consultation with the Department of Environmental Protection, the Fish and Wildlife Conservation Commission, and the water management districts shall conduct a study to determine and prioritize needs for implementing the act.

(a) The department may contract with the Florida Natural Areas Inventory for an analysis of the geographic distribution of certain types of natural resources, or resource-based land uses that have been identified for acquisition by previous conservation and recreation land acquisition programs.

(b) The needs assessment shall locate areas of the state where existing privately-owned ranch and timber lands containing resources of the type identified in (a) can be preserved or protected through implementation of the Rural and Family Lands Protection Act.

(c) The department shall report its findings to the Governor, President of the Senate, and Speaker of the House of Representatives by December 31, 2001. At a minimum, the report must include a prioritization of the types of resources to be preserved or protected, the location of privately-owned ranch and timber lands containing such resources that could be preserved or protected by easements or agreements pursuant to this act, and the funding needs for the program.

Section 7. Subsection (11) of section 163.3177, Florida Statutes, is amended to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(11)(a) The Legislature recognizes the need for innovative planning and development strategies which will address the anticipated demands of continued urbanization of Florida's coastal and other environmentally sensitive areas, and which will accommodate the development of less populated regions of the state which seek economic development and which have suitable land and water resources to accommodate growth in an environmentally acceptable manner. The Legislature further recognizes the substantial advantages of innovative approaches to development which may better serve to protect environmentally sensitive areas, maintain the economic viability of agricultural and other predominantly rural land uses, and provide for the cost-efficient delivery of public facilities and services.

(b) It is the intent of the Legislature that the local government comprehensive plans and plan amendments adopted pursuant to the provisions of this part provide for a planning process which allows for land use efficiencies within existing urban areas and which also allows for the conversion of rural lands to other uses, where appropriate and consistent with the other provisions of this part and the affected local comprehensive plans, through the application of innovative and flexible planning and development strategies and creative land use planning techniques, which may include, but not be limited to, urban villages, new towns, satellite communities, area-based allocations, clustering and open space provisions, mixed-use development, and sector planning.

(c) It is the further intent of the Legislature that local government comprehensive plans and implementing land development regulations shall provide strategies which maximize the use of existing facilities and services through redevelopment, urban infill development, and other strategies for urban revitalization.

(d)1. The department, in cooperation with the Department of Agriculture and Consumer Services, shall provide assistance to local governments in the implementation of this paragraph and s. 9J-5.006(5)(l), Florida Administrative Code. Implementation of those provisions shall include a process by which the department may authorize up to five local governments to designate all or portions of lands classified in the future land use element as predominantly agricultural, rural, open, open-rural, or a substantively equivalent land use, as a rural land stewardship area within which planning and economic incentives are applied to encourage the implementation of innovative and flexible planning and development strategies and creative land use planning techniques, including those contained in Rule 9J-5.006(5)(l), Florida Administrative Code.

2. The department shall encourage participation by local governments of different sizes and rural characteristics. It is the intent of the Legislature that rural land stewardship areas be used to further the following broad principles of rural sustainability: restoration and maintenance of the economic value of rural land; control of urban sprawl; identification and protection of ecosystems, habitats, and natural resources; promotion of rural economic activity; maintenance of the viability of Florida's agricultural economy; and protection of the character of rural areas of Florida.

3. A local government may apply to the department in writing requesting consideration for authorization to designate a rural land stewardship area and shall describe its reasons for applying for the authorization with supporting documentation regarding its compliance with criteria set forth in this section.

4. In selecting a local government, the department shall, by written agreement:

a. Ensure that the local government has expressed its intent to designate a rural land stewardship area pursuant to the provisions of this subsection and clarify that the rural land stewardship area is intended.

b. Ensure that the local government has the financial and administrative capabilities to implement a rural land stewardship area.

5. The written agreement shall include the basis for the authorization and provide criteria for evaluating the success of the authorization including the extent the rural land stewardship area enhances rural land values; control urban sprawl; provides necessary open space for agriculture and protection of the natural environment; promotes rural economic activity; and maintains rural character and the economic viability of agriculture. The department may terminate the agreement at any time if it determines that the local government is not meeting the terms of the agreement.

6. A rural land stewardship area shall be not less than 50,000 acres and shall not exceed 250,000 acres in size, shall be located outside of municipalities and established urban growth boundaries, and shall be designated by plan amendment. The plan amendment designating a rural land stewardship area shall be subject to review by the Department of Community Affairs pursuant to s. 163.3184, F.S., and shall provide for the following:

a. Criteria for the designation of receiving areas within rural land stewardship areas in which innovative planning and development strategies may be applied. Criteria shall at a minimum provide for the following: adequacy of suitable land to accommodate development so as to avoid conflict with environmentally sensitive areas, resources, and habitats; compatibility between and transition from higher density uses to lower intensity rural uses; the establishment of receiving area service boundaries which provide for a separation between receiving areas and other land uses within the rural and stewardship area through limitations on the extension of services; and connection of receiving areas with the rest of the rural land stewardship area using rural design and rural road corridors.

b. Goals, objectives, and policies setting forth the innovative planning and development strategies to be applied within rural land stewardship areas pursuant to the provisions of this section.

c. A process for the implementation of innovative planning and development strategies within the rural land stewardship area, including those described in this subsection and s. 9J-5.006(5)(l), Florida Administrative Code, which provide for a functional mix of land uses and which are applied through the adoption by the local government of zoning and land development regulations applicable to the rural land stewardship area.

d. A process which encourages visioning pursuant to s. 163.3167(11) to ensure that innovative planning and development strategies comply with the provisions of this section.

e. The control of sprawl through the use of innovative strategies and creative land use techniques consistent with the provisions of this subsection and rural 9J-5.006(5)(l), Florida Administrative Code.

7. A receiving area shall be designated by the adoption of a land development regulation. Prior to the designation of a receiving area, the local government shall provide the Department of Community Affairs a period of 30 days in which to review a proposed receiving area for consistency with the rural land stewardship area plan amendment and to provide comments to the local government.

8. Upon the adoption of a plan amendment creating a rural land stewardship area, the local government shall, by ordinance, assign to the area a certain number of credits, to be known as "transferable rural land use credits," which shall not constitute a right to develop land, nor increase density of land, except as provided by this section. The total

amount of transferrable rural land use credits assigned to the rural land stewardship area must correspond to the 25-year or greater projected population of the rural land stewardship area. Transferable rural land use credits are subject to the following limitations:

a. Transferable rural land use credits may only exist within a rural land stewardship area.

b. Transferable rural land use credits may only be used on lands designated as receiving areas and then solely for the purpose of implementing innovative planning and development strategies and creative land use planning techniques adopted by the local government pursuant to this section.

c. Transferable rural land use credits assigned to a parcel of land within a rural land stewardship area shall cease to exist if the parcel of land is removed from the rural land stewardship area by plan amendment.

d. Neither the creation of the rural land stewardship area by plan amendment nor the assignment of transferable rural land use credits by the local government shall operate to displace the underlying density of land uses assigned to a parcel of land within the rural land stewardship area; however, if transferable rural land use credits are transferred from a parcel for use within a designated receiving area, the underlying density assigned to the parcel of land shall cease to exist.

e. The underlying density on each parcel of land located within a rural land stewardship area shall not be increased or decreased by the local government, except as a result of the conveyance or use of transferable rural land use credits, as long as the parcel remains within the rural land stewardship area.

f. Transferable rural land use credits shall cease to exist on a parcel of land where the underlying density assigned to the parcel of land is utilized.

g. An increase in the density of use on a parcel of land located within a designated receiving area may occur only through the assignment or use of transferable rural land use credits and shall not require a plan amendment.

h. A change in the density of land use on parcels located within receiving areas shall be specified in a development order which reflects the total number of transferable rural land use credits assigned to the parcel of land and the infrastructure and support services necessary to provide for a functional mix of land uses corresponding to the plan of development.

i. Land within a rural land stewardship area may be removed from the rural land stewardship area through a plan amendment.

j. Transferable rural land use credits may be assigned at different ratios of credits per acre according to the land use remaining following the transfer of credits, with the highest number of credits per acre assigned to preserve environmentally valuable land and a lesser number of credits to be assigned to open space and agricultural land.

k. The use or conveyance of transferable rural land use credits must be recorded in the public records of the county in which the property is located as a covenant or restrictive easement running with the land in favor of the county and either the Department of Environmental Protection, Department of Agriculture and Consumer Services, a water management district, or a recognized statewide land trust.

9. Owners of land within rural land stewardship areas should be provided incentives to enter into rural land stewardship agreements, pursuant to existing law and rules adopted thereto, with state agencies, water management districts, and local governments to achieve mutually agreed upon conservation objectives. Such incentives may include, but not be limited to, the following:

- a. Opportunity to accumulate transferable mitigation credits.
- b. Extended permit agreements.
- c. Opportunities for recreational leases and ecotourism.
- d. Payment for specified land management services on publicly owned land, or property under covenant or restricted easement in favor of a public entity.

e. Option agreements for sale to government, in either fee or easement, upon achievement of conservation objectives.

10. The department shall report to the Legislature on an annual basis on the results of implementation of rural land stewardship areas authorized by the department, including successes and failures in achieving the intent of the Legislature as expressed in this paragraph. It is further the intent of the Legislature that the success of authorized rural land stewardship areas be substantiated before implementation occurs on a statewide basis.

(e)(d) The implementation of this subsection shall be subject to the provisions of this chapter, chapters 186 and 187, and applicable agency rules.

(f)(e) The department may adopt rules necessary to shall implement the provisions of this subsection by rule.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 26, after the second semicolon (;) insert: creating the "Rural and Family Lands Protection Act"; defining terms; creating s. 570.70, F.S.; providing legislative intent; creating s. 570.71, F.S.; providing for the purchase of rural-lands-protection easements by the Department of Agriculture and Consumer Services; providing criteria; providing for resource conservation agreements and agricultural protection agreements; prescribing allowable land uses; providing for an application process; providing for the sale of an easement; requiring the department to adopt rules; authorizing the use of specified funds; authorizing the removal of property from lists and maps; providing for the deposit of funds; directing the completion of a needs assessment and a report; amending s. 163.3177, F.S.; directing the department to authorize up to five local governments to designate rural land stewardship areas; requiring a written agreement; providing requirements for comprehensive plan amendments for such designations; providing that owners of land within such areas may convey development rights in return for the assignment of transferable rural land use credits; providing requirements with respect to such credits; specifying incentives that should be provided such landowners; requiring reports; providing intent;

On motion by Senator Geller, CS for SB 1922 as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Bronson	Dyer	Lawson	Saunders
Brown-Waite	Garcia	Lee	Sebesta
Burt	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	
Diaz de la Portilla	Laurent	Sanderson	

Nays—None

THE PRESIDENT PRESIDING

CS for SB 408—A bill to be entitled An act relating to electric utility service interruptions; creating s. 768.138, F.S.; providing electric utilities with a complete defense in certain actions for certain law enforcement assistance activities; providing an effective date.

—as amended April 30 was read the third time by title.

Senator Campbell moved the following amendment:

Amendment 1 (252714)(with title amendment)—On page 1, between lines 25 and 26, insert:

Section 2. Section 408.087, Florida Statutes, is created to read:

408.087 Construction permits.—For a period of 1 year after the effective date of this act, the Department of Environmental Protection shall

not issue any air-pollution construction permit for any electric generating facility of more than 5 megawatts unless it is located on or immediately adjacent to a site previously used for power generation or a site permitted by the department, or the Public Service Commission has issued a determination of need for the facility. This section does not apply to any electric generating facility to be constructed by any electric utility as defined in s. 366.02.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 6, after the semicolon (;) insert: creating s. 408.087, F.S.; prohibiting the issuance of air-pollution construction permits for certain electric generating facilities except under certain circumstances;

POINT OF ORDER

Senator Sullivan raised a point of order that pursuant to Rule 7.1 **Amendment 1** was not germane to the bill.

The President referred the point of order and the amendment to Senator Lee, Chairman of the Committee on Rules and Calendar.

On motion by Senator Smith, further consideration of **CS for SB 408** with pending point of order on **Amendment 1** was deferred.

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

SPECIAL ORDER CALENDAR

On motion by Senator Constantine, by unanimous consent—

CS for CS for SB's 336 and 190—A bill to be entitled An act relating to the Florida Building Code; amending s. 373.323, F.S.; authorizing water well contractors to install, repair, or modify specified equipment in accordance with the code; amending s. 489.509, F.S.; transferring specified licensing fees from the Department of Education to the Department of Community Affairs; amending ss. 553.36, 553.415, F.S.; defining the term "factory-built school shelter"; providing for the department to approve plans for such shelters; authorizing districts to charge inspection fees; authorizing approved inspection entities to conduct inspections of factory-built school buildings while they are under construction; delaying the deadline for inspecting factory-built buildings currently in use; amending ss. 553.505, 553.507, F.S.; conforming cross-references; amending s. 553.73, F.S.; providing for the uniform implementation of parts of the residential swimming pool safety act; defining the term "specific needs" for purposes of selection from available codes; providing a process for the approval of technical amendments to the code; providing for the treatment of permit applications submitted prior to the effective date of the code; exempting specified structures from the wind-borne-debris-impact standards of the Florida Building Code; amending s. 553.77, F.S.; requiring the commission to issue specified declaratory statements; providing for hearings; providing for rules for plan review of prototype buildings; authorizing the commission to produce a commentary to accompany the Florida Building Code; amending s. 553.79, F.S.; requiring the code to establish standards for preliminary construction; creating s. 553.8412, F.S.; providing for statewide outreach for training on the code; amending s. 553.842, F.S.; providing methods for local and statewide approval of products, methods, and systems of construction; providing rulemaking authority; amending s. 553.895, F.S.; exempting specified spaces within telecommunications buildings under specified circumstances; allowing the use of a manual wet standpipe under certain circumstances; directing the commission to research some issues and provide reports to the Legislature; amending s. 135 of ch. 2000-141, Laws of Florida, and ss. 62(2) and 68 of ch. 98-287, Laws of Florida, as amended; providing an effective date for the Florida Building Code; requiring that the Florida Building Commission appoint members to the commission's Education Technical Advisory Committee; specifying duties of the advisory committee; providing for the carryforward of funds collected for research projects; requiring the Florida Building Commission to convene an ad hoc subcommittee to recommend procedures for engaging an engineer or architect to perform plans review and inspections; requiring recommendations for the role of local building officials in issuing building permits and certificates of occupancy; providing for appointment of members; providing for meetings and staff support by the Department of Community Affairs; requiring a report to the

Governor and the Legislature by a specified date; amending s. 663.0215, F.S.; delaying the date on which the State Fire Marshal is required to adopt a statewide firesafety code; providing an appropriation; providing an effective date.

—was taken up out of order and read the second time by title.

Senator Constantine moved the following amendment:

Amendment 1 (134464)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Effective upon this act becoming a law, subsection (1) of section 235.061, Florida Statutes, is amended to read:

235.061 Standards for relocatables used as classroom space; inspections.—

(1) The Commissioner of Education shall adopt rules establishing standards for relocatables intended for long-term use as classroom space at a public elementary school, middle school, or high school. "Long-term use" means the use of relocatables at the same educational plant for a period of 4 years or more. These rules must be implemented by July 1, 1998, and each relocatable acquired by a district school board after the effective date of the rules and intended for long-term use must comply with the standards. The rules shall require that, by *July 1, 2002* ~~July 1, 2001~~, relocatables that fail to meet the standards may not be used as classrooms. The standards shall protect the health, safety, and welfare of occupants by requiring compliance with the Uniform Building Code for Public Educational Facilities or other locally adopted state minimum building codes to ensure the safety and stability of construction and onsite installation; fire and moisture protection; air quality and ventilation; appropriate wind resistance; and compliance with the requirements of the Americans with Disabilities Act of 1990. If appropriate, the standards must also require relocatables to provide access to the same technologies available to similar classrooms within the main school facility and, if appropriate, to be accessible by adequate covered walkways. By July 1, 2000, the commissioner shall adopt standards for all relocatables intended for long-term use as classrooms. A relocatable that is subject to this section and does not meet the standards shall not be reported as providing satisfactory student stations in the Florida Inventory of School Houses.

Section 2. Effective upon this act becoming a law, subsection (1) of section 235.212, Florida Statutes, is amended to read:

235.212 Low-energy use design; solar energy systems; swimming pool heaters.—

(1)(a) Passive design elements and low-energy usage features shall be included in the design and construction of new educational facilities. Operable glazing consisting of at least 5 percent of the floor area shall be placed in each classroom located on the perimeter of the building. *For a relocatable classroom facility, the area of operable glazing and the area of exterior doors, together, shall consist of at least 5 percent of the floor area.* Operable glazing is not required in community colleges, auxiliary facilities, music rooms, gyms, locker and shower rooms, special laboratories requiring special climate control, and large group instruction areas having a capacity of more than 100 persons.

(b) In the remodeling and renovation of educational facilities which have existing natural ventilation, adequate sources of natural ventilation shall be retained, or a combination of natural and low-energy usage mechanical equipment shall be provided that will permit the use of the facility without air-conditioning or heat when ambient conditions are moderate. However, the Commissioner of Education is authorized to waive this requirement when environmental conditions, particularly noise and pollution factors, preclude the effective use of natural ventilation.

Section 3. Effective July 1, 2001, subsection (1) of section 255.31, Florida Statutes, as amended by section 15 of chapter 2000-141, Laws of Florida, is amended to read:

255.31 Authority to the Department of Management Services to manage construction projects for state and local governments.—

(1) The design, construction, erection, alteration, modification, repair, and demolition of all public and private buildings are governed by

the Florida Building Code and the Florida Fire Prevention Code, which are to be enforced by local jurisdictions or local enforcement districts unless specifically exempted as provided in s. 553.80. However, the Department of Management Services shall provide the project management and administration services for the construction, renovation, repair, modification, or demolition of buildings, utilities, parks, parking lots, or other facilities or improvements for projects for which the funds are appropriated to the department; provided that, with the exception of facilities constructed under the authority of chapters 944, 945, and 985; *the Governor's mansion and grounds thereof, as described in s. 272.18; and the Capitol Building and environs, being that part of the City of Tallahassee bounded on the north by Pensacola and Jefferson Streets, on the east by Monroe Street, on the south by Madison Street, and on the west by Duval Street*, the department may not conduct plans reviews or inspection services for consistency with the Florida Building Code. The department's fees for such services shall be paid from such appropriations.

Section 4. Subsection (10) is added to section 373.323, Florida Statutes, to read:

373.323 Licensure of water well contractors; application, qualifications, and examinations; equipment identification.—

(10) *Water well contractors licensed under this section may install, repair, and modify pumps and tanks in accordance with the Florida Building Code, Plumbing; Section 612—Wells pumps and tanks used for private potable water systems. In addition, licensed water well contractors may install pumps, tanks, and water conditioning equipment for all water well systems.*

Section 5. Effective upon this act becoming a law, section 399.061, Florida Statutes, is amended to read:

399.061 Inspections; correction of deficiencies.—

(1)(a) ~~All elevators or other conveyances subject to this chapter must be annually inspected by a certified elevator inspector through a third-party inspection service, or by a municipality or county under contract with the division, pursuant to s. 399.13. If the elevator or other conveyance is by a third-party inspection service certified as a qualified elevator inspector or maintained pursuant to a service maintenance contract continuously in force, it shall be inspected at least once every 2 years by a certified elevator inspector who is not employed by or otherwise associated with the maintenance company; however, if the elevator is not an escalator or a dumbwaiter, serves only two adjacent floors, and is covered by a service maintenance contract, an inspection is not required so long as the service contract remains in effect. A statement verifying the existence, performance, and cancellation of each service maintenance contract must be filed annually with the division as prescribed by rule. All elevators covered by a service maintenance contract shall be inspected by a certificate of competency holder at least once every 2 years; however, if the elevator is not an escalator or a dumbwaiter and the elevator serves only two adjacent floors and is covered by a service maintenance contract, no inspection shall be required so long as the service contract remains in effect.~~

(b) The division may inspect an elevator whenever necessary to ensure its safe operation *or when a third-party inspection service is not available for a routine inspection.*

(2) The division ~~may~~ *shall* employ state elevator inspectors to conduct the inspections as required by subsection (1) *and may charge an inspection fee for each inspection in an amount sufficient to cover the costs of that inspection, as provided by rule.* Each state elevator inspector shall hold a certificate of competency issued by the division.

(3) Whenever the division determines from the results of any inspection that, in the interest of the public safety, an elevator is in an unsafe condition, the division may seal the elevator or order the discontinuance of the use of the elevator until the division determines by inspection that such elevator has been satisfactorily repaired or replaced so that the elevator may be operated in a safe manner.

(4) When the division determines that an elevator is in violation of this chapter, the division may issue an order to the elevator owner requiring correction of the violation.

Section 6. Effective upon this act becoming a law, subsection (3) of section 489.509, Florida Statutes, is amended to read:

489.509 Fees.—

(3) Four dollars of each fee under subsection (1) paid to the department at the time of application or renewal shall be transferred at the end of each licensing period to the Department of ~~Community Affairs Education~~ *Education* to fund projects relating to the building construction industry or continuing education programs offered to persons engaged in the building construction industry in Florida. The board shall, at the time the funds are transferred, advise the Department of ~~Community Affairs Education~~ *Education* on the most needed areas of research or continuing education based on significant changes in the industry's practices or on the most common types of consumer complaints or on problems costing the state or local governmental entities substantial waste. The board's advice is not binding on the Department of ~~Community Affairs Education~~ *Education*. ~~The Department of Education must allocate 50 percent of the funds to a graduate program in building construction in a Florida university and 50 percent of the funds to all accredited private and state universities and community colleges within the state offering approved courses in building construction, with each university or college receiving a pro rata share of such funds based upon the number of full-time building construction students enrolled at the institution.~~ The Department of ~~Community Affairs Education~~ *Education* shall ensure the distribution of research reports and the availability of continuing education programs to all segments of the building construction industry to which they relate. The Department of ~~Community Affairs Education~~ *Education* shall report to the board in October of each year, summarizing the allocation of the funds by institution and summarizing the new projects funded and the status of previously funded projects. ~~The Commissioner of Education is directed to appoint one electrical contractor and one certified alarm system contractor to the Building Construction Industry Advisory Committee.~~

Section 7. Effective upon this act becoming a law, present subsections (7) through (15) of section 553.36, Florida Statutes, are redesignated as subsections (8) through (16), respectively, and a new subsection (7) is added to that section, to read:

553.36 Definitions.—The definitions contained in this section govern the construction of this part unless the context otherwise requires.

(7) *"Factory-built school shelter" means any site-assembled or factory-built school building that is designed to be portable, relocatable, demountable, or reconstructible and that complies with the provisions for enhanced hurricane protection areas, as required by the applicable code.*

Section 8. Effective upon this act becoming a law, section 553.415, Florida Statutes, is amended to read:

553.415 Factory-built school buildings.—

(1) It is the purpose of this section to provide an alternative procedure for the construction and installation of factory-built school buildings designed or intended for use as school buildings. As used in this section, the term "factory-built school building" means any building designed or intended for use as a school building, which is in whole or in part, manufactured at an offsite facility in compliance with the State Uniform Code for Public Educational Facilities and Department of Education rule, effective on January 5, 2000. After *January 1, 2002 July 1, 2004*, the Uniform Code for Public Educational Facilities shall be incorporated into the Florida Building Code, including specific requirements for Public Educational Facilities and the Department of Education rule, effective on January 5, 2000. For the purpose of this section, factory-built school buildings include prefabricated educational facilities, factory-built educational facilities, and modular-built educational facilities, that are designed to be portable, relocatable, demountable, or reconstructible; are used primarily as classrooms or the components of an entire school; and do not fall under the provisions of ss. 320.822-320.862.

(2) A manufacturer of factory-built school buildings shall be subject to the certification and enforcement requirements in this part except as provided in this section.

(3) Within 90 days after the effective date of this section, the department shall adopt by emergency rule regulations to carry out the provisions of this section. Such rule shall ensure the safety of design, construction, accessibility, alterations, and inspections and shall also pre-

scribe procedures for the plans, specifications, and methods of construction to be submitted to the department for approval.

(4) A manufacturer of factory-built school buildings designed or intended for use as school buildings shall submit to the department for approval the manufacturer's plans, specifications, alterations, and methods of construction. The department is authorized to charge manufacturers a fee which reflects the actual expenses incurred for the review of such plans and specifications.

(5) The department, in accordance with the standards and procedures adopted pursuant to this section and as such standards and procedures may thereafter be modified, shall approve or reject such plans, specifications, and methods of construction. Approval shall not be given unless such plans, specifications, and methods of construction are in compliance with the State Uniform Building Code for Public Educational Facilities and department rule. After *January 1, 2002* ~~July 1, 2001~~, the Uniform Code for Public Educational facilities shall be incorporated into the Florida Building Code, including specific requirements for public educational facilities and department rule.

(6) The department may delegate its plans review authority to a state agency or public or private entity; however, the department shall ensure that any person conducting plans reviews is a certified plans examiner, pursuant to part XII of chapter 468.

(7) A standard plan approval may be obtained from the department for factory-built school buildings and such department-approved plans shall be accepted by the enforcement agency as approved for the purpose of obtaining a construction permit for the structure itself. *The department, or its designated representative, shall determine if the plans qualify for purposes of a factory-built school shelter, as defined in s. 553.36.*

(8) Any amendment to the State Uniform Code for Public Educational Facilities, and after *January 1, 2002* ~~July 1, 2001~~, the Florida Building Code, shall become effective 180 days after the amendment is filed with the Secretary of State. Notwithstanding the 180-day delayed effective date, the manufacturer shall submit and obtain a revised approved plan within the 180 days. A revised plan submitted pursuant to this subsection shall be processed as a renewal or revision with appropriate fees. A plan submitted after the period of time provided shall be processed as a new application with appropriate fees.

(9) The school district or community college district for which any factory-built school building is constructed or altered *after July 1, 2001*, shall provide for periodic inspection of the proposed factory-built school building during each phase of construction or alteration. The inspector shall act under the direction of the governing board for employment purposes. *This subsection does not prevent a school district or community college district from purchasing or otherwise using a factory-built school building that has been inspected during all phases of construction or alteration conducted after July 1, 2002, by another school district or community college or by an approved inspection agency certified pursuant to s. 553.36(2). If a factory-built school building is constructed or altered for an entity other than a school district or community college district, such entity may employ at its election a school district, community college district, or such approved inspection agency to conduct such inspections. A school district or community college district so employed may charge such entity for services at reasonable rates comparable to those charged for similar services by approved inspection agencies.*

(10) The department shall, by rule, develop forms and reporting periods for the architect or structural engineer in charge of the supervision of the work of construction in the factory, the inspector on the work, and the manufacturer verifying that based upon personal knowledge, the work during the period covered by the report has been performed, and the materials used and installed, in every particular, in accordance with the approved plans and specifications, setting forth such detailed statements of facts as required by the department.

(11) The department shall develop a unique identification label to be affixed to all newly constructed factory-built school buildings and existing factory-built school buildings which have been brought into compliance with the standards for existing "satisfactory" buildings pursuant to chapter 5 of the Uniform Code for Public Educational Facilities, and after *January 1, 2002* ~~July 1, 2001~~, the Florida Building Code. The department may charge a fee for issuing such labels. Such labels, bearing the department's name and state seal, shall at a minimum, contain:

- (a) The name of the manufacturer.
- (b) The standard plan approval number or alteration number.
- (c) The date of manufacture or alteration.
- (d) The serial or other identification number.
- (e) The following designed-for loads: lbs. per square foot live load; lbs. per square foot floor live load; lbs. per square foot horizontal wind load; and lbs. per square foot wind uplift load.
- (f) The designed-for flood zone usage.
- (g) The designed-for wind zone usage.
- (h) The designed-for enhanced hurricane protection zone usage: yes or no.

(12) Such identification label shall be permanently affixed by the manufacturer in the case of newly constructed factory-built school buildings, or by the department or its designee in the case of an existing factory-built building altered to comply with provisions of s. 235.061.

(13) As of July 1, 2001, all ~~existing and~~ newly constructed factory-built school buildings shall bear a label pursuant to subsection (12). *As of July 1, 2002, existing factory-built school buildings and manufactured building used as classrooms and not bearing such label shall not be used as classrooms pursuant to s. 235.061.*

(14) Nothing in this section shall affect any requirement for compliance with firesafety criteria.

Section 9. Effective July 1, 2001, section 553.505, Florida Statutes, is amended to read:

553.505 Exceptions to applicability of the Americans with Disabilities Act.—Notwithstanding the Americans with Disabilities Act of 1990, private clubs are governed by ss. 553.501-553.513. Parking spaces, parking lots, and other parking facilities are governed by *s. 553.5041 s. 316.1955*; when that section provides increased accessibility.

Section 10. Effective July 1, 2001, section 553.507, Florida Statutes, is amended to read:

553.507 Exemptions.—Sections 553.501-553.513 ~~and s. 316.1955(4)~~ do not apply to any of the following:

- (1) Buildings, structures, or facilities that were either under construction or under contract for construction on October 1, 1997.
- (2) Buildings, structures, or facilities that were in existence on October 1, 1997, unless:
 - (a) The building, structure, or facility is being converted from residential to nonresidential or mixed use, as defined by local law;
 - (b) The proposed alteration or renovation of the building, structure, or facility will affect usability or accessibility to a degree that invokes the requirements of s. 303(a) of the Americans with Disabilities Act of 1990; or
 - (c) The original construction or any former alteration or renovation of the building, structure, or facility was carried out in violation of applicable permitting law.

Section 11. Subsections (2) and (3), paragraph (b) of subsection (4) and subsections (5), (6), and (7) of section 553.73, Florida Statutes, as amended by section 40 of chapter 98-287, Laws of Florida, as amended by section 61 of chapter 98-419, Laws of Florida, as amended by sections 73, 74, and 75 of chapter 2000-141, Laws of Florida, and section 62 of chapter 2000-154, Laws of Florida, are amended, and present subsections (8), (9), and (10) of that section are redesignated as subsections (9), (10), and (11), respectively, to read:

553.73 State Minimum Building Codes.—

(2) The Florida Building Code shall contain provisions or requirements for public and private buildings, structures, and facilities relative to structural, mechanical, electrical, plumbing, energy, and gas systems,

existing buildings, historical buildings, manufactured buildings, elevators, coastal construction, lodging facilities, food sales and food service facilities, health care facilities, including assisted living facilities, adult day care facilities, and facilities for the control of radiation hazards, public or private educational facilities, swimming pools, and correctional facilities and enforcement of and compliance with such provisions or requirements. *Further, the Florida Building Code must provide for uniform implementation of ss. 515.25, 515.27, and 515.29 by including standards and criteria for residential swimming pool barriers, pool covers, latching devices, door and window exit alarms, and other equipment required therein, which are consistent with the intent of s. 515.23.* Technical provisions to be contained within the Florida Building Code are restricted to requirements related to the types of materials used and construction methods and standards employed in order to meet criteria specified in the Florida Building Code. Provisions relating to the personnel, supervision or training of personnel, or any other professional qualification requirements relating to contractors or their workforce may not be included within the Florida Building Code, and subsections (4), (5), and (6) are not to be construed to allow the inclusion of such provisions within the Florida Building Code by amendment. This restriction applies to both initial development and amendment of the Florida Building Code.

(3) The commission shall select from available national or international model building codes, or other available building codes and standards currently recognized by the laws of this state, to form the foundation for the Florida Building Code. The commission may modify the selected model codes and standards as needed to accommodate the specific needs of this state. Standards or criteria referenced by the selected model codes shall be similarly incorporated by reference. If a referenced standard or criterion requires amplification or modification to be appropriate for use in this state, only the amplification or modification shall be specifically set forth in the Florida Building Code. *The Florida Building Commission may approve technical amendments to the code after the amendments have been subject to the following conditions:*

(a) *The proposed amendment has been published on the commission's website for a minimum of 45 days and all the associated documentation has been made available to any interested party before any consideration by any Technical Advisory Committee;*

(b) *In order for a Technical Advisory Committee to make a favorable recommendation to the commission, the proposal must receive a three-fourths vote of the members present at the Technical Advisory Committee meeting and at least half of the regular members must be present in order to conduct a meeting;*

(c) *After Technical Advisory Committee consideration and a recommendation for approval of any proposed amendment, the proposal must be published on the commission's website for not less than 45 days before any consideration by the commission; and*

(d) *Any proposal may be modified by the commission based on public testimony and evidence from a public hearing held in accordance with chapter 120.*

The commission shall incorporate within sections of the Florida Building Code provisions which address regional and local concerns and variations. The commission shall make every effort to minimize conflicts between the Florida Building Code, the Florida Fire Prevention Code, and the Life Safety Code.

(4)

(b) Local governments may, subject to the limitations of this section, adopt amendments to the technical provisions of the Florida Building Code which apply solely within the jurisdiction of such government and which provide for more stringent requirements than those specified in the Florida Building Code, not more than once every 6 months, provided:

1. The local governing body determines, following a public hearing which has been advertised in a newspaper of general circulation at least 10 days before the hearing, that there is a need to strengthen the requirements of the Florida Building Code. The determination must be based upon a review of local conditions by the local governing body, which review demonstrates that local conditions justify more stringent requirements than those specified in the Florida Building Code for the protection of life and property.

2. Such additional requirements are not discriminatory against materials, products, or construction techniques of demonstrated capabilities.

3. Such additional requirements may not introduce a new subject not addressed in the Florida Building Code.

4. The enforcing agency shall make readily available, in a usable format, all amendments adopted pursuant to this section.

5. Any amendment to the Florida Building Code shall be transmitted within 30 days by the adopting local government to the commission. The commission shall maintain copies of all such amendments in a format that is usable and obtainable by the public.

6. Any amendment to the Florida Building Code adopted by a local government pursuant to this paragraph shall be effective only until the adoption by the commission of the new edition of the Florida Building Code every third year. At such time, the commission shall review such amendment for consistency with the criteria in paragraph (6)(a) and adopt such amendment as part of the Florida Building Code or rescind the amendment. The commission shall immediately notify the respective local government of the rescission of any amendment. After receiving such notice, the respective local government may readopt the rescinded amendment pursuant to the provisions of this paragraph.

7. Each county and municipality desiring to make local technical amendments to the Florida Building Code shall by interlocal agreement establish a countywide compliance review board to review any amendment to the Florida Building Code, adopted by a local government within the county pursuant to this paragraph, that is challenged by any substantially affected party for purposes of determining the amendment's compliance with this paragraph. If the compliance review board determines such amendment is not in compliance with this paragraph, the compliance review board shall notify such local government of the non-compliance and that the amendment is invalid and unenforceable until the local government corrects the amendment to bring it into compliance. The local government may appeal the decision of the compliance review board to the commission, *which shall conduct a hearing under chapter 120 and the uniform rules of procedure.* If the compliance review board determines such amendment to be in compliance with this paragraph, any substantially affected party may appeal such determination to the commission, *which shall conduct a hearing under chapter 120 and the uniform rules of procedure.* Actions of the commission are subject to judicial review pursuant to s. 120.68. The compliance review board shall determine whether its decisions apply to a respective local jurisdiction or apply countywide.

8. An amendment adopted under this paragraph shall include a fiscal impact statement which documents the costs and benefits of the proposed amendment. Criteria for the fiscal impact statement shall include the impact to local government relative to enforcement, the impact to property and building owners, as well as to industry, relative to the cost of compliance. The fiscal impact statement may not be used as a basis for challenging the amendment for compliance.

9. In addition to subparagraphs 7. and 8., the commission may review any amendments adopted pursuant to this subsection and make nonbinding recommendations related to compliance of such amendments with this subsection.

(5) ~~The commission, by rule adopted pursuant to ss. 120.536(1) and 120.54, shall update the Florida Building Code every 3 years.~~ The initial adoption of, and any subsequent update or amendment to, the Florida Building Code by the commission is deemed adopted for use statewide without adoptions by local government. *For a building permit for which an application is submitted prior to the effective date of the Florida Building Code, the state minimum building code in effect in the permitting jurisdiction on the date of the application governs the permitted work for the life of the permit and any extension granted to the permit.*

(6) *The commission, by rule adopted pursuant to ss. 120.536(1) and 120.54, shall update the Florida Building Code every 3 years.* When updating the Florida Building Code, the commission shall consider changes made by the adopting entity of any selected model code for any model code incorporated into the Florida Building Code, and may subsequently adopt the new edition or successor of the model code or any part of such code, *no sooner than 6 months after such model code has been adopted by the adopting organization,* which may then be modified for this state as provided in this section, and shall further consider the commission's own interpretations, declaratory statements, appellate decisions, and approved statewide and local technical amendments. A change made by an institute or standards organization to any standard or criterion that is adopted by reference in the Florida Building Code does not become effective statewide until it has been adopted by the

commission. *Furthermore*, the edition of the Florida Building Code which is in effect on the date of application ~~for~~ of any permit authorized by the code governs the permitted work for the life of the permit and any extension granted to the permit. Any amendment to the Florida Building Code which is adopted upon a finding by the commission that the amendment is necessary to protect the public from immediate threat of harm takes effect immediately.

(7)(6)(a) The commission may approve technical amendments to the Florida Building Code once each year for statewide or regional application upon a finding that the amendment:

1. Has a reasonable and substantial connection with the health, safety, and welfare of the general public.
2. Strengthens or improves the Florida Building Code, or in the case of innovation or new technology, will provide equivalent or better products or methods or systems of construction.
3. Does not discriminate against materials, products, methods, or systems of construction of demonstrated capabilities.
4. Does not degrade the effectiveness of the Florida Building Code.

Furthermore, the Florida Building Commission may approve technical amendments to the code once each year to incorporate into the Florida Building Code its own interpretations of the code which are embodied in its opinions and declaratory statements. Amendments approved under this paragraph shall be adopted by rule pursuant to ss. 120.536(1) and 120.54, *after the amendments have been subjected to the provisions of subsection (3)*.

(b) A proposed amendment shall include a fiscal impact statement which documents the costs and benefits of the proposed amendment. Criteria for the fiscal impact statement shall be established by rule by the commission and shall include the impact to local government relative to enforcement, the impact to property and building owners, as well as to industry, relative to the cost of compliance.

(c) The commission may not approve any proposed amendment that does not accurately and completely address all requirements for amendment which are set forth in this section.

(8)(7) The following buildings, structures, and facilities are exempt from the Florida Building Code as provided by law, and any further exemptions shall be as determined by the Legislature and provided by law:

- (a) Buildings and structures specifically regulated and preempted by the Federal Government.
- (b) Railroads and ancillary facilities associated with the railroad.
- (c) Nonresidential farm buildings on farms.
- (d) Temporary buildings or sheds used exclusively for construction purposes.
- (e) Mobile homes used as temporary offices, except that the provisions of part V relating to accessibility by persons with disabilities shall apply to such mobile homes.
- (f) Those structures or facilities of electric utilities, as defined in s. 366.02, which are directly involved in the generation, transmission, or distribution of electricity.

(g) Temporary sets, assemblies, or structures used in commercial motion picture or television production, or any sound-recording equipment used in such production, on or off the premises.

(h) *Storage sheds that are not designed for human habitation and that have a floor area of 720 square feet or less are not required to comply with the mandatory wind-borne-debris-impact standards of the Florida Building Code.*

(i) *Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other nonwood features.*

With the exception of paragraphs (a), (b), (c), and (f), in order to preserve the health, safety, and welfare of the public, the Florida Building Commission may, by rule adopted pursuant to chapter 120, provide for exceptions to the broad categories of buildings exempted in this section, including exceptions for application of specific sections of the code or

standards adopted therein. The Department of Agriculture and Consumer Services shall have exclusive authority to adopt by rule, pursuant to chapter 120, exceptions to nonresidential farm buildings exempted in paragraph (c) when reasonably necessary to preserve public health, safety, and welfare. The exceptions must be based upon specific criteria, such as under-roof floor area, aggregate electrical service capacity, HVAC system capacity, or other building requirements. Further, the commission may recommend to the Legislature additional categories of buildings, structures, or facilities which should be exempted from the Florida Building Code, to be provided by law.

Section 12. Paragraphs (e) and (h) of subsection (1) and subsections (2) and (6) of section 553.77, Florida Statutes, as amended by section 46 of chapter 98-287, Laws of Florida, as amended by section 78 of chapter 2000-141, Laws of Florida, as amended by section 79 of chapter 2000-141, Laws of Florida, are amended, and subsection (7) is added to that section, to read:

553.77 Specific powers of the commission.—

(1) The commission shall:

(e) When requested in writing by any substantially affected person, state agency, or a local enforcing agency, shall issue declaratory statements pursuant to s. 120.565 relating to this part *and ss. 515.25, 515.27, 515.29, and 515.37*. Actions of the commission are subject to judicial review pursuant to s. 120.68.

(h) Hear appeals of the decisions of local boards of appeal regarding interpretation decisions of local building officials, or if no local board exists, hear appeals of decisions of the building officials regarding interpretations of the code. For such appeals:

1. Local decisions declaring structures to be unsafe and subject to repair or demolition shall not be appealable to the commission if the local governing body finds there is an immediate danger to the health and safety of its citizens.

2. All appeals shall be heard in the county of the jurisdiction defending the appeal.

3. *Hearings shall be conducted pursuant to chapter 120 and the uniform rules of procedure, and decisions* ~~Actions~~ of the commission are subject to judicial review pursuant to s. 120.68.

~~(2) With respect to the qualification program for special inspectors of threshold buildings as required by s. 553.79(5)(c), the commission may prescribe initial and annual renewal fees for certification, by rule, in accordance with chapter 120.~~

(6) The commission may provide by rule for plans review and approval of prototype buildings owned by public and private entities to be replicated throughout the state. *The rule must allow for review and approval of plans for prototype buildings to be performed by a public or private entity with oversight by the commission. The department may charge reasonable fees to cover the administrative costs of the program.* Such approved plans or prototype buildings shall be exempt from further review required by s. 553.79(2), except changes to the prototype design, site plans, and other site-related items. *As provided in s. 553.73, prototype buildings are exempt from, or any locally adopted local amendment to any part of the Florida Building Code. Construction or erection of such prototype buildings is subject to local permitting and inspections pursuant to this part.*

(7) *The commission may produce and distribute a commentary document to accompany the Florida Building Code. The commentary must be limited in effect to providing technical assistance and must not have the effect of binding interpretations of the code document itself.*

Section 13. Subsections (2) and (6) of section 553.79, Florida Statutes, as amended by section 49 of chapter 98-287, Laws of Florida, as amended by sections 83 and 84 of chapter 2000-141, Laws of Florida, are amended to read:

553.79 Permits; applications; issuance; inspections.—

(2) *Except as provided in subsection (6), an enforcing agency may not issue any permit for construction, erection, alteration, modification, repair, or demolition of any building or structure until the local building code administrator or inspector has reviewed the plans and specifications required by the Florida Building Code, or local amendment thereto, for such proposal and found the plans to be in compliance with the*

Florida Building Code. In addition, an enforcing agency may not issue any permit for construction, erection, alteration, modification, repair, or demolition of any building until the appropriate firesafety inspector certified pursuant to s. 633.081 has reviewed the plans and specifications required by the Florida Building Code, or local amendment thereto, for such proposal and found that the plans comply with the Florida Fire Prevention Code and the Life Safety Code. Any building or structure which is not subject to a firesafety code shall not be required to have its plans reviewed by the firesafety inspector. Any building or structure that is exempt from the local building permit process may not be required to have its plans reviewed by the local building code administrator. Industrial construction on sites where design, construction, and firesafety are supervised by appropriate design and inspection professionals and which contain adequate in-house fire departments and rescue squads is exempt, subject to local government option, from review of plans and inspections, providing owners certify that applicable codes and standards have been met and supply appropriate approved drawings to local building and firesafety inspectors. The enforcing agency shall issue a permit to construct, erect, alter, modify, repair, or demolish any building or structure when the plans and specifications for such proposal comply with the provisions of the Florida Building Code and the Florida Fire Prevention Code and the Life Safety Code as determined by the local authority in accordance with this chapter and chapter 633.

(6) A permit may not be issued for any building construction, erection, alteration, modification, repair, or addition unless the applicant for such permit complies with the requirements for plan review established by the Florida Building Commission within the Florida Building Code. *However, the code shall set standards and criteria to authorize preliminary construction before completion of all building plans review, including, but not limited to, special permits for the foundation only, and such standards shall take effect concurrent with the first effective date of the Florida Building Code.*

Section 14. Effective upon this act becoming a law, section 553.84, Florida Statutes, as amended by section 88 of chapter 2000-141, Laws of Florida, is amended to read:

553.84 Statutory civil action.—Notwithstanding any other remedies available, any person or party, in an individual capacity or on behalf of a class of persons or parties, damaged as a result of a violation of this part or the Florida Building Code, has a cause of action in any court of competent jurisdiction against the person or party who committed the violation; *however, if the person or party obtains the required building permits and any local government or public agency with authority to enforce the Florida Building Code approves the plans, if the construction project passes all required inspections under the code, and if there is no personal injury or damage to property other than the property that is the subject of the permits, plans, and inspections, this section does not apply unless the person or party knew or should have known that the violation existed.*

Section 15. Effective upon this act becoming a law, section 553.8412, Florida Statutes, is created to read:

553.8412 Legislative intent; delivery of training; outsourcing.—

(1) *The number of licensees who will require initial training for the Florida Building Code is in excess of 100,000. It is the intent of the Legislature that the Florida Building Commission make sure that initial training for the Florida Building Code be achieved as soon as practicable to ensure compliance. It is further the intent of the Legislature that the Florida Building Commission encourage and promote improved coordination between industry associations as a way to achieve better compliance with Florida's building codes.*

(2) *Not more than 60 days after the effective date of this section, the Florida Building Commission and the department shall provide for statewide outreach for training on the Florida Building Code. The Florida Building Commission and the department shall achieve statewide outreach for training through organizations, including, but not limited to, existing licensee trade and professional associations. The Florida Building Commission or the department may not exclude participation in statewide outreach by any trade or professional association that has as its primary constituency members who are required to comply with the training requirements of the Florida Building Code. Wherever possible and by contract pursuant to s. 287.057, the Florida Building Commission and the department shall outsource components, outreach, and coordination of training and the training itself to prevent duplication and ensure*

the most expeditious and consistent delivery and minimize administrative costs to the commission and the department. This section does not prohibit any qualified entity from providing training on the Florida Building Code.

(3) *To the extent available, funding for outreach, coordination of training, or training may come from existing resources. If necessary, the Florida Building Commission or the department may seek additional or supplemental funds pursuant to s. 215.559(5). This section does not preclude the Florida Building Commission from charging fees to fund the building code training program in a self-sufficient manner as provided in s. 553.841(5).*

(4) *This section is repealed June 30, 2003, unless reenacted by the Legislature.*

Section 16. Effective July 1, 2001, section 553.842, Florida Statutes, is amended to read:

553.842 Product evaluation and approval.—

(1) ~~The commission shall adopt rules under ss. 120.536(1) and 120.54 make recommendations to the President of the Senate and the Speaker of the House of Representatives prior to the 2001 Regular Session to develop and implement a product evaluation and approval system that applies statewide to operate in coordination with the Florida Building Code. The commission may enter into contracts to provide for administration of the product evaluation and approval system.~~ The product evaluation and approval system shall provide:

- (a) Appropriate promotion of innovation and new technologies.
- (b) Processing submittals of products from manufacturers in a timely manner.
- (c) Independent, third-party qualified and accredited testing and laboratory facilities, *product evaluation entities, quality-assurance agencies, certification agencies, and validation entities.*
- (d) An easily accessible product acceptance list to entities subject to the Florida Building Code.
- (e) Development of stringent but reasonable testing criteria based upon existing consensus standards, when available, for products.
- (f) Long-term approvals, where feasible. *State and local approvals will be valid until the requirements of the code on which the approval is based change, the product changes in a manner affecting its performance as required by the code, or the approval is revoked.*
- (g) ~~Criteria for recall or~~ revocation of a product approval.
- (h) Cost-effectiveness.

(2) The product evaluation and approval system shall rely on ~~regional,~~ national, and international consensus standards, whenever adopted by the Florida Building Code, for demonstrating compliance with code standards. Other standards which meet or exceed established state requirements shall also be considered.

(3) Products or methods or systems of construction *that require approval under s. 553.77, that have standardized testing or comparative or rational analysis methods established by the code, required to be approved and that are certified by an approved product evaluation entity, testing laboratory, or certification agency as complying with the standards specified by the code shall be approved for local or statewide use by one of the methods established in subsection (6) permitted to be used statewide, without further evaluation or approval.*

(4) *By October 1, 2003, products or methods or systems of construction requiring approval under s. 553.77 must be approved by one of the methods established in subsection (5) or subsection (6) before their use in construction in this state. Products may be approved either by the commission for statewide use, or by a local building department for use in that department's jurisdiction only. Notwithstanding a local government's authority to amend the Florida Building Code as provided in this act, statewide approval shall preclude local jurisdictions from requiring further testing, evaluation, or submission of other evidence as a condition of using the product so long as the product is being used consistent with the conditions of its approval.*

(5) ~~Statewide and~~ Local approval of products or methods or systems of construction may ~~shall~~ be achieved by the local building official through building plans review and inspection to determine that the product, method, or system of construction complies with the prescriptive standards established in the code. Alternatively, local approval may be achieved by one of the methods established in subsection (6).

(6) Statewide or local approval of products, methods, or systems of construction may be achieved by one of the following methods. One of these methods must be used by local officials or the commission to approve the following categories of products: panel walls, exterior doors, roofing, skylights, windows, shutters, and structural components as established by the commission by rule.

(a) Products for which the code establishes standardized testing or comparative or rational analysis methods shall be approved by submittal and validation of one of the following reports or listings indicating that the product or method or system of construction was evaluated to be in compliance with the Florida Building Code and that the product or method or system of construction is, for the purpose intended, at least equivalent to that required by the Florida Building Code:

1. A certification mark or listing of an approved certification agency;
2. A test report from an approved testing laboratory;
3. A product evaluation report based upon testing or comparative or rational analysis, or a combination thereof, from an approved product evaluation entity; or
4. A product evaluation report based upon testing or comparative or rational analysis, or a combination thereof, developed and signed and sealed by a professional engineer or architect, licensed in this state.

(b) Products, methods, or systems of construction for which there are no specific standardized testing or comparative or rational analysis methods established in the code may be approved by submittal and validation of one of the following:

1. A product evaluation report based upon testing or comparative or rational analysis, or a combination thereof, from an approved product evaluation entity indicating that the product or method or system of construction was evaluated to be in compliance with the intent of the Florida Building Code and that the product or method or system of construction is, for the purpose intended, at least equivalent to that required by the Florida Building Code; or
2. A product evaluation report based upon testing or comparative or rational analysis, or a combination thereof, developed and signed and sealed by a professional engineer or architect, licensed in this state, who certifies that the product or method or system of construction is, for the purpose intended, at least equivalent to that required by the Florida Building Code.

(7) The commission shall ensure that product manufacturers operate quality-assurance programs for all approved products. The commission shall adopt by rule criteria for operation of the quality-assurance programs.

(8) For local approvals, validation shall be performed by the local building official. The commission shall adopt by rule criteria constituting complete validation by the local official, including, but not limited to, criteria governing verification of a quality-assurance program. For state approvals, validation shall be performed by validation entities approved by the commission. The commission shall adopt by rule criteria for approval of validation entities, which shall be third-party entities independent of the product's manufacturer and which shall certify to the commission the product's compliance with the code.

(9) The commission may adopt rules to approve the following types of entities that produce information on which product approvals are based. All of the following entities, including engineers and architects, must comply with a nationally recognized standard demonstrating independence or no conflict of interest:

(a) Evaluation entities that meet the criteria for approval adopted by the commission by rule. The commission shall specifically approve the National Evaluation Service, the International Conference of Building Officials Evaluation Services, the Building Officials and Code Administrators International Evaluation Services, the Southern Building Code

Congress International Evaluation Services, and the Miami-Dade County Building Code Compliance Office Product Control. Architects and engineers licensed in this state are also approved to conduct product evaluations as provided in subsection (6).

(b) Testing laboratories accredited by national organizations, such as A2LA and the National Voluntary Laboratory Accreditation Program, laboratories accredited by evaluation entities approved under paragraph (a), and laboratories that comply with other guidelines for testing laboratories selected by the commission and adopted by rule.

(c) Quality-assurance entities approved by evaluation entities approved under paragraph (a) and by certification agencies approved under paragraph (d) and other quality-assurance entities that comply with guidelines selected by the commission and adopted by rule.

(d) Certification agencies accredited by nationally recognized accreditors and other certification agencies that comply with guidelines selected by the commission and adopted by rule.

(e) Validation entities that comply with accreditation standards established by the commission by rule:

(a) Submittal and validation of a product evaluation report from an approved product evaluation entity indicating the product or method or system of construction was tested to be in compliance with the Florida Building Code or with the intent of the Florida Building Code and the product or method or system of construction is, for the purpose intended, at least equivalent to that required by the Florida Building Code; or

(b) ~~Submittal and validation of a product evaluation report or rational analysis which is signed and sealed by a professional engineer or architect, licensed in this state, who has no conflict of interest, as determined by national guidelines, who certifies that the product or method or system of construction is, for the purpose intended, at least equivalent to that required by the Florida Building Code. Any product approved under this procedure shall be required to be manufactured under a quality-assurance program, certified by an approved product evaluation entity.~~

(10)(6) A building official may deny the local application of a product or method or system of construction which has received statewide approval, based upon a written report signed by the official that concludes the product application is inconsistent with the statewide approval and that states the reasons the application is inconsistent. Such denial is subject to the provisions of s. 553.77 governing appeal of the building official's interpretation of the code.

(11)(7) Products, other than manufactured buildings, which are custom fabricated or assembled shall not require separate approval under this section provided the component parts have been approved for the fabricated or assembled product's use and the components meet the standards and requirements of the Florida Building Code which applies to the product's intended use.

(12)(8) A building official may appeal the required approval for local use of a product or method or system of construction to the commission. The commission shall conduct a hearing under chapter 120 and the uniform rules of procedure and shall ~~establish expedited procedures to~~ handle such appeals in an expedited manner.

(13)(9) The decisions of local building officials shall be appealable to the local board of appeals, if such board exists, and then to the commission, which shall conduct a hearing under chapter 120 and the uniform rules of procedure. Decisions of the commission regarding statewide product approvals and appeals of local product approval shall be subject to judicial review pursuant to s. 120.68.

(14)(10) The commission shall maintain a list of the ~~state-approved~~ approved products, and product evaluation entities, testing laboratories, quality-assurance agencies, certification agencies, and validation entities and make such lists ~~list~~ available in the most cost-effective manner. The commission shall establish reasonable timeframes associated with the product approval process and availability of the ~~lists list~~.

(15) The commission shall by rule establish criteria for revocation of product approvals as well as revocation of approvals of product evaluation entities, testing laboratories, quality-assurance entities, certification agencies, and validation entities. Revocation is governed by s. 120.60 and the uniform rules of procedure.

(16) *The commission shall establish a schedule for adoption of the rules required in this section to ensure that the product manufacturing industry has sufficient time to revise products to meet the requirements for approval and submit them for testing or evaluation before the system taking effect on October 1, 2003, and to ensure that the availability of statewide approval is not delayed.*

~~(11) The commission may establish reasonable and appropriate fees for the review of rational analyses and certification of manufactured buildings submitted pursuant to this section and may enter into any contracts the commission deems necessary in order to implement this section.~~

~~(12) Products certified or approved for statewide or local use by an approved product evaluation entity prior to the effective date of this act shall be deemed to be approved for use in this state pursuant to this section and to comply with this section.~~

~~For purposes of this section, an approved product evaluation entity is an entity that has been accredited by a nationally recognized independent evaluation authority or entity otherwise approved by the commission.~~

Section 17. Effective July 1, 2001, subsection (2) of section 553.895, Florida Statutes, is amended to read:

553.895 Firesafety.—

(2) Except for single-family and two-family dwellings, any building which is of three stories or more and for which the construction contract is let after January 1, 1994, regardless of occupancy classification and including any building which is subject to s. 509.215, shall be equipped with an automatic sprinkler system installed in compliance with the provisions of chapter 633 and the rules and codes adopted pursuant thereto. A stand-alone parking garage constructed with noncombustible materials, the design of which is such that all levels of the garage are uniformly open to the atmosphere on all sides with percentages of openings as prescribed in the applicable building code, and which parking garage is separated from other structures by at least 20 feet, is exempt from the requirements of this subsection. *Telecommunications spaces located within telecommunications buildings, if the spaces are equipped to meet an equivalent fire-prevention standard approved by both the Florida Building Commission and the State Fire Marshal, are exempt from the requirements of this subsection. In a building less than 75 feet in height which is protected throughout with an approved and maintained fire sprinkler system, a manual wet standpipe, as defined in the National Fire Protection Association Standard 14, Standard for the Installation of Standpipe, Private Hydrant, and Hose Systems, shall be allowed.*

Section 18. *Effective upon this act becoming a law, the Florida Building Commission shall research the issue of adopting a rehabilitation code for the state and shall report to the Legislature before the 2002 Regular Session regarding the feasibility of adopting such a code. The commission shall review the rehabilitation codes adopted by other states as part of its research.*

Section 19. *Effective upon this act becoming a law, the Florida Building Commission shall research the issue of requiring all primary elevators in buildings with more than five levels to operate with a universal key, thereby allowing access and operation by emergency personnel. The commission must report its recommendations to the Legislature before the 2002 Regular Session.*

Section 20. *Notwithstanding any other provision in chapter 2000-141, Laws of Florida, effective upon this act becoming a law, the effective date of the following sections of chapter 2000-141, Laws of Florida, is changed to January 1, 2002: sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, 29, 30, 32, 36, 39, 44, 47, 48, 49, 52, 54, 56, 58, 59, 60, 62, 70, 71, 72, 75, 79, 81, 84, 86, 87, 88, 91, 92, 93, 94, and 99.*

Section 21. *Notwithstanding any other provision in chapter 2000-141, Laws of Florida, effective upon this act becoming a law, the effective date of the following sections of chapter 98-287, Laws of Florida, as amended by chapter 2000-141, Laws of Florida, is changed to January 1, 2002: sections 1, 2, 4, 5, 7, 9, 13, 14, 15, 16, 17, 18, 21, 24, 29, 31, 32, 34, 36, 38, 40, 44, 46, 47, 49, 51, and 56.*

Section 22. *Notwithstanding any other provision in chapter 2000-141, Laws of Florida, effective upon this act becoming a law, the effective*

date of section 61 of chapter 98-419, Laws of Florida, as amended by chapter 2000-141, Laws of Florida, is changed to January 1, 2002.

Section 23. Effective upon this act becoming a law, section 135 of chapter 2000-141, Laws of Florida, is amended to read:

Section 135. Effective ~~January 1, 2002~~ ~~July 1, 2001~~, subsection (2) of section 255.21, Florida Statutes, paragraphs (d) and (e) of subsection (1) of section 395.1055, Florida Statutes, and subsection (11) of section 553.79, Florida Statutes, are repealed.

Section 24. Effective upon this act becoming a law, subsection (2) of section 62 of chapter 98-287, Laws of Florida, as amended by section 107 of chapter 2000-141, Laws of Florida, is amended to read:

Section 62.

(2) Effective ~~January 1, 2002~~ ~~July 1, 2001~~, all existing local technical amendments to any building code adopted by any local government, except for local ordinances setting forth administrative requirements which are not in conflict with the Florida Building Code, are repealed. Each local government may readopt such amendments pursuant to s. 553.73, Florida Statutes, provided such amendments comply with applicable provisions of the Florida Building Code.

Section 25. Effective upon this act becoming a law, section 68 of chapter 98-287, Laws of Florida, as amended by section 108 of chapter 2000-141, Laws of Florida, is amended to read:

Section 68. Effective ~~January 1, 2002~~ ~~July 1, 2001~~, parts I, II, and III of chapter 553, Florida Statutes, consisting of sections 553.01, 553.02, 553.03, 553.04, 553.041, 553.05, 553.06, 553.07, 553.08, 553.10, 553.11, 553.14, 553.15, 553.16, 553.17, 553.18, 553.20, 553.21, 553.22, 553.23, 553.24, 553.25, 553.26, 553.27, and 553.28, Florida Statutes, are repealed, section 553.141, Florida Statutes, is transferred and renumbered as section 553.86, Florida Statutes.

Section 26. *Effective upon this act becoming a law, funds that are available under sections 489.109(3) and 489.509(3), Florida Statutes, shall be allocated and expended by the Florida Building Commission as provided in this section.*

(1) *Effective upon this act becoming a law, the Florida Building Commission shall appoint those members of the Building Construction Industry Advisory Committee on October 1, 2001, as established by Rule 6A-10.029, Florida Administrative Code, to the Education Technical Advisory Committee of the Florida Building Commission to complete their terms of office. Members of the Florida Building Commission shall also be appointed to the Education Technical Advisory Committee. The members of the committee shall broadly represent the building construction industry and must consist of no fewer than 10 persons. The chairperson of the Florida Building Commission shall annually designate the chairperson of the committee. The terms of the committee members shall be 2 years each and members may be reappointed at the discretion of the Florida Building Commission.*

(2) *The Educational Technical Advisory Committee shall:*

(a) *Advise the commission on any policies or procedures needed to administer sections 489.109(3) and 489.509(3), Florida Statutes.*

(b) *Advise the commission on administering section 553.841, Florida Statutes.*

(c) *Advise the commission on areas of priority for which funds should be expended for research and continuing education.*

(d) *Review all proposed research and continuing education projects and recommend to the commission those projects that should be funded and the amount of funds to be provided for each project.*

(3) *Each biennium, upon receipt of funds by the Department of Community Affairs from the Construction Industry Licensing Board and the Electrical Contractors' Licensing Board provided under sections 489.109(3) and 489.509(3), Florida Statutes, the commission shall determine the amount of funds available for research projects from the proceeds of contractor licensing fees and identify, solicit, and accept funds from other sources for research and continuing education projects.*

(4) If funds collected for research projects in any year do not require the use of all available funds, the unused funds shall be carried forward and allocated for use during the following fiscal year.

Section 27. Effective upon this act becoming a law, the Florida Building Commission shall convene an ad hoc subcommittee to recommend a procedure by which the public could elect to engage an engineer or architect to perform plans review and inspection for the construction, alteration, repair, or improvement of real property, and the appropriate role of the local building official in such an alternative plans review and inspection procedure and in the resulting issuance of a building permit and certificate of occupancy.

(1) The ad hoc committee shall be composed of 11 members appointed by the chairperson of the commission who shall meet the following qualifications:

- (a) Five members from the Building Officials Association of Florida;
- (b) Two members from the Associated General Contractors of Florida;
- (c) One member from the Florida Homebuilders Association;
- (d) One member from the Florida Engineering Society;
- (e) One member from the Florida Association of the American Institute of Architects; and
- (f) One member from the Florida Insurance Council.

(2) The ad hoc subcommittee shall meet at least four times prior to January 1, 2002. Members may participate in any meeting via telephone conference if the technology is available at the meeting location. Members shall serve on a voluntary basis, without compensation and without reimbursement of per diem and travel expenses.

(3) The ad hoc subcommittee shall examine the various processes used by local building officials throughout the state in conducting plans review for the construction, alteration, repair, or improvement of real property, and approving building permit applications, as well as those processes used by local building officials in conducting required inspections for construction, alteration, repair, or improvement of real property, and issuing certificates of occupancy. The ad hoc subcommittee shall make recommendations on the following:

- (a) A procedure by which the public could elect to engage an engineer or architect to perform plans review and inspection for the construction, alteration, repair, or improvement of real property; and
- (b) The appropriate role of the local building official in such an alternative plans review and inspection procedure and in the resulting issuance of a building permit and certificate of occupancy.

(4) The ad hoc subcommittee shall submit to the Florida Building Commission its recommendations and findings by January 1, 2002. The commission shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives, before the beginning of the next regularly scheduled legislative session, a report of its findings, which shall include the recommendations of the ad hoc committee.

(5) The Department of Community Affairs shall provide logistical and staff support for the ad hoc subcommittee.

Section 28. Subsection (1) of section 627.0629, Florida Statutes, as amended by section 99 of chapter 2000-141, Laws of Florida, is amended to read:

627.0629 Residential property insurance; rate filings.—

(1) A rate filing for residential property insurance must include actuarially reasonable discounts, credits, or other rate differentials, or appropriate reductions in deductibles, for properties on which fixtures or construction techniques demonstrated to reduce the amount of loss in a windstorm have been installed or implemented. The fixtures or construction techniques shall include, but not be limited to, fixtures or construction techniques which enhance roof strength, roof covering performance, roof-to-wall strength, wall-to-floor-to-foundation strength, opening protection, and window, door, and skylight strength. Credits, discounts, or other rate differentials for fixtures and construction techniques which meet the minimum requirements of the Florida Building

Code must be included in the rate filing. All insurance companies must make a rate filing which includes the credits, discounts, or other rate differentials by ~~December 31~~ ~~June 1~~, 2002.

Section 29. Effective upon this act becoming a law, paragraph (c) of subsection (3) of section 633.0215, Florida Statutes, is amended to read:

633.0215 Florida Fire Prevention Code.—

(3) No later than 180 days before the triennial adoption of the Florida Fire Prevention Code, the State Fire Marshal shall notify each municipal, county, and special district fire department of the triennial code adoption and steps necessary for local amendments to be included within the code. No later than 120 days before the triennial adoption of the Florida Fire Prevention Code, each local jurisdiction shall provide the State Fire Marshal with copies of its local fire code amendments. The State Fire Marshal has the option to process local fire code amendments that are received less than 120 days before the adoption date of the Florida Fire Prevention Code.

(c) Notwithstanding other state or local building and construction code laws to the contrary, locally adopted fire code requirements that were in existence on the effective date of this section shall be deemed local variations of the Florida Fire Prevention Code until the State Fire Marshal takes action to adopt as a statewide firesafety code requirement or rescind such requirements as provided herein, and such action shall take place no later than ~~January 1, 2002~~ ~~July 1, 2001~~.

Section 30. Effective upon this act becoming a law, section 1 of chapter 2000-150, Laws of Florida, is repealed.

Section 31. Effective upon this act becoming a law, the Florida Building Commission shall research and evaluate the types of specific needs for the state and its localities which are appropriate to justify amendments to the adopted Florida Building Code, as referenced in section 553.73(3), Florida Statutes, and shall make recommendations regarding legislative clarification of this issue to the Legislature prior to the 2002 Regular Session. The commission shall consider needs relating to the state's geographic, climatic, soil, topographic, fire, and other conditions as part of its evaluation. The commission shall adopt no amendments to the Florida Building Code until after July 1, 2002, except for the following: emergency amendments, amendments clarifying construction regulations for state agencies, amendments that eliminate conflicts with state law or implement new authorities granted by law, and amendments to implement settlement agreements executed prior to March 1, 2002.

Section 32. Effective upon this act becoming a law, the sum of \$250,000 is appropriated from the General Revenue Fund to Florida Community College at Jacksonville for the operations of the Institute of Applied Technology in Construction Excellence.

Section 33. The sum of \$250,000 is appropriated from the General Revenue Fund to Miami-Dade Community College for the purpose of implementing the building code training program for inspectors, contractors, architects, and engineers.

Section 34. Except as otherwise expressly provided in this act, this act shall take effect January 1, 2002.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Florida Building Code; amending s. 235.061, F.S.; delaying the date by which relocatables used as classrooms must meet certain standards; amending s. 235.212, F.S.; specifying certain low-energy window standards for relocatable classrooms; amending s. 255.31, F.S.; exempting certain facilities from plans reviews and inspections by local governments; amending s. 373.323, F.S.; authorizing water well contractors to install, repair, or modify specified equipment in accordance with the code; amending s. 399.061, F.S.; providing requirements for the inspection of elevators and other conveyances; amending s. 489.509, F.S.; transferring specified licensing fees from the Department of Education to the Department of Community Affairs; amending ss. 553.36, 553.415, F.S.; defining the term "factory-built school shelter"; providing for the department to approve plans for such shelters; authorizing districts to charge inspection fees; authorizing approved inspection entities to conduct inspections of factory-built school buildings while they are under construction; delaying the date for inclusion of the Uniform Code for Public Education Facilities in the Florida

Building Code; delaying the deadline for inspecting factory-built buildings currently in use; amending ss. 553.505, 553.507, F.S.; conforming cross-references; amending s. 553.73, F.S.; providing for the uniform implementation of parts of the residential swimming pool safety act; providing a process for the approval of technical amendments to the code; providing for the treatment of permit applications submitted prior to the effective date of the code; exempting specified structures from the wind-borne-debris-impact standards of the Florida Building Code; amending s. 553.77, F.S.; requiring the commission to issue specified declaratory statements; providing for hearings; providing for rules for plan review of prototype buildings; authorizing the commission to produce a commentary to accompany the Florida Building Code; amending s. 553.79, F.S.; requiring the code to establish standards for preliminary construction; amending s. 553.84, F.S.; providing an exception to certain liability provisions relating to the Florida building Code; creating s. 553.8412, F.S.; providing for statewide outreach for training on the code; amending s. 553.842, F.S.; providing methods for local and statewide approval of products, methods, and systems of construction; providing rulemaking authority; amending s. 553.895, F.S.; exempting specified spaces within telecommunications buildings under specified circumstances; allowing the use of a manual wet standpipe under certain circumstances; directing the commission to research some issues and provide reports to the Legislature; providing an effective date for the Florida Building Code; amending s. 135 of ch. 2000-141, Laws of Florida, and ss. 62(2) and 68 of ch. 98-287, Laws of Florida, as amended; requiring that the Florida Building Commission appoint members to the commission's Education Technical Advisory Committee; specifying duties of the advisory committee; providing for the carryforward of funds collected for research projects; requiring the Florida Building Commission to convene an ad hoc subcommittee to recommend procedures for engaging an engineer or architect to perform plans review and inspections; requiring recommendations for the role of local building officials in issuing building permits and certificates of occupancy; providing for appointment of members; providing for meetings and staff support by the Department of Community Affairs; requiring a report to the Governor and the Legislature by a specified date; amending s. 627.0629, F.S.; delaying a deadline by which insurance companies are required to make certain rate filings; amending s. 663.0215, F.S.; delaying the date on which the State Fire Marshal is required to adopt a statewide firesafety code; providing appropriations; repealing s. 1 of ch. 2000-150, Laws of Florida, relating to legislative intent regarding the meaning of the terms "net premiums written" and "net premiums collected" as used in ch. 440, F.S.; providing an effective date.

Senator King moved the following amendment to **Amendment 1**:

Amendment 1A (215544)(with title amendment)—On page 7, between lines 14 and 15, insert:

Section 7. Paragraph (f) is added to subsection (3) of section 489.537, Florida Statutes, to read:

489.537 Application of this part.—

(3) Nothing in this act limits the power of a municipality or county:

(f) *To require that a licensed electrical journeyman be present on an industrial or commercial new construction site of 50,000 square feet or more when electrical work is being performed in order to supervise or perform such work, except as provided in s. 489.503. The Department of Business and Professional Regulation shall adopt rules to implement a required statewide registration designation for electrical journeyman for industrial and commercial job sites to take effect January 1, 2003.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 45, line 16, after the semicolon (;) insert: amending s. 489.537, F.S.; revising the power of municipalities and counties with respect to regulating electrical journeymen; providing for rules;

Senator King moved the following substitute amendment for **Amendment 1A** which was adopted:

Amendment 1B (843068)(with title amendment)—On page 7, between lines 14 and 15, insert:

Section 7. Paragraph (f) is added to subsection (3) of section 489.537, Florida Statutes, to read:

489.537 Application of this part.—

(3) Nothing in this act limits the power of a municipality or county:

(f) *To require that one electrical journeyman, who is a graduate of the Institute of Applied Technology in Construction Excellence or licensed pursuant to s. 489.5335, be present on an industrial or commercial new construction site with a facility of 50,000 gross square feet or more when electrical work in excess of 77 volts is being performed in order to supervise or perform such work, except as provided in s. 489.503.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 45, line 16, after the semicolon (;) insert: amending s. 489.537, F.S.; revising the power of municipalities and counties with respect to regulating electrical journeymen;

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

Amendment 1C (892898)—On page 3, line 15, delete "July 1, 2001" and insert: January 1, 2002

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **CS for CS for SB's 336 and 190** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Clary, by unanimous consent—

SB 342—A bill to be entitled An act relating to pharmacy; requiring the removal of specified drugs from the negative formulary for generic and brand-name drugs established in s. 465.025(6), F.S.; providing that the act does not amend existing law relating to a physician's authority to prohibit generic drug substitution by writing "medically necessary" on the prescription; providing an effective date.

—was taken up out of order and read the second time by title.

Amendments were considered and failed and an amendment was considered and adopted to conform **SB 342** to **HB 69**.

Pending further consideration of **SB 342** as amended, on motion by Senator Clary, by two-thirds vote **HB 69** was withdrawn from the Committees on Health, Aging and Long-Term Care; Banking and Insurance; Appropriations Subcommittee on Health and Human Services and Appropriations.

On motion by Senator Clary—

HB 69—A bill to be entitled An act relating to pharmacy; requiring the removal of specified drugs from the negative formulary for generic and brand-name drugs established in s. 465.025(6), F.S.; providing that the act does not amend existing law relating to a physician's authority to prohibit generic drug substitution by writing "medically necessary" on the prescription; providing an effective date.

—a companion measure, was substituted for **SB 342** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 69** was placed on the calendar of Bills on Third Reading.

On motion by Senator Garcia, by unanimous consent—

CS for SB 466—A bill to be entitled An act relating to public employment; amending s. 20.23, F.S.; eliminating provisions requiring that the inspector general position in the Department of Transportation be within the Career Service System; repealing ss. 110.108, 110.109, F.S., relating to personnel pilot projects, productivity improvement, and personnel audits of executive branch agencies; amending s. 110.1091, F.S.; providing requirements for a program to assist state employees; repealing s. 110.1095, F.S., relating to supervisory and management training and continuing education for executive branch agencies; amending s.

110.1099, F.S.; providing for state employees to receive vouchers or waivers to attend community colleges under specified circumstances; requiring the Department of Management Services to adopt rules; amending s. 110.1127, F.S.; providing for security background checks for certain state employee positions; amending s. 110.113, F.S.; requiring all state employees except those who receive an exemption to participate in the direct deposit program; amending s. 110.1245, F.S.; providing for a savings-sharing program for employees whose proposals result in savings; providing for bonus payments; eliminating the meritorious service awards program; requiring that such bonuses be paid from funds authorized by the Legislature; repealing s. 110.1246, F.S., relating to lump-sum bonus payments; amending s. 110.129, F.S.; authorizing the Department of Management Services to furnish technical assistance to improve personnel administration for municipalities or other political subdivisions; amending s. 110.131, F.S.; requiring approval by the Executive Office of the Governor for an extension in hours of other-personal-services temporary employment; providing certain exceptions; amending s. 110.203, F.S.; revising definitions; including the outsourcing and privatization of an activity or function within the definition of the term "layoff"; defining the term "firefighter" and "law enforcement or correctional officer"; creating s. 110.2035, F.S.; requiring the Department of Management Services to develop a classification and compensation program for certain employees; providing requirements for the program; requiring that the department submit a proposed plan to the Governor and the Legislature; requiring the department to adopt rules; amending s. 110.205, F.S.; providing for managerial employees and certain employees under a collective bargaining agreement to be exempt from the Career Service System; providing for carrying leave forward; repealing ss. 110.207, 110.209, F.S., relating to the career service classification plan and pay plan; amending s. 110.211, F.S.; authorizing the Department of Management Services to contract for recruitment services; amending s. 110.213, F.S.; requiring a probationary period for new employees; revising requirements for agency heads in selecting employees; providing certain restrictions for leave benefits for Senior Management Service employees; providing for annual payouts for a specified amount of unused annual leave for career service employees; amending s. 110.219, F.S.; revising provisions governing attendance and leave; providing for a year-end cash-out of annual leave by specified employees under specified circumstances; amending s. 110.224, F.S.; providing for a public employee performance evaluation system; providing requirements for the system; authorizing the department to adopt rules; amending s. 110.227, F.S.; authorizing suspension or dismissal of employees who have permanent status for reasonable cause; defining the term "reasonable cause"; providing certain exceptions; establishing grievance procedures; providing for hearings and final orders by the Public Employees Relations Commission; amending s. 110.233, F.S.; prohibiting certain political activity by a career service employee; amending s. 110.235, F.S.; requiring state agencies to implement training programs; amending s. 110.401, F.S.; providing for training and management-development programs for senior-level management; amending s. 110.403, F.S.; requiring the department to administer a professional development program; increasing the percentage of authorized positions within the Senior Management Service; amending s. 110.601, F.S.; providing for a system of personnel management; amending s. 110.602, F.S.; eliminating a limitation on the percentage of authorized positions within the Selected Exempt Service; amending s. 110.605, F.S.; providing for personnel rules, records, reports, and performance appraisals; amending s. 110.606, F.S.; requiring the department to collect certain data with respect to classifications with the Selected Exempt Service; amending ss. 288.708, 440.4416, F.S.; providing for the executive director of the Florida Black Business Investment Board and the members of the Workers' Compensation Oversight Board to be subject to the Senior Management Service System; amending s. 509.036, F.S.; revising the standard under which an inspector of public food service establishments may be suspended or dismissed; amending s. 216.262, F.S.; providing for the Legislative Budget Commission to authorize a state agency to retain moneys associated with eliminated positions under certain circumstances; amending s. 447.201, F.S.; providing public policy with respect to public employees; amending s. 447.205, F.S.; providing that the Public Employees Relations Commission is not subject to the control of the Department of Management Services; amending s. 447.207, F.S.; revising authority of the commission to hear certain appeals; conforming provisions to changes made by the act; amending s. 447.503, F.S.; revising the standard for reinstating an employee who is suspended or discharged; amending s. 447.507, F.S.; revising requirements for the probation served by a public employee; amending s. 112.215, F.S.; authorizing certain pretax, trustee-to-trustee transfer of

deferred compensation accounts; repealing s. 125.0108(2)(d), F.S., relating to the former Career Service Commission; repealing ss. 944.35(3)(c), 985.4045(1)(b), F.S., relating to cause for dismissal from employment by the Department of Corrections or the Department of Juvenile Justice; transferring the Public Employees Relations Commission from the Department of Labor and Employment Security to the Department of Management Services; transferring records, personnel, property, balances of appropriations, and other funds; requiring the Department of Management Services to adopt rules; requiring that the department develop a performance agreement between management employees and agency heads; creating s. 110.1315, F.S.; authorizing the department to contract for an alternative retirement program for temporary and seasonal employees; providing requirements for selecting a vendor; amending s. 447.403, F.S.; revising requirements for resolving an impasse in collective bargaining negotiations; prohibiting the appointment of a mediator if the Governor is the employer; providing a procedure for resolving such impasse; amending s. 216.163, F.S., relating to an impasse in collective bargaining negotiations; conforming provisions to changes made by the act; providing effective dates.

—was taken up out of order and read the second time by title.

On motion by Senator Garcia, further consideration of **CS for SB 466** was deferred.

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

BILLS ON THIRD READING, continued

The Senate resumed consideration of—

CS for SB 408—A bill to be entitled An act relating to electric utility service interruptions; creating s. 768.138, F.S.; providing electric utilities with a complete defense in certain actions for certain law enforcement assistance activities; providing an effective date.

—with pending point of order on **Amendment 1 (252714)** by Senator Campbell.

RULING ON POINT OF ORDER

On recommendation of Senator Lee, Chairman of the Committee on Rules and Calendar, the President ruled the point well taken and the amendment out of order.

On motion by Senator Smith, **CS for SB 408** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

Consideration of **SB 482** was deferred.

SENATOR SEBESTA PRESIDING

CS for CS for SB 710—A bill to be entitled An act relating to state government; creating the "Florida Customer Service Standards Act"; providing definitions; specifying measures that state departments are directed to implement with respect to interaction with their customers; providing requirements regarding operating hours; providing that fail-

ure to comply with the act does not constitute a cause of action; providing exceptions; providing an effective date.

—was read the third time by title.

On motion by Senator Crist, **CS for CS for SB 710** was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

CS for SB 886—A bill to be entitled An act relating to durable powers of attorney; amending s. 709.08, F.S.; providing for durable powers of attorney contingent upon a specified condition; providing guidelines for such powers; providing statutory forms for affidavits to attest to a specified condition; providing immunity from criminal and civil liability for physicians making a determination of incapacity to manage property under certain conditions; providing an effective date.

—as amended April 30 was read the third time by title.

On motion by Senator Klein, **CS for SB 886** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

Consideration of **HB 405** was deferred.

SB 770—A bill to be entitled An act relating to workers' compensation; amending s. 440.092, F.S.; characterizing certain activities of certain officers as arising out of and in the course of employment for compensability purposes; providing a declaration of important state interest; providing an effective date.

—as amended April 30 was read the third time by title.

On motion by Senator Crist, **SB 770** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Crist	Jones	Miller
Brown-Waite	Dawson	King	Mitchell
Burt	Diaz de la Portilla	Klein	Peaden
Campbell	Dyer	Latvala	Posey
Carlton	Garcia	Laurent	Pruitt
Clary	Geller	Lawson	Rossin
Constantine	Holzendorf	Lee	Sanderson
Cowin	Horne	Meek	Saunders

Sebesta	Smith	Villalobos	Webster
Silver	Sullivan	Wasserman Schultz	
Nays—None			

On motion by Senator Holzendorf, consideration of **SB 1220** was deferred.

SB 1428—A bill to be entitled An act relating to the State Group Insurance Program; amending ss. 110.123, 287.022, F.S.; prohibiting limitations by the state on competition for an insurance product or plan on the basis of the compensation arrangement used by the insurer or organization; providing an effective date.

—as amended April 30 was read the third time by title.

On motion by Senator Posey, **SB 1428** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

SB 1142—A bill to be entitled An act relating to the emergency telephone system; amending ss. 365.171, 365.172, 365.174, F.S.; transferring state control over the Florida Emergency Telephone Act and the Wireless Emergency Communications Act from the Department of Management Services to the Office of State Technology; conforming statutory references; providing for the "911" fee to be used by certain counties to fund a pilot project for a nonemergency system; amending s. 365.173, F.S.; authorizing the State Treasurer to invest moneys in the Wireless Emergency Telephone System Fund; removing requirements that funds be held in escrow; revising the date for submission of the legislative budget request; providing an effective date.

—as amended April 30 was read the third time by title.

MOTION

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

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

Amendment 1 (660680)—On page 8, line 6, after the period (.) insert: *However, no wireless telephone service provider shall be required to participate in this pilot project or to otherwise implement a nonemergency "311" system or similar nonemergency system.*

On motion by Senator Constantine, **SB 1142** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Bronson	Cowin	Holzendorf	Lawson
Brown-Waite	Crist	Horne	Lee
Burt	Dawson	Jones	Meek
Campbell	Diaz de la Portilla	King	Miller
Carlton	Dyer	Klein	Mitchell
Clary	Garcia	Latvala	Peaden
Constantine	Geller	Laurent	Posey

Pruitt	Saunders	Smith	Wasserman Schultz	Silver	Sullivan	Wasserman Schultz	Webster
Rossin	Sebesta	Sullivan	Webster	Smith	Villalobos		
Sanderson	Silver	Villalobos		Nays—None			

Nays—None

HB 405—A bill to be entitled An act relating to public records exemptions for certain surplus lines insurance records; amending s. 626.921, F.S., which provides an exemption from public records requirements for certain surplus lines insurance information submitted to the Department of Insurance or available for inspection by the department; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; narrowing the exemption to apply to information specific to a particular policy or policyholder; providing an exemption from public records requirements for certain surplus lines insurance information submitted to the Florida Surplus Lines Service Office; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—as amended April 30 was read the third time by title.

On motion by Senator Latvala, **HB 405** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

SB 482—A bill to be entitled An act relating to statutory accounting principles; amending s. 624.610, F.S.; updating a cross-reference; creating s. 625.011, F.S.; defining the term “statutory accounting principles”; amending s. 625.012, F.S.; providing for what constitutes an asset of an insurer; amending s. 625.031, F.S.; providing for assets not allowed in determining the financial condition of an insurer; amending s. 625.041, F.S.; revising a provision concerning liability; amending s. 625.141, F.S.; providing for the valuation of bonds; amending s. 625.161, F.S.; revising requirements for new appraisals in the valuation of real property; amending s. 625.322, F.S.; revising requirements for collateral loans; creating s. 641.183, F.S.; providing a transition selection for statutory accounting principles; amending s. 641.19, F.S.; redefining the terms “reporting period,” “statutory accounting principles,” “surplus,” and “surplus notes” for purposes of the Health Maintenance Organization Act; amending s. 641.35, F.S.; redefining certain assets or liabilities in the determination of the financial condition of a health maintenance organization; providing applicability; providing a retroactive effective date.

—as amended April 30 was read the third time by title.

On motion by Senator Pruitt, **SB 482** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Crist	King	Mitchell
Brown-Waite	Dawson	Klein	Peaden
Burt	Diaz de la Portilla	Latvala	Posey
Campbell	Dyer	Laurent	Pruitt
Carlton	Geller	Lawson	Rossin
Clary	Holzendorf	Lee	Sanderson
Constantine	Horne	Meek	Saunders
Cowin	Jones	Miller	Sebesta

Consideration of **SB 1444**, **SB 1820** and **SB 1916** was deferred.

CS for SB 1836—A bill to be entitled An act relating to public records; amending s. 213.053, F.S.; providing an exemption from public records requirements for information contained in specified documents received by the Department of Revenue in connection with ch. 202, F.S., the Communications Services Tax Simplification Law; authorizing the department to provide certain information relative to said chapter to local governments imposing a local communications services tax; providing for application of confidentiality and penalty provisions to such local governments; providing for future 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 Carlton, **CS for SB 1836** was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Dyer	Lawson	Saunders
Brown-Waite	Garcia	Lee	Sebesta
Burt	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	
Diaz de la Portilla	Laurent	Sanderson	

Nays—1

Campbell

CS for SB 2142—A bill to be entitled An act relating to solid waste collection; amending s. 165.061, F.S.; providing requirements for the plan for incorporation of a new municipality relating to contracts for solid waste collection; amending s. 403.707, F.S.; amending provisions relating to permitting solid waste management facilities; providing requirements for scales used by and records that must be kept by materials recovery facilities and facilities at which construction and demolition debris is processed; providing for applicability; providing for rulemaking; providing an effective date.

—was read the third time by title.

On motion by Senator Dyer, **CS for SB 2142** was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

Consideration of **CS for SB 2054** was deferred.

CS for SB 2220—A bill to be entitled An act relating to governmental data processing; creating s. 119.084, F.S.; providing definitions; authorizing governmental agencies to acquire, hold, and enforce copyrights for data processing software they create; authorizing sale or license of such software; authorizing establishment of sales price and licensing fee; providing requirements for electronic recordkeeping systems; providing for access to public records maintained in electronic recordkeeping systems; providing for fees to be charged for copying public records maintained in electronic recordkeeping systems; prohibiting contracts for public records databases that impair public access to public records; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—as amended April 30 was read the third time by title.

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

Amendment 1 (105740)—On page 4, line 4, after the period (.) insert: *Such contract may not allow any impediment that as a practical matter makes it more difficult for the public to inspect or copy the records than to inspect or copy the agency's records. The fees and costs for the production of such records may not be more than the fees or costs charged by the agency.*

On motion by Senator Posey, **CS for SB 2220** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

SB 1220—A bill to be entitled An act relating to insurance; amending s. 624.4072, F.S.; extending the term of the exemption from taxes and assessments on minority-owned property and casualty insurers; postponing the scheduled repeal of the law; providing an effective date.

—as amended April 30 was read the third time by title.

Senators Holzendorf, Geller, Klein and Latvala offered the following amendment which was moved by Senator Holzendorf:

Amendment 1 (363452)(with title amendment)—On page 2, between lines 24 and 25, insert:

Section 2. Paragraph (e) is added to subsection (1) of section 28.101, Florida Statutes; to read:

28.101 Petitions and records of dissolution of marriage; additional charges.—

(1) When a party petitions for a dissolution of marriage, in addition to the filing charges in s. 28.241, the clerk shall collect and receive:

(e) *A charge of \$50. Monthly, the clerk shall transfer the moneys collected under this paragraph to the authorized insurer or eligible surplus lines insurer, selected under chapter 287, for the issuance of a policy of insurance to provide child-support payments when the payor's employment has been involuntarily terminated. The \$50 charge may be reduced to the actual premium amount for such policy as determined through the competitive-bidding process in chapter 287.*

1. *The policy required by this paragraph must provide for the payment of child-support amounts due to the child or to the child's parent or legal guardian. Payments must be made, after a reasonable waiting period of no longer than 7 days, on behalf of the obligated person when*

the obligated person has become unemployed by reason of involuntary unemployment. As used in this paragraph, the term "involuntary unemployment" means unemployment due to a strike, lockout, individual or mass layoff, or loss of income due to business failure or bankruptcy. Payments must be equal to the monthly or weekly support payments and must be paid in accordance with the terms of the divorce decree or other order of the court for the term of involuntary unemployment, but payments may not be made for a period of more than 13 weeks. The 13 weeks need not be consecutive; however, this is the maximum number of weeks payable on behalf of the obligated person for the total of all periods of involuntary unemployment.

2. *In addition to the costs collected for the payment of the insurance premium, the clerk may collect an additional fee of \$4 to cover the administrative cost of collecting and transmitting the insurance premium.*

3. *The Department of Management Services shall select an insurer or eligible surplus lines insurer to provide the insurance required under this paragraph, and such selection must comply with the provisions of chapter 287. The department shall notify each county clerk of the insurer or surplus lines insurer selected to provide the insurance and the necessary information for transmittal of the moneys collected to pay the premiums for such insurance.*

4. *The clerk shall furnish to such insurer or surplus insurer the name and address of each person ordered to pay child support and each person entitled to receive such payments. The insurer or surplus lines insurer selected shall furnish a certificate of insurance, an explanation of the coverage, and claim-filing instructions to the person entitled to receive the child-support payments.*

5. *The insurer or surplus lines insurer providing the insurance required under this paragraph is responsible for notifying the obligor, the obligee, the Department of Revenue in the Title IV-D cases, and the local depository in the county that entered the order that child support payments are being made by an insurer.*

Section 3. Subsection (6) is added to section 624.3161, Florida Statutes, to read:

624.3161 Market conduct examinations.—

(6) *The department shall adopt rules as necessary to effectuate the market conduct examination process, to assure compliance by the person examined with the applicable provisions of the Insurance Code. Such rules shall not exceed the authority of the statutes involved in the market conduct examination.*

Section 4. Subsection (8) is added to section 626.171, Florida Statutes, to read:

626.171 Application for license.—

(8) *The department shall adopt rules to effectuate the license application process, including photo identification, background checks and credit reports, prelicensing courses, the impact of criminal and law enforcement history, and other relevant information in an effort to determine an applicant's fitness and trustworthiness to engage in the business of insurance.*

Section 5. Paragraphs (o) and (w) of subsection (1) of section 626.9541, Florida Statutes, are amended to read:

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

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

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

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

2. Knowingly collecting as a premium or charge for insurance any sum in excess of or less than the premium or charge applicable to such

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

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

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

- (I) Lawfully parked;
- (II) Reimbursed by, or on behalf of, a person responsible for the accident or has a judgment against such person;
- (III) Struck in the rear by another vehicle headed in the same direction and was not convicted of a moving traffic violation in connection with the accident;
- (IV) Hit by a "hit-and-run" driver, if the accident was reported to the proper authorities within 24 hours after discovering the accident;
- (V) Not convicted of a moving traffic violation in connection with the accident, but the operator of the other automobile involved in such accident was convicted of a moving traffic violation;
- (VI) Finally adjudicated not to be liable by a court of competent jurisdiction;
- (VII) In receipt of a traffic citation which was dismissed or nolle prossed; or
- (VIII) Not at fault as evidenced by a written statement from the insured establishing facts demonstrating lack of fault which are not rebutted by information in the insurer's file from which the insurer in good faith determines that the insured was substantially at fault.

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

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

- a. A second infraction committed within an 18-month period, or a third or subsequent infraction committed within a 36-month period.
- b. A violation of s. 316.183, when such violation is a result of exceeding the lawful speed limit by more than 15 miles per hour.

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

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

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

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

9. No insurer shall, with respect to premiums charged for motor vehicle insurance, unfairly discriminate solely on the basis of age, sex, marital status, *location of the risk*, *accidents more than 3 years old*, or scholastic achievement.

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

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

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

(w) Soliciting or accepting new or renewal insurance risks by insolvent or impaired insurer prohibited; penalty.—

1. Whether or not delinquency proceedings as to the insurer have been or are to be initiated, but while such insolvency or impairment exists, no director or officer of an insurer, except with the written permission of the Department of Insurance, shall authorize or permit the insurer to solicit or accept new or renewal insurance risks in this state after such director or officer knew, or reasonably should have known, that the insurer was insolvent or impaired. "Impaired" includes impairment for capital or surplus, as defined in s. 631.011(12)(9) and (13)(40).

2. Any such director or officer, upon conviction of a violation of this paragraph, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 6. Section 626.9552, Florida Statutes, is created to read:

626.9552 Single interest insurance.—

(1) *When single interest insurance is written at the expense of the purchaser or borrower in connection with a finance or loan transaction, a clear and concise statement must be furnished the purchaser or borrower advising the purchaser or borrower that the insurance effected is solely for the interest of the financing entity, and that no protection thereunder exists for the benefit of the purchaser or borrower. When single interest insurance is written, no effort may be made by the insurer to recover the amount of any payment from the borrower. Single interest insurance policies must be clearly stamped or printed on the declarations page, "Single Interest Only—No Subrogation." Single interest insurance is to be placed only after it has been determined that no other kind*

of insurance can be placed on the risk, except with the consent of the purchaser or borrower. Single interest may be written in cases of inland marine installment sales floater policies. If insurance cannot be obtained for the dual protection of the purchaser or borrower, and the seller or lender or financing entity for all the coverages contemplated, or if obtained, is canceled by the insurer before expiration, the seller or lender or financing entity may obtain insurance to protect his or her interest in the motor vehicle or other personal property, and the purchaser or borrower may be required to pay the cost thereof. In such event the seller or lender or financing entity shall promptly notify the purchaser or borrower that such insurance cannot be obtained, or has been canceled, and credit to the purchaser or borrower the difference between the amount charged for dual protection insurance and the actual cost of such single interest insurance, less, in the event of cancellation, the earned premium on the dual interest insurance for the period it was in force. If the purchaser or borrower procures acceptable dual interest insurance within 30 days after the date of such notice and provides the seller or lender, or finance entity with evidence that the premium therefore has been paid, there is no charge to him or her for the single interest coverage. As used in this section, the term "financing entity" means a finance company, bank, or other lending institution. However, those lenders licensed under the Consumer Finance Act, chapter 516, must provide coverage issued in the name of the borrower containing the customary mortgagee or loss payee clause.

(2) If a certificate is issued under a master policy, the same coverage as provided in an individual policy will apply.

(3) The provisions of this section do not apply to title insurance as defined in s. 624.608.

Section 7. Paragraph (a) of subsection (2) of section 627.062, Florida Statutes, is amended to read:

627.062 Rate standards.—

(2) As to all such classes of insurance:

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

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

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

Section 8. Subsection (4) is added to section 627.0625, Florida Statutes, to read:

627.0625 Commercial property and casualty risk management plans.—

(4) Commercial motor vehicle policies that are issued to satisfy mandatory financial responsibility requirements of a state or local government must provide first dollar coverage to third-party claimants without a deductible. With respect to such practices, the department may adopt

rules necessary to assure that claims are administered fairly as required by law.

Section 9. Subsection (8) of section 627.0651, Florida Statutes, is amended to read:

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

(8) Rates are not unfairly discriminatory if averaged broadly among members of a group; nor are rates unfairly discriminatory even though they are lower than rates for nonmembers of the group. However, such rates are unfairly discriminatory if they are not actuarially measurable and credible and sufficiently related to actual or expected loss and expense experience of the group so as to assure that nonmembers of the group are not unfairly discriminated against. Use of a single United States Postal Service zip code as a rating territory shall be deemed unfairly discriminatory. An insurer may not impose a surcharge or discount for liability coverages based on the type of vehicle without providing acceptable actuarial justification.

Section 10. Section 627.385, Florida Statutes, is created to read:

627.385 Conduct of residual market board members.—

(1)(a) For various insurance coverages, a residual market has been created by legislation to provide a market of last resort for individuals unable to secure coverage in the voluntary market.

(b) Each residual market's enabling legislation calls for the establishment of a board of governors or directors that operates subject to a plan of operation. The board, in carrying out its obligations, must engage in business transactions in order to provide and administer the required coverage and maintain adequate funds to support the plan. In order for the board to fully execute its responsibilities required by law, conflict of interest or inappropriate activity by board members, or the appearance thereof, with regard to member insurers or policyholders of the residual market mechanism must be avoided. The Legislature has determined that the provisions set forth in subsection (2) are necessary to protect the public interest by ensuring fair, reasonable, and beneficial board practice and activity.

(c) This section applies to the Florida Medical Malpractice Joint Underwriting Association, the Florida Automobile Joint Underwriting Association, the Florida Workers' Compensation Joint Underwriting Association, the Florida Comprehensive Health Association, the Florida Windstorm Underwriting Association, the Florida Property and Casualty Joint Underwriting Association, the Florida Residential Property and Casualty Joint Underwriting Association, and the board members thereof.

(2) To ensure that the board is free from potential conflict or inappropriate behavior the following are adopted in the plan of operation of the subject residual market in this state.

(a) A board member may not act as a servicing carrier or administering entity for the subject plan, other than a claim adjustment contract open to all members of the plan.

(b) A board member or board member representative may not use his or her position to foster or facilitate any special pecuniary gain for himself or herself, his or her member company, or any other entity in which the board member or board member representative or the member company has a substantial financial interest, except as otherwise provided in paragraph (a).

(c) A board member or board member representative may not use his or her position on the board to secure or promote any business relationship from which he or she may derive a financial gain.

(d) A board member or designee may not receive any gift or gratuity, except as provided in s. 112.3248, other than meals, while acting in his or her capacity as a board member.

(3) Board members and board member representatives shall maintain reasonable board expenses based on state travel policy as set forth in s. 112.061. The board shall develop a detailed policy regarding board member travel, which policy must be based on s. 112.061 and is subject to the approval of the department.

Section 11. Section 627.4065, Florida Statutes, is created to read:

627.4065 Insured's right to return policy; notice.—A health insurance policy issued or issued for delivery in this state must have printed or stamped thereon or attached thereto a notice in a prominent place stating in substance that the policyholder may return the policy to the insurer within 10 days after its delivery and may have the premium paid refunded if, after examination of the policy or contract, the policyholder is not satisfied with it for any reason. The notice must provide that if the policyholder, pursuant to such notice, returns the policy or contract to the insurer at its home office or branch office or to the agent through whom it was purchased, it is considered void from the beginning and the parties are in the same position as if no policy or contract had been issued. This section does not apply to group policies, single premium nonrenewable policies or travel accident policies.

Section 12. Section 627.41345, Florida Statutes, is created to read:

627.41345 Certificate of insurance.—An insurer or agent may not issue or sign a certificate of insurance that contains terms or conditions that differ from those in the policy under which the certificate of insurance is issued. In the event of a conflict, the terms of the policy under which the certificate of insurance is issued shall control.

Section 13. Subsection (9) is added to section 627.7015, Florida Statutes, to read:

627.7015 Alternative procedure for resolution of disputed property insurance claims.—

(9) For purposes of this section, the term "claim" refers to any dispute between an insurer and an insured relating to a material issue of fact other than a dispute:

(a) With respect to which the insurer has a reasonable basis to suspect fraud;

(b) Where, based on agreed-upon facts as to the cause of loss, there is no coverage under the policy;

(c) With respect to which the insurer has a reasonable basis to believe that the claimant has intentionally made a material misrepresentation of fact which is relevant to the claim, and the entire request for payment of a loss has been denied on the basis of the material misrepresentation; or

(d) Where the amount in controversy is less than \$500, unless the parties agree to mediate a dispute involving a lesser amount.

Section 14. Section 627.7276, Florida Statutes, is amended to read:

627.7276 Notice of limited coverage.—

(1) The following notice of limited coverage shall ~~An automobile policy that does not contain coverage for bodily injury and property damage must be clearly stamped or printed on any automobile insurance policy that provides coverage only for first-party damage to the insured vehicle, but does not provide coverage for bodily injury liability, property damage liability, or personal injury protection to the effect that such coverage is not included in the policy in the following manner:~~

"THIS POLICY DOES NOT PROVIDE BODILY INJURY LIABILITY, AND PROPERTY DAMAGE LIABILITY, OR PERSONAL INJURY PROTECTION INSURANCE OR ANY OTHER COVERAGE FOR WHICH A SPECIFIC PREMIUM CHARGE IS NOT MADE, AND DOES NOT COMPLY WITH ANY FINANCIAL RESPONSIBILITY LAW OR WITH THE FLORIDA MOTOR VEHICLE NO-FAULT LAW."

(2) This legend must appear on the policy declaration page ~~and on the filing back of the policy~~ and be printed in a contrasting color from that used on the policy and in type larger than the largest type used in the text thereof, as an overprint or by a rubber stamp impression.

Section 15. Section 627.795, Florida Statutes, is created to read:

627.795 Policy exceptions.—

(1) A title insurance commitment must be issued on all real estate closing transactions when a title insurance policy is to be issued, except for multiple conveyances on the same property such as timesharing.

(2) A gap exception may not be deleted on a commitment until the time of closing.

Section 16. Subsection (1) of section 627.918, Florida Statutes, is amended to read:

627.918 Reporting formats.—

(1) The department shall require that the reporting provided for in this part be made on forms ~~adopted established~~ by the department or in a format compatible with the department's ~~its~~ electronic data processing equipment. The department shall adopt by rule standards for such approval.

Section 17. Subsection (3) of section 641.3108, Florida Statutes, is amended to read:

641.3108 Notice of cancellation of contract.—

(3) In the case of a health maintenance contract issued to an employer or person holding the contract on behalf of the subscriber group, the health maintenance organization may make the notification through the employer or group contract holder, and, if the health maintenance organization elects to take this action through the employer or group contract holder, the organization shall be deemed to have complied with the provisions of this section upon notifying the employer or group contract holder of the requirements of this section and requesting the employer or group contract holder to forward to all subscribers the notice required herein. If a subscriber group contract is not renewed due to claim experience, the subscriber group is entitled to receive information concerning its loss ratio. If requested by a subscriber group, a detailed claim experience record may be provided at a reasonable expense. The record shall maintain subscriber confidentiality.

Section 18. Subsection (7) of section 627.7295, Florida Statutes, is amended to read:

627.7295 Motor vehicle insurance contracts.—

(7) A policy of private passenger motor vehicle insurance or a binder for such a policy may be initially issued in this state only if the insurer or agent has collected from the insured an amount equal to 2 months' premium. An insurer, agent, or premium finance company may not directly or indirectly take any action resulting in the insured having paid from the insured's own funds an amount less than the 2 months' premium required by this subsection. This subsection applies without regard to whether the premium is financed by a premium finance company or is paid pursuant to a periodic payment plan of an insurer or an insurance agent. This subsection does not apply if an insured or member of the insured's family is renewing or replacing a policy or a binder for such policy written by the same insurer or a member of the same insurer group. This subsection does not apply to an insurer that issues private passenger motor vehicle coverage primarily to active duty or former military personnel or their dependents. This subsection does not apply if all policy payments are paid pursuant to a payroll deduction plan or an automatic electronic funds transfer payment plan from the policyholder, provided that the first policy payment ~~may be~~ is made by cash, cashier's check, check, or a money order. This subsection and subsection (4) do not apply if all policy payments to an insurer are paid pursuant to an automatic electronic funds transfer payment plan from an agent or a managing general agent, ~~or if the policy is issued pursuant to the transfer of a book of business by an agent from one insurer to another, provided that and if the policy includes, at a minimum, personal injury protection pursuant to ss. 627.730-627.7405; motor vehicle property damage liability pursuant to s. 627.7275; and bodily injury liability in at least the amount of \$10,000 because of bodily injury to, or death of, one person in any one accident and in the amount of \$20,000 because of bodily injury to, or death of, two or more persons in any one accident.~~ This subsection and subsection (4) do not apply if an insured has had a policy in effect for at least 6 months, the insured's agent is terminated by the insurer that issued the policy, and the insured obtains coverage on the policy's renewal date with a new company through the terminated agent.

Section 19. Subsection (1) of section 627.901, Florida Statutes, is amended to read:

627.901 Premium financing by an insurance agent or agency.—

(1) A general lines agent may make reasonable service charges for financing insurance premiums on policies issued or business produced by such an agent or agency, s. 626.9541 notwithstanding. The service charge shall not exceed \$1 per installment, or a \$6 total service charge per year, for any premium balance of \$120 or less. For any premium balance greater than \$120 but not more than \$220, the service charge shall not exceed \$9 per year. The maximum service charge for any premium balance greater than \$220 shall not exceed \$12 per year. In lieu of such service charges, an insurance agent or agency may charge interest or service charges, which may be level amounts and subject to endorsement changes, that in the aggregate do not exceed a rate of interest not to exceed 18 percent simple interest per year on the average unpaid balance as billed over the term of the policy.

Section 20. Section 626.9651, Florida Statutes, is created to read:

626.9651 Privacy.—The department shall adopt rules consistent with other provisions of the Insurance Code to govern the use of a consumer's nonpublic personal financial and health information. These rules shall be based on, consistent with, and not more restrictive than the National Association of Insurance Commissioners' Privacy of Consumer Financial and Health Information Regulation adopted September 26, 2000, by the National Association of Insurance Commissioners, provided, however, the rules shall permit the use and disclosure of nonpublic personal health information for scientific, medical, or public policy research in accordance with federal law. In addition, these rules shall be consistent with, and not more restrictive than, the standards contained in Title V of the Gramm-Leach-Bliley Act of 1999 (Pub. L. No. 106-102). Any health insurer or health maintenance organization determined by the department to be in compliance with, or to be actively undertaking compliance with, the consumer privacy protection rules promulgated by the United States Department of Health and Human Services, in conformance with the Health Insurance Portability and Affordability Act, shall be deemed in compliance with this section. This section shall take effect July 1, 2001.

Section 21. Section 631.001, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 631.001, F.S., for present text.)

631.001 Construction; purposes.—

(1) The underlying purposes and policies of the provisions of this part, which are integral elements of the regulation of the business of insurance and are of vital public interest and concern, are to:

(a) Protect the interests of insureds, claimants, creditors, and the public.

(b) Provide a comprehensive scheme for the receivership of insurers.

(c) Establish this state as a reciprocal state in those states which, in substance and effect, enact the National Association of Insurance Commissioners Rehabilitation and Liquidation Model Act or the Uniform Insurers Liquidation Act.

(d) Make more efficient the administration of insurer receiverships on an interstate and international basis.

(e) Provide prompt corrective measures for any potentially dangerous condition in an insurer.

(f) Implement improved methods for rehabilitating insurers, which methods involve the cooperation and management expertise of the insurance industry.

(g) Enhance the efficiency and economy of liquidation through clarification and specification of the law to minimize legal uncertainty and litigation.

(h) Lessen the problems of interstate rehabilitation and liquidation of an entity subject to the provisions of this part by facilitating cooperation between states in the liquidation process and by extension of the scope of personal jurisdiction over debtors of the insurer outside this state.

(i) Establish a system which equitably apportions any unavoidable loss.

(j) Maximize recovery of assets for the benefit of the insurer and its policyholders, creditors, and estate.

(2) This part shall be liberally construed to effect the purposes stated in subsection (1) and shall specifically authorize the department in its capacity as administrator, conservator, rehabilitator, receiver, liquidator, or similar capacity to pursue any actions for damages or other recoveries on behalf of the insurer and its policyholders, creditors, and estate.

(3) This part may be cited as the "Insurers Rehabilitation and Liquidation Act."

Section 22. Section 631.011, Florida Statutes, is amended to read:

631.011 Definitions.—For the purpose of this part, the term:

(1) "Affiliate" means any entity which exercises control over or is controlled by the insurer, directly or indirectly through:

(a) Equity ownership of voting securities;

(b) Common managerial control; or

(c) Collusive participation by the management of the insurer and affiliate in the management of the insurer or the affiliate.

(2) "Ancillary state" means, any state other than a domiciliary state.

(3) "Assets," as used in *this section* ~~subsections (8)-(10)~~, means only allowed assets as defined in chapter 625.

(4) "Bona fide holder for value" means a holder who, while not possessing information that would lead a reasonable person in the holder's position to believe that the insurer is financially impaired, and while unaware of the imminence or pendency of any receivership proceeding against the insurer, has, in the exercise of reasonable business judgment, exchanged his or her own funds, assets, or property for funds, assets, or property of the insurer having an equivalent market value.

(5)(4) "Court" refers to the circuit court in which the receivership proceeding is pending.

(6)(5) "Delinquency proceeding" means any proceeding commenced against an insurer pursuant to this chapter for the purpose of liquidating, rehabilitating, reorganizing, or conserving such insurer.

(7)(6) "Domiciliary state" means the state in which an insurer is incorporated or organized or, in the case of an insurer incorporated or organized in a foreign country, the state in which such insurer, having become authorized to do business in such state, has, at the commencement of a delinquency proceeding, the largest amount of its assets held in trust and assets held on deposit for the benefit of its policyholders or policyholders and creditors in the United States; and any such insurer is deemed to be domiciled in such state.

(8) "Fair consideration" means that consideration which is given for property or assets of an insurer when, in exchange for the property or assets and in good faith, property is conveyed, services are rendered, or an enforceable obligation not invalidated by the receivership proceedings is created, having a value to the insurer of not less than the value of the property or assets given in exchange.

(9)(7) "Foreign country" means territory not in any state.

(10)(8) "General assets" means all property, real, personal, or otherwise, not specifically mortgaged, pledged, deposited, or otherwise encumbered for the security or benefit of specified persons or a limited class or classes of persons, and as to such specifically encumbered property the term includes all such property or its proceeds in excess of the amount necessary to discharge the sum or sums secured thereby. Assets held in trust and assets held on deposit for the security or benefit of all policyholders or all policyholders and creditors in the United States shall be deemed general assets.

(11) "Good faith," as applied to a transferee or transferor under this part, means honesty in fact and intention and includes the exercise of reasonable business judgment, together with the absence of information that would lead a reasonable person in the same position to know that the insurer is financially impaired or insolvent and together with the absence of knowledge regarding the imminence or pendency of any receivership proceeding against the insurer.

(12)(9) "Impairment of capital" means that the minimum surplus required to be maintained in s. 624.408 has been dissipated and the insurer is not possessed of assets at least equal to all its liabilities together with its total issued and outstanding capital stock, if a stock insurer, or the minimum surplus or net trust fund required by s. 624.407, if a mutual, reciprocal, or business trust insurer.

(13)(10) "Impairment of surplus" means that the surplus of a stock insurer, the additional surplus of a mutual or reciprocal insurer, or the additional net trust fund of a business trust insurer does not comply with the requirements of s. 624.408.

(14)(11) "Insolvency" means that all the assets of the insurer, if made immediately available, would not be sufficient to discharge all its liabilities or that the insurer is unable to pay its debts as they become due in the usual course of business. When the context of any provision of this code so indicates, insolvency also includes and is defined as "impairment of surplus," as defined in subsection (13)(9), and "impairment of capital," as defined in subsection (12)(8).

(15)(12) "Insurer," in addition to persons so defined under s. 624.03, also includes persons purporting to be insurers or organizing, or holding themselves out as organizing, in this state for the purpose of becoming insurers and all insurers who have insureds resident in this state.

(16)(13) "Liabilities," as used in subsections (12) and (14) (9)-(10), means all liabilities, including those specifically required in s. 625.041.

(17)(14) "Person" includes natural persons, corporations, partnerships, trusts, estates, and sole proprietorships.

(18) "Property," with respect to an insolvent entity, includes all right, title, and interest of the insolvent entity whether legal or equitable, tangible or intangible, or choate or inchoate and includes choses in action, contract rights, and any other interest recognized under the laws of this state. When an order of conservation, rehabilitation, or liquidation is entered, the term also includes entitlements that existed prior to the entry of the order and those that may arise by operation of the provisions of this chapter or other provisions of law allowing the department to avoid prior transfers or assert other rights in its capacity as receiver. The term also includes all records and data that are otherwise the property of the insolvent insurer, however stored, including, but not limited to, claims and claim files, application files, litigation files, premium records, rate books, underwriting manuals, personnel records, or financial records, or similar records within the possession, custody, or control of a managing general agent, third-party administrator, management company, accountant, attorney, affiliate, or other person. The term does not include privileged or confidential documents of an insolvent insurer generated by a third party.

(19)(15) "Receiver" means a receiver, liquidator, rehabilitator, or conservator, as the context may require.

(20)(16) "Reciprocal state" means any state other than this state in which in substance and effect the provisions of the Insurers Rehabilitation and Liquidation Act are in force, including the provisions requiring that the commissioner of insurance or equivalent insurance supervisory official be the receiver of a delinquent insurer.

(21)(17) "Secured claim" means any claim secured by mortgage, trust deed, pledge, deposit as security, escrow, or otherwise but does not include a special deposit claim, a claim against general assets, or a claim based on mere possession. The term also includes a claim which more than 4 months before the commencement of a delinquency proceeding in the state of the insurer's domicile has become a lien upon specific assets by reason of judicial process.

(22)(18) "Special deposit claim" means any claim secured by a deposit made pursuant to statute for the security or benefit of a limited class or classes of persons, but not including any general assets.

(23)(19) "State" is as defined in s. 624.08.

Section 23. Section 631.025, Florida Statutes, is created to read:

631.025 *Persons and entities subject to this part.—Delinquency proceedings authorized by this part may be initiated against any insurer as defined in s. 631.011(15) if the statutory grounds are present as to that insurer, and the receivership court may exercise jurisdiction over any*

person required to cooperate with the department pursuant to s. 631.391 and over all persons made subject to the court's jurisdiction by other provisions of law. Such persons include, but are not limited to:

(1) *A person who is transacting or has transacted insurance business in or from this state and against whom claims arising from that business exist or may exist in the future.*

(2) *A person who purports to transact an insurance business in this state, and any person or entity who acts as an insurer, transacts insurance, or otherwise engages in insurance activities in or from this state, with or without a certificate of authority or proper authority from the department.*

(3) *An insurer who has insureds residing in this state.*

(4) *All other persons organized or in the process of organizing with the intent to transact an insurance business in this state.*

Section 24. Paragraph (d) of subsection (1) of section 631.041, Florida Statutes, is amended, and subsection (6) is added to that section, to read:

631.041 Automatic stay; relief from stay; injunctions.—

(1) An application or petition under s. 631.031 operates as a matter of law as an automatic stay applicable to all persons and entities, other than the receiver, which shall be permanent and survive the entry of an order of conservation, rehabilitation, or liquidation, and which shall prohibit:

(d) Any act to create, perfect, or enforce a lien against property of the insurer, except that a secured claim as defined in s. 631.011(21)(17) may proceed under s. 631.191 after the order of liquidation is entered;

(6) *No statute of limitations or defense of laches shall run with respect to any action by or against an insurer between the filing of a petition for conservation, rehabilitation, or liquidation against an insurer and the order granting or denying that petition. If the petition is denied, any action against the insurer that might have been commenced when the petition was filed may be commenced for at least 60 days after the order denying such relief.*

Section 25. Section 631.113, Florida Statutes, is created to read:

631.113 Extension of time.—

(1) *The running of any unexpired statute of limitations as to any claims brought by the administrator, conservator, rehabilitator, receiver, or liquidator, or an official or agency exercising powers pursuant to this chapter seeking damages or other recoveries on behalf of an insurer, its policyholders, its creditors, or its estate, shall be tolled for a period of 4 years from the entry of an order placing the administrator, conservator, rehabilitator, receiver, liquidator, or similar official or agency over the insurer, provided, if the delinquency proceedings brought pursuant to this chapter against the insurer terminate in less than 4 years, such tolling shall cease at the time when the proceedings are finally concluded, including all appeals therefrom. Further, the right of action does not accrue and the limitations period for any such action does not run during the time when the insurer is controlled by parties acting contrary to the company's interests or when the facts giving rise to such claim are fraudulently concealed from regulatory authorities or from any members of company management. The provisions of chapter 95 shall be construed so as to be consistent with the provisions of this section. The receiver may institute any action or proceeding on behalf of the estate of the insurer while any statute of limitation is tolled pursuant to this section. The tolling shall be in addition to any other applicable tolling provision.*

(2) *For actions not covered by subsection (1), if any unexpired time period is fixed, by any agreement or in any proceeding, for doing any act for the benefit of the estate, the receiver shall have 180 days, or such longer period as the receivership court may allow for good cause shown, from the entry of the order of rehabilitation or liquidation to perform the act.*

Section 26. Present subsections (6) through (9) of section 631.141, Florida Statutes, are renumbered as subsections (7) through (10), respectively, and a new subsection (6) is added to that section to read:

631.141 Conduct of delinquency proceeding; domestic and alien insurers.—

(6) *The department as receiver is vested with and may assert all rights belonging to policyholders, creditors, and the estate as well as all rights of the entity or entities in receivership, except to the extent that an individual claim is personal and unique to that claimant and recovery thereon could not inure to the benefit of the estate or to other claimants.*

Section 27. Paragraph (d) of subsection (6) of section 631.154, Florida Statutes, is amended to read:

631.154 Funds or other property in the possession of third person.—

(6) Should the receiver be successful in establishing its claim or any part thereof, the receiver shall be entitled to recover judgment for the following:

(d) All costs, investigative and other expenses, *which include the department's in-house staff and staff attorney's expenses, costs, and salaries, expended in necessary* to the recovery of the property or funds, and reasonable attorney's fees.

Section 28. Section 631.156, Florida Statutes, is created to read:

631.156 *Investigation by the department.—*

(1) *Preliminary or incidental to a petition for receivership proceedings, the department may, and if appointed receiver shall, undertake a full investigation to determine the causes and reasons for the insolvency, the discovery and location of assets to be recovered, the recovery of such assets, whether the filing of false statements with the department contributed to the insolvency, and, in conjunction with the department's Division of Insurance Fraud or any other appropriate agency of state or federal government, whether any law of this state, any other state, or the Federal Government relating to the solvency of the insurer has been violated. In the furtherance of such investigation, the department may:*

(a) *Examine and review any and all documents that are reasonably calculated to disclose or lead to the disclosure of the causes and reasons for the insolvency, the discovery and location of assets to be recovered, the recovery of such assets, the truth or falsity of statements filed with the department, and whether any law of this state, any other state, or the Federal Government has been violated.*

(b) *Take statements or depositions under oath of any person whose testimony is reasonably calculated to disclose or lead to the disclosure of the causes and reasons for the insolvency, the discovery of and location of assets to be recovered, the recovery of such assets, the truth or falsity of statements filed with the department, and whether any law of this state, any other state, or the Federal Government has been violated.*

(c) *Request the court having jurisdiction over the receivership proceedings to issue any necessary subpoenas.*

(d) *Examine and review the books, records, and documents of any affiliate, controlling person, officer, director, manager, trustee, agent, adjuster, employee, or independent contractor of any insurer or affiliate and any other person who possesses any executive authority over, or who exercises or has exercised any control over, any segment of the affairs of the insurer or affiliate, to the extent such examination is reasonably calculated to disclose or lead to the disclosure of the causes and reasons for the insolvency, the discovery and location of assets to be recovered, the recovery of such assets, the truth or falsity of statements filed with the department, and whether any law of this state, any other state, or the Federal Government has been violated.*

(2) *In its capacity as receiver, the department may provide documents, books and records, other investigative products, work product, and analysis, including copies of any or all of the foregoing items, to the Division of Insurance Fraud or any other appropriate agency of state or federal government. The sharing of information, investigative products, or analysis shall not waive any work product or other privilege that would otherwise apply under common law, chapter 119, or any other law.*

(3) *The department, as the court's receiver, is granted the discretion to determine what books, records, documents, or testimony would be reasonably calculated to disclose or lead to the disclosure of the causes and reasons for the insolvency, the discovery and location of assets to be*

recovered, the recovery of the assets, the truth or falsity of statements filed with the department, and whether any law of this state or of the United States has been violated, subject to the court's power to review such determination or appoint a general master to review such determination. A party asserting that any documents requested by the department under this section are not subject to review, or that any particular testimony may not be obtained, shall present such contention by written motion to the receivership court within 20 days after receipt of the request and shall be fully responsible for the loss of any evidence which occurs after the department first informs said party of its request therefor. The court shall, as expeditiously as possible, determine whether the department has abused its discretion in seeking such evidence or testimony, with the objecting party having the burden of proof. A party who fails to produce the requested evidence or testimony without filing a proper timely objection, or who having unsuccessfully asserted such objection fails thereafter to furnish the evidence or testimony, within the time provided by the court or the department, shall be subject to the contempt powers of the court, in addition to any other applicable penalties which may be provided in the Florida Insurance Code or other law.

Section 29. Section 631.157, Florida Statutes, is created to read:

631.157 *Civil action by the receiver.—*

(1) *Any person who is engaged in the business of insurance or who acts as or is an officer, director, agent, or employee of any person engaged in the business of insurance, or is involved, other than as an insured or beneficiary under a policy of insurance, in a transaction relating to the conduct of affairs of such a business, and who willfully obtains or uses, as defined in s. 812.012(2), any asset or property, including, but not limited to, moneys, funds, premiums, credits, or other property of an insurer, shall be liable to the department as receiver for the use and benefit of an insolvent insurer's estate, creditors, and policyholders, as follows:*

(a) *If such obtaining or using did not jeopardize the safety and soundness of an insurer and was not a significant cause of such insurer's being placed in conservation, rehabilitation, or liquidation, such person shall be liable only for the full amount of any asset obtained or used, plus prejudgment interest provided by law.*

(b) *If such obtaining or using jeopardized the safety and soundness of an insurer or was a significant cause of such insurer's being placed in conservation, rehabilitation, or liquidation, such person shall be liable for triple the full amount of any asset obtained or used, plus prejudgment interest provided by law on the original amount.*

(2) *Any person who is engaged in the business of insurance or who acts as or is an officer, director, agent, or employee of any person engaged in the business of insurance, or is involved, other than as an insured or beneficiary under a policy of insurance, in a transaction relating to the conduct of affairs of such a business, and who, while having actual knowledge or such constructive knowledge as should have been obtained through reasonable inquiry by a person in such position, if such person knowingly misreports, or knowingly makes any false entry of, a material fact in any book, report, or statement of an insurer with the intent to deceive such insurer, including any officer, employee, or agent of such insurer, the department, or any agent or examiner appointed by the department to examine the affairs of such person or of the insurer, concerning the financial condition or solvency of such business, shall be liable to the department as receiver for the use and benefit of an insolvent insurer's estate, creditors, and policyholders, as follows:*

(a) *If such misreporting did not jeopardize the safety and soundness of an insurer and was not a significant cause of such insurer's being placed in conservation, rehabilitation, or liquidation, such person shall be liable only for the full amount of any asset misreported.*

(b) *If such misreporting jeopardized the safety and soundness of an insurer or was a significant cause of such insurer's being placed in conservation, rehabilitation, or liquidation, such person shall be liable for triple the full amount of any asset misreported.*

(3) *If the asset or property that has been obtained or used was reported to the department as being available to the insurer as an admitted asset and such asset is unavailable to the receiver for payment of the obligations of the insurer at the time when a receivership proceeding is instituted, the obtaining or using shall be presumed to have jeopardized the safety and soundness of the insurer and to have been a significant*

cause of such insurer's being placed in conservation, rehabilitation, or liquidation, with the burden of proof on the defendants to show otherwise.

(4) If the receiver is successful in establishing a claim under this section, the receiver shall be entitled to recover all of its costs, investigative and other expenses, which shall include the department's in-house staff and staff attorney's expenses, costs, and salaries, expended in the prosecution of the action, and reasonable attorney's fees. The receiver shall be exempt from the provisions of s. 57.111.

(5) An action under this section may be brought at any time before the expiration of 4 years after the entry of the initial order of rehabilitation or liquidation under this part but shall be filed before the time the receivership proceeding is closed or dismissed.

Section 30. Paragraph (b) of subsection (1) of section 631.57, Florida Statutes, is amended to read:

631.57 Powers and duties of the association.—

(1) The association shall:

(b) Be deemed the insurer to the extent of its obligation on the covered claims, and, to such extent, shall have all rights, duties, defenses, and obligations of the insolvent insurer as if the insurer had not become insolvent. In no event shall the association be liable for any penalties or interest.

Section 31. Section 631.3995, Florida Statutes, is created to read:

631.3995 Closing of estate; Closed Estate Fund Trust Account.—

(1) When all assets justifying the expense of collection and distribution have been marshaled and distributed under this part, the department shall petition the court to terminate the liquidation proceedings and to close the estate. The court may grant such other relief as may be appropriate, including, but not limited to, a full discharge of all liability and responsibility of the liquidator, the reservation of assets for administrative expenses incurred in the closing of the estate, and any other actions the department feels necessary or appropriate for closing the estate.

(2) Any remaining reserved assets that are provided for in subsection (1) and that may not be practicably or economically distributed to claimants shall be deposited into a segregated account to be known as the Closed Estate Fund Trust Account, if created by law. The department may use moneys held in the account for paying the administrative expenses of companies subject to this part that lack sufficient assets to allow the department to perform its duties and obligations under this part. An annual audit of the Closed Estate Fund Trust Account shall be performed regardless of its balance.

(3) The department may petition the court to reopen the proceedings for good cause shown, including the marshaling of additional assets, and the court may enter such other orders as may be deemed appropriate.

Section 32. Subsection (3) of section 631.54, Florida Statutes, is amended to read:

631.54 Definitions.—As used in this part:

(3) "Covered claim" means an unpaid claim, including one of unearned premiums, which arises out of, and is within the coverage, and not in excess of, the applicable limits of an insurance policy to which this part applies, issued by an insurer, if such insurer becomes an insolvent insurer after October 1, 1970, and the claimant or insured is a resident of this state at the time of the insured event or the property from which the claim arises is permanently located in this state. "Covered claim" shall not include any amount due any reinsurer, insurer, insurance pool, or underwriting association, as subrogation, contribution, indemnification, recoveries or otherwise. Member insurers shall have no right of subrogation against the insured of any insolvent member.

Section 33. Section 817.2341, Florida Statutes, is created to read:

817.2341 Crimes by or affecting persons engaged in the administration of any insurer or entity organized pursuant to chapter 624 or chapter 641.—

(1)(a) Any person who makes a false entry of a material fact in any book, report, or statement relating to a transaction of an insurer or entity

organized pursuant to chapter 624 or chapter 641, intending thereby to deceive any person about the financial condition or solvency of such insurer or entity, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) If such false entry of a material fact is made with the intent to deceive any person as to the impairment of capital, as defined in s. 631.011(12), of such insurer or entity or is the significant cause of such insurer or entity being placed in conservation, rehabilitation, or liquidation by a court, the offense is a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2)(a) Any person who knowingly makes a material false statement or report to the department or any agent of the department, or who knowingly and materially overvalues any property in any document or report prepared to be presented to the department or any agent of the department, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) If such material false statement or report or such material overvaluation is made with the intent to deceive any person as to the impairment of capital, as defined in s. 631.011(12), of an insurer or entity organized pursuant to chapter 624 or chapter 641, or is the significant cause of such insurer or entity being placed in conservation, rehabilitation, or liquidation by a court, the offense is a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 6, after the semicolon (;) insert: amending s. 28.101, F.S.; providing an additional charge when a party petitions for a dissolution of marriage; providing for the disposition of the charge for the payment of a policy of insurance to provide child-support payments when the payor's employment has been involuntarily terminated; providing for selection of insurer by competitive bidding; amending ss. 624.3161, 626.171, F.S.; directing the department to adopt rules relating to market conduct examinations and license applications; amending s. 626.9541, F.S.; revising provisions relating to unfair competition and deceptive practices; creating s. 626.9552, F.S.; providing standards for single interest insurance; amending s. 627.062, F.S.; providing for filing forms for rate standards; amending s. 627.0625, F.S.; authorizing the department to adopt rules relating to third-party claimants; amending s. 627.0651, F.S.; prohibiting motor vehicle insurers from imposing a surcharge or a discount due to certain factors; creating s. 627.385, F.S.; providing rules of conduct for residual market board members; creating s. 627.4065, F.S.; providing for notice of right to return health insurance policies; creating s. 627.41345, F.S.; prohibiting an insurer or agent from issuing or signing certain certificates of insurance; providing that the terms of the policy control in case of conflict; amending s. 627.7015, F.S.; defining the term "claim" for purposes of alternative procedures for resolving disputed property insurance claims; amending s. 627.7276, F.S.; providing for notice of coverage of automobile policies; creating s. 627.795, F.S.; providing guidelines for title insurance policies; amending s. 627.918, F.S.; directing the department to adopt rules relating to reporting formats; amending s. 641.3108, F.S.; requiring health maintenance organizations to provide certain information to subscriber groups whose contract is not renewed for certain reasons; amending s. 627.7295, F.S.; providing an additional exception to a requirement that a minimum of 2 months' premium be collected to issue a policy or binder for motor vehicle insurance; amending s. 627.901, F.S.; authorizing insurance agents and insurers that finance premiums for certain policies to charge interest or a service charge at a specified rate on unpaid premiums on those policies; creating s. 626.9651, F.S.; directing the department to adopt rules to govern the use of a consumer's nonpublic personal financial and health information by health insurers and health maintenance organizations; providing standards governing the rules; amending s. 631.001, F.S.; providing construction and purposes; providing a short title; amending s. 631.011, F.S.; providing additional definitions; creating s. 631.025, F.S.; specifying application to certain persons and entities; amending s. 631.041, F.S.; limiting application of certain time restrictions; correcting a cross-reference; creating s. 631.113, F.S.; providing for tolling certain time limitations in certain actions; amending s. 631.141, F.S.; vesting the Department of Insurance with certain rights as receiver; amending s. 631.154, F.S.; including certain costs and expenses of the department in costs and expenses entitled to be recovered by the receiver under certain circumstances; creating s. 631.156, F.S.; providing for investigations by the department preliminary or incidental

to receivership proceedings; providing department powers; authorizing the department to provide certain information in such investigations; granting the department certain discretionary powers; creating s. 631.157, F.S.; imposing liability on certain persons or entities for certain actions; specifying amounts of damages; providing construction; providing costs and expenses entitled to be recovered by the receiver under certain circumstances; providing a time certain for bringing certain actions; amending s. 631.57, F.S.; clarifying that the association has the same legal defenses available to the insolvent insurer; creating s. 631.3995, F.S.; providing procedures and requirements for closing an estate; providing for deposit of certain assets into the Closed Estate Fund Trust Account; providing for uses of such account; providing for reopening certain proceedings; amending s. 631.54, F.S.; revising a definition; creating s. 817.2341, F.S.; providing criminal penalties for certain activities;

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

Amendment 1A (883980)(with title amendment)—On page 1, line 18 through page 3, line 12, delete those lines and renumber subsequent sections.

And the title is amended as follows:

On page 38, line 30 through page 39, line 6, delete those lines.

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

On motion by Senator Holzendorf, **SB 1220** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

CS for CS for SB 1878—A bill to be entitled An act relating to tax on communications services; creating s. 202.105, F.S.; providing legislative findings and intent with respect to the Communications Services Tax Simplification Law; amending s. 202.11, F.S.; revising and providing definitions; amending s. 202.12, F.S.; specifying the rates for the state tax; revising provisions relating to application of the tax; providing for application of the tax rate to private communications services and mobile communications services; providing the initial method for determining the sales price of private communications services and a revised method effective January 1, 2004; relieving service providers of certain liability; revising provisions relating to direct-pay permits; creating s. 202.155, F.S.; providing special rules for mobile communications services; providing duties of home service providers and the Department of Revenue in determining a customer's place of primary use and determining the correct taxing jurisdiction; relieving service providers of certain liability; providing requirements with respect to identifying and separately stating the sales price of mobile communications services not subject to the taxes administered under ch. 202, F.S.; amending s. 202.16, F.S.; revising provisions relating to responsibility for payment of taxes and tax amounts and brackets; amending s. 202.17, F.S.; specifying that registration as a dealer of communications services does not constitute registration for purposes of placing and maintaining communications facilities in municipal or county rights-of-way; removing the registration fee for such dealers; revising provisions relating to resale certificates; amending s. 202.18, F.S.; revising provisions relating to distribution of a portion of the proceeds of the tax on direct-to-home satellite service and to distribution of local communications services taxes and adjustment of such distribution; amending s. 202.19, F.S.; revising provisions which authorize imposition of local communications

services taxes and provide for use of revenues and certain credits; specifying the maximum rates of such taxes; providing the initial method for determining the sales price of private communications services for local communications services taxes and for the discretionary sales surtax under s. 212.055, F.S., that is imposed as a local communications services tax, and providing a revised method effective January 1, 2004; relieving service providers of certain liabilities; revising requirements relating to the direct-pay permit required to qualify for the limitation on local communications services taxes on interstate communications services; providing for application of local communications services taxes to mobile communications services; amending s. 202.20, F.S.; specifying the local communications services tax conversion rates; revising requirements with respect to adjustment by a local government of its tax rate when tax revenues are less than received from replaced revenue sources; requiring adjustment of the tax rate if revenues received for a specified period exceed a specified threshold; authorizing local governments to increase the tax rate established by the Revenue Estimating Conference and approved by the Legislature to the maximum tax rate so established and approved; amending s. 202.21, F.S.; conforming provisions; amending s. 202.22, F.S., relating to determination of local tax situs for a local communications services tax; revising requirements relating to use of enhanced zip codes; revising requirements relating to certification or recertification of a database by the department; specifying effect when certain applications for certification are not approved or denied within the required time period; revising provisions relating to a dealer's duty to update a database and to the amount of dealer's credit allowed when an alternative method of assigning service addresses is used; amending s. 202.23, F.S.; providing requirements for refunds when excess communications services tax has been paid; creating s. 202.231, F.S.; providing requirements for provision of information by the department to local taxing jurisdictions; amending s. 202.24, F.S., relating to limitations on local taxes and fees imposed on dealers of communications services; deleting provisions relating to legislative review; repealing s. 202.26(3)(i), F.S., which provides for adoption of rules by the department with respect to collection of information no longer required; amending s. 202.27, F.S.; deleting provisions which allow certain dealers making sales in more than one location to file a single return; amending s. 202.28, F.S.; including persons collecting the gross receipts tax in provisions relating to the dealer's credit; amending s. 202.37, F.S.; providing requirements for audits conducted with respect to local communications services taxes; providing that certain persons or entities may provide evidence to the department regarding failure to report taxable sales and providing authority of the department with respect thereto; creating s. 202.38, F.S.; providing for credits or refunds under ch. 202, F.S., for certain bad debts or adjustments with respect to taxes under ch. 212, F.S., or ch. 166, F.S., billed prior to October 1, 2001, and no longer subject to tax; creating s. 202.381, F.S.; providing requirements with respect to implementation of ch. 202, F.S., and ch. 2000-260, Laws of Florida, and transition from the previous tax structure; amending s. 203.01, F.S.; specifying the rate of the gross receipts tax on communications services; amending s. 212.031, F.S.; conforming provisions; amending s. 212.054, F.S.; clarifying that a discretionary sales surtax applies to transactions taxed under ch. 202, F.S.; amending s. 212.20, F.S.; removing provisions relating to deposit of certain proceeds under ch. 212, F.S., in the Mail Order Sales Tax Clearing Trust Fund; amending ss. 11.45, 218.65, and 288.1169, F.S.; correcting references; amending s. 212.202, F.S.; renaming the Mail Order Sales Tax Clearing Trust Fund as the Communications Services Tax Clearing Trust Fund; amending s. 337.401, F.S.; revising dates for notice of election by municipalities and counties regarding imposition of permit fees to the department; providing that a municipality or county that elects not to impose permit fees on communications services providers may increase its local tax rate by resolution; requiring notice to the department; prescribing regulations governing the amounts that may be imposed by municipalities and counties against certain persons or entities in connection with the placement or maintenance of communications facilities in municipal or county roads or rights-of-way; repealing s. 337.401(3)(f) and (g), F.S., relating to the authority of municipalities and counties to request in-kind requirements from cable service providers and to negotiate cable service franchises, and revising and relocating such provisions under that section; providing relationship of provisions relating to regulation of placement or maintenance of communications facilities in public roads or rights-of-way by counties or municipalities to zoning or land use authority; providing status of registration under such provisions; authorizing municipalities and counties to change their election regarding imposition of permit fees and providing for adjustment of tax rates; providing notice requirements; revising definitions; specifying continued application of s. 166.234, F.S., relating to administration and rights and reme-

dies, to municipal public service taxes on telecommunications services imposed prior to October 1, 2001; providing for payment of franchise fees by cable or telecommunications service providers with respect to services provided prior to October 1, 2001; providing for severability; repealing s. 52 of ch. 2000-260, Laws of Florida, which provides for a legislative study during the 2001 session; repealing s. 58(1) of ch. 2000-260, Laws of Florida, which provides for the June 30, 2001, repeal of those administrative sections of ch. 202, F.S., which have taken effect; repealing s. 58(2) of ch. 2000-260, Laws of Florida, which provides for the June 30, 2001, repeal of the following provisions prior to their October 1, 2001, effective date: the remainder of ch. 202, F.S., which provides for the taxation of the sale of communications services; other statutory amendments which provide related administrative provisions; provisions which remove levy of the municipal public service tax on telecommunications services; provisions which provide for a gross receipts tax on communications services to be applied pursuant to ch. 202, F.S.; provisions which remove the imposition of tax under ch. 212, F.S., on telecommunication service; provisions relating to the authority of counties and municipalities to regulate the placement of telecommunications facilities in roads and rights-of-way and to impose permit fees and franchise fees; and provisions relating to the application of amendments made by ch. 2000-260, Laws of Florida; repealing s. 59 of ch. 2000-260, Laws of Florida, which, effective June 30, 2001, amends s. 337.401, F.S., relating to the authority of counties and municipalities to regulate the placement of telecommunications facilities in roads and rights-of-way and to impose permit fees and franchise fees, to remove amendments made by ch. 2000-260, Laws of Florida, which took effect January 1, 2001; providing effective dates.

—as amended April 30 was read the third time by title.

Senator Horne offered the following amendments which were moved by Senator Carlton and adopted by two-thirds vote:

Amendment 1 (754502)—On page 104, delete line 6 and insert: *inconsistent with rules of the Department of Revenue.*

Amendment 2 (241734)—On page 8, line 5, delete “*Declaration of legislative*” and insert: *Legislative*

On motion by Senator Carlton, **CS for CS for SB 1878** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

CS for SB 1540—A bill to be entitled An act relating to trust funds; creating s. 202.193, F.S.; creating the Local Communications Services Tax Clearing Trust Fund within the Department of Revenue; providing for sources of moneys and purposes; providing for annual carryforward of fund balances; providing that the trust fund is exempt from constitutional termination; providing a contingent effective date.

—was read the third time by title.

On motion by Senator Carlton, **CS for SB 1540** was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bronson	Campbell	Constantine	Dawson
Brown-Waite	Carlton	Cowin	Diaz de la Portilla
Burt	Clary	Crist	Dyer

Garcia	Latvala	Peaden	Silver
Geller	Laurent	Posey	Smith
Holzendorf	Lawson	Pruitt	Sullivan
Horne	Lee	Rossin	Villalobos
Jones	Meek	Sanderson	Wasserman Schultz
King	Miller	Saunders	Webster
Klein	Mitchell	Sebesta	

Nays—None

SB 1820—A bill to be entitled An act relating to bingo; amending s. 849.0931, F.S.; defining the terms “instant bingo” and “package”; providing rules for the operation of instant bingo games; providing an effective date.

—was read the third time by title.

On motion by Senator Silver, **SB 1820** was passed and certified to the House. The vote on passage was:

Yeas—31

Brown-Waite	Diaz de la Portilla	Klein	Sanderson
Burt	Dyer	Latvala	Saunders
Campbell	Garcia	Meek	Sebesta
Carlton	Geller	Miller	Silver
Constantine	Holzendorf	Mitchell	Sullivan
Cowin	Horne	Posey	Villalobos
Crist	Jones	Pruitt	Wasserman Schultz
Dawson	King	Rossin	

Nays—6

Bronson	Laurent	Smith	Webster
Clary	Peaden		

SB 638—A bill to be entitled An act relating to district school personnel; amending s. 231.40, F.S.; providing for use of employees’ sick leave by their family members who also are district employees; providing for use of donated sick leave and restrictions; providing an effective date.

—as amended April 30 was read the third time by title.

On motion by Senator Wasserman Schultz, **SB 638** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Diaz de la Portilla	Laurent	Saunders
Brown-Waite	Dyer	Lawson	Sebesta
Burt	Garcia	Lee	Silver
Campbell	Geller	Meek	Smith
Carlton	Holzendorf	Miller	Sullivan
Clary	Horne	Mitchell	Villalobos
Constantine	Jones	Peaden	Wasserman Schultz
Cowin	King	Posey	Webster
Crist	Klein	Pruitt	
Dawson	Latvala	Sanderson	

Nays—None

CS for CS for SB 1038—A bill to be entitled An act relating to homicide of an unborn quick child; amending s. 316.193, F.S.; including the death of an unborn quick child under DUI manslaughter; amending s. 782.071, F.S.; making the killing of an unborn quick child rather than the killing of a viable fetus a “vehicular homicide”; deleting a provision describing the viability of a fetus; amending s. 782.09, F.S.; providing that killing an unborn quick child by injury to the mother which would be murder in any degree if it resulted in the death of the mother is murder in the same degree; providing penalties; providing that the unlawful killing of an unborn quick child by injury to the mother which would be manslaughter if it resulted in the death of the mother is manslaughter; providing penalties; providing that the death of the mother does not bar prosecution under specified circumstances; provid-

ing that the section does not authorize prosecution of a person in connection with a termination of pregnancy; providing a claim for civil damages; amending ss. 921.0022, 960.03, F.S., relating to the Criminal Punishment Code offense severity ranking chart and the definition of "crime" with respect to the Florida Crimes Compensation Act; conforming provisions to changes made by the act; providing an effective date.

—as amended April 30 was read the third time by title.

On motion by Senator Sanderson, **CS for CS for SB 1038** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Bronson	Diaz de la Portilla	Lawson	Sebesta
Brown-Waite	Garcia	Lee	Silver
Burt	Geller	Meek	Smith
Campbell	Holzendorf	Mitchell	Sullivan
Carlton	Horne	Peaden	Villalobos
Clary	Jones	Posey	Wasserman Schultz
Constantine	King	Pruitt	Webster
Cowin	Klein	Rossin	
Crist	Latvala	Sanderson	
Dawson	Laurent	Saunders	

Nays—None

THE PRESIDENT PRESIDING

Consideration of **HB 397** was deferred.

CS for SB 1128—A bill to be entitled An act relating to medical treatment; creating the "Access to Medical Treatment Act"; authorizing a licensed physician to treat an individual for a life-threatening illness or condition by means of an investigational medical treatment authorized by the individual or the individual's legal representative; specifying acts and disclosures that are required before a physician may provide such treatment; providing that investigational medical treatment provided in compliance with the act does not constitute unprofessional conduct; providing that the act does not modify the scope of practice or the provisions of the practice act of licensees; providing an effective date.

—was read the third time by title.

On motion by Senator Latvala, **CS for SB 1128** was passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Dawson	Laurent	Sanderson
Bronson	Diaz de la Portilla	Lawson	Saunders
Burt	Dyer	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Horne	Miller	Smith
Clary	Jones	Peaden	Sullivan
Constantine	King	Posey	Villalobos
Cowin	Klein	Pruitt	Wasserman Schultz
Crist	Latvala	Rossin	Webster

Nays—None

Vote after roll call:

Yea—Brown-Waite

CS for SB 1296—A bill to be entitled An act relating to land acquisition and management; amending s. 73.015, F.S.; clarifying the time-frame for providing specific information to fee owners; requiring agencies to provide specified portions of statute to fee owners; amending s. 270.11, F.S.; providing discretion to water management districts, local governments, the Board of Trustees of the Internal Improvement Trust Fund, and other state agencies to determine whether to reserve mineral interests when selling lands; clarifying the types of information to be given by landowners wanting a release of a reservation; amending s. 373.056, F.S.; authorizing water management districts to grant utility

easements on district-owned lands in order to provide utility service; amending s. 373.093, F.S.; granting additional time to water management districts to provide notification prior to executing lease agreements; amending s. 373.096, F.S.; authorizing water management districts to abandon easements, reservations, and right-of-way interests that are no longer needed; amending s. 373.139, F.S.; authorizing water management districts to cure title defects after a land sale is executed; allowing the disclosure of appraisal information, offers, and counteroffers to third parties working on the district's behalf; amending s. 373.1401, F.S.; authorizing water management districts to contract with private entities for management, improvement, or maintenance of land held by the district; amending s. 374.984, F.S.; authorizing the Board of Commissioners of the Florida Inland Navigation District to contract for certain services; providing an effective date.

—as amended April 30 was read the third time by title.

MOTION

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

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

Amendment 1 (844036)(with title amendment)—On page 9, between lines 14 and 15, insert:

Section 9. Paragraph (b) of subsection (3) of section 403.1835, Florida Statutes, is amended to read:

403.1835 Water pollution control financial assistance.—

(3) The department may provide financial assistance through any program authorized under s. 603 of the Federal Water Pollution Control Act (Clean Water Act), Pub. L. No. 92-500, as amended, including, but not limited to, making grants and loans, providing loan guarantees, purchasing loan insurance or other credit enhancements, and buying or refinancing local debt. This financial assistance must be administered in accordance with this section and applicable federal authorities. The department shall administer all programs operated from funds secured through the activities of the Florida Water Pollution Control Financing Corporation under s. 403.1837, to fulfill the purposes of this section.

(b) The department may make or request the corporation to make loans, grants, and deposits to other entities eligible to participate in the financial assistance programs authorized under the Federal Water Pollution Control Act, or as a result of other federal action, which entities may pledge any revenue available to them to repay any funds borrowed. *Notwithstanding s. 18.10, the department may make deposits to financial institutions that earn less than the prevailing rate for United States Treasury securities with corresponding maturities for the purpose of enabling such financial institutions to make below-market interest rate loans to entities qualified to receive loans under this section and the rules of the department.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 7, after the semicolon (;) insert: amending s. 403.1835, F.S.; authorizing the department to deposit certain funds in financial institutions to make below-market loans for pollution control;

On motions by Senator Bronson, **CS for SB 1296** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Mr. President	Crist	Jones	Miller
Bronson	Dawson	King	Mitchell
Brown-Waite	Diaz de la Portilla	Klein	Peaden
Burt	Dyer	Latvala	Pruitt
Campbell	Garcia	Laurent	Rossin
Clary	Geller	Lawson	Sanderson
Constantine	Holzendorf	Lee	Saunders
Cowin	Horne	Meek	Sebesta

Silver Sullivan Wasserman Schultz Webster
Smith Villalobos

Nays—None

Vote after roll call:

Yea—Carlton, Posey

CS for SB's 1254 and 1954—A bill to be entitled An act relating to school facilities; amending s. 230.23, F.S.; providing an example of a school-within-a-school; amending s. 235.2157, F.S.; modifying small-school student-population limits; providing for exceptions to the small-schools requirements; providing an effective date.

—was read the third time by title.

On motion by Senator Wasserman Schultz, **CS for SB's 1254 and 1954** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

CS for SB 1872—A bill to be entitled An act relating to the district school tax; amending s. 236.25, F.S.; allowing certain school districts to levy, by referendum, additional district school taxes; providing limitations on the uses of the resulting revenues; amending s. 236.31, F.S.; providing for millage elections pursuant to s. 236.25, F.S.; amending s. 236.32, F.S.; revising the procedures for conducting school district millage elections; providing an effective date.

—was read the third time by title.

On motion by Senator Carlton, **CS for SB 1872** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

Vote after roll call:

Yea—Bronson

Consideration of **SB 1420** was deferred.

CS for CS for SB 1376—A bill to be entitled An act relating to mining; amending s. 378.035, F.S.; reserving certain funds in the Non-mandatory Land Reclamation Trust Fund for use by the Department of Environmental Protection for reclaiming lands; authorizing the department to use funds from the trust fund for the purpose of closing certain

abandoned phosphogypsum stack systems; limiting the period of operation of the program; requiring the Bureau of Mine Reclamation to review the sufficiency of the trust fund to support certain objectives and make reports; amending s. 378.601, F.S.; deleting provisions exempting certain mining operations from review as developments of regional impact; amending s. 403.4154, F.S.; defining the terms "phosphogypsum stack system" and "process wastewater"; authorizing the Department of Environmental Protection to take action to abate or reduce any imminent hazard caused by a phosphogypsum stack system; requiring the department to recover moneys from the owner or operator of the system; providing for attorney's fees and costs; authorizing the department to impose a lien for the recovery of such moneys; imposing certain fees upon an owner or operator who has not demonstrated financial responsibility; providing for the refund of the fee upon closure of the phosphogypsum stack; authorizing the department to expend moneys from the Non-mandatory Land Reclamation Trust Fund to close abandoned phosphogypsum stack systems; providing for a lien for the recovery of such moneys; amending s. 403.4155, F.S.; requiring the department to review certain rules and determine the adequacy of the rules; providing an appropriation; providing an effective date.

—as amended April 30 was read the third time by title.

On motion by Senator Laurent, **CS for CS for SB 1376** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

SB 1916—A bill to be entitled An act relating to recreational activities at facilities for elderly or disabled adults; authorizing bingo games for residents or clients of certain facilities for the elderly or disabled, and their guests; providing conditions; providing for use of proceeds; providing exemption from local regulation and fees; providing an effective date.

—as amended April 30 was read the third time by title.

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

Yeas—35

Mr. President	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Jones	Posey	Villalobos
Cowin	King	Pruitt	Wasserman Schultz
Crist	Klein	Rossin	Webster
Dawson	Laurent	Sanderson	

Nays—1

Peaden

Vote after roll call:

Yea—Bronson, Constantine, Latvala

CS for SB 2054—A bill to be entitled An act relating to the designation of university buildings and facilities; designating the new instruction and research building at Florida Atlantic University's College of Nursing the "Louis and Anne Green Alzheimer's Research Center"; designating the Florida Atlantic University Dania Beach Campus facility

the "Kenneth C. Jenne Building"; designating the observatory at Florida Gulf Coast University the "Evelyn L. Egan Astronomical Observatory"; designating the student and educational center at Florida Gulf Coast University the "Sugden Welcome Center"; designating the building at the Women's Soccer and Softball Complex at Florida State University the "Mary Ann Stiles and Barry Smith Team Building"; designating Building 146 at Florida State University, known as the Molecular Biophysics Building, the "Kasha Laboratory"; designating the University of Central Florida's School of Hospitality Management the "Harris Rosen School of Hospitality Management" and the facility that houses said school "Rosen Hall"; designating the new educational program facility at the Florida Museum of Natural History at the University of Florida the "William W. and Nadine M. McGuire Hall"; designating the new alumni center at the University of Florida the "Emerson Alumni Hall"; designating the new accounting building at the University of Florida's Warrington School of Business the "Gary R. Gerson Hall"; designating the women's gymnasium at the University of Florida the "Kathryn Chicone Ustler Hall"; designating the marine science complex at the University of South Florida's St. Petersburg Campus as the "C.W. 'Bill' Young Marine Science Complex"; designating the science research building at Florida Agricultural and Mechanical University as the "Frederick S. Humphries Science and Research Center"; designating the new honors college building at the University of Central Florida as the "Burnett Honors College"; naming the law school at Florida International University the "Rafael Diaz-Balart Building"; authorizing the erection of suitable markers; providing an effective date.

—as amended April 30 was read the third time by title.

On motion by Senator Sebesta, **CS for SB 2054** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Saunders
Brown-Waite	Dyer	Lawson	Sebesta
Burt	Garcia	Lee	Silver
Campbell	Geller	Meek	Smith
Carlton	Holzendorf	Miller	Sullivan
Clary	Horne	Mitchell	Villalobos
Constantine	Jones	Peaden	Wasserman Schultz
Cowin	King	Posey	Webster
Crist	Klein	Pruitt	

Nays—None

Vote after roll call:

Yea—Sanderson

HB 397—A bill to be entitled An act relating to a public records exemption for certain information relating to prepayment of electronic toll facility charges; amending s. 338.155, F.S., which provides an exemption from public records requirements for personal identifying information given to the Department of Transportation, a county, or an expressway authority for the purpose of prepaying electronic toll facility charges by check, credit card, or charge card; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; clarifying a cross reference; providing an effective date.

—was read the third time by title.

On motion by Senator Sebesta, **HB 397** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Cowin	Horne	Meek
Bronson	Crist	Jones	Miller
Brown-Waite	Dawson	King	Mitchell
Burt	Diaz de la Portilla	Klein	Peaden
Campbell	Dyer	Latvala	Posey
Carlton	Garcia	Laurent	Pruitt
Clary	Geller	Lawson	Rossin
Constantine	Holzendorf	Lee	Sanderson

Saunders	Silver	Sullivan	Wasserman Schultz
Sebesta	Smith	Villalobos	Webster
Nays—None			

CS for SB 1576—A bill to be entitled An act relating to ad valorem tax administration; amending s. 195.096, F.S.; requiring the Department of Revenue to document and retain records used in the review of assessment rolls; amending s. 195.096, F.S., effective for the 2003 tax rolls and subsequent tax rolls; requiring the Department of Revenue to study assessment groups or market areas to assure the representativeness of ratio-study samples; amending s. 197.502, F.S.; authorizing the tax collector to contract with a title abstract company to provide information concerning property described in a tax certificate; authorizing the tax collector to pay a reasonable fee for this information; providing that the amount of any fee paid for this information must be added to the opening bid for a tax deed for the property; amending s. 200.069, F.S.; changing the presentation of independent special districts' debt-service levies on notices of proposed property taxes; amending s. 193.155, F.S.; revising provisions governing assessment of homestead property; amending s. 197.343, F.S.; changing the date for an additional tax notice; amending s. 192.0105, F.S.; conforming a cross-reference; amending s. 197.212, F.S.; increasing the allowable minimum property tax; creating the Property Tax Administration Task Force; providing purposes and membership of the task force; requiring periodic reports to the Department of Revenue; amending s. 196.1975, F.S., relating to exemptions for nonprofit homes for the aged; specifying that the exemption applicable to such homes the residents of which meet certain income limitations applies to individual units or apartments of such homes; providing for application of a residency affidavit requirement to applicants for such an exemption; clarifying provisions relating to qualification for the alternative exemption provided by that section for those portions of a home in which the residents do not meet the income limitations; providing that s. 196.195, F.S., relating to requirements and criteria for determining the profit or nonprofit status of an applicant for exemption, and s. 196.196, F.S., relating to criteria for determining whether property is entitled to a charitable, religious, scientific, or literary exemption, do not apply to that section; creating an advisory committee on airport and seaport property taxation; providing purposes and membership; requiring a report; providing an appropriation; providing an effective date.

—as amended April 30 was read the third time by title.

MOTION

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

Senator King moved the following amendment:

Amendment 1 (732326)(with title amendment)—On page 25, lines 6 and 15, following "property" insert: *and other public facilities*
And the title is amended as follows:

On page 2, line 24, following "property" insert: *and other public facility*

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

Amendment 2 (053858)(with title amendment)—On page 25, delete line 15 and insert: *seaport property and may consider taxation of other public facilities and issues related to special districts. The advisory committee shall submit a written report on this*
And the title is amended as follows:

On page 2, line 24, following "property" insert: *and other public facility*

MOTION

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

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

Amendment 3 (875780)(with title amendment)—On page 25, between lines 22 and 23, insert:

Section 12. Subsection (6) is added to section 236.25, Florida Statutes, to read:

236.25 District school tax.—

(6) In addition to the maximum millage levied under this section and the General Appropriations Act, a school district may levy, by local referendum or in a general election, additional millage for school operational purposes up to an amount that, when combined with nonvoted millage levied under this section, does not exceed the 10-mill limit established in s. 9(b), Art. VII of the State Constitution. Any such levy shall be for a maximum of 4 years and shall be counted as part of the 10-mill limit established in s. 9(b), Art. VII of the State Constitution. Millage elections conducted under the authority granted pursuant to this section are subject to ss. 236.31 and 236.32. Funds generated by such additional millage do not become a part of the calculation of the Florida Education Finance Program total potential funds in 2001-2002 or any subsequent year and must not be incorporated in the calculation of any hold-harmless or other component of the Florida Education Finance Program formula in any year.

Section 13. Section 236.31, Florida Statutes, is amended to read:

236.31 District millage elections.—

(1) The school board, pursuant to resolution adopted at a regular meeting, shall direct the county commissioners to call an election at which the electors within the school districts may approve an ad valorem tax millage as authorized in s. 9, Art. VII of the State Constitution. Such election may be held at any time, except that not more than one such election shall be held during any 12-month period. Any millage so authorized shall be levied for a period not in excess of 2 years or until changed by another millage election, whichever is the earlier. In the event any such election is invalidated by a court of competent jurisdiction, such invalidated election shall be considered not to have been held.

(2) The school board, pursuant to resolution adopted at a regular meeting, shall direct the county commissioners to call an election at which the electors within the school district may approve an ad valorem tax millage as authorized under s. 236.25(6). Such election may be held at any time, except that not more than one such election shall be held during any 12-month period. Any millage so authorized shall be levied for a period not in excess of 4 years or until changed by another millage election, whichever is earlier. If any such election is invalidated by a court of competent jurisdiction, such invalidated election shall be considered not to have been held.

Section 14. Section 236.32, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 236.32, F.S., for present text.)

236.32 Procedures for holding and conducting school district millage elections.—

(1) **HOLDING ELECTIONS.**—All school district millage elections shall be held and conducted in the manner prescribed by law for holding general elections, except as provided in this chapter.

(2) **FORM OF BALLOT.**—

(a) The school board may propose a single millage or two millages, with one for operating expenses and another for a local capital improvement reserve fund. When two millage figures are proposed, each millage must be voted on separately.

(b) The school board shall provide the wording of the substance of the measure and the ballot title in the resolution calling for the election. The wording of the ballot must conform to the provisions of s. 101.161.

(3) **QUALIFICATION OF ELECTORS.**—All qualified electors of the school district are entitled to vote in the election to set the school tax district millage levy.

(4) **RESULTS OF ELECTION.**—When the school board proposes one tax levy for operating expenses and another for the local capital improvement reserve fund, the results shall be considered separately. The tax levy

shall be levied only in case a majority of the electors participating in the election vote in favor of the proposed special millage.

(5) **EXPENSES OF ELECTION.**—The cost of the publication of the notice of the election and all expenses of the election in the school district shall be paid by the school board.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 26, following the semicolon (;) insert: amending s. 236.25, F.S.; allowing certain school districts to levy, by referendum, additional district school taxes; providing limitations on the uses of the resulting revenues; amending s. 236.31, F.S.; providing for millage elections pursuant to s. 236.25, F.S.; amending s. 236.32, F.S.; revising the procedures for conducting school district millage elections;

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

Amendment 4 (752158)(with title amendment)—On page 25, delete line 6 and insert: *committee on property taxation, consisting*

And the title is amended as follows:

On page 2, delete line 23 and insert: *advisory committee on*

On motion by Senator Carlton, **CS for SB 1576** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

SPECIAL ORDER CALENDAR, continued

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

CS for SB 466—A bill to be entitled An act relating to public employment; amending s. 20.23, F.S.; eliminating provisions requiring that the inspector general position in the Department of Transportation be within the Career Service System; repealing ss. 110.108, 110.109, F.S., relating to personnel pilot projects, productivity improvement, and personnel audits of executive branch agencies; amending s. 110.1091, F.S.; providing requirements for a program to assist state employees; repealing s. 110.1095, F.S., relating to supervisory and management training and continuing education for executive branch agencies; amending s. 110.1099, F.S.; providing for state employees to receive vouchers or waivers to attend community colleges under specified circumstances; requiring the Department of Management Services to adopt rules; amending s. 110.1127, F.S.; providing for security background checks for certain state employee positions; amending s. 110.113, F.S.; requiring all state employees except those who receive an exemption to participate in the direct deposit program; amending s. 110.1245, F.S.; providing for a savings-sharing program for employees whose proposals result in savings; providing for bonus payments; eliminating the meritorious service awards program; requiring that such bonuses be paid from funds authorized by the Legislature; repealing s. 110.1246, F.S., relating to lump-sum bonus payments; amending s. 110.129, F.S.; authorizing the Department of Management Services to furnish technical assistance to improve personnel administration for municipalities or other political subdivisions; amending s. 110.131, F.S.; requiring approval by the Executive Office of the Governor for an extension in hours of other-personal-services temporary employment; providing certain exceptions; amending s. 110.203, F.S.; revising definitions; including the outsourcing and privatization of an activity or function within the definition of the term

"layoff"; defining the term "firefighter" and "law enforcement or correctional officer"; creating s. 110.2035, F.S.; requiring the Department of Management Services to develop a classification and compensation program for certain employees; providing requirements for the program; requiring that the department submit a proposed plan to the Governor and the Legislature; requiring the department to adopt rules; amending s. 110.205, F.S.; providing for managerial employees and certain employees under a collective bargaining agreement to be exempt from the Career Service System; providing for carrying leave forward; repealing ss. 110.207, 110.209, F.S., relating to the career service classification plan and pay plan; amending s. 110.211, F.S.; authorizing the Department of Management Services to contract for recruitment services; amending s. 110.213, F.S.; requiring a probationary period for new employees; revising requirements for agency heads in selecting employees; providing certain restrictions for leave benefits for Senior Management Service employees; providing for annual payouts for a specified amount of unused annual leave for career service employees; amending s. 110.219, F.S.; revising provisions governing attendance and leave; providing for a year-end cash-out of annual leave by specified employees under specified circumstances; amending s. 110.224, F.S.; providing for a public employee performance evaluation system; providing requirements for the system; authorizing the department to adopt rules; amending s. 110.227, F.S.; authorizing suspension or dismissal of employees who have permanent status for reasonable cause; defining the term "reasonable cause"; providing certain exceptions; establishing grievance procedures; providing for hearings and final orders by the Public Employees Relations Commission; amending s. 110.233, F.S.; prohibiting certain political activity by a career service employee; amending s. 110.235, F.S.; requiring state agencies to implement training programs; amending s. 110.401, F.S.; providing for training and management-development programs for senior-level management; amending s. 110.403, F.S.; requiring the department to administer a professional development program; increasing the percentage of authorized positions within the Senior Management Service; amending s. 110.601, F.S.; providing for a system of personnel management; amending s. 110.602, F.S.; eliminating a limitation on the percentage of authorized positions within the Selected Exempt Service; amending s. 110.605, F.S.; providing for personnel rules, records, reports, and performance appraisals; amending s. 110.606, F.S.; requiring the department to collect certain data with respect to classifications with the Selected Exempt Service; amending ss. 288.708, 440.4416, F.S.; providing for the executive director of the Florida Black Business Investment Board and the members of the Workers' Compensation Oversight Board to be subject to the Senior Management Service System; amending s. 509.036, F.S.; revising the standard under which an inspector of public food service establishments may be suspended or dismissed; amending s. 216.262, F.S.; providing for the Legislative Budget Commission to authorize a state agency to retain moneys associated with eliminated positions under certain circumstances; amending s. 447.201, F.S.; providing public policy with respect to public employees; amending s. 447.205, F.S.; providing that the Public Employees Relations Commission is not subject to the control of the Department of Management Services; amending s. 447.207, F.S.; revising authority of the commission to hear certain appeals; conforming provisions to changes made by the act; amending s. 447.503, F.S.; revising the standard for reinstating an employee who is suspended or discharged; amending s. 447.507, F.S.; revising requirements for the probation served by a public employee; amending s. 112.215, F.S.; authorizing certain pretax, trustee-to-trustee transfer of deferred compensation accounts; repealing s. 125.0108(2)(d), F.S., relating to the former Career Service Commission; repealing ss. 944.35(3)(c), 985.4045(1)(b), F.S., relating to cause for dismissal from employment by the Department of Corrections or the Department of Juvenile Justice; transferring the Public Employees Relations Commission from the Department of Labor and Employment Security to the Department of Management Services; transferring records, personnel, property, balances of appropriations, and other funds; requiring the Department of Management Services to adopt rules; requiring that the department develop a performance agreement between management employees and agency heads; creating s. 110.1315, F.S.; authorizing the department to contract for an alternative retirement program for temporary and seasonal employees; providing requirements for selecting a vendor; amending s. 447.403, F.S.; revising requirements for resolving an impasse in collective bargaining negotiations; prohibiting the appointment of a mediator if the Governor is the employer; providing a procedure for resolving such impasse; amending s. 216.163, F.S., relating to an impasse in collective bargaining negotiations; conforming provisions to changes made by the act; providing effective dates.

—which was previously considered this day.

Senator Garcia moved the following amendment:

Amendment 1 (755104)(with title amendment)—Delete everything after the enacting clause and insert:

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (h) of subsection (3) of section 20.23, Florida Statutes, is amended to read:

20.23 Department of Transportation.—There is created a Department of Transportation which shall be a decentralized agency.

(3)

(h)1. The secretary shall appoint an inspector general pursuant to s. 20.055. ~~To comply with recommended professional auditing standards related to independence and objectivity, the inspector general shall be appointed to a position within the Career Service System and may be removed by the secretary with the concurrence of the Transportation Commission. In order to attract and retain an individual who has the proven technical and administrative skills necessary to comply with the requirements of this section, the agency head may appoint the inspector general to a classification level within the Career Service System that is equivalent to that provided for in part III of chapter 110.~~ The inspector general may be organizationally located within another unit of the department for administrative purposes, but shall function independently and be directly responsible to the secretary pursuant to s. 20.055. The duties of the inspector general shall include, but are not restricted to, reviewing, evaluating, and reporting on the policies, plans, procedures, and accounting, financial, and other operations of the department and recommending changes for the improvement thereof, as well as performing audits of contracts and agreements between the department and private entities or other governmental entities. The inspector general shall give priority to reviewing major parts of the department's accounting system and central office monitoring function to determine whether such systems effectively ensure accountability and compliance with all laws, rules, policies, and procedures applicable to the operation of the department. The inspector general shall also give priority to assessing the department's management information systems as required by s. 282.318. The internal audit function shall use the necessary expertise, in particular, engineering, financial, and property appraising expertise, to independently evaluate the technical aspects of the department's operations. The inspector general shall have access at all times to any personnel, records, data, or other information of the department and shall determine the methods and procedures necessary to carry out his or her duties. The inspector general is responsible for audits of departmental operations and for audits of consultant contracts and agreements, and such audits shall be conducted in accordance with generally accepted governmental auditing standards. The inspector general shall annually perform a sufficient number of audits to determine the efficiency and effectiveness, as well as verify the accuracy of estimates and charges, of contracts executed by the department with private entities and other governmental entities. The inspector general has the sole responsibility for the contents of his or her reports, and a copy of each report containing his or her findings and recommendations shall be furnished directly to the secretary and the commission.

2. In addition to the authority and responsibilities herein provided, the inspector general is required to report to the:

a. Secretary whenever the inspector general makes a preliminary determination that particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs and operations of the department have occurred. The secretary shall review and assess the correctness of the preliminary determination by the inspector general. If the preliminary determination is substantiated, the secretary shall submit such report to the appropriate committees of the Legislature within 7 calendar days, together with a report by the secretary containing any comments deemed appropriate. Nothing in this section shall be construed to authorize the public disclosure of information which is specifically prohibited from disclosure by any other provision of law.

b. Transportation Commission and the Legislature any actions by the secretary that prohibit the inspector general from initiating, carrying out, or completing any audit after the inspector general has decided

to initiate, carry out, or complete such audit. The secretary shall, within 30 days after transmission of the report, set forth in a statement to the Transportation Commission and the Legislature the reasons for his or her actions.

Section 2. Sections 110.108 and 110.109, Florida Statutes, are repealed.

Section 3. Section 110.1091, Florida Statutes, is amended to read:

110.1091 Program for assisting state employees; confidentiality.— ~~An Each~~ employing state agency may provide a program to assist any ~~of its state employees~~ employee who ~~have has~~ a behavioral or medical disorder, substance abuse problem, or emotional difficulty ~~that which~~ affects ~~their the~~ employee's job performance, through referral for counseling, therapy, or other professional treatment. Each employing state agency may designate community diagnostic and referral resources as necessary to implement the provisions of this section. Any communication between a state employee and personnel or service providers of a state employee assistance program relative to the employee's participation in the program shall be a confidential communication. Any routine monitoring of telephone calls by the state agency does not violate this provision. All records relative to that participation shall be confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This section is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2003, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 4. Section 110.1095, Florida Statutes, is repealed.

Section 5. Section 110.1099, Florida Statutes, is amended to read:

110.1099 Education and training opportunities for state employees.—

(1) Education and training are an integral component in improving the delivery of services to the public. Recognizing that the application of productivity-enhancing technology and practice ~~demands demand~~ continuous educational and training opportunities, a state employee employees may be authorized to receive fundable tuition waivers on a ~~space available basis or a voucher or grant vouchers~~ to attend work-related courses at public community colleges, public technical centers, or public universities.

(2) The department, in conjunction with the agencies, shall request that ~~public universities such institutions~~ provide evening and weekend programs for state employees. When evening and weekend training and educational programs are not available, an employee employees may be authorized to take paid time off during ~~his or her their~~ regular working hours for training and career development, as provided in s. 110.105(1), if such training benefits the employer ~~as determined by that employee's agency head~~.

(3) ~~An employee~~ Employees who exhibits exhibit superior aptitude and performance may be authorized by that employee's agency head to take a paid educational leave leaves of absence for up to 1 academic year at a time, for specific approved work-related education and training. ~~That employee~~

(4) ~~Such employees~~ must enter into a contract contracts to return to state employment for a period of time equal to the length of the leave of absence or refund salary and benefits paid during ~~his or her their~~ educational leave leaves of absence.

(5) ~~The Department of Management Services, in consultation with the agencies and, to the extent applicable, Florida's public postsecondary educational institutions, shall adopt rules to implement and administer this section.~~

(4)(6) As a precondition to approving an employee's training request, an agency or the judicial branch may require an employee to enter into an agreement that requires the employee to reimburse the agency or judicial branch for the registration fee or similar expense for any training or training series when the cost of the fee or similar expense exceeds \$1,000 if the employee voluntarily terminates employment or is discharged for cause from the agency or judicial branch within a specified period of time not to exceed exceeding 4 years after the conclusion of the training. This subsection does not apply to any training program that an

agency or the judicial branch requires ~~an~~ the employee to attend. An agency or the judicial branch may pay the outstanding balance then due and owing on behalf of a state employee under this subsection in connection with recruitment and hiring of such state employee.

(5) ~~The Department of Management Services, in consultation with the agencies and, to the extent applicable, with Florida's public community colleges, public technical centers, and public universities, shall adopt rules to administer this section.~~

Section 6. Subsection (1) of section 110.1127, Florida Statutes, is amended to read:

110.1127 Employee security checks.—

(1) Each employing agency shall designate ~~those employee~~ such of its positions ~~that of state employment which~~, because of the special trust or responsibility or sensitive location of ~~those such~~ positions, require that persons occupying ~~those such~~ positions be subject to a security background check, including fingerprinting, as a condition of employment.

Section 7. Effective February 1, 2002, subsection (2) of section 110.113, Florida Statutes, is amended to read:

110.113 Pay periods for state officers and employees; salary payments by direct deposit.—

(2) As a condition of employment, a person appointed to a position in state government ~~on or after July 1, 1996~~, is required to participate in the direct deposit program pursuant to s. 17.076. ~~This subsection does not apply to persons who are in the employment of the state on July 1, 1996, and subsequently receive promotion appointments, transfers, or other changes in positions within the same personnel system after July 1, 1996.~~ An employee may request an exemption from the provisions of this subsection when such employee can demonstrate a hardship or when such employee is in an other-personal-services position.

Section 8. Section 110.1245, Florida Statutes, is amended to read:

110.1245 ~~Savings-sharing program; bonus payments; other awards.—Meritorious service awards program.—~~

(1)(a) ~~The Department of Management Services shall adopt rules that prescribe set policy, develop~~ procedures, and promote a savings-sharing program for an individual or group of employees who propose procedures or ideas that are adopted and that result in eliminating or reducing state expenditures, if such proposals are placed in effect and may be implemented under current statutory authority. ~~of meritorious service awards, incentives, and recognition to employees who:~~

(a) ~~Propose procedures or ideas which are adopted and which will result in increasing productivity, in eliminating or reducing state expenditures or improving operations, or in generating additional revenues, provided such proposals are placed in effect and can be implemented under current statutory authority; or~~

(b) ~~Each agency head shall recommend employees individually or by group to be awarded an amount of money, which amount shall be directly related to the cost savings realized. Each proposed award and amount of money must be approved by the Legislative Budgeting Commission and be in compliance with section 216.1815. By their superior accomplishments, make exceptional contributions to the efficiency, economy, or other improvement in the operations of the state government.~~

(c) ~~Each Every~~ state agency, unless otherwise provided by law, may shall participate in the program. The Chief Justice shall have the authority to establish a savings-sharing meritorious service awards program for employees of the judicial branch within the parameters established in this section. The component of the program specified in paragraph (a) shall apply to all employees within the Career Service System, the Selected Exempt Service System, and comparable employees within the judicial branch. ~~The component of the program specified in paragraph (b) shall apply to all employees of the state. No award granted under the component of the program described in paragraph (a) shall exceed 10 percent of the first year's actual savings or actual revenue increase, up to \$25,000, plus applicable taxes, unless a larger award is made by the Legislature, and shall be paid from the appropriation available to the judicial branch or state agency affected by the award or from any specific appropriation therefor. No award granted under the component of the program described in paragraph (b) shall exceed \$1,000 plus~~

~~applicable taxes per individual employee. The judicial branch or an agency may award savings bonds or other items in lieu of cash awards, provided that the cost of such item does not exceed the limits specified in this subsection. In addition, the judicial branch or a state agency may award certificates, pins, plaques, letters of commendation, and other tokens of recognition of meritorious service to an employee eligible for recognition under either component of the program, provided that the award may not cost in excess of \$100 each plus applicable taxes.~~

~~(d)(2) The department and the judicial branch shall submit annually to the President of the Senate and the Speaker of the House of Representatives information that outlines each agency's level of participation in the savings-sharing meritorious service awards program. The information shall must include, but is not limited to:~~

- ~~1.(a) The number of proposals made.~~
- ~~2.(b) The number of dollars and awards made to employees or groups for adopted proposals.~~
- ~~3.(c) The actual cost savings realized as a result of implementing employee or group proposals.~~
- ~~4. The number of employees or groups recognized for superior accomplishments.~~
- ~~(d) Total expenditures incurred by the agency for providing awards to employees for adopted proposals.~~
- ~~(e) The number of employees recognized for superior accomplishments.~~

~~(f) The number of employees recognized for satisfactory service to the state.~~

~~(2) In June of each year, bonuses shall be paid to employees from funds authorized by the Legislature in an appropriation specifically for bonuses. Each agency shall develop a plan for awarding lump-sum bonuses, which plan shall be submitted no later than September 15 of each year and approved by the Office of Policy and Budget in the Executive Office of the Governor. Such plan shall include, at a minimum, but is not limited to:~~

~~(a) A statement that all bonuses are subject to specific appropriation by the Legislature.~~

~~(b) Eligibility criteria as follows:~~

~~1. The employee must have been employed prior to July 1 of that fiscal year and have been continuously employed through the date of distribution.~~

~~2. The employee must not have been on leave without pay consecutively for more than 6 months during the fiscal year.~~

~~3. The employee must have had no sustained disciplinary action during the period beginning July 1 through the date the bonus checks are distributed. Disciplinary actions include written reprimands, suspensions, dismissals, and involuntary or voluntary demotions that were associated with a disciplinary action.~~

~~4. The employee must have demonstrated a commitment to the agency mission by reducing the burden on those served, continually improving the way business is conducted, producing results in the form of increased outputs, and working to improve processes.~~

~~5. The employee must have demonstrated initiative in work and have exceeded normal job expectations.~~

~~6. The employee must have modeled the way for others by displaying agency values of fairness, cooperation, respect, commitment, honesty, excellence, and teamwork.~~

~~(c) A periodic evaluation process of the employee's performance.~~

~~(d) Peer input to account for at least 40 percent of the bonus award determination.~~

~~(e) A division of the agency by work unit for purposes of peer input and bonus distribution.~~

~~(f) A limitation on bonus distributions equal to 35 percent of the agency's total authorized positions. This requirement may be waived by the Office of Policy and Budget in the Executive Office of the Governor upon a showing of exceptional circumstances.~~

(3) Each department head is authorized to incur expenditures to award suitable framed certificates, pins, and other tokens of recognition to retiring state employees whose service with the state has been satisfactory, in appreciation and recognition of such service. Such awards may not cost in excess of \$100 each plus applicable taxes.

(4) Each department head is authorized to incur expenditures to award suitable framed certificates, pins, or other tokens of recognition to state employees who have achieved increments of 5 years of satisfactory service in the agency or to the state, in appreciation and recognition of such service. Such awards may not cost in excess of \$100 each plus applicable taxes.

(5) Each department head is authorized to incur expenditures not to exceed \$100 each plus applicable taxes for suitable framed certificates, plaques, or other tokens of recognition to any appointed member of a state board or commission whose service to the state has been satisfactory, in appreciation and recognition of such service upon the expiration of such board or commission member's final term in such position.

Section 9. *Section 110.1246, Florida Statutes, is repealed.*

Section 10. Subsections (1) and (2) of section 110.129, Florida Statutes, are amended to read:

110.129 Services to political subdivisions.—

(1) Upon request, the department may enter into a formal agreement with any municipality or political subdivision of the state to furnish technical assistance to improve the system or methods of personnel administration of that such municipality or political subdivision. The department shall provide such assistance within the limitations of available staff, funds, and other resources. All municipalities and political subdivisions of the state are authorized to enter into such agreements.

(2) Technical assistance includes may include, but is shall not be limited to, providing technical advice, written reports, or and other information or materials that and may cover such subjects as management and personnel systems, central administrative and support services, employee training, and employee productivity.

Section 11. Subsection (2) of section 110.131, Florida Statutes, is amended to read:

110.131 Other-personal-services temporary employment.—

(2) An agency may employ any qualified individual in other-personal-services temporary employment for 1,040 hours within any 12-month period. An extension beyond a total of 1,040 hours within an agency for any individual requires a recommendation by the approval of the agency head and approval by the Executive Office of the Governor or a designee. Approval of extensions shall be made in accordance with criteria established by the department. Each agency shall maintain employee information as specified by the department regarding each extension of other-personal-services temporary employment. The time limitation established by this subsection does not apply to board members, consultants, seasonal employees, institutional clients employed as part of their rehabilitation, or bona fide, degree-seeking students in accredited secondary or postsecondary educational programs, employees hired to deal with an emergency situation that affects the public health, safety, or welfare, or employees hired for a project that is identified by a specific appropriation or time-limited grant.

Section 12. Subsections (11), (18), and (19) of section 110.203, Florida Statutes, are amended to read:

110.203 Definitions.—For the purpose of this part and the personnel affairs of the state:

(11) "Pay plan" means a formal description of the philosophy, methods, procedures, and salary schedules schedule for competitively compensating employees at market-based rates for work performed.

(18) "Promotion" means the changing of the classification of an employee to a class having a higher maximum salary; or the changing of the

classification of an employee to a class having the same or a lower maximum salary but a higher level of responsibility as determined by the Department of Management Services.

(19) "Demotion" means the changing of the classification of an employee to a class having a lower maximum salary; or the changing of the classification of an employee to a class having the same or a higher maximum salary but a lower level of responsibility as determined by the Department of Management Services.

Section 13. Subsections (22), (23), and (24) of section 110.203, Florida Statutes, are amended, and subsections (28) and (29) are added to that section, to read:

110.203 Definitions.—For the purpose of this part and the personnel affairs of the state:

(22) "Dismissal" means a disciplinary action taken by an agency pursuant to s. 110.227 against an employee resulting in termination of his or her employment for a violation of agency standards or for cause pursuant to s. 110.227.

(23) "Suspension" means a disciplinary action taken by an agency pursuant to s. 110.227 against an employee to temporarily relieve the employee of his or her duties and place him or her on leave without pay for violation of agency standards or for cause pursuant to s. 110.227.

(24) "Layoff" means termination of employment due to abolishment of positions necessitated by a shortage of funds or work, or a material change in the duties or organization of an agency, including the outsourcing or privatization of an activity or function previously performed by career service employees.

(28) "Firefighter" means a firefighter certified under chapter 633.

(29) "Law enforcement or correctional officer" means a law enforcement officer, special agent, correctional officer, correctional probation officer, or institutional security specialist required to be certified under chapter 943.

Section 14. Section 110.2035, Florida Statutes, is created to read:

110.2035 Classification and compensation program.—

(1) The Department of Management Services, in consultation with the Executive Office of the Governor and the Legislature, shall develop a classification and compensation program. This program shall be developed for use by all state agencies and shall address Career Service, Select Exempt Service, and Senior Management Service classes.

(2) The program shall consist of the following:

(a) A position classification system using no more than 50 occupational groups and up to a six-class series structure for each occupation within an occupational group. Additional occupational groups may be established only by the Executive Office of the Governor after consultation with the Legislature.

(b) A pay plan that shall provide broad, market-based salary ranges for each occupational group.

(3) The following goals shall be considered in designing and implementing the program:

(a) The classification system must significantly reduce the need to reclassify positions due to work assignment and organizational changes by decreasing the number of classification changes required.

(b) The classification system must establish broad-based classes allowing flexibility in organizational structure and must reduce the levels of supervisory classes.

(c) The classification system and pay plan must emphasize pay administration and job-performance evaluation by management rather than emphasize use of the classification system to award salary increases.

(d) The pay administration system must contain provisions to allow managers the flexibility to move employees through the pay ranges and provide for salary increase additives and lump-sum bonuses.

(4) The classification system shall be structured such that each confidential, managerial, and supervisory employee shall be included in the Selected Exempt Service, in accordance with part V of this chapter.

(5) The Department of Management Services shall submit the proposed design of the classification and compensation program to the Executive Office of the Governor, the presiding officers of the Legislature, and the appropriate legislative fiscal and substantive standing committees on or before December 1, 2001.

(6) The department shall establish, by rule, guidelines with respect to, and shall delegate to the employing agencies, where appropriate, the authority to administer the following:

(a) Shift differentials.

(b) On-call fees.

(c) Hazardous-duty pay.

(d) Advanced appointment rates.

(e) Salary increase and decrease corrections.

(f) Lead-worker pay.

(g) Temporary special duties pay.

(h) Trainer-additive pay.

(i) Competitive area differentials.

(j) Coordinator pay.

(k) Critical market pay.

The employing agency must use such pay additives as are appropriate within the guidelines established by the department and shall advise the department in writing of the plan for implementing such pay additives prior to the implementation date. Any action by an employing agency to implement temporary special duties pay, competitive area differentials, or critical market pay may be implemented only after the department has reviewed and recommended such action; however, an employing agency may use temporary special duties pay for up to 3 months without prior review by the department. The department shall annually provide a summary report of the pay additives implemented pursuant to this section.

Section 15. Subsection (2) of section 110.205, Florida Statutes, is amended, and subsection (7) is added to that section, to read:

110.205 Career service; exemptions.—

(2) EXEMPT POSITIONS.—The exempt positions that which are not covered by this part include the following, provided that no position, except for positions established for a limited period of time pursuant to paragraph (h), shall be exempted if the position reports to a position in the career service:

(a) All officers of the executive branch elected by popular vote and persons appointed to fill vacancies in such offices. Unless otherwise fixed by law, the salary and benefits for any such officer who serves as the head of a department shall be set by the department in accordance with the rules of the Senior Management Service.

(b) All members, officers, and employees of the legislative branch, except for the members, officers, and employees of the Florida Public Service Commission.

(c) All members, officers, and employees of the judicial branch.

(d) All officers and employees of the State University System and the Correctional Education Program within the Department of Corrections, and the academic personnel and academic administrative personnel of the Florida School for the Deaf and the Blind. In accordance with the provisions of chapter 242, the salaries for academic personnel and academic administrative personnel of the Florida School for the Deaf and the Blind shall be set by the board of trustees for the school, subject only to the approval of the State Board of Education. The salaries for all instructional personnel and all administrative and noninstructional per-

sonnel of the Correctional Education Program shall be set by the Department of Corrections, subject to the approval of the Department of Management Services.

(e) All members of state boards and commissions, however selected. Unless otherwise fixed by law, the salary and benefits for any full-time board or commission member shall be set by the department in accordance with the rules of the Senior Management Service.

(f) Judges, referees, and receivers.

(g) Patients or inmates in state institutions.

(h) All positions *that which* are established for a limited period of time for the purpose of conducting a special study, project, or investigation and any person paid from an other-personal-services appropriation. Unless otherwise fixed by law, the salaries for such positions and persons shall be set in accordance with rules established by the employing agency for other-personal-services payments pursuant to s. 110.131.

(i) The appointed secretaries, assistant secretaries, deputy secretaries, and deputy assistant secretaries of all departments; the executive directors, assistant executive directors, deputy executive directors, and deputy assistant executive directors of all departments; and the directors of all divisions and those positions determined by the department to have managerial responsibilities comparable to such positions, which positions include, but are not limited to, program directors, assistant program directors, district administrators, deputy district administrators, the Director of Central Operations Services of the Department of Children and Family Services, and the State Transportation Planner, State Highway Engineer, State Public Transportation Administrator, district secretaries, district directors of planning and programming, production, and operations, and the managers of the offices specified in s. 20.23(3)(d)2., of the Department of Transportation. Unless otherwise fixed by law, the department shall set the salary and benefits of these positions in accordance with the rules of the Senior Management Service.

(j) The personal secretary to the incumbent of each position exempted in paragraph (a), and to each appointed secretary, assistant secretary, deputy secretary, executive director, assistant executive director, and deputy executive director of each department under paragraph (i). Unless otherwise fixed by law, the department shall set the salary and benefits of these positions in accordance with the rules of the Selected Exempt Service.

(k) All officers and employees in the office of the Governor, including all employees at the Governor's mansion, and employees within each separate budget entity, as defined in chapter 216, assigned to the Governor. Unless otherwise fixed by law, the salary and benefits of these positions shall be set by the department as follows:

1. The chief of staff, the assistant or deputy chief of staff, general counsel, Director of Legislative Affairs, chief inspector general, Director of Cabinet Affairs, Director of Press Relations, Director of Planning and Budgeting, director of administration, director of state-federal relations, Director of Appointments, Director of External Affairs, Deputy General Counsel, Governor's Liaison for Community Development, Chief of Staff for the Lieutenant Governor, Deputy Director of Planning and Budgeting, policy coordinators, and the director of each separate budget entity shall have their salaries and benefits established by the department in accordance with the rules of the Senior Management Service.

2. The salaries and benefits of positions not established in subparagraph a. shall be set by the employing agency. Salaries and benefits of employees whose professional training is comparable to that of licensed professionals under paragraph (q), or whose administrative responsibility is comparable to a bureau chief shall be set by the Selected Exempt Service. The department shall make the comparability determinations. Other employees shall have benefits set comparable to legislative staff, except leave shall be comparable to career service as if career service employees.

(l) All assistant division director, deputy division director, and bureau chief positions in any department, and those positions determined by the department to have managerial responsibilities comparable to such positions, which positions include, but are not limited to, positions in the Department of Health, the Department of Children and Family Services, and the Department of Corrections that are assigned primary

duties of serving as the superintendent or assistant superintendent, or warden or assistant warden, of an institution; positions in the Department of Corrections that are assigned primary duties of serving as the circuit administrator or deputy circuit administrator; positions in the Department of Transportation that are assigned primary duties of serving as regional toll managers and managers of offices as defined in s. 20.23(3)(d)3. and (4)(d); positions in the Department of Environmental Protection that are assigned the duty of an Environmental Administrator or program administrator; those positions described in s. 20.171 as included in the Senior Management Service; and positions in the Department of Health that are assigned the duties of Environmental Administrator, Assistant County Health Department Director, and County Health Department Financial Administrator. Unless otherwise fixed by law, the department shall set the salary and benefits of these positions in accordance with the rules established for the Selected Exempt Service.

(m) 1.a. In addition to those positions exempted by other paragraphs of this subsection, each department head may designate a maximum of 20 policymaking or managerial positions, as defined by the department and approved by the Administration Commission, as being exempt from the Career Service System. Career service employees who occupy a position designated as a position in the Selected Exempt Service under this paragraph shall have the right to remain in the Career Service System by opting to serve in a position not exempted by the employing agency. Unless otherwise fixed by law, the department shall set the salary and benefits of these positions in accordance with the rules of the Selected Exempt Service; provided, however, that if the agency head determines that the general counsel, chief Cabinet aide, public information administrator or comparable position for a Cabinet officer, inspector general, or legislative affairs director has both policymaking and managerial responsibilities and if the department determines that any such position has both policymaking and managerial responsibilities, the salary and benefits for each such position shall be established by the department in accordance with the rules of the Senior Management Service.

b. In addition, each department may designate one additional position in the Senior Management Service if that position reports directly to the agency head or to a position in the Senior Management Service and if any additional costs are absorbed from the existing budget of that department.

2. If otherwise exempt, employees of the Public Employees Relations Commission, the Commission on Human Relations, and the Unemployment Appeals Commission, upon the certification of their respective commission heads, may be provided for under this paragraph as members of the Senior Management Service, if otherwise qualified. However, the deputy general counsels of the Public Employees Relations Commission shall be compensated as members of the Selected Exempt Service.

(n) The executive director, deputy executive director, general counsel, official reporters, and division directors within the Public Service Commission and the personal secretary and personal assistant to each member of the Public Service Commission. Unless otherwise fixed by law, the salary and benefits of the executive director, deputy executive directors, general counsel, Director of Administration, Director of Appeals, Director of Auditing and Financial Analysis, Director of Communications, Director of Consumer Affairs, Director of Electric and Gas, Director of Information Processing, Director of Legal Services, Director of Records and Reporting, Director of Research, and Director of Water and Sewer shall be set by the department in accordance with the rules of the Senior Management Service. The salary and benefits of the personal secretary and the personal assistant of each member of the commission and the official reporters shall be set by the department in accordance with the rules of the Selected Exempt Service, notwithstanding any salary limitations imposed by law for the official reporters.

(o) 1. All military personnel of the Department of Military Affairs. Unless otherwise fixed by law, the salary and benefits for such military personnel shall be set by the Department of Military Affairs in accordance with the appropriate military pay schedule.

2. The military police chiefs, military police officers, firefighter trainers, firefighter-rescuers, and electronic security system technicians shall have salary and benefits the same as career service employees.

(p) The staff directors, assistant staff directors, district program managers, district program coordinators, district subdistrict administrators, district administrative services directors, district attorneys, and

the Deputy Director of Central Operations Services of the Department of Children and Family Services and the county health department directors and county health department administrators of the Department of Health. Unless otherwise fixed by law, the department shall establish the salary range and benefits for these positions in accordance with the rules of the Selected Exempt Service.

(q) All positions not otherwise exempt under this subsection which require as a prerequisite to employment: licensure as a physician pursuant to chapter 458, licensure as an osteopathic physician pursuant to chapter 460, including those positions which are occupied by employees who are exempted from licensure pursuant to s. 409.352; licensure as an engineer pursuant to chapter 471, which are supervisory positions except for such positions in the Department of Transportation; or for 12 calendar months, which require as a prerequisite to employment that the employee have received the degree of Bachelor of Laws or Juris Doctor from a law school accredited by the American Bar Association and thereafter membership in The Florida Bar, except for any attorney who serves as an administrative law judge pursuant to s. 120.65 or for hearings conducted pursuant to s. 120.57(1)(a). Unless otherwise fixed by law, the department shall set the salary and benefits for these positions in accordance with the rules established for the Selected Exempt Service.

(r) The statewide prosecutor in charge of the Office of Statewide Prosecution of the Department of Legal Affairs and all employees in the office. The Department of Legal Affairs shall set the salary of these positions.

(s) The executive director of each board or commission established within the Department of Business and Professional Regulation or the Department of Health. Unless otherwise fixed by law, the department shall establish the salary and benefits for these positions in accordance with the rules established for the Selected Exempt Service.

(t) All officers and employees of the State Board of Administration. The State Board of Administration shall set the salaries and benefits of these positions.

(u) Positions ~~that which~~ are leased pursuant to a state employee lease agreement expressly authorized by the Legislature pursuant to s. 110.191.

(v) *Effective July 1, 2001, managerial employees, as defined in s. 447.203(4), confidential employees, as defined in s. 447.203(5), and supervisory employees who spend the majority of their time communicating with, motivating, training, and evaluating employees, and planning and directing employees' work, and who have the authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline subordinate employees or effectively recommend such action, including all employees serving as supervisors, administrators, and directors, except employees also designated as special risk or special risk administrative support and except administrative law judges and hearing officers. Unless otherwise fixed by law, the department shall establish the salary range and benefits for these positions in accordance with the rules of the Selected Exempt Service.*

(w) *Effective July 1, 2001, any employee exempted and moved to the Selected Exempt Service by way of an agreed-upon collective bargaining agreement.*

(7) **CARRYING LEAVE FORWARD.**—*If an employee is transferred or otherwise moves from the Career Service System into the Selected Exempt Service, all of the employee's unused annual leave, unused sick leave, and unused compensatory leave shall carry forward with the employee.*

Section 16. Section 110.211, Florida Statutes, is amended to read:

110.211 Recruitment.—

(1) Recruiting shall be planned and carried out in a manner that assures open competition based upon current and projected employing agency needs, taking into consideration the number and types of positions to be filled and the labor market conditions, with special emphasis placed on recruiting efforts to attract minorities, women, or other groups that are underrepresented in the workforce of the employing agency.

(2) Recruiting efforts to fill current or projected vacancies shall be ~~carried out in the sound discretion of the agency head~~ ~~the responsibility of the employing agency.~~

(3) ~~Recruiting shall seek efficiency in advertising and may be assisted by a contracted vendor responsible for maintenance of the personnel data. The department shall provide for executive level recruitment and a recruitment enhancement program designed to encourage individuals to seek employment with state government and to promote better public understanding of the state as an employer.~~

~~(4) An application for a publicly announced vacancy must be made directly to the employing agency.~~

~~(4)(5) All recruitment literature printed after July 1, 1979, involving state position vacancies shall contain the phrase "An Equal Opportunity Employer/Affirmative Action Employer."~~

~~(6) The department shall develop model recruitment rules which may be used by employing agencies. Such rules must be approved by the Administration Commission before their adoption by the department. Employing agencies electing to adopt recruitment rules that are inconsistent with the model rules must consult with and submit such rules to the department for review. Such rules must also be approved by the Administration Commission before their adoption by the employing agencies.~~

Section 17. Section 110.213, Florida Statutes, is amended to read:

110.213 Selection.—

~~(1) The department shall have the responsibility for determining guidelines for selection procedures to be utilized by the employing agencies.~~

~~(2) Any selection procedure utilized in state employment shall be designed to provide maximum validity, reliability, and objectivity; shall be based on adequate job analysis to ensure job relatedness; and shall measure the relative ability, knowledge, and skill needed for entry to a job.~~

~~(1)(3) Selection for appointment from among the most qualified candidates available eligibles shall be the sole responsibility of the employing agency. Effective July 1, 2001, all new employees must successfully complete at least a 1-year probationary period before attainment of permanent status.~~

~~(2) Selection shall reflect efficiency and simplicity in hiring procedures. The agency head or his or her designee shall be required to document the qualifications of the selected candidate to ensure that the candidate meets the minimum qualifications and possesses the requisite knowledge, skills, and abilities for the position. No other documentation or justification shall be required prior to selecting a candidate for a position.~~

~~(4) The department shall develop model selection rules that may be used by employing agencies. Such rules must be approved by the Administration Commission before their adoption by the department. Employing agencies electing to adopt selection rules that are inconsistent with the model rules shall consult with and submit such rules to the department for review. Such rules must also be approved by the Administration Commission before their adoption by the employing agencies.~~

Section 18. Subsections (6) and (7) are added to section 110.219, Florida Statutes, to read:

110.219 Attendance and leave; general policies.—

~~(6) The leave benefits provided to Senior Management Service employees shall not exceed those provided to employees in the Select Exempt Service.~~

~~(7) Each December, a permanent career service employee shall be entitled, subject to available funds, to a payout of up to 24 hours of unused annual leave as follows:~~

~~(a) A permanent career service employee must have an annual leave balance of no less than 24 hours, after the payout, in order to qualify for this benefit.~~

(b) No permanent career service employee shall receive a payout of greater than 240 hours over the course of the employee's career with the state, including any leave received at the time of separation.

Section 19. Section 110.224, Florida Statutes, is amended to read:

110.224 ~~Public employee review and performance evaluation planning system.—A public employee review and performance evaluation planning system shall be established as a basis for evaluating and improving the performance of the state's workforce, to provide documentation in support of recommendations for salary increases, promotions, demotions, reassignments, or dismissals; to inform employees of strong and weak points in the employee's performance, to identify improvements expected, and current and future training needs, and to award lump-sum bonuses in accordance with s. 110.1245(2); and to assist in determining the order of layoff and reemployment.~~

(1) Upon original appointment, promotion, demotion, or reassignment, ~~a job description of the position assigned each career service employee must be made available to the career service employee given a statement of the work expectations and performance standards applicable to the position. The job description may be made available in an electronic format. statement may be included in the position description or in a separate document. An employee will not be required to meet work expectations or performance standards that have not been furnished in writing to the employee.~~

(2) Each employee must have a ~~employee's performance evaluation must be reviewed at least annually, and the employee must receive a copy an oral and written assessment of his or her performance evaluation. The performance evaluation assessment may include a plan of corrective action for improvement of the employee's performance based on the work expectations or performance standards applicable to the position as determined by the agency head.~~

(3) The department may adopt rules to administer the ~~public employee review and performance evaluation planning system which establish procedures for performance evaluation, procedures to be followed in case of failure to meet performance standards, review periods, and forms.~~

Section 20. Subsections (2) and (3) of section 110.227, Florida Statutes, are amended to read:

110.227 Suspensions, dismissals, reductions in pay, demotions, layoffs, transfers, and grievances.—

(2) The department shall establish rules and procedures for the suspension, reduction in pay, transfer, layoff, demotion, and dismissal of employees in the career service. *Except with regard to law enforcement or correctional officers or firefighters, rules regarding layoff procedures shall not include any system whereby a career service employee with greater seniority has the option of selecting a different position not being eliminated, but either vacant or already occupied by an employee of less seniority, and taking that position, commonly referred to as "bumping." For the implementation of layoffs as defined in s. 110.131, the department shall develop rules requiring that consideration be given to comparative merit, demonstrated skills, and the employee's experience.* Such rules shall be approved by the Administration Commission prior to their adoption by the department. *This subsection does not prohibit bumping in a collective bargaining agreement nor does it prevent or abrogate any collective bargaining provisions that recognize special protection on the basis of seniority or job experience.*

(3)(a) *With regard to law enforcement or correctional officers or firefighters, when a layoff becomes necessary, such layoff shall be conducted within the competitive area identified by the agency head and approved by the Department of Management Services. Such competitive area shall be established taking into consideration the similarity of work; the organizational unit, which may be by agency, department, division, bureau, or other organizational unit; and the commuting area for the work affected.*

(b) Layoff procedures shall be developed to establish the relative merit and fitness of employees and shall include a formula for uniform application among *potentially adversely affected employees, or with respect to law enforcement or correctional officers or firefighters, among all employees in the competitive area, taking into consideration the type of*

appointment, the length of service, and the evaluations of the employee's performance within the last 5 years of employment.

Section 21. Effective February 1, 2002, subsections (1), (4), (5), and (6), of section 110.227, Florida Statutes, are amended to read and subsection (7) is deleted:

(1) Any employee who has permanent status in the career service may ~~only~~ be suspended or dismissed ~~only~~ for cause. Cause shall include, but ~~is not~~ be limited to, *poor performance, negligence, inefficiency or inability to perform assigned duties, insubordination, willful violation of the provisions of law or agency rules, conduct unbecoming a public employee, misconduct, habitual drug abuse, or conviction of any crime involving moral turpitude. Suspension or dismissal based upon political patronage, unlawful discrimination, or arbitrariness or for any conduct that is otherwise protected under state or federal law shall not constitute cause.* Each agency head shall ensure that all employees of the agency ~~have reasonable access to the agency's personnel manual are completely familiar with the agency's established procedures on disciplinary actions and grievances.~~

(4) *A grievance process shall be available to permanent career service employees. A grievance is defined as the dissatisfaction that occurs when an employee believes that any condition affecting the employee is unjust, inequitable, or a hindrance to effective operation. Claims of discrimination and sexual harassment or claims related to suspensions, reductions in pay, demotions, and dismissals are not subject to the career service grievance process. The following procedures shall apply to any grievance filed pursuant to this subsection:*

(a) *Step One.—The employee may submit a signed, written grievance on a form provided by the agency to his or her supervisor within 7 calendar days following the occurrence of the event giving rise to the grievance. The supervisor must meet with the employee to discuss the grievance within 5 business days following receipt of the grievance.*

(b) *Step Two.—If the employee is dissatisfied with the response of his or her supervisor, the employee may submit the written grievance to the agency head or his or her designee within 2 business days following the meeting with his or her supervisor. The agency head or his or her designee must meet with the employee to discuss the grievance within 5 business days following receipt of the grievance. The agency head or his or her designee must respond in writing to the employee within 5 business days following the meeting. The written decision of the agency head shall be the final authority for all grievances filed pursuant to this subsection. Such grievances may not be appealed beyond Step Two.*

(4) ~~Any permanent career service employee subject to reduction in pay, transfer, layoff, or demotion from a class in which he or she has permanent status in the Career Service System shall be notified in writing by the agency prior to its taking such action. The notice may be delivered to the employee personally or may be sent by certified mail with return receipt requested. Such actions shall be appealable to the Public Employees Relations Commission, pursuant to s. 447.208 and rules adopted by the commission.~~

(5)(a) ~~Any permanent career service employee who is subject to a suspension, reduction in pay, demotion, or dismissal shall receive written notice of such action at least 10 days prior to the date such action is to be taken. Subsequent to such notice, and prior to the date the action is to be taken, the affected employee shall be given an opportunity to appear before the agency or official taking the action to answer orally and in writing the charges against him or her. The notice to the employee required by this paragraph may be delivered to the employee personally or may be sent by certified mail with return receipt requested. Such actions shall be appealable to the Public Employees Relations Commission as provided in subsection (6). Written notice of any such appeal shall be filed by the employee with the commission within 14 calendar days after the date on which the notice of suspension, reduction in pay, demotion, or dismissal is received by the employee. An employee who is suspended or dismissed shall be entitled to a hearing before the Public Employees Relations Commission or its designated agent pursuant to s. 447.208 and rules adopted by the commission.~~

(b) In extraordinary situations such as when the retention of a permanent career service employee would result in damage to state property, would be detrimental to the best interest of the state, or would result in injury to the employee, a fellow employee, or some other person, such employee may be suspended or dismissed without 10 days' prior

notice, provided that written or oral notice of such action, evidence of the reasons therefor, and an opportunity to rebut the charges are furnished to the employee prior to such dismissal or suspension. Such notice may be delivered to the employee personally or may be sent by certified mail with return receipt requested. Agency compliance with the foregoing procedure requiring notice, evidence, and an opportunity for rebuttal must be substantiated. Any employee who is suspended or dismissed pursuant to the provisions of this paragraph ~~may appeal to shall be entitled to a hearing before~~ the Public Employees Relations Commission as provided in subsection (6). ~~Written notice of any such appeal shall be filed with the commission by the employee within 14 days after the date on which the notice of suspension, reduction in pay, demotion, or dismissal is received by the employee or its designated agent pursuant to s. 447.208, except that such hearing shall be held no more than 20 days after the filing of the notice of appeal by the employee.~~

(6) ~~The following procedures shall apply to appeals filed pursuant to subsection (5), with the Public Employees Relations Commission, herein after referred to as the commission:~~

(a) ~~The commission must conduct a hearing within 30 calendar days following the filing of a notice of appeal. No extension of time for the hearing may exceed 30 calendar days, absent exceptional circumstances, and no extension of time may be granted without the consent of all parties. Discovery may be granted only upon the showing of extraordinary circumstances. A party requesting discovery shall demonstrate a substantial need for the information requested and an inability to obtain relevant information by other means. Except where inconsistent with the requirements of this subsection, the provisions of subsections (4) and (5) of s. 447.503 and chapter 120 apply to proceedings held pursuant to this subsection.~~

(b) ~~A person may represent himself or herself in proceedings before the commission or may be represented by legal counsel or by any individual who qualifies as a representative pursuant to rules adopted by the commission.~~

(c) ~~If the commission finds that cause did not exist for the agency action, the commission shall reverse the decision of the agency head and the employee shall be reinstated with or without back pay. If the commission finds that cause existed for the agency action, the commission shall affirm the decision of the agency head absent a specific written finding of mitigation, based upon those factors named in s. 110.227(1). The commission may not reduce the penalty imposed by the agency head.~~

(d) ~~A recommended order shall be issued by the hearing officer within 30 days following the hearing. Exceptions to the recommended order shall be filed within 5 business days after the recommended order is issued. The final order shall be filed by the commission no later than 30 calendar days after the hearing or after the filing of exceptions or oral arguments if granted.~~

(e) ~~Final orders issued by the commission pursuant to paragraph (d) shall be reviewable as provided in s. 447.504.~~

~~(6) A grievance process shall be available to career service employees. A grievance is defined as the dissatisfaction that occurs when an employee thinks or feels that any condition affecting the employee is unjust, inequitable, or a hinderance to effective operation, or creates a problem, except that an employee shall not have the right to file a grievance against performance evaluations unless it is alleged that the evaluation is based on factors other than the employee's performance. Claims of discrimination and sexual harassment, suspensions, reductions in pay, transfers, layoffs, demotions, and dismissals are not subject to the career service grievance process.~~

~~(7) The department shall adopt rules for administration of the grievance process for career service employees. Such rules shall establish agency grievance procedures, eligibility, filing deadlines, forms, and review and evaluation governing the grievance process.~~

Section 22. Paragraph (a) of subsection (4) of section 110.233, Florida Statutes, is amended to read:

110.233 Political activities and unlawful acts prohibited.—

(4) As an individual, each employee retains all rights and obligations of citizenship provided in the Constitution and laws of the state and the

Constitution and laws of the United States. However, no employee in the career service shall:

(a) Hold, or be a candidate for, public office while in the employment of the state or take any active part in a political campaign while on duty or within any period of time during which the employee is expected to perform services for which he or she receives compensation from the state. However, when authorized by his or her agency head and approved by the department of Management Services as involving no interest which conflicts or activity which interferes with his or her state employment, an employee in the career service may be a candidate for or hold local public office. The department of Management Services shall prepare and make available to all affected personnel who make such request a definite set of rules and procedures consistent with the provisions herein.

Section 23. Subsection (1) of section 110.235, Florida Statutes, is amended to read:

110.235 Training.—

(1) ~~It is the intent of the Legislature that~~ State agencies shall implement training programs that encompass modern management principles, and that provide the framework to develop human resources through empowerment, training, and rewards for productivity enhancement; to continuously improve the quality of services; and to satisfy the expectations of the public.

Section 24. Section 110.401, Florida Statutes, is amended to read:

110.401 Declaration of policy.—~~It is the intent of This part creates to~~ create a uniform system for attracting, retaining, and developing highly competent senior-level managers at the highest executive-management-level agency positions in order for the highly complex programs and agencies of state government to function effectively, efficiently, and productively. The Legislature recognizes that senior-level management is an established profession and that the public interest is best served by developing and refining the management skills of its Senior Management Service employees. ~~Accordingly To this end,~~ training and management-development programs are regarded as a major administrative function within agencies.

Section 25. Subsections (3), (4), and (5) of section 110.403, Florida Statutes, are amended to read:

110.403 Powers and duties of the department of Management Services.—

(3) The department of Management Services shall have the following additional responsibilities:

(a) To establish and administer a professional development program ~~that which~~ shall provide for the systematic development of managerial, executive, or administrative skills. ~~Such a program shall include the following topics:~~

1. *Improving the performance of individual employees. This topic provides skills in understanding and motivating individual performance, providing effective and timely evaluations of employees, and making recommendations on performance incentives and disincentives.*

2. *Improving the performance of groups of employees. This topic provides skills in creating and maintaining productive workgroups and making recommendations on performance incentives and disincentives.*

3. *Relating the efforts of employees to the goals of the organization. This topic provides skills in linking the work of individual employees to the goals of the agency program, service, or activity.*

4. *Strategic planning. This topic provides the skills for defining agency business processes, measuring performance of such processes, and reengineering such processes for improved efficiency and effectiveness.*

5. *Team leadership. This topic provides skills in effective group processes for organizational motivation and productivity based on proven business and military applications that emphasize respect for and courtesy to the public.*

(b) To promote public understanding of the purposes, policies, and programs of the Senior Management Service.

(c) To approve contracts of employing agencies with persons engaged in the business of conducting multistate executive searches to identify qualified and available applicants for Senior Management Service positions for which the department of Management Services sets salaries in accordance with the classification and pay plan. Such contracts may be entered by the agency head only after completion of an unsuccessful in-house search. The department of Management Services shall establish, by rule, the minimum qualifications for persons desiring to conduct executive searches, including a requirement for the use of contingency contracts. ~~These~~ Such rules shall ensure that such persons possess the requisite capacities to perform effectively at competitive industry prices. ~~These~~ The Department of Management Services shall make the rules ~~shall also required pursuant to this paragraph in such a manner as to~~ comply with state and federal laws and regulations governing equal opportunity employment.

(4) All policies and procedures adopted by the department of ~~Management Services~~ regarding the Senior Management Service shall comply with all federal regulations necessary to permit the state agencies to be eligible to receive federal funds.

(5) The department of ~~Management Services~~ shall adopt, by rule, procedures for Senior Management Service employees that require disclosure to the agency head of any application for or offer of employment, gift, contractual relationship, or financial interest with any individual, partnership, association, corporation, utility, or other organization, whether public or private, doing business with or subject to regulation by the agency.

Section 26. Paragraph (a) of subsection (1) of section 110.403, Florida Statutes, is amended to read:

110.403 Powers and duties of the Department of Management Services.—

(1) In order to implement the purposes of this part, the Department of Management Services, after approval by the Administration Commission, shall adopt and amend rules providing for:

(a) A system for employing, promoting, or reassigning managers that is responsive to organizational or program needs. In no event shall the number of positions included in the Senior Management Service exceed 1.0 ~~0.5~~ percent of the total full-time equivalent positions in the career service. The department shall deny approval to establish any position within the Senior Management Service which would exceed the limitation established in this paragraph. The department shall report that the limitation has been reached to the Governor, the President of the Senate, and the Speaker of the House of Representatives, as soon as practicable after such event occurs. Employees in the Senior Management Service shall serve at the pleasure of the agency head and shall be subject to suspension, dismissal, reduction in pay, demotion, transfer, or other personnel action at the discretion of the agency head. Such personnel actions are exempt from the provisions of chapter 120.

Section 27. Section 110.601, Florida Statutes, is amended to read:

110.601 Declaration of policy.—~~It is the purpose of This part creates to create a system of personnel management the purpose of which is to deliver which ensures to the state the delivery of high-quality performance by those employees~~ in select exempt classifications by facilitating the state's ability to attract and retain qualified personnel in these positions, while also providing sufficient management flexibility to ensure that the workforce is responsive to agency needs. The Legislature recognizes that the public interest is best served by developing and refining the technical and managerial skills of its Selected Exempt Service employees, and, to this end, technical training and management development programs are regarded as a major administrative function within agencies.

Section 28. Section 110.602, Florida Statutes, is amended to read:

110.602 Selected Exempt Service; creation, coverage.—The Selected Exempt Service is created as a separate system of personnel administration for select exempt positions. Such positions shall include, and shall be limited to, those positions which are exempt from the Career Service System pursuant to s. 110.205(2) and (5) and for which the salaries and benefits are set by the department in accordance with the rules of the Selected Exempt Service. The department shall designate all positions

included in the Selected Exempt Service as either managerial/policymaking, professional, or nonmanagerial/nonpolicymaking. ~~In no event shall the number of positions included in the Selected Exempt Service, excluding those positions designated as professional or nonmanagerial/nonpolicymaking, exceed 1.5 percent of the total full-time equivalent positions in the career service. The department shall deny approval to establish any position within the Selected Exempt Service which would exceed the limitation established in this section. The department shall report that the limitation has been reached to the Governor, the President of the Senate, and the Speaker of the House of Representatives, as soon as practicable after such event occurs.~~

Section 29. Subsection (1) of section 110.605, Florida Statutes, is amended to read:

110.605 Powers and duties; personnel rules, records, reports, and performance appraisal.—

(1) The department shall adopt and administer uniform personnel rules, records, and reports relating to employees and positions in the Selected Exempt Service, as well as any other rules and procedures relating to personnel administration which are necessary to carry out the purposes of this part.

(a) The department shall develop uniform forms and instructions to be used in reporting transactions which involve changes in an employee's salary, status, performance, leave, fingerprint record, loyalty oath, payroll change, or appointment action or any additional transactions as the department may deem appropriate.

~~(b) It is the responsibility of the employing agency to maintain these records and all other records and reports prescribed in applicable rules on a current basis.~~

~~(b)(e)~~ The department shall develop a uniform performance appraisal system for employees and positions in the Selected Exempt Service covered by a collective bargaining agreement. Each employing agency shall develop a performance appraisal system for all other employees and positions in the Selected Exempt System. Such agency system shall take into consideration individual and organizational efficiency, productivity, and effectiveness.

~~(c)(d)~~ The employing agency must maintain, on a current basis, all records and reports required by applicable rules. The department shall periodically audit employing agency records to determine compliance with the provisions of this part and the rules of the department.

~~(d)(e)~~ The department shall develop a program of affirmative and positive actions that will ensure full utilization of women and minorities in Selected Exempt Service positions.

Section 30. Paragraph (c) of subsection (2) of section 110.606, Florida Statutes, is amended to read:

110.606 Selected Exempt Service; data collection.—

(2) The data required by this section shall include:

(c) In addition, as needed, ~~the data shall include:~~

1. A pricing analysis based on a market survey of positions comparable to those included in the Selected Exempt Service and recommendations with respect to whether, and to what extent, revisions to the salary ranges for the Selected Exempt Service classifications should be implemented.

2. An analysis of actual salary levels for each classification within the Selected Exempt Service, indicating the mean salary for each classification within the Selected Exempt Service and the deviation from such means with respect to each agency's salary practice in each classification; reviewing the duties and responsibilities in relation to the incumbents' salary levels, credentials, skills, knowledge, and abilities; and discussing whether the salary practices reflected thereby indicate interagency salary inequities among positions within the Selected Exempt Service.

Section 31. Subsection (2) of section 288.708, Florida Statutes, is amended to read:

288.708 Executive director; employees.—

(2) The executive director and all employees of the board shall be exempt from the provisions of part II of chapter 110, and the executive director shall be subject to the provisions of part III IV of chapter 110.

Section 32. Paragraph (a) of subsection (3) of section 440.4416, Florida Statutes, is amended to read:

440.4416 Workers' Compensation Oversight Board.—

(3) EXECUTIVE DIRECTOR; EXPENSES.—

(a) The board shall appoint an executive director to direct and supervise the administrative affairs and general management of the board who shall be subject to the provisions of part V IV of chapter 110. The executive director may employ persons and obtain technical assistance as authorized by the board and shall attend all meetings of the board. Board employees shall be exempt from part II of chapter 110.

Section 33. Notwithstanding section 216.351, Florida Statutes, paragraph (c) of subsection (1) of section 216.262, Florida Statutes, is amended to read:

216.262 Authorized positions.—

(1)

(c)1. The Executive Office of the Governor, under such procedures and qualifications as it deems appropriate, shall, upon agency request, delegate to any state agency authority to add and delete authorized positions or transfer authorized positions from one budget entity to another budget entity within the same division, and may approve additions and deletions of authorized positions or transfers of authorized positions within the state agency when such changes would enable the agency to administer more effectively its authorized and approved programs. The additions or deletions must be consistent with the intent of the approved operating budget, must be consistent with legislative policy and intent, and must not conflict with specific spending policies specified in the General Appropriations Act.

2. The Chief Justice of the Supreme Court shall have the authority to establish procedures for the judicial branch to add and delete authorized positions or transfer authorized positions from one budget entity to another budget entity, and to add and delete authorized positions within the same budget entity, when such changes are consistent with legislative policy and intent and do not conflict with spending policies specified in the General Appropriations Act.

3.a. A state agency may be eligible to retain salary dollars for authorized positions eliminated after July 1, 2001. The agency must certify the eliminated positions to the Legislative Budget Commission.

b. The Legislative Budget Commission shall authorize the agency to retain between 5 and 25 percent of the salary dollars associated with the eliminated positions.

Section 34. Section 447.201, Florida Statutes, is amended to read:

447.201 Statement of policy.—~~It is declared that~~ The public policy of ~~this~~ the state, and the purpose of this part, is to provide statutory implementation of s. 6, Art. I of the State Constitution, with respect to public employees; to promote harmonious and cooperative relationships between government and its employees, both collectively and individually; and to protect the public by assuring, at all times, the orderly and uninterrupted operations and functions of government. ~~It is the intent of the Legislature that~~ Nothing herein shall be construed either to encourage or discourage organization of public employees. ~~This state's public policy is~~ These policies are best effectuated by:

(1) Granting to public employees the right of organization and representation;

(2) Requiring the state, local governments, and other political subdivisions to negotiate with bargaining agents duly certified to represent public employees;

(3) Creating a Public Employees Relations Commission to assist in resolving disputes between public employees and public employers; and

(4) Recognizing the constitutional prohibition against strikes by public employees and providing remedies for violations of such prohibition.

Section 35. Effective July 1, 2001, subsections (1), (3), and (4) of section 447.205, Florida Statutes, are amended to read:

447.205 Public Employees Relations Commission.—

(1) ~~There is hereby created within the Department of Labor and Employment Security~~ The Public Employees Relations Commission, hereinafter referred to as the "commission." ~~The commission~~ shall be composed of a chair and two full-time members to be appointed by the Governor, subject to confirmation by the Senate, from persons representative of the public and known for their objective and independent judgment, who shall not be employed by, or hold any commission with, any governmental unit in the state or any employee organization, as defined in this part, while in such office. In no event shall more than one appointee be a person who, on account of previous vocation, employment, or affiliation, is, or has been, classified as a representative of employers; and in no event shall more than one such appointee be a person who, on account of previous vocation, employment, or affiliation, is, or has been, classified as a representative of employees or employee organizations. The commissioners shall devote full time to commission duties and shall not engage in any other business, vocation, or employment while in such office. Beginning January 1, 1980, the chair shall be appointed for a term of 4 years, one commissioner for a term of 1 year, and one commissioner for a term of 2 years. Thereafter, every term of office shall be for 4 years; and each term of the office of chair shall commence on January 1 of the second year following each regularly scheduled general election at which a Governor is elected to a full term of office. In the event of a vacancy prior to the expiration of a term of office, an appointment shall be made for the unexpired term of that office. The chair shall be responsible for the administrative functions of the commission and shall have the authority to employ such personnel as may be necessary to carry out the provisions of this part. Once appointed to the office of chair, the chair shall serve as chair for the duration of the term of office of chair. Nothing contained herein prohibits a chair or commissioner from serving multiple terms.

(3) The commission, in the performance of its powers and duties under this part, shall not be subject to control, supervision, or direction by the Department of ~~Management Services Labor and Employment Security~~.

(4) The property, personnel, and appropriations related to the commission's specified authority, powers, duties, and responsibilities shall be provided to the commission by the Department of ~~Management Services Labor and Employment Security~~.

Section 36. Effective February 1, 2002, subsection (8) of s. 447.207, Florida Statutes, is amended to read:

447.207 Commission; powers and duties.—

(8) ~~Pursuant to s. 447.208, The commission or its designated agent shall hear appeals arising out of any suspension, reduction in pay, transfer, layoff, demotion, or dismissal of any permanent employee in the State Career Service System in the manner provided in s. 110.227. Written notice of any such appeal shall be filed with the commission within 14 calendar days after the date on which the notice of suspension, reduction in pay, transfer, layoff, demotion, or dismissal is received by the employee.~~

Section 37. Effective February 1, 2002, section 447.208, Florida Statutes, is amended to read:

447.208 Procedure with respect to certain appeals under s. 447.207.—

(1) Any person filing an appeal pursuant to ~~subsection (8) or~~ subsection (9) of s. 447.207 shall be entitled to a hearing pursuant to subsections (4) and (5) of s. 447.503 and in accordance with chapter 120; however, the hearing shall be conducted within 30 days of the filing of an appeal with the commission, unless an extension of time is granted by the commission for good cause. Discovery may be granted only upon a showing of extraordinary circumstances. A party requesting discovery shall demonstrate a substantial need for the information requested and an inability to obtain relevant information by other means. To the extent

that chapter 120 is inconsistent with these provisions, the procedures contained in this section shall govern.

(2) This section does not prohibit any person from representing himself or herself in proceedings before the commission or from being represented by legal counsel or by any individual who qualifies as a representative pursuant to rules promulgated and adopted by the commission.

~~(3) With respect to hearings relating to demotions, suspensions, or dismissals pursuant to the provisions of this section:~~

~~(a) Upon a finding that just cause existed for the demotion, suspension, or dismissal, the commission shall affirm the demotion, suspension, or dismissal.~~

~~(b) Upon a finding that just cause did not exist for the demotion, suspension, or dismissal, the commission may order the reinstatement of the employee, with or without back pay.~~

~~(c) Upon a finding that just cause for disciplinary action existed, but did not justify the severity of the action taken, the commission may, in its limited discretion, reduce the penalty.~~

~~(d) The commission is limited in its discretionary reduction of dismissals and suspensions to consider only the following circumstances:~~

~~1. The seriousness of the conduct as it relates to the employee's duties and responsibilities.~~

~~2. Action taken with respect to similar conduct by other employees.~~

~~3. The previous employment record and disciplinary record of the employee.~~

~~4. Extraordinary circumstances beyond the employee's control which temporarily diminished the employee's capacity to effectively perform his or her duties or which substantially contributed to the violation for which punishment is being considered.~~

~~The agency may present evidence to refute the existence of these circumstances.~~

~~(3)(e) Any order of the commission issued under this section pursuant to this subsection may include back pay, if applicable, and an amount, to be determined by the commission and paid by the agency, for reasonable attorney's fees, witness fees, and other out-of-pocket expenses incurred during the prosecution of an appeal against an agency in which the commission sustains the employee. In determining the amount of an attorney's fee, the commission shall consider only the number of hours reasonably spent on the appeal, comparing the number of hours spent on similar cases Career Service System appeals and the reasonable hourly rate charged in the geographic area for similar appeals, but not including litigation over the amount of the attorney's fee. This paragraph applies to future and pending cases.~~

Section 38. Paragraph (a) of subsection (5) of section 447.507, Florida Statutes, is amended to read:

447.507 Violation of strike prohibition; penalties.—

(5) If the commission, after a hearing on notice conducted according to rules promulgated by the commission, determines that an employee has violated s. 447.505, it may order the termination of his or her employment by the public employer. Notwithstanding any other provision of law, a person knowingly violating the provision of said section may, subsequent to such violation, be appointed, reappointed, employed, or reemployed as a public employee, but only upon the following conditions:

(a) Such person shall be on probation for a period of 18 6 months following his or her appointment, reappointment, employment, or reemployment, during which period he or she shall serve without *permanent status and at the pleasure of the agency head tenure*. ~~During this period, the person may be discharged only upon a showing of just cause.~~

Section 39. Subsection (13) is added to section 112.215, Florida Statutes, to read:

112.215 Government employees; deferred compensation program.—

(13) *When permitted by federal law, the plan administrator may provide for a pretax trustee-to-trustee transfer of amounts in a participant's*

deferred compensation account for the purchase of prior service credit in a public-sector retirement system.

Section 40. Paragraph (d) of subsection (2) of section 125.0108, Florida Statutes, is repealed.

Section 41. *Effective July 1, 2001, all powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the Public Employees Relations Commission relating to the commission's specified authority, powers, duties, and responsibilities are transferred by a Type Two Transfer, as defined in section 20.06(2), Florida Statutes, to the Department of Management Services. The independence of the commission in matters relating to the disposition of all cases, including Career Service appeals, shall be preserved.*

Section 42. *The Department of Management Services shall adopt rules as necessary to effectuate the provisions of chapter 110, Florida Statutes, as created by this act, and in accordance with the authority granted to the department in chapter 110, Florida Statutes. All existing rules relating to chapter 110, Florida Statutes, are statutorily repealed February 1, 2002, unless otherwise readopted.*

Section 43. *The Department of Management Services shall develop a performance agreement between the management employees and their agency head that will specify the performance measures and levels of performance expected. A portion of the management employee's salary, at least 5 percent but not greater than 10 percent, shall be paid upon achievement of the performance expectations. No bonus shall be paid to any management employee on the basis of team achievement unless it is equitably allocated among affected line staff.*

Section 44. Section 110.1315, Florida Statutes, is created to read:

110.1315 Alternative benefits; other personal-services employees.— Upon review and recommendation of the department and approval of the Governor, the department may contract for the implementation of an alternative retirement income security program for eligible temporary and seasonal employees of the state who are compensated from appropriations for other personal services. The contract may provide for a private vendor or vendors to administer the program under a defined-contribution plan under ss. 401(a) and 403(b) or 457 of the Internal Revenue Code, and the program must provide retirement benefits as required under s. 3121(b)(7)(F) of the Internal Revenue Code. The department may develop a request for proposals and solicit qualified vendors to compete for the award of the contract. A vendor shall be elected on the basis of the plan that best serves the interest of the participating employees and the state. The proposal must comply with all necessary federal and state laws and rules.

Section 45. Subsections (1) and (2) of section 447.403, Florida Statutes, are amended, and subsection (5) is added to that section, to read:

447.403 Resolution of impasses.—

(1) If, after a reasonable period of negotiation concerning the terms and conditions of employment to be incorporated in a collective bargaining agreement, a dispute exists between a public employer and a bargaining agent, an impasse shall be deemed to have occurred when one of the parties so declares in writing to the other party and to the commission. When an impasse occurs, the public employer or the bargaining agent, or both parties acting jointly, may appoint, or secure the appointment of, a mediator to assist in the resolution of the impasse. *If the Governor is the public employer no mediator shall be appointed.*

(2) (a) If no mediator is appointed, or upon the request of either party, the commission shall appoint, and submit all unresolved issues to, a special master acceptable to both parties. If the parties are unable to agree on the appointment of a special master, the commission shall appoint, in its discretion, a qualified special master. However, if the parties agree in writing to waive the appointment of a special master, the parties may proceed directly to resolution of the impasse by the legislative body pursuant to paragraph (4)(d). Nothing in this section precludes the parties from using the services of a mediator at any time during the conduct of collective bargaining.

(b) *If the Governor is the public employer, no special master shall be appointed. The parties may proceed directly to the Legislature for resolution of the impasse pursuant to paragraph (4)(d).*

(5) Notwithstanding any other provision of this part, an impasse shall be deemed to exist as to any unresolved issues between the State of Florida and any bargaining agent representing a state employee bargaining unit on the 90th day prior to the date upon which the next regular legislative session is scheduled to commence.

(a) Within 10 days after the beginning of the impasse period, each party shall notify the President of the Senate and the Speaker of the House of Representatives as to all unresolved issues. Upon receipt of the notification, the presiding officers shall appoint within 5 days a joint select committee to review the position of the parties and render a recommended resolution of all issues remaining at impasse. The recommended resolution shall be returned by the joint select committee to the presiding officers not later than 20 days prior to the date upon which the legislative session is scheduled to commence. During the legislative session, the legislature shall take action in accordance with this section.

(b) From the time of the appointment of the joint select committee until the submission of its recommendation, no public employer or bargaining agent shall attempt to influence the deliberations of the members of the joint select committee; however, this paragraph does not prohibit the submission of testimony or materials in direct response to a request made by the joint select committee of the parties at impasse, and does not prohibit either party from directly addressing impasse issues with any other legislator before or after the select committee has made its recommendation.

(c) Any actions taken by the Legislature shall bind the parties in accordance with paragraph (4)(c).

Section 46. Notwithstanding section 216.351, Florida Statutes, subsection (6) of section 216.163, Florida Statutes, is amended to read:

216.163 Governor's recommended budget; form and content; declaration of collective bargaining impasses.—

(6) At the time the Governor is required to furnish copies of his or her recommended budget to each senator and representative under s. 216.162(1), the Governor shall declare an impasse in all collective bargaining negotiations for which he or she is deemed to be the public employer and for which a collective bargaining agreement has not been executed. Within 14 days thereafter, the Governor shall furnish the legislative appropriations committees with documentation relating to the last offer he or she made during such collective bargaining negotiations or recommended to a mediator or special master appointed to resolve the impasse.

Section 47. Career Service Advisory Board.—

(1) There is created the Career Service Advisory Board. The board shall be composed of the following members, each of whom has knowledge of, or experience with, human resource management and operations:

- (a) One member selected by the Governor.
- (b) One member selected by the President of the Senate.
- (c) One member selected by the Speaker of the House of Representatives.
- (d) Two members, appointed by the legislative and gubernatorial appointees, by unanimous consent.
- (e) The original appointments to the board shall be made on or before July 1, 2001. Vacancies in the membership of the board shall be filled in the same manner as the original appointments to the extent possible. The board members shall be human resource officials of Florida-domiciled corporations with a salaried workforce of at least 50,000 company-wide. The board shall have an organizational meeting on or before July 15, 2001, in Tallahassee.
- (f) Each member is accountable to the appointing authority for proper performance of his or her duties as a member of the board and may be removed from office for malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, permanent inability to perform official duties, or for pleading guilty or nolo contendere to, or having been adjudicated guilty of, a first degree misdemeanor or a felony.
- (g) A vacancy shall occur upon failure of a member to attend four consecutive meetings of the board or 50 percent of the meetings of the

board during a 6 month period, unless the board by majority votes to excuse the absence of such member.

(2)(a) Powers and duties of the board include, but are not limited to:

1. Reporting to the Legislature as to the implementation of a revised Career Service System for state employees with specific recommendations relating to the reclassification of selected exempt positions pursuant to section 110.205, Florida Statutes, and the appropriate size of the managerial and supervisory workforce.
 2. Identifying legal barriers to civil service reform.
 3. Making recommendations on the fair and equitable treatment of public employees and the use of sound business practices.
 4. Recommending best management practices and performance measures.
- (b) The board may review proposed agency rules, advise and appear before the Legislature in connection with legislation that impacts the state civil service system, advise on policy, administrative and legislative issues, and appear before other state or federal agencies in connection with matters impacting the civil service system.

(c) The board shall select a chair who shall be the chief administrative officer of the board and shall have the authority to plan, direct, coordinate, and execute the powers and duties of the board.

(d) The board shall hold such meetings during the year as it deems necessary, except that the chair, a quorum of the board, or the division may call meetings. The board shall maintain a record of each meeting. Such transcripts shall be available to any interested person in accordance with chapter 119, Florida Statutes.

Section 48. Alternative benefits; tax-sheltered annual-leave, sick-leave payments, and special compensation payments.—

(1) The Department of Management Services has authority to adopt tax-sheltered plans under section 401(a) of the Internal Revenue Code for state employees who are eligible for payment for accumulated leave. The department and the Board of Regents, upon adoption of the plans, shall contract for a private vendor or vendors to administer the plans. The plans must provide benefits in a manner that minimizes the tax liability of the state and participants. The plans must be funded by employer contributions of payments for accumulated leave or special compensation payments, or both, as specified by the department and the Board of Regents. The plans must have received all necessary federal and state approval as required by law, must not adversely impact the qualified status of the Florida Retirement System defined benefit or defined contribution plans or the pretax benefits program, and must comply with the provisions of section 112.65, Florida Statutes. Adoption of the plan is contingent on: (a) the department receiving favorable determination letters and favorable private rulings from the Internal Revenue Service, (b) the department negotiating under the provisions of chapter 447, Florida Statutes, where applicable; and (c) the Comptroller making appropriate changes to the state payroll system. The department's request for proposals by vendors for such plans may require that the vendors provide market-risk or volatility ratings from recognized rating agencies for each of their investment products. The department and the Board of Regents shall provide for a system of continuous quality-assurance oversight to ensure that the program objectives are achieved and that the program is prudently managed.

(2) Within 30 days after termination of employment, an employee may elect to withdraw the moneys without penalty by the plan administrator. If any employee is adversely affected financially by a plan, the plan shall include a provision which will provide the employee with no less cash than if the employee had not participated in the plan.

(3) These contracts may be used by any other pay plans or personnel systems in the executive, legislative, or judicial branches of government upon approval of the appropriate administrative authority.

(4) Notwithstanding the terminal-pay provisions of section 110.122, Florida Statutes, the department and the Board of Regents shall contract for a tax-sheltered plan for leave and special compensation pay for employees terminating over age 55 with 10 years of service and for employees participating in the Deferred Retirement Option Program by July 1,

2001. The frequency of payments into the plan shall be determined by the department or as provided in the General Appropriations Act. This plan or plans shall provide the greatest tax benefits to the employees and maximize the savings to the state.

(5) The department and the Board of Regents shall determine by rule the design of the plans and the eligibility of participants.

(6) Nothing in this act shall be construed to remove plan participants from the scope of section 110.122(5), Florida Statutes.

Section 49. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to public employment; amending s. 20.23, F.S.; eliminating provisions requiring that the inspector general position in the Department of Transportation be within the Career Service System; repealing ss. 110.108, 110.109, F.S., relating to personnel pilot projects, productivity improvement, and personnel audits of executive branch agencies; amending s. 110.1091, F.S.; providing requirements for a program to assist state employees; repealing s. 110.1095, F.S., relating to supervisory and management training and continuing education for executive branch agencies; amending s. 110.1099, F.S.; providing for state employees to receive vouchers or grants to attend public educational institutions under specified circumstances; requiring the Department of Management Services to adopt rules; conforming language; amending s. 110.1127, F.S.; providing for security background checks for certain state employee positions; amending s. 110.113, F.S.; requiring all state employees except those who receive an exemption to participate in the direct deposit program; amending s. 110.1245, F.S.; providing for a savings-sharing program for employees whose proposals result in savings; providing for bonus payments; eliminating the meritorious service awards program; requiring that such bonuses be paid from funds authorized by the Legislature; repealing s. 110.1246, F.S., relating to lump-sum bonus payments; amending s. 110.129, F.S.; authorizing the Department of Management Services to furnish technical assistance to improve personnel administration for municipalities or other political subdivisions; amending s. 110.131, F.S.; requiring approval by the Executive Office of the Governor for an extension in hours of other-personal-services temporary employment; providing certain exceptions; amending s. 110.203, F.S.; revising definitions; including the outsourcing and privatization of an activity or function within the definition of the term "layoff"; defining the term "firefighter" and "law enforcement or correctional officer"; creating s. 110.2035, F.S.; requiring the Department of Management Services to develop a classification and compensation program for certain employees; providing requirements for the program; requiring that the department submit a proposed plan to the Governor and the Legislature; requiring the department to adopt rules; amending s. 110.205, F.S.; providing for managerial employees and certain employees under a collective bargaining agreement to be exempt from the Career Service System; providing for carrying leave forward; amending s. 110.211, F.S.; authorizing the Department of Management Services to contract for recruitment services; amending s. 110.213, F.S.; requiring a probationary period for new employees; revising requirements for agency heads in selecting employees; providing certain restrictions for leave benefits for Senior Management Service employees; providing for annual payouts for a specified amount of unused annual leave for career service employees; amending s. 110.219, F.S.; revising provisions governing attendance and leave; providing for a year-end cash-out of annual leave by specified employees under specified circumstances; amending s. 110.224, F.S.; providing for a public employee performance evaluation system; providing requirements for the system; authorizing the department to adopt rules; amending s. 110.227, F.S.; prohibiting "bumping"; providing certain exceptions; prescribing layoff procedures; amending the definition of cause for suspensions or dismissals; establishing grievance procedures; providing procedures for suspensions, reductions in pay, demotions, and dismissals; providing for appeals to the Public Employees Relations Commission; providing for hearings and final orders by the Public Employees Relations Commission; amending s. 110.233, F.S.; prohibiting certain political activity by a career service employee; amending s. 110.235, F.S.; requiring state agencies to implement training programs; amending s. 110.401, F.S.; providing for training and management-development programs for senior-level management; amending s. 110.403, F.S.; requiring the department to administer a professional development program; increasing the percentage of authorized positions within the Senior Management Service; amending s.

110.601, F.S.; providing for a system of personnel management; amending s. 110.602, F.S.; eliminating a limitation on the percentage of authorized positions within the Selected Exempt Service; amending s. 110.605, F.S.; providing for personnel rules, records, reports, and performance appraisals; amending s. 110.606, F.S.; requiring the department to collect certain data with respect to classifications with the Selected Exempt Service; amending ss. 288.708 and 440.4416, F.S.; providing for the executive director of the Florida Black Business Investment Board and the members of the Workers' Compensation Oversight Board to be subject to the Senior Management Service System; amending s. 216.262, F.S.; providing for the Legislative Budget Commission to authorize a state agency to retain moneys associated with eliminated positions under certain circumstances; amending s. 447.201, F.S.; providing public policy with respect to public employees; amending s. 447.205, F.S.; removing reference to the Department of Labor and Employment Security; conforming language; amending s. 447.207, F.S.; revising authority of the commission to hear certain appeals; conforming provisions to changes made by the act; amending s. 447.208, F.S.; conforming language; amending procedures for specified appeals; amending s. 447.507, F.S.; revising requirements for the probation served by certain public employees; amending s. 112.215, F.S.; authorizing certain pretax, trustee-to-trustee transfer of deferred compensation accounts; repealing s. 125.0108(2)(d), F.S., relating to the former Career Service Commission; transferring the Public Employees Relations Commission from the Department of Labor and Employment Security to the Department of Management Services; transferring powers, duties, functions, rules, records, personnel, property, and unexpended balances; providing for the commission's independence under specified circumstances; requiring the Department of Management Services to adopt rules; requiring that the department develop a performance agreement between management employees and agency heads; creating s. 110.1315, F.S.; authorizing the department to contract for an alternative retirement program for temporary and seasonal employees; providing requirements for selecting a vendor; amending s. 447.403, F.S.; revising requirements for resolving an impasse in collective bargaining negotiations; prohibiting the appointment of a mediator if the Governor is the employer; providing a procedure for resolving such impasse; amending s. 216.163, F.S., relating to an impasse in collective bargaining negotiations; conforming provisions to changes made by the act; creating a Career Service Advisory Board; providing for selection of members; providing powers and duties; authorizing the Governor to develop a tax-sheltered plan for leave and special compensation pay for specified employees; providing effective dates.

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

Amendment 1A (075848)—On page 35, lines 16-19, delete those lines and insert: *affirm the decision of the agency head. Absent a specific written finding of mitigation, based upon those factors named in s. 110.227(1), the commission may not reduce the penalty imposed by the agency head.*

Senator Mitchell moved the following amendments to **Amendment 1** which were adopted:

Amendment 1B (531200)(with title amendment)—On page 51, lines 22-24, delete those lines and insert: *responsibilities are transferred by a type one transfer, as defined in section 20.06(1), Florida Statutes, to the Agency for Workforce Innovation. The independence of the*

And the title is amended as follows:

On page 64, delete line 6 and insert: *the Agency for Workforce Innovation;*

Amendment 1C (134484)—On page 47, lines 26, 27 and 31, delete "Department of Management Services" and insert: *Agency for Workforce Innovation Department of*

Senator Mitchell moved the following amendments to **Amendment 1** which failed:

Amendment 1D (753804)—On page 16, line 14, after "Services" insert: *, in consultation with the Career Service Advisory Board,*

Amendment 1E (960844)(with title amendment)—On page 25, lines 13-30, delete those lines

And the title is amended as follows:

On page 61, lines 15-18, delete those lines and insert: amending s. 110.205, F.S.;

The vote was:

Yeas—16

Campbell	Geller	Lawson	Rossin
Dawson	Holzendorf	Meek	Silver
Diaz de la Portilla	Jones	Miller	Smith
Dyer	Klein	Mitchell	Wasserman Schultz

Nays—24

Mr. President	Constantine	Latvala	Sanderson
Bronson	Cowin	Laurent	Saunders
Brown-Waite	Crist	Lee	Sebesta
Burt	Garcia	Peaden	Sullivan
Carlton	Horne	Posey	Villalobos
Clary	King	Pruitt	Webster

Amendment 1F (971404)(with title amendment)—On page 45, line 17, delete “*certify*” and insert: *obtain approval for*

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

Amendment 1G (562740)—On page 29, delete line 24 and insert: employee must receive an oral and written assessment of

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 466** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

RECONSIDERATION OF BILL

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

CS for SB 1922—A bill to be entitled An act relating to the state government; amending s. 121.0515, F.S., relating to special risk membership; revising criteria for firefighters; amending s. 120.80, F.S.; providing that marketing orders under ch. 527, F.S., are not rules; amending s. 125.27, F.S.; authorizing the Department of Agriculture and Consumer Services to lease or lend equipment to governmental entities that have fire/rescue responsibilities; limiting liability for civil damages resulting from use or possession of such equipment; amending s. 193.461, F.S.; providing that, for purposes of the income methodology approach to such assessment, certain litter containment and animal waste nutrient containment structures shall be considered a part of the average yields per acre and have no separately assessable contributory value; amending s. 201.15, F.S.; authorizing the department to adopt rules regarding the distribution of funds for best management practices; amending s. 316.228, F.S.; revising requirements for lamps on projecting loads; amending s. 320.08, F.S.; redefining the term “goat” to include certain additional farm equipment for purposes of the annual license tax imposed on trucks; amending s. 403.714, F.S.; deleting a requirement that the department coordinate development of uniform product specifications for compost used by state agencies; amending s. 487.041, F.S.; authorizing the department to require and review data relating to the claims of pesticide products used as preventive treatment for termites; authorizing the department to adopt rules; amending s. 500.09, F.S.; authorizing fees for certain reinspection of food establishments; amending s. 500.12, F.S.; increasing the maximum fee for a food permit; limiting the use of such fees; amending ss. 502.012, 502.014, F.S.; revising references relating to the pasteurized milk ordinance and milk sanitation; deleting a requirement that a copy of a federal temporary marketing permit for milk and milk products be forwarded to the department; amending s. 502.053, F.S.; clarifying milk testing requirements; amending s. 502.091, F.S.; authorizing the department to forgo the grading of certain milk products in an emergency; providing for labeling; amending s. 503.041, F.S.; providing that an attempted or purported transfer of a frozen dessert plant license is grounds for its suspension or revocation; repealing ss. 504.21, 504.22, 504.23, 504.24, 504.25, 504.26, 504.27,

504.28, 504.29, 504.31, 504.32, 504.33, 504.34, 504.35, 504.36, F.S.; eliminating the Florida Organic Farming and Food Law; providing an effective date; repealing ss. 536.20, 536.21, 536.22, F.S., relating to timber and lumber; repealing s. 570.381, F.S., relating to Appaloosa racing; amending ss. 550.2625, 550.2633, F.S.; conforming cross-references; amending s. 570.07, F.S.; authorizing the department to conduct investigations of violations of laws relating to consumer protection; amending s. 503.071, F.S.; providing for the embargo, detention, or destruction of food or food processing equipment of a frozen dessert manufacturer; amending s. 570.244, F.S.; clarifying powers and duties of the department relating to the development of agribusinesses; amending s. 570.249, F.S.; clarifying aquacultural crops eligible for Agricultural Economic Development Program disaster loans; revising loan application requirements; directing the department to establish an agribusiness market development grant program; amending s. 570.38, F.S.; increasing membership of the Animal Industry Technical Council; amending s. 580.031, F.S.; revising definitions; amending s. 580.051, F.S.; revising label requirements for feed; amending s. 580.065, F.S.; revising feed laboratory procedures; amending s. 580.091, F.S.; removing intent language regarding feed sampling and analysis; amending s. 580.112, F.S.; expanding prohibited acts; amending s. 581.211, F.S.; providing a penalty for violation of rules relating to plant industry; amending s. 585.145, F.S.; prescribing requirements with respect to veterinarians who may inspect animals for disease; amending s. 585.155, F.S.; revising vaccination requirements for calves; amending s. 589.19, F.S.; naming a state forest; amending s. 616.242, F.S.; providing additional exemptions from amusement ride safety standards; amending s. 828.22, F.S.; creating the “Humane Slaughter Act”; revising provisions relating to humane slaughter and livestock euthanasia; amending s. 828.23, F.S.; revising definitions; amending s. 828.24, F.S.; revising provisions relating to prohibited acts; amending s. 828.25, F.S.; revising provisions relating to administration of the act by the department; creating s. 828.251, F.S.; directing the department to make current technical information available to slaughterers; creating s. 828.252, F.S.; providing for humane treatment of nonambulatory animals; amending s. 828.26, F.S.; revising penalties; amending ss. 427.804, 559.921, F.S.; conforming cross-references; creating s. 604.60, F.S.; providing that certain agricultural growers or producers shall have a right to recover damages as a result of willful and knowing damage or destruction of specified agricultural products; providing considerations and limits in award of damages; providing for costs and attorney’s fees; amending s. 810.09, F.S.; prohibiting trespass upon specified legally posted agricultural sites; providing a penalty; reenacting ss. 260.0125(5)(b) and 810.011(5)(b), F.S., to incorporate the amendment to s. 810.09, F.S., in references thereto; repealing s. 570.544(10) and (11), F.S., relating to authority of the Division of Consumer Services of the department to conduct investigations of violations of laws relating to consumer protection; creating s. 373.621, F.S.; providing consideration for certain applicants who implement water conservation practices; amending section 601.48, F.S.; eliminating provisions relating to inspection of processed citrus products for grade and subsequent grading and designation thereof; authorizing the Florida Department of Citrus or its successor, to collect dues, contributions, or any other financial payment upon request by and on behalf of any not-for-profit corporation; amending s. 232.246, F.S.; authorizing Agriscience Foundations I to count as a science credit; providing an effective date; abolishing specified authorities and councils advisory to the department; creating s. 570.085, F.S.; creating an agricultural water conservation program within the department; designating the official citrus archive of Florida; providing for severability; providing effective dates.

—as amended passed this day.

On motion by Senator Geller, the Senate reconsidered the vote by which **Amendment 5** was adopted.

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

Amendment 6 (652794)(with title amendment)—On page 58, between lines 16 and 17, insert:

Section 60. *Short title.*—Sections 60 through 64 of this act may be cited as the “Rural and Family Lands Protection Act.”

Section 61. *Definitions.*—As used in sections 62 and 63 of this act, the term “department” means the Department of Agriculture and Consumer Services.

Section 62. Section 570.70, Florida Statutes, is created to read:

570.70 Legislative findings.—The Legislature finds and declares that:

(1) *A thriving rural economy with a strong agricultural base, healthy natural environment, and viable rural communities is an essential part of Florida. Rural areas also include the largest remaining intact ecosystems and best examples of remaining wildlife habitats as well as a majority of privately owned land targeted by local, state, and federal agencies for natural-resource protection.*

(2) *The growth of Florida's population can result in agricultural and rural lands being converted into residential or commercial development.*

(3) *The agricultural, rural, natural-resource, and commodity values of rural lands are vital to the state's economy, productivity, rural heritage, and quality of life.*

(4) *The Legislature further recognizes the need for enhancing the ability of rural landowners to obtain economic value from their property, protecting rural character, controlling urban sprawl, and providing necessary open space for agriculture and the natural environment, and the importance of maintaining and protecting Florida's rural economy through innovative planning and development strategies in rural areas and the use of incentives that reward landowners for good stewardship of land and natural resources.*

(5) *The purpose of this act is to bring under public protection lands that serve to limit subdivision and conversion of agricultural and natural areas that provide economic, open space, water, and wildlife benefits by acquiring land or related interests in land such as perpetual, less-than-fee acquisitions, agricultural protection agreements, and resource conservation agreements and innovative planning and development strategies in rural areas.*

Section 63. Section 570.71, Florida Statutes, is created to read:

570.71 Conservation easements and agreements.—

(1) *The department, on behalf of the Board of Trustees of the Internal Improvement Trust Fund, may allocate moneys to acquire perpetual, less-than-fee interest in land, to enter into agricultural protection agreements, and to enter into resource conservation agreements for the following public purposes:*

(a) *Promotion and improvement of wildlife habitat;*

(b) *Protection and enhancement of water bodies, aquifer recharge areas, wetlands, and watersheds;*

(c) *Perpetuation of open space on lands with significant natural areas; or*

(d) *Protection of agricultural lands threatened by conversion to other uses.*

(2) *To achieve the purposes of this act, beginning no sooner than July 1, 2002, and every year thereafter, the department may accept applications for project proposals that:*

(a) *Purchase conservation easements, as defined in s. 704.06.*

(b) *Purchase rural-lands-protection easements pursuant to this act.*

(c) *Fund resource conservation agreements pursuant to this act.*

(d) *Fund agricultural protection agreements pursuant to this act.*

No funds may be expended to implement this subsection prior to July 1, 2002.

(3) *Rural-lands-protection easements shall be a perpetual right or interest in agricultural land which is appropriate to retain such land in predominantly its current state and to prevent the subdivision and conversion of such land into other uses. This right or interest in property shall prohibit only the following:*

(a) *Construction or placing of buildings, roads, billboards or other advertising, utilities, or structures, except those structures and unpaved*

roads necessary for the agricultural operations on the land or structures necessary for other activities allowed under the easement, and except for linear facilities described in s. 704.06(11);

(b) *Subdivision of the property;*

(c) *Dumping or placing of trash, waste, or offensive materials; and*

(d) *Activities that affect the natural hydrology of the land or that detrimentally affect water conservation, erosion control, soil conservation, or fish or wildlife habitat, except those required for environmental restoration; federal, state, or local government regulatory programs; or best management practices.*

(4) *Resource conservation agreements will be contracts for services which provide annual payments to landowners for services that actively improve habitat and water restoration or conservation on their lands over and above that which is already required by law or which provide recreational opportunities. They will be for a term of not less than 5 years and not more than 10 years. Property owners will become eligible to enter into a resource conservation agreement only upon entering into a conservation easement or rural lands protection easement.*

(5) *Agricultural protection agreements shall be for terms of 30 years and will provide payments to landowners having significant natural areas on their land. Public access and public recreational opportunities may be negotiated at the request of the landowner.*

(a) *For the length of the agreement, the landowner shall agree to prohibit:*

1. *Construction or placing of buildings, roads, billboards or other advertising, utilities, or structures, except those structures and unpaved roads necessary for the agricultural operations on the land or structures necessary for other activities allowed under the easement, and except for linear facilities described in s. 704.06(11);*

2. *Subdivision of the property;*

3. *Dumping or placing of trash, waste, or offensive materials; and*

4. *Activities that affect the natural hydrology of the land, or that detrimentally affect water conservation, erosion control, soil conservation, or fish or wildlife habitat.*

(b) *As part of the agricultural protection agreement, the parties shall agree that the state shall have a right to buy a conservation easement or rural land protection easement at the end of the 30-year term or prior to the landowner transferring or selling the property, whichever occurs later. If the landowner tenders the easement for the purchase and the state does not timely exercise its right to buy the easement, the landowner shall be released from the agricultural agreement. The purchase price of the easement shall be established in the agreement and shall be based on the value of the easement at the time the agreement is entered into, plus a reasonable escalator multiplied by the number of full calendar years following the date of the commencement of the agreement. The landowner may transfer or sell the property before the expiration of the 30-year term, but only if the property is sold subject to the agreement and the buyer becomes the successor in interest to the agricultural protection agreement. Upon mutual consent of the parties, a landowner may enter into a perpetual easement at any time during the term of an agricultural protection agreement.*

(6) *Payment for conservation easements and rural land protection easements shall be a lump-sum payment at the time the easement is entered into.*

(7) *Landowners entering into an agricultural protection agreement may receive up to 50 percent of the purchase price at the time the agreement is entered into and remaining payments on the balance shall be equal annual payments over the term of the agreement.*

(8) *Payments for the resource conservation agreements shall be equal annual payments over the term of the agreement.*

(9) *Easements purchased pursuant to this act may not prevent landowners from transferring the remaining fee value with the easement.*

(10) *The department, in consultation with the Department of Environmental Protection, the water management districts, the Department*

of Community Affairs, and the Florida Fish and Wildlife Conservation Commission, shall adopt rules that establish an application process, a process and criteria for setting priorities for use of funds consistent with the purposes specified in s. 570.71(1) and giving preference to ranch and timber lands managed using sustainable practices, an appraisal process, and a process for title review and compliance and approval of the rules by the Board of Trustees of the Internal Improvement Trust Fund.

(11) If a landowner objects to having his property included in any lists or maps developed to implement this act, the department shall remove the property from any such lists or maps upon receipt of the landowner's written request to do so.

(12) The department is authorized to use funds from the following sources to implement this act:

- (a) State funds;
- (b) Federal funds;
- (c) Other governmental entities;
- (d) Nongovernmental organizations; or
- (e) Private individuals.

Any such funds provided shall be deposited into the Conservation and Recreation Lands Program Trust Fund within the Department of Agriculture and Consumer Services and used for the purposes of this act.

(13) No more than ten percent of any funds made available to implement this act shall be expended for resource conservation agreements and agricultural protection agreements.

(14) The department, in consultation with the Department of Environmental Protection, the Fish and Wildlife Conservation Commission, and the water management districts shall conduct a study to determine and prioritize needs for implementing the act.

(a) The department may contract with the Florida Natural Areas Inventory for an analysis of the geographic distribution of certain types of natural resources, or resource-based land uses that have been identified for acquisition by previous conservation and recreation land acquisition programs.

(b) The needs assessment shall locate areas of the state where existing privately-owned ranch and timber lands containing resources of the type identified in (a) can be preserved or protected through implementation of the Rural and Family Lands Protection Act.

(c) The department shall report its findings to the Governor, President of the Senate, and Speaker of the House of Representatives by December 31, 2001. At a minimum, the report must include a prioritization of the types of resources to be preserved or protected, the location of privately-owned ranch and timber lands containing such resources that could be preserved or protected by easements or agreements pursuant to this act, and the funding needs for the program.

Section 64. Subsection (11) of section 163.3177, Florida Statutes, is amended to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(11)(a) The Legislature recognizes the need for innovative planning and development strategies which will address the anticipated demands of continued urbanization of Florida's coastal and other environmentally sensitive areas, and which will accommodate the development of less populated regions of the state which seek economic development and which have suitable land and water resources to accommodate growth in an environmentally acceptable manner. The Legislature further recognizes the substantial advantages of innovative approaches to development which may better serve to protect environmentally sensitive areas, maintain the economic viability of agricultural and other predominantly rural land uses, and provide for the cost-efficient delivery of public facilities and services.

(b) It is the intent of the Legislature that the local government comprehensive plans and plan amendments adopted pursuant to the provisions of this part provide for a planning process which allows for land

use efficiencies within existing urban areas and which also allows for the conversion of rural lands to other uses, where appropriate and consistent with the other provisions of this part and the affected local comprehensive plans, through the application of innovative and flexible planning and development strategies and creative land use planning techniques, which may include, but not be limited to, urban villages, new towns, satellite communities, area-based allocations, clustering and open space provisions, mixed-use development, and sector planning.

(c) It is the further intent of the Legislature that local government comprehensive plans and implementing land development regulations shall provide strategies which maximize the use of existing facilities and services through redevelopment, urban infill development, and other strategies for urban revitalization.

(d)1. The department, in cooperation with the Department of Agriculture and Consumer Services, shall provide assistance to local governments in the implementation of this paragraph and s. 9J-5.006(5)(l), Florida Administrative Code. Implementation of those provisions shall include a process by which the department may authorize up to five local governments to designate all or portions of lands classified in the future land use element as predominantly agricultural, rural, open, open-rural, or a substantively equivalent land use, as a rural land stewardship area within which planning and economic incentives are applied to encourage the implementation of innovative and flexible planning and development strategies and creative land use planning techniques, including those contained in Rule 9J-5.006(5)(l), Florida Administrative Code.

2. The department shall encourage participation by local governments of different sizes and rural characteristics. It is the intent of the Legislature that rural land stewardship areas be used to further the following broad principles of rural sustainability: restoration and maintenance of the economic value of rural land; control of urban sprawl; identification and protection of ecosystems, habitats, and natural resources; promotion of rural economic activity; maintenance of the viability of Florida's agricultural economy; and protection of the character of rural areas of Florida.

3. A local government may apply to the department in writing requesting consideration for authorization to designate a rural land stewardship area and shall describe its reasons for applying for the authorization with supporting documentation regarding its compliance with criteria set forth in this section.

4. In selecting a local government, the department shall, by written agreement:

a. Ensure that the local government has expressed its intent to designate a rural land stewardship area pursuant to the provisions of this subsection and clarify that the rural land stewardship area is intended.

b. Ensure that the local government has the financial and administrative capabilities to implement a rural land stewardship area.

5. The written agreement shall include the basis for the authorization and provide criteria for evaluating the success of the authorization including the extent the rural land stewardship area enhances rural land values; control urban sprawl; provides necessary open space for agriculture and protection of the natural environment; promotes rural economic activity; and maintains rural character and the economic viability of agriculture. The department may terminate the agreement at any time if it determines that the local government is not meeting the terms of the agreement.

6. A rural land stewardship area shall be not less than 50,000 acres and shall not exceed 250,000 acres in size, shall be located outside of municipalities and established urban growth boundaries, and shall be designated by plan amendment. The plan amendment designating a rural land stewardship area shall be subject to review by the Department of Community Affairs pursuant to s. 163.3184, F.S., and shall provide for the following:

a. Criteria for the designation of receiving areas within rural land stewardship areas in which innovative planning and development strategies may be applied. Criteria shall at a minimum provide for the following: adequacy of suitable land to accommodate development so as to avoid conflict with environmentally sensitive areas, resources, and habitats; compatibility between and transition from higher density uses to lower intensity rural uses; the establishment of receiving area service

boundaries which provide for a separation between receiving areas and other land uses within the rural land stewardship area through limitations on the extension of services; and connection of receiving areas with the rest of the rural land stewardship area using rural design and rural road corridors.

b. Goals, objectives, and policies setting forth the innovative planning and development strategies to be applied within rural land stewardship areas pursuant to the provisions of this section.

c. A process for the implementation of innovative planning and development strategies within the rural land stewardship area, including those described in this subsection and s. 9J-5.006(5)(l), Florida Administrative Code, which provide for a functional mix of land uses and which are applied through the adoption by the local government of zoning and land development regulations applicable to the rural land stewardship area.

d. A process which encourages visioning pursuant to s. 163.3167(11) to ensure that innovative planning and development strategies comply with the provisions of this section.

e. The control of sprawl through the use of innovative strategies and creative land use techniques consistent with the provisions of this subsection and rural 9J-5.006(5)(l), Florida Administrative Code.

7. A receiving area shall be designated by the adoption of a land development regulation. Prior to the designation of a receiving area, the local government shall provide the Department of Community Affairs a period of 30 days in which to review a proposed receiving area for consistency with the rural land stewardship area plan amendment and to provide comments to the local government.

8. Upon the adoption of a plan amendment creating a rural land stewardship area, the local government shall, by ordinance, assign to the area a certain number of credits, to be known as "transferable rural land use credits," which shall not constitute a right to develop land, nor increase density of land, except as provided by this section. The total amount of transferrable rural land use credits assigned to the rural land stewardship area must correspond to the 25-year or greater projected population of the rural land stewardship area. Transferable rural land use credits are subject to the following limitations:

a. Transferable rural land use credits may only exist within a rural land stewardship area.

b. Transferable rural land use credits may only be used on lands designated as receiving areas and then solely for the purpose of implementing innovative planning and development strategies and creative land use planning techniques adopted by the local government pursuant to this section.

c. Transferable rural land use credits assigned to a parcel of land within a rural land stewardship area shall cease to exist if the parcel of land is removed from the rural land stewardship area by plan amendment.

d. Neither the creation of the rural land stewardship area by plan amendment nor the assignment of transferable rural land use credits by the local government shall operate to displace the underlying density of land uses assigned to a parcel of land within the rural land stewardship area; however, if transferable rural land use credits are transferred from a parcel for use within a designated receiving area, the underlying density assigned to the parcel of land shall cease to exist.

e. The underlying density on each parcel of land located within a rural land stewardship area shall not be increased or decreased by the local government, except as a result of the conveyance or use of transferable rural land use credits, as long as the parcel remains within the rural land stewardship area.

f. Transferable rural land use credits shall cease to exist on a parcel of land where the underlying density assigned to the parcel of land is utilized.

g. An increase in the density of use on a parcel of land located within a designated receiving area may occur only through the assignment or use of transferable rural land use credits and shall not require a plan amendment.

h. A change in the density of land use on parcels located within receiving areas shall be specified in a development order which reflects the total number of transferable rural land use credits assigned to the parcel of land and the infrastructure and support services necessary to provide for a functional mix of land uses corresponding to the plan of development.

i. Land within a rural land stewardship area may be removed from the rural land stewardship area through a plan amendment.

j. Transferable rural land use credits may be assigned at different ratios of credits per acre according to the land use remaining following the transfer of credits, with the highest number of credits per acre assigned to preserve environmentally valuable land and a lesser number of credits to be assigned to open space and agricultural land.

k. The use or conveyance of transferable rural land use credits must be recorded in the public records of the county in which the property is located as a covenant or restrictive easement running with the land in favor of the county and either the Department of Environmental Protection, Department of Agriculture and Consumer Services, a water management district, or a recognized statewide land trust.

9. Owners of land within rural land stewardship areas should be provided incentives to enter into rural land stewardship agreements, pursuant to existing law and rules adopted thereto, with state agencies, water management districts, and local governments to achieve mutually agreed upon conservation objectives. Such incentives may include, but not be limited to, the following:

a. Opportunity to accumulate transferable mitigation credits.

b. Extended permit agreements.

c. Opportunities for recreational leases and ecotourism.

d. Payment for specified land management services on publicly owned land, or property under covenant or restricted easement in favor of a public entity.

e. Option agreements for sale to government, in either fee or easement, upon achievement of conservation objectives.

10. The department shall report to the Legislature on an annual basis on the results of implementation of rural land stewardship areas authorized by the department, including successes and failures in achieving the intent of the Legislature as expressed in this paragraph. It is further the intent of the Legislature that the success of authorized rural land stewardship areas be substantiated before implementation occurs on a statewide basis.

(e)(d) The implementation of this subsection shall be subject to the provisions of this chapter, chapters 186 and 187, and applicable agency rules.

(f)(e) The department may adopt rules necessary to shall implement the provisions of this subsection by rule.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 26, after the second semicolon (;) insert: creating the "Rural and Family Lands Protection Act"; defining terms; creating s. 570.70, F.S.; providing legislative intent; creating s. 570.71, F.S.; providing for the purchase of rural-lands-protection easements by the Department of Agriculture and Consumer Services; providing criteria; providing for resource conservation agreements and agricultural protection agreements; prescribing allowable land uses; providing for an application process; providing for the sale of an easement; requiring the department to adopt rules; authorizing the use of specified funds; authorizing the removal of property from lists and maps; providing for the deposit of funds; directing the completion of a needs assessment and a report; amending s. 163.3177, F.S.; directing the department to authorize up to five local governments to designate rural land stewardship areas; requiring a written agreement; providing requirements for comprehensive plan amendments for such designations; providing that owners of land within such areas may convey development rights in return for the assignment of transferable rural land use credits; providing requirements with respect to such credits; specifying incentives that should be provided such landowners; requiring reports; providing intent;

On motion by Senator Geller, **CS for SB 1922** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Laurent	Sanderson
Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Horne	Peaden	Villalobos
Constantine	Jones	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	

Nays—None

Vote after roll call:

Yea—King

Consideration of **CS for CS for SB 2214**, **CS for SB 1580** and **CS for SB 1286** was deferred.

On motion by Senator Mitchell—

SB 1650—A bill to be entitled An act relating to disability services; creating s. 402.74, F.S.; creating the Clearinghouse on Disability Information Office in the Department of Management Services; requiring the office to establish a statewide toll-free disability information and referral system; creating an advisory council; providing qualifications for staff of the office; providing for the sharing of information by state agencies; providing for an annual report; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **SB 1650** to **HB 1519**.

Pending further consideration of **SB 1650** as amended, on motion by Senator Mitchell, by two-thirds vote **HB 1519** was withdrawn from the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on Health and Human Services; and Appropriations.

On motion by Senator Mitchell by two-thirds vote—

HB 1519—A bill to be entitled An act relating to disability services; creating s. 402.74, F.S.; creating the Clearinghouse on Disability Information Office in the Department of Management Services; requiring the office to establish a statewide toll-free disability information and referral system; creating an advisory council; providing qualifications for staff of the office; providing for the sharing of information by state agencies; providing for an annual report; providing an effective date.

—a companion measure, was substituted for **SB 1650** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 1519** was placed on the calendar of Bills on Third Reading.

SENATOR SAUNDERS PRESIDING

On motion by Senator Sebesta—

CS for CS for SB 1178—A bill to be entitled An act relating to high-speed rail; creating s. 341.821, F.S.; creating the Florida High-Speed Rail Authority; providing membership, terms, organization, and reimbursement of expenses; providing duties of the authority; relating to specified conflicts of interest with respect to authority members; assigning the authority to the Department of Transportation for administrative purposes; providing for future legislative review and repeal; creating s. 341.822, F.S.; providing powers and duties of the authority; authorizing the authority to seek federal funds; providing applicable criteria;

requiring submittal of a report; authorizing the department to issue requests for information and proposals; authorizing the authority to request assistance from the private sector; providing for agency assistance; providing an appropriation; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 1178** to **HB 489**.

Pending further consideration of **CS for CS for SB 1178** as amended, on motion by Senator Sebesta, by two-thirds vote **HB 489** was withdrawn from the Committees on Transportation; Rules and Calendar; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Sebesta by two-thirds vote—

HB 489—A bill to be entitled An act relating to high-speed rail; creating the High-Speed Rail Commission; providing for membership and appointment; providing for staff; providing for duties of the commission; providing for dissolution of the commission upon submission of a required report; directing the Department of Transportation to begin collecting and organizing existing data on high-speed rail systems; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1178** as amended and by two-thirds vote read the second time by title.

Senator Sebesta moved the following amendment:

Amendment 1 (211556)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 341.821, Florida Statutes, is created to read:

341.821 Florida High-Speed Rail Authority.—

(1) There is created and established a body politic and corporate, an agency of the state, to be known as the "Florida High-Speed Rail Authority," hereinafter referred to as the "authority."

(2)(a) The governing board of the authority shall consist of nine voting members appointed as follows:

1. Three members shall be appointed by the Governor, one of whom must have a background in the area of environmental concerns, one of whom must have a legislative background, and one of whom must have a general business background.

2. Three members shall be appointed by the President of the Senate, one of whom must have a background in civil engineering, one of whom must have a background in transportation construction, and one of whom must have a general business background.

3. Three members shall be appointed by the Speaker of the House of Representatives, one of whom must have a legal background, one of whom must have a background in financial matters, and one of whom must have a general business background.

(b) The appointed members shall not be subject to confirmation by the Senate. The initial term of each member appointed by the Governor shall be for 4 years. The initial term of each member appointed by the President of the Senate shall be for 3 years. The initial term of each member appointed by the Speaker of the House of Representatives shall be for 2 years. Succeeding terms for all members shall be for terms of 4 years. Initial appointments must be made within 30 days after the effective date of this act.

(c) A vacancy occurring during a term shall be filled by the respective appointing authority in the same manner as the original appointment and only for the balance of the unexpired term. An appointment to fill a vacancy shall be made within 60 days after the occurrence of the vacancy.

(d) The Secretary of Transportation shall be a nonvoting ex officio member of the board.

(e) The board shall elect one of its members as chair of the authority. The chair shall hold office at the will of the board. Five members of the board shall constitute a quorum, and the vote of five members shall be

necessary for any action taken by the authority. The authority may meet upon the constitution of a quorum. No vacancy in the authority shall impair the right of a quorum of the board to exercise all rights and perform all duties of the authority.

(f) The members of the board shall not be entitled to compensation but shall be entitled to receive their travel and other necessary expenses as provided in s. 112.061.

(3) Notwithstanding any other law to the contrary, it shall not be or constitute a conflict of interest for a person having a background specified in this section to serve as a member of the authority. However, in each official decision to which this act is applicable, such member's firm or related entity may not have a financial or economic interest nor shall the authority contract with or conduct any business with a member or such member's firm or directly related business entity.

(4) The authority shall be assigned to the Department of Transportation for administrative purposes. The authority shall be a separate budget entity. The Department of Transportation shall provide administrative support and service to the authority to the extent requested by the chair of the authority. The authority shall not be subject to control, supervision, or direction by the Department of Transportation in any manner, including, but not limited to, personnel, purchasing, transactions involving real or personal property, and budgetary matters.

Section 2. Section 341.822, Florida Statutes, is created to read:

341.822 Powers and duties.—

(1)(a) The authority created and established by this act shall plan, administer, and manage the preliminary engineering and preliminary environmental assessment of the intrastate high-speed rail system in the state, hereinafter referred to as "intrastate high-speed rail."

(b) The authority may exercise all powers granted to corporations under the Florida Business Corporation Act, chapter 607, except the authority may not incur debt.

(c) The authority shall have perpetual succession as a body politic and corporate.

(d) The authority is authorized to seek federal matching funds or any other funds to fulfill the requirements of this act.

(e) The authority may employ an executive director, permanent or temporary, as it may require and shall determine the qualifications and fix the compensation. The authority may delegate to one or more of its agents or employees such of its power as it deems necessary to carry out the purposes of this act, subject always to the supervision and control of the authority.

Section 3. (1) The following criteria shall apply in developing the preliminary engineering, preliminary environmental assessment, and recommendations required by this act:

(a) The system shall be capable of traveling speeds in excess of 120 miles per hour consisting of dedicated rails or guideways separated from motor vehicle traffic;

(b) The initial segments of the system will be developed and operated between St. Petersburg, Tampa, and Orlando, with future service to Miami;

(c) The authority is to develop a model that uses, to the maximum extent feasible, nongovernmental sources of funding for the design, construction, and operation of the system;

(2) The authority shall make recommendations concerning:

(a) The format and types of information that must be included in a financial or business plan for the high-speed rail system, and the authority may develop that financial or business plan;

(b) The preferred routes between the cities designated in paragraph (1)(b);

(c) The preferred locations for the stations in the cities designated in paragraph (1)(b);

(d) The preferred locomotion technology to be employed from constitutional choices of monorail, fixed guideway, or magnetic levitation;

(e) Any changes that may be needed in state statutes or federal laws which would make the proposed system eligible for available federal funding; and

(f) Any other issues the authority deems relevant to the development of a high-speed rail system.

(3) When preparing the operating plan, the authority shall include:

(a) The frequency of service between the cities designated in paragraph (1)(b);

(b) The proposed fare structure for passenger and freight service;

(c) Proposed trip times, system capacity, passenger accommodations, and amenities;

(d) Methods to ensure compliance with applicable environmental standards and regulations;

(e) A marketing plan, including strategies that can be employed to enhance the utilization of the system;

(f) A detailed planning-level ridership study;

(g) Consideration of nonfare revenues that may be derived from:

1. The sale of development rights at the stations;

2. License, franchise, and lease fees;

3. Sale of advertising space on the trains or in the stations; and

4. Any other potential sources deemed appropriate.

(h) An estimate of the total cost of the entire system, including, but not limited to, the costs to:

1. Design and build the stations and monorail, fixed guideway, or magnetic levitation system;

2. Acquire any necessary rights-of-way;

3. Purchase or lease rolling stock and other equipment necessary to build, operate, and maintain the system.

(i) An estimate of the annual operating and maintenance costs for the system and all other associated expenses.

(j) An estimate of the value of assets the state or its political subdivisions may provide as in-kind contributions for the system, including rights-of-way, engineering studies performed for previous high-speed rail initiatives, land for rail stations and necessary maintenance facilities, and any expenses that may be incurred by the state or its political subdivisions to accommodate the installation of the system.

(k) An estimate of the funding required per year from state funds for the next 30 years for operating the preferred routes between the cities designated in paragraph (1)(b).

Whenever applicable and appropriate, the authority will base estimates of projected costs, expenses, and revenues on documented expenditures or experience derived from similar projects.

Section 4. The authority shall prepare a report of its actions, findings, and recommendations and submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on or before January 1, 2002. If statutory changes are recommended, the report shall contain proposed legislation necessary to implement those recommendations.

Section 5. The Department of Transportation may prepare and issue a request for information from private-sector entities regarding their interest in participating in financing, building, and operating the high-speed rail system in this state, and may issue a request for proposals in order for the authority to contract with a consultant to assist the authority in fulfilling the requirements of this act. Furthermore, the authority may enlist assistance or input from the private sector and from existing

rail and fixed guideway system vendors or operators, including Amtrak. The Department of Transportation is directed to begin, as soon as possible, collecting and organizing existing research, studies, and reports concerning high-speed rail systems in preparation for the authority's first meeting.

Section 6. *The Florida Transportation Commission, the Department of Community Affairs, and the Department of Environmental Protection shall, at the authority's request, provide technical, scientific, or other assistance.*

Section 7. *There is appropriated from funds assigned to the Transportation Outreach Program to the authority the sum of \$8,000,000 for the purpose of performing its duties under this act. These funds shall be administered by the authority, and the funding for the authority, for its board, and for any consultant under the provisions of this act shall be allocated from this appropriation.*

Section 8. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to high-speed rail; creating s. 341.821, F.S.; creating the Florida High-Speed Rail Authority; providing membership, terms, organization, and reimbursement of expenses; providing duties of the authority; relating to specified conflicts of interest with respect to authority members; assigning the authority to the Department of Transportation for administrative purposes; providing for future legislative review and repeal; creating s. 341.822, F.S.; providing powers and duties of the authority; authorizing the authority to seek federal funds; providing applicable criteria; requiring submittal of a report; authorizing the department to issue requests for information and proposals; authorizing the authority to request assistance from the private sector; providing for agency assistance; providing an appropriation; providing an effective date.

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

Amendment 1A (091710)—On page 7, line 29, delete “\$8,000,000” and insert: “\$4,500,000”

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **HB 489** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Wasserman Schultz—

CS for SB 1268—A bill to be entitled An act relating to motorized scooters; amending s. 316.003; defining the term “motorized scooter”; amending s. 316.2065, F.S.; providing motorized scooter operating regulations; providing an effective date.

—was read the second time by title.

Senator Wasserman Schultz moved the following amendment which was adopted:

Amendment 1 (202676)—On page 7, between lines 2 and 3, insert:

(21) *A county or municipality may adopt an ordinance that authorizes persons to operate a motorized scooter on a roadway or sidewalk, notwithstanding any prohibitions in this section.*

Pursuant to Rule 4.19, **CS for SB 1268** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1848**, **CS for CS for SB 784** and **CS for SB 2024** was deferred.

On motion by Senator Bronson—

CS for SB 834—A bill to be entitled An act relating to solid waste management facilities; amending s. 403.707, F.S.; requiring an appli-

cant for a permit to construct or modify a solid waste management facility to notify the local government of the filing of application; requiring publishing of the application; providing requirements with respect thereto; amending s. 403.71851, F.S.; providing for electronics recycling grants; providing that grant funding shall be used for certain demonstration projects; providing for the Department of Environmental Protection to conduct a comprehensive review of certain waste reduction and recycling goals and other related legislative requirements; providing that the department must issue a report; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 834** to **CS for HB 9**.

Pending further consideration of **CS for SB 834** as amended, on motion by Senator Bronson, by two-thirds vote **CS for HB 9** was withdrawn from the Committees on Natural Resources; and Comprehensive Planning, Local and Military Affairs.

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

CS for HB 9—A bill to be entitled An act relating to pollution control; amending s. 165.061, F.S.; providing for the continuation of existing solid waste contracts; requiring written evidence of the duration of the contract within a specified timeframe; amending s. 403.061, F.S.; providing rule-making authority; amending s. 403.707, F.S.; requiring an applicant for a permit to construct or modify a solid waste management facility to notify the local government of the filing of application; requiring publishing of the application; providing requirements with respect thereto; amending s. 403.71851, F.S.; providing for electronics recycling grants; providing that grant funding shall be used for certain demonstration projects; providing for the Department of Environmental Protection to conduct a comprehensive review of certain waste reduction and recycling goals and other related legislative requirements; providing that the department must issue a report; providing an effective date.

—a companion measure, was substituted for **CS for SB 834** as amended and by two-thirds vote read the second time by title.

Senator Bronson moved the following amendment which was adopted:

Amendment 1 (034836)(with title amendment)—On page 1, line 27 through page 2, line 30, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 1, lines 2-6, delete those lines and insert: An act relating to pollution control;

Pursuant to Rule 4.19, **CS for HB 9** as amended was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 2120** was deferred.

On motion by Senator Pruitt—

CS for SB 2024—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; amending s. 327.73, F.S.; providing a civil penalty for violation of certain established vessel speed limits; making provisions for dismissal of a boating violation; amending s. 328.72, F.S.; increasing registration fees for vessels; providing for the distribution of certain vessel fees; amending s. 328.76, F.S.; providing for the use of vessel and dealer registration fees transferred into the Marine Resources Conservation Trust Fund; providing funding for manatee protection; amending s. 370.06, F.S.; recognizing the Railroad Retirement Board for making certain disability determinations; amending s. 372.105, F.S.; revising provisions relating to the Lifetime Fish and Wildlife Trust Fund; amending s. 372.106, F.S.; conforming cross-references; amending s. 372.16, F.S.; increasing the permit fee for a private game preserve or farm; amending s. 372.561, F.S.; revising provisions relating issuance of recreational licenses, permits, and authorization numbers to take wild animal life, freshwater aquatic life, and marine life, and administrative costs and reporting related thereto; creating s. 372.562, F.S.; providing exemptions from recreational license and permit fees;

amending s. 372.57, F.S.; creating a gold sportsman's license for residents; revising and reorganizing provisions specifying fees and requirements for recreational licenses, permits, and authorization numbers, including hunting licenses, saltwater and freshwater fishing licenses, 5-year licenses, and lifetime licenses; increasing the fee for a nonresident Florida turkey permit; providing for pier licenses and recreational vessel licenses, and fees therefor; providing for snook permits and crawfish permits, and uses thereof; creating s. 372.5701, F.S.; prescribing requirements for the deposit of saltwater license fees and allocation of federal funds; creating s. 372.5702, F.S.; prescribing requirements for the expenditure of certain funds for marine research; creating s. 372.5704, F.S.; providing a license program to take tarpon; amending ss. 372.571, 372.5712, 372.5715, 372.573, F.S.; conforming cross-references; amending s. 372.547, F.S.; prescribing requirements for subagents for the sale of certain licenses and permits; creating s. 372.579, F.S.; authorizing the Fish and Wildlife Conservation Commission to prescribe a processing fee for certain licenses and permits; amending s. 372.661, F.S.; increasing fees for operating a private hunting preserve; amending s. 372.711, F.S.; providing for a fee for dismissing certain violations of license and permit requirements; amending s. 372.921, F.S.; increasing fees for possession and exhibition of wildlife; amending s. 372.922, F.S.; increasing certain fees for the personal possession of wildlife; amending s. 705.101, F.S., adding derelict vessels to the definition of abandoned property; repealing s. 370.0605, F.S., which provides for saltwater fishing licenses; repealing s. 370.0608, F.S., which provides for deposit of saltwater license fees; repealing s. 370.0609, F.S., which provides for expenditure of funds for marine research; repealing s. 370.0615, F.S., which provides for lifetime saltwater fishing licenses; repealing s. 370.062, F.S., which provides for tarpon tags and fees; repealing s. 370.1111, F.S., which provides for snook regulation; repealing s. 370.14(10) and (11), F.S., which provides for crawfish regulation; providing an effective date.

—was read the second time by title.

Senator Pruitt moved the following amendment which was adopted:

Amendment 1 (330842)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (4) of section 327.73, Florida Statutes, is amended to read:

327.73 Noncriminal infractions.—

(4) Any person charged with a noncriminal infraction under this section may:

(a) Pay the civil penalty, either by mail or in person, within 30 days of the date of receiving the citation; or,

(b) If he or she has posted bond, forfeit bond by not appearing at the designated time and location.

If the person cited follows either of the above procedures, he or she shall be deemed to have admitted the noncriminal infraction and to have waived the right to a hearing on the issue of commission of the infraction. Such admission shall not be used as evidence in any other proceedings. *If a person who is cited for a violation of s. 327.395 can show a boating safety identification card issued to him or her and valid at the time of the citation, the clerk of the court may dismiss the case and may assess a \$5 dismissal fee.*

Section 2. Subsections (1) and (15) of section 328.72, Florida Statutes, are amended to read:

328.72 Classification; registration; fees and charges; surcharge; disposition of fees; fines; marine turtle stickers.—

(1) VESSEL REGISTRATION FEE.—Vessels that are required to be registered shall be classified for registration purposes according to the following schedule, and the registration certificate fee shall be in the following amounts:

Class A-1—Less than 12 feet in length, and all canoes to which propulsion motors have been attached, regardless of length \$3.50

Class A-2—12 feet or more and less than 16 feet in length 10.50
(To county) 2.85

Class 1—16 feet or more and less than 26 feet in length	18.50
(To county)	8.85
Class 2—26 feet or more and less than 40 feet in length	50.50
(To county)	32.85
Class 3—40 feet or more and less than 65 feet in length	82.50
(To county)	56.85
Class 4—65 feet or more and less than 110 feet in length	98.50
(To county)	68.85
Class 5—110 feet or more in length	122.50
(To county)	86.85
Dealer registration certificate	16.50

The county portion of the vessel registration fee is derived from recreational vessels only.

(15) DISTRIBUTION OF FEES.—Moneys designated for the use of the counties, as specified in subsection (1), shall be distributed by the tax collector to the board of county commissioners for use as provided in this section. Such moneys to be returned to the counties are for the sole purposes of providing recreational channel marking and public launching facilities and other boating-related activities, for removal of vessels and floating structures deemed a hazard to public safety and health for failure to comply with s. 327.53, and for manatee and marine mammal protection and recovery. *The county portion of the vessel registration certificate fee collected by the Fast Title Section of the Bureau of Titles and Registration of the Department of Highway Safety and Motor Vehicles must be returned to the vessel owner's county of Florida residence.*

Section 3. Subsection (1) of section 328.76, Florida Statutes, 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, except for those funds designated for the use of the counties pursuant to s. 328.72(1), 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 for each *commercial and noncommercial* vessel registered in this state shall be transferred to the Save the Manatee Trust Fund and shall be used only for the purposes specified in s. 370.12(4).

(b) *An amount equal to \$2 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) *An amount equal to 40 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.

(d) *An amount equal to 40 forty* percent of the registration fees from commercial vessels shall be transferred by the Department of Highway Safety and Motor Vehicles, on a monthly basis, to the General Inspection Trust Fund of the Department of Agriculture and Consumer Services. These funds shall be used for shellfish and aquaculture law enforcement and quality control programs.

Section 4. Paragraph (a) of subsection (2) of section 370.06, Florida Statutes, is amended to read:

370.06 Licenses.—

(2) SALTWATER PRODUCTS LICENSE.—

(a) Every person, firm, or corporation that sells, offers for sale, barter, or exchanges for merchandise any saltwater products, or which harvests saltwater products with certain gear or equipment as specified by law, must have a valid saltwater products license, except that the

holder of an aquaculture certificate under s. 597.004 is not required to purchase and possess a saltwater products license in order to possess, transport, or sell marine aquaculture products. Each saltwater products license allows the holder to engage in any of the activities for which the license is required. The license must be in the possession of the licenseholder or aboard the vessel and shall be subject to inspection at any time that harvesting activities for which a license is required are being conducted. A restricted species endorsement on the saltwater products license is required to sell to a licensed wholesale dealer those species which the state, by law or rule, has designated as "restricted species." This endorsement may be issued only to a person who is at least 16 years of age, or to a firm certifying that over 25 percent of its income or \$5,000 of its income, whichever is less, is attributable to the sale of saltwater products pursuant to a license issued under this paragraph or a similar license from another state. This endorsement may also be issued to a for-profit corporation if it certifies that at least \$5,000 of its income is attributable to the sale of saltwater products pursuant to a license issued under this paragraph or a similar license from another state. However, if at least 50 percent of the annual income of a person, firm, or for-profit corporation is derived from charter fishing, the person, firm, or for-profit corporation must certify that at least \$2,500 of the income of the person, firm, or corporation is attributable to the sale of saltwater products pursuant to a license issued under this paragraph or a similar license from another state, in order to be issued the endorsement. Such income attribution must apply to at least 1 year out of the last 3 years. For the purpose of this section "income" means that income which is attributable to work, employment, entrepreneurship, pensions, retirement benefits, and social security benefits. To renew an existing restricted species endorsement, a marine aquaculture producer possessing a valid saltwater products license with a restricted species endorsement may apply income from the sale of marine aquaculture products to licensed wholesale dealers.

1. The commission is authorized to require verification of such income. Acceptable proof of income earned from the sale of saltwater products shall be:

- a. Copies of trip ticket records generated pursuant to this subsection (marine fisheries information system), documenting qualifying sale of saltwater products;
- b. Copies of sales records from locales other than Florida documenting qualifying sale of saltwater products;
- c. A copy of the applicable federal income tax return, including Form 1099 attachments, verifying income earned from the sale of saltwater products;
- d. Crew share statements verifying income earned from the sale of saltwater products; or
- e. A certified public accountant's notarized statement attesting to qualifying source and amount of income.

Any provision of this section or any other section of the Florida Statutes to the contrary notwithstanding, any person who owns a retail seafood market or restaurant at a fixed location for at least 3 years who has had an occupational license for 3 years prior to January 1, 1990, who harvests saltwater products to supply his or her retail store and has had a saltwater products license for 1 of the past 3 years prior to January 1, 1990, may provide proof of his or her verification of income and sales value at the person's retail seafood market or restaurant and in his or her saltwater products enterprise by affidavit and shall thereupon be issued a restricted species endorsement.

2. Exceptions from income requirements shall be as follows:

- a. A permanent restricted species endorsement shall be available to those persons age 62 and older who have qualified for such endorsement for at least 3 out of the last 5 years.
- b. Active military duty time shall be excluded from consideration of time necessary to qualify and shall not be counted against the applicant for purposes of qualifying.
- c. Upon the sale of a used commercial fishing vessel owned by a person, firm, or corporation possessing or eligible for a restricted species endorsement, the purchaser of such vessel shall be exempted from the qualifying income requirement for the purpose of obtaining a restricted species endorsement for a period of 1 year after purchase of the vessel.

d. Upon the death or permanent disablement of a person possessing a restricted species endorsement, an immediate family member wishing to carry on the fishing operation shall be exempted from the qualifying income requirement for the purpose of obtaining a restricted species endorsement for a period of 1 year after the death or disablement.

e. A restricted species endorsement may be issued on an individual saltwater products license to a person age 62 or older who documents that at least \$2,500 is attributable to the sale of saltwater products pursuant to the provisions of this paragraph.

f. A permanent restricted species endorsement may also be issued on an individual saltwater products license to a person age 70 or older who has held a saltwater products license for at least 3 of the last 5 license years.

g.(4) Any resident who is certified to be totally and permanently disabled by the *Railroad Retirement Board*, by the United States Department of Veterans Affairs or its predecessor, or by any branch of the United States Armed Forces, or who holds a valid identification card issued by the Department of Veterans' Affairs pursuant to s. 295.17, upon proof of the same, or any resident certified to be ~~totally~~ disabled by the United States Social Security Administration, upon proof of the same, shall be exempted from the income requirements if he or she also has held a saltwater products license for at least 3 of the last 5 license years prior to the date of the disability.

~~(H) A Disability Award Notice issued by the United States Social Security Administration is not sufficient certification for a resident to obtain the income exemption unless the notice certifies that the resident is totally disabled.~~

At least one saltwater products license bearing a restricted species endorsement shall be aboard any vessel harvesting restricted species in excess of any bag limit or when fishing under a commercial quota or in commercial quantities, and such vessel shall have a commercial vessel registration. This subsection does not apply to any person, firm, or corporation licensed under s. 370.07(1)(a)1. or (b) for activities pursuant to such licenses. A saltwater products license may be issued in the name of an individual or a valid boat registration number. Such license is not transferable. A decal shall be issued with each saltwater products license issued to a valid boat registration number. The saltwater products license decal shall be the same color as the vessel registration decal issued each year pursuant to s. 328.48(5) and shall indicate the period of time such license is valid. The saltwater products license decal shall be placed beside the vessel registration decal and, in the case of an undocumented vessel, shall be placed so that the vessel registration decal lies between the vessel registration number and the saltwater products license decal. Any saltwater products license decal for a previous year shall be removed from a vessel operating on the waters of the state. A resident shall pay an annual license fee of \$50 for a saltwater products license issued in the name of an individual or \$100 for a saltwater products license issued to a valid boat registration number. A nonresident shall pay an annual license fee of \$200 for a saltwater products license issued in the name of an individual or \$400 for a saltwater products license issued to a valid boat registration number. An alien shall pay an annual license fee of \$300 for a saltwater products license issued in the name of an individual or \$600 for a saltwater products license issued to a valid boat registration number. Any person who sells saltwater products pursuant to this license may sell only to a licensed wholesale dealer. A saltwater products license must be presented to the licensed wholesale dealer each time saltwater products are sold, and an imprint made thereof. The wholesale dealer shall keep records of each transaction in such detail as may be required by rule of the commission not in conflict with s. 370.07(6), and shall provide the holder of the saltwater products license with a copy of the record. It is unlawful for any licensed wholesale dealer to buy saltwater products from any unlicensed person under the provisions of this section, except that a licensed wholesale dealer may buy from another licensed wholesale dealer. It is unlawful for any licensed wholesale dealer to buy saltwater products designated as "restricted species" from any person, firm, or corporation not possessing a restricted species endorsement on his or her saltwater products license under the provisions of this section, except that a licensed wholesale dealer may buy from another licensed wholesale dealer. The commission shall be the licensing agency, may contract with private persons or entities to implement aspects of the licensing program, and shall establish by rule a marine fisheries information system in conjunction with the licensing program to gather fisheries data.

Section 5. Paragraph (c) of subsection (2) of section 370.0603, Florida Statutes, is amended to read:

370.0603 Marine Resources Conservation Trust Fund; purposes.—

(2) The Marine Resources Conservation Trust Fund shall receive the proceeds from:

(c) All fees collected pursuant to ss. ~~370.062~~, 370.063, and 370.142, and 372.5704.

Section 6. Section 370.0608, Florida Statutes, is renumbered as section 372.5701, Florida Statutes, and amended to read:

372.5701 ~~370.0608~~ Deposit of license fees; allocation of federal funds.—

(1) ~~Except as otherwise provided in ss. 372.105 and 372.106, all saltwater license and permit fees collected pursuant to s. 372.57~~ All license fees collected pursuant to s. 370.0605 shall be deposited into the Marine Resources Conservation Trust Fund, to be used as follows:

(a) ~~Not less than 35 percent of the total fees collected shall be used for marine fisheries management, saltwater fisheries enhancement, including but not limited to, fishery statistics development, artificial reefs, and fish hatcheries. Not more than 5 percent of the total fees collected shall be used to carry out the responsibilities of the Fish and Wildlife Conservation Commission and to provide for the award of funds to marine research institutions in this state for the purposes of enabling such institutions to conduct worthy marine research projects.~~

(b) Not less than 2.5 percent of the total fees collected shall be used for saltwater aquatic education purposes.

(c)1. The remainder of such fees shall be used by the ~~commission department~~ for the following program functions:

a. Not more than 5 percent of the total fees collected, for administration of the licensing program and for information and education relating to saltwater fisheries.

b. Not ~~less more~~ than 30 percent of the total fees collected, for marine law enforcement.

c. Not less than 27.5 percent of the total fees collected, for marine research.

d. ~~Not less than 30 percent of the total fees collected, for fishery enhancement, including, but not limited to, fishery statistics development, artificial reefs, and fish hatcheries.~~

2. The Legislature shall annually appropriate to the commission from the General Revenue Fund for the activities and programs specified in subparagraph 1. at least the same amount of money as was appropriated to the Department of Environmental Protection from the General Revenue Fund for such activities and programs for fiscal year 1988-1989, and the amounts appropriated to the commission for such activities and programs from the Marine Resources Conservation Trust Fund shall be in addition to the amount appropriated to the commission for such activities and programs from the General Revenue Fund. The proceeds from recreational saltwater fishing license fees paid by fishers shall only be appropriated to the commission.

(2) Funds available from the Wallop-Breaux Aquatic Resources Trust Fund shall be distributed by the commission between the Division of Freshwater Fisheries and the Division of Marine Fisheries in proportion to the numbers of resident fresh and saltwater anglers as determined by the most current data on license sales. Unless otherwise provided by federal law, the commission, at a minimum, shall provide the following:

(a) Not less than 5 percent or more than 10 percent of the funds allocated to the commission shall be expended for an aquatic resources education program; and

(b) Not less than 10 percent of the funds allocated to the commission shall be expended for acquisition, development, renovation, or improvement of boating facilities.

~~(3) All license fees collected pursuant to s. 370.0605 shall be transferred to the Marine Resources Conservation Trust Fund within 7 days following the last business day of the week in which the license fees were received by the commission. One-fifth of the total proceeds derived from the sale of 5-year licenses and replacement 5-year licenses, and all interest derived therefrom, shall be available for appropriation annually.~~

Section 7. Section 370.0609, Florida Statutes, is renumbered as section 372.5702, Florida Statutes, and amended to read:

372.5702 ~~370.0609~~ Expenditure of funds.—Any moneys available pursuant to s. 372.5701 ~~370.0608~~(1)(c)1.c. may shall be expended by the Fish and Wildlife Conservation Commission within Florida through grants and contracts for research with research institutions including but not limited to: Florida Sea Grant; Florida Marine Resources Council; Harbour Branch Oceanographic Institute; Technological Research and Development Authority; ~~Florida Marine Research Institute of the Fish and Wildlife Conservation Commission; Indian River Region Research Institute; Mote Marine Laboratory; Marine Resources Development Foundation; Florida Institute of Oceanography; and Rosentiel School of Marine and Atmospheric Science; and Smithsonian Marine Station at Ft. Pierce.~~

Section 8. Section 370.062, Florida Statutes, is renumbered as section 372.5704, Florida Statutes, and subsections (1) and (9) of said section are amended to read:

372.5704 ~~370.062~~ Fish and Wildlife Conservation Commission license program for tarpon; fees; penalties.—

(1) ~~The Fish and Wildlife Conservation~~ commission shall establish a license program for the purpose of issuing tags to individuals desiring to harvest tarpon (*megalops atlantica*) from the waters of the state of Florida. The tags shall be nontransferable, except that the commission may allow for a limited number of tags to be purchased by professional fishing guides for transfer to individuals, and issued by the commission in order of receipt of a properly completed application for a nonrefundable fee of \$50 per tag. The commission and any tax collector may sell the tags and collect the fees therefor. Tarpon tags are valid from July 1 through June 30. Before August 15 of each year, each tax collector shall submit to the commission all unissued tags for the previous ~~fiscal calendar~~ year along with a written audit report, on forms prescribed or approved by the commission, as to the numbers of the unissued tags. To defray the cost of issuing any tag, the issuing tax collector shall collect and retain as his or her costs, in addition to the tag fee collected, the amount allowed under s. 372.561 (7)(4) for the issuance of licenses.

~~(9) All tag fees collected by the commission shall be transferred to the Marine Resources Conservation Trust Fund within 7 days following the last business day of the week in which the fees were received by the commission.~~

Section 9. Subsection (3) of section 370.063, Florida Statutes, is amended to read:

370.063 Special recreational crawfish license.—There is created a special recreational crawfish license, to be issued to qualified persons as provided by this section for the recreational harvest of crawfish (spiny lobster) beginning August 5, 1994.

(3) The holder of a special recreational crawfish license must also possess the recreational crawfish permit required by s. 372.57(8)(e) ~~370.14(10) and the license required by s. 370.0605.~~

Section 10. Subsection (3) of section 370.13, Florida Statutes, is amended to read:

370.13 Stone crab; regulation.—

(3) ~~DEPREDAATION PERMITS ENDORSEMENTS.—The Fish and Wildlife Conservation~~ commission shall issue a depredation permit upon request to any marine aquaculture producer, as defined in s. 370.26, engaged in the culture of shellfish. ~~The depredation permit endorsement on the saltwater products license, which shall entitle the marine aquaculture producer licenseholder to possess and use up to 75 stone crab traps and up to 75 blue crab traps, notwithstanding any other provisions of law, for the sole purpose of taking incidental take of destructive or nuisance stone crabs or blue crabs within 1 mile of the producer's aquaculture shellfish beds. Any marine aquaculture producer~~

as defined by s. 370.26 who raises shellfish may obtain a depredation endorsement by providing an aquaculture registration certificate to the commission. No stone crabs or blue crabs taken under this subsection may be sold, bartered, or exchanged, or offered for sale, barter, or exchange.

Section 11. Article III of subsection (1) and subsection (2) of section 370.19, Florida Statutes, are amended to read:

370.19 Atlantic States Marine Fisheries Compact; implementing legislation.—

(1) FORM.—The Governor of this state is hereby authorized and directed to execute a compact on behalf of the State of Florida with any one or more of the States of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, and with such other states as may enter into the compact, legally joining therein in the form substantially as follows:

ATLANTIC STATES MARINE FISHERIES COMPACT

The contracting states solemnly agree:

ARTICLE III

Each state joining herein shall appoint three representatives to a commission hereby constituted and designated as the Atlantic States Marine Fisheries Commission. One shall be the executive officer of the administrative agency of such state charged with the conservation of the fisheries resources to which this compact pertains or, if there be more than one officer or agency, the official of that state named by the governor thereof. The second shall be a member of the legislature of such state designated by such legislature or in the absence of such designation, such legislator shall be designated by the governor thereof, provided that if it is constitutionally impossible to appoint a legislator as a commissioner from such state, the second member shall be appointed in such manner as may be established by law the house committee on commerce and reciprocal trade of such state. The third shall be a citizen who shall have a knowledge of and interest in the marine fisheries problem to be appointed by the governor. This commission shall be a body corporate with the powers and duties set forth herein.

(2) COMMISSIONERS; APPOINTMENT AND REMOVAL.—In pursuance of Article III of said compact there shall be three members (hereinafter called commissioners) of the Atlantic States Marine Fisheries Commission (hereinafter called commission) from this state. The first commissioner from this state shall be the Executive Director of the Fish and Wildlife Conservation Commission, ex officio, and the term of any such ex officio commissioner shall terminate at the time he or she ceases to hold said office of Executive Director of the Fish and Wildlife Conservation Commission, and his or her successor as commissioner shall be his or her successor as executive director. The second commissioner from this state shall be a legislator appointed on a rotating basis by the President of the Senate or the Speaker of the House of Representatives, beginning with the appointment of a member of the Senate and member of the house committee on commerce and reciprocal trade (of the State of Florida, ex officio, designated by said house committee on commerce and reciprocal trade), and the term of any such ex officio commissioner shall terminate at the time he or she ceases to hold said legislative office as commissioner on interstate cooperation, and his or her successor as commissioner shall be named in like manner. The Governor (subject to confirmation by the Senate), shall appoint a citizen as a third commissioner who shall have a knowledge of, and interest in, the marine fisheries problem. The term of said commissioner shall be 3 years and the commissioner shall hold office until a successor shall be appointed and qualified. Vacancies occurring in the office of such commissioner from any reason or cause shall be filled by appointment by the Governor (subject to confirmation by the Senate), for the unexpired term. The Executive Director of the Fish and Wildlife Conservation Commission as ex officio commissioner may delegate, from time to time, to any deputy or other subordinate in his or her department or office, the power to be present and participate, including voting, as his or her representative or substitute at any meeting of or hearing by or other proceeding of the commission. The terms of each of the initial three members shall begin at the date of the appointment of the appointive commissioner, provided the said compact shall then have gone into effect in accordance with Article II of the compact; otherwise, they shall begin upon the date upon

which said compact shall become effective in accordance with said Article II. Any commissioner may be removed from office by the Governor upon charges and after a hearing.

Section 12. Subsection (2) of section 370.20, Florida Statutes, is amended to read:

370.20 Gulf States Marine Fisheries Compact; implementing legislation.—

(2) MEMBERS OF COMMISSION; TERM OF OFFICE.—In pursuance of article III of said compact, there shall be three members (hereinafter called commissioners) of the Gulf States Marine Fisheries Commission (hereafter called commission) from the State of Florida. The first commissioner from the State of Florida shall be the Executive Director of the Fish and Wildlife Conservation Commission, ex officio, and the term of any such ex officio commissioner shall terminate at the time he or she ceases to hold said office of Executive Director of the Fish and Wildlife Conservation Commission, and his or her successor as commissioner shall be his or her successor as executive director. The second commissioner from the State of Florida shall be a legislator appointed on a rotating basis by the President of the Senate or the Speaker of the House of Representatives, beginning with the appointment of a member of the House of Representatives and a member of the house committee on commerce and reciprocal trade (of the State of Florida ex officio, designated by said house committee on commerce and reciprocal trade), and the term of any such ex officio commissioner shall terminate at the time he or she ceases to hold said legislative office as commissioner on interstate cooperation, and his or her successor as commissioner shall be named in like manner. The Governor (subject to confirmation by the Senate) shall appoint a citizen as a third commissioner who shall have a knowledge of and interest in the marine fisheries problem. The term of said commissioner shall be 3 years and the commissioner shall hold office until a successor shall be appointed and qualified. Vacancies occurring in the office of such commissioner from any reason or cause shall be filled by appointment by the Governor (subject to confirmation by the Senate) for the unexpired term. The Executive Director of the Fish and Wildlife Conservation Commission, as ex officio commissioner, may delegate, from time to time, to any deputy or other subordinate in his or her department or office, the power to be present and participate, including voting, as his or her representative or substitute at any meeting of or hearing by or other proceeding of the commission. The terms of each of the initial three members shall begin at the date of the appointment of the appointive commissioner, provided the said compact shall then have gone into effect in accordance with article II of the compact; otherwise they shall begin upon the date upon which said compact shall become effective in accordance with said article II. Any commissioner may be removed from office by the Governor upon charges and after a hearing.

Section 13. Paragraph (a) of subsection (6) of section 370.25, Florida Statutes, is amended to read:

370.25 Artificial reef program; grants and financial and technical assistance to local governments.—

(6) It is unlawful for any person to:

(a) Place artificial-reef-construction materials in state waters outside zones permitted under the terms and conditions defined in any artificial-reef permits issued by the United States Army Corps of Engineers or by the Department of Environmental Protection Fish and Wildlife Conservation Commission.

Section 14. Paragraph (b) of subsection (2) and subsection (3) of section 372.105, Florida Statutes, are amended to read:

372.105 Lifetime Fish and Wildlife Trust Fund.—

(2) The principal of the fund shall be derived from the following:

(b) Proceeds from the sale of lifetime licenses issued in accordance with s. 372.57 with the exception of the saltwater portion of the lifetime sportsman's license.

(3) The fund is declared to constitute a special trust derived from a contractual relationship between the state and the members of the public whose investments contribute to the fund. In recognition of such special trust, the following limitations and restrictions are placed on expenditures from the funds:

(a) No expenditure or disbursement shall be made from the principal of the fund.

(b) The interest income received and accruing from the investments of proceeds from the sale of lifetime freshwater fishing licenses and lifetime hunting licenses ~~the fund~~ shall be spent in furtherance of the commission's exercise of the regulatory and executive powers of the state with respect to the management, protection, and conservation of wild animal life and freshwater aquatic life as set forth in s. 9, Art. IV of the State Constitution and this chapter and as otherwise authorized by the Legislature.

(c) *The interest income received and accruing from the investments of proceeds from the sale of lifetime saltwater fishing licenses shall be expended for marine law enforcement, marine research, and marine fishery enhancement.*

(d)(e) No expenditures or disbursements from the interest income derived from the sale of lifetime licenses shall be made for any purpose until the respective holders of such licenses attain the age of 16 years. The Fish and Wildlife Conservation Commission as administrator of the fund shall determine actuarially on an annual basis the amounts of interest income within the fund which may be disbursed pursuant to this paragraph. The director shall cause deposits of proceeds from the sale of lifetime licenses to be identifiable by the ages of the license recipients.

(e)(d) Any limitations or restrictions specified by the donors on the uses of the interest income derived from gifts, grants, and voluntary contributions shall be respected but shall not be binding.

(f)(e) The fund shall be exempt from the provisions of s. 215.20.

Section 15. Section 372.106, Florida Statutes, is amended to read:

372.106 Dedicated License Trust Fund.—

(1) There is established within the Fish and Wildlife Conservation Commission the Dedicated License Trust Fund. The fund shall be credited with moneys collected pursuant to s. ~~ss. 370.0605 and~~ 372.57 for 5-year licenses and replacement 5-year licenses.

(2)(a) *One-fifth of the total proceeds from the sale of 5-year freshwater fishing and hunting licenses and replacement licenses, and all interest derived therefrom, shall be appropriated annually to the State Game Trust Fund.*

(b) *One-fifth of the total proceeds from the sale of 5-year saltwater fishing licenses and replacement licenses, and all interest derived therefrom, shall be appropriated annually to the Marine Resources Conservation Trust Fund.*

(3)(2) The fund shall be exempt from the provisions of s. 215.20.

Section 16. Subsections (1) and (4) of section 372.16, Florida Statutes, are amended to read:

372.16 Private game preserves and farms; penalty.—

(1) Any person owning land in this state may, ~~after having secured a license therefor from the Fish and Wildlife Conservation Commission,~~ establish, maintain, and operate within the boundaries thereof, a private preserve and farm, not exceeding an area of 640 acres, for the protection, preservation, propagation, rearing, and production of game birds and animals for private and commercial purposes, provided that no two game preserves shall join each other or be connected. *Before any private game preserve or farm is established, the owner or operator shall secure a license from the commission, the fee for which is \$25 per year.*

(4) Any person violating the provisions of this section shall for the first offense ~~commit~~ be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, and for a second or subsequent offense ~~commit~~ shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Any person convicted of violating the provisions of this section shall forfeit, to the Fish and Wildlife Conservation Commission, any license or permit issued under this section ~~the provisions hereof,~~ and no further license or permit shall be issued to such person for a period of 1 year following such conviction. ~~Before any private game preserve or farm is established, the owner or operator shall secure a license from the Fish and Wildlife Conservation Commission, the fee for which shall be \$5 per year.~~

Section 17. Section 372.561, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 372.561, F.S., for present text.)

372.561 *Recreational licenses, permits, and authorization numbers to take wild animal life, freshwater aquatic life, and marine life; issuance; costs; reporting.—*

(1) *This section applies to all recreational licenses and permits and to any authorization numbers issued by the commission through the electronic sale of recreational licenses or permits.*

(2) *The commission shall establish forms for the issuance of recreational licenses and permits.*

(3) *The commission shall issue a license, permit, or authorization number to take wild animal life, freshwater aquatic life, or marine life when an applicant provides proof that she or he is entitled to such license, permit, or authorization number. Each applicant for a recreational license, permit, or authorization number shall provide her or his social security number on the application form. Disclosure of social security numbers obtained through this requirement shall be limited to the purposes of administration of the Title IV-D program for child support enforcement, use by the commission, and as otherwise provided by law.*

(4) *The commission is authorized to establish the following, using competitive bid procedures:*

(a) *A process and a vendor fee for the sale of licenses, permits, and authorization numbers over the telephone using a credit card.*

(b) *A process and a vendor fee for the electronic sale of licenses, permits, and authorization numbers.*

(c) *A process and a vendor fee for a statewide automated license system.*

(5) *Licenses and permits to take wild animal life, freshwater aquatic life, or marine life may be sold by the commission, by any tax collector in the state, or by any subagent authorized under s. 372.574.*

(6) *In addition to any license or permit fee, the sum of \$1.50 shall be charged for each license or management area permit to cover the cost of issuing such license or permit.*

(7)(a)1. *For each hunting or freshwater fishing license sold and for each sportsman's or gold sportsman's license sold, a tax collector may retain \$1.*

2. *For each management area permit sold, a tax collector may retain \$1.*

3. *For each saltwater fishing tag or license sold, including combination saltwater fishing and freshwater fishing licenses, or combination saltwater fishing, freshwater fishing, and hunting licenses, a tax collector may retain \$1.50.*

(b) *Tax collectors shall remit license and permit moneys, along with a report of funds collected and other required documentation, to the commission weekly. Tax collectors shall maintain records of all licenses and permits that are sold, voided, stolen, or lost.*

1. *The tax collector is responsible to the commission for the fees for all licenses and permits sold and for the value of all licenses and permits reported as lost.*

2. *The tax collector shall report stolen licenses and permits to the appropriate law enforcement agency.*

3. *The tax collector shall submit a written report and a copy of the law enforcement agency's report to the commission within 5 days after discovering a theft.*

4. *The tax collector is responsible for the fees for all licenses and permits sold or lost by a subagent appointed pursuant to s. 372.574.*

(8) *The commission is authorized to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this section.*

Section 18. Section 372.562, Florida Statutes, is created to read:

372.562 Recreational licenses and permits; exemptions from fees and requirements.—

(1) Hunting, freshwater fishing, and saltwater fishing licenses and permits shall be issued without fee to any resident who is certified:

(a) To be totally and permanently disabled by the Railroad Retirement Board, by the United States Department of Veterans Affairs or its predecessor, or by any branch of the United States Armed Forces, or who holds a valid identification card issued under the provisions of s. 295.17, upon proof of same. Any license issued under this paragraph after January 1, 1997, expires after 5 years and must be reissued, upon request, every 5 years thereafter.

(b) To be disabled by the United States Social Security Administration, upon proof of same. Any license issued under this paragraph after October 1, 1999, expires after 2 years and must be reissued, upon proof of certification of disability, every 2 years thereafter.

A disability license issued after July 1, 1997, and before July 1, 2000, retains the rights vested thereunder until the license has expired.

(2) A hunting, freshwater fishing, or saltwater fishing license or permit is not required for:

(a) Any child under 16 years of age, except as otherwise provided in this chapter.

(b) Any person hunting or fishing on her or his homestead property, or on the homestead property of the person's spouse or minor child; or any minor child hunting or fishing on the homestead property of her or his parent.

(c) Any resident who is a member of the United States Armed Forces and not stationed in this state, when home on leave for 30 days or less, upon submission of orders.

(d) Any resident fishing for recreational purposes only, within her or his county of residence with live or natural bait, using poles or lines not equipped with a fishing line retrieval mechanism, except on a legally established fish management area.

(e) Any person fishing in a fishpond of 20 acres or less that is located entirely within the private property of the fishpond owner.

(f) Any person fishing in a fishpond that is licensed in accordance with s. 372.5705.

(g) Any person fishing who has been accepted as a client for developmental disabilities services by the Department of Children and Family Services, provided the department furnishes proof thereof.

(h) Any resident fishing in saltwater from land or from a structure fixed to the land.

(i) Any person fishing from a vessel licensed pursuant to s. 372.57(7).

(j) Any person fishing from a vessel the operator of which is licensed pursuant to s. 372.57(7).

(k) Any person who holds a valid saltwater products license issued under s. 370.06(2).

(l) Any person recreationally fishing from a pier licensed under s. 372.57.

(m) Any resident who is fishing for mullet in freshwater and who has a valid Florida freshwater fishing license.

(n) Any resident fishing for a saltwater species in freshwater from land or from a structure fixed to land.

(o) Any resident 65 years of age or older who has in her or his possession proof of age and residency. A no-cost license under this paragraph may be obtained from any tax collector's office upon proof of age and residency and must be in the possession of the resident during hunting, freshwater fishing, and saltwater fishing activities.

(Substantial rewording of section. See s. 372.57, F.S., for present text.)

372.57 Recreational licenses, permits, and authorization numbers; fees established.—

(1) LICENSE, PERMIT, OR AUTHORIZATION NUMBER REQUIRED.—Except as provided in s. 372.562, no person shall hunt, fish, or take fur-bearing animals within this state without having first obtained a license, permit, or authorization number and paying the fees set forth in this chapter. Such license, permit, or authorization number shall authorize the person to whom it is issued to hunt, fish, take fur-bearing animals, and participate in outdoor recreational activities in accordance with the laws of the state and rules of the commission.

(2) NONTRANSFERABILITY; INFORMATION AND DOCUMENTATION.—

(a) Licenses, permits, and authorization numbers issued under this chapter are not transferable. Each license and permit must bear on its face in indelible ink the name of the person to whom it is issued and other information as deemed necessary by the commission. Licenses issued to the owner, operator, or custodian of a vessel that directly or indirectly collects fees for taking or attempting to take or possess saltwater fish for noncommercial purposes must include the vessel registration number or federal documentation number. Annual licenses must be dated when issued and shall remain valid for 12 months after the date of issuance.

(b) The lifetime licenses and 5-year licenses authorized in this section shall be embossed with the name, date of birth, date of issuance, and other pertinent information as deemed necessary by the commission. A certified copy of the applicant's birth certificate shall accompany each application for a lifetime license for a resident 12 years of age or younger.

(c) A positive form of identification is required when using a free license, a lifetime license, a 5-year license, or an authorization number issued under this chapter, or when otherwise required by a license or permit.

(3) PERSONAL POSSESSION REQUIRED.—Each license, permit, or authorization number must be in the personal possession of the person to whom it is issued while such person is hunting, fishing, or taking fur-bearing animals. Any person hunting, fishing, or taking fur-bearing animals who fails to produce a license, permit, or authorization number at the request of a commission law enforcement officer commits a violation of the law.

(4) RESIDENT HUNTING AND FISHING LICENSES.—The licenses and fees for residents participating in hunting and fishing activities in this state are as follows:

(a) Annual freshwater fishing license, \$12.

(b) Annual saltwater fishing license, \$12.

(c) Annual hunting license to take game, \$11.

(d) Annual combination freshwater fishing and hunting license, \$22.

(e) Annual combination freshwater fishing and saltwater fishing license, \$24.

(f) Annual combination hunting, freshwater fishing, and saltwater fishing license, \$34.

(g) Annual license to take fur-bearing animals, \$25. However, a resident with a valid hunting license or a no-cost license who is taking fur-bearing animals for noncommercial purposes using guns or dogs only, and not traps or other devices, is not required to purchase this license. Also, a resident 65 years of age or older is not required to purchase this license.

(h) Annual sportsman's license, \$66, except that an annual sportsman's license for a resident 64 years of age or older is \$12. A sportsman's license authorizes the person to whom it is issued to take freshwater fish and game, subject to the state and federal laws, rules, and regulations, including rules of the commission, in effect at the time of the taking. Other authorized activities include activities authorized by a management area permit, a muzzle-loading gun permit, a turkey permit, a Florida waterfowl permit, and an archery permit.

Section 19. Section 372.57, Florida Statutes, is amended to read:

(i) Annual gold sportsman's license, \$82. The gold sportsman's license authorizes the person to whom it is issued to take freshwater fish, saltwater fish, and game, subject to the state and federal laws, rules, and regulations, including rules of the commission, in effect at the time of taking. Other authorized activities include activities authorized by a management area permit, a muzzle-loading gun permit, a turkey permit, a Florida waterfowl permit, an archery permit, a snook permit, and a crawfish permit.

(5) NONRESIDENT HUNTING AND FISHING LICENSES.—The licenses and fees for nonresidents participating in hunting and fishing activities in the state are as follows:

(a) Freshwater fishing license to take freshwater fish for 7 consecutive days, \$15.

(b) Saltwater fishing license to take saltwater fish for 1 day, \$7.50.

(c) Saltwater fishing license to take saltwater fish for 7 consecutive days, \$15.

(d) Annual freshwater fishing license, \$30.

(e) Annual saltwater fishing license, \$30.

(f) Hunting license to take game for 10 consecutive days, \$25.

(g) Annual hunting license to take game, \$150.

(h) Annual license to take fur-bearing animals, \$25. However, a non-resident with a valid Florida hunting license who is taking fur-bearing animals for noncommercial purposes using guns or dogs only, and not traps or other devices, is not required to purchase this license.

(6) PIER LICENSE.—A pier license for any pier fixed to land for the purpose of taking or attempting to take saltwater fish is \$500 per year. The pier license may be purchased at the option of the owner, operator, or custodian of such pier and must be available for inspection at all times.

(7) VESSEL LICENSES.—

(a) No person may operate any vessel wherein a fee is paid, either directly or indirectly, for the purpose of taking, attempting to take, or possessing any marine fish for noncommercial purposes unless he or she has been issued an authorization number or has obtained a license for each vessel for that purpose, and has paid the license fee pursuant to paragraphs (b) and (c) for such vessel.

(b) A license for any person who operates any vessel licensed to carry more than 10 customers wherein a fee is paid, either directly or indirectly, for the purpose of taking or attempting to take marine fish is \$800 per year. The license must be kept aboard the vessel at all times.

(c)1. A license for any person who operates any vessel licensed to carry no more than 10 customers, or for any person licensed to operate any vessel carrying 6 or fewer customers, wherein a fee is paid, either directly or indirectly, for the purpose of taking or attempting to take marine fish is \$400 per year.

2. A license for any person licensed to operate any vessel carrying six or fewer customers wherein a fee is paid, either directly or indirectly, for the purpose of taking or attempting to take marine fish is \$200 per year. The license must be kept aboard the vessel at all times.

3. A person who operates a vessel required to be licensed pursuant to paragraph (b) or paragraph (c) may obtain a license in his or her own name, and such license shall be transferable and apply to any vessel operated by the purchaser, provided that the purchaser has paid the appropriate license fee.

(d) A license for a recreational vessel not for hire and for which no fee is paid, either directly or indirectly, by guests for the purpose of taking or attempting to take marine fish noncommercially is \$2,000 per year. The license may be purchased at the option of the vessel owner and must be kept aboard the vessel at all times. A log of species taken and the date the species were taken shall be maintained and a copy of the log filed with the commission at the time of renewal of the license.

(e) The owner, operator, or custodian of a vessel the operator of which has been licensed pursuant to paragraph (a) must maintain and report

such statistical data as required by, and in a manner set forth in, the rules of the commission.

(8) SPECIFIED HUNTING, FISHING, AND RECREATIONAL ACTIVITY PERMITS.—In addition to any license required under this chapter, the following permits and fees for specified hunting, fishing, and recreational uses and activities are required:

(a) An annual Florida waterfowl permit for a resident or nonresident to take wild ducks or geese within the state or its coastal waters is \$3.

(b) An annual Florida turkey permit for a resident to take wild turkeys within the state is \$5.

(c) An annual Florida turkey permit for a nonresident to take wild turkeys within the state is \$100.

(d) An annual snook permit for a resident or nonresident to take or possess any snook from any waters of the state is \$2. Revenue generated from the sale of snook permits shall be used exclusively for programs to benefit the snook population.

(e) An annual crawfish permit for a resident or nonresident to take or possess any crawfish for recreational purposes from any waters of the state is \$2. Revenue generated from the sale of crawfish permits shall be used exclusively for programs to benefit the crawfish population.

(f) An annual muzzle-loading gun permit for a resident or nonresident to hunt within the state with a muzzle-loading gun is \$5. Hunting with a muzzle-loading gun is limited to game seasons in which hunting with a modern firearm is not authorized by the commission.

(g) An annual archery permit for a resident or nonresident to hunt within the state with a bow and arrow is \$5. Hunting with an archery permit is limited to those game seasons in which hunting with a firearm is not authorized by the commission.

(h) A special use permit for a resident or nonresident to participate in limited entry hunting or fishing activities as authorized by commission rule shall not exceed \$100 per day or \$250 per week. Notwithstanding any other provision of this chapter, there are no exclusions, exceptions, or exemptions from this permit fee. In addition to the permit fee, the commission may charge each special use permit applicant a nonrefundable application fee not to exceed \$10.

(i)1. A management area permit for a resident or nonresident to hunt on, fish on, or otherwise use for outdoor recreational purposes land owned, leased, or managed by the commission, or by the state for the use and benefit of the commission, shall not exceed \$25 per year.

2. Permit fees for short-term use of land that is owned, leased, or managed by the commission may be established by rule of the commission for activities on such lands. Such permits may be in lieu of, or in addition to, the annual management area permit authorized in subparagraph 1.

3. Other than for hunting or fishing, the provisions of this paragraph shall not apply on any lands not owned by the commission, unless the commission has obtained the written consent of the owner or primary custodian of such lands.

(j)1. A recreational user permit is required to hunt on, fish on, or otherwise use for outdoor recreational purposes land leased by the commission from private nongovernmental owners, except for those lands located directly north of the Apalachicola National Forest, east of the Ochlocknee River until the point the river meets the dam forming Lake Talquin, and south of the closest federal highway. The fee for a recreational user permit shall be based upon the economic compensation desired by the landowner, game population levels, desired hunter density, and administrative costs. The permit fee shall be set by commission rule on a per-acre basis. The recreational user permit fee, less administrative costs of up to \$25 per permit, shall be remitted to the landowner as provided in the lease agreement for each area.

2. One minor dependent, 16 years of age or younger, may hunt under the supervision of the permittee and is exempt from the recreational user permit requirements. The spouse and dependent children of a permittee are exempt from the recreational user permit requirements when engaged in outdoor recreational activities other than hunting and when accompanied by a permittee. Notwithstanding any other provision of this chapter,

no other exclusions, exceptions, or exemptions from the recreational user permit fee are authorized.

(9)(a) *RESIDENT 5-YEAR HUNTING AND FISHING LICENSES.*—Five-year licenses are available for residents only, as follows:

1. A 5-year freshwater fishing or saltwater fishing license is \$60 for each type of license and authorizes the person to whom the license is issued to take or attempt to take or possess freshwater fish or saltwater fish consistent with the state and federal laws and regulations and rules of the commission in effect at the time of taking.

2. A 5-year hunting license is \$55 and authorizes the person to whom it is issued to take or attempt to take or possess game consistent with the state and federal laws and regulations and rules of the commission in effect at the time of taking.

(b) Proceeds from the sale of all 5-year licenses shall be deposited into the Dedicated License Trust Fund, to be distributed in accordance with the provisions of s. 372.106.

(10) *RESIDENT LIFETIME FRESHWATER AND SALTWATER FISHING LICENSES.*—

(a) Lifetime freshwater fishing licenses and saltwater fishing licenses are available for residents only, as follows, for:

1. Persons 4 years of age or younger, for a fee of \$125 for each type of license.

2. Persons 5 years of age or older, but under 13 years of age, for a fee of \$225 for each type of license.

3. Persons 13 years of age or older, for a fee of \$300 for each type of license.

(b) The following activities are authorized by the purchase of a lifetime freshwater fishing license:

1. Taking, or attempting to take or possess, freshwater fish consistent with the state and federal laws and regulations and rules of the commission in effect at the time of the taking.

2. All activities authorized by a management area permit, excluding hunting.

(c) The following activities are authorized by the purchase of a lifetime saltwater fishing license:

1. Taking, or attempting to take or possess, saltwater fish consistent with the state and federal laws and regulations and rules of the commission in effect at the time of the taking.

2. All activities authorized by a snook permit and a crawfish permit.

3. All activities for which an additional license, permit, or fee is required to take or attempt to take or possess saltwater fish, which additional license, permit, or fee was imposed subsequent to the date of the purchase of the lifetime saltwater fishing license.

(11) *RESIDENT LIFETIME HUNTING LICENSES.*—

(a) Lifetime hunting licenses are available to residents only, as follows, for:

1. Persons 4 years of age or younger, for a fee of \$200.

2. Persons 5 years of age or older, but under 13 years of age, for a fee of \$350.

3. Persons 13 years of age or older, for a fee of \$500.

(b) The following activities are authorized by the purchase of a lifetime hunting license:

1. Taking, or attempting to take or possess, game consistent with the state and federal laws and regulations and rules of the commission in effect at the time of the taking.

2. All activities authorized by a muzzle-loading gun permit, a turkey permit, an archery permit, a Florida waterfowl permit, and a management area permit, excluding fishing.

(12) *RESIDENT LIFETIME SPORTSMAN'S LICENSES.*—

(a) Lifetime sportsman's licenses are available, to residents only, as follows, for:

1. Persons 4 years of age or younger, for a fee of \$400.

2. Persons 5 years of age or older, but under 13 years of age, for a fee of \$700.

3. Persons 13 years of age or older, for a fee of \$1,000.

(b) The following activities are authorized by the purchase of a lifetime sportsman's license:

1. Taking, or attempting to take or possess, freshwater and saltwater fish, and game, consistent with the state and federal laws and regulations and rules of the commission in effect at the time of taking.

2. All activities authorized by a management area permit, a muzzle-loading gun permit, a turkey permit, an archery permit, a Florida waterfowl permit, a snook permit, and a crawfish permit.

The proceeds from the sale of all lifetime licenses authorized in this section shall be deposited into the Lifetime Fish and Wildlife Trust Fund, to be distributed as provided in s. 372.105.

(13) *RECIPROCAL FEE AGREEMENTS.*—The commission is authorized to reduce the fees for licenses and permits under this section for residents of those states with which the commission has entered into reciprocal agreements with respect to such fees.

(14) *FREE FISHING DAYS.*—The commission may designate by rule no more than 2 consecutive or nonconsecutive days in each year as free freshwater fishing days and no more than 2 consecutive or nonconsecutive days in each year as free saltwater fishing days. Notwithstanding any other provision of this chapter, any person may take freshwater fish for noncommercial purposes on a free freshwater fishing day and may take saltwater fish for noncommercial purposes on a free saltwater fishing day, without obtaining or possessing a license or paying a license fee as prescribed in this section. A person who takes freshwater or saltwater fish on a free fishing day without obtaining a license or paying a fee must comply with all laws, rules, and regulations governing the holders of a fishing license and all other conditions and limitations regulating the taking of freshwater or saltwater fish as are imposed by law or rule.

Section 20. Section 372.571, Florida Statutes, is amended to read:

372.571 Expiration of licenses and permits.—Each license or permit issued under this chapter must be dated when issued. Each license or permit issued under this chapter remains valid for 12 months after the date of issuance, except for a lifetime license issued pursuant to s. 372.57 which is valid from the date of issuance until the death of the individual to whom the license is issued unless otherwise revoked in accordance with s. 372.99, or a 5-year license issued pursuant to s. 372.57 which is valid for 5 consecutive years from the date of purchase unless otherwise revoked in accordance with s. 372.99 or a license issued pursuant to s. 372.57 (5)(a), (b), (c), or (g) or (8)(h) or (i)2. ~~(2)(b) or (g)~~, which is valid for the period specified on the license. A resident lifetime license or a resident 5-year license that has been purchased by a resident of this state and who subsequently resides in another state shall be honored for activities authorized by that license.

Section 21. Subsection (1) of section 372.5712, Florida Statutes, is amended to read:

372.5712 Florida waterfowl permit revenues.—

(1) The commission shall expend the revenues generated from the sale of the Florida waterfowl permit as provided in s. 372.57 (8)(4)(a) or that pro rata portion of any license that includes waterfowl hunting privileges, as provided in s. 372.57 (4)(h) and ~~(2)(i) and (14)(b)~~ as follows: A maximum of 5 percent of the gross revenues shall be expended for administrative costs; a maximum of 25 percent of the gross revenues shall be expended for waterfowl research approved by the commission; and a maximum of 70 percent of the gross revenues shall be expended for projects approved by the commission, in consultation with the Waterfowl Advisory Council, for the purpose of protecting and propagating migratory waterfowl and for the development, restoration, maintenance, and preservation of wetlands within the state.

Section 22. Subsection (1) of section 372.5715, Florida Statutes, is amended to read:

372.5715 Florida wild turkey permit revenues.—

(1) The commission shall expend the revenues generated from the sale of the turkey permit as provided for in s. 372.57(8)(b) and (c) (4)(e) or that pro rata portion of any license that includes turkey hunting privileges as provided for in s. 372.57(4)(h) and (2)(i) and ~~(14)(b)~~ for research and management of wild turkeys.

Section 23. Subsection (7) of section 372.5717, Florida Statutes, is amended to read:

372.5717 Hunter safety course; requirements; penalty.—

(7) The hunter safety requirements of this section do not apply to persons for whom licenses are not required under s. 372.562(2) ~~372.57(4)~~.

Section 24. Section 372.573, Florida Statutes, is amended to read:

372.573 Management area permit revenues.—The commission shall expend the revenue generated from the sale of the management area permit as provided for in s. 372.57(8)(i) (4)(b) or that pro rata portion of any license that includes management area privileges as provided for in s. 372.57(4)(h) and (2)(i) and ~~(14)(b)~~ for the lease, management, and protection of lands for public hunting, fishing, and other outdoor recreation.

Section 25. Paragraph (h) of subsection (1) and paragraphs (e) and (i) of subsection (2) of section 372.574, Florida Statutes, are amended to read:

372.574 Appointment of subagents for the sale of hunting, fishing, and trapping licenses and permits.—

(1) A county tax collector who elects to sell licenses and permits may appoint any person as a subagent for the sale of fishing, hunting, and trapping licenses and permits that the tax collector is allowed to sell. The following are requirements for subagents:

(h) A subagent shall *weekly* submit payment for and report the sale of licenses and permits to the tax collector ~~as prescribed by the tax collector but no less frequently than monthly~~.

(2) If a tax collector elects not to appoint subagents, the commission may appoint subagents within that county. Subagents shall serve at the pleasure of the commission. The commission may establish, by rule, procedures for selection of subagents. The following are requirements for subagents so appointed:

(e) A subagent may charge and receive as his or her compensation 50 cents for each license or permit sold. This charge is in addition to the sum required by law to be collected for the sale and issuance of each license or permit. ~~In addition, no later than July 1, 1997, a subagent fee for the sale of licenses over the telephone by credit card shall be established by competitive bid procedures which are overseen by the Fish and Wildlife Conservation Commission. A fee for electronic license sales may be established by competitive bid procedures that are overseen by the Fish and Wildlife Conservation Commission.~~

~~(i) By July 15 of each year, each subagent shall submit to the commission all unissued stamps for the previous year along with a written audit report, on forms prescribed or approved by the commission, on the numbers of the unissued stamps.~~

Section 26. Paragraph (a) of subsection (1) and subsection (2) of section 372.65, Florida Statutes, are amended to read:

372.65 Freshwater fish dealer's license.—

(1) No person shall engage in the business of taking for sale or selling any frogs or freshwater fish, including live bait, of any species or size, or importing any exotic or nonindigenous fish, until such person has obtained a license and paid the fee therefor as set forth herein. The license issued shall be in the possession of the person to whom issued while such person is engaging in the business of taking for sale or selling freshwater fish or frogs, is not transferable, shall bear on its face in indelible ink the name of the person to whom it is issued, and shall be

affixed to a license identification card issued by the commission. Such license is not valid unless it bears the name of the person to whom it is issued and is so affixed. The failure of such person to exhibit such license to the commission or any of its wildlife officers when such person is found engaging in such business is a violation of law. The license fees and activities permitted under particular licenses are as follows:

(a) The fee for a resident commercial fishing license, which permits a resident to take freshwater fish or frogs by any lawful method prescribed by the commission and to sell such fish or frogs, shall be \$25. The license provided for in this paragraph shall also allow noncommercial fishing as provided by law and commission rules, and the license in s. 372.57(4)(2)(a) shall not be required.

~~(2) The provisions of ss. 372.561 and 372.571, except those provisions relating to issuance without fee to certain classes of persons, shall apply to licenses issued under this section.~~

Section 27. Section 372.661, Florida Statutes, is amended to read:

372.661 Private hunting preserve licenses; fees; license; exception.—

(1) Any person who operates a private hunting preserve commercially or otherwise shall be required to pay a license fee of \$50 ~~\$25~~ for each such preserve; provided, however, that during the open season established for wild game of any species a private individual may take artificially propagated game of such species up to the bag limit prescribed for the particular species without being required to pay the license fee required by this section; provided further that if any such individual shall charge a fee for taking such game she or he shall be required to pay the license fee required by this section and to comply with the rules and regulations of the Fish and Wildlife Conservation commission relative to the operation of private hunting preserves.

(2) A commercial hunting preserve license, which shall exempt patrons of licensed preserves from the license and permit requirements of s. 372.57(4)(c), (d), (f), (h), and (i); (5)(f) and (g); (8)(a), (b), (c), (f), and (g); (9)(a)2.; (11); and (12) licensure requirements of s. 372.57(2)(e), (f), (g), and (i), (4)(a), (c), (d), and (e), (7), (9), and (14)(b) while hunting on the licensed preserve property, shall be \$500. Such commercial hunting preserve license shall be available only to those private hunting preserves licensed pursuant to this section which are operated exclusively for commercial purposes, which are open to the public, and for which a uniform fee is charged to patrons for hunting privileges.

Section 28. Subsection (8) is added to section 372.711, Florida Statutes, to read:

372.711 Noncriminal infractions.—

(8) A person who is cited for a violation of the provisions of s. 372.57 that require the possession of a license or permit may not be convicted if, prior to or at the time of his or her court or hearing appearance, the person produces in court or to the clerk of the court in which the charge is pending the required license or permit that was issued to him or her and valid at the time of his or her citation. The clerk of the court is authorized to dismiss each such case at any time before, or at the time of, the defendant's appearance in court. The clerk of the court may assess a fee of \$5 for dismissing the case under this subsection.

Section 29. Paragraph (h) of subsection (1) of section 372.83, Florida Statutes, is reenacted to read:

372.83 Noncriminal infractions; criminal penalties; suspension and revocation of licenses and permits.—

(1) A person is guilty of a noncriminal infraction, punishable as provided in s. 372.711, if she or he violates any of the following provisions:

(h) Section 372.57, relating to hunting, fishing, and trapping licenses.

A person who fails to pay the civil penalty specified in s. 372.711 within 30 days after being cited for a noncriminal infraction or to appear before the court pursuant to that section is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 30. Subsections (1), (2), and (4) of section 372.921, Florida Statutes, are amended, subsection (9) is renumbered as subsection (10), and a new subsection (9) is added to said section, to read:

372.921 Exhibition of wildlife.—

(1) In order to provide humane treatment and sanitary surroundings for wild animals kept in captivity, no person, firm, corporation, or association shall have, or be in possession of, in captivity for the purpose of public display with or without charge or for public sale any wildlife, specifically birds, mammals, *amphibians*, and reptiles, whether indigenous to Florida or not, without having first secured a permit from the Fish and Wildlife Conservation Commission authorizing such person, firm, or corporation to have in its possession in captivity the species and number of wildlife specified within such permit; however, this section does not apply to any wildlife not protected by law and the ~~rules regulations~~ of the Fish and Wildlife Conservation commission.

(2) The fees to be paid for the issuance of permits required by subsection (1) shall be as follows:

(a) For not more than 25 *Class I* or *Class II* ~~40~~ individual specimens in the aggregate of all species, the sum of \$100 ~~\$5~~ per annum.

(b) For over 25 *Class I* or *Class II* ~~40~~ individual specimens in the aggregate of all species, the sum of \$250 ~~\$25~~ per annum.

(c) For any number of *Class III* individual specimens in the aggregate of all species, the sum of \$25 per annum.

The fees prescribed by this ~~subsection section~~ shall be submitted to the Fish and Wildlife Conservation commission with the application for permit required by subsection (1) and shall be deposited in the State Game Fund.

(4) Permits issued pursuant to this section and places where wildlife is kept or held in captivity shall be subject to inspection by officers of the Fish and Wildlife Conservation commission at all times. The commission shall have the power to release or confiscate any specimens of any wildlife, specifically birds, mammals, *amphibians*, or reptiles, whether indigenous to the state or not, when it is found that conditions under which they are being confined are unsanitary, or unsafe to the public in any manner, or that the species of wildlife are being maltreated, mistreated, or neglected or kept in any manner contrary to the provisions of chapter 828, any such permit to the contrary notwithstanding. Before any such wildlife is confiscated or released under the authority of this section, the owner thereof shall have been advised in writing of the existence of such unsatisfactory conditions; the owner shall have been given 30 days in which to correct such conditions; the owner shall have failed to correct such conditions; the owner shall have had an opportunity for a proceeding pursuant to chapter 120; and the commission shall have ordered such confiscation or release after careful consideration of all evidence in the particular case in question. The final order of the commission shall constitute final agency action.

(9) The commission is authorized to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this section, including, but not limited to, rules defining *Class I*, *Class II*, and *Class III* types of wildlife.

Section 31. Subsection (5) of section 372.922, Florida Statutes, is amended to read:

372.922 Personal possession of wildlife.—

(5) Any person, firm, corporation, or association exhibiting or selling wildlife and being duly permitted as provided by s. 372.921 shall be exempt from the fee requirement to receive ~~obtain~~ a permit under the ~~provisions of~~ this section.

Section 32. Section 374.977, Florida Statutes, is amended to read:

374.977 Inland navigation districts; manatee protection speed zones, responsibility for sign posting.—Each inland navigation district shall be responsible for posting and maintaining regulatory markers, as approved by the Fish and Wildlife Conservation Commission ~~Department of Environmental Protection~~, for manatee protection speed zones. Such responsibility shall not be limited to the intracoastal waterway, but shall include all waters within each member county for which regulatory markers must be posted. Sign locations shall be jointly selected by the Fish and Wildlife Conservation Commission ~~Department of Environmental Protection~~ and the appropriate inland navigation district, pending necessary federal, state and local approvals. Should an inland navigation district lack the resources or otherwise be unable to carry out

its sign posting and maintenance duties, this responsibility shall then be assumed by the Fish and Wildlife Conservation Commission ~~Department of Environmental Protection~~.

Section 33. Subsection (3) of section 705.101, Florida Statutes, is amended to read:

705.101 Definitions.—As used in this chapter:

(3) “Abandoned property” means all tangible personal property that does not have an identifiable owner and that has been disposed on public property in a wrecked, inoperative, or partially dismantled condition or has no apparent intrinsic value to the rightful owner. ~~However,~~ Vessels determined to be derelict by the Fish and Wildlife Conservation Commission or a county or municipality in accordance with the provisions of s. 823.11 are ~~not~~ included within this definition.

Section 34. Paragraph (b) of subsection (8) of section 212.06, Florida Statutes, is amended to read:

212.06 Sales, storage, use tax; collectible from dealers; “dealer” defined; dealers to collect from purchasers; legislative intent as to scope of tax.—

(8)

(b) The presumption that tangible personal property used in another state, territory of the United States, or the District of Columbia for 6 months or longer before being imported into this state was not purchased for use in this state does not apply to any boat for which a saltwater fishing license fee is required to be paid pursuant to s. 372.57(7) ~~370.0605(2)(b)1, 2, or 3,~~ either directly or indirectly, for the purpose of taking, attempting to take, or possessing any marine fish for noncommercial purposes. Use tax shall apply and be due on such a boat as provided in this paragraph, and proof of payment of such tax must be presented prior to the first such licensure of the boat, registration of the boat pursuant to chapter 328, and titling of the boat pursuant to chapter 328. A boat that is first licensed within 1 year after purchase shall be subject to use tax on the full amount of the purchase price; a boat that is first licensed in the second year after purchase shall be subject to use tax on 90 percent of the purchase price; a boat that is first licensed in the third year after purchase shall be subject to use tax on 80 percent of the purchase price; a boat that is first licensed in the fourth year after purchase shall be subject to use tax on 70 percent of the purchase price; a boat that is first licensed in the fifth year after purchase shall be subject to use tax on 60 percent of the purchase price; and a boat that is first licensed in the sixth year after purchase, or later, shall be subject to use tax on 50 percent of the purchase price. If the purchaser fails to provide the purchase invoice on such boat, the fair market value of the boat at the time of importation into this state shall be used to compute the tax.

Section 35. Paragraph (l) of subsection (4) of section 215.20, Florida Statutes, is amended to read:

215.20 Certain income and certain trust funds to contribute to the General Revenue Fund.—

(4) The income of a revenue nature deposited in the following described trust funds, by whatever name designated, is that from which the deductions authorized by subsection (3) shall be made:

(l) The Marine Resources Conservation Trust Fund created by s. 370.0603 ~~370.0608~~, with the exception of those fees collected for recreational saltwater fishing licenses as provided in s. 372.57 ~~370.0605~~.

The enumeration of the foregoing moneys or trust funds shall not prohibit the applicability thereto of s. 215.24 should the Governor determine that for the reasons mentioned in s. 215.24 the money or trust funds should be exempt herefrom, as it is the purpose of this law to exempt income from its force and effect when, by the operation of this law, federal matching funds or contributions or private grants to any trust fund would be lost to the state.

Section 36. State agencies and water management districts that manage lands for public hunting are encouraged to authorize the release and feeding of breeder-raised and wild quail on such lands to increase quail hunting opportunities and replenish quail population in the state.

Section 37. Sections 370.0605, 370.0615, and 370.1111, and subsections (10) and (11) of section 370.14, Florida Statutes, are repealed.

Section 38. This act shall take effect July 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to funding for the Fish and Wildlife Conservation Commission; amending s. 327.73, F.S.; providing for dismissal of violations of boating safety identification card possession requirements under certain conditions; providing a fee; amending s. 328.72, F.S.; specifying source of the county portion of vessel registration fees; providing for the return of certain vessel registration fees to the vessel owner's county of Florida residence; amending s. 328.76, F.S.; clarifying provisions relating to distribution and uses of funds in the Marine Resources Conservation Trust Fund; amending s. 370.06, F.S.; recognizing the Railroad Retirement Board for making certain disability determinations; renumbering and amending s. 370.062, F.S., relating to issuance of license tags for harvesting tarpon; modifying date for tax collector's return of unissued tags; deleting provisions relating to transfer of tag fees to the Marine Resources Conservation Trust Fund within a specified period; amending s. 370.0603, F.S.; specifying the uses of designated funds deposited into the Marine Resources Conservation Trust Fund; renumbering and amending s. 370.0608, F.S.; providing for the deposit of licenses and fees into the Marine Resources Conservation Trust Fund; revising purposes for which licenses and fees may be used; renumbering and amending s. 370.0609, F.S.; providing for the expenditure of funds through grants and contracts to specified research institutions; amending s. 370.13, F.S.; renaming deprecation endorsements as deprecation permits; providing permit requirements; amending s. 370.19, F.S.; providing for legislative appointments to the Atlantic States Marine Fisheries commission; amending s. 370.20, F.S. providing for legislative appointments to the Gulf States Marine Fisheries Commission; amending s. 370.25, F.S.; transferring the responsibilities for issuing artificial-reef permits to the Department of Environmental Protection; amending s. 372.105, F.S.; revising provisions relating to sources and uses of funds in the Lifetime Fish and Wildlife Trust Fund; amending s. 372.106, F.S.; specifying distribution of certain funds in the Dedicated License Trust Fund; amending s. 372.16, F.S.; increasing the license fee for private game preserves and farms; amending s. 372.561, F.S.; revising provisions relating to issuance of recreational licenses, permits, and authorization numbers to take wild animal life, freshwater aquatic life, and marine life, and administrative costs and reporting related thereto; creating s. 372.562, F.S.; providing exemptions from recreational license and permit fees and requirements; amending s. 372.57, F.S.; revising and reorganizing provisions specifying fees and requirements for recreational licenses, permits, and authorization numbers, including hunting licenses, saltwater and freshwater fishing licenses, 5-year licenses, and lifetime licenses; creating an annual gold sportsman's license; increasing the fee for a nonresident Florida turkey permit; providing for pier licenses and recreational vessel licenses, and fees therefor; providing for snook permits and crawfish permits, and uses thereof; amending ss. 370.063, 372.571, 372.5712, 372.5715, 372.5717, 372.573, and 372.65, F.S.; correcting cross-references; deleting obsolete language; amending s. 372.574, F.S.; revising subagent duties and reporting requirements; amending s. 372.661, F.S.; increasing the license fee for a private hunting preserve; amending s. 372.711, F.S.; providing for dismissal of violations of license or permit possession requirements, under certain conditions; providing a fee; reenacting s. 372.83(1)(h), F.S.; reenacting a provision referencing penalties for violations of hunting, fishing, and trapping license requirements; amending s. 372.921, F.S.; including amphibians in provisions relating to exhibition of wildlife; increasing permit fees; providing rulemaking authority; amending s. 372.922, F.S.; requiring a permit for personal possession of wildlife by an exhibitor or seller; providing a fee exemption; amending s. 374.977, F.S.; conforming the responsibilities for posting and maintaining regulatory waterway markers with the transfer of duties to the Fish and Wildlife Conservation Commission; amending s. 705.101, F.S.; including derelict vessels within the definition of "abandoned property"; amending ss. 212.06 and 215.20, F.S.; correcting cross-references; encouraging the release and feeding of certain quail; repealing s. 370.0605, F.S., relating to saltwater fishing licenses and fees; repealing s. 370.0615, F.S., relating to lifetime saltwater fishing licenses; repealing s. 370.1111, F.S., relating to snook fishing permits; repealing s. 370.14(10) and (11), F.S., relating to recreational crawfish taking permits and issuance of a crawfish stamp; providing an effective date.

Pursuant to Rule 4.19, **CS for SB 2024** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Geller—

CS for CS for SB 784—A bill to be entitled An act relating to consumer protection; amending s. 400.925, F.S.; revising definitions; amending s. 427.802, F.S.; revising definitions; amending s. 427.803, F.S.; revising warranty requirements; amending s. 427.804, F.S.; conforming references; deleting investigation and complaint processing requirements of the Department of Agriculture and Consumer Services; repealing s. 427.8041, F.S., relating to the registration of assistive technology device dealers; amending s. 496.411, F.S.; requiring charitable organizations or sponsors to display certain information on certain solicitation materials; amending s. 501.017, F.S.; requiring certain health studio contract refunds to be issued within a time certain; amending s. 501.019, F.S.; expanding application of felony penalties for knowingly making false representations for certain purposes; amending s. 539.001, F.S.; redefining the term "agency"; prohibiting pawnbrokers from knowingly accepting stolen property; correcting terminology; amending s. 559.801, F.S.; revising a definition; amending s. 559.803, F.S.; revising statements that must be placed in disclosure documents; specifying additional information required in certain business opportunity contract disclosure statements; amending s. 559.807, F.S.; revising application of requirements for certain securities relating to selling business opportunities; amending s. 559.809, F.S.; specifying an additional prohibited act by business opportunity sellers; reenacting s. 559.815, F.S., relating to penalties for violations of s. 559.809, F.S.; amending s. 559.902, F.S.; providing an additional exception for certain schools to application of certain motor vehicle repair shop provisions; amending s. 559.904, F.S.; revising certain requirements for motor vehicle repair shop registrations; amending s. 559.905, F.S.; providing additional estimated cost of repair requirements for written repair estimates; amending s. 559.9221, F.S.; revising Motor Vehicle Repair Advisory Council membership requirements; repealing s. 559.903(5), F.S., relating to a definition of minor repair service; providing an effective date.

—was read the second time by title.

Senator Geller moved the following amendments which were adopted:

Amendment 1 (955084)—On page 3, lines 13-15, delete those lines and insert: *systems and specialty beds, including demonstrator, for use by a person with a medical need.*

Amendment 2 (883680)(with title amendment)—On page 3, between lines 15 and 16, insert:

Section 2. Paragraph (a) of subsection (5) of section 400.93, Florida Statutes, is amended to read:

400.93 Home medical equipment providers to be licensed; expiration of license; exemptions; unlawful acts; penalties.—

(5) The following are exempt from home medical equipment provider licensure, unless they have a separate company, corporation, or division that is in the business of providing home medical equipment and services for sale or rent to consumers at their regular or temporary place of residence pursuant to the provisions of this part:

(a) Providers operated by the *Department of Health* or Federal Government.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 4, after the first semicolon (;) insert: amending s. 400.93, F.S.; exempting providers of home medical equipment operated by the Department of Health from certain licensure requirements;

Amendment 3 (855212)—On page 11, line 2, after the period (.) insert: *The provider shall return the manufacturer's refund to the third party payor source, unless the provider was not reimbursed by the third party payor.*

Amendment 4 (625712)(with title amendment)—On page 27, lines 1 and 2, delete those lines and insert:

Section 20. Effective July 1, 2001, section 501.203, Florida Statutes, is amended to read:

501.203 Definitions.—As used in this chapter, unless the context otherwise requires, the term:

(1) “Final judgment” means a judgment, including any supporting opinion, that determines the rights of the parties and concerning which appellate remedies have been exhausted or the time for appeal has expired.

(2) “Enforcing authority” means the office of the state attorney if a violation of this part occurs in or affects the judicial circuit under the office’s jurisdiction. “Enforcing authority” means the Department of Legal Affairs if the violation occurs in or affects more than one judicial circuit or if the office of the state attorney defers to the department in writing, or fails to act upon a violation within 90 days after a written complaint has been filed with the state attorney.

(3) “Violation of this part” means any violation of this act *or the rules adopted under this act* and may be based upon any of the following as of July 1, 2001:

(a) Any rules promulgated pursuant to the Federal Trade Commission Act, 15 U.S.C. ss. 41 et seq. ~~or this act~~;

(b) The standards of unfairness and deception set forth and interpreted by the Federal Trade Commission or the federal courts;

(c) Any law, statute, rule, regulation, or ordinance which proscribes unfair methods of competition, or unfair, deceptive, or unconscionable acts or practices.

(4) “Department” means the Department of Legal Affairs.

(5) “Order” means a cease and desist order issued by the enforcing authority as set forth in s. 501.208.

(6) “Interested party or person” means any person affected by a violation of this part or any person affected by an order of the enforcing authority.

(7) “Consumer” means an individual; child, by and through its parent or legal guardian; *business*; firm; association; joint venture; partnership; estate; trust; business trust; syndicate; fiduciary; corporation; *any commercial entity, however denominated*; or any other group or combination.

(8) “Trade or commerce” means the advertising, soliciting, providing, offering, or distributing, whether by sale, rental, or otherwise, of any good or service, or any property, whether tangible or intangible, or any other article, commodity, or thing of value, wherever situated. “Trade or commerce” shall include the conduct of any trade or commerce, however denominated, including any nonprofit or not-for-profit person or activity.

(9) “Thing of value” may include, without limitation, any moneys, donation, membership, credential, certificate, prize, award, benefit, license, interest, professional opportunity, or chance of winning.

Section 21. Effective July 1, 2001, section 501.204, Florida Statutes, is amended to read:

501.204 Unlawful acts and practices.—

(1) Unfair methods of competition, unconscionable acts or practices, and unfair or deceptive acts or practices in the conduct of any trade or commerce are hereby declared unlawful.

(2) It is the intent of the Legislature that, in construing subsection (1), due consideration and great weight shall be given to the interpretations of the Federal Trade Commission and the federal courts relating to s. 5(a)(1) of the Federal Trade Commission Act, 15 U.S.C. s. 45(a)(1) as of July 1, 2001.

Section 22. Effective July 1, 2001, subsections (1), (3), and (6) of section 501.207, Florida Statutes, are amended to read:

501.207 Remedies of enforcing authority.—

(1) The enforcing authority may bring:

(a) An action to obtain a declaratory judgment that an act or practice violates this part.

(b) An action to enjoin any person who has violated, is violating, or is otherwise likely to violate, this part.

(c) An action on behalf of one or more consumers *or governmental entities* for the actual damages caused by an act or practice in violation of this part. However, ~~no damages are not shall be~~ recoverable under this section against a retailer who has in good faith engaged in the dissemination of claims of a manufacturer or wholesaler without actual knowledge that it violated this part.

(3) Upon motion of the enforcing authority or any interested party in any action brought under subsection (1), the court may make appropriate orders, including, but not limited to, appointment of a master or receiver or sequestration or freezing of assets, to reimburse consumers *or governmental entities* found to have been damaged; to carry out a transaction in accordance with ~~the consumers’~~ reasonable expectations of consumers *or governmental entities*; to strike or limit the application of clauses of contracts to avoid an unconscionable result; to order any defendant to divest herself or himself of any interest in any enterprise, including real estate; to impose reasonable restrictions upon the future activities of any defendant to impede her or him from engaging in or establishing the same type of endeavor; to order the dissolution or reorganization of any enterprise; or to grant *legal, equitable, or other* appropriate relief. The court may assess the expenses of a master or receiver against a person who has violated, is violating, or is otherwise likely to violate this part. Any injunctive order, whether temporary or permanent, issued by the court shall be effective throughout the state unless otherwise provided in the order.

(6) The enforcing authority may terminate an investigation or an action upon acceptance of a person’s written assurance of voluntary compliance with this part. Acceptance of an assurance may be conditioned on a commitment to reimburse consumers *or governmental entities*, make contributions, pay civil penalties, pay attorney’s fees and costs, or take other appropriate corrective action. An assurance is not evidence of a prior violation of this part. However, unless an assurance has been rescinded by agreement of the parties or voided by a court for good cause, subsequent failure to comply with the terms of an assurance is prima facie evidence of a violation of this part. ~~No~~ Such assurance *is not shall act as* a limitation upon any action or remedy available to a person aggrieved by a violation of this part.

Section 23. Effective July 1, 2001, section 501.2075, Florida Statutes, is amended to read:

501.2075 Civil penalty.—Except as provided in s. 501.2077, any person, firm, corporation, association, or entity, or any agent or employee of the foregoing, who is willfully using, or has willfully used, a method, act, or practice declared unlawful under s. 501.204, or who is willfully violating any of the rules of the department ~~adopted promulgated~~ under this part, is liable for a civil penalty of not more than \$10,000 for each such violation. Willful violations occur when the person knew or should have known that his or her conduct was unfair or deceptive or prohibited by rule. This civil penalty may be recovered in any action brought under this part by the enforcing authority; or the enforcing authority may terminate any investigation or action upon agreement by the person, firm, corporation, association, or entity, or the agent or employee of the foregoing, to pay a stipulated civil penalty. The department or the court may waive any such civil penalty if the person, firm, corporation, association, or entity, or the agent or employee of the foregoing, has previously made full restitution or reimbursement or has paid actual damages to the consumers *or governmental entities* who have been injured by the unlawful act or practice or rule violation. If civil penalties are assessed in any litigation, the enforcing authority is entitled to reasonable attorney’s fees and costs. A civil penalty so collected shall accrue to the state and shall be deposited as received into the General Revenue Fund unallocated.

Section 24. Effective July 1, 2001, section 501.2091, Florida Statutes, is repealed.

Section 25. Effective July 1, 2001, subsection (2) of section 501.211, Florida Statutes, is amended to read:

501.211 Other individual remedies.—

(2) In any ~~individual~~ action brought by a ~~person consumer~~ who has suffered a loss as a result of a violation of this part, such ~~person consumer~~ may recover actual damages, plus attorney's fees and court costs as provided in s. 501.2105.; However, ~~no~~ damages, fees, or costs *are not shall be* recoverable under this section against a retailer who has, in good faith, engaged in the dissemination of claims of a manufacturer or wholesaler without actual knowledge that it violated this part.

Section 26. Effective July 1, 2001, section 501.212, Florida Statutes, is amended to read:

501.212 Application.—This part does not apply to:

(1) An act or practice required or specifically permitted by federal or state law.

(2) A publisher, broadcaster, printer, or other person engaged in the dissemination of information or the reproduction of printed or pictorial matter, insofar as the information or matter has been disseminated or reproduced on behalf of others without actual knowledge that it violated this part.

(3) A claim for personal injury or death or a claim for damage to property other than the property that is the subject of the consumer transaction.

(4) Any person or activity regulated under laws administered by the Department of Insurance ~~or the Florida Public Service Commission~~ or banks and savings and loan associations regulated by the Department of Banking and Finance or banks or savings and loan associations regulated by federal agencies.

(5) Any activity regulated under laws administered by the Florida Public Service Commission.

(6)(5) An act or practice involving the sale, lease, rental, or appraisal of real estate by a person licensed, certified, or registered pursuant to chapter 475, which act or practice violates s. 475.42 or s. 475.626.

Section 27. Except as otherwise expressly provided in this act, this act shall take effect October 1, 2001.

And the title is amended as follows:

On page 2, lines 18 and 19, delete those lines and insert: minor repair service; amending s. 501.203, F.S.; including business or commercial entity within the definition of the term "consumer" for purposes of ch. 501, F.S.; incorporating revisions to applicable regulations; amending s. 501.204, F.S.; incorporating interpretations relating to the Federal Trade Commission Act; 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.; providing that an exemption from regulation under part II of ch. 501, F.S., applies to activities regulated under laws administered by the Public Service Commission; providing effective dates.

Amendment 5 (683086)(with title amendment)—On page 26, line 31, insert:

Section 20. *If any clause, section, or provision of this act shall be declared unconstitutional or invalid for any reason, it shall be eliminated from this act, and the remaining portion of the act shall be in full force and effect and be as valid as if such invalid portion thereof had not been incorporated therein.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 18, after the semicolon (;) insert: providing for severability;

Senator Wasserman Schultz moved the following amendment which was adopted:

Amendment 6 (965720)(with title amendment)—On page 26, line 31, insert:

Section 20. Section 501.144, Florida Statutes, is created to read:

501.144 *Florida Infant Crib Safety Act.*—

(1) *SHORT TITLE.*—*This section may be cited as the "Florida Infant Crib Safety Act."*

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

(a) *"Commercial user" means a dealer pursuant to s. 212.06(2), or any person who is in the business of manufacturing, remanufacturing, retrofitting, selling, leasing, or subletting full-size or non-full-size cribs. The term includes a child care facility, family day care home, large family child care home, and specialized child care facility for the care of mildly ill children, licensed by the Department of Children and Family Services or local licensing agencies.*

(b) *"Crib" means a bed or containment designed to accommodate an infant.*

(c) *"Department" means the Department of Agriculture and Consumer Services.*

(d) *"Full-size crib" means a full-size baby crib as defined in 16 C.F.R. part 1508, relating to requirements for full-size baby cribs.*

(e) *"Infant" means a person less than 35 inches tall and less than 3 years of age.*

(f) *"Non-full-size crib" means a non-full-size baby crib as defined in 16 C.F.R. part 1509, relating to requirements for non-full-size baby cribs.*

(g) *"Transient public lodging establishment" means any hotel, motel, resort condominium, transient apartment, roominghouse, bed and breakfast inn, or resort dwelling, as defined in s. 509.242.*

(3) *PROHIBITED PRACTICES.*—

(a) *A commercial user may not manufacture, remanufacture, retrofit, sell, contract to sell or resell, lease, or sublet a full-size or non-full-size crib that is unsafe for any infant using the crib because the crib does not conform to the standards set forth in paragraph (4)(a) or because the crib has any of the dangerous features or characteristics set forth in paragraph (4)(b).*

(b) *No transient public lodging establishment shall offer or provide for use a full-size or non-full-size crib that is unsafe for any infant using the crib because the crib does not conform to the standards set forth in paragraph (4)(a) or because the crib has any of the dangerous features or characteristics set forth in paragraph (4)(b). Further, violation of this section by a transient public lodging establishment is a violation of chapter 509 and is subject to the penalties set forth in s. 509.261.*

(c) *A violation of this section is a deceptive and unfair trade practice and constitutes a violation of part II of chapter 501, the Florida Deceptive and Unfair Trade Practices Act.*

(4) *PRESUMPTION AS UNSAFE; CRITERIA.*—

(a) *A crib is presumed to be unsafe under this section if it does not conform to all of the following:*

1. *16 C.F.R. part 1303, relating to ban of lead-containing paint and certain consumer products bearing lead-containing paint; 16 C.F.R. part 1508, relating to requirements for full-size baby cribs; and 16 C.F.R. part 1509, relating to requirements for non-full-size baby cribs.*

2. *American Society for Testing and Materials Voluntary Standards F966-96, F1169-99, and F1822-97.*

3. *Rules adopted by the department which implement the provisions of this subsection.*

(b) *Cribs are unsafe which have any of the following dangerous features or characteristics:*

1. Corner posts that extend more than 1/16 of an inch.
2. Spaces between side slats more than 2 3/8 inches.
3. A mattress support that can be easily dislodged from any point of the crib. A mattress segment can be easily dislodged if it cannot withstand at least a 25-pound upward force from underneath the crib. For portable folding cribs, this subparagraph shall not apply to mattress supports or mattress segments that are designed to allow the crib to be folded, provided that the crib is equipped with latches that work automatically to prevent the unintentional collapse of the crib.
4. Cutout designs on the end panels.
5. Rail-height dimensions that do not conform to the following:
 - a. The height of the rail and end panel as measured from the top of the rail or panel in its lowest position to the top of the mattress support in its highest position is at least 9 inches.
 - b. The height of the rail and end panel as measured from the top of the rail or panel in its highest position to the top of the mattress support in its lowest position is at least 26 inches.
6. Upon completion of assembly, any screw, bolt, or hardware that is loose and not secured.
7. Any sharp edge, point, or rough surface or any wood surface that is not smooth and free from splinters, splits, or cracks.
8. A tear in mesh or fabric sides for a non-full-size crib.
9. With respect to portable folding cribs, latches that do not work automatically to prevent the unintentional collapse of the crib.
10. Crib sheets used on mattresses must be sized to match the mattress size.

(5) EXEMPTIONS; CIVIL IMMUNITY.—

(a) A crib that is clearly not intended for use by an infant, including, but not limited to, a toy or display item, is exempt from this section if the crib is accompanied, at the time of manufacturing, remanufacturing, retrofitting, selling, leasing, or subletting by a notice to be furnished by the commercial user on forms prescribed by the department declaring that the crib is not intended to be used for an infant and is dangerous to use for an infant.

(b) A commercial user, other than a child care facility, family day care home, large family child care home, or specialized child care facility for the care of mildly ill children, that has complied with the notice requirements set forth under paragraph (a) is immune from civil liability resulting from the use of a crib, notwithstanding the provisions of this section.

(6) PENALTY.—

(a) A commercial user, other than a commercial user subject to the penalties provided in paragraph (b) or paragraph (c), that willfully and knowingly violates subsection (3) commits a misdemeanor of the first degree, punishable by a fine of not more than \$10,000 and imprisonment for a term of not more than 1 year.

(b) A transient public lodging establishment that violates subsection (3) shall be subject to the penalties set forth in s. 509.261.

(c) A child care facility, family day care home, large family child care home, or specialized child care facility for the care of mildly ill children that violates subsection (3) shall be subject to the penalties set forth in ss. 402.301-402.319.

(7) PUBLIC EDUCATION MATERIALS AND PROGRAMS.—The Department of Agriculture and Consumer Services, the Department of Business and Professional Regulation, and the Department of Children and Family Services may collaborate with any public agency or private sector entity to prepare public education materials or programs designed to inform parents, child care providers, commercial users, and any other person or entity that is likely to place unsafe cribs in the stream of commerce of the dangers posed by secondhand, hand-me-down, or heirloom cribs that do not conform to the standards set forth in this section

or that have any of the dangerous features or characteristics set forth in this section.

(8) RULEMAKING AUTHORITY.—The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section.

Section 21. Subsection (10) is added to section 509.221, Florida Statutes, to read:

509.221 Sanitary regulations.—

(10) No transient public lodging establishment shall offer or provide for use a full-size or non-full-size crib that is unsafe for any infant using the crib because it is not in conformity with the requirements of s. 501.144.

Section 22. Section 509.032, Florida Statutes, is reenacted to read:

509.032 Duties.—

(1) GENERAL.—The division shall carry out all of the provisions of this chapter and all other applicable laws and rules relating to the inspection or regulation of public lodging establishments and public food service establishments for the purpose of safeguarding the public health, safety, and welfare. The division shall be responsible for ascertaining that an operator licensed under this chapter does not engage in any misleading advertising or unethical practices.

(2) INSPECTION OF PREMISES.—

(a) The division has responsibility and jurisdiction for all inspections required by this chapter. The division has responsibility for quality assurance. Each licensed establishment shall be inspected at least biannually and at such other times as the division determines is necessary to ensure the public's health, safety, and welfare. The division shall establish a system to determine inspection frequency. Public lodging units classified as resort condominiums or resort dwellings are not subject to this requirement, but shall be made available to the division upon request. If, during the inspection of a public lodging establishment classified for renting to transient or nontransient tenants, an inspector identifies vulnerable adults who appear to be victims of neglect, as defined in s. 415.102, or, in the case of a building that is not equipped with automatic sprinkler systems, tenants or clients who may be unable to self-preserve in an emergency, the division shall convene meetings with the following agencies as appropriate to the individual situation: the Department of Health, the Department of Elderly Affairs, the area agency on aging, the local fire marshal, the landlord and affected tenants and clients, and other relevant organizations, to develop a plan which improves the prospects for safety of affected residents and, if necessary, identifies alternative living arrangements such as facilities licensed under part II or part III of chapter 400.

(b) For purposes of performing required inspections and the enforcement of this chapter, the division has the right of entry and access to public lodging establishments and public food service establishments at any reasonable time.

(c) Public food service establishment inspections shall be conducted to enforce provisions of this part and to educate, inform, and promote cooperation between the division and the establishment.

(d) The division shall adopt and enforce sanitation rules consistent with law to ensure the protection of the public from food-borne illness in those establishments licensed under this chapter. These rules shall provide the standards and requirements for obtaining, storing, preparing, processing, serving, or displaying food in public food service establishments, approving public food service establishment facility plans, conducting necessary public food service establishment inspections for compliance with sanitation regulations, cooperating and coordinating with the Department of Health in epidemiological investigations, and initiating enforcement actions, and for other such responsibilities deemed necessary by the division. The division may not establish by rule any regulation governing the design, construction, erection, alteration, modification, repair, or demolition of any public lodging or public food service establishment. It is the intent of the Legislature to preempt that function to the Florida Building Commission and the State Fire Marshal through adoption and maintenance of the Florida Building Code and the Florida Fire Prevention Code. The division shall provide technical assistance to the commission and the State Fire Marshal in updating the

construction standards of the Florida Building Code and the Florida Fire Prevention Code which govern public lodging and public food service establishments. Further, the division shall enforce the provisions of the Florida Building Code and the Florida Fire Prevention Code which apply to public lodging and public food service establishments in conducting any inspections authorized by this part.

(e)1. Relating to facility plan approvals, the division may establish, by rule, fees for conducting plan reviews and may grant variances from construction standards in hardship cases, which variances may be less restrictive than the provisions specified in this section or the rules adopted under this section. A variance may not be granted pursuant to this section until the division is satisfied that:

- a. The variance shall not adversely affect the health of the public.
- b. No reasonable alternative to the required construction exists.
- c. The hardship was not caused intentionally by the action of the applicant.

2. The division's advisory council shall review applications for variances and recommend agency action. The division shall make arrangements to expedite emergency requests for variances, to ensure that such requests are acted upon within 30 days of receipt.

3. The division shall establish, by rule, a fee for the cost of the variance process. Such fee shall not exceed \$150 for routine variance requests and \$300 for emergency variance requests.

(f) In conducting inspections of establishments licensed under this chapter, the division shall determine if each coin-operated amusement machine that is operated on the premises of a licensed establishment is properly registered with the Department of Revenue. Each month the division shall report to the Department of Revenue the sales tax registration number of the operator of any licensed establishment that has on location a coin-operated amusement machine and that does not have an identifying certificate conspicuously displayed as required by s. 212.05(1)(i).

(g) In inspecting public food service establishments, the department shall provide each inspected establishment with the food-recovery brochure developed under s. 570.0725.

(3) **SANITARY STANDARDS; EMERGENCIES; TEMPORARY FOOD SERVICE EVENTS.**—The division shall:

(a) Prescribe sanitary standards which shall be enforced in public food service establishments.

(b) Inspect public lodging establishments and public food service establishments whenever necessary to respond to an emergency or epidemiological condition.

(c) Administer a public notification process for temporary food service events and distribute educational materials that address safe food storage, preparation, and service procedures.

1. Sponsors of temporary food service events shall notify the division not less than 3 days prior to the scheduled event of the type of food service proposed, the time and location of the event, a complete list of food service vendor owners and operators participating in each event, and the current license numbers of all public food service establishments participating in each event. Notification may be completed orally, by telephone, in person, or in writing. A public food service establishment or food service vendor may not use this notification process to circumvent the license requirements of this chapter.

2. The division shall keep a record of all notifications received for proposed temporary food service events and shall provide appropriate educational materials to the event sponsors, including the food-recovery brochure developed under s. 570.0725.

3.a. A public food service establishment or other food vendor must obtain a license from the division for each temporary food service event in which it participates.

b. Public food service establishments holding current licenses from the division may operate under the regulations of such a license at temporary food service events of 3 days or less in duration.

(4) **STOP-SALE ORDERS.**—The division may stop the sale, and supervise the proper destruction, of any food or food product when the director or the director's designee determines that such food or food product represents a threat to the public safety or welfare. If the operator of a public food service establishment licensed under this chapter has received official notification from a health authority that a food or food product from that establishment has potentially contributed to any instance or outbreak of food-borne illness, the food or food product must be maintained in safe storage in the establishment until the responsible health authority has examined, sampled, seized, or requested destruction of the food or food product.

(5) **REPORTS REQUIRED.**—The division shall send the Governor a written report, which shall state, but not be limited to, the total number of inspections conducted by the division to ensure the enforcement of sanitary standards, the total number of inspections conducted in response to emergency or epidemiological conditions, the number of violations of each sanitary standard, and any recommendations for improved inspection procedures. The division shall also keep accurate account of all expenses arising out of the performance of its duties and all fees collected under this chapter. The report shall be submitted by September 30 following the end of the fiscal year.

(6) **RULEMAKING AUTHORITY.**—The division shall adopt such rules as are necessary to carry out the provisions of this chapter.

(7) **PREEMPTION AUTHORITY.**—The regulation of public lodging establishments and public food service establishments, the inspection of public lodging establishments and public food service establishments for compliance with the sanitation standards adopted under this section, and the regulation of food safety protection standards for required training and testing of food service establishment personnel are preempted to the state. This subsection does not preempt the authority of a local government or local enforcement district to conduct inspections of public lodging and public food service establishments for compliance with the Florida Building Code and the Florida Fire Prevention Code, pursuant to ss. 553.80 and 633.022.

Section 23. Section 402.3031, Florida Statutes, is created to read:

402.3031 Infant crib safety.—No child care facility, family day care home, large family child care home, or specialized child care facility for the care of mildly ill children shall offer or provide for use a full-size or non-full-size crib that is not in conformity with the requirements of s. 501.144. The department shall enforce the provisions of this section and may adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section.

And the title is amended as follows:

On page 2, line 18, following the semicolon (;) insert: creating s. 501.144, F.S., the Florida Infant Crib Safety Act; providing definitions; prohibiting commercial users from manufacturing, remanufacturing, retrofitting, selling, contracting to sell or resell, leasing, or subletting specified cribs determined to be unsafe for use by infants; prohibiting transient public lodging establishments from offering or providing for use specified cribs determined to be unsafe for use by infants; providing criteria for determining safety of infant cribs; providing exemptions; providing specified immunity from civil liability; providing penalties; providing that violation of the act constitutes an unfair and deceptive trade practice; authorizing the Department of Agriculture and Consumer Services, the Department of Business and Professional Regulation, and the Department of Children and Family Services to collaborate with public agencies and private sector entities to prepare specified public education materials and programs; authorizing the Department of Agriculture and Consumer Services to adopt rules and prescribe forms; amending s. 509.221, F.S.; prohibiting the use of certain cribs in public lodging establishments; reenacting s. 509.032, F.S.; providing for regulation and rulemaking by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation; creating s. 402.3031, F.S.; prohibiting unsafe cribs in certain facilities; providing for enforcement and rulemaking powers of the Department of Children and Family Services;

Pursuant to Rule 4.19, **CS for CS for SB 784** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

On motion by Senator Bronson—

CS for CS for SB 2120—A bill to be entitled An act relating to water resources; amending s. 373.083, F.S.; authorizing water management districts to solicit donations; amending s. 373.093, F.S.; authorizing water management districts to lease certain personal property; creating s. 373.608, F.S.; authorizing water management districts to obtain and enforce patents, copyrights, and trademarks; creating s. 373.610, F.S.; allowing water management districts to bar from future contracts contractors who have defaulted in the past; creating s. 373.611, F.S.; authorizing water management districts to limit or alter damages in certain vendor contracts; providing an effective date.

—was read the second time by title.

MOTION

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

Senator Bronson moved the following amendment which was adopted:

Amendment 1 (945142)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (k) is added to subsection (2) of section 373.1961, Florida Statutes, to read:

373.1961 Water production.—

(2) The Legislature finds that, due to a combination of factors, vastly increased demands have been placed on natural supplies of fresh water, and that, absent increased development of alternative water supplies, such demands may increase in the future. The Legislature also finds that potential exists in the state for the production of significant quantities of alternative water supplies, including reclaimed water, and that water production includes the development of alternative water supplies, including reclaimed water, for appropriate uses. It is the intent of the Legislature that utilities develop reclaimed water systems, where reclaimed water is the most appropriate alternative water supply option, to deliver reclaimed water to as many users as possible through the most cost-effective means, and to construct reclaimed water system infrastructure to their owned or operated properties and facilities where they have reclamation capability. It is also the intent of the Legislature that the water management districts which levy ad valorem taxes for water management purposes should share a percentage of those tax revenues with water providers and users, including local governments, water, wastewater, and reuse utilities, municipal, industrial, and agricultural water users, and other public and private water users, to be used to supplement other funding sources in the development of alternative water supplies. The Legislature finds that public moneys or services provided to private entities for such uses constitute public purposes which are in the public interest. In order to further the development and use of alternative water supply systems, including reclaimed water systems, the Legislature provides the following:

(k) *The Florida Public Service Commission shall allow entities under its jurisdiction constructing alternative water supply facilities, including but not limited to aquifer storage and recovery wells, to recover the full, prudently incurred cost of such facilities through their rate structure. Every component of an alternative water supply facility constructed by an investor-owned utility shall be recovered in current rates.*

Section 2. Subsection (4) of section 373.083, Florida Statutes, is amended 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:

(4) *Solicit and accept donations or grants of funds or services from both public and private sources for the planning and implementation of district undertakings and delegations, including, but not limited to, projects, programs, works, and studies.*

Section 3. Subsection (4) of section 373.093, Florida Statutes, is created to read:

373.093 Lease of lands or interest in land *and personal property*.—The governing board of the district may lease any lands or interest in land, including but not limited to oil and mineral rights, to which the district has acquired title, or to which it may hereafter acquire title in the following manner, as long as the lease is consistent with the purposes for which the lands or any interest in land was acquired:

(4) *The governing board of the district may lease existing communications towers and other similar structures which the district owns or which it may hereafter acquire, for the best price and terms obtainable, to be determined by the board.*

Section 4. Section 373.608, Florida Statutes, is created to read:

373.608 *Patents, copyrights, and trademarks*.—Each district may, in its own name:

(1) *Perform all things necessary to secure letters of patent, copyrights, and trademarks on any work products of the district and enforce its rights therein. Each district shall consider contributions by district personnel in the development of trademarks, copyrights, and patents and shall enter into written contracts with such personnel in each trademark, copyright, or patent.*

(2) *License, lease, assign, or otherwise give written consent to any person, firm, or corporation for the manufacture or use of such district work products, on a royalty basis or for such other consideration as the applicable governing board shall deem proper.*

(3) *Take any action necessary, including legal action, to protect such district work products against improper or unlawful use or infringement.*

(4) *Enforce the collection of any sums due to the district for the manufacture or use of such district work products by other party.*

(5) *Sell any of such district work products and execute all instruments necessary to consummate any such sale.*

(6) *Do all other acts necessary and proper for the execution of powers and duties conferred upon the districts by this section, including adopting rules, as necessary, in order to administer this section.*

Section 5. Section 373.610, Florida Statutes, is created to read:

373.610 *Defaulting vendors and contractors*.—The district may suspend a contractor on a temporary or permanent basis, from doing work with the district if such contractor has materially breached its contract with the district. The district shall adopt rules to administer the provisions of this section to specify the circumstances and conditions that constitute a materially breached contract and conditions that constitute the period for temporary or permanent suspension and for reinstatement.

Section 6. Section 373.611, Florida Statutes, is created to read:

373.611 *Modification or limitation of remedy*.—In order to promote the cost-effective procurement of commodities and contractual services by the water management districts, a district may enter into contracts to limit or alter the measure of damages recoverable from a vendor consistent with the provisions contained in s. 672.719.

Section 7. Subsection (7) of section 373.0693, Florida Statutes, is amended to read:

373.0693 Basins; basin boards.—

(7) At 11:59 p.m. on December 31, 1976, the Manasota Watershed Basin of the Ridge and Lower Gulf Coast Water Management District, which is annexed to the Southwest Florida Water Management District by change of its boundaries pursuant to chapter 76-243, Laws of Florida, shall be formed into a subdistrict or basin of the Southwest Florida Water Management District, subject to the same provisions as the other basins in such district. Such subdistrict shall be designated initially as the Manasota Basin. The members of the governing board of the Manasota Watershed Basin of the Ridge and Lower Gulf Coast Water Management District shall become members of the governing board of the Manasota Basin of the Southwest Florida Water Management District. *Notwithstanding other provisions in this section, beginning on July 1, 2001, the membership of the Manasota Basin Board shall be comprised of three members from Manatee County and three members from Sarasota County. Matters relating to tie votes shall be resolved pursuant to*

subsection (6) by the *ex officio* chair designated by the governing board to vote in case of a tie vote.

Section 8. Paragraph (a) of subsection (1) of section 73.015, Florida Statutes, is amended to read:

73.015 Presuit negotiation.—

(1) Effective July 1, 2000, before an eminent domain proceeding is brought under this chapter or chapter 74, the condemning authority must attempt to negotiate in good faith with the fee owner of the parcel to be acquired, must provide the fee owner with a written offer and, if requested, a copy of the appraisal upon which the offer is based, and must attempt to reach an agreement regarding the amount of compensation to be paid for the parcel.

(a) *No later than the time the initial written or oral offer of compensation for acquisition is made to the fee owner, At the inception of negotiation for acquisition, the condemning authority must notify the fee owner of the following:*

1. That all or a portion of his or her property is necessary for a project.
2. The nature of the project for which the parcel is considered necessary, and the parcel designation of the property to be acquired.
3. That, within 15 business days after receipt of a request by the fee owner, the condemning authority will provide a copy of the appraisal report upon which the offer to the fee owner is based; copies, to the extent prepared, of the right-of-way maps or other documents that depict the proposed taking; and copies, to the extent prepared, of the construction plans that depict project improvements to be constructed on the property taken and improvements to be constructed adjacent to the remaining property, including, but not limited to, plan, profile, cross-section, drainage, and pavement marking sheets, and driveway connection detail. The condemning authority shall provide any additional plan sheets within 15 days of request.
4. The fee owner's statutory rights under ss. 73.091 and 73.092, or alternatively provide copies of these provisions of law.
5. The fee owner's rights and responsibilities under paragraphs (b) and (c) and subsection (4), or alternatively provide copies of these provisions of law.

Section 9. Subsections (1) and (3) of section 270.11, Florida Statutes, are amended to read:

270.11 Contracts for sale of public lands to reserve certain mineral rights; prohibition on exercise of right of entry in certain cases.—

(1) *Unless the applicable agency chooses not to reserve such interest and except Except as otherwise provided by law, in all contracts and deeds for the sale of land executed by the Board of Trustees of the Internal Improvement Trust Fund or by any local government, water management district, or other agency of the state, there shall be reserved for such local government, water management district, other agency of the state, or the board of trustees and its successors an undivided three-fourths interest in, and title in and to an undivided three-fourths interest in, all the phosphate, minerals, and metals that are or may be in, on, or under the said land and an undivided one-half interest in all the petroleum that is or may be in, on, or under said land with the privilege to mine and develop the same.*

(3) A local government, water management district, or agency of the state may, at its discretion, sell or release such reserved interest in any parcel of land, except that such sale or release shall be made upon petition of the purchaser for such interest and *with upon submission by the local government, water management district, or agency of the state which owns the parcel of a statement of reasons justifying such sale or release.*

Section 10. Subsection (4) of section 373.056, Florida Statutes, is amended to read:

373.056 State agencies, counties, drainage districts, municipalities, or governmental agencies or public corporations authorized to convey or receive land from water management districts.—

(4) Any water management district within this chapter shall have authority to convey or lease to any governmental entity, other agency described herein or to the United States Government, including its agencies, land or rights in land owned by such district not required for its purposes under such terms and conditions as the governing board of such district may determine. *In addition to other general law authorizing the grant of utility easements, any water management district may grant utility easements on land owned by such district to any private or public utility for the limited purpose of obtaining utility service to district property under such terms and conditions as the governing board of such district may determine.*

Section 11. Section 373.096, Florida Statutes, is amended to read:

373.096 Releases.—The governing board of the district may release any canal easement, reservation or right-of-way interests, conveyed to it for which it has no present or apparent future use under terms and conditions determined by the board.

Section 12. Subsection (2) of section 373.093, Florida Statutes, is amended to read:

373.093 Lease of lands or interest in land.—The governing board of the district may lease any lands or interest in land, including but not limited to oil and mineral rights, to which the district has acquired title, or to which it may hereafter acquire title in the following manner, as long as the lease is consistent with the purposes for which the lands or any interest in land was acquired:

(2) Before leasing any land, or interest in land including but not limited to oil and mineral rights, the district shall cause a notice of intention to lease to be published in a newspaper published in the county in which said land is situated and such other places as the board may determine once each week for 3 successive weeks (three insertions being sufficient), the first publication of which shall be not less than 30 nor more than 90 45 days prior to the date the board executes the any lease, which said notice shall set forth the time and place of leasing and a description of the lands to be leased.

Section 13. Subsection (2) and paragraph (a) of subsection (3) of section 373.139, Florida Statutes, are amended to read:

373.139 Acquisition of real property.—

(2) The governing board of the district is empowered and authorized to acquire in fee or less than fee title to real property, and easements and other interests or rights therein, by purchase, gift, devise, lease, eminent domain, or otherwise for flood control, water storage, water management, conservation and protection of water resources, aquifer recharge, water resource and water supply development, and preservation of wetlands, streams, and lakes. Eminent domain powers may be used only for acquiring real property for flood control and water storage or for curing title defects or encumbrances to real property owned by the district or to be acquired by the district from a willing seller.

(3) The initial 5-year work plan and any subsequent modifications or additions thereto shall be adopted by each water management district after a public hearing. Each water management district shall provide at least 14 days' advance notice of the hearing date and shall separately notify each county commission within which a proposed work plan project or project modification or addition is located of the hearing date.

(a) ~~Title information.~~ Appraisal reports, offers, and counteroffers are confidential and exempt from the provisions of s. 119.07(1) until an option contract is executed or, if no option contract is executed, until 30 days before a contract or agreement for purchase is considered for approval by the governing board. However, each district may, at its discretion, disclose appraisal reports to private landowners during negotiations for acquisitions using alternatives to fee simple techniques, if the district determines that disclosure of such reports will bring the proposed acquisition to closure. In the event that negotiation is terminated by the district, the title information, appraisal report, offers, and counteroffers shall become available pursuant to s. 119.07(1). Notwithstanding the provisions of this section and s. 259.041, a district and the Division of State Lands may share and disclose title information, appraisal reports, appraisal information, offers, and counteroffers when joint acquisition of property is contemplated. A district and the Division of State Lands shall maintain the confidentiality of such title information, appraisal reports, appraisal information, offers, and counteroffers

in conformance with this section and s. 259.041, except in those cases in which a district and the division have exercised discretion to disclose such information. *A district may disclose appraisal information, offers, and counteroffers to a third party who has entered into a contractual agreement with the district to work with or on the behalf of or to assist the district in connection with land acquisitions. The third party shall maintain the confidentiality of such information in conformance with this section. In addition, a district may use, as its own, appraisals obtained by a third party provided the appraiser is selected from the district's list of approved appraisers and the appraisal is reviewed and approved by the district.*

Section 14. Section 373.1401, Florida Statutes, is amended to read:

373.1401 Management of lands of water management districts.—*In addition to provisions contained in s. 373.1391(1) for soil and water conservation districts, the governing board of each water management district may contract with a non-governmental person or entity, any federal or state agency, a county, a municipality, or any other governmental entity, or environmental nonprofit organization to provide for the improvement, management, or maintenance of any real property owned by or under the control of the district.*

Section 15. Paragraph (a) of subsection (6) of section 374.984, Florida Statutes, is amended to read:

374.984 Purpose; powers and duties.—It is the purpose and intent of this act that the board perform and do all things which shall be requisite and necessary to comply with the requirements and conditions imposed upon a "local interest" by the Congress of the United States in the several acts authorizing and directing the improvement and maintenance of the Intracoastal Waterway from St. Mary's River to the southernmost boundary of Dade County. Said acts include but are not limited to: the Rivers and Harbors Act approved January 21, 1927, as amended by the River and Harbor Act approved July 3, 1930; the River and Harbor Act of June 20, 1938; and s. 107 of the Federal River and Harbor Act of 1960. Pursuant thereto, the powers of the board shall include, but not be limited to:

(6)(a) *Contracting directly for, or entering into agreement from time to time with the district engineer of the Jacksonville, Florida, United States Army Corps of Engineers district, or other agency or party duly authorized representative of the United States, to contribute toward the cost of dredging performed on the waterway by the United States, to construct retaining bulkheads, dikes, and levees, to construct ditches for the control of water discharged by the dredges, and to do all other work and/or things which, in the judgment of the board, shall be proper and necessary to produce economies in meeting the conditions with respect to right-of-way and dredged material management areas imposed upon a "local interest" by the Congress of the United States in the several acts authorizing and directing the improvement, navigability, and maintenance of the Intracoastal Waterway from St. Mary's River to the southernmost boundary of Dade County.*

Section 16. Section 110.152, Florida Statutes, is amended to read:

110.152 Adoption benefits for state ~~or water management district~~ employees; parental leave.—

(1)(a) Any full-time or part-time employee of the state *who is paid from regular salary appropriations and* ~~or of a water management district~~ who adopts a special-needs child, as defined in paragraph (b), is eligible to receive a monetary benefit in the amount of \$10,000 per child, \$5,000 of which is payable in equal monthly installments over a 2-year period. Any employee of the state ~~or of a water management district~~ who adopts a child *whose permanent custody has been awarded to the Department of Children and Family Services or to a Florida-licensed child-placing agency, other than a special-needs child as defined in paragraph (b), shall be eligible to receive a monetary benefit in the amount of \$5,000 per child, \$2,000 of which is payable in equal monthly installments over a 2-year period. Benefits paid under this subsection to a part-time employee must be prorated based on the employee's full-time-equivalency status at the time of applying for the benefits.*

(b) For purposes of this section, a "special-needs child" is a child whose permanent custody has been awarded to the Department of Children and Family Services or to a Florida-licensed child-placing agency and who is not likely to be adopted because he or she is:

1. Eight years of age or older.
2. A person with a developmental disability.
3. A person with a physical or emotional handicap.
4. Of a minority race or of a racially mixed heritage.
5. A member of a sibling group of any age, provided that two or more members of a sibling group remain together for the purposes of adoption.

(2) An employee of the state ~~or of a water management district~~ who adopts a special-needs child must apply to his or her agency head to obtain the monetary benefit provided in subsection (1). Applications must be on forms approved by the department and must include a certified copy of the final order of adoption naming the applicant as the adoptive parent.

(3) Nothing in this section shall affect the right of any state employee who adopts a special-needs child to receive financial aid for adoption expenses pursuant to s. 409.166 or any other statute that provides financial incentives for the adoption of children.

(4) Any employee of the state ~~or of a water management district~~ who has a child placed in the custody of the employee for adoption, and who continues to reside in the same household as the child placed for adoption, shall be granted parental leave for a period not to exceed 6 months as provided in s. 110.221.

Section 17. Section 110.15201, Florida Statutes, is amended to read:

110.15201 Adoption benefits for state ~~or water management district~~ employees; rulemaking authority.—The Department of Management Services may adopt rules to administer the provisions of this act. *Such rules may provide for an application process such as, but not limited to, an open-enrollment period during which employees may apply for monetary benefits as provided in s. 110.152(1).*

Section 18. Paragraph (c) of subsection (2) of section 215.32, Florida Statutes, is amended to read:

215.32 State funds; segregation.—

(2) The source and use of each of these funds shall be as follows:

(c)1. The Budget Stabilization Fund shall consist of amounts equal to at least 5 percent of net revenue collections for the General Revenue Fund during the last completed fiscal year. The Budget Stabilization Fund's principal balance shall not exceed an amount equal to 10 percent of the last completed fiscal year's net revenue collections for the General Revenue Fund. As used in this paragraph, the term "last completed fiscal year" means the most recently completed fiscal year prior to the regular legislative session at which the Legislature considers the General Appropriations Act for the year in which the transfer to the Budget Stabilization Fund must be made under this paragraph.

2. By September 15 of each year, the Governor shall authorize the Comptroller to transfer, and the Comptroller shall transfer pursuant to appropriations made by law, to the Budget Stabilization Fund the amount of money needed for the balance of that fund to equal the amount specified in subparagraph 1., less any amounts expended and not restored. The moneys needed for this transfer may be appropriated by the Legislature from any funds.

3. Unless otherwise provided in this subparagraph, an expenditure from the Budget Stabilization Fund must be restored pursuant to a restoration schedule that provides for making five equal annual transfers from the General Revenue Fund, beginning in the fiscal year following that in which the expenditure was made. For any Budget Stabilization Fund expenditure, the Legislature may establish by law a different restoration schedule and such change may be made at any time during the restoration period. Moneys are hereby appropriated for transfers pursuant to this subparagraph.

4. The Budget Stabilization Fund and the Working Capital Fund may be used as revolving funds for transfers as provided in s. 18.125; however, any interest earned must be deposited in the General Revenue Fund.

5. *The Comptroller and the Department of Management Services shall transfer funds to water management districts to pay eligible water management district employees for all benefits due under s. 373.6065, as long as funds remain available for the program described under s. 100.152.*

Section 19. Section 373.6065, Florida Statutes, is created to read:

373.6065 *Adoption benefits for water management district employees.—*

(1) *Any employee of a water management district is eligible to receive monetary benefits for child adoption to the same extent as is an employee of the state, as described in s. 110.152. The employee shall apply for such benefits pursuant to s. 110.15201*

(2) *The Comptroller and the Department of Management Services shall transfer funds to water management districts to pay eligible water management district employees for these child adoption monetary benefits in accordance with s. 215.32(1)(c)5., as long as funds remain available for the program described under s. 110.152.*

(3) *Parental leave for eligible water management district employees shall be provided according to the policies and procedures of the individual water management district in existence at the time eligibility is determined.*

(4) *Each water management district shall develop means of implementing these monetary adoption benefits for water management district employees, consistent with its current practices. Water management district rules, policies, guidelines, or procedures so implemented will remain valid and enforceable as long as they do not conflict with the express terms of s. 110.152.*

Section 20. Section 373.536, Florida Statutes, is amended to read:

373.536 *District budget and hearing thereon.—*

(1) *FISCAL YEAR.—*The fiscal year of districts created under the provisions of this chapter shall extend from October 1 of one year through September 30 of the following year.

(2) *BUDGET SUBMITTAL.—*The budget officer of the district shall, on or before July 15 of each year, submit for consideration by the governing board of the district a tentative budget for the district covering its proposed ~~operations operation~~ and *funding* requirements for the ensuing fiscal year.

(3) *BUDGET HEARINGS AND WORKSHOPS; NOTICE.—*

(a) Unless alternative notice requirements are otherwise provided by law, notice of all budget hearings conducted by the governing board or district staff must be published in a newspaper of general *paid* circulation in each county in which the district lies not less than 5 days nor more than 15 days before the hearing.

(b) Budget workshops conducted for the public and not governed by s. 200.065 must be advertised in a newspaper of general *paid* circulation in the community or area in which the workshop will occur not less than 5 days nor more than 15 days before the workshop.

(c) The tentative budget shall be adopted in accordance with the provisions of s. 200.065; however, if the mailing of the notice of proposed property taxes is delayed beyond September 3 in any county in which the district lies, the district shall advertise its intention to adopt a tentative budget and millage rate, pursuant to s. 200.065(3)(g), in a newspaper of general *paid* circulation in that county. ~~The budget shall set forth, classified by object and purpose, and by fund if so designated, the proposed expenditures of the district for bonds or other debt, for construction, for acquisition of land, for operation and maintenance of the district works, for the conduct of the affairs of the district generally, and for other purposes, to which may be added an amount to be held as a reserve. District administrative and operating expenses must be identified in the budget and allocated among district programs.~~

(2) ~~The budget shall also show the estimated amount which will appear at the beginning of the fiscal year as obligated upon commitments made but uncompleted. There shall be shown the estimated unobligated or net balance which will be on hand at the beginning of the~~

~~fiscal year, and the estimated amount to be raised by district taxes and from other sources for meeting the requirements of the district.~~

(d)(3) As provided in s. 200.065(2)(d), the board shall publish one or more notices of its intention to ~~finally~~ adopt a *final* budget for the district for the ensuing fiscal year. The notice shall appear adjacent to an advertisement ~~that sets which shall set~~ forth the tentative budget *in a format meeting the budget summary requirements of s. 129.03(3)(b) in full.* ~~The district shall not include expenditures of federal special revenues and state special revenues when preparing the statement required by s. 200.065(3)(l).~~ The notice and advertisement shall be published in one or more newspapers having a combined general *paid* circulation in ~~each county the counties having land~~ in which the district lies. Districts may include explanatory phrases and examples in budget advertisements published under s. 200.065 to clarify or illustrate the effect that the district budget may have on ad valorem taxes.

(e)(4) The hearing for adoption of ~~to finally adopt~~ a *final* budget and millage rate shall be by and before the governing board of the district as provided in s. 200.065 and may be continued from day to day until terminated by the board.

(4) *BUDGET CONTROLS.—*

(a) The final *adopted* budget for the district will thereupon be the operating and fiscal guide for the district for the ensuing year; however, transfers of funds may be made within the budget by action of the governing board at a public meeting of the governing board.

(b) *The district shall control its budget, at a minimum, by funds and shall provide to the Executive Office of the Governor a description of its budget control mechanisms.*

(c) Should the district receive unanticipated funds after the adoption of the final budget, the final budget may be amended by including such funds, so long as notice of intention to amend is published *in the notice of the governing board meeting at which the amendment will be considered, pursuant to s. 120.525 one time in one or more newspapers qualified to accept legal advertisements having a combined general circulation in the counties in the district.* The notice shall set forth a *summary of the proposed amendment and shall be published at least 10 days prior to the public meeting of the board at which the proposed amendment is to be considered.* However, in the event of a disaster or of an emergency arising to prevent or avert the same, the governing board shall not be limited by the budget but shall have authority to apply such funds as may be available therefor or as may be procured for such purpose.

(5) *TENTATIVE BUDGET CONTENTS AND SUBMISSION; REVIEW AND APPROVAL.—*

(a) The Executive Office of the Governor is authorized to approve or disapprove, in whole or in part, the budget of each water management district and shall analyze each budget as to the adequacy of fiscal resources available to the district and the adequacy of district expenditures related to water supply, including water resource development projects identified in the district's regional water supply plans; water quality; flood protection and floodplain management; and natural systems. This analysis shall be based on the particular needs within each water management district in those four areas of responsibility.

(b) The Executive Office of the Governor and the water management districts shall develop a process to facilitate review and communication regarding water management district budgets, as necessary. Written disapproval of any provision in the tentative budget must be received by the district at least 5 business days prior to the final district budget adoption hearing conducted under s. 200.065(2)(d). If written disapproval of any portion of the budget is not received at least 5 business days prior to the final budget adoption hearing, the governing board may proceed with final adoption. Any provision rejected by the Governor shall not be included in a district's final budget.

(c) Each water management district shall, by August 1 of each year, submit for review a tentative budget to the Governor, the President of the Senate, the Speaker of the House of Representatives, the chairs of all legislative committees and subcommittees with substantive or fiscal jurisdiction over water management districts, *as determined by the President of the Senate or Speaker of the House of Representatives as applicable*, the secretary of the department, and the governing body of each

county in which the district has jurisdiction or derives any funds for the operations of the district.

(d) *The tentative budget must set forth the proposed expenditures of the district, to which may be added an amount to be held as reserve. The tentative budget must include, but is not limited to, the following information for the preceding fiscal year and the current fiscal year, and the proposed amounts for the upcoming fiscal year, in a standard format prescribed by the Executive Office of the Governor which is generally consistent with the format prescribed by legislative budget instructions for state agencies and the format requirements of s. 216.031:*

1. *The estimated amount of funds remaining at the beginning of the fiscal year which have been obligated for the payment of outstanding commitments not yet completed.*

2. *The estimated amount of unobligated funds or net cash balance on hand at the beginning of the fiscal year, and the estimated amount of funds to be raised by district taxes or received from other sources to meet the requirements of the district.*

3. *The millage rates and the percentage increase above the rolled-back rate, together with a summary of the reasons the increase is required, and the percentage increase in taxable value resulting from new construction within the district;*

4. *The salaries salary and benefits, expenses, operating capital outlay, number of authorized positions, and other personal services for the following program areas of the district, including a separate section for lobbying, intergovernmental relations, and advertising:*

a. *Water resource planning and monitoring;*

b. *Land acquisition, restoration, and public works;*

c. *Operation and maintenance of works and lands;*

d. *Regulation;*

e. *Outreach for which the information provided must contain a full description and accounting of expenditures for water resources education; public information and public relations, including public service announcements and advertising in any media; and lobbying activities related to local, regional, state and federal governmental affairs, whether incurred by district staff or through contractual services; and*

f. *Management and administration.*

~~a. District management and administration;~~

~~b. Implementation through outreach activities;~~

~~c. Implementation through regulation;~~

~~d. Implementation through acquisition, restoration, and public works;~~

~~e. Implementation through operations and maintenance of lands and works;~~

~~f. Water resources planning and monitoring; and~~

~~g. A full description and accounting of expenditures for lobbying activities relating to local, regional, state, and federal governmental affairs, whether incurred by district staff or through contractual services and all expenditures for public relations, including all expenditures for public service announcements and advertising in any media.~~

In addition to the program areas reported by all water management districts, the South Florida Water Management District shall include in its budget document a separate ~~sections~~ section on all costs associated with the Everglades Construction Project and the Comprehensive Everglades Restoration Plan.

5. ~~3.~~ The total estimated amount in the district budget for each area of responsibility listed in ~~subparagraph 4, paragraph (a)~~ and for water resource development projects identified in the district's regional water supply plans.

4. ~~A 5-year capital improvements plan.~~

6. ~~5.~~ A description of each new, expanded, reduced, or eliminated program.

~~6.—A proposed 5-year water resource development work program, that describes the district's implementation strategy for the water resource development component of each approved regional water supply plan developed or revised pursuant to s. 373.0361. The work program shall address all the elements of the water resource development component in the district's approved regional water supply plans. The office of the Governor, with the assistance of the department, shall review the proposed work program. The review shall include a written evaluation of its consistency with and furtherance of the district's approved regional water supply plans, and adequacy of proposed expenditures. As part of the review, the Executive Office of the Governor and the department shall afford to all interested parties the opportunity to provide written comments on each district's proposed work program. At least 7 days prior to the adoption of its final budget, the governing board shall state in writing to the Executive Office of the Governor which changes recommended in the evaluation it will incorporate into its work program, or specify the reasons for not incorporating the changes. The office of the Governor shall include the district's responses in the written evaluation and shall submit a copy of the evaluation to the Legislature; and~~

7. The funding sources, including, but not limited to, ad valorem taxes, Surface Water Improvement and Management Program funds, other state funds, federal funds, and user fees and permit fees for each program area.

~~(e)(d)~~ By September 5 of the year in which the budget is submitted, the House and Senate appropriations chairs may transmit to each district comments and objections to the proposed budgets. Each district governing board shall include a response to such comments and objections in the record of the governing board meeting where final adoption of the budget takes place, and the record of this meeting shall be transmitted to the Executive Office of the Governor, the department, and the chairs of the House and Senate appropriations committees.

~~(f)(e)~~ The Executive Office of the Governor shall annually, on or before December 15, file with the Legislature a report that summarizes its review ~~the expenditures~~ of the water management districts' tentative budgets and displays the adopted budget allocations ~~districts~~ by program area. ~~The report must identify and identifies~~ the districts that are not in compliance with the reporting requirements of this section. State funds shall be withheld from a water management district that fails to comply with these reporting requirements.

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

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

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

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

~~3. A 5-year capital improvements plan, to be furnished within 45 days after the adoption of the final budget. The plan must include expected sources of revenue for planned improvements and must be prepared in a manner comparable to the fixed capital outlay format set forth in s. 216.043.~~

~~4. A 5-year water resource development work program to be furnished within 45 days after the adoption of the final budget. The program must describe the district's implementation strategy for the water resource development component of each approved regional water supply plan~~

developed or revised under s. 373.0361. The work program must address all the elements of the water resource development component in the district's approved regional water supply plans. Within 45 days after its submittal, the department shall review the proposed work program and submit its findings, questions, and comments to the district. The review must include a written evaluation of the program's consistency with the furtherance of the district's approved regional water supply plans, and the adequacy of proposed expenditures. As part of the review, the department shall give interested parties the opportunity to provide written comments on each district's proposed work program. Within 60 days after receipt of the department's evaluation, the governing board shall state in writing to the department which changes recommended in the evaluation it will incorporate into its work program or specify the reasons for not incorporating the changes. The department shall include the district's responses in a final evaluation report and shall submit a copy of the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(b) If any entity listed in paragraph (a) provides written comments to the district regarding any document furnished under this subsection, the district must respond to the comments in writing and furnish copies of the comments and written responses to the other entities.

Section 21. Paragraph (b) of subsection (4) of section 373.079, Florida Statutes, is amended to read:

373.079 Members of governing board; oath of office; staff.—

(4)

(b)1. The governing board of each water management district shall employ an inspector general, who shall report directly to the board. However, the governing boards of the Suwannee River Water Management District and the Northwest Florida Water Management District may jointly employ an inspector general, or provide for inspector general services by interagency agreement with a state agency or water management district inspector general.

2. An inspector general must have the qualifications prescribed and perform the applicable duties of state agency inspectors general as provided in s. 20.055.

3.—~~Within 45 days of the adoption of the final budget, the governing board shall submit a 5-year capital improvement plan and fiscal report for the district to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Secretary of Environmental Protection. The capital improvement plan must include expected sources of revenue for planned improvements and shall be prepared in a manner comparable to the fixed capital outlay format set forth in s. 216.043. The fiscal report shall cover the preceding fiscal year and shall include a summary statement of the financial operations of the district.~~

Section 22. Section 373.501, Florida Statutes, is amended to read:

373.501 Appropriation of funds to water management districts.—

(1) The department may allocate to the water management districts, from funds appropriated to the department, such sums as may be deemed necessary to defray the costs of the administrative, regulatory, and other activities of the districts. The governing boards shall submit annual budget requests for such purposes to the department, and the department shall consider such budgets in preparing its budget request for the Legislature.

(2) *Funds appropriated by the Legislature for the purpose of funding a specific water management district project shall be transferred to the water management district when the proposed project has been reviewed by the secretary of the pertinent state agency and upon receipt of a governing board resolution requesting such funds.*

Section 23. Subsection (11) of section 373.59, Florida Statutes, is amended to read:

373.59 Water Management Lands Trust Fund.—

(11) Notwithstanding any provision of this section to the contrary, ~~and for the 2000-2001 fiscal year only~~, the governing board of a water management district may request, and the Secretary of Environmental Protection shall release upon such request, moneys allocated to the

districts pursuant to subsection (8) ~~for the purpose of carrying out the purposes consistent with the provisions of s. 373.0361, s. 373.0831 s. 373.0831, s. 373.139, or ss. 373.451-373.4595 and for legislatively authorized land acquisition and water restoration initiatives. No funds may be used pursuant to this subsection until necessary debt service obligations, requirements for payments in lieu of taxes, and land management obligations that may be required by this chapter are provided for. This subsection is repealed on July 1, 2001.~~

Section 24. *Sections 373.507 and 373.589, Florida Statutes, are repealed.*

Section 25. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to water resources; amending s. 373.1961, F.S.; allowing certain alternative water supply facilities to recover the cost of such facilities through rate structures; amending s. 373.083, F.S.; authorizing water management districts to solicit donations; amending s. 373.093, F.S.; authorizing water management districts to lease certain personal property; creating s. 373.608, F.S.; authorizing water management districts to obtain and enforce patents, copyrights, and trademarks on work products of the district; providing for rules; creating s. 373.610, F.S.; authorizing water management districts to suspend contractors who have defaulted on contracts; providing procedure; providing for rules; creating s. 373.611, F.S.; authorizing water management districts to enter into contracts to limit or alter the measure of damages recoverable from a vendor; amending s. 373.0693, F.S.; providing for membership on the Manasota Basin Board and for the resolution of tie votes; amending s. 73.015, F.S.; clarifying time-frame for providing specific information to fee-owners; requiring agencies to provide specified portions of statute to fee-owners; amending s. 270.11, F.S.; providing discretion to water management districts, local governments, board of trustees and other state agencies to determine whether to reserve mineral interests when selling lands; clarifying the types of information to be given by land-owner wanting a release of a reservation; amending s. 373.056, F.S.; granting water management districts the authority to grant utility easements on district-owned land for providing utility service; amending s. 373.093, F.S.; granting additional time to water management districts to provide notification before executing lease agreements; amending s. 373.096, F.S.; providing for release of certain easements, reservations, or right-of-way interests; amending s. 373.139, F.S.; authorizing water management districts to cure title defects after a land sale is executed; allowing water management districts to disclose appraisal information, offers and counter offers to third parties working on the district's behalf; allowing third party appraisals to be used under specific circumstances; amending s. 373.1401, F.S.; allowing water management districts to contract with private entities for management, improvement, or maintenance of land held by the districts; amending s. 110.152, F.S.; specifying employees who are entitled to receive such benefits for adopting a special-needs child; deleting references to water management district employees; prescribing the manner of establishing the amount of such benefits; amending s. 110.15201, F.S.; providing that rules for administering such adoption benefits may provide for an application process; deleting a reference to water management district employees; amending s. 215.32, F.S.; requiring the Comptroller and the Department of Management Services to transfer funds to water management districts to pay monetary benefits to water management district employees; creating s. 373.6065, F.S.; providing child-adoption monetary benefits to water management district employees; amending s. 373.536, F.S.; revising notice and hearing provisions relating to the adoption of a final budget for the water management districts; specifying to whom a copy of the water management districts' tentative budget must be sent for review; specifying the contents of the tentative budget; requiring the Executive Office of the Governor to file with the Legislature a report summarizing its review of the water management districts' tentative budgets and displaying the adopted budget allocations by program area; requiring the water management districts to submit certain budget documents to specified officials; amending s. 373.079, F.S.; deleting a requirement that the water management districts submit a 5-year capital improvement plan and fiscal report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Secretary of Environmental Protection; amending s. 373.59, F.S.; providing for the transfer of certain funds; amending s. 373.501, F.S.; providing for the release of moneys from the Water Management Lands Trust Fund; repealing s. 373.507, F.S., relating to postaudits and budgets of water

management districts and basins; repealing s. 373.589, F.S., relating to audits of water management districts; providing an effective date.

Pursuant to Rule 4.19, **CS for CS for SB 2120** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Crist—

SB 1148—A bill to be entitled An act relating to operations of correctional work programs; revising provisions relating to leased or managed work programs to conform to current operations and applications; amending ss. 946.502, 946.5025, 946.5026, 946.503, 946.506, 946.509, 946.511, 946.514, 946.516, 946.518, 946.520, F.S.; conforming internal cross-references; deleting obsolete provisions; clarifying a definition; changing a reporting date; amending s. 957.04, F.S., to conform a cross-reference; providing an effective date.

—was read the second time by title.

The Committee on Criminal Justice recommended the following amendment which was moved by Senator Crist and adopted:

Amendment 1 (642734)—On page 2, delete line 30 and insert: *and at least 51 percent of the board of which contains members of the board of*

The Committee on Governmental Oversight and Productivity recommended the following amendment which was moved by Senator Crist and adopted:

Amendment 2 (111736)(with title amendment)—On page 7, lines 29 and 30, delete those lines and insert:

Section 13. *The Legislature finds that a proper and legitimate state purpose is served when employees of the corporation established under this part, which is primarily an instrumentality of the state and carries out a vital state purpose under the direction of a board of directors which is appointed by the Governor and confirmed by the Senate, are given additional choices for the basic protections afforded by group health and prescription drug coverage programs that also permit the continued operation of a competitive marketplace and assure that affordable and available coverage is extended to all interested parties. Therefore, the Legislature determines and declares that section 946.525, Florida Statutes, fulfills an important state interest.*

Section 14. Section 946.525, Florida Statutes, is created to read:

946.525 Participation by the corporation in the state group health insurance and prescription drug programs.—

(1) *The board of directors of the corporation established under this part may apply for participation in the state group health insurance program authorized in s. 110.123 and the prescription drug coverage program authorized by s. 110.12315 by submitting an application along with a \$500 nonrefundable fee to the Department of Management Services.*

(2) *As a prerequisite to the adoption of a resolution for participation in the state group health insurance and prescription drug coverage program, the corporation shall seek proposals to provide health insurance and prescription drug coverage which coverages are equivalent to those offered currently by the corporation and coverages equivalent to the state group health insurance and prescription drug coverage program. The corporation shall review and consider all responsive proposals prior to the adoption of any resolution for participation in the state group health insurance and prescription drug coverage program.*

(3) *If the Department of Management Services determines that the corporation is eligible to enroll, the corporation must agree to the following terms and conditions:*

(a) *The minimum enrollment or contractual period will be 3 years.*

(b) *The corporation must pay to the Department of Management Services an initial administrative fee not less than \$2.61 per enrollee per month, or such other amount established annually to fully reimburse the Department of Management Services for its costs.*

(c) *Termination of participation of the corporation requires written notice 1 year before the termination date.*

(d) *If participation is terminated, the corporation may not reapply for participation for a period of 2 years.*

(e) *The corporation shall reimburse the state for 100 percent of its costs, including administrative costs.*

(f) *If the corporation fails to make the payments required by this section to fully reimburse the state, the Department of Revenue or the Department of Banking and Finance shall, upon the request of the Department of Management Services, deduct the amount owed by the employer from any funds to be distributed by it to the corporation. The amounts so deducted shall be transferred to the Department of Management Services for further distribution to the trust funds in accordance with this chapter.*

(g) *The corporation shall furnish the Department of Management Services any information requested by the Department of Management Services which the Department of Management Services considers necessary to administer the state group health insurance program and the prescription drug program.*

(4) *The provisions of ss. 624.436-624.446 do not apply to the State Group Insurance Program or to this section.*

(5) *The Department of Management Services may adopt rules necessary to administer this section.*

Section 15. *The Department of Management Services shall request from the Internal Revenue Service, by October 1, 2001, a written determination letter and a favorable private letter ruling, stating that the State Group Self-Insurance Program, as amended by section 946.525, Florida Statutes, is a facially qualified plan. The department shall notify the President of the Senate and the Speaker of the House of Representatives within 30 days after the receipt of the favorable or unfavorable letters.*

Section 16. This act shall take effect upon becoming a law, except that section 14 shall take effect only when the Department of Management Services receives the favorable letters requested by section 15. If the favorable letters are not received, section 14 shall not take effect.

And the title is amended as follows:

On page 1, delete line 12 and insert: *cross-reference; providing a declaration of important state interest; creating s. 946.525, F.S.; establishing participation requirements; providing an effective date.*

Pursuant to Rule 4.19, **SB 1148** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Smith—

CS for CS for SB 1196—A bill to be entitled An act relating to sentencing; amending ss. 921.002, 921.0024, F.S.; providing for the state attorney and the defendant to waive preparation of the scoresheet and for the judge to proceed with sentencing; requiring that the scoresheet be submitted to the judge within a specified period following sentencing; deleting a requirement that the Department of Corrections prepare a defendant's sentencing scoresheet under certain circumstances; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1196** was placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

SB 136—A bill to be entitled An act relating to rules of evidence; amending s. 794.022, F.S.; providing for certain rules of evidence applicable to the criminal prosecution of the crime of sexual battery to apply in any civil action brought under the Florida Civil Rights Act involving the perpetration or alleged perpetration of such crime; providing an effective date.

—was read the second time by title.

Senator Laurent moved the following amendment which was adopted:

Amendment 1 (272328)(with title amendment)—On page 2, lines 21 and 22, delete those lines and insert:

Section 2. Effective July 1, 2001, present paragraphs (i) and (j) of subsection (1) of section 794.011, Florida Statutes, are redesignated as paragraphs (j) and (k), respectively, and a new paragraph (i) is added to that subsection, to read:

794.011 Sexual battery.—

(1) As used in this chapter:

(i) *“Vaginal” or “vagina” refers to the internal or external parts of the sexual organ of a female.*

Section 3. Effective July 1, 2001, paragraph (e) is added to subsection (1) of section 796.07, Florida Statutes, to read:

796.07 Prohibiting prostitution, etc.; evidence; penalties; definitions.—

(1) As used in this section:

(e) *“Vaginal” or “vagina” refers to the internal or external parts of the sexual organ of a female.*

Section 4. Effective July 1, 2001, paragraph (e) is added to subsection (1) of section 800.04, Florida Statutes, to read:

800.04 Lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age.—

(1) DEFINITIONS.—As used in this section:

(e) *“Vaginal” or “vagina” refers to the internal or external parts of the sexual organ of a female.*

Section 5. Effective July 1, 2001, subsection (1) of section 825.1025, Florida Statutes, is amended to read:

825.1025 Lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled adult.—

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

(a) *“Sexual activity” means the oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object; however, sexual activity does not include an act done for a bona fide medical purpose.*

(b) *“Vaginal” or “vagina” refers to the internal or external parts of the sexual organ of a female.*

Section 6. Effective July 1, 2001, paragraph (j) is added to subsection (1) of section 827.071, Florida Statutes, to read:

827.071 Sexual performance by a child; penalties.—

(1) As used in this section, the following definitions shall apply:

(j) *“Vaginal” or “vagina” refers to the internal or external parts of the sexual organ of a female.*

Section 7. Effective July 1, 2001, subsection (14) is added to section 847.001, Florida Statutes, to read:

847.001 Definitions.—When used in this chapter:

(14) *“Vaginal” or “vagina” refers to the internal or external parts of the sexual organ of a female.*

Section 8. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, delete line 2 and insert: An act relating to sex crimes; amending ss. 794.011, 796.07, 800.04, 825.1025, 827.071, 847.001, F.S.,

relating to sexual battery, prostitution, lewd or lascivious offenses, sexual performance by a child, and obscene literature and other material; defining the terms “vaginal” and “vagina” for purposes of laws defining certain prohibited sexual activities; amending

Pursuant to Rule 4.19, **SB 136** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 268** was deferred.

On motion by Senator Klein—

CS for CS for SB 2156—A bill to be entitled An act relating to health care; amending s. 456.031, F.S.; allowing licensees under ch. 466, F.S., to complete a course designated by the Board of Dentistry, rather than a course in end-of-life care and palliative care, as an alternative to completing a domestic-abuse course; amending s. 456.033, F.S.; allowing licensees under ch. 466, F.S., to complete a course designated by the Board of Dentistry, rather than a course in end-of-life care and palliative care, as an alternative to completing certain instruction on human immunodeficiency virus and acquired immune deficiency syndrome; amending s. 765.101, F.S.; redefining the term “end-stage condition”; amending s. 765.102, F.S.; prescribing the content and suitability of palliative care; amending s. 765.205, F.S.; prescribing the standards of decision-making which are to be used in certain circumstances by health surrogates and by proxy decisionmakers; amending s. 765.401, F.S.; prescribing the standards of decisionmaking which are to be used in certain circumstances by proxies; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 2156** was placed on the calendar of Bills on Third Reading.

CS for SB 260—A bill to be entitled An act relating to motor vehicles; creating s. 860.146, F.S.; defining the terms “fake airbag” and “junk-filled airbag compartment”; prohibiting the sale, purchase, or installation of fake airbags or junk-filled airbag compartments; providing criminal penalties; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 260** to **CS for HB 157**.

Pending further consideration of **CS for SB 260** as amended, on motion by Senator Geller, by two-thirds vote **CS for HB 157** was withdrawn from the Committees on Regulated Industries; Appropriations Subcommittee on General Government; and Appropriations.

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

CS for HB 157—A bill to be entitled An act relating to Motor Vehicles; creating s. 860.146, F.S.; defining the terms “fake airbag” and “junk-filled airbag compartment”; prohibiting the sale, purchase, or installation of fake airbags or junk-filled airbag compartments; providing criminal penalties; providing an effective date.

—a companion measure, was substituted for **CS for SB 260** as amended and by two-thirds vote read the second time by title.

On motion by Senator Geller, further consideration of **CS for HB 157** was deferred.

Consideration of **SB 958** was deferred.

On motion by Senator Campbell—

CS for SB 1256—A bill to be entitled An act relating to nursing education; prohibiting the Board of Nursing from developing any rule relating to faculty/student clinical ratios until a specified time; requiring the Board of Nursing and the Department of Education to submit to the

Legislature an implementation plan detailing the impact and cost of any such proposed rule change; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1256** was placed on the calendar of Bills on Third Reading.

SENATOR SILVER PRESIDING

On motion by Senator Saunders—

CS for CS for SB 1346—A bill to be entitled An act relating to behavioral health care service; amending s. 394.66, F.S.; providing legislative intent; creating s. 394.741, F.S.; requiring the Agency for Health Care Administration and the Department of Children and Family Services to accept accreditation in lieu of its administrative and program monitoring under certain circumstances; amending s. 394.90, F.S.; requiring the Agency for Health Care Administration to accept accreditation in lieu of its onsite licensure reviews; amending s. 397.411, F.S.; requiring the Department of Children and Family Services to accept accreditation in lieu of its onsite licensure reviews; amending s. 397.403, F.S.; conforming provisions; creating s. 394.499, F.S.; authorizing the Department of Children and Family Services, in consultation with the Agency for Health Care Administration, to establish children's behavioral crisis unit demonstration models to provide integrated emergency mental health and substance abuse services to persons under 18 years of age at facilities licensed as children's crisis stabilization units; providing for standards, procedures, and requirements for services; providing eligibility criteria; requiring the department to report on the initial demonstration models; providing for expanding the demonstration models; providing for independent evaluation and report; providing rule-making authority; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1346** was placed on the calendar of Bills on Third Reading.

On motion by Senator Geller—

CS for SB 1530—A bill to be entitled An act relating to viaticals; amending s. 626.9911, F.S.; revising definitions; amending s. 626.9921, F.S.; providing for approval of forms; amending s. 626.99235, F.S.; providing for applicability to purchase in the secondary market; amending s. 626.99236, F.S.; requiring certain purchases to be handled by an independent third-party trustee; amending s. 626.9924, F.S.; revising procedures for tracking the insured; amending s. 626.99245, F.S.; clarifying the application of licensing requirements to viatical settlement providers; providing an effective date.

—was read the second time by title.

Senator Geller moved the following amendment which was adopted:

Amendment 1 (431418)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsections (8), (9), (10), (14), and (15) of section 626.9911, Florida Statutes, are amended to read:

626.9911 Definitions.—As used in this act, the term:

(8) "Related provider trust" means a *titling trust or other trust established by a licensed viatical settlement provider or financing entity for the sole purpose of holding the ownership or beneficial interest in purchased policies in connection with a financing transaction entering into or owning viatical settlement contracts. The trust must have a written agreement with a licensed viatical settlement provider or financing entity under which the licensed viatical settlement provider or financing entity is responsible for insuring compliance with all statutory and regulatory requirements and under which the trust agrees to make all records and files relating to viatical settlement transactions available to the department as if those records and files were maintained directly by the licensed viatical settlement provider.* This term does not include an independent third-party trustee or escrow agent or a trust that does not enter into

agreements with a viator. A related provider trust shall be subject to all provisions of this act that apply to the viatical settlement provider who established the related provider trust, except s. 626.9912, which shall not be applicable. A viatical settlement provider may establish no more than one related provider trust, and the sole trustee of such related provider trust shall be the viatical settlement provider licensed under s. 626.9912. The name of the licensed viatical settlement provider shall be included within the name of the related provider trust.

(9) "Viatical settlement purchase agreement" means a contract or agreement, entered into by a viatical settlement purchaser, to which the viator is not a party, to purchase a life insurance policy or an interest in a life insurance policy, which is entered into for the purpose of deriving an economic benefit. *The term also includes purchases made by viatical settlement purchasers from any person other than the provider who effectuated the viatical settlement contract.*

(10) "Viatical settlement purchaser" means a person *who gives a sum of money as consideration for a life insurance policy or an equitable or legal interest in the death benefits of a life insurance policy that has been or will be the subject of a viatical settlement contract, for the purpose of deriving an economic benefit, including purchases from any person other than the provider who effectuated the viatical settlement contract or an entity affiliated with the provider. The term does not include, other than a licensee under this part, an accredited investor as defined in Rule 501, Regulation D of the Securities Act Rules, or a qualified institutional buyer as defined by Rule 144(a) of the Federal Securities Act, or a special purpose entity, a financing entity, or a contingency insurer who gives a sum of money as consideration for a life insurance policy or an equitable or legal interest in the death benefits of a life insurance policy which has been or will be the subject of a viatical settlement contract, for the purpose of deriving an economic benefit.* The above references to Rule 501, Regulation D and Rule 144(a) of the Federal Securities Act are used strictly for defining purposes and shall not be interpreted in any other manner. Any person who claims to be an accredited investor shall sign an affidavit stating that he or she is an accredited investor, the basis of that claim, and that he or she understands that as an accredited investor he or she will not be entitled to certain protections of the Viatical Act. This affidavit must be kept with other documents required to be maintained by this act.

(14) "Special purpose entity" means an entity established by a licensed viatical settlement provider *or by a financing entity, which may be a corporation, partnership, trust, limited liability company, or other similar entity formed solely to provide, either directly or indirectly, access to act as a vehicle to permit a lender to the provider to access institutional capital markets to a viatical settlement for the provider or financing entity.* A special purpose entity shall not enter into a viatical settlement contract or a viatical settlement purchase agreement.

(15) "Financing entity" means an underwriter, placement agent, lender, purchaser of securities, or purchaser of a policy or certificate from a viatical settlement provider, credit enhancer, or any *entity person that may be a party to a viatical settlement contract and that has direct ownership in a policy or certificate that is the subject of a viatical settlement contract, but whose principal sole activity related to the transaction is providing funds or credit enhancement to effect the viatical settlement or the purchase of one or more viatical policies and who has an agreement in writing with one or more licensed viatical settlement providers to finance the acquisition of viatical settlement contracts a licensed viatical settlement provider to act as a participant in a financing transaction.* The term does not include a nonaccredited investor, a viatical settlement purchaser, or other natural person. *A financing entity may not enter into a viatical settlement contract.*

Section 2. Subsection (1) of section 626.9921, Florida Statutes, is amended to read:

626.9921 Filing of forms; required procedures; approval.—

(1) A viatical settlement contract form, viatical settlement purchase agreement form, escrow form, or related form may be used in this state only after ~~the viatical settlement provider or any related provider trust has filed the form~~ *has been filed with the department and only after the form has been approved by the department.*

Section 3. Subsection (3) is added to section 626.99235, Florida Statutes, to read:

626.99235 Disclosures to viatical settlement purchasers; misrepresentations.—

(3) *The requirements of this section also apply to purchases made from any person other than the provider who effectuated the viatical settlement contract which are the subject of a viatical settlement purchase agreement.*

Section 4. Section 626.99236, Florida Statutes, is amended to read:

626.99236 Further disclosures to viatical settlement purchasers.—

(1) No later than 5 days prior to the assignment, transfer, sale, devise, or bequest of the death benefit or ownership of all or a portion of the insurance policy or certificate of insurance to the purchaser, the viatical settlement provider and the viatical settlement sales agent, themselves or through another person, shall provide in writing the following disclosures to any viatical settlement purchaser:

- (a) All the life expectancy certifications obtained by the provider.
- (b) The name and address of the insurance company, the policy number, and the date of original issue of the viaticated policy.
- (c) The experience and qualifications of the person issuing the life expectancy certification, and that person's relationship to the viatical settlement provider, the viatical settlement broker, the viatical settlement sales agent, and the viator.
- (d) The name and address of any person providing escrow services, and that person's relationship to the viatical settlement provider, the viatical settlement broker, the viatical settlement sales agent, and the viator.
- (e) The type of life insurance policy offered or sold, including a statement as to whether the policy is whole life, term life, universal life, or a group policy certificate; a statement as to whether the policy is in lapse status or has lapsed in the last 2 years; and a statement as to whether the purchaser is entitled to benefits contained in the policy other than the death benefit of the policy.
- (f) The procedure to be used by the provider to provide the status of the health condition of the insured to a purchaser.

(2) The viatical settlement purchase agreement is voidable by the purchaser at any time within 3 days after the disclosures mandated by this section are received by the purchaser.

(3) At the time the disclosures in subsection (1) are made, the viatical settlement purchaser shall be advised to seek independent financial advice from a person not compensated by the viatical settlement provider or viatical settlement broker or the viatical settlement sales agent. The viatical settlement purchaser shall sign an affidavit that he or she has received the disclosures and understands their importance.

(4) *A viatical settlement purchase transaction, which involves a purchase from any person other than the provider who effectuated the viatical settlement contract that is the subject of a viatical settlement purchase agreement, may be completed only through the use of an independent third-party trustee or escrow agent. All funds to be paid by the purchaser must be deposited by the purchaser with the independent third-party trustee or escrow agent. The independent third-party trustee or escrow agent shall not release the deposited funds to the seller until after the 3-day voidable period established by subsection (2) has expired.*

(5) *The requirements of subsections (1), (2), and (3) also apply to purchases made from any person other than the provider who effectuated the viatical settlement contract that are the subject of a viatical settlement purchase agreement.*

Section 5. Subsection (10) is added to section 626.9924, Florida Statutes, to read:

626.9924 Viatical settlement contracts; procedures; rescission.—

(10) *The viatical settlement provider who effectuated the viatical settlement contract with the viator (the "initial provider") is responsible for tracking the insured, including but not limited to, keeping track of the insured's whereabouts and health status, submission of death claims or assisting the beneficiary in the submission of death claims, and the status*

of the payment of premiums until the death of the insured. This responsibility may be contracted out to a third party; however, the ultimate responsibility remains with the initial provider. This responsibility continues with the initial provider, notwithstanding any transfers of the viaticated policy in the secondary market. This subsection applies only to those viaticated policies that are or are to become the subject of viatical settlement purchase agreements.

Section 6. Subsection (3) is added to section 626.99245, Florida Statutes, to read:

626.99245 Conflict of regulation of viaticals.—

(3) *This section does not affect the requirement of ss. 626.9911(6) and 626.9912(1) that a viatical settlement provider doing business from this state must obtain a viatical settlement license from the department. As used in this subsection, the term "doing business from this state" includes effectuating viatical settlement contracts and effectuating viatical settlement purchase agreements from offices in this state, regardless of the state of residence of the viator or the viatical settlement purchaser.*

Section 7. This act shall take effect October 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to financial settlements; amending s. 626.9911, F.S.; revising definitions; amending s. 626.9921, F.S.; providing for approval of forms; amending s. 626.99235, F.S.; providing for applicability; amending s. 626.99236, F.S.; requiring certain purchases to be handled by an independent third-party trustee; amending s. 626.9924, F.S.; revising procedures for tracking the insured; amending s. 626.99245, F.S.; clarifying the application of licensing requirements to viatical settlement providers; providing an effective date.

RECONSIDERATION OF AMENDMENT

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

Senator Geller moved the following amendment which was adopted:

Amendment 2 (150574)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsections (8), (9), (10), (14), and (15) of section 626.9911, Florida Statutes, are amended to read:

626.9911 Definitions.—As used in this act, the term:

(8) "Related provider trust" means a *titling trust or other trust established by a licensed viatical settlement provider or financing entity for the sole purpose of holding the ownership or beneficial interest in purchased policies in connection with a financing transaction entering into or owning viatical settlement contracts. The trust must have a written agreement with a licensed viatical settlement provider or financing entity under which the licensed viatical settlement provider or financing entity is responsible for insuring compliance with all statutory and regulatory requirements and under which the trust agrees to make all records and files relating to viatical settlement transactions available to the department as if those records and files were maintained directly by the licensed viatical settlement provider.* This term does not include an independent third-party trustee or escrow agent or a trust that does not enter into agreements with a viator. A related provider trust shall be subject to all provisions of this act that apply to the viatical settlement provider who established the related provider trust, except s. 626.9912, which shall not be applicable. A viatical settlement provider may establish no more than one related provider trust, and the sole trustee of such related provider trust shall be the viatical settlement provider licensed under s. 626.9912. The name of the licensed viatical settlement provider shall be included within the name of the related provider trust.

(9) "Viatical settlement purchase agreement" means a contract or agreement, entered into by a viatical settlement purchaser, to which the viator is not a party, to purchase a life insurance policy or an interest in a life insurance policy, which is entered into for the purpose of deriving an economic benefit. *The term also includes purchases made by viatical settlement purchasers from any person other than the provider who effectuated the viatical settlement contract.*

(10) "Viatical settlement purchaser" means a person *who gives a sum of money as consideration for a life insurance policy or an equitable or legal interest in the death benefits of a life insurance policy that has been or will be the subject of a viatical settlement contract, for the purpose of deriving an economic benefit, including purchases made from any person other than the provider who effectuated the viatical settlement contract or an entity affiliated with the provider. The term does not include, other than a licensee under this part, an accredited investor as defined in Rule 501, Regulation D of the Securities Act Rules, or a qualified institutional buyer as defined by Rule 144(a) of the Federal Securities Act, or a special purpose entity, a financing entity, or a contingency insurer who gives a sum of money as consideration for a life insurance policy or an equitable or legal interest in the death benefits of a life insurance policy which has been or will be the subject of a viatical settlement contract, for the purpose of deriving an economic benefit.* The above references to Rule 501, Regulation D and Rule 144(a) of the Federal Securities Act are used strictly for defining purposes and shall not be interpreted in any other manner. Any person who claims to be an accredited investor shall sign an affidavit stating that he or she is an accredited investor, the basis of that claim, and that he or she understands that as an accredited investor he or she will not be entitled to certain protections of the Viatical Act. This affidavit must be kept with other documents required to be maintained by this act.

(14) "Special purpose entity" means an entity established by a licensed viatical settlement provider *or by a financing entity*, which may be a corporation, partnership, trust, *limited liability company*, or other similar entity formed solely to *provide, either directly or indirectly, access to act as a vehicle to permit a lender to the provider to access institutional capital markets to a viatical settlement for the provider or financing entity.* A special purpose entity shall not enter into a viatical settlement contract or a viatical settlement purchase agreement.

(15) "Financing entity" means an underwriter, placement agent, lender, purchaser of securities, or purchaser of a policy or certificate from a viatical settlement provider, credit enhancer, or any *entity person that may be a party to a viatical settlement contract and that* has direct ownership in a policy or certificate that is the subject of a viatical settlement contract, but whose *principal sole* activity related to the transaction is providing funds or credit enhancement to effect the viatical settlement *or the purchase of one or more viatical policies* and who has an agreement in writing with *one or more licensed viatical settlement providers to finance the acquisition of viatical settlement contracts a licensed viatical settlement provider to act as a participant in a financing transaction.* The term does not include a nonaccredited investor, a *viatical settlement purchaser*, or other natural person. *A financing entity may not enter into a viatical settlement contract.*

Section 2. Subsection (1) of section 626.9921, Florida Statutes, is amended to read:

626.9921 Filing of forms; required procedures; approval.—

(1) A viatical settlement contract form, viatical settlement purchase agreement form, escrow form, or related form may be used in this state only after ~~the viatical settlement provider or any related provider trust has filed the form~~ *has been filed* with the department and only after the form has been approved by the department.

Section 3. Subsection (3) is added to section 626.99235, Florida Statutes, to read:

626.99235 Disclosures to viatical settlement purchasers; misrepresentations.—

(3) *The requirements of this section also apply to purchases made from any person other than the provider who effectuated the viatical settlement contract which are the subject of a viatical settlement purchase agreement.*

Section 4. Section 626.99236, Florida Statutes, is amended to read:

626.99236 Further disclosures to viatical settlement purchasers.—

(1) No later than 5 days prior to the assignment, transfer, sale, devise, or bequest of the death benefit or ownership of all or a portion of the insurance policy or certificate of insurance to the purchaser, the viatical settlement provider *and the viatical settlement sales agent,*

~~themselves itself~~ or through another person, shall provide in writing the following disclosures to any viatical settlement purchaser:

- (a) All the life expectancy certifications obtained by the provider.
- (b) The name and address of the insurance company, the policy number, and the date of original issue of the viaticated policy.
- (c) The experience and qualifications of the person issuing the life expectancy certification, and that person's relationship to the viatical settlement provider, the viatical settlement broker, the viatical settlement sales agent, and the viator.
- (d) The name and address of any person providing escrow services, and that person's relationship to the viatical settlement provider, the viatical settlement broker, the viatical settlement sales agent, and the viator.
- (e) The type of life insurance policy offered or sold, including a statement as to whether the policy is whole life, term life, universal life, or a group policy certificate; a statement as to whether the policy is in lapse status or has lapsed in the last 2 years; and a statement as to whether the purchaser is entitled to benefits contained in the policy other than the death benefit of the policy.

(f) The procedure to be used by the provider to provide the status of the health condition of the insured to a purchaser.

(2) The viatical settlement purchase agreement is voidable by the purchaser at any time within 3 days after the disclosures mandated by this section are received by the purchaser.

(3) At the time the disclosures in subsection (1) are made, the viatical settlement purchaser shall be advised to seek independent financial advice from a person not compensated by the viatical settlement provider or viatical settlement broker or the viatical settlement sales agent. The viatical settlement purchaser shall sign an affidavit that he or she has received the disclosures and understands their importance.

(4) *A viatical settlement purchase transaction, which involves a purchase from any person other than the provider who effectuated the viatical settlement contract that is the subject of a viatical settlement purchase agreement, may be completed only through the use of an independent third-party trustee or escrow agent. All funds to be paid by the purchaser must be deposited by the purchaser with the independent third-party trustee or escrow agent. The independent third-party trustee or escrow agent shall not release the deposited funds to the seller until after the 3-day voidable period established by subsection (2) has expired.*

(5) *The requirements of subsections (1), (2), and (3) also apply to purchases made from any person other than the provider who effectuated the viatical settlement contract that are the subject of a viatical settlement purchase agreement.*

Section 5. Subsection (10) is added to section 626.9924, Florida Statutes, to read:

626.9924 Viatical settlement contracts; procedures; rescission.—

(10) *The viatical settlement provider who effectuated the viatical settlement contract with the viator (the "initial provider") is responsible for tracking the insured, including but not limited to, keeping track of the insured's whereabouts and health status, submission of death claims or assisting the beneficiary in the submission of death claims, and the status of the payment of premiums until the death of the insured. This responsibility may be contracted out to a third party; however, the ultimate responsibility remains with the initial provider. This responsibility continues with the initial provider, notwithstanding any transfers of the viaticated policy in the secondary market. This subsection applies only to those viaticated policies that are or are to become the subject of viatical settlement purchase agreements.*

Section 6. Subsection (3) is added to section 626.99245, Florida Statutes, to read:

626.99245 Conflict of regulation of viaticals.—

(3) *This section does not affect the requirement of ss. 626.9911(6) and 626.9912(1) that a viatical settlement provider doing business from this*

state must obtain a viatical settlement license from the department. As used in this subsection, the term "doing business from this state" includes effectuating viatical settlement contracts and effectuating viatical settlement purchase agreements from offices in this state, regardless of the state of residence of the viator or the viatical settlement purchaser.

Section 7. *Transfers of structured-settlement-payment rights.*—

(1) *PURPOSE.*—The purpose of this section is to protect recipients of structured settlements who are involved in the process of transferring structured-settlement-payment rights.

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

(a) "Annuity issuer" means an insurer that has issued an annuity contract to be used to fund periodic payments under a structured settlement.

(b) "Applicable law" means any of the following, as applicable in interpreting the terms of a structured settlement:

1. The laws of the United States;
2. The laws of this state, including principles of equity applied in the courts of this state; and
3. The laws of any other jurisdiction:
 - a. That is the domicile of the payee or any other interested party;
 - b. Under whose laws a structured-settlement agreement was approved by a court; or
 - c. In whose courts a settled claim was pending when the parties entered into a structured-settlement agreement.

(c) "Applicable federal rate" means the most recently published applicable rate for determining the present value of an annuity, as issued by the United States Internal Revenue Service pursuant to section 7520 of the United States Internal Revenue Code, as amended.

(d) "Assignee" means any party that acquires structured-settlement-payment rights directly or indirectly from a transferee of such rights.

(e) "Dependents" means a payee's spouse and minor children and all other family members and other persons for whom the payee is legally obligated to provide support, including spousal maintenance.

(f) "Discount and finance charge" means the sum of all charges that are payable directly or indirectly from assigned structured-settlement payments and imposed directly or indirectly by the transferee and that are incident to a transfer of structured-settlement-payment rights, including:

1. Interest charges, discounts, or other compensation for the time value of money;
2. All application, origination, processing, underwriting, closing, filing, and notary fees and all similar charges, however denominated; and
3. All charges for commissions or brokerage, regardless of the identity of the party to whom such charges are paid or payable.

The term does not include any fee or other obligation incurred by a payee in obtaining independent professional advice concerning a transfer of structured-settlement-payment rights.

(g) "Discounted present value" means, with respect to a proposed transfer of structured-settlement-payment rights, the fair present value of future payments, as determined by discounting the payments to the present using the most recently published applicable federal rate as the discount rate.

(h) "Independent professional advice" means advice of an attorney, certified public accountant, actuary, or other licensed professional adviser:

1. Who is engaged by a payee to render advice concerning the legal, tax, and financial implications of a transfer of structured-settlement-payment rights;

2. Who is not in any manner affiliated with or compensated by the transferee of the transfer; and

3. Whose compensation for providing the advice is not affected by whether a transfer occurs or does not occur.

(i) "Interested parties" means:

1. The payee;
2. Any beneficiary irrevocably designated under the annuity contract to receive payments following the payee's death or, if such designated beneficiary is a minor, the designated beneficiary's parent or guardian;
3. The annuity issuer;
4. The structured-settlement obligor; or
5. Any other party who has continuing rights or obligations under the structured settlement.

(j) "Payee" means an individual who is receiving tax-free damage payments under a structured settlement and proposes to make a transfer of payment rights under the structured settlement.

(k) "Qualified-assignment agreement" means an agreement providing for a qualified assignment, as authorized by Title 26, section 130 of the United States Internal Revenue Code, as amended.

(l) "Settled claim" means the original tort claim resolved by a structured settlement.

(m) "Structured settlement" means an arrangement for periodic payment of damages for personal injuries established by settlement or judgment in resolution of a tort claim.

(n) "Structured-settlement agreement" means the agreement, judgment, stipulation, or release embodying the terms of a structured settlement, including the rights of the payee to receive periodic payments.

(o) "Structured-settlement obligor" means the party who is obligated to make continuing periodic payments to the payee under a structured-settlement agreement or a qualified-assignment agreement.

(p) "Structured-settlement-payment rights" means rights to receive periodic payments, including lump-sum payments under a structured settlement, whether from the structured-settlement obligor or the annuity issuer, if:

1. The payee or any other interested party is domiciled in this state;
2. The structured settlement agreement was approved by a court of this state; or
3. The settled claim was pending before the courts of this state when the parties entered into the structured-settlement agreement.

(q) "Terms of the structured settlement" means the terms of the structured-settlement agreement; the annuity contract; a qualified-assignment agreement; or an order or approval of a court or other government authority authorizing or approving the structured settlement.

(r) "Transfer" means a sale, assignment, pledge, hypothecation, or other form of alienation or encumbrance made by a payee for consideration.

(s) "Transfer agreement" means the agreement providing for transfer of structured-settlement-payment rights from a payee to a transferee.

(t) "Transferee" means a person who is receiving or who will receive structured-settlement-payment rights resulting from a transfer.

(3) *CONDITIONS TO TRANSFERS OF STRUCTURED-SETTLEMENT-PAYMENT RIGHTS AND STRUCTURED-SETTLEMENT AGREEMENTS.*—

(a) A direct or indirect transfer of structured-settlement-payment rights is not effective and a structured-settlement obligor or annuity issuer is not required to make a payment directly or indirectly to a transferee of structured-settlement-payment rights unless the transfer is

authorized in advance in a final order by a court of competent jurisdiction which is based on the written express findings by the court that:

1. The transfer complies with this section and does not contravene other applicable law;

2. At least 10 days before the date on which the payee first incurred an obligation with respect to the transfer, the transferee provided to the payee a disclosure statement in bold type, no smaller than 14 points in size, which specifies:

a. The amounts and due dates of the structured-settlement payments to be transferred;

b. The aggregate amount of the payments;

c. The discounted present value of the payments, together with the discount rate used in determining the discounted present value;

d. The gross amount payable to the payee in exchange for the payments;

e. An itemized listing of all brokers' commissions, service charges, application fees, processing fees, closing costs, filing fees, referral fees, administrative fees, legal fees, and notary fees and other commissions, fees, costs, expenses, and charges payable by the payee or deductible from the gross amount otherwise payable to the payee;

f. The net amount payable to the payee after deducting all commissions, fees, costs, expenses, and charges described in sub-subparagraph e.;

g. The quotient, expressed as a percentage, obtained by dividing the net payment amount by the discounted present value of the payments, which must be disclosed in the following statement: "The net amount that you will receive from us in exchange for your future structured-settlement payments represent ___ percent of the estimated current value of the payments based upon the discounted value using the applicable federal rate";

h. The effective annual interest rate, which must be disclosed in the following statement: "Based on the net amount that you will receive from us and the amounts and timing of the structured-settlement payments that you are turning over to us, you will, in effect, be paying interest to us at a rate of ___ percent per year"; and

i. The amount of any penalty and the aggregate amount of any liquidated damages, including penalties, payable by the payee in the event of a breach of the transfer agreement by the payee;

3. The payee has established that the transfer is in the best interests of the payee, taking into account the welfare and support of the payee's dependents;

4. The payee has received, or waived his or her right to receive, independent professional advice regarding the legal, tax, and financial implications of the transfer;

5. The transferee has given written notice of the transferee's name, address, and taxpayer identification number to the annuity issuer and the structured-settlement obligor and has filed a copy of the notice with the court;

6. The transfer agreement provides that if the payee is domiciled in this state, any disputes between the parties will be governed in accordance with the laws of this state and that the domicile state of the payee is the proper venue to bring any cause of action arising out of a breach of the agreement; and

7. The court has determined that the net amount payable to the payee is fair, just, and reasonable under the circumstances then existing.

(b) If a proposed transfer would contravene the terms of the structured settlement, upon the filing of a written objection by any interested party and after considering the objection and any response to it, the court may grant, deny, or impose conditions upon the proposed transfer which the court deems just and proper given the facts and circumstances and in accordance with established principles of law. Any order approving a transfer must require that the transferee indemnify the annuity issuer and the structured-settlement obligor for any liability, including reason-

able costs and attorney's fees, which arises from compliance by the issuer or obligor with the order of the court.

(c) Any provision in a transfer agreement which gives a transferee power to confess judgment against a payee is unenforceable to the extent that the amount of the judgment would exceed the amount paid by the transferee to the payee, less any payments received from the structured-settlement obligor or payee.

(d) In negotiating a structured settlement of claims brought by or on behalf of a claimant who is domiciled in this state, the structured-settlement obligor must disclose in writing to the claimant or the claimant's legal representative all of the following information that is not otherwise specified in the structured-settlement agreement:

1. The amounts and due dates of the periodic payments to be made under the structured-settlement agreement. In the case of payments that will be subject to periodic percentage increases, the amounts of future payments may be disclosed by identifying the base payment amount, the amount and timing of scheduled increases, and the manner in which increases will be compounded;

2. The amount of the premium payable to the annuity issuer;

3. The discounted present value of all periodic payments that are not life-contingent, together with the discount rate used in determining the discounted present value;

4. The nature and amount of any costs that may be deducted from any of the periodic payments;

5. Where applicable, that any transfer of the periodic payments is prohibited by the terms of the structured settlement and may otherwise be prohibited or restricted under applicable law; and

6. That any transfer of the periodic payments by the claimant may subject the claimant to serious adverse tax consequences.

(4) **JURISDICTION; PROCEDURE FOR APPROVAL OF TRANSFERS.**—At least 20 days before the scheduled hearing on an application for authorizing a transfer of structured-settlement-payment rights under this section, the transferee must file with the court and all interested parties a notice of the proposed transfer and the application for its authorization. The notice must include:

(a) A copy of the transferee's application to the court;

(b) A copy of the transfer agreement;

(c) A copy of the disclosure statement required under subsection (3);

(d) Notification that an interested party may support, oppose, or otherwise respond to the transferee's application, in person or by counsel, by submitting written comments to the court or by participating in the hearing; and

(e) Notification of the time and place of the hearing and notification of the manner in which and the time by which any written response to the application must be filed in order to be considered by the court. A written response to an application must be filed within 15 days after service of the transferee's notice.

(5) **WAIVER PROHIBITED; NO PENALTIES INCURRED.**—

(a) The provisions of this section may not be waived.

(b) If a transfer of structured-settlement-payment rights fails to satisfy the conditions of subsection (3), the payee who proposed the transfer does not incur any penalty, forfeit any application fee or other payment, or otherwise incur any liability to the proposed transferee.

(6) **NONCOMPLIANCE.**—

(a) If a transferee violates the requirements for stipulating the discount and finance charge provided for in subsection (3), neither the transferee nor any assignee may collect from the transferred payments, or from the payee, any amount in excess of the net advance amount, and the payee may recover from the transferee or any assignee:

1. A refund of any excess amounts previously received by the transferee or any assignee;

2. A penalty in an amount determined by the court, but not in excess of three times the aggregate amount of the discount and finance charge; and

3. Reasonable costs and attorney's fees.

(b) If the transferee violates the disclosure requirements in subsection (3), the transferee and any assignee are liable to the payee for:

1. A penalty in an amount determined by the court, but not in excess of three times the amount of the discount and finance charge; and

2. Reasonable costs and attorney's fees.

(c) A transferee or assignee is not liable for any penalty in any action brought under this section if the transferee or assignee establishes by a preponderance of evidence that the violation was not intentional and resulted from a bona fide error, notwithstanding the transferee's maintenance of procedures reasonably designed to avoid such errors.

(d) Notwithstanding any other law, an action may not be brought under this section more than 1 year after the due date of:

1. The last transferred structured-settlement payment, in the case of a violation of the requirements for stipulating the discount and finance charge provided for in subsection (3).

2. The first transferred structured-settlement payment, in the case of a violation of the disclosure requirements of subsection (3).

(e) When any interested party has reason to believe that any transferee has violated this section, any interested party may bring a civil action for injunctive relief, penalties, and any other relief that is appropriate to secure compliance with this section.

Section 8. This act shall take effect October 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to financial settlements; amending s. 626.9911, F.S.; revising definitions; amending s. 626.9921, F.S.; providing for approval of forms; amending s. 626.99235, F.S.; providing for applicability; amending s. 626.99236, F.S.; requiring certain purchases to be handled by an independent third-party trustee; amending s. 626.9924, F.S.; revising procedures for tracking the insured; amending s. 626.99245, F.S.; clarifying the application of licensing requirements to viatical settlement providers; specifying the purpose of the act; providing definitions; providing requirements for the direct or indirect transfer of structured-settlement-payment rights; requiring that any such transfer be approved by a court; requiring that the court make certain findings with respect to the transfer; authorizing an interested party to file an objection to a proposed transfer; providing requirements for an order approving a transfer; requiring that an obligor make certain disclosures to a claimant in negotiating a settlement of claims; requiring a transferee to provide certain notice with respect to a proposed transfer of structured-settlement-payment rights; providing for penalties to be imposed for certain violations of the act; authorizing an interested party to bring an action for injunctive relief; providing an effective date.

Pursuant to Rule 4.19, **CS for SB 1530** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Sullivan—

SB 958—A bill to be entitled An act relating to professions regulated by the Department of Business and Professional Regulation; amending s. 455.2281, F.S.; authorizing any profession regulated by the department which offers services that are not subject to regulation when provided by an unlicensed person to use funds in its unlicensed activity account to inform the public of such situation; authorizing a board or profession regulated by the department to transfer funds in its operating fund account to its unlicensed activity account under certain circumstances; providing an effective date.

—was read the second time by title.

Senator Clary moved the following amendment which was adopted:

Amendment 1 (241234)(with title amendment)—On page 2, after line 31, insert:

Section 2. Subsection (1) of section 481.209, Florida Statutes, is amended to read:

481.209 Examinations.—

(1) A person desiring to be licensed as a registered architect shall apply to the department to take the licensure examination. The department shall administer the licensure examination for architects to each applicant who the board certifies:

(a) Has completed the application form and remitted a nonrefundable application fee and an examination fee which is refundable if the applicant is found to be ineligible to take the examination;

(b)1. ~~Has successfully completed all architectural curriculum courses required by and~~ Is a graduate of a school or college of architecture accredited by the National Architectural Accreditation Board; or

2. Is a graduate of an approved architectural curriculum, evidenced by a degree from an unaccredited school or college of architecture approved by the board. The board shall adopt rules providing for the review and approval of unaccredited schools and colleges of architecture and courses of architectural study based on a review and inspection by the board of the curriculum of accredited schools and colleges of architecture in the United States, ~~including those schools and colleges accredited by the National Architectural Accreditation Board;~~ and

(c) Has completed, prior to examination, 1 year of the internship experience required by s. 481.211(1).

Section 3. Section 481.223, Florida Statutes, is amended to read:

481.223 Prohibitions; penalties; *injunctive relief*.—

(1) A person may not knowingly:

(a) Practice architecture unless the person is an architect or a registered architect;

(b) Practice interior design unless the person is a registered interior designer unless otherwise exempted herein;

(c) Use the name or title "architect" or "registered architect," or "interior designer" or "registered interior designer," or words to that effect, when the person is not then the holder of a valid license issued pursuant to this part;

(d) Present as his or her own the license of another;

(e) Give false or forged evidence to the board or a member thereof;

(f) Use or attempt to use an architect or interior designer license that has been suspended, revoked, or placed on inactive or delinquent status;

(g) Employ unlicensed persons to practice architecture or interior design; or

(h) Conceal information relative to violations of this part.

(2) Any person who violates any provision of *subsection (1)* ~~this section~~ commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3)(a) *Notwithstanding chapter 455 or any other law to the contrary, an affected person may maintain an action for injunctive relief to restrain or prevent a person from violating paragraph (1)(a), paragraph (1)(b), or paragraph (1)(c). The prevailing party is entitled to actual costs and attorney's fees.*

(b) *For purposes of this subsection, the term "affected person" means a person directly affected by the actions of a person suspected of violating paragraph (1)(a), paragraph (1)(b), or paragraph (1)(c) and includes, but is not limited to, the department, any person who received services from*

the alleged violator, or any private association composed primarily of members of the profession the alleged violator is practicing or offering to practice or holding himself or herself out as qualified to practice.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 14, after the semicolon (;) insert: amending s. 481.209, F.S.; revising requirements relating to education for licensure as an architect; amending s. 481.223, F.S.; providing for injunctive relief for certain violations relating to architecture and interior design;

Senator Sullivan moved the following amendment:

Amendment 2 (340758)(with title amendment)—On page 2, line 31, insert:

Section 2. Subsection (4) is added to section 473.313, Florida Statutes, to read:

473.313 Inactive status.—

(4) Notwithstanding the provisions of s. 455.271, the board may, at its discretion, reinstate an individual whose license has become null and void if the individual has made a good-faith effort to comply with this section but has failed to comply because of illness or unusual hardship. The board shall require that such an individual meet all continuing education requirements as provided in s. 473.312, pay the appropriate licensing fees, and otherwise be eligible for renewal of licensure under this chapter.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 14, after the semicolon (;) insert: amending s. 473.313, F.S.; providing authority for the reinstatement of certain licensees in public accountancy whose licenses have become void;

Senator Sullivan moved the following substitute amendment which was adopted:

Amendment 3 (221554)(with title amendment)—On page 2, after line 31, insert:

Section 2. Subsection (4) is added to section 473.313, Florida Statutes, to read:

473.313 Inactive status.—

(4) Notwithstanding the provisions of s. 455.271, the board may, at its discretion, reinstate the license of an individual whose license has become null and void if the individual has made a good-faith effort to comply with this section but has failed to comply because of illness or unusual hardship. The individual shall apply to the board for reinstatement in a manner prescribed by rules of the board and shall pay an application fee in an amount determined by rule of the board. The board shall require that such an individual meet all continuing education requirements as provided in s. 473.312, pay appropriate licensing fees, and otherwise be eligible for renewal of licensure under this chapter.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 14, after the semicolon (;) insert: amending s. 473.313, F.S.; providing authority for the reinstatement of certain licensees in public accountancy whose licenses have become void;

Pursuant to Rule 4.19, **SB 958** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1568**, **CS for SB 1640** and **CS for SB 1724** was deferred.

CS for SB 1978—A bill to be entitled An act relating to tax administration; repealing s. 212.084(6), F.S.; eliminating provisions for temporary exemption certificates; repealing s. 212.08(7)(ccc), F.S.; eliminating

the specific sales tax exemption for organizations providing crime prevention, drunk-driving prevention, and juvenile-delinquency-prevention services; amending s. 212.08, F.S.; revising the application of the sales tax exemption for the sale of drinking water in bottles or other containers; reinstating retroactively the sales tax exemption for parent-teacher organizations and parent-teacher associations; eliminating obsolete provisions; requiring a purchaser to file an affidavit stating the exempt nature of a purchase with the selling vendor instead of the Department of Revenue; providing for retroactive application; replacing the definition of the term "section 38 property" with an express definition of the terms "industrial machinery and equipment" and "motion picture and video equipment"; providing intent and purpose; imposing certain requirements, for purposes of taxation, on the removal of a motor vehicle from this state; providing residency requirements of corporate officers, corporate stockholders, and partners in a partnership relating to the taxable status of sales of motor vehicles; amending s. 212.06, F.S.; clarifying the definition of the term "fixtures"; eliminating reference to the term "trade fixture"; amending s. 212.08, F.S.; replacing the Interstate Commerce Commission with the Surface Transportation Board as the entity that licenses certain railroads as common carriers; providing that, for a vessel, railroad, or motor carrier engaged in interstate or foreign commerce, sales tax applies to taxable purchases in this state and applies even if the vessel, railroad, or motor carrier has operated for less than a fiscal year; amending s. 212.11, F.S.; requiring a dealer that claims certain tax credits by reason of engaging in specified activities to submit reports to the Department of Revenue; providing requirements for such reports; authorizing the department to adopt rules; providing for the disallowance of any credit not supported by a report; amending s. 212.20, F.S.; providing that newly incorporated municipalities meeting certain criteria are eligible to receive revenue sharing pursuant to s. 218.245, F.S.; amending s. 218.21, F.S.; providing a formula for revenue sharing distributions made for a specified fiscal year; amending s. 220.22, F.S.; eliminating the initial year's information return for certain corporations; repealing s. 624.509(10), F.S., which provides for an exemption from the insurance premium tax for insurers who write monoline flood insurance policies; repealing s. 213.27(9), F.S., which authorizes the Department of Revenue to contract with certain vendors to develop and implement a voluntary system for sales and use tax collection and administration; creating s. 213.256, F.S., the Simplified Sales and Use Tax Administration Act; defining terms; authorizing the department's participation in the Streamlined Sales and Use Tax Agreement; providing that each state that is a party to the agreement must abide by certain requirements in order for the department to enter into the agreement; ensuring that when this state complies with the agreement, the agreement cannot be used to challenge existing state laws and statutes; providing for the collection and remittance of the sales and use tax under the agreement; providing for maintenance of confidentiality of certain information; providing a penalty; requiring the department to make annual recommendations to the Legislature concerning provisions that need to be adopted in order to bring this state's system into compliance with the Streamlined Sales and Use Tax Agreement; amending s. 213.285, F.S.; delaying the future repeal of the certified audit project; amending ss. 213.053, 213.21, F.S.; conforming repeal dates; amending s. 213.30, F.S.; clarifying that the rewards program is the only available means of obtaining compensation for information regarding another person's failure to comply with the state's tax laws; amending s. 11, ch. 2000-165, Laws of Florida; clarifying which provisions of ch. 213, F.S., apply to the collection of unemployment contributions; amending s. 45.031, F.S.; requiring the clerk of court to give notice to the Department of Revenue if there is a surplus resulting from the foreclosure of an unemployment compensation tax lien; amending s. 69.041, F.S.; permitting the department to participate in the disbursement of unemployment compensation tax lien foreclosure funds; amending s. 213.053, F.S.; providing for confidentiality and information sharing; abrogating the expiration of s. 215.20(3), F.S., relating to service charges against certain trust funds, notwithstanding s. 10, ch. 90-110, Laws of Florida; repealing s. 4 of ch. 96-395, Laws of Florida, which provides for the repeal of exemptions provided for certain citizen support organizations and the Florida Folk Festival; providing for retroactive applicability; amending s. 201.02, F.S., relating to the tax on deeds and other instruments; exempting deeds and other instruments from the tax if property is conveyed from an electric utility to a regional transmission organization; amending s. 212.02, F.S.; excluding from the definition of "lease," "let," "rental," or "license" certain payments made by a regional transmission organization to an electric utility; amending s. 212.031, F.S.; exempting property occupied or used by certain regional transmission organizations from the tax on the lease or rental of or license in real property; amending s. 201.08, F.S.; providing a limit on the amount of

the tax on promissory or nonnegotiable notes, written obligations to pay money, and assignments of wages or other compensation and on certain promissory or nonnegotiable notes, written obligations to pay money, or other compensation made in connection with sales made under retail charge account services; creating s. 443.1315, F.S.; providing definitions; providing for treatment of Indian tribes under the Unemployment Compensation Law; providing that Indian tribes or tribal units may elect to make payments in lieu of contributions and providing requirements with respect thereto; providing that such Indian tribe or tribal unit may be required to file a bond or deposit security at the discretion of the director of the Agency for Workforce Innovation; providing effect of failure of such tribe or unit to make required payments; providing requirements for notices; providing responsibility for certain extended benefits; providing for rules; providing for retroactive application; amending s. 443.131, F.S.; reducing the Unemployment Compensation Trust Fund balance thresholds used in computing unemployment compensation contribution rate adjustment factors; amending s. 561.501, F.S.; providing an exemption from the surcharge on alcoholic beverages for specified nonprofit organizations; providing effective dates.

—was read the second time by title.

MOTION

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

Senator Carlton moved the following amendment which was adopted:

Amendment 1 (490854)(with title amendment)—On page 99, between lines 29 and 30, insert:

Section 38. Effective July 1, 2001, subsection (6) is added to section 236.25, Florida Statutes, to read:

236.25 District school tax.—

(6) *In addition to the maximum millage levied under this section and the General Appropriations Act, a school district may levy, by local referendum or in a general election, additional millage for school operational purposes up to an amount that, when combined with nonvoted millage levied under this section, does not exceed the 10-mill limit established in s. 9(b), Art. VII of the State Constitution. Any such levy shall be for a maximum of 4 years and shall be counted as part of the 10-mill limit established in s. 9(b), Art. VII of the State Constitution. Millage elections conducted under the authority granted pursuant to this section are subject to ss. 236.31 and 236.32. Funds generated by such additional millage do not become a part of the calculation of the Florida Education Finance Program total potential funds in 2001-2002 or any subsequent year and must not be incorporated in the calculation of any hold-harmless or other component of the Florida Education Finance Program formula in any year.*

Section 39. Effective July 1, 2001, section 236.31, Florida Statutes, is amended to read:

236.31 District millage elections.—

(1) The school board, pursuant to resolution adopted at a regular meeting, shall direct the county commissioners to call an election at which the electors within the school districts may approve an ad valorem tax millage as authorized in s. 9, Art. VII of the State Constitution. Such election may be held at any time, except that not more than one such election shall be held during any 12-month period. Any millage so authorized shall be levied for a period not in excess of 2 years or until changed by another millage election, whichever is the earlier. In the event any such election is invalidated by a court of competent jurisdiction, such invalidated election shall be considered not to have been held.

(2) *The school board, pursuant to resolution adopted at a regular meeting, shall direct the county commissioners to call an election at which the electors within the school district may approve an ad valorem tax millage as authorized under s. 236.25(6). Such election may be held at any time, except that not more than one such election shall be held during any 12-month period. Any millage so authorized shall be levied for a period not in excess of 4 years or until changed by another millage election, whichever is earlier. If any such election is invalidated by a court of competent jurisdiction, such invalidated election shall be considered not to have been held.*

Section 40. Effective July 1, 2001, section 236.32, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 236.32, F.S., for present text.)

236.32 *Procedures for holding and conducting school district millage elections.—*

(1) *HOLDING ELECTIONS.—All school district millage elections shall be held and conducted in the manner prescribed by law for holding general elections, except as provided in this chapter.*

(2) *FORM OF BALLOT.—*

(a) *The school board may propose a single millage or two millages, with one for operating expenses and another for a local capital improvement reserve fund. When two millage figures are proposed, each millage must be voted on separately.*

(b) *The school board shall provide the wording of the substance of the measure and the ballot title in the resolution calling for the election. The wording of the ballot must conform to the provisions of s. 101.161.*

(3) *QUALIFICATION OF ELECTORS.—All qualified electors of the school district are entitled to vote in the election to set the school tax district millage levy.*

(4) *RESULTS OF ELECTION.—When the school board proposes one tax levy for operating expenses and another for the local capital improvement reserve fund, the results shall be considered separately. The tax levy shall be levied only in case a majority of the electors participating in the election vote in favor of the proposed special millage.*

(5) *EXPENSES OF ELECTION.—The cost of the publication of the notice of the election and all expenses of the election in the school district shall be paid by the school board.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 6, line 5, after the semicolon (;) insert: amending s. 236.25, F.S.; allowing certain school districts to levy, by referendum, additional district school taxes; providing limitations on the uses of the resulting revenues; amending s. 236.31, F.S.; providing for millage elections pursuant to s. 236.25, F.S.; amending s. 236.32, F.S.; revising the procedures for conducting school district millage elections;

Senator Rossin moved the following amendment:

Amendment 2 (343982)(with title amendment)—On page 63, lines 26 and 27, delete those lines and insert:

Section 16. Effective July 1, 2001, subsection (10) of section 624.509, Florida Statutes, is amended to read:

624.509 Premium tax; rate and computation.—

(10) *Notwithstanding any other law, a municipality or special fire control district that receives an insurance premium tax distribution in excess of 200 percent of the premium tax distribution that the municipality or special fire control district received in the 1998 calendar year is not required to expend for extra pension benefits such portion of its insurance premium tax distribution which exceeds 200 percent of the distribution for the 1998 calendar year. ~~The tax imposed by this section does not apply to monoline flood premiums received by insurers for flood policies which are not subsidized by the Federal Government or an agency thereof.~~*

And the title is amended as follows:

On page 2, lines 29 and 30, delete those lines and insert: corporations; amending s. 624.509, F.S.; providing that a municipality or special fire control district is not required to make certain expenditures for pension benefits under certain circumstances; deleting an exemption from the

On motion by Senator Carlton, further consideration of **CS for SB 1978** with pending **Amendment 2** was deferred.

On motion by Senator Diaz de la Portilla—

CS for CS for SB 2008—A bill to be entitled An act relating to economic development; amending s. 212.13, F.S.; requiring freight forwarders to provide warehouse receipts or copies of airway bills or bills of lading for certain purposes; providing receipt requirements; requiring freight forwarders to maintain certain records for a time certain; providing for effect of such documentation; providing a misdemeanor penalty for failing to provide such documentation or maintain certain records; amending s. 288.012, F.S.; changing the date for submission of certain reports by foreign offices; providing for the reports to be compiled and submitted by Enterprise Florida, Inc., as part of its annual report; amending s. 288.095, F.S.; increasing the amount of the total state share of tax refunds that may be scheduled annually for payment under the qualified target industry tax refund program and the qualified defense contractor tax refund program; revising the due date and content for an annual report on incentives and reassigning responsibility for such report to Enterprise Florida, Inc.; amending s. 288.106, F.S., relating to the tax refund program for qualified target industry businesses; revising requirements for application for certification as such business with respect to the number of current and new jobs at the business and projections by the Office of Tourism, Trade, and Economic Development of refunds based thereon; revising requirements relating to the tax refund agreement with respect to job creation and the time for filing of claims for refund; revising provisions relating to annual claims for refund; authorizing an extension of time for signing the tax refund agreement; providing an application deadline; revising provisions relating to the order authorizing a tax refund; revising conditions under which a prorated tax refund will be approved; providing for the calculation of such prorated tax refund; specifying that the section does not create a presumption that a claim will be approved and paid; revising the agencies with which the office may verify information and to which the office may provide information; expanding the purposes for which the office may seek assistance from certain entities; amending s. 288.90151, F.S.; authorizing Enterprise Florida, Inc., to hire an economic analysis firm to assist with certain reporting requirements; directing Enterprise Florida, Inc., to hire a survey firm to assist with a customer-satisfaction survey; conforming changes; amending s. 288.905, F.S.; revising the deadline for submission of updates or modifications to the strategic plan developed by Enterprise Florida, Inc.; amending s. 288.980, F.S.; providing that grants by the Office of Tourism, Trade, and Economic Development to support activities related to the retention of military installations potentially affected by closure or realignment must be from funds specifically appropriated therefor; creating the "New Product Transfer Enhancement Act"; creating s. 288.907, F.S.; providing definitions; providing for licensing of certain products or technologies by donor companies to receiving companies for production and marketing; providing duties of such companies and of Enterprise Florida, Inc.; providing requirements for product development agreements; creating s. 220.115, F.S.; requiring receiving companies to file a corporate tax return and remit to the state certain fees in addition to any corporate income tax due; providing for application of administrative and penalty provisions of ch. 220, F.S.; creating s. 220.1825, F.S.; providing for a credit against the corporate income tax for donor companies; providing for determination of the amount of the credit by Enterprise Florida, Inc., and notification to the Department of Revenue; providing for carryover of the credit; amending s. 220.02, F.S.; providing order of credits against the tax; providing effective dates.

—was read the second time by title.

Senator Diaz de la Portilla moved the following amendments which were adopted:

Amendment 1 (585284)(with title amendment)—On page 15, between lines 27 and 28, insert:

(c) Funds specifically appropriated for the tax refund program for qualified target industry businesses shall not be used for any purpose other than the payment of tax refunds authorized by this section.

And the title is amended as follows:

On page 2, line 19, after the semicolon (;) insert: specifying that certain appropriations may not be used for any purpose other than the payment of specified tax refunds;

Amendment 2 (390880)—On page 20, lines 19-21, delete those lines and insert:

288.907.—Upon remittance of funds to the Department of Revenue by a receiving company under s. 220.115, a credit against the tax imposed by this chapter shall be allowed to the donor company that has entered into a product development agreement with that receiving company pursuant to s. 288.907, which

Senator Klein moved the following amendment:

Amendment 3 (292944)(with title amendment)—On page 21, between lines 11 and 12, insert:

Section 13. Section 121.155, Florida Statutes, is created to read:

121.155 Investments in support of economic development strategies; legislative findings and intent.—

(1) The Legislature finds that:

(a) The recruitment, retention, and expansion of high-technology businesses are a principal economic development strategy of the state.

(b) High-technology businesses have the potential to contribute significantly to the prosperity of the state and its residents through the creation of employment opportunities and through the generation of revenues into the economy.

(c) A significant barrier to the growth of high-technology businesses in the state is caused by a lack of access to sources of capital to support the activities of such businesses.

(d) The State Board of Administration, through the investment of funds of the System Trust Fund, has the ability to influence the availability of capital in the marketplace for businesses located in the state.

(e) The investment of funds of the System Trust Fund in a manner consistent with the economic development goals of the state enhances the prospects for fulfillment of such goals.

(2) It is the intent of the Legislature that the State Board of Administration, consistent with sound investment policy and with the investment provisions set forth in ss. 215.44-215.53, maximize opportunities to invest and reinvest available funds of the System Trust Fund in a manner that is consistent with, and that supports fulfillment of, the economic development strategies of the state, including investing and reinvesting funds in support of the capital needs of emerging and strategic high-technology businesses located in the state. It is further the intent of the Legislature that the State Board of Administration, in supporting fulfillment of the economic development strategies of the state, establish partnerships, where feasible, with venture capital firms designed to facilitate investment of venture capital in high-technology businesses located in this state.

(3) Staff of the State Board of Administration shall regularly solicit information from Enterprise Florida, Inc., on those high-technology business sectors that research indicates have significant potential to contribute to the economic development of the state and shall provide such information to the Investment Advisory Council created under s. 215.444.

(4) As part of the annual report required under s. 215.44, the State Board of Administration shall describe those investment activities during the year in furtherance of the findings and intent of this section.

Section 14. Section 159.26, Florida Statutes, is amended to read:

159.26 Legislative findings and purposes.—The Legislature finds and declares that:

(1) The agriculture, tourism, urban development, historic preservation, information technology, education, and health care industries, among others, are vital to the economy of the state and to the welfare of the people and need to be enhanced and expanded to improve the competitive position of the state;

(2) There is a need to enhance other economic activity in the state by attracting manufacturing development, business enterprise management, and other activities conducive to economic promotion in order to provide a stronger, more balanced, and stable economy in the state, while providing through pollution control and otherwise for the health and safety of the people;

(3) In order to improve the prosperity and welfare of the state and its inhabitants; to improve education, living conditions, and health care; to promote the preservation of historic structures; to promote the rehabilitation of enterprise zones; to promote improved transportation; to promote effective and efficient pollution control throughout the state; to promote the advancement of education and science and research in and the economic development of the state; to promote the advancement of *information technology*; and to increase purchasing power and opportunities for gainful employment, it is necessary and in the public interest to facilitate the financing of the projects provided for in this part and to facilitate and encourage the planning and development of these projects without regard to the boundaries between counties, municipalities, special districts, and other local governmental bodies or agencies in order to more effectively and efficiently serve the interests of the greatest number of people in the widest area practicable; and

(4) The purposes to be achieved by such projects and the financing of them in compliance with the criteria and requirements of this part are predominantly the public purposes stated in this section, and such purposes implement the governmental purposes under the State Constitution of providing for the health, safety, and welfare of the people, including implementing the purpose of s. 10(c), Art. VII of the State Constitution.

Section 15. Subsection (5) of section 159.27, Florida Statutes, is amended, and subsection is added to that section to read:

159.27 Definitions.—The following words and terms, unless the context clearly indicates a different meaning, shall have the following meanings:

(5) "Project" means any capital project comprising an industrial or manufacturing plant, a research and development park, an *information technology facility*, an agricultural processing or storage facility, a warehousing or distribution facility, a headquarters facility, a tourism facility, a convention or trade show facility, an urban parking facility, a trade center, a health care facility, an educational facility, a correctional or detention facility, a motion picture production facility, a preservation or rehabilitation of a certified historic structure, an airport or port facility, a commercial project in an enterprise zone, a pollution-control facility, a hazardous or solid waste facility, a social service center, or a mass commuting facility, including one or more buildings and other structures, whether or not on the same site or sites; any rehabilitation, improvement, renovation, or enlargement of, or any addition to, any buildings or structures for use as a factory, a mill, a processing plant, an assembly plant, a fabricating plant, an industrial distribution center, a repair, overhaul, or service facility, a test facility, an agricultural processing or storage facility, a warehousing or distribution facility, a headquarters facility, a tourism facility, a convention or trade show facility, an urban parking facility, a trade center, a health care facility, an educational facility, a correctional or detention facility, a motion picture production facility, a preservation or rehabilitation of a certified historic structure, an airport or port facility, a commercial project in an enterprise zone, a pollution-control facility, a hazardous or solid waste facility, a social service center, or a mass commuting facility, and other facilities, including research and development facilities and *information technology facilities*, for manufacturing, processing, assembling, repairing, overhauling, servicing, testing, or handling of any products or commodities embraced in any industrial or manufacturing plant, in connection with the purposes of a research and development park, or other facilities for or used in connection with an agricultural processing or storage facility, a warehousing or distribution facility, a headquarters facility, a tourism facility, a convention or trade show facility, an urban parking facility, a trade center, a health care facility, an educational facility, a correctional or detention facility, a motion picture production facility, a preservation or rehabilitation of a certified historic structure, an airport or port facility, or a commercial project in an enterprise zone or for controlling air or water pollution or for the disposal, processing, conversion, or reclamation of hazardous or solid waste, a social service center, or a mass commuting facility; and including also the sites thereof and other rights in land therefor whether improved or unimproved, machinery, equipment, site preparation and landscaping, and all appurtenances and facilities incidental thereto, such as warehouses, utilities, access roads, railroad sidings, truck docking and similar facilities, parking facilities, office or storage or training facilities, public lodging and restaurant facilities, dockage, wharfage, solar energy facilities, and other improvements necessary or convenient for any manufacturing or industrial plant, research and development park, *information technology facility*, agricultural processing or storage facility, warehousing or

distribution facility, tourism facility, convention or trade show facility, urban parking facility, trade center, health care facility, educational facility, a correctional or detention facility, motion picture production facility, preservation or rehabilitation of a certified historic structure, airport or port facility, commercial project in an enterprise zone, pollution-control facility, hazardous or solid waste facility, social service center, or a mass commuting facility and any one or more combinations of the foregoing.

(25) "Information technology facility" means a building or structure, including infrastructure such as roads, power, water, network access points, and fiber optic cable leading to the structure, which is used to house businesses classified within the following codes of the North American Industry Classification System (NAICS): 334111 (electronic computer manufacturing), 334112 (computer storage device manufacturing), 334113 (computer terminal manufacturing), 334119 (other computer peripheral equipment manufacturing), 334613 (magnetic and optical recording media manufacturing), 334418 (printed circuit assembly manufacturing), 334411 (electron tube manufacturing), 334412 (bare printed circuit board manufacturing), 334413 (semiconductor and related device manufacturing), 334417 (electronic connector manufacturing), 334611 (software reproducing), 541512 (computer systems design services), 51421 (data processing services), 514191 (on-line information services), 811212 (computer and office machine repair and maintenance), 44312 (computer and software stores-retail), 541519 (other computer related services), 42143 (computer and computer peripheral equipment and software wholesalers), 51121 (software publishers), 541511 (custom computer programming services), and 61142 (computer training). The term also includes joint-use advanced digital media research and production facilities created pursuant to authority from the Legislature for the Office of Tourism, Trade, and Economic Development to administer a program facilitating the establishment and maintenance of such digital media facilities.

Section 16. Subsection (10) of section 159.705, Florida Statutes, is amended to read:

159.705 Powers of the authority.—The authority is authorized and empowered:

(10) Other provisions of law to the contrary notwithstanding, to acquire by lease, without consideration, purchase, or option any lands owned, administered, managed, controlled, supervised, or otherwise protected by the state or any of its agencies, departments, boards, or commissions for the purpose of establishing a research and development park, subject to being first designated a research and development authority under the provisions of ss. 159.701-159.7095. The authority may cooperate with state and local political subdivisions and with private profit and nonprofit entities to implement the public purposes set out in s. 159.701. Such cooperation may include agreements for the use of the resources of state and local political subdivisions, agencies, or entities on a fee-for-service basis or on a cost-recovery basis. A project that is located in a research and development park and is financed under the provisions of the Florida Industrial Development Financing Act may be operated by a research and development authority, a state university, a Florida community college, or a governmental agency, provided that the purpose and operation of such project is consistent with the purposes and policies enumerated in ss. 159.701-159.7095.

Section 17. Section 240.1055, Florida Statutes, is created to read:

240.1055 Economic development mission.—

(1) The Legislature finds that the state system of postsecondary education contributes to the economic well-being of the state and its people through the education and training of individuals for employment, through research and development of technologies that have commercial applications, and through the provision of assistance to businesses based in this state. The Legislature further finds that the quality and activities of the state system of postsecondary education directly affect the success of state, regional, and local efforts to develop, recruit, retain, and expand businesses, particularly high-technology businesses, that create jobs and generate revenue. Therefore, as a fundamental component of the purpose and mission articulated in s. 240.105, the mission of the state system of postsecondary education is to complement, facilitate, and support the economic development strategies and goals of the state and its communities.

(2) In recognition and furtherance of the economic development mission of the state system of postsecondary education, it is the policy of the state to use the patent system and the technology–licensing operations of public universities to promote the use of inventions arising from funded research; to encourage to the maximum extent possible the participation of businesses based in this state in opportunities to commercialize technology; to promote collaboration between businesses in this state and universities; and to secure for the residents of this state enhanced returns on the intellectual property developed by public universities through funded research.

Section 18. Section 240.710, Florida Statutes, is amended to read:

240.710 Digital Media Education Coordination Group.—

(1) The Division of Universities of the Department of Education, or the division's successor entity, Board of Regents shall create a Digital Media Education Coordination Group composed of representatives of the universities within the State University System that shall work in conjunction with the Division Department of Education, the State Board of Community Colleges, the Office of Tourism, Trade, and Economic Development, and the Articulation Coordinating Committee on the development of a plan to enhance Florida's ability to meet the current and future workforce needs of the digital media industry. The following purposes of the group shall be included in its plan development process:

(a) Coordination of the use of existing academic programs and research and faculty resources to promote the development of a digital media industry in this state.

(b) Address strategies to improve opportunities for interdisciplinary study and research within the emerging field of digital media through the development of tracts in existing degree programs, new interdisciplinary degree programs, and interdisciplinary research centers.

(c) Address the sharing of resources among universities in such a way as to allow a student to take courses from multiple departments or multiple educational institutions in pursuit of competency, certification, and degrees in digital information and media technology.

(2) Where practical, private accredited institutions of higher learning in this state should be encouraged to participate.

~~(3) In addition to the elements of the plan governed by the purposes described in subsection (1), the plan shall include, to the maximum extent practical, the coordination of educational resources to be provided by distance learning and shall facilitate to the maximum extent possible articulation and transfer of credits between community colleges and the state universities. The plan shall address student enrollment in affected programs with emphasis on enrollment beginning as early as fall term, 2001.~~

~~(3)(4) The Digital Media Education Coordination Group shall submit an annual report of its activities with any recommendations for policy implementation or funding to the State Board of Education its plan to the President of the Senate and the Speaker of the House of Representatives no later than February 1 of each year January 1, 2001.~~

Section 19. Paragraph (i) of subsection (6) of section 288.108, Florida Statutes, is amended to read:

288.108 High-impact business.—

(6) SELECTION AND DESIGNATION OF HIGH-IMPACT SECTORS.—

(i) For the purposes of this subsection, ~~the semiconductor a high-impact sector consists of the silicon technology sector and the information technology sector are that Enterprise Florida, Inc., has found to be focused around the type of high-impact businesses for which the incentive created in this section subsection is designed. These sectors required and will create the kinds of economic sector and economy-wide benefits that justify the use of state resources as economic development incentives. Further, the use of state resources to encourage investment in these sectors is necessary to encourage these investments and require substantial inducements to compete with the incentive packages offered by other states and nations. For the purposes of this subsection and s. 220.191, the term "information technology sector" shall encompass, but not be limited to, the digital media sector as defined by Enterprise Florida, Inc., and approved by the Office of Tourism, Trade, and Economic Development.~~

Section 20. The Legislature finds that the Information Services Technology Development Task Force created under chapter 99–354, Laws of Florida, performed an integral role in analyzing and recommending policies to facilitate the beneficial development and deployment of information technology on a statewide basis. It is the intent of the Legislature that, upon the dissolution of the task force effective July 1, 2001, the state solicit continued policy guidance and direction from a not-for-profit corporation created to advocate on behalf of information technology businesses and other high-technology businesses throughout the state and which does business under the name "itflorida.com, Inc." It further is the intent of the Legislature that the State Technology Office; the Office of Tourism, Trade, and Economic Development; and Enterprise Florida, Inc., facilitate the formation and initial operation of such corporation to the maximum extent feasible and that such organizations use the corporation as a resource for information and insights about the information technology industry and other high-technology industries.

Section 21. Effective upon this act becoming a law, section 288.9522, Florida Statutes, is created to read:

288.9522 Florida Research Consortium.—

(1) CREATION; INTENT.—

(a) There is created the Florida Research Consortium, which shall be organized and operated as a not-for-profit corporation in compliance with chapter 617. The consortium shall serve as an entity for uniting businesses and universities in the state in order to enhance economic development through the development and commercialization of science and technology and for targeting the activities of such universities toward fulfillment of the economic development goals of the state.

(b) It is the intent of the Legislature that the Florida Research Consortium complement, and not supplant, any elements of the governance structure for the state system of post-secondary education. It further is the intent of the Legislature that the consortium operate as a private corporation and not as an agency of state government. It also is the intent of the Legislature that the state provide a framework for and facilitate the creation and initial operation of the consortium, but that ultimately the consortium function as a dynamic, independent entity that identifies and implements activities to fulfill strategies developed by its board of directors.

(2) BOARD OF DIRECTORS.—The Florida Research Consortium shall be governed by a board of directors comprised of the following members:

(a) Ten chief executive officers of businesses based in this state who are appointed by the Governor. Initially, of the 10 chief executive officers, the Governor shall appoint 5 members for terms of 4 years, 3 members for terms of 3 years, and 2 members for terms of 2 years. Thereafter, the Governor shall appoint all members for terms of 4 years.

(b) Two chief executive officers of businesses based in this state who are appointed by the President of the Senate and who serve at the pleasure of the President.

(c) Two chief executive officers of businesses based in this state who are appointed by the Speaker of the House of Representatives and who serve at the pleasure of the Speaker.

(d) The presidents of the following universities:

1. University of Florida;
2. Florida State University;
3. University of Central Florida;
4. University of South Florida;
5. Florida Atlantic University;
6. Florida International University;
7. Florida Agricultural and Mechanical University;
8. University of North Florida;

9. Florida Gulf Coast University;
 10. University of West Florida; and
 11. University of Miami.
- (e) The president of Enterprise Florida, Inc.
- (f) The president of Workforce Florida, Inc.
- (g) One representative each from two not-for-profit research institutes located in the state which are not public or private universities, who are appointed by the Governor for terms of 4 years.
- (h) The Governor or the Governor's designee, who shall serve as an ex officio, nonvoting member.
- (i) The Commissioner of Education or the commissioner's designee, who shall serve as an ex officio, non-voting member.

The voting members of the board of directors shall biennially elect one of the voting members of the board to serve as the chairman of the board. All members appointed under paragraphs (a), (b), (c), and (g) are subject to Senate confirmation.

(3) *PURPOSE.*—The purpose of the Florida Research Consortium is to support economic development in the state by linking the research capabilities of member universities with the needs and activities of private businesses in the state and by fostering the development and growth of scientific and technology-based industry and commerce in this state.

(4) *POWERS AND DUTIES.*—The powers and duties of the board of directors of the Florida Research Consortium shall include, but not be limited to:

- (a) Raising funds from nonstate sources to leverage any appropriations from the Legislature;
- (b) Identifying three specific disciplines in science or technology which shall be the focus of the activities of the consortium, with such disciplines being narrowly defined and being viable areas of potential success for the state from an economic development and academic perspective;
- (c) Developing and implementing strategies to recruit and retain pre-eminent researchers in science and technology-based disciplines to universities in the state, with such strategies including but not being limited to the endowment of faculty or research chairs at universities in the state in the disciplines identified under paragraph (b);
- (d) Developing and implementing strategies to recruit and retain graduate and undergraduate students in science and technology-based disciplines to universities in the state;
- (e) Assisting new and expanding science and technology-based businesses with their research, technology commercialization, capital, and workforce needs;
- (f) Developing and implementing strategies to increase the state's share of research funds;
- (g) Identifying statutory, regulatory, policy, or other barriers impeding the effective, efficient, and timely transfer of technology and commercialization of research from the university setting and proposing resolutions to such barriers, including reforms to university policies on issues such as conflicts of interest;
- (h) Developing and implementing strategies to create a culture at member universities which promotes the conduct of applied research and the transfer of technology as fundamental activities of such universities;
- (i) Developing measures to assess the performance of the technology transfer offices of the member universities in facilitating the transfer of technology to businesses in the state;
- (j) Facilitating discussions, meetings, and other forms of communication among university researchers, faculty, administrators, and students; high technology businesses in the state; and economic-development professionals;

(k) Establishing and maintaining an Internet-based database for the marketing, publication, and exchange of information with the public and private sectors on basic, applied, and other research being conducted at universities in the state;

(1) Coordinating donations of equipment from high-technology businesses to secondary schools;

(m) Hiring an executive director and other staff for the Florida Research Consortium; and

(n) Meeting at least four times each calendar year, with the first meeting of the board of directors being held by July 1, 2001.

(5) ANNUAL REPORT.—

(a) By January 1 of each year, the Florida Research Consortium shall submit a report of its activities and accomplishments for the year to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report shall also include specific recommendations regarding actions the state could take to enhance the commercialization of research and transfer of technologies from the universities and to enhance the role of universities in accomplishing the economic development goals of the state.

(b) By December 1 of each year, the technology transfer office of each university that is a member of the Florida Research Consortium shall report to the board of directors on the activities of the office during the year related to facilitating the transfer of technology to businesses and on its other activities related to building relationships between university researchers, faculty, students, and administrators and businesses in the state. The report must include information on the achievement by the office of the performance measures identified under paragraph (4)(i). The board of directors shall summarize the information provided by the technology transfer offices as part of the annual report by the board under paragraph (a).

Section 22. (1) The Office of Tourism, Trade, and Economic Development and Enterprise Florida, Inc., shall provide staff support to the Florida Research Consortium created under section 288.9522, Florida Statutes, to assist the board of directors of the consortium with the initial organization and operation of the consortium, until such time as the board of directors of the consortium hires an executive director or other staff.

(2) This section shall take effect upon this act becoming a law.

Section 23. (1) The Legislature finds that promoting objectivity in research at public universities is important to ensure that conflicts of interest do not compromise the responsibility of faculty, researchers, staff, and students to the state and the public educational institutions they represent. The Legislature also finds, however, that the transfer of technology from the university setting to the private sector produces economic development benefits for the state and its citizens and is a laudable public policy goal of the state. The Legislature further finds that such transfer of technology is facilitated by encouraging communication and relationships between university employees and business entities. Therefore, it is the intent of the Legislature that public universities in the state operate under policies and procedures that safeguard the public trust but that also facilitate the transfer of technology by not unduly burdening the building of relationships between university employees and business entities.

(2) The Florida Research Consortium created under section 288.9522, Florida Statutes, shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2002, on the impact of existing statutes, regulations, policies, and procedures, as well as other factors the consortium identifies, on the transfer and commercialization of technology from the university setting to the private sector and on the ability of university faculty, researchers, other staff, and students to establish relationships with business entities emanating from research conducted at the universities. The report shall include specific recommendations for actions by the Legislature, universities, and state agencies to enhance and promote the transfer and commercialization of technology to produce economic development benefits for the state and its residents. At a minimum, this report must:

(a) Examine the code of ethics for public officers and employees under part III of chapter 112, Florida Statutes, to identify any specific provi-

sions that impede the transfer and commercialization of technology and recommend any changes to the code that the consortium deems necessary to address such impediments.

(b) Assess the strengths and weaknesses of technology transfer and commercialization policies and practices of the member universities of the consortium and identify any exemplars.

(c) Review technology transfer and commercialization policies and practices in other states to identify models for potential adoption in this state.

(d) Examine federal statutes and regulations governing conflicts of interest and disclosure of significant financial interests by researchers who apply for or receive federal research funds and recommend whether comparable statutory or regulatory provisions should be adopted in this state.

(e) Analyze the provisions of the federal Bayh-Dole Act and related legislation and recommend whether any comparable provisions should be adopted in this state.

(f) Assess the advantages and disadvantages of adopting policies and practices related to the transfer and commercialization of technology on a statewide basis versus at the individual university level.

(3) The consortium shall solicit the participation in the preparation of this report of individuals who have expertise related to the transfer and commercialization of technology but who are not members of the consortium.

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

Section 24. Section 445.045, Florida Statutes, is amended to read:

445.045 Development of an Internet-based system for information technology industry promotion and workforce recruitment.—

(1) Workforce Florida, Inc., ~~The Department of Labor and Employment Security~~ shall be responsible for directing ~~facilitate efforts to ensure~~ the development and maintenance of a website that promotes and markets the information technology industry in this state. The website shall be designed to inform the public concerning the scope of the information technology industry in the state and shall also be designed to address the workforce needs of the industry. The website shall include, through links or actual content, information concerning information technology businesses in this state, including links to such businesses; information concerning employment available at these businesses; and the means by which a jobseeker may post a resume on the website.

(2) Workforce Florida, Inc., ~~The Department of Labor and Employment Security~~ shall coordinate with the State Technology Office and the Agency for Workforce Innovation ~~Workforce Development Board of Enterprise Florida, Inc.~~, to ensure links, where feasible and appropriate, to existing job information websites maintained by the state and state agencies and to ensure that information technology positions offered by the state and state agencies are posted on the information technology website.

(3) Workforce Florida, Inc., shall ensure that the website developed and maintained under this section is consistent, compatible, and coordinated with the workforce information systems required under s. 445.011, including, but not limited to, the automated job-matching information system for employers, job seekers, and other users.

(4)(a) Workforce Florida, Inc., shall coordinate development and maintenance of the website under this section with the state's Chief Information Officer in the State Technology Office to ensure compatibility with the state's information system strategy and enterprise architecture.

(b) Workforce Florida, Inc., may enter into an agreement with the State Technology Office, the Agency for Workforce Innovation, or any other public agency with the requisite information technology expertise for the provision of design, operating, or other technological services necessary to develop and maintain the website.

(c) Workforce Florida, Inc., may procure services necessary to implement the provisions of this section, provided, however, that it employs competitive processes, including requests for proposals, competitive nego-

tiation, and other competitive processes to ensure that the procurement results in the most cost-effective investment of state funds.

(5) In furtherance of the requirements under this section that the website promote and market the information technology industry by communicating information on the scope of the industry in this state, Workforce Florida, Inc., shall coordinate its efforts with the high-technology industry marketing efforts of Enterprise Florida, Inc., under s. 288.911. Through links or actual content, the website developed under this section shall serve as a forum for distributing the marketing campaign developed by Enterprise Florida, Inc., under s. 288.911. In addition, Workforce Florida, Inc., shall solicit input from the not-for-profit corporation created to advocate on behalf of the information technology industry as an outgrowth of the Information Service Technology Development Task Force created under chapter 99-354, Laws of Florida.

(6) In fulfilling its responsibilities under this section, Workforce Florida, Inc., may enlist the assistance of and act through the Agency for Workforce Innovation. The agency is authorized and directed to provide such services as Workforce Florida, Inc., and the agency deem necessary to implement this section.

Section 25. Pilot grant program for youth internships.—

(1) Subject to legislative appropriation, Workforce Florida, Inc., shall establish a pilot matching grant program that is designed to encourage high-technology businesses to employ, train, and mentor financially needy youth through internships completed under the direct supervision of the eligible business. Under this program, Workforce Florida, Inc., may award grants to an eligible business for the benefit of a named eligible youth. Part of the purpose of the program shall be to help financially needy youth acquire and develop information technology skills in order to help close the "digital divide."

(2) Grant funds awarded under this program shall be used to supplement the stipend of the eligible youth and must be matched by contributions from the eligible business. The maximum grant amount that may be awarded on behalf of a single eligible youth at one time is \$2,000. Workforce Florida, Inc., may establish limitations on the total number of internship grants that may be awarded to a single eligible business or that may be awarded on behalf of a single eligible youth.

(3) An eligible business under this program includes any sole proprietorship, firm, partnership, or corporation in this state that is in the information technology sector, health technology sector, or other high-technology sector that the board of directors of Workforce Florida, Inc., in consultation with Enterprise Florida, Inc., determines is strategically important to the economic development goals of the state.

(4) An eligible youth under this program includes a student between the ages of 15 and 18 who is currently enrolled at a high school in Florida and who has not been previously employed within the preceding 12 months by the eligible business, or a successor business, applying for matching funds under this program. The youth must be a member of a family that includes a parent with one or more minor children or a caretaker with one or more minor children and that is at risk of welfare dependency because the family's income does not exceed 200 percent of the federal poverty level.

(5)(a) As part of an application for funding under this program, an eligible business must submit an internship work plan that describes:

1. The work to be performed by the eligible youth;
2. The anticipated number of hours per week the eligible youth will work;
3. The total hourly stipend to be paid to eligible youth, with a description of the portion of the stipend proposed to be paid by the eligible business and the portion of the stipend proposed to be paid by the state;
4. The anticipated term of the internship;
5. The training and supervision to be provided by the eligible business, particularly in terms of skill development of the youth related to computers and other information technologies;
6. The impact of the grant funds on the ability of the eligible business to employ the eligible youth through the internship; and

7. The prospects for unsubsidized employment of the youth after the internship period concludes.

(b) An application for funding must also identify the eligible youth to be hired under the internship and include information to demonstrate that the eligible youth satisfies the requirements of subsection (4).

(6) Workforce Florida, Inc., shall establish guidelines governing the administration of this program which facilitate access to the program by businesses and shall establish criteria to be used in evaluating an application for funding and the internship plan accompanying the application as required under subsection (5). Such criteria must include, but need not be limited to:

(a) The nature of the work to be performed by the eligible youth;

(b) The potential experience and skills to be acquired by the eligible youth, particularly related to computers and other information technologies, as identified by Workforce Florida, Inc., which may help address the digital divide;

(c) Whether the eligible business is classified in one of the business sectors identified by Enterprise Florida, Inc., as being strategically important to the economic development efforts of the state or is classified in a business sector identified as being strategically important to the particular regional or local area in which the business is located;

(d) The supervision, training, and counseling to be provided to the eligible youth as part of the internship;

(e) The demonstrated need of the eligible business and the amount of matching funds to be provided by the eligible business; and

(f) The extent to which the internship has potential to result in permanent employment with the eligible business at the completion of the internship or anytime thereafter.

(7) Before allocating funds for any grant application under this program, Workforce Florida, Inc., shall execute a simplified grant agreement with the eligible business. Such agreement must include provisions for Workforce Florida, Inc., to have access to information about the performance of eligible youth upon completion of the internship.

(8) Workforce Florida, Inc., shall ensure that any forms or reports associated with this program which a business or individual is required to complete are as concise and simple to complete as practicable.

(9) Before the 2003 legislative session, Workforce Florida, Inc., shall prepare a report describing the outcomes of the pilot program authorized under this section. The report must include a recommendation as to whether the Legislature should continue to fund the program and on any changes necessary to enhance the program. The report must be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 31, 2003.

(10) In fulfilling its responsibilities under this section, Workforce Florida, Inc., may enlist the assistance of and act through the Agency for Workforce Innovation. The agency is authorized and directed to provide such services as Workforce Florida, Inc., and the agency deem necessary to implement this section.

Section 26. Joint-Use Advanced Digital-Media Research and Production Facilities.—

(1) The Legislature finds that developments in digital media are having, and will continue to have, a profound effect on the state, its people, and its businesses in areas including, but not limited to, information technology, simulation technology, and film and entertainment production and distribution. The digital-media industry represents a strategic economic development opportunity for the state to become a global leader in this emerging and dynamic field. The ability of the state to succeed in developing the digital-media sector, however, depends upon having a workforce with skills necessary to meet the demands of the industry. The Legislature further finds that the convergence of media and the collaboration of businesses and multi-disciplinary academic research programs will enable this state to compete more successfully with other digital-media innovation centers around the country and around the world. Therefore, it is the intent of the Legislature to support the establishment and maintenance of joint-use advanced digital-media research and pro-

duction facilities in the state to provide regional focal points for collaboration between research and education programs and digital-media industries.

(2) Subject to legislative appropriation, the Office of Tourism, Trade, and Economic Development is authorized to create and administer a program to facilitate the establishment and maintenance of joint-use advanced digital-media research and production facilities at strategic locations around the state. The office shall administer all facets of this program in cooperation and consultation with the Office of the Film Commissioner; Enterprise Florida, Inc.; Workforce Florida, Inc.; the Digital Media Education Coordination Group of the State University System; and a not-for-profit corporation that represents information technology businesses throughout the state.

(3) The purposes of a joint-use advanced digital-media research and production facility shall include:

(a) Creating opportunities for industry, academia, and government to benefit from student and researcher involvement in applied research and development projects and other projects related to digital media.

(b) Promoting paths to future employment for students participating in the activities of the facility.

(c) Contributing to the development of a skilled workforce to support the needs of the digital-media industry.

(d) Facilitating the transfer of research results to commercial and government applications.

(e) Integrating the efforts and activities of the diverse, high-technology industries in the state that are critical to the economic future of the state.

(f) Assisting producers, suppliers, and distributors to make the transition from well-established passive media infrastructure to a highly interactive and immersive media infrastructure.

(g) Performing other functions or activities designed to contribute to the success of the state in becoming a leader in the digital-media industry, as approved by the Office of Tourism, Trade, and Economic Development.

(4) In carrying out its responsibilities under this section, the Office of Tourism, Trade, and Economic Development:

(a) Shall develop a strategic plan for how joint-use advanced digital-media research and production facilities will be governed and for how such facilities will be funded in the long term. The office may contract for the preparation of the strategic plan required by this paragraph.

(b) May contract for the establishment of joint-use advanced digital-media research and production facilities. In identifying, approving, and executing such contracts, the office shall attempt to maximize the use and integration of existing facilities and programs in the state that are suitable for application as joint-use advanced digital-media facilities. Funds awarded under such contracts may be used to lease or refurbish existing facilities to create state-of-the-art digital-media design, production, and research laboratories that shall be shared by public and private educational institutions and industry partners.

(c) Shall ensure that funds appropriated for the program authorized in this section are expended in a manner consistent with the priority needs for developing the digital-media industry in this state, as identified by the organizations listed in subsection (2).

(d) Shall require any entity or organization receiving state funding under this section to match such funding with non-state sources.

(e) Shall require any joint-use advanced digital-media research and production facility receiving state funds to submit for approval by the office a detailed plan for the operation of such facility. Such operating plan must, at a minimum, include provisions for the establishment of a tenant association, with representation by each tenant using the facility, and for the collection of annual dues from tenants to support the operation and maintenance of the facility.

(f) Shall require any joint-use advanced digital-media research and production facility receiving state funding to submit an annual report to

the office by a date established by the office. Upon receipt of such annual reports, the office shall provide copies to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(g) Shall establish guidelines and criteria governing the application for and receipt of funds under this section.

(h) May, as part of the annual report on the business climate of the state required under section 14.2015, Florida Statutes, recommend to the Legislature policies designed to enhance the effectiveness of the program for joint-use advanced digital-media research and production facilities or policies designed to otherwise promote the development of the digital-media industry in the state.

(5) For the purposes of this section, the term "digital media" is defined as a discipline based on the creative convergence of art, science, and technology for human expression, communication, and social interaction. The Office of Tourism, Trade, and Economic Development, in cooperation and consultation with the organizations identified in subsection (2), shall identify specific types of businesses or types of business activity to be included within the term "digital media."

Section 27. The Office of Tourism, Trade, and Economic Development, the Office of the Film Commissioner, and the Digital Media Education Coordination Group shall jointly report to the President of the Senate and the Speaker of the House of Representatives by December 1, 2001, on recommended funding levels for the program to facilitate establishment and maintenance of joint-use advanced digital-media research and production facilities as authorized by this act. The report must include options based on different funding levels and information on the number and types of facilities that the organizations estimate could be established under each funding option. The report also must include an assessment of the long-term costs associated with operating such facilities and an assessment of non-state funding sources that could be accessed to support establishment and maintenance of such facilities.

Section 28. (1) In implementing the single, statewide computer-assisted student advising system required under section 240.2099, Florida Statutes, the Board of Regents and the State Board of Community Colleges may:

(a) Perform all things necessary to secure letters of patent, copyrights, and trademarks on any work products and enforce their rights with respect thereto.

(b) Enter into binding agreements with organizations, corporations, or government entities to license, lease, assign, or otherwise give written consent to any person, firm, corporation, or agency for the use of the single, statewide, computer-assisted student advising system and collect royalties or any other consideration that the boards find proper.

(c) Sell or license any such work products and execute all instruments necessary to consummate the sale or license.

(2) The Board of Regents and the State Board of Community Colleges shall submit to the President of the Senate and the Speaker of the House of Representatives any agreement relating to this section. The President and Speaker may review the terms of the agreement and respond with comments for 30 days after receipt of an agreement; after that time, the agreement is binding.

(3) All or a portion of the proceeds derived from activities authorized under this section may be expended for developing the next generation of on-line student services, maintaining and operating the system, and acquiring statewide licenses for related software. Proceeds in excess of that necessary to support such expenditures may be deposited in the State Treasury to support need-based student aid or to support information technology infrastructure.

Section 29. The unexpended balance of funds from section 38 of chapter 2000-164, Laws of Florida, authorized to reimburse eligible companies for sales tax payments made on equipment specifically associated with the creation of a network access point, is reappropriated for fiscal year 2001-2002 to the Department of Revenue for reimbursement of such sales tax payments as provided in section 212.08(5), Florida Statutes.

Section 30. There is appropriated from the General Revenue Fund to the Office of Tourism, Trade, and Economic Development the sum of \$100,000 in fiscal year 2001-2002 for use by the Florida Research Con-

sortium created under section 288.9522, Florida Statutes, for the purposes specified in such section.

Section 31. There is appropriated from the Employment Security Administration Trust Fund to the Agency for Workforce Innovation the sum of \$200,000 in fiscal year 2001-2002 for use by Workforce Florida, Inc., in implementing the pilot matching grant program for youth internships as provided in this act. The source of these funds is the Temporary Assistance for Needy Families block grant.

Section 32. Except as otherwise provided, this act shall take effect July 1, 2001.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 27, after the semicolon (;) insert: creating s. 121.155, F.S.; providing legislative findings relating to the relationship between availability of capital and the development of high-technology businesses; expressing legislative intent that Florida Retirement System investments complement economic development strategies; requiring staff of the State Board of Administration to review certain economic development information; expanding annual report requirements; amending s. 159.26, F.S.; declaring, for purposes of the Florida Industrial Development Financing Act, that the information technology industry is vital to the economy of the state; providing that the advancement of information technology is a purpose underlying the act; amending s. 159.27, F.S.; redefining the term "project" to include information technology facilities; defining the term "information technology facility"; amending s. 159.705, F.S.; specifying that certain entities may operate a project located in a research and development park and financed under the Florida Industrial Development Financing Act; creating s. 240.1055, F.S.; providing that the mission of the state system of postsecondary education includes supporting the economic development goals of the state; expressing legislative intent; amending s. 240.710, F.S.; revising duties relating to the Digital Media Education Coordination Group; eliminating obsolete provisions; providing for the group to submit an annual report; amending s. 288.108, F.S.; specifying that the information technology sector is a high-impact sector for the purposes of a grant program for investments by certain businesses; providing legislative intent relating to the provision of state assistance to a not-for-profit corporation created to advocate on behalf of the information technology industry; creating s. 288.9522, F.S.; creating the Florida Research Consortium; providing legislative intent related to the consortium; providing for the organization, membership, purpose, powers, and administration of the consortium; requiring an annual report from the consortium and its member universities; requiring the Office of Tourism, Trade, and Economic Development and Enterprise Florida, Inc., to provide initial staff support to the Florida Research Consortium; requiring the Florida Research Consortium to report on statutory and other factors affecting the transfer and commercialization of technology and the formation of relationships between university employees and business entities; prescribing elements of such report; requiring the consortium to solicit the participation of certain experts in the preparation of such report; amending s. 445.045, F.S.; reassigning responsibility for development and maintenance of an information technology promotion and workforce recruitment website to Workforce Florida, Inc.; requiring consistency and compatibility with other information systems; authorizing Workforce Florida, Inc., to secure website services from outside entities; requiring coordination of the information technology website with other marketing, promotion, and advocacy efforts; authorizing Workforce Florida, Inc., to act through the Agency for Workforce Innovation in fulfilling its responsibilities related to the website; directing the agency to provide such services to Workforce Florida, Inc.; directing Workforce Florida, Inc., to establish a pilot grant program for youth internships in high-technology fields, subject to legislative appropriation; specifying the amount of a grant under the program; providing for eligibility; requiring an eligible business to submit an internship work plan; specifying criteria for evaluating an application for funding of an internship; requiring Workforce Florida, Inc., to report the outcomes of the pilot program to the Legislature; authorizing Workforce Florida, Inc., to act through the Agency for Workforce Innovation in fulfilling its responsibilities related to the pilot program; directing the agency to provide such services to Workforce Florida, Inc.; providing legislative findings and intent relating to establishment of joint-use advanced digital-media research and production facilities; authorizing the Office of Tourism, Trade, and Economic Development to create a program supporting establishment of such facilities; prescribing the purposes of such facilities;

specifying powers and duties of the office relating to establishment of such facilities; defining the term "digital media"; requiring a report to the Legislature on recommended funding levels for such facilities; authorizing the Board of Regents and the State Board of Community Colleges, in implementing a single, statewide computer-assisted student advising system, to secure and enforce patents on work products, enter into various agreements, and sell or license work products; requiring the Board of Regents and the State Board of Community Colleges to submit certain agreements to the Legislature; providing for uses of any or all of the proceeds derived from such activities; providing appropriations;

Senator Klein moved the following amendment to **Amendment 3** which was adopted:

Amendment 3A (774710)(with title amendment)—On page 17, lines 16 and 17, delete those lines and insert:

Section 22. (1) *Enterprise Florida, Inc., shall*

And the title is amended as follows:

On page 33, lines 25-27, delete those lines and insert: member universities; requiring Enterprise Florida, Inc., to provide initial

Amendment 3 as amended was adopted.

Senator Diaz de la Portilla moved the following amendments which were adopted:

Amendment 4 (260380)—On page 21, lines 12-14, delete those lines and insert:

Section 13. Except as otherwise provided, this act shall take effect July 1, 2001.

Amendment 5 (945676)—On page 17, line 10; on page 19, line 25; and on page 20, lines 16 and 30, after the first period (.) insert: Effective January 1, 2002,

Senator Laurent moved the following amendment which was adopted:

Amendment 6 (781112)(with title amendment)—On page 21, between lines 11 and 12, insert:

Section 13. *Notwithstanding any other provision of law, the Office of Tourism, Trade, and Economic Development may use up to \$500,000 of the amount appropriated by the Legislature in fiscal year 2001-2002 to the office for the Rural Community Development Revolving Loan Fund under section 288.065, Florida Statutes, to provide loans, loan guarantees, or loan loss reserves, consistent with the requirements and intent of such section, through units of local government to small citrus growers in rural counties or rural communities to assist such growers in upgrading machinery and equipment in order to make their farming operations more viable and sustainable.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 27, after the semicolon (;) insert: authorizing the Office of Tourism, Trade, and Economic Development to use a portion of funds appropriated for the Rural Community Development Revolving Loan Fund for loan activities on behalf of small citrus growers;

Pursuant to Rule 4.19, **CS for CS for SB 2008** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 1880** was deferred.

On motion by Senator Crist—

SB 1766—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; exempting from disclosure under s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution, certain information pertaining to county and municipal code enforcement officers and their families; providing for future repeal and prior legislative review of these

exemptions; providing a statement of public necessity for the exemptions; providing an effective date.

—was read the second time by title.

Senator Sanderson moved the following amendment which was adopted:

Amendment 1 (122460)(with title amendment)—On page 3, after line 31, insert:

Section 4. Paragraph (i) of subsection (3) of section 119.07, Florida Statutes, is amended to read:

119.07 Inspection, examination, and duplication of records; exemptions.—

(3)

(i)1. The home addresses, telephone numbers, social security numbers, and photographs of active or former law enforcement personnel, including correctional and correctional probation officers, personnel of the Department of Children and Family Services whose duties include the investigation of abuse, neglect, exploitation, fraud, theft, or other criminal activities, personnel of the Department of Health whose duties are to support the investigation of child abuse or neglect, and personnel of the Department of Revenue or local governments whose responsibilities include revenue collection and enforcement or child support enforcement; the home addresses, telephone numbers, social security numbers, photographs, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from the provisions of subsection (1). The home addresses, telephone numbers, and photographs of firefighters certified in compliance with s. 633.35; the home addresses, telephone numbers, photographs, and places of employment of the spouses and children of such firefighters; and the names and locations of schools and day care facilities attended by the children of such firefighters are exempt from subsection (1). The home addresses and telephone numbers of justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges; the home addresses, telephone numbers, and places of employment of the spouses and children of justices and judges; and the names and locations of schools and day care facilities attended by the children of justices and judges are exempt from the provisions of subsection (1). The home addresses, telephone numbers, social security numbers, and photographs of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; the home addresses, telephone numbers, social security numbers, photographs, and places of employment of the spouses and children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; and the names and locations of schools and day care facilities attended by the children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors are exempt from subsection (1) and s. 24(a), Art. I of the State Constitution. ~~The home addresses and home telephone numbers of county and municipal code inspectors and code enforcement officers are confidential and exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution.~~

2. *The home addresses, telephone numbers, social security numbers, and photographs of current or former human resource, labor relations, or employee relations directors, assistant directors, managers, or assistant managers of any local government agency or water management district whose duties include hiring and firing employees, labor contract negotiation, administration, or other personnel-related duties; the names, home addresses, telephone numbers, social security numbers, photographs, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from subsection (1) and s. 24(a), Art. I of the State Constitution. This subparagraph is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.*

3. *The home addresses, telephone numbers, social security numbers, and photographs of current or former code enforcement officers; the names, home addresses, telephone numbers, social security numbers, photographs, and places of employment of the spouses and children of*

such persons; and the names and locations of schools and day care facilities attended by the children of such persons are exempt from subsection (1) and s. 24(a), Art. I of the State Constitution. This subparagraph is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.

4.2. An agency that is the custodian of the personal information specified in subparagraph 1., subparagraph 2., or subparagraph 3. and that is not the employer of the officer, employee, justice, judge, or other person specified in subparagraph 1., subparagraph 2., or subparagraph 3. shall maintain the confidentiality of the personal information only if the officer, employee, justice, judge, other person, or employing agency of the designated employee submits a written request for confidentiality to the custodial agency.

Section 5. *The Legislature finds that the exemption from public records requirements provided by this act for identifying information relating to current and former human resource, labor relations, or employee relations directors, assistant directors, managers, or assistant managers of local government agencies or water management districts and their families is justified because, if such information were not confidential, a human resource, labor relations, or employee relations director, assistant director, manager, or assistant manager or such person's family could be harmed or threatened with harm by a current or former employee or a friend or family member of a current or former employee.*

Section 6. *The Legislature finds that the exemption from public records requirements provided for by this act for identifying information relating to current and former code enforcement officers and their families is a public necessity. The current exemption of names and addresses has not completely shielded the identities of county and municipal code enforcement officers. The responsibilities of these employees regularly take them into areas of neglect, abuse, and personal danger. Citations issued in response to violations that they encounter often lead to retribution by the offenders. Their personnel files are reviewed on numerous occasions by code violators seeking information relating to the code enforcement officers and their families. The disclosure of this personal information has led to threats, acts of violence, and unwarranted risk to the officers and their families.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 11, after the semicolon (;) insert: amending s. 119.07, F.S.; expanding the exemption for code enforcement officers to include additional information and to include such officers' spouses and children; providing for future review and repeal; providing findings of public necessity;

Pursuant to Rule 4.19, **SB 1766** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Holzendorf—

CS for SB 2174—A bill to be entitled An act relating to insurance; amending s. 624.318, F.S.; requiring access to records by the department; repealing s. 624.501(11) and (23), F.S.; repealing provisions establishing specified fees; amending s. 626.112, F.S.; prohibiting certain activities that constitute solicitation of insurance by unlicensed persons; amending s. 626.171, F.S.; revising agent application requirements; amending s. 626.181, F.S.; extending a period of eligibility for reappointment; creating s. 626.202, F.S.; requiring fingerprinting of specified persons; amending s. 626.431, F.S.; extending the nonappointment period to 48 months; amending s. 626.521, F.S.; requiring certain information upon demand of the department; amending s. 626.541, F.S.; requiring notification to the department of certain name changes and other information; amending s. 626.5715, F.S.; removing a requirement that the Department of Insurance adopt rules to assure parity of regulation; providing that the Insurance Code applies to all transactions; amending s. 626.601, F.S.; revising a confidentiality provision; amending s. 626.611, F.S.; prohibiting the sale of unregistered securities; amending ss. 626.741, 626.792, 626.835, F.S.; limiting the authority of certain nonresident licenses to that granted by the resident state; amending s. 626.8427, F.S.; revising provisions governing the duration of licenses; amending s. 626.856, F.S.; revising the definition of the term "company employee adjuster"; amending s. 626.872, F.S.; limiting the term of a

temporary adjuster's license; amending s. 626.873, F.S.; revising a catchline regarding nonresident company adjusters; amending s. 627.927; limiting an experience requirement for surplus lines agents; extending a renewal grace period; creating s. 626.9531, F.S.; requiring the identification of certain persons in advertisements and other communications; amending ss. 648.315, 648.38, 648.384, F.S.; extending a period of eligibility for reappointment; creating s. 626.9651, F.S.; requiring the Department of Insurance to adopt rules governing the use of a consumer's nonpublic personal financial and health information; providing standards for the rules; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2174** was placed on the calendar of Bills on Third Reading.

On motion by Senator Mitchell—

CS for CS for SB 2146—A bill to be entitled An act relating to medical records; providing legislative findings and intent; amending s. 456.057, 395.3025, 400.1415, F.S.; prohibiting the use of a patient's medical records for purposes of solicitation and marketing without specific written release or authorization; providing for criminal penalties; creating s. 626.9651, F.S.; requiring the Department of Insurance to adopt rules governing the use of a consumer's nonpublic personal financial and health information; providing standards for the rules; providing an effective date.

—was read the second time by title.

Senator Mitchell moved the following amendment which was adopted:

Amendment 1 (830502)—On page 1, line 22, delete ", pharmacist."

Pursuant to Rule 4.19, **CS for CS for SB 2146** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 2058** was deferred.

SB 1394—A bill to be entitled An act relating to water management; creating the Harris Chain of Lakes Restoration Council; providing for membership, powers, and duties; providing for a report to the Legislature; providing for an advisory group to the council; requiring the St. Johns River Water Management District to provide staff for the council; providing for award of contracts subject to an appropriation of funds; providing for a Harris Chain of Lakes restoration program; providing for a demonstration restoration project; providing appropriations; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources recommended the following amendment which was moved by Senator Cowin and adopted:

Amendment 1 (910750)—On page 2, line 8, after "Johns" insert: *River*

The Committee on Appropriations recommended the following amendment which was moved by Senator Cowin and adopted:

Amendment 2 (890556)(with title amendment)—On page 5, lines 15-26, delete those lines and insert:

Section 3. *The Fish and Wildlife Conservation Commission is authorized to conduct a demonstration restoration project on the Harris Chain of Lakes for the purpose of creating better habitat for fish and wildlife.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, delete line 13 and insert: providing an

Senator Brown-Waite offered the following amendment which was moved by Senator Cowin:

Amendment 3 (103668)(with title amendment)—On page 5, between lines 26 and 27, insert:

Section 5. (1) *The Citrus/Hernando Waterways Restoration Council.*—There is created within the Withlacoochee and Coastal Rivers Basin Boards of the Southwest Florida Water Management District a council to be known as the Citrus/Hernando Waterways Restoration Council. The council shall be coordinated by representatives of the following agencies: the Florida Fish and Wildlife Conservation Commission, the Department of Environmental Protection, and the Southwest Florida Water Management District. The council is subject to the provisions of chapters 119 and 120, Florida Statutes. The lead agency shall be the Fish and Wildlife Conservation Commission.

(2) *Members of the council shall consist of twelve voting members with six appointed by the President of the Senate and six appointed by the Speaker of the House of Representatives. The council shall consist of representatives as follows:*

- a. *Waterfront property owners from each county,*
- b. *An attorney from each county,*
- c. *A member of the Board of Directors of the Chamber of Commerce from each county,*
- d. *An environmental engineer from each county,*
- e. *An engineer from each county, and*
- f. *A person from each county with training in biology or another scientific discipline.*

(3) *The council members from each county are to form two separate county task forces from the council to review and make recommendations on specific waterways. The Hernando County Task Force shall develop plans for the restoration of the Weeki Wachee River and Springs. The Citrus County Task Force shall develop plans for the restoration of the Tsala-Apopka Chain of Lakes.*

(4) *There shall be a technical advisory group to the council and the two county task forces which shall consist of one representative each from the Southwest Florida Water Management District, the Department of Environmental Protection, the Department of Transportation, the Fish and Wildlife Conservation Commission, the Coastal Rivers Basin Board, the Withlacoochee River Basin Board, and the United States Army Corps of Engineers, each of whom shall be appointed by his or her respective agency, and each of whom, with the exception of the representatives from the Withlacoochee River Basin Board and Coastal Rivers Basin Board, shall have had training in biology or another scientific discipline.*

(5) *Immediately after appointment, the council shall meet and organize by electing a chair, a vice chair, and a secretary, whose terms shall be for 2 years each. Council officers shall not serve consecutive terms. Each council member shall be a voting member. Additionally, the two county task forces shall elect a chair and a secretary whose terms shall be for 2 years each.*

(6) *The council or the county task forces shall meet at the call of its chair, at the request of six of its members, or at the request of the chair of the governing board of the Southwest Florida Water Management District.*

(7) *The council shall have the powers and duties to:*

(a) *Review audits and all data specifically related to lake and river restoration techniques and sport fish population recovery strategies, including data and strategies for shoreline restoration, sand and other sediment control and removal, exotic species management, floating tussock management or removal, navigation, water quality, and fish and wildlife habitat improvement, particularly as they may apply to the Citrus/Hernando waterways.*

(b) *Evaluate whether additional studies are needed.*

(c) *Explore all possible sources of funding to conduct the restoration activities.*

(d) *Report to the Speaker of the House of Representatives and the President of the Senate before November 25 of each year on the progress of the Citrus/Hernando Waterways restoration program and any recommendations for the next fiscal year.*

(8) *The Southwest Florida Water Management District shall provide staff to assist the council in carrying out the provisions of this act.*

(9) *Members of the council shall receive no compensation for their services, but are entitled to be reimbursed for per diem and travel expenses incurred during execution of their official duties, as provided in section 112.061, Florida Statutes. State and federal agencies shall be responsible for the per diem and travel expenses of their respective appointees to the council, and the Southwest Florida Water Management District shall be responsible for per diem and travel expenses of other appointees to the council.*

Section 6. *The Citrus/Hernando Waterways restoration program.—*

(1) *The Fish and Wildlife Conservation Commission and the Southwest Florida Water Management District, in conjunction with the Department of Environmental Protection, pertinent local governments, and the Citrus/Hernando Waterways Restoration Council, shall review existing restoration proposals to determine which ones are the most environmentally sound and economically feasible methods of improving the fish and wildlife habitat and natural systems of the Citrus/Hernando waterways.*

(2) *To initiate the Citrus/Hernando Waterways restoration program recommended by the Citrus/Hernando Waterways Restoration Council, the Fish and Wildlife Conservation Commission, with assistance from the Southwest Florida Water Management District and in consultation and by agreement with the Department of Environmental Protection and pertinent local governments, shall develop tasks to be undertaken by those entities for the enhancement of fish and wildlife habitat. These agencies shall:*

(a) *Evaluate different methodologies for removing the extensive tussocks and buildup of organic matter along the shoreline and of the aquatic vegetation in the lake.*

(b) *Conduct any additional studies as recommended by the Citrus/Hernando Waterways Restoration Council.*

(3) *Contingent on the Legislature's appropriating funds for the Citrus/Hernando Waterways restoration program and in conjunction with financial participation by federal, other state, and local governments, the appropriate agencies shall, through competitive bid, award contracts to implement the activities of the Citrus/Hernando Waterways restoration program.*

Section 7. *The sum of \$45,000 is appropriated from the General Revenue Fund to the Southwest Florida Water Management District for the purpose of paying administrative, per diem, and travel expenses of the Citrus/Hernando Waterways Restoration Council.*

Section 8. *The Fish and Wildlife Conservation Commission is authorized to conduct a demonstration restoration project on the Tsala-Apopka Chain of Lakes for the purpose of removing, with proper permits, overlying undesirable vegetation and associated organic material down to mineralized soils, thus allowing for the establishment of a more desirable aquatic plant community on hard, sandy substrate and creating better habitat for fish and wildlife. The sum of \$100,000 is appropriated from the General Revenue Fund to the Fish and Wildlife Conservation Commission for the purpose of conducting the demonstration restoration project.*

Section 9. *The Southwest Florida Water Management District is authorized to conduct a demonstration restoration project on the Weeki Wachee River, with proper permits, to improve the water flow by a sand containment and erosion control project, including other restoration activities related to this problem.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 13 and 14, delete those lines and insert: creating the Citrus/Hernando Waterways Restoration Council; providing for membership, powers, and duties; providing for separate county task forces;

providing for a report to the Legislature; providing for an advisory group to the council; requiring the Southwest Florida Water Management District to provide staff for the council; providing for award of contracts subject to an appropriation of funds; providing for a Citrus/Hernando Waterways restoration program; providing for demonstration restoration projects; providing appropriations; providing an effective date.

WHEREAS, the waterways of Citrus and Hernando Counties are of historic, hydrological, and ecological significance, and

WHEREAS, most of these Citrus/Hernando waterways are Outstanding Florida Waterways or in the application process, and

WHEREAS, the Citrus/Hernando waterways are plagued by fluctuating water levels and sedimentation increasing nitrate levels and sand movement causing blockage of natural springs and excessive growth of aquatic plants, which are degrading their water quality and recreational value, and

WHEREAS, despite their current problems, the Citrus/Hernando waterways continue to provide wildlife habitat for fish, birds, and game and offer recreational opportunities for the residents of Citrus and Hernando Counties and visitors to the area, and

WHEREAS, the renewable economic potential of the Citrus/Hernando waterways is significant, and

WHEREAS, the Southwest Florida Water Management District and the Fish and Wildlife Conservation Commission, along with other state, regional, and local entities, have developed proposals to restore portions of the Citrus/Hernando waterways, and

On motion by Senator Cowin, further consideration of **SB 1394** with pending **Amendment 3** was deferred.

THE PRESIDENT PRESIDING

On motion by Senator Clary—

SB 968—A bill to be entitled An act relating to certificate of need; amending s. 408.043, F.S.; providing criteria for review of a certificate-of-need application for establishment of an adult open heart surgery program in a county in which none of the hospitals has an existing or approved adult open heart surgery program; providing an effective date.

—was read the second time by title.

The Committee on Health, Aging and Long-Term Care recommended the following amendment which was moved by Senator Clary:

Amendment 1 (763044)(with title amendment)—On page 1, lines 13-29, delete those lines and insert:

Section 1. *The certificate-of-need workgroup created by section 15 of chapter 2000-318, Laws of Florida, shall include in its report the issue of access to open heart surgery services in areas currently lacking programs or deemed underserved. The workgroup shall submit its final recommendations on or before January 1, 2002.*

And the title is amended as follows:

On page 1, lines 3-8, delete those lines and insert: requiring the certificate-of-need workgroup to address open heart surgery services in its report; requiring final recommendations to be submitted by January 1, 2002; providing an

MOTION

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

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

Amendment 1A (574282)—On page 1, line 22, after the period (.) insert: *In evaluating access to open heart surgery, the work group shall consider the restriction of angioplasty to hospitals providing open heart surgery and recommend ways to improve access to primary angioplasty while assuring patient safety and quality of care.*

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

Amendment 1B (063190)(with title amendment)—On page 1, between lines 23 and 24, insert:

Section 2. Paragraph (r) is added to subsection (3) of section 408.036, Florida Statutes, to read:

408.036 Projects subject to review.—

(3) EXEMPTIONS.—Upon request, the following projects are subject to exemption from the provisions of subsection (1):

(r) *For the conversion of hospital-based Medicare and Medicaid certified skilled nursing beds to acute care beds, if the conversion does not involve the construction of new facilities.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 3, after the semicolon (;) insert: amending s. 408.036, F.S.; providing an exemption from review for the conversion of certain skilled nursing beds to acute care beds;

Senators Clary and Klein offered the following amendment to **Amendment 1** which was moved by Senator Clary:

Amendment 1C (381218)(with title amendment)—On page 1, line 23, after the period (.) insert:

Section 2. Paragraph (c) of subsection (5) of section 408.039, Florida Statutes, is amended to read:

408.039 Review process.—The review process for certificates of need shall be as follows:

(5) ADMINISTRATIVE HEARINGS.—

(c) In administrative proceedings challenging the issuance or denial of a certificate of need, only applicants considered by the agency in the same batching cycle are entitled to a comparative hearing on their applications. Existing health care facilities may initiate or intervene in an administrative hearing *only* upon a showing that an established program will be substantially affected by the issuance of any certificate of need, whether reviewed under s. 408.036(1) or (2), to a competing proposed facility or program within the same district. *Any party appealing a final order approving or denying a certificate of need to a district court of appeal shall place in escrow an amount equal to the proposed project cost or \$500,000, whichever amount is less. If any party appealing a final order fails in the appeal, that party shall pay all costs of litigation, including treble attorney fees, of the party that was issued the certificate of need. Such amounts shall be taken first from the escrow account established for this purpose, the balance to be considered enforceable as an obligation created by final order of the agency. The challenging facility may satisfy the escrow requirement with a bond of sufficient type and amount.*

Section 3. Effective July 1, 2001, section 15 of chapter 2000-318, Laws of Florida, is amended to read:

Section 15.

(1)(a) There is created a certificate-of-need workgroup staffed by the Agency for Health Care Administration.

(b) Workgroup participants shall be responsible for only the expenses that they generate individually through workgroup participation. The agency shall be responsible for expenses incidental to the production of any required data or reports.

(2) The workgroup shall consist of ~~32~~ 30 members, 10 appointed by the Governor, ~~11~~ 10 appointed by the President of the Senate, and ~~11~~ 10 appointed by the Speaker of the House of Representatives. The workgroup chairperson shall be selected by majority vote of a quorum present. Sixteen members shall constitute a quorum. The membership shall include, but not be limited to, representatives from health care provider organizations, health care facilities, individual health care practitioners, local health councils, and consumer organizations, and persons with health care market expertise as a private-sector consultant.

(3) Appointment to the workgroup shall be as follows:

(a) The Governor shall appoint one representative each from the hospital industry; nursing home industry; hospice industry; local health councils; a consumer organization; and three health care market consultants, one of whom is a recognized expert on hospital markets, one of whom is a recognized expert on nursing home or long-term-care markets, and one of whom is a recognized expert on hospice markets; one representative from the Medicaid program; and one representative from a health care facility that provides a tertiary service.

(b) The President of the Senate shall appoint a representative of a for-profit hospital, a representative of a not-for-profit hospital, a representative of a public hospital, two representatives of the nursing home industry, two representatives of the hospice industry, a representative of a consumer organization, a representative from the Department of Elderly Affairs involved with the implementation of a long-term-care community diversion program, and a health care market consultant with expertise in health care economics, and a member of the Senate.

(c) The Speaker of the House of Representatives shall appoint a representative from the Florida Hospital Association, a representative of the Association of Community Hospitals and Health Systems of Florida, a representative of the Florida League of Health Systems, a representative of the Florida Health Care Association, a representative of the Florida Association of Homes for the Aging, three representatives of Florida Hospices and Palliative Care, one representative of local health councils, and one representative of a consumer organization, and a member of the House.

(4) *The workgroup shall develop a plan for the reform or elimination of the certificate of need program, which shall include recommendations for required legislative action and agency rule making. Such plan shall be implemented not sooner than the effective date of any rules necessary for its implementation. In developing the plan, the workgroup shall seek input from all classes of health care consumers, health care providers and health care facilities subject to certificate of need review. All agencies, including, but not limited to, the Agency for Health Care Administration and the Department of Elder Affairs, shall provide assistance to the workgroup, upon request. The workgroup shall study issues pertaining to the certificate of need program, including the impact of trends in health care delivery and financing. The workgroup shall study issues relating to implementation of the certificate of need program.*

(5) ~~The workgroup shall meet at least annually, at the request of the chairperson. The workgroup shall submit an interim report by December 31, 2001, and a final report by December 31, 2002. The workgroup is abolished effective July 1, 2003.~~

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 3, after the semicolon (;) insert: amending s. 408.039, F.S.; revising the review process for certificates of need; amending s. 15 of ch. 2000-318, Laws of Florida; providing for additional appointments to the certificate-of-need workgroup; amending the scope of responsibility for the workgroup;

Senator Klein moved the following substitute amendment for **Amendment 1C** which was adopted:

Amendment 1D (281412)(with title amendment)—On page 1, line 23, after the period (.) insert:

Section 2. Paragraph (c) of subsection (5) of section 408.039, Florida Statutes, is amended to read:

408.039 Review process.—The review process for certificates of need shall be as follows:

(5) ADMINISTRATIVE HEARINGS.—

(c) In administrative proceedings challenging the issuance or denial of a certificate of need, only applicants considered by the agency in the same batching cycle are entitled to a comparative hearing on their applications. Existing health care facilities may initiate or intervene in an administrative hearing *only* upon a showing that an established program will be substantially affected by the issuance of any certificate of

need, whether reviewed under s. 408.036(1) or (2), to a competing proposed facility or program within the same district. *Any party appealing a final order approving or denying a certificate of need to a district court of appeal shall place in escrow an amount equal to the proposed project cost or \$500,000, whichever amount is less. If any party appealing a final order fails in the appeal, that party shall pay all costs of litigation, including treble attorney fees, of the prevailing party. The Agency for Health Care Administration shall not be subject to the provisions of this paragraph except that it shall be entitled to all costs of litigation, including treble attorney fees if it is the prevailing party in an appeal of a final order. Such amounts shall be taken first from the escrow account established for this purpose, the balance to be considered enforceable as an obligation created by final order of the agency. The challenging facility may satisfy the escrow requirement with a bond of sufficient type and amount.*

Section 3. Effective July 1, 2001, section 15 of chapter 2000-318, Laws of Florida, is amended to read:

Section 15.

(1)(a) There is created a certificate-of-need workgroup staffed by the Agency for Health Care Administration.

(b) Workgroup participants shall be responsible for only the expenses that they generate individually through workgroup participation. The agency shall be responsible for expenses incidental to the production of any required data or reports.

(2) The workgroup shall consist of ~~32~~ 30 members, 10 appointed by the Governor, ~~11~~ 10 appointed by the President of the Senate, and ~~11~~ 10 appointed by the Speaker of the House of Representatives. The workgroup chairperson shall be selected by majority vote of a quorum present. Sixteen members shall constitute a quorum. The membership shall include, but not be limited to, representatives from health care provider organizations, health care facilities, individual health care practitioners, local health councils, and consumer organizations, and persons with health care market expertise as a private-sector consultant.

(3) Appointment to the workgroup shall be as follows:

(a) The Governor shall appoint one representative each from the hospital industry; nursing home industry; hospice industry; local health councils; a consumer organization; and three health care market consultants, one of whom is a recognized expert on hospital markets, one of whom is a recognized expert on nursing home or long-term-care markets, and one of whom is a recognized expert on hospice markets; one representative from the Medicaid program; and one representative from a health care facility that provides a tertiary service.

(b) The President of the Senate shall appoint a representative of a for-profit hospital, a representative of a not-for-profit hospital, a representative of a public hospital, two representatives of the nursing home industry, two representatives of the hospice industry, a representative of a consumer organization, a representative from the Department of Elderly Affairs involved with the implementation of a long-term-care community diversion program, and a health care market consultant with expertise in health care economics, and a member of the Senate.

(c) The Speaker of the House of Representatives shall appoint a representative from the Florida Hospital Association, a representative of the Association of Community Hospitals and Health Systems of Florida, a representative of the Florida League of Health Systems, a representative of the Florida Health Care Association, a representative of the Florida Association of Homes for the Aging, three representatives of Florida Hospices and Palliative Care, one representative of local health councils, and one representative of a consumer organization, and a member of the House.

(4) *The workgroup shall develop a plan for the reform or elimination of the certificate of need program, which shall include recommendations for required legislative action and agency rule making. Such plan shall be implemented not sooner than the effective date of any rules necessary for its implementation. In developing the plan, the workgroup shall seek input from all classes of health care consumers, health care providers and health care facilities subject to certificate of need review. All agencies, including, but not limited to, the Agency for Health Care Administration and the Department of Elder Affairs, shall provide assistance to the workgroup, upon request. The workgroup shall study issues pertaining*

to the certificate of need program, including the impact of trends in health care delivery and financing. The workgroup shall study issues relating to implementation of the certificate of need program.

(5) ~~The workgroup shall meet at least annually, at the request of the chairperson. The workgroup shall submit an interim report by December 31, 2001, and a final report by December 31, 2002. The workgroup is abolished effective July 1, 2003.~~

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 3, after the semicolon (;) insert: amending s. 408.039, F.S.; revising the review process for certificates of need; amending s. 15 of ch. 2000-318, Laws of Florida; providing for additional appointments to the certificate-of-need workgroup; amending the scope of responsibility for the workgroup;

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **SB 968** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Bronson, consideration of **CS for SB 1628** was deferred.

On motion by Senator Sullivan—

SB 66—A bill to be entitled An act relating to the City of St. Petersburg; providing for the relief of Alfred Brinkley Roberts; authorizing and directing the City of St. Petersburg to compensate him for injuries suffered due to the negligence of an employee of the city; providing an effective date.

—was read the second time by title.

The Committee on Criminal Justice recommended the following amendment which was moved by Senator Sullivan and adopted:

Amendment 1 (034392)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *The facts stated in the preamble to this act are found and declared to be true.*

Section 2. *The City of St. Petersburg is authorized and directed to appropriate from funds of the city not otherwise appropriated and to draw a warrant in the sum of \$655,346.97 payable to Alfred Brinkley Roberts to compensate him for injuries and damages sustained. After payment of Alfred Brinkley Roberts' outstanding medical bills, medical liens, and attorney's fees, the remaining proceeds shall be used to provide for the care of Alfred Brinkley Roberts for the duration of his life.*

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

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the City of St. Petersburg; providing for the relief of Alfred Brinkley Roberts; authorizing and directing the City of St. Petersburg to compensate him for injuries suffered due to the negligence of an employee of the city; providing an effective date.

WHEREAS, on August 31, 1991, Alfred Brinkley Roberts was walking across Ninth Avenue South, near 15th Street, in St. Petersburg, when he was struck by a police cruiser that had been traveling at a speed in excess of 65 miles per hour in a 35-mile-per-hour zone, and

WHEREAS, due to its sliding wheels, the cruiser could not be steered and left more than 200 feet of skid marks as it, in effect, followed Alfred Brinkley Roberts out of the travel lane and into an unmarked parking zone, where the actual impact took place, and

WHEREAS, Alfred Brinkley Roberts' injuries were extreme and included massive brain and orthopedic injuries, incontinence, and confinement for the rest of his life to a wheelchair, and

WHEREAS, the police officer operating the cruiser was investigated by the St. Petersburg Police Department's Internal Affairs, which found the officer to be at fault for causing the accident, and

WHEREAS, at the time of the accident, Alfred Brinkley Roberts had alcohol present in his system; however, it was shown at trial that it would have been impossible for any person to have avoided the swerving, out-of-control cruiser, and

WHEREAS, after a lengthy trial, the jury awarded Alfred Brinkley Roberts \$1,267,735.05, which was reduced by 20 percent to \$1,014,188.04, for comparative negligence, and

WHEREAS, following the trial, the parties entered into a settlement agreement in October 2000 that provides for a total payment of \$764,958.37, less amounts previously paid by the City of St. Petersburg, for a net additional amount of \$655,346.97, and

WHEREAS, Alfred Brinkley Roberts has outstanding medical bills and liens that include, but are not limited to, \$230,239.86 to Bayfront Medical Center, \$6,235 to Dr. Clinton B. Davis, II, and \$153,621 to the Veterans Administration, and

WHEREAS, Alfred Brinkley Roberts also owes his attorney for legal services rendered during the 9 years that he has been pursuing compensation for his injuries and also needs funds for his care for the duration of his life, NOW, THEREFORE,

Pursuant to Rule 4.19, **SB 66** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

SENATOR SILVER PRESIDING

CS for CS for SB 2214—A bill to be entitled An act relating to tobacco-settlement agreements; amending s. 215.5601, F.S.; defining the terms "participating manufacturer," "outdoor advertising," and "transit advertisements"; 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. 210.15, F.S.; imposing a supplemental permit fee on wholesale dealers; providing for calculation of fee; amending s. 210.20, F.S.; providing for the deposit of proceeds of the supplemental permit fee; amending ss. 17.41, 20.435, 215.5602, F.S., relating to the Tobacco Settlement Clearing Trust Fund, the Biomedical Research Trust Fund, and the Florida Biomedical Research Program; conforming provisions to changes made by the act; providing an effective date.

—was read the second time by title.

Senator Brown-Waite offered the following amendment which was moved by Senator Burt:

Amendment 1 (924410)—On page 6, line 17 through page 8, line 9, delete those lines.

On motion by Senator Burt, further consideration of **CS for CS for SB 2214** with pending **Amendment 1** was deferred.

On motion by Senator Burt—

CS for SB 1580—A bill to be entitled An act relating to proceeds from the tobacco settlement; amending s. 569.21, F.S.; requiring that the Comptroller receive representations from the tobacco industry which are used to calculate the annual payments; requiring the Comptroller to verify such representations; requiring that the Auditor General review the verification of representations from the tobacco industry; redesignating the Comptroller as the Chief Financial Officer to conform to a revision of the State Constitution; providing effective dates.

—was read the second time by title.

Senator Burt moved the following amendment which was adopted:

Amendment 1 (830146)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Present subsections (2) through (12) of section 569.21, Florida Statutes, are redesignated as subsections (4) through (14), respectively and new subsections (2) and (3) are added to that section, to read:

569.21 Expenditure of tobacco settlement proceeds.—The following guidelines shall be applied to the expenditure of all funds paid to the State of Florida as a result of litigation entitled *The State of Florida et al. v. American Tobacco Company et al.*, Case #95-1466AH, in the Circuit Court of the Fifteenth Judicial Circuit, in and for Palm Beach County:

(2) *The Governor, in consultation with the Attorney General, shall submit a report to the President of the Senate, the Speaker of the House of Representatives, the Comptroller, and the Auditor General by October 1, 2001, on the status of the settlement agreement as amended, in The State of Florida et al. v. American Tobacco Company et al., Case #95-1466AH, in the Circuit Court of the Fifteenth Judicial Circuit, in and for Palm Beach County. The report shall specifically describe and explain the settlement agreement's formula for determining the amount of the annual tobacco settlement payments and the application of the formula.*

(3) *The Comptroller shall request information from the tobacco industry with respect to calculating the annual tobacco-settlement payments. The Comptroller, in consultation with the Auditor General, shall verify the information from the tobacco industry, verify the annual payment amounts by applying the terms of the settlement agreement to the submitted industry information, and appropriately resolve inconsistencies. The Comptroller may obtain contractual services necessary to verify the information from the tobacco industry.*

(a) *If the Comptroller determines that there has been an overpayment by a settling defendant pursuant to the settlement agreement, and the Auditor General confirms the overpayment, the Comptroller shall notify the Governor, the Senate and the House of Representatives of such overpayment. Upon approval by the Legislative Budget Commission, a refund shall be made to the respective settling defendant for the overpayment by the Comptroller.*

(b) *If the Comptroller determines that there has been an underpayment by a settling defendant pursuant to the settlement agreement, and the Auditor General confirms the underpayment, the Comptroller shall notify the Governor, the Senate, the House of Representatives, and the Attorney General of such underpayment. Within 10 days of the notification the Comptroller shall on behalf of the state request the respective settling defendant to pay the underpayment. If within 40 days after the request for payment, the settling defendant has not made payment or entered into an agreement with the Attorney General and the Governor for a method of payment, the Attorney General shall institute proceedings in State of Florida v. American Tobacco to enforce the agreement and to collect the amount owed.*

(c) *The Auditor General shall annually review the state's process for verifying the annual tobacco settlement payments and confirm that the payments were properly made in accordance with the settlement agreement. The Auditor General shall report on such confirmation and any deviation from such process to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Comptroller and the Attorney General.*

Section 2. *The Governor is authorized to submit a budget amendment to the Legislative Budget Commission to transfer funds from the Tobacco Settlement Clearing Trust Fund or any of the agency Tobacco Settlement Trust Funds to the appropriate trust funds of the Governor, Comptroller, or Attorney General to cover costs incurred to ensure that tobacco settlement receipt amounts are accurate. This section authorizes transfers between agencies, pursuant to the requirements of section 216.292(1)(a), Florida Statutes. The total amount transferred from the Tobacco Settlement Clearing Trust Fund and the agency Tobacco Settlement Trust Funds shall not exceed \$1 million.*

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to proceeds from the tobacco settlement; amending s. 569.21, F.S.; requiring the Governor in consultation with the

Attorney General to report by a date certain on the status of the tobacco settlement agreement and the formula for calculating the annual payments; requiring the Comptroller to request informations from the tobacco industry which are used to calculate the annual payments and to verify such information; requiring the Comptroller to notify the Governor, the Senate and the House of Representatives of any overpayment or underpayment; authorizing any refund of overpayment subject to approval by Legislative Budget Commission; requiring Comptroller to request balance of any underpayment; directing Attorney General to institute action to collect unpaid underpayment; requiring the Auditor General to annually review State's process for verification of representations, to confirm that settlement payments are being made in accordance with the settlement agreement and to report to the Governor, the Legislature and the Attorney General regarding such confirmation; providing an appropriation; providing effective dates.

Pursuant to Rule 4.19, **CS for SB 1580** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for SB 1286—A bill to be entitled An act relating to the Lawton Chiles Endowment Fund; amending ss. 17.41, 20.435, F.S.; conforming statutory cross-references; amending s. 215.5601, F.S.; providing legislative intent to provide funds for the support of public health and biomedical research; revising procedures for the administration of the endowment fund; revising provisions concerning the availability and use of funds from the endowment; establishing an advisory council; amending s. 215.5602, F.S.; providing for public health and biomedical research; providing an appropriation; providing an effective date.

—was read the second time by title.

The Committee on Health, Aging and Long-Term Care recommended the following amendment which was moved by Senator King and adopted:

Amendment 1 (902318)—On page 5, delete line 1 and insert:

(d) *For fiscal year 2001-2002 only, \$150 million*

The Committee on Appropriations recommended the following amendment which was moved by Senator King and adopted:

Amendment 2 (621748)—On page 6, lines 27-30, delete those lines and insert: *of Children and Family Services, the Agency for Health Care Administration, the Department of Health, or the Department of Elderly Affairs for health and human services programs and shall be deposited into*

Senator King moved the following amendment which was adopted:

Amendment 3 (724374)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (4) of section 17.41, Florida Statutes, is amended to read:

17.41 Department of Banking and Finance Tobacco Settlement Clearing Trust Fund.—

(4) Net proceeds of the sale of the tobacco settlement agreement received by the state shall be immediately deposited into the Lawton Chiles Endowment Fund, created in s. 215.5601 s. ~~215.5601~~(4), without deposit to the Tobacco Settlement Clearing Trust Fund.

Section 2. Paragraph (h) of subsection (1) of section 20.435, Florida Statutes, is amended to read:

20.435 Department of Health; trust funds.—

(1) The following trust funds are hereby created, to be administered by the Department of Health:

(h) Biomedical Research Trust Fund.

1. Funds to be credited to the trust fund shall consist of funds deposited pursuant to s. 215.5601 s. ~~215.5601~~(4). Funds shall be used for the purposes of the Florida Biomedical Research Program as specified in s. 215.5602. The trust fund is exempt from the service charges imposed by s. 215.20.

2. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain in the trust fund at the end of the year and shall be available for carrying out the purposes of the trust fund.

3. The trust fund shall, unless terminated sooner, be terminated on July 1, 2004.

Section 3. Section 215.5601, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 215.5601, F.S., for present text.)

215.5601 *Lawton Chiles Endowment Fund.*—

(1) *LEGISLATIVE INTENT.*—It is the intent of the Legislature to:

(a) Provide a perpetual source of enhanced funding for state children's health programs, child welfare programs, children's community-based health and human services initiatives, elder programs, and biomedical research activities related to tobacco use.

(b) Use tobacco settlement moneys as the source of enhanced funding to ensure the financial security of vital health and human services programs for children and elders.

(c) Ensure that enhancement revenues will be available to help finance these important programs and initiatives.

(d) Provide funds to help support public-health and biomedical research for the prevention, diagnosis, and treatment of diseases related to tobacco use by creating an annual and perpetual source of funding for biomedical research in the state in order to expand the foundation of biomedical knowledge relating to the prevention, diagnosis, and treatment of diseases related to tobacco use, including cancer, cardiovascular disease, stroke, and pulmonary disease; improve the quality of the state's academic health centers by bringing the advances of biomedical research into the training of physicians and other health care providers; and increase the state's per capita funding for biomedical research by undertaking new initiatives in biomedical research which will attract additional funding from outside the state while also stimulating economic activity in the state in areas related to biomedical research, such as the research and production of pharmaceuticals, biotechnology, and medical devices.

(e) Encourage the development of community-based solutions to strengthen and improve the quality of life of Florida's most vulnerable citizens, its children and elders.

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

(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) "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) *LAWTON CHILES ENDOWMENT FUND; CREATION; PRINCIPAL.*—

(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 under s. 19(f), Art. III of the State Constitution. The endowment fund shall be exempt from the service charges imposed by s. 215.20.

(b) The endowment shall receive moneys from the sale of the state's right, title, and interest in and to the tobacco settlement agreement as defined in s. 215.56005, including the right to receive payments under such agreement, and from accounts transferred from the Department of Banking and Finance Tobacco Settlement Clearing Trust Fund established under s. 17.41. Amounts to be transferred from the Department of Banking and Finance Tobacco Settlement Clearing Trust Fund to the

endowment shall be in the following amounts for the following fiscal years:

1. For fiscal year 1999-2000, \$1.1 billion;
2. For fiscal year 2000-2001, \$200 million;
3. For fiscal year 2001-2002, \$200 million;
4. For fiscal year 2002-2003, \$200 million; and

5. For all subsequent fiscal years, an amount equal to the greater of \$40 million or 10 percent of the payments deposited into the Tobacco Settlement Clearing Trust Fund.

(c) Amounts to be transferred under subparagraphs (b)2., 3., 4., and 5. may be reduced by an amount equal to the lesser of \$200 million or the amount the endowment receives in that fiscal year from the sale of the state's right, title, and interest in and to the tobacco settlement agreement.

(d) Beginning in fiscal year 2001-2002, \$150 million of the existing principal in the endowment shall be reserved and accounted for within the endowment to be used solely for the funding for biomedical research activities as provided in s. 215.5602. The remaining principal shall be used solely as the source of funding for health and human services programs for children and elders as provided in subsection (5). The separate account for biomedical research shall be dissolved and the entire principal in the endowment shall be used exclusively for health and human services programs when cures have been found for tobacco-related cancer, heart, and lung disease.

(4) *ADMINISTRATION.*—

(a) The board may invest and reinvest funds of the endowment in accordance with s. 215.47 and consistent with an investment plan developed by the executive director and approved by the board.

(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. From the annual cash outflow, a pro rata share shall be used solely for biomedical research activities as provided in paragraph (3)(d), until such time as cures are found for tobacco-related cancer and heart and lung disease. Five percent of the annual cash outflow dedicated to the biomedical research portion of the endowment shall be reinvested and applied to that portion of the endowment's principal, with the remainder to be spent on biomedical research activities consistent with this section. The schedule of annual cash outflow shall be included within the investment plan adopted under paragraph (a).

(c) In accordance with s. 215.44, the board shall include separate sections on the financial status of the endowment in its annual investment report to the Legislature.

(d) 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 of or accountability concerning funds from the endowment after distribution to a state agency.

(e) Costs and fees of the board for investment services shall be deducted from the earnings accruing to the endowment. Fees for investment services shall be no greater than fees charged to the Florida Retirement System.

(5) *AVAILABILITY OF FUNDS; USES.*—

(a) Funds from the endowment which are available for legislative appropriation shall be transferred by the board to the Department of Banking and Finance Tobacco Settlement Clearing Trust Fund, created in s. 17.41, and disbursed in accordance with the legislative appropriation.

1. Appropriations by the Legislature to the Department of Health from endowment earnings from the principal set aside for biomedical research shall be from a category called Florida Biomedical Research Program and shall be deposited into the Biomedical Research Trust Fund in the Department of Health established in s. 20.435.

2. Appropriations by the Legislature to the Department of Children and Family Services, the Department of Health, or the Department of Elderly Affairs for health and human services programs shall be from a category called the Lawton Chiles Endowment Fund Programs and shall be deposited into each department's respective Tobacco Settlement Trust Fund as appropriated.

(b) In order to ensure that the expenditure of funds earned from the Lawton Chiles Endowment Fund will be used for the purposes intended by the Legislature, the Legislature shall establish line item categories for the state agencies describing the designated use of the appropriated funds as provided in the General Appropriations Act.

(c) The secretaries of the state agencies shall conduct meetings to discuss priorities for endowment funding for health and human services programs for children and elders before submitting their legislative budget requests to the Executive Office of the Governor and the Legislature. The purpose of the meetings is to gain consensus for priority requests and recommended endowment funding levels for those priority requests. No later than September 1 of each year, the secretaries of the state agencies shall also submit their consensus priority requests to the Lawton Chiles Endowment Fund Advisory Council created in subsection (6).

(d) Subject to legislative appropriations, state agencies shall use distributions from the endowment to enhance or support increases in clients served or to meet increases in program costs in health and human services program areas. Funds distributed from the endowment may not be used to supplant existing revenues.

(e) Notwithstanding 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. Unencumbered or undisbursed balances appropriated for biomedical research shall revert to the principal in the separately reserved and accounted-for portion of the endowment established for biomedical research activities.

(f) When advised by the Revenue Estimating Conference that a deficit will occur with respect to the appropriations from the tobacco settlement trust funds of the state agencies 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 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 trust funds of the state agencies for a fiscal year shall be prorated among the specific appropriations made from all tobacco settlement trust funds of the state agencies for that year.

(6) **ADVISORY COUNCIL.**—The Lawton Chiles Endowment Fund Advisory Council is established for the purpose of reviewing the funding priorities of the state agencies, evaluating their requests against the mission and goals of the agencies and legislative intent for the use of endowment funds, and allowing for public input and advocacy.

(a) The advisory council shall consist of 14 members, including:

1. The director of the United Way of Florida, Inc., or his or her designee;
2. The director of the Foster Parents Association, or his or her designee;
3. The chair of the Department of Elderly Affairs Advisory Council, or his or her designee;
4. The president of the Florida Association of Area Agencies on Aging, or his or her designee;
5. The State Long-Term Care Ombudsman, or his or her designee;
6. The director of the Florida Pediatric Society, or his or her designee;
7. A representative of the Guardian Ad Litem Program, appointed by the Governor;
8. A representative of a child welfare lead agency for community-based care, appointed by the Governor;
9. A representative of an elder care lead agency for community-based care, appointed by the Governor;

10. A representative of a statewide child advocacy organization, appointed by the Governor;

11. One consumer caregiver for children, appointed by the Governor;

12. One person over the age of 60 years to represent the interests of elders, appointed by the Governor;

13. One person under the age of 18 years to represent the interests of children, appointed by the Governor; and

14. One consumer caregiver for a functionally impaired elderly person, appointed by the Governor.

(b) Before November 1 of each year, the advisory council shall advise the Governor and the Legislature as to its recommendations with respect to the priorities submitted by the secretaries of the state agencies with respect to endowment funding for health and human services programs for children and elders. The responsibilities of the advisory council include:

1. Evaluating the value of programs and services submitted by the state agencies as they relate to the overall enhancement of services to children and elders;

2. Developing criteria and guiding principles for ranking the priorities submitted by the state agencies;

3. Providing recommendations with respect to funding levels for the programs ranked by the advisory council;

4. Participating in periodic evaluation of programs funded by the endowment to determine the need for continued funding; and

5. Soliciting input from child and elder advocacy organizations, community stakeholders, providers, and the public with respect to statewide child and elder needs and the effectiveness of program service delivery systems.

(c) Members of the advisory council shall serve without compensation, but may receive reimbursement as provided in s. 112.061 for per diem and travel expenses incurred in the performance of their official duties. The Department of Children and Family Services shall provide staff and other administrative assistance reasonably necessary to assist the advisory council in carrying out its responsibilities. Administrative costs of the advisory council shall be charged equally to endowment funds deposited in the Department of Children and Family Services and the Department of Elderly Affairs Tobacco Settlement Trust Funds.

Section 4. Section 215.5602, Florida Statutes, is amended to read:

215.5602 Florida Biomedical Research Program.—

(1) There is established within the Department of Health the Florida Biomedical Research Program funded by the proceeds of the Lawton Chiles Endowment Fund pursuant to s. 215.5601 ~~s. 215.5601~~(4). The purpose of the Florida Biomedical Research Program is to provide an annual and perpetual source of funding in order to support research initiatives that address the health care problems of Floridians in the areas of tobacco-related cancer, cardiovascular disease, stroke, and pulmonary disease. The long-term goals of the program are to:

(a) Improve the health of Floridians by researching better prevention, diagnoses, and treatments for cancer, cardiovascular disease, stroke, and pulmonary disease.

(b) Expand the foundation of biomedical knowledge relating to the prevention, diagnosis, and treatment of diseases related to tobacco use, including cancer, cardiovascular disease, stroke, and pulmonary disease.

(c) Improve the quality of the state's academic health centers by bringing the advances of biomedical research into the training of physicians and other health care providers.

(d) Increase the state's per capita funding for biomedical research by undertaking new initiatives in public health and biomedical research that will attract additional funding from outside the state.

(e) Stimulate economic activity in the state in areas related to biomedical research, such as the research and production of pharmaceuticals, biotechnology, and medical devices.

(2) Funds appropriated for the Florida Biomedical Research Program shall be used exclusively for the award of grants and fellowships as established in this section; for research relating to the prevention, diagnosis, and treatment of diseases related to tobacco use, including cancer, cardiovascular disease, stroke, and pulmonary disease; and for expenses incurred in the administration of this section.

(3) There is created within the Department of Health the Biomedical Research Advisory Council.

(a) The council shall consist of nine members, including: the chief executive officer of the Florida Division of the American Cancer Society, or a designee; the chief executive officer of the Florida/Puerto Rico Affiliate of the American Heart Association, or a designee; and the chief executive officer of the American Lung Association of Florida, or a designee. The Governor shall appoint the remaining six members of the council, as follows:

1. Two members with expertise in the field of biomedical research.
2. One member with expertise in the field of behavioral or social research.
3. One member from a professional medical organization.
4. One member from a research university in the state.
5. One member representing the general population of the state.

In making his or her appointments, the Governor shall select primarily, but not exclusively, Floridians with biomedical and lay expertise in the general areas of cancer, cardiovascular disease, stroke, and pulmonary disease. The Governor's appointments shall be for a 3-year term and shall reflect the diversity of the state's population. A council member appointed by the Governor may not serve more than two consecutive terms.

(b) The council shall adopt internal organizational procedures as necessary for its efficient organization.

(c) The department shall provide such staff, information, and other assistance as is reasonably necessary to assist the council in carrying out its responsibilities.

(d) Members of the council shall serve without compensation, but may receive reimbursement as provided in s. 112.061 for travel and other necessary expenses incurred in the performance of their official duties.

(4) The council shall advise the Secretary of Health as to the direction and scope of the biomedical research program. The responsibilities of the council may include, but are not limited to:

- (a) Providing advice on program priorities and emphases.
- (b) Providing advice on the overall program budget.
- (c) Participating in periodic program evaluation.
- (d) Assisting in the development of guidelines to ensure fairness, neutrality, and adherence to the principles of merit and quality in the conduct of the program.
- (e) Assisting in the development of appropriate linkages to nonacademic entities, such as voluntary organizations, health care delivery institutions, industry, government agencies, and public officials.
- (f) Developing criteria and standards for the award of research grants.
- (g) Developing administrative procedures relating to solicitation, review, and award of research grants and fellowships, to ensure an impartial, high-quality peer review system.
- (h) Developing and supervising research peer review panels.

(i) Reviewing reports of peer review panels and making recommendations for research grants and fellowships.

(j) Developing and providing oversight regarding mechanisms for the dissemination of research results.

(5)(a) Applications for biomedical research funding under the program may be submitted from any university or established research institute in the state. All qualified investigators in the state, regardless of institution affiliation, shall have equal access and opportunity to compete for the research funding.

(b) Grants and fellowships shall be awarded by the Secretary of Health, after consultation with the council, on the basis of scientific merit, as determined by an open competitive peer review process that ensures objectivity, consistency, and high quality. The following types of applications shall be considered for funding:

1. Investigator-initiated research grants.
2. Institutional research grants.
3. Predoctoral and postdoctoral research fellowships.

(6) To ensure that all proposals for research funding are appropriate and are evaluated fairly on the basis of scientific merit, the Secretary of Health, in consultation with the council, shall appoint a peer review panel of independent, scientifically qualified individuals to review the scientific content of each proposal and establish its scientific priority score. The priority scores shall be forwarded to the council and must be considered in determining which proposals shall be recommended for funding.

(7) The council and the peer review panel shall establish and follow rigorous guidelines for ethical conduct and adhere to a strict policy with regard to conflict of interest. A member of the council or panel *may not* participate in any discussion or decision with respect to a research proposal by any firm, entity, or agency with which the member is associated as a member of the governing body or as an employee, or with which the member has entered into a contractual arrangement. Meetings of the council and the peer review panels shall be subject to the provisions of chapter 119, s. 286.011, and s. 24, Art. I of the State Constitution.

(8) The department may contract on a competitive-bid basis with an appropriate entity to administer the program. Administrative expenses may not exceed 15 percent of the total funds available to the program in any given year.

(9) The department, after consultation with the council, may adopt rules as necessary to implement this section.

(10) The council shall submit an annual progress report on the state of biomedical research in this state to the Governor, the Secretary of Health, the President of the Senate, and the Speaker of the House of Representatives by February 1. The report must include:

- (a) A list of research projects supported by grants or fellowships awarded under the program.
- (b) A list of recipients of program grants or fellowships.
- (c) A list of publications in peer reviewed journals involving research supported by grants or fellowships awarded under the program.
- (d) The total amount of biomedical research funding currently flowing into the state.
- (e) New grants for biomedical research which were funded based on research supported by grants or fellowships awarded under the program.
- (f) Progress in the *prevention, diagnosis, and* treatment of diseases related to tobacco use, including cancer, cardiovascular disease, stroke, and pulmonary disease.

Section 5. *There is appropriated \$25,000 each to the Department of Children and Family Services and the Department of Elderly Affairs from Lawton Chiles endowment funds deposited into each department's Tobacco Settlement Trust Fund to pay for administrative costs associated*

with the *Lawton Chiles Endowment Fund Advisory Council established in section 215.5601, Florida Statutes.*

Section 6. This act shall take effect July 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Lawton Chiles Endowment Fund; amending ss. 17.41, 20.435, F.S.; conforming statutory cross-references; amending s. 215.5601, F.S.; providing legislative intent to provide funds for the support of public health and biomedical research; revising procedures for the administration of the endowment fund; revising provisions concerning the availability and use of funds from the endowment; providing for a portion of unappropriated funds to be deposited into the endowment fund; establishing an advisory council; amending s. 215.5602, F.S.; providing for public health and biomedical research; providing an appropriation; providing an effective date.

On motion by Senator King, further consideration of **CS for SB 1286** as amended was deferred.

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

CS for SB 1978—A bill to be entitled An act relating to tax administration; repealing s. 212.084(6), F.S.; eliminating provisions for temporary exemption certificates; repealing s. 212.08(7)(ccc), F.S.; eliminating the specific sales tax exemption for organizations providing crime prevention, drunk-driving prevention, and juvenile-delinquency-prevention services; amending s. 212.08, F.S.; revising the application of the sales tax exemption for the sale of drinking water in bottles or other containers; reinstating retroactively the sales tax exemption for parent-teacher organizations and parent-teacher associations; eliminating obsolete provisions; requiring a purchaser to file an affidavit stating the exempt nature of a purchase with the selling vendor instead of the Department of Revenue; providing for retroactive application; replacing the definition of the term “section 38 property” with an express definition of the terms “industrial machinery and equipment” and “motion picture and video equipment”; providing intent and purpose; imposing certain requirements, for purposes of taxation, on the removal of a motor vehicle from this state; providing residency requirements of corporate officers, corporate stockholders, and partners in a partnership relating to the taxable status of sales of motor vehicles; amending s. 212.06, F.S.; clarifying the definition of the term “fixtures”; eliminating reference to the term “trade fixture”; amending s. 212.08, F.S.; replacing the Interstate Commerce Commission with the Surface Transportation Board as the entity that licenses certain railroads as common carriers; providing that, for a vessel, railroad, or motor carrier engaged in interstate or foreign commerce, sales tax applies to taxable purchases in this state and applies even if the vessel, railroad, or motor carrier has operated for less than a fiscal year; amending s. 212.11, F.S.; requiring a dealer that claims certain tax credits by reason of engaging in specified activities to submit reports to the Department of Revenue; providing requirements for such reports; authorizing the department to adopt rules; providing for the disallowance of any credit not supported by a report; amending s. 212.20, F.S.; providing that newly incorporated municipalities meeting certain criteria are eligible to receive revenue sharing pursuant to s. 218.245, F.S.; amending s. 218.21, F.S.; providing a formula for revenue sharing distributions made for a specified fiscal year; amending s. 220.22, F.S.; eliminating the initial year’s information return for certain corporations; repealing s. 624.509(10), F.S., which provides for an exemption from the insurance premium tax for insurers who write monoline flood insurance policies; repealing s. 213.27(9), F.S., which authorizes the Department of Revenue to contract with certain vendors to develop and implement a voluntary system for sales and use tax collection and administration; creating s. 213.256, F.S., the Simplified Sales and Use Tax Administration Act; defining terms; authorizing the department’s participation in the Streamlined Sales and Use Tax Agreement; providing that each state that is a party to the agreement must abide by certain requirements in order for the department to enter into the agreement; ensuring that when this state complies with the agreement, the agreement cannot be used to challenge existing state laws and statutes; providing for the collection and remittance of the sales and use tax under the agreement; providing for maintenance of confidentiality of certain information; providing a penalty; requiring the department to make annual recommendations to the Legislature concerning provisions that need to be adopted in order to bring this state’s system into compliance with the Streamlined Sales and Use Tax Agreement; amending s.

213.285, F.S.; delaying the future repeal of the certified audit project; amending ss. 213.053, 213.21, F.S.; conforming repeal dates; amending s. 213.30, F.S.; clarifying that the rewards program is the only available means of obtaining compensation for information regarding another person’s failure to comply with the state’s tax laws; amending s. 11, ch. 2000-165, Laws of Florida; clarifying which provisions of ch. 213, F.S., apply to the collection of unemployment contributions; amending s. 45.031, F.S.; requiring the clerk of court to give notice to the Department of Revenue if there is a surplus resulting from the foreclosure of an unemployment compensation tax lien; amending s. 69.041, F.S.; permitting the department to participate in the disbursement of unemployment compensation tax lien foreclosure funds; amending s. 213.053, F.S.; providing for confidentiality and information sharing; abrogating the expiration of s. 215.20(3), F.S., relating to service charges against certain trust funds, notwithstanding s. 10, ch. 90-110, Laws of Florida; repealing s. 4 of ch. 96-395, Laws of Florida, which provides for the repeal of exemptions provided for certain citizen support organizations and the Florida Folk Festival; providing for retroactive applicability; amending s. 201.02, F.S., relating to the tax on deeds and other instruments; exempting deeds and other instruments from the tax if property is conveyed from an electric utility to a regional transmission organization; amending s. 212.02, F.S.; excluding from the definition of “lease,” “let,” “rental,” or “license” certain payments made by a regional transmission organization to an electric utility; amending s. 212.031, F.S.; exempting property occupied or used by certain regional transmission organizations from the tax on the lease or rental of or license in real property; amending s. 201.08, F.S.; providing a limit on the amount of the tax on promissory or nonnegotiable notes, written obligations to pay money, and assignments of wages or other compensation and on certain promissory or nonnegotiable notes, written obligations to pay money, or other compensation made in connection with sales made under retail charge account services; creating s. 443.1315, F.S.; providing definitions; providing for treatment of Indian tribes under the Unemployment Compensation Law; providing that Indian tribes or tribal units may elect to make payments in lieu of contributions and providing requirements with respect thereto; providing that such Indian tribe or tribal unit may be required to file a bond or deposit security at the discretion of the director of the Agency for Workforce Innovation; providing effect of failure of such tribe or unit to make required payments; providing requirements for notices; providing responsibility for certain extended benefits; providing for rules; providing for retroactive application; amending s. 443.131, F.S.; reducing the Unemployment Compensation Trust Fund balance thresholds used in computing unemployment compensation contribution rate adjustment factors; amending s. 561.501, F.S.; providing an exemption from the surcharge on alcoholic beverages for specified nonprofit organizations; providing effective dates.

—which was previously considered and amended this day. Pending **Amendment 2 (343982)** by Senator Rossin was withdrawn.

Pursuant to Rule 4.19, **CS for SB 1978** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

The Senate resumed consideration of—

CS for SB 1286—A bill to be entitled An act relating to the Lawton Chiles Endowment Fund; amending ss. 17.41, 20.435, F.S.; conforming statutory cross-references; amending s. 215.5601, F.S.; providing legislative intent to provide funds for the support of public health and biomedical research; revising procedures for the administration of the endowment fund; revising provisions concerning the availability and use of funds from the endowment; establishing an advisory council; amending s. 215.5602, F.S.; providing for public health and biomedical research; providing an appropriation; providing an effective date.

—which was previously considered and amended this day.

Pending further consideration of **CS for SB 1286** as amended, on motion by Senator King, by two-thirds vote **CS for HB 563** was withdrawn from the Committees on Children and Families; Health, Aging and Long-Term Care; Appropriations Subcommittee on Health and Human Services; and Appropriations.

On motion by Senator King—

CS for HB 563—A bill to be entitled An act relating to the Lawton Chiles Endowment Fund; amending ss. 17.41, 20.435, F.S.; conforming

statutory cross-references; amending s. 215.5601, F.S.; providing legislative intent to provide funds for the support of public health and biomedical research; revising procedures for the administration of the endowment fund; revising provisions concerning the availability and use of funds from the endowment; providing for a portion of unappropriated funds to be deposited into the endowment fund; establishing an advisory council; amending s. 215.5602, F.S.; providing for public health and biomedical research; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **CS for SB 1286** as amended and read the second time by title.

Senator King moved the following amendments which were adopted:

Amendment 1 (785608)—On page 5, lines 1-5, delete those lines and insert:

(c) *Amounts to be transferred under subparagraphs (b)2., 3., and 4. may be reduced by an amount equal to the*

Amendment 2 (862920)—On page 5, line 9, delete “*Beginning in*” and insert: *For*

Senator Rossin moved the following amendments which were adopted:

Amendment 3 (962296)—On page 5, line 11, delete “*to*” and insert: *, the income from which shall*

Amendment 4 (213908)—On page 5, line 13, following “*The*” insert: *income from the*

MOTION

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

Senator King moved the following amendment which was adopted:

Amendment 5 (515886)—On page 9, lines 1-30, delete those lines and insert:

(a) *The advisory council shall consist of 15 members, including:*

1. *The director of the United Way of Florida, Inc., or his or her designee;*

2. *The director of the Foster Parents Association, or his or her designee;*

3. *The chair of the Department of Elderly Affairs Advisory Council, or his or her designee;*

4. *The president of the Florida Association of Area Agencies on Aging, or his or her designee;*

5. *The State Long-Term Care Ombudsman, or his or her designee;*

6. *The state director of the Florida AARP, or his or her designee;*

7. *The director of the Florida Pediatric Society, or his or her designee;*

8. *A representative of the Guardian Ad Litem Program, appointed by the Governor;*

9. *A representative of a child welfare lead agency for community-based care, appointed by the Governor;*

10. *A representative of an elder care lead agency for community-based care, appointed by the Governor;*

11. *A representative of a statewide child advocacy organization, appointed by the Governor;*

12. *One consumer caregiver for children, appointed by the Governor;*

13. *One person over the age of 60 years to represent the interests of elders, appointed by the Governor;*

14. *One person under the age of 18 years to represent the interests of children, appointed by the Governor; and*

15. *One consumer caregiver for a functionally impaired elderly person, appointed by the Governor.*

Pursuant to Rule 4.19, **CS for HB 563** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Klein—

CS for CS for SB 1880—A bill to be entitled An act relating to corporations; amending s. 607.01401, F.S.; redefining the term “electronic transmission” to include telegrams, cablegrams, telephone transmissions, and transmissions through the Internet for purposes of proxy voting; amending s. 607.0722, F.S.; specifying those persons who may vote on behalf of a shareholder; authorizing the appointment of a proxy by electronic transmission; deleting provisions limiting the period during which an appointment of proxy is irrevocable; authorizing the use of certain copies or reproductions in lieu of the original writing or electronic transmission; authorizing a corporation to adopt bylaws authorizing additional procedures for shareholders to use in exercising certain rights; providing an effective date.

—was read the second time by title.

Senator Sanderson moved the following amendment which was adopted:

Amendment 1 (193220)(with title amendment)—On page 5, between lines 22 and 23, insert:

Section 3. Subsection (8) is added to section 15.16, Florida Statutes, to read:

15.16 Reproduction of records; admissibility in evidence; electronic receipt and transmission of records; certification; acknowledgment.—

(8) *The Department of State may use government or private sector contractors in the promotion or provision of any electronic filing services and may discount the filing fee in an amount equal to the convenience charge for such electronic filings.*

Section 4. Paragraph (b) of subsection (2) of section 607.193, Florida Statutes, is amended to read:

607.193 Supplemental corporate fee.—

(2)

(b) In addition to the fees levied under ss. 607.0122, 608.452, and 620.182 and the supplemental corporate fee, a late charge of \$400 shall be imposed if the supplemental corporate fee is remitted after May 1 *except in circumstances in which a business entity did not receive the uniform business report prescribed by the department.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 18, after the semicolon (;) insert: amending s. 15.16, F.S.; authorizing the department to discount a filing fee in an amount equal to the convenience charge imposed for an electronic record filing by way of a contractor; amending s. 607.193, F.S.; waiving the charge for late filings of supplemental corporate fees when the business entity did not receive the uniform business report prescribed by the department;

Pursuant to Rule 4.19, **CS for CS for SB 1880** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Klein—

CS for SB 1724—A bill to be entitled An act relating to children and families; creating s. 409.9072, F.S.; requiring the Agency for Health Care Administration to develop mechanisms for certification of local funds as state match for Medicaid projects, to maximize federal Title XIX funding for children and families; providing for return of funds to the local entities; requiring prior approval of local projects by the agency and the Department of Children and Family Services; specifying project requirements; providing for modification of the Medicaid state plan; providing

for federal waivers; providing responsibilities of the agency with respect to administrative and service costs, monitoring of service delivery, and standards and quality of care; authorizing the department and the agency to adopt rules; requiring an annual report; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1724** was placed on the calendar of Bills on Third Reading.

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

CS for HB 157—A bill to be entitled An act relating to Motor Vehicles; creating s. 860.146, F.S.; defining the terms “fake airbag” and “junk-filled airbag compartment”; prohibiting the sale, purchase, or installation of fake airbags or junk-filled airbag compartments; providing criminal penalties; providing an effective date.

—which was previously considered this day.

Pursuant to Rule 4.19, **CS for HB 157** was placed on the calendar of Bills on Third Reading.

On motion by Senator Sebesta—

CS for SB 1568—A bill to be entitled An act relating to health care service programs; amending s. 641.51, F.S.; requiring that only certain physicians licensed in this state may render adverse determinations for health maintenance organizations and prepaid health clinics; clarifying the authority of the Board of Medicine and the Board of Osteopathic Medicine; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1568** was placed on the calendar of Bills on Third Reading.

On motion by Senator Sebesta—

CS for CS for SB 2058—A bill to be entitled An act relating to animal control; amending s. 767.12, F.S.; revising provisions relating to procedures for having dogs declared dangerous; authorizing animal control authorities to make such declarations; providing for evidentiary hearings; requiring confinement of animals during the hearing process; requiring owners of dangerous dogs to purchase an annual certificate; providing for local governments to authorize certain regulations; providing that certain dogs brought into a jurisdiction to register and must comply with the act; amending s. 767.13, F.S.; requiring owners to pay for boarding during certain hearings and appeals and allowing the authority to euthanize an animal and obtain reimbursement from the owner under specified circumstances; amending s. 767.14, F.S.; deleting an application exemption; amending s. 828.055, F.S.; authorizing additional drugs for which permits may be issued for the capture or euthanasia of animals; amending s. 828.058, F.S.; requiring chemical immobilization training, which training must be approved by the Board of Veterinary Medicine; amending s. 828.03, F.S.; requiring training for certain agents of counties or societies that may prosecute violators; amending s. 828.073, F.S.; authorizing officers and agents of municipalities to take actions with respect to animals in distress and officers and agents of counties; amending s. 828.27, F.S.; redefining the term “animal control officer”; increasing training requirements; providing an effective date.

—was read the second time by title.

Senator Wasserman Schultz moved the following amendment which was adopted:

Amendment 1 (552866)(with title amendment)—On page 9, lines 9-19, delete those lines and renumber subsequent sections

And the title is amended as follows:

On page 1, lines 18-20, delete those lines and insert: under specified circumstances; amending s. 828.055, F.S.;

Pursuant to Rule 4.19, **CS for CS for SB 2058** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

SB 1394—A bill to be entitled An act relating to water management; creating the Harris Chain of Lakes Restoration Council; providing for membership, powers, and duties; providing for a report to the Legislature; providing for an advisory group to the council; requiring the St. Johns River Water Management District to provide staff for the council; providing for award of contracts subject to an appropriation of funds; providing for a Harris Chain of Lakes restoration program; providing for a demonstration restoration project; providing appropriations; providing an effective date.

—which was previously considered and amended this day. Pending **Amendment 3 (103668)** by Senator Brown-Waite was withdrawn.

Pursuant to Rule 4.19, **SB 1394** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Clary—

CS for SB 1640—A bill to be entitled An act relating to education; amending s. 231.6135, F.S.; exempting regional educational consortia from certain requirements to become eligible for grants to create professional development academies; providing an effective date.

—was read the second time by title.

Senator Horne offered the following amendment which was moved by Senator Klein and adopted:

Amendment 1 (145148)(with title amendment)—On page 1, line 10, insert:

Section 1. (1) *The Legislature intends to ensure that all high schools provide supportive services to students and their parents to determine the comprehensive program of study that will best meet the needs and goals of each student. At a minimum, these services must include access to a guidance counselor and assistance in developing an educational and career plan. Each high school shall provide a variety of comprehensive, relevant programs of study which will meet the needs of all students and enable each student to pursue his or her individual educational and career goals.*

(2) *Key components of this process are:*

(a) *A variety of programs of study which are based on individual educational and career goals.*

(b) *Parental involvement in the identification of the appropriate program of study.*

(c) *Assurance that all programs of study are designed to provide a seamless transition to an appropriate postsecondary education and employment.*

Section 2. (1) *A career and technical education program within a comprehensive high school program of study must be certified or endorsed by the appropriate industry to ensure that all components of the program are relevant and appropriate to prepare the student for further education and employment in that industry.*

(2) *Effective July 1, 2006, each career and technical program preparing for postsecondary education and employment offered as part of a comprehensive program of study in a high school must be industry-certified or endorsed, except for courses classified as exploratory, orientation, or practical arts. A student enrolled in a course within a career and technical program that is not industry-certified may not be reported for full-time equivalent funding through the Florida Education Finance Program unless the course is classified as exploratory, orientation, or practical arts. The Department of Education shall assure that each program is certified by July 1, 2006, and recertified at least every 5 years. The department shall adopt rules for the certification process, and the rules*

must establish any necessary procedures for obtaining appropriate business partners and requirements for business and industry involvement in curriculum oversight and equipment procurement.

(3) Each full-time equivalent student in an industry-certified or endorsed career and technical program generates 1.15 times the cost factor for students enrolled in the basic program for grades 9-12, as provided by section 236.081, Florida Statutes, and the annual General Appropriations Act.

(4) Effective July 1, 2006, each career and technical education program offered by a high school and able to be articulated to a postsecondary level must also have an articulation agreement with one or more appropriate postsecondary education institutions to ensure a seamless transition to a related postsecondary program without a loss of credit for the student. Students enrolled in a program that is not articulated to a postsecondary program may not be reported for full-time equivalent student funding through the Florida Education Finance Program unless the course is classified as exploratory, orientation, or practical arts or terminates at the high school level.

Section 3. (1) A comprehensive program of study in career and technical education must be designed to ensure that, upon completion of the program of study and graduation from high school, a student is prepared to continue his or her education at a postsecondary education institution and obtain employment. Therefore, a comprehensive career and technical program of study must require of each student:

(a) Completion of academic courses with a designation from the Department of Education of level two or above. All credits earned to meet graduation requirements in mathematics, science, and communication must have that designation.

(b) Attainment of at least one occupational completion point in an industry-certified or endorsed career and technical education program or completion of at least two courses in a technology education program.

(c) Completion of a one-credit core course addressing workplace-readiness skills. The Department of Education shall define in rule the content of the course and shall assure that the course meets graduation requirements for performing arts or practical arts. The course requirement may be satisfied through infusing course content into existing select career and technical education course.

(d) Participation in work-based learning experiences, as defined in rule by the Department of Education.

(e) Participation in a capstone activity that includes a project related to a career. This activity is designed to apply and demonstrate the competencies and concepts attained in the student's program of study. The Department of Education may specify in rule characteristics of capstone activities that meet the intent of this paragraph.

(2) The Legislature intends to recognize with an endorsement on the high school diploma a student who:

(a) Completes the requirements for high school graduation as provided in section 232.246, Florida Statutes, and the additional requirements for a comprehensive career and technical program of study provided in subsection (1).

(b) Passes the college entry-level placement test or an equivalent test identified by the department with a score adequate to enroll in a public postsecondary education program without the need for college preparatory or vocational preparatory instruction.

(3) The endorsement indicates that the student is prepared to continue into postsecondary education without the need for remediation and that the student has marketable employment skills. The Department of Education may adopt by rule a standard format for the endorsement.

(4) For each student who receives the endorsement on his or her diploma, the school district shall receive incentive funding, as provided in section 236.081, Florida Statutes, and the annual General Appropriations Act.

(5) A school district that generates funds as a result of industry-certified programs or incentive funding for student achievement of the endorsement must expend the total amount on the comprehensive career

and technical program of study. The district may not apply indirect charges to incentive funds earned.

Section 4. The Legislature finds that, to adequately assist students in advanced technical and academic career planning, high school guidance counselors and career specialists require preservice and inservice professional development programs that contain sufficient information on career education.

(1) Each guidance counselor and career specialist in a school with technical education programs certified as provided in section 2 of this act shall complete 12 inservice points in technical education and career development which include:

(a) An emphasis on labor-market trends and projections;

(b) A practicum that focuses on development of a career-awareness program; and

(c) Content related to a career or employment within the counselor's work experience.

(2) The Department of Education shall assist guidance counselors and career specialists in attaining the additional inservice required. The State Board of Education shall revise rules governing the certification and recertification of guidance counselors to allow substitution of personal work-based experiences and temporary-employment opportunities in business and industry for the required classroom instruction. A minimum of 12 hours of inservice in career and technical education will be required for each 5-year period.

(3) To implement the requirements of this act through preservice education, the Legislature encourages colleges of education to provide for the additional courses required without increasing the total number of credit hours needed to complete a program. Instead, the colleges are encouraged to infuse course content required for ethics courses into courses required for introduction, theory, and practicum.

Section 5. Paragraph (b) of subsection (9) of section 228.041, Florida Statutes, is amended to read:

228.041 Definitions.—Specific definitions shall be as follows, and wherever such defined words or terms are used in the Florida School Code, they shall be used as follows:

(9) INSTRUCTIONAL PERSONNEL.—“Instructional personnel” means any staff member whose function includes the provision of direct instructional services to students. Instructional personnel also includes personnel whose functions provide direct support in the learning process of students. Included in the classification of instructional personnel are:

(b) Pupil personnel services.—Pupil personnel services include staff members responsible for: advising students with regard to their abilities and aptitudes, educational and occupational opportunities, and personal and social adjustments; providing placement services; performing educational evaluations; and similar functions. Included in this classification are guidance counselors, social workers, ~~career occupational placement~~ specialists, and school psychologists.

Section 6. Paragraph (c) of subsection (2) of section 229.601, Florida Statutes, is amended to read:

229.601 Career education program.—

(2) There is hereby established a career education program in the state educational system. The Commissioner of Education and his or her designated staff shall administer this program. In developing and administering the career education program, the purpose of which is to promote positive career opportunities for all students regardless of their race, color, creed, national origin, ancestry, socioeconomic status, or gender, the commissioner shall:

(c) Develop programs for preservice and inservice training for the purpose of infusing career education concepts into the basic curricula of public schools and core curricula of community colleges and state universities and programs for preservice and inservice training for counselors and ~~career occupational and placement~~ specialists to assist in career counseling and placement and followup activities.

Section 7. Paragraph (a) of subsection (5) of section 229.602, Florida Statutes, is amended to read:

229.602 Florida private sector and education partnerships.—

(5) Each school district shall designate one or more persons to coordinate local private sector and education partnership activities. The general activities of these coordinators shall be to enhance private sector and education partnership activities. The specific duties of the district coordinators shall include, but not be limited to, the following:

(a) Maintaining contact with local businesses and industries, local chamber of commerce organizations, regional workforce boards ~~private industry councils with Job Training Partnership Act programs, district, career occupational~~ specialists, guidance personnel, economics educators, volunteer coordinators, community education coordinators, appropriate governmental personnel, and any others interested in private sector and education partnerships.

Section 8. Paragraphs (c), (d), and (l) of subsection (1) of section 236.081, Florida Statutes, are amended, present paragraphs (m) through (p) of that subsection are redesignated as paragraphs (n) through (q), respectively, and a new paragraph (m) is added to that subsection, and paragraph (a) of subsection (5) of that section is amended, to read:

236.081 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(c) Determination of programs.—Cost factors based on desired relative cost differences between the following programs shall be established in the annual General Appropriations Act. *A secondary career or technical education program certified as required by section 2 of this act generates funding as provided in paragraph (m). Effective July 1, 2006, a full-time equivalent student in a career or technical education program that is not industry-certified or endorsed shall not generate any state funding unless the student is in a course classified as exploration, orientation, or practical arts and the General Appropriations Act contains a cost factor for such courses. The Department of Education shall complete a study by January 2002 to determine if career and technical education programs should have differentiated funding weights.* The Commissioner of Education shall specify a matrix of services and intensity levels to be used by districts in the determination of the two weighted cost factors for exceptional students with the highest levels of need. For these students, the funding support level shall fund the exceptional students' education program, with the exception of extended school year services for students with disabilities.

1. Basic programs.—

- a. Kindergarten and grades 1, 2, and 3.
- b. Grades 4, 5, 6, 7, and 8.
- c. Grades 9, 10, 11, and 12.

2. Programs for exceptional students.—

- a. Support Level IV.
- b. Support Level V.

3. Secondary career and technical education programs, *industry-certified or endorsed*.—

4. *Career and technical education programs, all other programs*.—

5.4. English for Speakers of Other Languages.—

(d) Annual allocation calculation.—

1. The Department of Education ~~shall be authorized and directed to~~ review all district programs and enrollment projections and calculate a

maximum total weighted full-time equivalent student enrollment for each district for the K-12 FEFP.

2. Maximum enrollments calculated by the department shall be derived from enrollment estimates used by the Legislature to calculate the FEFP. If two or more districts enter into an agreement under the provisions of s. 230.23(4)(d), after the final enrollment estimate is agreed upon, the amount of FTE specified in the agreement, not to exceed the estimate for the specific program as identified in paragraph (c), may be transferred from the participating districts to the district providing the program.

3. As part of its calculation of each district's maximum total weighted full-time equivalent student enrollment, the department shall establish separate enrollment ceilings for each of two program groups. Group 1 shall be composed of grades K-3, grades 4-8, and grades 9-12. Group 2 shall be composed of students in exceptional student education programs, English for Speakers of Other Languages programs, all basic programs other than the programs in group 1, and all vocational programs in grades ~~6-12~~ ~~7-12~~.

a. The weighted enrollment ceiling for group 2 programs shall be calculated by multiplying the final enrollment conference estimate for each program by the appropriate program weight. The weighted enrollment ceiling for program group 2 shall be the sum of the weighted enrollment ceilings for each program in the program group, plus the increase in weighted full-time equivalent student membership from the prior year for clients of the Department of Children and Family Services and the Department of Juvenile Justice.

b. If, for any calculation of the FEFP, the weighted enrollment for program group 2, derived by multiplying actual enrollments by appropriate program weights, exceeds the enrollment ceiling for that group, the following procedure shall be followed to reduce the weighted enrollment for that group to equal the enrollment ceiling:

(I) The weighted enrollment ceiling for each program in the program group shall be subtracted from the weighted enrollment for that program derived from actual enrollments.

(II) If the difference calculated under sub-sub-subparagraph (I) is greater than zero for any program, a reduction proportion shall be computed for the program by dividing the absolute value of the difference by the total amount by which the weighted enrollment for the program group exceeds the weighted enrollment ceiling for the program group.

(III) The reduction proportion calculated under sub-sub-subparagraph (II) shall be multiplied by the total amount of the program group's enrollment over the ceiling as calculated under sub-sub-subparagraph (I).

(IV) The prorated reduction amount calculated under sub-sub-subparagraph (III) shall be subtracted from the program's weighted enrollment. For any calculation of the FEFP, the enrollment ceiling for group 1 shall be calculated by multiplying the actual enrollment for each program in the program group by its appropriate program weight.

c. For program group 2, the weighted enrollment ceiling shall be a number not less than the sum obtained by:

(I) Multiplying the sum of reported FTE for all programs in the program group that have a cost factor of 1.0 or more by 1.0, and

(II) By adding this number to the sum obtained by multiplying the projected FTE for all programs with a cost factor less than 1.0 by the actual cost factor.

4. Following completion of the weighted enrollment ceiling calculation as provided in subparagraph 3., a supplemental capping calculation shall be employed for those districts that are over their weighted enrollment ceiling. For each such district, the total reported unweighted FTE enrollment for group 2 programs shall be compared with the total appropriated unweighted FTE enrollment for group 2 programs. If the total reported unweighted FTE for group 2 is greater than the appropriated unweighted FTE, then the excess unweighted FTE up to the unweighted FTE transferred from group 2 to group 1 for each district by the Public School FTE Estimating Conference shall be funded at a weight of 1.0 and added to the funded weighted FTE computed in subparagraph 3. This adjustment shall be calculated beginning with the third calculation of the 1998-1999 FEFP.

(l) Instruction in career education.—~~Effective for the 1985-1986 school year and thereafter,~~ District pupil progression plans shall provide for the substitution of vocational courses for the nonelective courses required for high school graduation pursuant to s. 232.246. *Beginning July 1, 2006, a career and technical course may not be substituted for another required course unless it is part of an industry-certified or endorsed program certified as provided in section 2 of this act.* A student in grades 9 through 12 who enrolls in and satisfactorily completes a job-preparatory course program may substitute credit for a portion of the required four credits in English, three credits in mathematics, *any credits in social studies,* and three credits in science. The credit substituted for English, mathematics, *social studies,* or science earned through the vocational job-preparatory course program shall be on a curriculum equivalency basis as provided for in the State Course Code Directory. The State Board of Education shall authorize by rule vocational course substitutions not to exceed two credits in each of the nonelective academic subject areas of English, mathematics, *social studies,* and science. School districts shall provide for vocational course substitutions not to exceed two credits in each of the nonelective academic subject areas of English, mathematics, *social studies,* and science, upon adoption of vocational student performance standards by the school board pursuant to s. 232.2454. A *career and technical course vocational program* which has been used as a substitute for a nonelective academic credit in one subject area may not be used as a substitute for any other subject area. The credit in practical arts or exploratory career education required for high school graduation pursuant to s. 232.246(1) shall be funded as a career education course. *Such a course is eligible for funding at 1.15 times the cost factor for students enrolled in the basic program for grades 9-12 only if it is part of a program certified or endorsed as required by section 2 of this act.*

(m) *Calculation of full-time equivalent membership for an industry-certified or endorsed technical program.—Funding for students enrolled in an industry-certified program as provided in section 2 of this act is calculated at 1.15 times the cost factor for students enrolled in the program for grades 9-12 and multiplying that number by the number of full-time equivalent students in an industry-certified or endorsed career and technical program. A student who earns the endorsement authorized by section 3 of this act generates additional incentive funding for the program, as provided in subsection (5). During the transition from the 2001-2002 school year until July 1, 2006, all career and technical education programs not industry-certified or endorsed or articulated to postsecondary institutions will continue to earn weighted funding as determined in the General Appropriations Act.*

(5) CATEGORICAL PROGRAMS.—The Legislature hereby provides for the establishment of selected categorical programs to assist in the development and maintenance of activities giving indirect support to the programs previously funded. These categorical appropriations may be funded as general and transitional categorical programs. It is the intent of the Legislature that no transitional categorical program be funded for more than 4 fiscal years from the date of original authorization. Such programs are as follows:

(a) General.—

1. Comprehensive school construction and debt service as provided by law.
2. Community schools as provided by law.
3. School lunch programs as provided by law.
4. Instructional material funds as provided by law.
5. Student transportation as provided by law.
6. Student development services as provided by law.
7. Diagnostic and learning resource centers as provided by law.
8. Comprehensive health education as provided by law.
9. Excellent Teaching Program as provided by law.

10. *Attainment of the high school career and technical endorsement authorized by section 3 of this act and rules of the State Board of Education.*

Section 9. Section 239.121, Florida Statutes, is amended to read:

239.121 ~~Career Occupational~~ specialists.—

(1) District school boards and community college boards of trustees may employ ~~career occupational~~ specialists to provide student counseling services and occupational information to students and to provide information to local business and industry regarding the availability of vocational programs through local educational institutions. Under the supervision of a certified counselor, ~~career occupational~~ specialists may undertake special assignments that include, but are not limited to, the identification and intensive counseling of current and former students and the parents of such students, as well as counseling students and all education personnel regarding job and career opportunities.

(2) ~~Career Occupational~~ specialists shall receive certification pursuant to State Board of Education rule ~~and s. 231.1725.~~ A ~~career No occupational~~ specialist may *not* be paid less than any other member of the instructional personnel who has equivalent qualifications and provides similar services. ~~Career Occupational~~ specialists may receive salary supplements upon documentation that such supplements are necessary for recruiting or retaining suitable personnel.

(3) *The Department of Education and each school district that employs a career specialist shall assist that person in preparing a professional development plan designed to provide the skills necessary to perform the duties associated with implementing a comprehensive technical education program of study.*

Section 10. Paragraph (a) of subsection (2) of section 239.229, Florida Statutes, is amended to read:

239.229 Vocational standards.—

(2)(a) *Each school board and superintendent shall direct the smooth transition of high school career and technical education programs to industry-certified or endorsed programs of study included in a comprehensive course of study. Each school board and superintendent shall also direct the implementation of all components required to obtain the endorsement authorized in section 3 of this act if the district chooses to offer the endorsement.* School board, superintendent, and school accountability for career education within elementary and secondary schools includes, but is not limited to:

1. Student exposure to a variety of careers and provision of instruction to explore specific careers in greater depth.
2. Student awareness of available vocational programs and the corresponding occupations into which such programs lead.
3. Student development of individual career plans.
4. Integration of academic and vocational skills in the secondary curriculum.
5. Student preparation to enter the workforce and enroll in postsecondary education without being required to complete college-preparatory or vocational-preparatory instruction.
6. Student retention in school through high school graduation.
7. ~~Career and technical Vocational~~ curriculum articulation with corresponding postsecondary programs in the local area technical center or community college, or both.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 2, after the semicolon (;) insert: providing legislative intent for certain career and technical education programs within comprehensive programs of study in high schools; providing for industry-certification, for certain required courses and activities; authorizing an endorsement and funding; authorizing rules of the Department of Education; requiring certain programs and career-development activities to assist counselors; amending ss. 228.041, 229.601, 229.602, 239.121, F.S.; revising a personnel classification title; amending s. 236.081, F.S.; providing for funding of certain programs; prohibiting certain courses and programs from being reported for funding or from being substituted for other courses or programs; providing for certain professional-

development activities; amending s. 239.229, F.S.; providing certain responsibilities for school boards and superintendents;

Pursuant to Rule 4.19, CS for SB 1640 as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

BILLS ON THIRD READING, continued

On motion by Senator Sullivan, by two-thirds vote CS for CS for HB 1193 was withdrawn from the Committee on Education.

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

CS for CS for HB 1193—A bill to be entitled An act relating to education; amending s. 236.081, F.S.; providing for the distribution to classroom teachers who provided international baccalaureate instruction certain bonuses; amending s. 121.091, F.S.; eliminating the requirement that certain instructional personnel make an election to participate in the Deferred Retirement Option Program within 12 months after reaching normal retirement date; amending s. 228.041, F.S.; revising the definition of “other instructional staff” to include adjunct educators; amending s. 230.23, F.S.; authorizing a review by a principal prior to reassigning a teacher; deleting provisions relating to salary supplements provided to teachers selected to teach at certain low-performing schools; amending s. 231.095, F.S.; revising provisions relating to assignment of teaching duties out-of-field; amending s. 231.096, F.S.; requiring assistance in accessing resources for teachers teaching out-of-field; amending s. 231.15, F.S.; deleting provision of part-time certificate for athletic coach; creating an athletic coaching certificate; amending s. 231.17, F.S.; authorizing continued employment under specified circumstances; authorizing the use of an approved alternative certification program by a school district other than the school district that developed the program, upon notification to the department and approval of any modifications; creating s. 231.1726, F.S.; providing for certification of adjunct educators; amending s. 231.262, F.S.; requiring each district school board to develop policies and procedures relating to the reporting of complaints against teachers and administrators; providing criteria for policies and procedures; charging the superintendent of schools with knowledge of such policies and procedures; specifying conditions for penalty against superintendent; authorizing the temporary suspension of a teaching certificateholder pending the completion of proceedings in order to protect the health, safety, and welfare of students; correcting cross references to conform; amending s. 231.36, F.S.; including adjunct educators in provisions relating to contracts with instructional staff; requiring a school board to recognize and accept years of satisfactory performance for purposes of pay; providing an exemption; amending s. 231.6135, F.S.; exempting regional educational consortia from certain requirements to become eligible for grants to create professional development academies; amending s. 231.625, F.S.; requiring the Department of Education to develop and implement a system for posting teaching vacancies, establish a database of teacher applicants, develop a long-range plan for educator recruitment and retention, identify best practices for retaining high quality teachers, and develop a plan in consultation with Workforce Florida, Inc., and the Agency for Workforce Innovation for teacher recruitment and retention; deleting requirements that the department develop standardized resumes for teacher applicant data and review and recommend to the Legislature and school districts incentives for attracting teachers to Florida; amending s. 231.700, F.S.; revising the Florida Mentor Teacher School Pilot Program to conform terminology; clarifying requirements for mentor teachers; amending s. 236.08106, F.S.; clarifying requirements relating to the amount of required mentoring or related services for receipt of an Excellent Teaching Program bonus; amending s. 231.261, F.S.; correcting a cross reference; amending ss. 230.2305, 231.045, 231.1725, 231.471, and 232.435, F.S., relating to standards for staff of prekindergarten early intervention programs, periodic criminal history record checks, and employment of specified teachers, part-time teachers, and athletic trainers; revising provisions to include adjunct educators; amending s. 240.529, F.S.; establishing teacher education pilot programs for high-achieving students; providing an effective date.

—a companion measure, was substituted for CS for SB 1704 as amended and by two-thirds vote read the second time by title.

On motion by Senator Sullivan, further consideration of CS for CS for HB 1193 was deferred.

SB 1444—A bill to be entitled An act relating to the judiciary; amending s. 26.031, F.S.; increasing the number of judges in specified judicial circuits; amending s. 34.022, F.S.; increasing the number of judges in specified county courts; providing for appointment by the Governor; providing an effective date.

—as amended April 30 was read the third time by title.

An amendment was considered and adopted by two-thirds vote to conform SB 1444 to HB 1865.

Pending further consideration of SB 1444 as amended, on motion by Senator Burt, by two-thirds vote HB 1865 was withdrawn from the Committee on Judiciary.

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

HB 1865—A bill to be entitled An act relating to the judiciary; amending s. 26.031, F.S.; increasing the number of judges in specified judicial circuits; amending s. 34.022, F.S.; increasing the number of judges in specified county courts; providing for appointment by the Governor; providing an appropriation; providing an effective date.

—a companion measure, was substituted for SB 1444 as amended and by two-thirds vote read the second time by title. On motion by Senator Burt, by two-thirds vote HB 1865 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

CS for SB 1662—A bill to be entitled An act relating to Lake Okeechobee Protection Program; amending s. 373.4595, F.S.; authorizing a line item on utility sewer rates to cover wastewater residual treatment and disposal in certain counties; providing exemption from requirements of the Public Service Commission; providing for audits; providing an effective date.

—as amended April 30 was read the third time by title.

On motion by Senator Laurent, CS for SB 1662 as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

Consideration of SB 1632 and HB 601 was deferred.

CS for SB 1726—A bill to be entitled An act relating to public records; providing for release of such information under certain circumstances; creating s. 430.105, F.S.; providing for confidentiality and exemption from the public records law for information relating to clients of the Department of Elderly Affairs, clients of service providers contracting with the Department of Elderly Affairs, and certain elders receiving services through programs administered by or funded by the Department of Elderly Affairs; requiring consent for disclosure; providing for future legislative review and repeal; providing a statement of public necessity; providing an effective date.

—was read the third time by title.

On motion by Senator Saunders, CS for SB 1726 was passed and certified to the House. The vote on passage was:

Yeas—38

Table with 4 columns: Name, Name, Name, Name. Rows include Bronson, Brown-Waite, Burt, Campbell, Carlton, Clary, Constantine, Cowin, Crist, Dawson, Diaz de la Portilla, Dyer, Garcia, Geller, Holzendorf, Horne, King, Klein, Latvala, Laurent, Lawson, Lee, Meek, Miller, Mitchell, Peaden, Posey, Pruitt, Rossin, Sanderson, Saunders, Sebesta, Silver, Smith, Sullivan, Wasserman Schultz, Webster.

Nays—None

Consideration of HB 395 was deferred.

COMMUNICATION

The Honorable John M. McKay, President The Florida Senate May 1, 2001

Dear Mr. President:

In compliance with Article III, Section 19(d) of the Constitution and Joint Rule 2, copies of the Appropriations Conference Committee Report on SB 2000 and SB 2002 have been furnished to each member of the Legislature, the Governor, the Chief Justice of the Supreme Court, and each member of the Cabinet.

Delivery was completed May 1, 2001 at 7:20 p.m.

Respectfully submitted, Faye W. Blanton, Secretary

SB 1632—A bill to be entitled An act relating to the excise tax on documents; amending s. 201.02, F.S.; providing that the tax imposed under this section applies to certificates of title issued in a judicial sale of real property pursuant to a court order or final judgment issued in a foreclosure proceeding; providing the method for computing the tax; providing that this act is to clarify, not change, the law; providing for retroactive applicability; providing an effective date.

—was read the third time by title.

On motion by Senator Villalobos, SB 1632 was passed and certified to the House. The vote on passage was:

Yeas—38

Table with 4 columns: Name, Name, Name, Name. Rows include Bronson, Brown-Waite, Burt, Campbell, Carlton, Clary, Constantine, Cowin, Crist, Dawson, Diaz de la Portilla, Dyer, Garcia, Geller, Holzendorf, Horne, Jones, King, Klein, Latvala, Laurent, Lawson, Lee, Meek, Miller, Mitchell, Peaden, Posey, Pruitt, Rossin, Sanderson, Saunders.

Sebasta Sullivan Wasserman Schultz Webster Smith Villalobos

Nays—None

Vote after roll call:

Yea to nay—Webster

SPECIAL ORDER CALENDAR, continued

The Senate resumed consideration of—

CS for CS for SB 2214—A bill to be entitled An act relating to tobacco-settlement agreements; amending s. 215.5601, F.S.; defining the terms "participating manufacturer," "outdoor advertising," and "transit advertisements"; 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. 210.15, F.S.; imposing a supplemental permit fee on wholesale dealers; providing for calculation of fee; amending s. 210.20, F.S.; providing for the deposit of proceeds of the supplemental permit fee; amending ss. 17.41, 20.435, 215.5602, F.S., relating to the Tobacco Settlement Clearing Trust Fund, the Biomedical Research Trust Fund, and the Florida Biomedical Research Program; conforming provisions to changes made by the act; providing an effective date.

—with pending Amendment 1 (924410) by Senator Brown-Waite.

On motion by Senator Burt, by two-thirds vote further consideration of CS for CS for SB 2214 with pending Amendment 1 was scheduled for 7:30 p.m.

On motion by Senator Brown-Waite, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives requests the return of CS for HB 41.

John B. Phelps, Clerk

CS for HB 41—A bill to be entitled An act relating to water and wastewater systems; repealing s. 13 of ch. 2000-350, Laws of Florida, which requires county rate proceedings to follow certain provisions of the Administrative Procedure Act; amending s. 350.0611, F.S.; requiring the Public Counsel to provide legal representation in proceedings before counties under certain circumstances; recovery of rate case expenses; providing an effective date.

On motion by Senator Brown-Waite, by two-thirds vote CS for HB 41 was withdrawn from the Committees on Regulated Industries; Comprehensive Planning, Local and Military Affairs; and Rules and Calendar; and returned to the House as requested.

THE PRESIDENT PRESIDING

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

BILLS ON THIRD READING, continued

SB 54—A bill to be entitled An act relating to the City of Coral Springs; providing for the relief of Helene Rippe; authorizing and directing the City of Coral Springs to compensate her for personal injuries she suffered due to the negligence of the city; providing an effective date.

—as amended April 30 was read the third time by title.

On motion by Senator Campbell, **SB 54** as amended was passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Crist	Latvala	Pruitt
Bronson	Dawson	Laurent	Rossin
Brown-Waite	Diaz de la Portilla	Lawson	Sanderson
Burt	Dyer	Lee	Saunders
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Villalobos
Constantine	Jones	Peaden	Wasserman Schultz
Cowin	Klein	Posey	

Nays—2

King	Webster
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Vote after roll call:

Yea—Sullivan

HB 601—A bill to be entitled An act relating to judgments and liens; amending s. 55.201, F.S.; conforming terminology; amending s. 55.202, F.S.; clarifying enforceable judgments subject to law; amending s. 55.203, F.S.; providing for electronic filing of liens, assessments, warrants, and judgments directly into database; amending s. 55.204, F.S.; clarifying content of judgment lien certificates; conforming terminology and clarifying filekeeping of judgment lien files by the Department of State; providing that filing of a judgment lien certificate does not extend the life of a judgment, order, decree, or warrant; amending s. 55.205, F.S.; clarifying the effect of judgment liens upon buyers who buy without notice as defined in s. 678.1051, F.S.; providing an exemption for fraudulent conveyances; amending s. 55.206, F.S.; conforming terminology regarding amendments of judgment lien files; amending s. 55.207, F.S.; conforming terminology regarding correction of judgment lien files; amending s. 55.208, F.S.; conforming terminology regarding effect of filed judgment liens on writs of execution previously delivered to sheriffs; amending s. 55.209, F.S.; clarifying provisions regarding processing fees of judgment lien filing; amending s. 55.604, F.S.; eliminating requirement to file foreign judgments with the Department of State; amending s. 55.605, F.S.; eliminating requirements that the Secretary of State maintain a list of foreign jurisdictions recognizing judgments; amending s. 56.21, F.S.; clarifying provisions regarding execution sales; amending s. 56.27, F.S.; clarifying provisions regarding execution and payments thereunder; amending s. 77.01, F.S.; providing that certain debts related to negotiable instruments are not subject to garnishment; amending s. 77.041, F.S.; providing that only individuals subject to garnishment must be provided a "Notice to Defendant"; amending s. 678.1051, F.S.; providing that a judgment lien certificate does not constitute an adverse claim against a financial asset; amending s. 713.901, F.S., the Florida Uniform Federal Lien Registration Act; providing procedures for filing documentation relating to federal liens; providing an effective date.

—as amended April 30 was read the third time by title.

RECONSIDERATION OF AMENDMENT

On motion by Senator Burt, the Senate reconsidered the vote by which **Amendment 1 (710238)** was adopted. **Amendment 1** was withdrawn.

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

Amendment 2 (781442)—On page 10, lines 19-28, delete those lines and insert: *lien as the equities may require. This subsection shall not apply to:*

(a) *A transfer to a relative or an insider of the judgment debtor, as such are defined at s. 726.102;*

(b) *A fraudulent transfer, as defined by s. 726.105, s. 726.106, or 11 U.S.C. 548;*

(c) *A fraudulent asset conversion as defined by s. 222.30;*

(d) *Twenty-five percent of the transfer of goods by a judgment debtor the value of which, in the aggregate, exceeds \$10,000;*

(e) *Fifty percent of the transfer of goods by a judgment debtor the value of which, in the aggregate, exceeds \$20,000;*

(f) *Seventy-five percent of the transfer of goods by a judgment debtor the value of which, in the aggregate, exceeds \$25,000; or*

(g) *Any transfer of goods by a judgment debtor the value of which, in the aggregate, exceeds \$30,000.*

Amendment 3 (330050)—On page 14, line 10, delete "55.202(2)" and insert: *55.202(2)(b)*

Amendment 4 (330168)—On page 4, line 7, delete "s. 55.205(5)" and insert: *s. 55.202(5)*

On motion by Senator Burt, **HB 601** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Horne	Peaden	Villalobos
Constantine	Jones	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	
Dawson	Laurent	Sanderson	

Nays—None

Vote after roll call:

Yea—King

Consideration of **SB 30** was deferred.

SB 26—A bill to be entitled An act relating to the City of West Palm Beach; providing for the relief of Rosemary Falkinburg; authorizing and directing the City of West Palm Beach to compensate Ms. Falkinburg for personal injuries she suffered due to the negligence of a city employee; providing an effective date.

—was read the third time by title.

On motion by Senator Rossin, **SB 26** was passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Crist	Klein	Pruitt
Bronson	Dawson	Latvala	Rossin
Brown-Waite	Diaz de la Portilla	Laurent	Sanderson
Burt	Dyer	Lee	Saunders
Campbell	Garcia	Meek	Silver
Carlton	Geller	Miller	Smith
Clary	Holzendorf	Mitchell	Villalobos
Constantine	Horne	Peaden	Wasserman Schultz
Cowin	Jones	Posey	

Nays—2

King	Webster
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Vote after roll call:

Yea—Lawson, Sullivan

SB 58—A bill to be entitled An act relating to the City of Clearwater; providing for the relief of Eva Skowronek as the widow of Wieslaw

Skowronek and as personal representative of the Estate of Wieslaw Skowronek and for the relief of Anna Marie, Victor, and Hubert Alexander Skowronek, the minor children of Wieslaw Skowronek, for the death of Wieslaw Skowronek as a result of the negligence of the City of Clearwater; providing an effective date.

—as amended April 30 was read the third time by title.

On motion by Senator Latvala, **SB 58** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Dawson	Laurent	Saunders
Bronson	Diaz de la Portilla	Lawson	Sebesta
Brown-Waite	Dyer	Meek	Silver
Burt	Garcia	Miller	Smith
Campbell	Geller	Mitchell	Sullivan
Carlton	Holzendorf	Peaden	Villalobos
Clary	Horne	Posey	Wasserman Schultz
Constantine	Jones	Pruitt	
Cowin	Klein	Rossin	
Crist	Latvala	Sanderson	

Nays—3

King	Lee	Webster
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SB 10—A bill to be entitled An act relating to Orange County; providing for the relief of Maria Garcia, as legal guardian of Delfina Benjumea, for injuries and damages sustained by Ms. Benjumea as a result of the negligence of the Orange County Sheriff's Office; providing for a reversionary interest to the Orange County Sheriff's Office; providing legislative intent with respect to expenditures; providing an effective date.

—was read the third time by title.

On motion by Senator Dyer, **SB 10** was passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Crist	Klein	Rossin
Bronson	Dawson	Laurent	Sanderson
Brown-Waite	Diaz de la Portilla	Lawson	Saunders
Burt	Dyer	Meek	Sebesta
Campbell	Garcia	Miller	Silver
Carlton	Geller	Mitchell	Smith
Clary	Holzendorf	Peaden	Sullivan
Constantine	Horne	Posey	Villalobos
Cowin	Jones	Pruitt	Wasserman Schultz

Nays—3

King	Lee	Webster
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Vote after roll call:

Yea—Latvala

SENATOR SILVER PRESIDING

SPECIAL ORDER CALENDAR, continued

Pursuant to the motion by Senator Burt, the hour of 7:30 p.m. having arrived, the Senate resumed consideration of—

CS for CS for SB 2214—A bill to be entitled An act relating to tobacco-settlement agreements; amending s. 215.5601, F.S.; defining the terms "participating manufacturer," "outdoor advertising," and "transit advertisements"; 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. 210.15,

F.S.; imposing a supplemental permit fee on wholesale dealers; providing for calculation of fee; amending s. 210.20, F.S.; providing for the deposit of proceeds of the supplemental permit fee; amending ss. 17.41, 20.435, 215.5602, F.S., relating to the Tobacco Settlement Clearing Trust Fund, the Biomedical Research Trust Fund, and the Florida Biomedical Research Program; conforming provisions to changes made by the act; providing an effective date.

—with pending **Amendment 1 (924410)** by Senator Brown-Waite.

On motion by Senator Burt, further consideration of **CS for CS for SB 2214** with pending **Amendment 1** was deferred.

THE PRESIDENT PRESIDING

On motion by Senator Brown-Waite—

CS for SB 1848—A bill to be entitled An act relating to public records; providing an exemption from the public records law for information that identifies the claimant or case number in certain proceedings involving a nursing home or assisted living facility and that is provided to the Agency for Health Care Administration as required by law; providing an exemption from the public-records law for reports of liability claims involving nursing homes that are provided to the Agency for Health Care Administration as required by law; providing a finding of public necessity; providing a contingent effective date.

—was read the second time by title.

Senator Brown-Waite moved the following amendment which was adopted:

Amendment 1 (345432)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *The information contained in any report of liability claims against nursing homes and assisted living facilities provided to the Agency for Health Care Administration as required under sections 400.147(9) and 400.423(5), Florida Statutes, is confidential and exempt from section 119.07(1), Florida Statutes, and Section 24(a) of Article I of the State Constitution. This exemption is subject to the Open Government Sunset Review Act of 1995 in accordance with section 119.15, Florida Statutes, and shall stand repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.*

Section 2. *The Legislature finds that it is a public necessity to protect the identity of claimants, nursing homes and assisted living facilities in the monthly reporting of claims to the Agency for Health Care Administration. The monthly reports detail the names of claimants and facilities, the alleged type of injury or violation and dates of occurrence. Such claims are preliminary allegations that may not result in a finding of liability or fault on the part of the facility. Consequently, release of such information to the public may unnecessarily and unfairly impact the business operation of the facility. The Legislature finds that it is not in the best interests of the claimants and facilities to make such sensitive information publicly available. Claimants will be forced to choose between either filing a claim regarding a facility to protect their rights, or alternatively, maintain their privacy regarding long-term care provided to themselves or a relative. The Legislature finds that the public will have the benefit of aggregated facility claims data by access to the agency's annual reports on long-term care claims to the Legislature, presented on a by-county basis. The Legislature also finds that those claims with sufficient merit will result in a formal legal complaint filed in a court of law, will as well be public information. Accordingly, the Legislature finds that the harm to facility residents and facilities due to the release of preliminary claims substantially outweighs any minimal public benefit derived therefrom.*

Section 3. This act shall take effect on the date Committee Substitute for Committee Substitute for Committee Substitute for Senate Bill 1202, relating to long-term care, or similar legislation becomes a law, and shall not take effect if such legislation does not become a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to public records; providing an exemption from the public-records law for reports of liability claims involving nursing

homes and assisted living facilities that are provided to the Agency for Health Care Administration as required by law; providing a finding of public necessity; providing a contingent effective date.

Pursuant to Rule 4.19, **CS for SB 1848** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **CS for SB 954** which has been reported favorably by the Appropriations Subcommittee on Public Safety and Judiciary with amendments, was withdrawn from the Committee on Appropriations and the amendments recommended by the subcommittee will be shown as offered by the Committee on Appropriations; **SB 1488** which has been reported favorably by the Appropriations Subcommittee on Education, was withdrawn from the Committee on Appropriations; **CS for SB 910** was withdrawn from the Committees on Appropriations Subcommittee on General Government; and Appropriations; and **SJR 124, CS for SB 1002** and **SJR 1176** were withdrawn from the Committee on Rules and Calendar.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Lee, the rules were waived and the Special Order Subcommittee of the Committee on Rules and Calendar was granted permission to meet five minutes after recess this day.

MOTIONS

On motion by Senator Lee, a deadline of thirty minutes after recess this day was set for filing amendments to Bills on Third Reading to be considered Wednesday, May 2.

On motion by Senator Lee, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Wednesday, May 2.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, May 2, 2001: **SJR 1700, CS for SJR 2236, CS for SB 1562, SB 330, CS for CS for SB 442, CS for SB 1920, SB 456, SB 344, CS for SB 436, CS for CS for SB 478, CS for SB 422, SB 878, CS for SB 988, SB 1278, CS for SB 492, CS for SB 872, CS for SB 388, SB 918, CS for CS for SB 1624, CS for CS for SB 2224, CS for SB 1680, CS for SB 2012, CS for CS for SB 2178, CS for CS for SB 738, CS for CS for SB 1092, SB 486, CS for SB 1188, SB 1958, SB 1906, SB 2126, SB 454, CS for SB 2028, CS for SB 1926, SB 484, CS for SB 822, CS for CS for SB 856, CS for CS for SB 858, SB 804, CS for SB 1056, CS for CS for SB 1312, SB 1314, CS for CS for SB 1204, CS for SB 1458, CS for SB 1528, CS for SB 1542, CS for SB 1560, CS for SB 1466, CS for CS for SB 1664, CS for SB 1720, SB 1738, CS for SB 1750, CS for SB 1966, SB 514**

Respectfully submitted,
Tom Lee, Chairman

The Committee on Appropriations recommends the following pass: **HB 1707, HB 1711, HB 1717, HB 1719, HB 1737, HB 1743, HB 1821** with 1 amendment

The Committee on Finance and Taxation recommends the following pass: **HB 21** with 1 amendment

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Finance and Taxation recommends a committee substitute for the following: **SB 156**

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

The Committee on Finance and Taxation recommends a committee substitute for the following: **Senate Bills 128 and 1598**

The bills with committee substitute attached were placed on the calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Finance and Taxation; and Senators Lee, King, Cowin and Crist—

CS for SB's 128 and 1598—A bill to be entitled An act relating to intangible personal property taxes; amending s. 199.185, F.S.; increasing exemptions for taxpayers who are natural persons; creating exemptions for taxpayers who are not natural persons; providing an effective date.

By the Committee on Finance and Taxation; and Senator Cowin—

CS for SB 156—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 school supplies shall be exempt from such tax; defining the terms "clothing" and "school supplies" for purposes of the exemption; providing for rules; providing an appropriation; providing an effective date.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State **SB 218** and **SB 412** which he approved on May 1, 2001.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed **CS for HB 257, HB 559, CS for HB 589, CS for HB 795, HB 873, HB 941, CS for HB 979, HB 1039, CS for HB 1425, CS for HB 1633, HB 1785; has passed as amended CS for HB 9, CS for HB 19, CS for HB 157, HB 421, HB 489, HB 821, HB 853, HB 863, HB 867, HB 891, HB 917, HB 929, HB 931, HB 947, HB 1125, CS for CS for HB 1193, HB 1215, HB 1519, HB 1635, HB 1673, HB 1695, HB 1845, HB 1865, HB 1887, HB 1943; has passed by the required Constitutional three-fifths vote of the membership **HB 1909, HB 1941** and requests the concurrence of the Senate.**

John B. Phelps, Clerk

By the Committee on Transportation; and Representative Bullard—

CS for HB 257—A bill to be entitled An act relating to road designations; designating "Steven Cranman Boulevard" and "Ethel Beckford Boulevard" in Miami-Dade County; designating "Phicol Williams Boulevard" in Miami-Dade County; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was referred to the Committee on Transportation.

By Representative Peterman and others—

HB 559—A bill to be entitled An act relating to the Pinellas County School District; providing for a seven-member district school board, with four members elected from single-member districts and three members elected from the county at large, notwithstanding the provisions of s. 230.061, s. 230.10, or s. 230.105, F.S.; providing for implementation at specified elections; providing that school board members shall continue

to be elected on a nonpartisan basis and shall be elected in conjunction with the first primary and general election; providing qualifying and other applicable election procedures; providing for future reapportionment of the single-member districts; providing for a referendum; providing effective dates.

—was referred to the Committees on Education; and Rules and Calendar.

By the Council for Ready Infrastructure; and Representative Fasano and others—

CS for HB 589—A bill to be entitled An act relating to local government utilities assistance; providing a short title; providing legislative findings; providing definitions; establishing a pilot Local Government Utilities Assistance Program; providing for administration by the Department of Environmental Protection; providing for criteria for acquiring certain private water-wastewater utilities; providing for transfer of certain moneys from the Solid Waste Management Trust Fund to the program; providing for distribution of such moneys for certain purposes; providing for financial assistance for certain purposes under certain circumstances; requiring the Department of Environmental Protection to submit a report on the pilot program to the Governor and Legislature; providing an effective date.

—was referred to the Committees on Natural Resources; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; and Appropriations.

By the Committee on Claims; and Representative Justice—

CS for HB 795—A bill to be entitled An act relating to the City of St. Petersburg; providing for the relief of Alfred Brinkley Roberts; authorizing and directing the City of St. Petersburg to compensate him for injuries suffered due to the negligence of an employee of the city; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committees on Criminal Justice; and Finance and Taxation.

By Representative Frankel and others—

HB 873—A bill to be entitled An act relating to the City of West Palm Beach, Palm Beach County; amending section 16 of chapter 24981, Laws of Florida, as amended, relating to the West Palm Beach Police Pension Fund; revising the provision for age and service requirements for retirement; revising the provisions for early retirement; revising the provisions of the share accounts related to death of a member; revising the provisions of the deferred retirement option plan; revising the death benefit provisions; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Jordan and others—

HB 941—A bill to be entitled An act relating to the City of Jacksonville; amending chapter 92-341, Laws of Florida, as amended; clarifying exemptions provided in the Charter of the City of Jacksonville to the civil service status of designated positions; 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 Fiscal Policy and Resources; and Representative Melvin and others—

CS for HB 979—A bill to be entitled An act relating to Okaloosa County; creating and establishing an independent special district in said county to be known as the North Okaloosa Fire District; creating a charter; describing the district; prescribing its powers; providing for a board of fire commissioners; providing for compensation; requiring a bond; providing for terms of office and for filling vacancies in office; providing for meetings, minutes of meetings, and public access; providing for financial matters; authorizing non-ad valorem assessments; authorizing the district to accept gifts and donations; providing the district's fiscal year; providing for collection of taxes; providing limits and guidelines for indebtedness of the district; prescribing authorized uses of district funds; providing a penalty; ratifying actions previously taken; requiring certain notice of legal action; providing for a district expansion and merger; providing severability; providing for a referendum; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By Representative Paul and others—

HB 1039—A bill to be entitled An act relating to ad valorem tax exemption; amending s. 196.24, F.S.; increasing the amount of the exemption provided under s. 3(b), Art. VII of the State Constitution for certain disabled ex-service members; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Finance and Taxation.

By the Council for Healthy Communities; and Representative Bowen and others—

CS for HB 1425—A bill to be entitled An act relating to law enforcement; amending s. 943.031, F.S.; renaming the Florida Violent Crime Council as the Florida Violent Crime and Drug Control Council; revising membership; providing circumstances for additional meetings; prescribing the duties and responsibilities of the Florida Violent Crime and Drug Control Council; providing statutory limits on funding of investigative efforts by the council; authorizing the Victim and Witness Protection Review Committee to conduct meetings by teleconference under certain circumstances; amending s. 943.17, F.S.; conforming a reference; amending s. 943.042, F.S.; renaming the Violent Crime Emergency Account as the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account; revising provisions relating to use of emergency supplemental funds; clarifying limits on disbursement of funds for certain purposes; requiring the Department of Law Enforcement to adopt rules pertaining to certain investigations; requiring reports by recipient agencies; providing circumstances for limitation or termination of funding or return of funds by recipient agencies; amending s. 943.0585, F.S., relating to court-ordered expunction of certain criminal history records; adding sexual offenses that require an offender to register with the state to the list of excluded offenses; amending s. 943.059, F.S., relating to court-ordered sealing of certain criminal history records; adding offenses relating to sexual offenses that require an offender to register with the state to the list of excluded offenses; amending s. 943.325, F.S.; permitting collection of approved biological specimens other than blood for purposes of DNA testing; permitting collection of specimens from certain persons who have never been incarcerated; limiting liability; authorizing use of force to collect specimens under certain circumstances; amending s. 760.40, F.S., to conform to changes made by s. 943.325, F.S.; creating s. 843.167, F.S.; prohibiting the interception of police communications for certain purposes; prohibiting disclosure of police communications; providing presumptions; providing penalties; amending s. 943.053, F.S.; providing clarification of the manner in which the Department of Law Enforcement determines the actual cost of producing criminal history information; creating s. 943.0582, F.S.; providing for prearrest, postarrest, or teen court diversion program expunction under certain circumstances; providing definitions; providing for retroactive effect; amending s. 985.3065, F.S.; providing for postarrest diversion programs; providing for expunction of certain records pursuant to s. 943.0582, F.S.; providing an effective date.

—was referred to the Committee on Criminal Justice.

By the Committee on Education Innovation; and Representative Attisison—

CS for HB 1633—A bill to be entitled An act relating to student assessment; amending s. 229.57, F.S.; revising provisions relating to the designation of school performance grade categories; revising the basis for such designations; revising provisions relating to statewide annual assessments; revising provisions relating to the use of a statistical system for assessment; requiring the Commissioner of Education to establish a schedule for administration of assessments; reenacting ss. 230.23(16)(c), 231.085(4), 231.17(15), 231.29(3)(a), and 231.2905(4), F.S., relating to supplements for teachers based on assessment of student learning gains, use of student assessment data, comparison of routes to a professional certificate, assessment procedures for school personnel, and the School Recognition Program, to incorporate the amendment to s. 229.57, F.S., in references thereto; providing Department of Education duties relating to identification of student learning gains; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Representative Haridopolos—

HB 1785—A bill to be entitled An act relating to the City of Satellite Beach, Brevard County; amending s. 1 of the city's charter; redefining the boundaries of the city; 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 Natural Resources and Environmental Protection; and Representative Ball and others—

CS for HB 9—A bill to be entitled An act relating to pollution control; amending s. 165.061, F.S.; providing for the continuation of existing solid waste contracts; requiring written evidence of the duration of the contract within a specified timeframe; amending s. 403.061, F.S.; providing rule-making authority; amending s. 403.707, F.S.; requiring an applicant for a permit to construct or modify a solid waste management facility to notify the local government of the filing of application; requiring publishing of the application; providing requirements with respect thereto; amending s. 403.71851, F.S.; providing for electronics recycling grants; providing that grant funding shall be used for certain demonstration projects; providing for the Department of Environmental Protection to conduct a comprehensive review of certain waste reduction and recycling goals and other related legislative requirements; providing that the department must issue a report; providing an effective date.

—was referred to the Committees on Natural Resources; and Comprehensive Planning, Local and Military Affairs.

By the Committee on Local Government and Veterans Affairs; and Representative Greenstein and others—

CS for HB 19—A bill to be entitled An act relating to housing; amending s. 420.5092, F.S.; including housing for the homeless in eligible housing under the Florida Affordable Housing Guarantee Program; increasing the maximum amount of revenue bonds that may be issued by the Florida Housing Finance Corporation under said program; amending s. 420.5088, F.S.; revising eligibility requirements for certain loans under the Florida Homeownership Assistance Program; amending s. 420.503, F.S.; revising the definitions of “elderly” and “housing for the elderly” under the Florida Housing Finance Corporation Act; amending s. 760.29, F.S.; providing that a facility or community claiming an exemption from the Fair Housing Act with respect to familial status for housing for older persons shall register with the Florida Commission on Human Relations and affirm compliance with specified requirements;

providing for a registration fee; providing for fines; amending s. 760.31, F.S.; providing for rules; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Judiciary; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By the Council for Competitive Commerce; and Representative Weissman and others—

CS for HB 157—A bill to be entitled An act relating to Motor Vehicles; creating s. 860.146, F.S.; defining the terms “fake airbag” and “junk-filled airbag compartment”; prohibiting the sale, purchase, or installation of fake airbags or junk-filled airbag compartments; providing criminal penalties; providing an effective date.

—was referred to the Committees on Regulated Industries; Appropriations Subcommittee on General Government; and Appropriations.

By Representative Bean and others—

HB 421—A bill to be entitled An act relating to mental health; directing the Department of Children and Family Services to develop and implement a pilot project to provide client-directed and choice-based mental health treatment and support services to certain adults; requiring an independent evaluation; providing evaluation criteria; requiring reports; providing an appropriation; providing for expiration; providing an effective date.

—was referred to the Committees on Children and Families; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Representative Johnson and others—

HB 489—A bill to be entitled An act relating to high-speed rail; creating the High-Speed Rail Commission; providing for membership and appointment; providing for staff; providing for duties of the commission; providing for dissolution of the commission upon submission of a required report; directing the Department of Transportation to begin collecting and organizing existing data on high-speed rail systems; providing an appropriation; providing an effective date.

—was referred to the Committees on Transportation; Rules and Calendar; Appropriations Subcommittee on General Government; and Appropriations.

By Representative Arza—

HB 821—A bill to be entitled An act relating to the City of Miami; providing for the relief of Oscar Ortiz; providing for an appropriation to compensate Oscar Ortiz for injuries and damages sustained as a result of the negligence of the City of Miami; providing for reversion of funds; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committees on Criminal Justice; and Finance and Taxation.

By Representative Carassas—

HB 853—A bill to be entitled An act relating to Pinellas County; providing for the composition of members of the Pinellas County Tourist Development Council appointed pursuant to section 125.0104, Florida Statutes, the “Local Option Tourist Development Act”; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Rules and Calendar.

By Representative Ritter—

HB 863—A bill to be entitled An act relating to the North Springs Improvement District, Broward County; amending chapter 71-580, Laws of Florida, as amended; increasing the board of supervisors to a total of five members; providing for elections by electors residing within the district; providing for regular and special board meetings instead of landowner meetings; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Romeo and others—

HB 867—A bill to be entitled An act relating to Hillsborough County; providing that, notwithstanding any provision of general law, the Hillsborough County Tourist Development Council shall consist of 11 members; providing that the chair of the county governing board, or a designee, serves on the council; providing that an elected municipal official shall be appointed to the council from each municipality within the county; providing that seven members shall be persons involved in the tourist industry; providing that the additional members shall be appointed within 30 days of the effective date of this act; providing that terms of current members are not interrupted by change to council composition; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Wiles and others—

HB 891—A bill to be entitled An act relating to the City of Daytona Beach, Volusia County; providing for the lease of certain submerged lands to the city by the state; providing for the duration of the lease; specifying the amount of the lease; providing for the purpose of the lease; providing that the lease is contingent upon the city's acquisition of the pier situated upon the leased lands; providing additional terms of the lease; prohibiting transfer of lease without legislative action; providing for severability; requiring written submission of acceptance of terms to the Department of Environmental Protection; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Bucher—

HB 917—A bill to be entitled An act relating to Palm Beach County; amending chapter 90-445, Laws of Florida, as amended; providing for the uniform implementation, interpretation, and enforcement of building code requirements pursuant to the Florida Building Code; providing and amending definitions; providing for enforcement; providing for repeal of conflicting laws; providing for interpretation of codes and revision; deleting provisions relating to appointments; providing for authority for building code amendments; providing for amending provisions for product and system evaluation, including application fees and revocation and renewal of product and system compliance; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Mayfield—

HB 929—A bill to be entitled An act relating to the Rupert J. Smith Law Library of Saint Lucie County; providing for codification of special laws regarding special districts pursuant to s. 189.429, F.S., relating to the Rupert J. Smith Law Library of Saint Lucie County; providing legislative intent; codifying, amending, and reenacting chapter 57-1790, Laws of Florida, as amended; declaring the district to be an independent special district; providing a district charter; repealing chapters 57-1790, 71-895, 83-512, and 88-516, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Ritter—

HB 931—A bill to be entitled An act relating to the Coral Springs Improvement District, Broward County; providing for codification of special laws regarding special districts pursuant to s. 189.429, Florida Statutes, relating to the Coral Springs Improvement District; codifying, reenacting, amending, and repealing special acts relating to the Coral Springs Improvement District; providing legislative intent; deleting gender-specific references; providing a district charter; providing that this act shall take precedence over any conflicting law to the extent of such conflict; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Seiler and others—

HB 947—A bill to be entitled An act relating to medical malpractice presuit investigations; amending s. 766.104, F.S.; authorizing the release of certain records relating to medical care and treatment of a decedent upon the request of certain persons; providing exemption from liability and discipline for health care practitioners complying in good faith; providing an effective date.

—was referred to the Committee on Judiciary.

By Representative Sorensen—

HB 1125—A bill to be entitled An act relating to Monroe County; amending ch. 99-395, Laws of Florida; establishing effluent water quality limitations for reuse systems; provides interim construction standards for new, expanded, or existing onsite sewage and disposal systems scheduled to be served by a central sewage facility before July 1, 2010; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Council for Lifelong Learning; the Committee on General Education; and Representative Arza and others—

CS for CS for HB 1193—A bill to be entitled An act relating to education; amending s. 236.081, F.S.; providing for the distribution to classroom teachers who provided international baccalaureate instruction certain bonuses; amending s. 121.091, F.S.; eliminating the requirement that certain instructional personnel make an election to participate in the Deferred Retirement Option Program within 12 months after reaching normal retirement date; amending s. 228.041, F.S.; revising the definition of "other instructional staff" to include adjunct educators; amending s. 230.23, F.S.; authorizing a review by a principal prior to reassigning a teacher; deleting provisions relating to salary supplements provided to teachers selected to teach at certain low-performing schools; amending s. 231.095, F.S.; revising provisions relating to assignment of teaching duties out-of-field; amending s. 231.096, F.S.; requiring assistance in accessing resources for teachers teaching out-of-field; amending s. 231.15, F.S.; deleting provision of part-time certificate

for athletic coach; creating an athletic coaching certificate; amending s. 231.17, F.S.; authorizing continued employment under specified circumstances; authorizing the use of an approved alternative certification program by a school district other than the school district that developed the program, upon notification to the department and approval of any modifications; creating s. 231.1726, F.S.; providing for certification of adjunct educators; amending s. 231.262, F.S.; requiring each district school board to develop policies and procedures relating to the reporting of complaints against teachers and administrators; providing criteria for policies and procedures; charging the superintendent of schools with knowledge of such policies and procedures; specifying conditions for penalty against superintendent; authorizing the temporary suspension of a teaching certificateholder pending the completion of proceedings in order to protect the health, safety, and welfare of students; correcting cross references to conform; amending s. 231.36, F.S.; including adjunct educators in provisions relating to contracts with instructional staff; requiring a school board to recognize and accept years of satisfactory performance for purposes of pay; providing an exemption; amending s. 231.6135, F.S.; exempting regional educational consortia from certain requirements to become eligible for grants to create professional development academies; amending s. 231.625, F.S.; requiring the Department of Education to develop and implement a system for posting teaching vacancies, establish a database of teacher applicants, develop a long-range plan for educator recruitment and retention, identify best practices for retaining high quality teachers, and develop a plan in consultation with Workforce Florida, Inc., and the Agency for Workforce Innovation for teacher recruitment and retention; deleting requirements that the department develop standardized resumes for teacher applicant data and review and recommend to the Legislature and school districts incentives for attracting teachers to Florida; amending s. 231.700, F.S.; revising the Florida Mentor Teacher School Pilot Program to conform terminology; clarifying requirements for mentor teachers; amending s. 236.08106, F.S.; clarifying requirements relating to the amount of required mentoring or related services for receipt of an Excellent Teaching Program bonus; amending s. 231.261, F.S.; correcting a cross reference; amending ss. 230.2305, 231.045, 231.1725, 231.471, and 232.435, F.S., relating to standards for staff of prekindergarten early intervention programs, periodic criminal history record checks, and employment of specified teachers, part-time teachers, and athletic trainers; revising provisions to include adjunct educators; amending s. 240.529, F.S.; establishing teacher education pilot programs for high-achieving students; providing an effective date.

—was referred to the Committees on Education.

By Representative Andrews—

HB 1215—A bill to be entitled An act relating to a corporate income tax credit to promote new product development; providing a short title; creating s. 288.907, F.S.; providing definitions; providing for licensing of certain products or technologies by donor companies to receiving companies for production and marketing; providing duties of such companies and of Enterprise Florida, Inc.; providing requirements for product development agreements; creating s. 220.115, F.S.; requiring receiving companies to file a corporate tax return and remit to the state certain fees in addition to any corporate income tax due; providing for application of administrative and penalty provisions of ch. 220, F.S.; creating s. 220.1825, F.S.; providing for a credit against the corporate income tax for donor companies; providing for determination of the amount of the credit by Enterprise Florida, Inc., and notification to the Department of Revenue; providing for carryover of the credit; amending s. 220.02, F.S.; providing order of credits against the tax; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Appropriations Subcommittee on General Government; and Appropriations.

By Representative Berfield—

HB 1519—A bill to be entitled An act relating to disability services; creating s. 402.74, F.S.; creating the Clearinghouse on Disability Information Office in the Department of Management Services; requiring the office to establish a statewide toll-free disability information and referral system; creating an advisory council; providing qualifications for

staff of the office; providing for the sharing of information by state agencies; providing for an annual report; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Representative Goodlette—

HB 1635—A bill to be entitled An act relating to environmental control; amending s. 369.25, F.S.; granting the Department of Environmental Protection additional enforcement powers for aquatic plant control; amending ss. 403.121, 403.131, 403.727, 403.860, F.S.; revising judicial and administrative remedies for violations of environmental laws; providing for administrative penalties; requiring the Department of Environmental Protection to report to the Legislature; providing for legislative review; amending s. 373.0693, F.S.; providing for membership on the Manasota Basin Board and for the resolution of tie votes; providing an effective date.

—was referred to the Committees on Natural Resources; Judiciary; Appropriations Subcommittee on General Government; and Appropriations.

By Representative Kyle—

HB 1673—A bill to be entitled An act relating to acts of violence; providing a short title; amending s. 39.301, F.S.; requiring that staff who conduct child protective investigations receive training on removing a perpetrator of domestic violence from the home by use of injunction; creating s. 741.283, F.S.; requiring that the court order a person to serve a minimum term of imprisonment as part of any sentence imposed for an offense of domestic violence that intentionally caused bodily harm to another person; providing an exception if the person is incarcerated for such offense; amending s. 784.03, F.S.; providing that a person commits felony battery if the offense is a second or subsequent conviction of any type of battery offense; creating s. 938.08, F.S.; requiring that the court impose an additional surcharge for any offense of domestic violence and other assault, battery, and stalking offenses; providing for deposit of a portion of the surcharge into the Domestic Violence Trust Fund; providing for the clerk of the court to retain a service charge; requiring that a portion of the surcharge be used to train law enforcement personnel in combating domestic violence; amending s. 948.03, F.S.; requiring that a person convicted of an offense of domestic violence complete a batterers' intervention program; requiring that the offender pay the cost of attending the program; amending s. 741.01, F.S.; authorizing the Executive Office of the Governor to use a specified amount from the Domestic Violence Trust Fund to fund a public-awareness campaign on domestic violence; amending s. 741.281, F.S.; requiring the court to impose the batterers' intervention program as a condition of probation; providing for an exception; requiring that the batterers' intervention program be certified; providing an effective date.

—was referred to the Committee on Children and Families.

By Representative Alexander—

HB 1695—A bill to be entitled An act relating to public records; amending s. 229.57, F.S.; providing an exemption from public records requirements for personal identifying information of instructional personnel held by the Department of Education; providing for disclosure of such information to the State Board of Education; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was referred to the Committees on Education; Governmental Oversight and Productivity; and Rules and Calendar.

By the Committee on Information Technology; and Representative Hart and others—

HB 1845—A bill to be entitled An act relating to the criminal use of personal information; amending s. 817.568, F.S.; providing that the willful and fraudulent use of personal identification information of another individual is a felony of the second degree if the value of the pecuniary benefit services received, payment sought to be avoided, or injury or fraud perpetrated is of a specified amount or more; providing for reclassification of certain offenses involving the criminal use of personal-identification information if the offense was facilitated by the use of a public record; requiring that such offense be prosecuted in the county where the victim resides or in a county where any element of the offense occurred; limiting the time within which a person who fraudulently uses personal-identification information must be prosecuted; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code; ranking offenses relating to fraudulent use of personal identification information; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By the Committee on Judicial Oversight; and Representative Crow—

HB 1865—A bill to be entitled An act relating to the judiciary; amending s. 26.031, F.S.; increasing the number of judges in specified judicial circuits; amending s. 34.022, F.S.; increasing the number of judges in specified county courts; providing for appointment by the Governor; providing an appropriation; providing an effective date.

—was referred to the Committee on Judiciary.

By Representative Melvin and others—

HB 1887—A bill to be entitled An act relating to Okaloosa County; providing legislative findings; describing a portion of the Dorcas Fire District to be annexed into the North Okaloosa Fire District; providing a contingent effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on State Administration; and Representative Brummer and others—

HB 1943—A bill to be entitled An act relating to the deduction and collection of a bargaining agent's dues and uniform assessments; amending s. 447.303, F.S.; eliminating a right of certain bargaining agents to have certain dues and assessments deducted and collected by an employer from certain employees; providing legislative findings and intent; providing that the deduction and collection of certain dues and assessments is a proper subject of collective bargaining; providing requirements and limitations; providing for accounting of funds; providing for enforcement; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; and Education.

By the Committee on General Government Appropriations; and Representative Dockery and others—

HB 1909—A bill to be entitled An act relating to trust funds; creating s. 287.103, F.S.; creating the Purchasing and Transportation Support Trust Fund, to be administered by the Department of Management Services; providing for sources of funds and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By the Committee on General Government Appropriations; and Representative Dockery and others—

HB 1941—A bill to be entitled An act relating to trust funds; terminating specified trust funds within the Department of Management Services and the Agency for Workforce Innovation; providing for disposition of balances in and revenues of such trust funds; declaring the findings of the Legislature that specified trust funds within the Department of Management Services are exempt from the termination requirements of s. 19(f), Art. III of the State Constitution; renaming specified trust funds within the Department of Management Services and the Department of Education; amending s. 272.161, F.S.; providing for the deposit of fees from rental of reserved parking spaces into the Facilities Management Trust Fund, to conform; amending s. 284.01, F.S.; providing for rental value insurance for loss of income from certain buildings operated and maintained by the Department of Management Services from the Facilities Management Trust Fund, to conform; amending s. 235.2195, F.S.; providing for deposit of proceeds from bond sales under the 1997 School Capital Outlay Bond Program into the Lottery Capital Outlay and Debt Service Trust Fund; amending s. 215.196, F.S.; providing for deposit of proceeds from fixed capital outlay management assessments into the Facilities Management Trust Fund, to conform; amending s. 287.16, F.S.; providing for deposit of proceeds from fees charged to state agencies to which aircraft or motor vehicles are furnished into the Purchasing and Transportation Support Trust Fund; amending s. 287.161, F.S.; providing for deposit of proceeds from fees collected for use of the executive aircraft pool into the Purchasing and Transportation Support Trust Fund, to conform; amending s. 217.07, F.S.; providing for deposit of federal surplus property assets into the Purchasing and Transportation Support Trust Fund, to conform; amending s. 287.042, F.S.; providing for deposit of proceeds from fees collected for use of electronic information services of the Department of Management Services and for deposit of funds from certain governmental agencies pursuant to joint purchasing agreements into the Purchasing and Transportation Support Trust Fund, to conform; amending s. 287.1345, F.S.; providing for deposit of proceeds from the surcharge on users of state term contracts into the Purchasing and Transportation Support Trust Fund, to conform; expanding uses of the surcharge proceeds; amending s. 215.22, F.S.; providing for the Technology Enterprise Trust Fund to be exempt from the general revenue service charge, to conform; amending s. 216.292, F.S.; providing for billings for state communications system services to be transferred to the Technology Enterprise Trust Fund, to conform; repealing s. 282.20(6), F.S., relating to the Technology Resource Center's reserve account of its working capital trust fund, to conform; repealing s. 110.151(7), F.S., relating to reestablishment of the State Employee Child Care Revolving Trust Fund, to conform; providing for contingent effect of certain provisions; providing effective dates.

—was referred to the Committees on Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

RETURNING MESSAGES—FINAL ACTION

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed SB 226, CS for SB 240, CS for CS for SB 668, SB 708, CS for CS for SB 710, SB 770, CS for SB 836, CS for SB 938, SB 1066, CS for SB 1274, CS for CS for SB 1282, SB 1324, SB 1400, SB 1516, CS for CS for CS for SB's 1526 and 314, CS for SB 1852, SB 1986 and CS for SB 2118; has passed CS for SB 1850 by the required Constitutional three-fifths vote of the membership of the House.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed HB 1067, as amended.

John B. Phelps, Clerk

CORRECTION AND APPROVAL OF JOURNAL

RECESS

The Journal of April 30 was corrected and approved.

On motion by Senator Lee, the Senate recessed at 7:51 p.m. to reconvene at 9:00 a.m., Wednesday, May 2 or upon call of the President.

CO-SPONSORS

Senators Bronson—CS for CS for SB 2120; Crist—CS for SB 144;
Holzendorf—CS for CS for SB 374