Journal of the Senate

Number 21—Regular Session **Thursday, May 1, 2003**

CONTENTS

Bills on Third Reading 860, 870
Call to Order 859, 902
Claim Bill Calendar 1030
Co-Sponsors 1057
Enrolling Reports 1057
House Messages, Final Action 1057
House Messages, First Reading 1053
House Messages, Returning 961
Local Bill Calendar 905
Messages From the Governor 1057
Motions 1053
Motions Relating to Committee Reference 922, 1053
Priority Bill Calendar 1035
Remarks 951
Reports of Committees 1053
Resolutions 859
Special Guests 860
Special Order Calendar . . . 863, 877, 904, 921, 922, 1021, 1035, 1037
Vote, Abstention 1033
Votes Recorded 1058

CALL TO ORDER

The Senate was called to order by President King at 10:24 a.m. A quorum present—40:

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

PRAYER

The following prayer was offered by the Rev. Benjamin William McKinney, Pastor, Greater St. Paul's A.M.E. Church, Miami:

Almighty God, as this body comes together today as custodians of the sovereign government for the State of Florida, we ask that you give them wisdom and understanding for all the different districts they represent. Give them compassion, that they may work together for a common cause. Let their works be a testimony of their obligations to the constituency they represent. Bless them, and keep them in thy name. Amen.

PLEDGE

Senate Pages Magena Pichardo of Miramar, Juan Santiago of Orlando, Jeffrey Tillman of Auburndale and Ashley-Ann Sprentall of Palm Harbor, 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. Michael Markou of Clearwater, sponsored by Senator Jones, as doctor of the day. Dr. Markou specializes in Family Practice.

ADOPTION OF RESOLUTIONS

On motion by Senator Argenziano—

By Senators Argenziano, King, Alexander, Aronberg, Atwater, Bennett, Bullard, Campbell, Carlton, Clary, Constantine, Cowin, Crist, Dawson, Diaz de la Portilla, Dockery, Fasano, Garcia, Geller, Haridopolos, Hill, Jones, Klein, Lawson, Lee, Lynn, Margolis, Miller, Peaden, Posey, Pruitt, Saunders, Sebesta, Siplin, Smith, Villalobos, Wasserman Schultz, Webster, Wilson and Wise—

SR 2970—A resolution recognizing and honoring United States Marine Corps Lance Corporal Brian Rory Buesing.

WHEREAS, Brian Rory Buesing was born in Tampa, Florida, was raised in Pasco, Citrus, and Levy counties, and was educated in the public schools of Levy County, Florida, graduating in May 2000 from Cedar Key High School, and

WHEREAS, Brian was athletic, adventuresome, and fearless, a popular, outgoing, and gregarious young man who loved life, people, and the opportunity to lend a helping hand, an All-American Boy who was a passionate patriot, and

WHEREAS, before graduating from high school, Brian knew he wanted to follow the military paths of his grandfather, who served in the United States Marine Corps and received a Silver Star for his bravery under fire in the Korean War, and his father, who also served in the United States Marine Corps, and

WHEREAS, in June 2000, Brian enlisted in the United States Marine Corps, went to Boot Camp in North Carolina at Parris Island, trained at Camp LeJeune and in Okinawa, and was assigned to the 1st Battallion, 2nd Marine Regiment, 2nd Marine Expeditionary Brigade, Weapons Platoon, an infantryman specializing in firing mortars, and

WHEREAS, on Sunday, March 23, 2003, Brian and eight other brave young men serving their country in the United States Marine Corps were killed while disembarking from an armed personnel carrier to approach a unit of Iraqi soldiers who had signaled they were surrendering but began firing rocket-propelled grenades and automatic weapons as the Marines approached, and

WHEREAS, the tragic death of Brian Rory Buesing is an irreplaceable loss to his family, his community, the State of Florida, and the nation, NOW, THEREFORE,

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

That the Florida Senate recognizes and honors United States Marine Corps Lance Corporal Brian Rory Buesing for his patriotic spirit, his selfless commitment to free an oppressed people from tyrannical rule, his courageous actions when in harm's way, and his legacy of giving his all to secure the freedoms on which our nation was founded.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the parents of Brian Rory Buesing as a token of the heartfelt sympathy and the esteem of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Argenziano, **SR 2970** was read the second time in full and adopted.

SPECIAL GUESTS

Senator Argenziano introduced the following guests who were present in the gallery: Patty and Roger Steve, of Cedar Key, parents of Brian Rory Buesing.

At the request of Senator Hill—

By Senator Hill—

SR 2964—A resolution recognizing and commending the mission and performances of "Feed the Children."

WHEREAS, "Feed the Children," a nonprofit, Christian, charitable organization, was founded to provide physical, spiritual, educational, vocational, technical, psychological, economic, and medical assistance to children, families, and persons in need in the United States and internationally, and

WHEREAS, in its 24-year history, "Feed the Children" has developed one of the world's largest private organizations dedicated to feeding hungry people, last year shipping 63 million pounds of food and 24 million pounds of other essentials to children and families in all 50 states and in 111 foreign countries, and supplementing 484,453 meals per day worldwide, and

WHEREAS, "Feed the Children" consists of four components: providing food to hungry people; assisting undereducated and untrained people in obtaining education and training for personal development and self-help; providing medical care and treatment to people who are without the means to obtain such care and treatment; and providing emergency relief to people victimized by natural disaster, and

WHEREAS, a key goal of "Feed the Children" is to help needy families move beyond relief assistance and become productive, self-sufficient members of their communities, and

WHEREAS, "Feed the Children" is now providing the resources needed by families of the thousands of men and women who are deployed overseas for involvement in the war against terrorism, NOW, THEREFORE,

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

That the Florida Senate recognizes the invaluable humanitarian aid provided by "Feed the Children" to people all over the world, and commends the organization for the vital role it is playing in supporting the families of the thousands of men and women who are deployed overseas in the war against terrorism.

—**SR 2964** was introduced, read and adopted by publication.

At the request of Senator Hill—

By Senator Hill—

SR 2982—A resolution recognizing and commending Willie E. Gary and Major Broadcasting Cable Network.

WHEREAS, Willie E. Gary, once a migrant farm-worker and now a renowned attorney, residing in Sewall's Point, Florida, was educated in the public schools of Okeechobee County, Florida, before earning his Bachelor of Science Degree in Business Administration from Shaw University in 1972 and his Juris Doctor Degree from North Carolina Central University in 1974, and

WHEREAS, Willie E. Gary is principal owner, Chairman of the Board of Directors, and Chief Executive Officer of Major Broadcasting Cable Network, also known as MBC Network, America's first minority-owned and operated 24-hour cable network, which is now available in 24 million homes in over 2,500 cities in 47 states, and

WHEREAS, the mission of MBC Network is to empower, embrace, and impact urban communities through family programming that presents news and information, Black college sports, children's programming, and dynamic ministries through African-American perspectives, highlighting the positive aspects of urban culture, and

WHEREAS, at 7:00 P. M. on April 4, 2003, broadcasting from the Tallahassee studios of Florida's News Channel, MBC Network premiered a one-hour daily news program entitled "MBC Network News" to preview its 24-hour news program "MBC Network News—The Urban Voice," to be launched in 2004, NOW, THEREFORE,

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

That the Florida Senate recognizes and commends Willie E. Gary for outstanding entrepreneurial genius and invaluable community service in designing and implementing a 24-hour cable channel to broadcast wholesome family programming, presenting African-American perspectives and highlighting the positive aspects of urban culture, and recognizes and commends the MBC Network on its premier of "MBC Network News."

BE IT FURTHER RESOLVED that copies of this resolution, with the Seal of the Senate affixed, be presented to Willie E. Gary and to MBC Network as a tangible token of the sentiments of the Florida Senate.

—**SR 2982** was introduced, read and adopted by publication.

At the request of Senator Hill—

By Senator Hill—

SR 2984—A resolution recognizing and commending Florida A & M University's 2003 Honda Campus All-Star Challenge Academic Team.

WHEREAS, in 1989, American Honda Motor Company, partnering with the Association of College Unions International and the National Association for Equal Opportunity in Higher Education, collaborated with the College Bowl Company to establish a unique competition known as the "Honda Campus All-Star Challenge" for America's 89 4-year degree-granting Historically Black Colleges and Universities, and

WHEREAS, since the inaugural year of the challenge, more than 15,000 students have participated and gone on to pursue successful careers in science, medicine, aeronautics, industry, and government, and

WHEREAS, Academic Teams from Florida A & M University, coached by Dr. Vivian L. Hobbs, have participated in each challenge conducted in the 14-year history of the competition, distinguishing themselves as outstanding scholars by continually earning a place in the final rounds, capturing the National Championship in 1991, 1996, 1998, 1999, and 2003, and winning more than $330,000 in academic grants, and

WHEREAS, Florida A & M University's 2003 National Championship Academic Team is made up of Jeffrey Rodgers, Alonzo Brandon Alexander, Jonathan Evans, Michael Gebrebrhan, and Kevin Johnson, NOW, THEREFORE,

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

That the Florida Senate recognizes, commends, and applauds the students who participated as members of the academic teams assembled by Florida A & M University, and coached by Dr. Vivian L. Hobbs, for their academic excellence, their distinguished record of competition in the Honda Campus All-Star Challenges conducted over the past 14 years, and their capturing Five National Championships, culminating with the 2003 National Championship.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Jeffrey Rodgers, Alonzo Brandon Alexander, Jonathan Evans, Michael Gebrebrhan, and Kevin Johnson, and to their coach, Dr. Vivian L. Hobbs, as a tangible token of the sentiments of the Florida Senate.

—**SR 2984** was introduced, read and adopted by publication.

BILLS ON THIRD READING

CS for CS for SB 1492—A bill to be entitled An act relating to the judicial system; amending s. 25.384, F.S.; expanding the use of the Court

Education Trust Fund; amending s. 27.3455, F.S.; modifying county revenue and expenditure reporting requirements; eliminating the allocation priorities of funds collected pursuant to s. 938.05(1), F.S.; amending s. 27.562, F.S.; providing for disposition of funds; amending s. 28.101, F.S.; increasing the service charge for filing for dissolution of marriage; transferring, renumbering, and amending s. 43.195, F.S.; authorizing a clerk to dispose of items of physical evidence in cases where no collateral attack is pending; amending s. 28.24, F.S.; prohibiting the clerk of the court from charging court officials for copies of public records; modifying the service charges for services rendered by the clerk of the court in recording documents and instruments and in performing certain other duties; eliminating the charge for issuing jury summons; amending s. 28.241, F.S.; increasing the service charge for filing a civil action in circuit court; requiring that a portion of the charge be remitted to the General Revenue Fund and to the Court Education Trust Fund; requiring that a portion of the charge be remitted to the Clerk of the Court Operations Conference Operating Fund and the Clerk of the Court Operations Conference Contingency Fund; providing a filing fee for reopening a civil action or proceeding; providing for a reduction in the fee for a petition to modify a final judgment of dissolution; increasing other service charges; deleting provisions authorizing a county to assess amounts in excess of specified service charges; prohibiting additional service charges or fees; increasing the service charge for instituting an appellate proceeding; amending s. 28.2401, F.S.; increasing various service charges for probate matters; prohibiting county governing authorities from imposing additional charges; creating s. 28.2402, F.S.; imposing a fee on a county or municipality for filing municipal code or ordinance violation in court; creating s. 28.246, F.S.; requiring the clerk of the circuit court to report to the Legislature the total amount of service charges and fees assessed, waived, and collected; authorizing partial payment of court-related fees to the clerk; providing a distribution order for collected charges and fees; authorizing clerks of the court to refer unpaid collections to a private attorney; creating s. 28.35, F.S.; establishing the Clerk of the Court Operations Conference; providing membership; requiring the conference to recommend changes in the service charges and fees to the Legislature; requiring the conference to review revenues and approve budgets and determine payments to clerks of the court; providing for a clerk education program; requiring a recommendation for a statewide case information system; requiring the Florida Association of Court Clerks to establish a depository for funds to pay for the operation of the Clerk of Court Operations Conference and for payments if a clerk's expenditures exceed revenues; creating s. 28.36, F.S.; requiring the clerks of the circuit court to provide a balanced budget to the Clerk of Court Operations Conference; requiring a special budget for a specified period; authorizing clerks to maintain a reserve; limiting the annual increase in the budget for the clerks of the circuit court; creating s. 28.37, F.S.; providing for revenues collected by the clerk in excess of a certain amount to be remitted to the state to pay the costs of the state court system; requiring the Department of Revenue to adopt rules; creating subsection (3) of section 29.008, F.S.; providing that counties may continue to fund legal aid programs as a local requirement with funds approved by the board of county commissioners; amending s. 34.032, F.S.; requiring that certain functions of the deputy clerk of the court be funded by the county; amending s. 34.041, F.S.; increasing the initial filing fees for instituting various civil actions; providing for distribution of the proceeds of the filing fees; prohibiting counties from assessing additional service charges or fees; deleting provisions authorizing the judge to waive the service charge for a civil action; requiring counties and municipalities to pay a service charge for instituting an appellate proceeding; deleting a service charge assessed against plaintiffs; amending s. 34.191, F.S.; requiring that certain fines and forfeitures be remitted to the clerk of the court rather than the county; authorizing the clerk rather than the board of county commissioners to assign the collection of charges and fines to a private attorney or collection agency; amending s. 44.108, F.S.; deleting provisions authorizing a county to levy service charges for court mediation and arbitration; assessing a filing fee on court proceedings; depositing fees in the Mediation and Arbitration Trust Fund; amending s. 55.505, F.S.; increasing the service charge for recording a foreign judgment; amending s. 55.10, F.S.; increasing the fee for serving a certificate of lien; creating s. 55.312, F.S.; imposing a service charge on certain money judgments and settlement agreements in excess of a specified amount, except for dissolution of marriage and breaches of contract; requiring proceeds of the charge to be used to pay court costs; providing for the service charge to be paid by any party or allocated to more than one party; requiring the Department of Revenue to adopt rules to provide for remitting such charge to the department for deposit into the General Revenue Fund; prohibiting an attorney from disbursing certain proceeds until service charge is paid; providing a penalty for failure to pay the service charge; requiring the Department of Revenue to report to the Legislature each year on the amount received in the prior calendar year; amending s. 61.14, F.S.; increasing certain fees assessed for delinquency of child support and alimony; amending s. 61.181, F.S.; continuing the fee imposed on certain payments of alimony and child support; amending s. 142.01, F.S.; providing for the clerk of the court to establish a fine and forfeiture fund in each county to be used to pay the costs of court-related functions; deleting provisions authorizing counties to receive funds to pay the cost of criminal prosecutions and transfer excess funds to the county general fund; amending s. 142.02, F.S.; limiting the use of county funds from a levy of a special tax to pay for the cost of criminal prosecutions; amending s. 142.03, F.S.; requiring that fines and forfeitures be used to pay the costs of court-related functions; amending s. 142.15, F.S.; requiring that fees collected by the sheriff be remitted to the clerk in the county where the crime was alleged to have been committed; amending s. 142.16, F.S.; requiring that fines and forfeitures be remitted to the clerk in the county in which the case was adjudicated; amending s. 145.022; prohibiting a county from appropriating a salary to the clerk of the court based on the fees collected; amending s. 212.20, F.S.; revising the distribution of the proceeds from certain local-option taxes; amending s. 218.21, F.S.; revising the guaranteed entitlement of municipalities to certain state revenue sharing; amending s. 218.35, F.S.; deleting provisions requiring the clerk of the court to file a budget with the state court administrator and the board of county commissioners; amending s. 318.15, F.S.; increasing various fees for persons failing to comply with civil penalties, attend driver improvement school, or appear at a hearing; amending s. 318.18, F.S.; increasing various fees for penalties for noncriminal dispositions; creating additional charges and fees to be paid to the clerk of the court; increasing the fee to dismiss citations and the administrative fee for cases in which adjudication is withheld; amending s. 318.21, F.S.; increasing the portion of civil penalties which are paid to the clerk of the court; amending s. 322.245, F.S.; increasing the delinquency fee for persons charged with specified criminal offenses who fail to comply with the directives of the court; amending s. 327.73, F.S.; increasing the charge for court costs for failure to comply with the court's requirements or failure to pay specified civil penalties; amending s. 382.023, F.S.; increasing the fee for dissolution of marriage; increasing the portion to be retained by the circuit court and the portion remitted to the state; amending s. 713.24, F.S.; increasing the fee for certain services performed by the clerk of the court in transferring liens; adding subsection (3) to s. 721.83, F.S.; providing that filing fees and service charges shall be paid separately for each defendant in a consolidated foreclosure action; amending s. 744.3135, F.S.; increasing the fee paid to the clerk of the court for processing guardian files; amending s. 744.365, F.S.; increasing the fee paid to the clerk of the court for an inventory filed by a guardian; deleting provisions requiring that the county pay the auditing fee when such fee is waived by the court; amending s. 744.3678, F.S.; increasing the fees paid by the guardian to the clerk of the court for filing an annual financial return; prohibiting the clerk of the circuit court from billing the county for a waived fee; amending s. 775.083, F.S.; deleting provisions authorizing counties to impose and collect additional fines to be used to pay for local crime prevention programs; providing for the disposition of fines and costs; creating s. 921.26, F.S.; requiring that certain court costs be collected before any other court cost; creating s. 938.02, F.S.; imposing a court cost against persons who plead guilty or nolo contendere, or who are convicted of any felony, misdemeanor, or criminal traffic offense; prohibiting the court from waiving the court cost; authorizing the collection of unpaid court costs from any moneys or accounts of incarcerated persons; requiring all other court costs to be remitted to the Department of Revenue for deposit in the General Revenue Fund; amending s. 938.05, F.S.; directing court costs to be deposited in the clerk of the courts fine and forfeiture fund instead of the county trust fund; amending s. 938.07, F.S.; amending s. 938.35, F.S.; authorizing the clerk of the court, rather than the county, to collect fines, court costs, and other charges through a private attorney or collection agent; amending ss. 26.012, 27.06, 34.01, 48.20, 316.635, 373.603, 381.0012, 450.121, 560.306, 633.14, 648.44, 817.482, 828.122, 832.05, 876.42, 893.12, 901.01, 901.02, 901.07, 901.08, 901.09, 901.11, 901.12, 901.25, 902.15, 902.17, 902.20, 902.21, 903.03, 903.32, 903.34, 914.22, 923.01, 933.01, 933.06, 933.07, 933.10, 933.101, 933.13, 933.14, 939.02, 939.14, 941.13, 941.14, 941.15, 941.17, 941.18, 947.141, 948.06, 985.05, F.S., relating to various court procedures; redesignating "magistrates" as "trial court judges"; amending ss. 56.071, 56.29, 61.1826, 64.061, 65.061, 69.051, 70.51, 92.142, 112.41, 112.43, 112.47, 162.03, 162.06, 162.09, 173.09, 173.10, 173.11, 173.12, 194.013, 194.034, 194.035, 206.16, 207.016, 320.411, 393.11, 394.467, 397.311, 397.681, 447.207, 447.403, 447.405, 447.407, 447.409, 475.011, 489.127, 489.531, 496.420, 501.207,

501.618, 559.936, 582.23, 631.182, 631.331, 633.052, 744.369, 760.11, 837.011, 838.014, 839.17, 916.107, 938.30, 945.43, F.S., relating to various administrative and judicial proceedings; redesignating "masters" and "general or special masters" as "general or special magistrates"; amending s. 218.25, F.S.; allowing a county to assign, pledge, or set aside certain funds as a trust for payment on indebtedness; repealing ss. 142.04, 142.05, 142.06, 142.07, 142.08, 142.09, 142.10, 142.11, 142.12, 142.13, and 939.18, F.S., relating to compensation to witnesses and others from the fine and forfeiture fund and the imposition of additional court costs used by the county in paying for court facilities; providing effective dates.

—as amended April 25 was read the third time by title.

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

Amendment 1 (565614)—On page 41, line 14, after "*action*" insert: *on a pro rata basis*

Amendment 2 (263988)—On page 42, line 10, after "*applicable*" insert: *pro rata share of the*

Amendment 3 (112954)(with title amendment)—On page 161, between lines 27 and 28, insert:

Section 153. *Notwithstanding any other law, section 29.008, Florida Statutes, shall take effect July 1, 2004.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 9, line 23, after the semicolon (;) insert: providing an effective date for s. 29.008, F.S., relating to court system funding;

On motion by Senator Smith, **CS for CS for SB 1492** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

Consideration of **HB 1051** and **HB 739** was deferred.

CS for CS for SB 2070—A bill to be entitled An act relating to public transit; amending s. 341.031, F.S.; defining new terms for purposes of the Florida Public Transit Act; amending s. 341.041, F.S.; including intercity bus service as part of the transit responsibilities of the Department of Transportation; amending s. 341.051, F.S.; authorizing the department to receive federal and state funding for intercity bus service; amending s. 341.053, F.S.; including intercity bus lines within the state's intermodal freight network; providing that intercity bus service is one the projects eligible for funding under the Intermodal Development Program; amending s. 339.135, F.S.; providing for distribution of funds for the intercity bus program; providing for state matching funds; providing an effective date.

—was read the third time by title.

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

Amendment 1 (922558)—On page 6, line 18, after "systems" insert: *and intercity bus services*

On motion by Senator Sebesta, **CS for CS for SB 2070** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Margolis
Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Saunders
Bennett	Geller	Sebesta
Bullard	Haridopolos	Siplin
Campbell	Hill	Smith
Carlton	Jones	Villalobos
Clary	Klein	Wasserman Schultz
Constantine	Lawson	Webster
Cowin	Lee	Wilson
Crist	Lynn	Wise

Nays—None

On motion by Senator Saunders, by two-thirds vote **HB 1149** was withdrawn from the Committees on Commerce, Economic Opportunities, and Consumer Services; Judiciary; Appropriations Subcommittee on Transportation and Economic Development; and Appropriations.

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

HB 1149—A bill to be entitled An act relating to economic development; amending s. 288.125, F.S.; expanding applicability of the definition of the term "entertainment industry"; creating s. 288.1254, F.S.; creating a program under which certain persons producing, or providing services for the production of, filmed entertainment are eligible for state financial incentives for activities in or relocated to this state; prescribing powers and duties of the Office of Tourism, Trade, and Economic Development and the Office of Film and Entertainment with respect to the program; defining terms; providing an application procedure and approval process; prescribing limits on reimbursement; requiring documentation for requested reimbursement; providing for policies and procedures; providing penalties for fraudulent claims for reimbursement; requiring a report; providing that funding is subject to appropriation; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1756** and by two-thirds vote read the second time by title. On motion by Senator Saunders, by two-thirds vote **HB 1149** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

CS for SB 1758—A bill to be entitled An act relating to trust funds; creating the Entertainment Industry Financial Incentive Trust Fund; providing for sources of funds and purposes; providing for future review and termination or re-creation of the fund; providing a contingent effective date.

—was read the third time by title.

On motion by Senator Saunders, **CS for SB 1758** was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

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

SPECIAL ORDER CALENDAR

On motion by Senator Alexander, by unanimous consent, the Senate resumed consideration of—

CS for CS for SB 1202—A bill to be entitled An act relating to motor vehicle insurance costs; providing a short title; providing legislative findings and purpose; amending s. 119.105, F.S.; prohibiting disclosure of confidential police reports for purposes of commercial solicitation; amending s. 316.066, F.S.; requiring the filing of a sworn statement as a condition to accessing a crash report stating the report will not be used for commercial solicitation; providing a penalty; creating part XIII of ch. 400, F.S., entitled the Health Care Clinic Act; providing for definitions and exclusions; providing for the licensure, inspection, and regulation of health care clinics by the Agency for Health Care Administration; requiring licensure and background screening; providing for clinic inspections; providing rulemaking authority; providing licensure fees; providing fines and penalties for operating an unlicensed clinic; providing for clinic responsibilities with respect to personnel and operations; providing accreditation requirements; providing for injunctive proceedings and agency actions; providing administrative penalties; amending s. 456.0375, F.S.; excluding certain entities from clinic registration requirements; providing retroactive application; amending s. 456.072, F.S.; providing that making a claim with respect to personal injury protection which is upcoded or which is submitted for payment of services not rendered constitutes grounds for disciplinary action; amending s. 626.7451, F.S.; providing a per-policy fee to be remitted to the insurer's Special Investigations Unit, the Division of Insurance Fraud of the Department of Financial Services, and the Office of Statewide Prosecution for purposes of preventing, detecting, and prosecuting motor vehicle insurance fraud; amending s. 627.732, F.S.; providing definitions; amending s. 627.736, F.S.; requiring that medical services be lawfully rendered; providing allowable amounts for specified services; requiring the Department of Health, in consultation with medical boards, to identify certain diagnostic tests; specifying effective dates; providing for application of fee schedules; specifying effective dates; deleting certain provisions governing arbitration; providing for compliance with billing procedures; prohibiting insurers from authorizing physicians to change opinion in reports; providing requirements for physicians with respect to maintaining such reports; expanding provisions providing for a demand letter; providing a medical peer review process; providing requirements for alternative dispute resolution; limiting attorney's fees if matters are not resolved by medical peer review and alternative dispute resolution; authorizing the Financial Services Commission to determine cost savings under personal injury protection benefits under specified conditions; amending s. 627.739, F.S.; specifying application of a deductible amount; amending s. 768.79, F.S.; specifying applicability of provisions relating to offer of judgment and demand for judgment; amending s. 817.234, F.S.; providing that it is a material omission and insurance fraud for a physician or other provider to waive a deductible or copayment or not collect the total amount of a charge; increasing the penalties for certain acts of solicitation of accident victims; providing mandatory minimum penalties; prohibiting certain solicitation of accident victims; providing penalties; prohibiting a person from participating in an intentional motor vehicle accident for the purpose of making motor vehicle tort claims; providing penalties, including mandatory minimum penalties; amending s. 817.236, F.S.; increasing penalties for false and fraudulent motor vehicle insurance application; creating s. 817.2361, F.S.; prohibiting the creation or use of false or fraudulent motor vehicle insurance cards; providing penalties; amending s. 921.0022, F.S.; revising the offense severity ranking chart of the Criminal Punishment Code to reflect changes in penalties and the creation of additional offenses under the act; providing legislative intent with respect to the retroactive application of certain provisions; repealing s. 456.0375, F.S., relating to the regulation of clinics by the Department of Health; requiring certain insurers to make a rate filing to conform the per-policy fee to the requirements of the act; specifying the application of any increase in benefits approved by the Financial Services Commission; providing for application of other provisions of the act; requiring reports; providing an appropriation and authorizing additional positions; providing effective dates.

—which was taken up out of order as previously considered and amended April 30. Pending **Amendment 13 (603098)** by Senator Alexander was withdrawn.

Senator Posey moved the following amendment which was adopted:

Amendment 14 (883456)—On page 8, line 29 through page 9, line 13, delete those lines and insert: *time that the information remains confidential. In lieu of requiring the written sworn statement, an agency may provide crash reports by electronic means to third-party vendors under contract with one or more insurers, but only when such contract states that information from a crash report made confidential by this section will not be used for any commercial solicitation of accident victims by the vendors, or knowingly disclosed by the vendors to any third party for the purpose of such solicitation, during the period of time that the information remains confidential, and only when a copy of such contract is furnished to the agency as proof of the vendor's claimed status. This*

SENATOR DIAZ DE LA PORTILLA PRESIDING

Senator Alexander moved the following amendment which was adopted:

Amendment 15 (740924)—On page 5, lines 24-30, delete those lines.

Senators Alexander, Bennett, Campbell and Smith offered the following amendment which was moved by Senator Alexander:

Amendment 16 (154890)(with title amendment)—On page 33, line 27 through page 75, line 15, delete those lines and insert:

Section 9. Subsections (3), (4), (5), (6), (7), (8), (10), (11), and (12) of section 627.736, Florida Statutes, are amended, present subsection (13) of that section is redesignated as subsection (14), and amended, and a new subsection (13) is added to that section, to read:

627.736 Required personal injury protection benefits; exclusions; priority; claims.—

(3) INSURED'S RIGHTS TO RECOVERY OF SPECIAL DAMAGES IN TORT CLAIMS.—No insurer shall have a lien on any recovery in tort by judgment, settlement, or otherwise for personal injury protection benefits, whether suit has been filed or settlement has been reached without suit. An injured party who is entitled to bring suit under the provisions of ss. 627.730-627.7405, or his or her legal representative, shall have no right to recover any damages for which personal injury protection benefits are paid or payable. The plaintiff may prove all of his or her special damages notwithstanding this limitation, but if special damages are introduced in evidence, the trier of facts, whether judge or jury, shall not award damages for personal injury protection benefits

paid or payable. In all cases in which a jury is required to fix damages, the court shall instruct the jury that the plaintiff shall not recover such special damages for personal injury protection benefits paid or payable.

(4) BENEFITS; WHEN DUE.—Benefits due from an insurer under ss. 627.730-627.7405 shall be primary, except that benefits received under any workers' compensation law shall be credited against the benefits provided by subsection (1) and shall be due and payable as loss accrues, upon receipt of reasonable proof of such loss and the amount of expenses and loss incurred which are covered by the policy issued under ss. 627.730-627.7405. When the Agency for Health Care Administration provides, pays, or becomes liable for medical assistance under the Medicaid program related to injury, sickness, disease, or death arising out of the ownership, maintenance, or use of a motor vehicle, benefits under ss. 627.730-627.7405 shall be subject to the provisions of the Medicaid program.

(a) An insurer may require written notice to be given as soon as practicable after an accident involving a motor vehicle with respect to which the policy affords the security required by ss. 627.730-627.7405.

(b) Personal injury protection insurance benefits paid pursuant to this section shall be overdue if not paid within 30 days after the insurer is furnished written notice of the fact of a covered loss and of the amount of same. If such written notice is not furnished to the insurer as to the entire claim, any partial amount supported by written notice is overdue if not paid within 30 days after such written notice is furnished to the insurer. Any part or all of the remainder of the claim that is subsequently supported by written notice is overdue if not paid within 30 days after such written notice is furnished to the insurer. When an insurer pays only a portion of a claim or rejects a claim, the insurer shall provide at the time of the partial payment or rejection an itemized specification of each item that the insurer had reduced, omitted, or declined to pay and any information that the insurer desires the claimant to consider related to the medical necessity of the denied treatment or to explain the reasonableness of the reduced charge, provided that this shall not limit the introduction of evidence at trial; and the insurer shall include the name and address of the person to whom the claimant should respond and a claim number to be referenced in future correspondence. However, notwithstanding the fact that written notice has been furnished to the insurer, any payment shall not be deemed overdue when the insurer has reasonable proof to establish that the insurer is not responsible for the payment. For the purpose of calculating the extent to which any benefits are overdue, payment shall be treated as being made on the date a draft or other valid instrument which is equivalent to payment was placed in the United States mail in a properly addressed, postpaid envelope or, if not so posted, on the date of delivery. This paragraph does not preclude or limit the ability of the insurer to assert that the claim was unrelated, was not medically necessary, or was unreasonable or that the amount of the charge was in excess of that permitted under, or in violation of, subsection (5). Such assertion by the insurer may be made at any time, including after payment of the claim or after the 30-day time period for payment set forth in this paragraph.

(c) All overdue payments shall bear simple interest at the rate established ~~by the Comptroller~~ under s. 55.03 or the rate established in the insurance contract, whichever is greater, for the year in which the payment became overdue, calculated from the date the insurer was furnished with written notice of the amount of covered loss. Interest shall be due at the time payment of the overdue claim is made.

(d) The insurer of the owner of a motor vehicle shall pay personal injury protection benefits for:

1. Accidental bodily injury sustained in this state by the owner while occupying a motor vehicle, or while not an occupant of a self-propelled vehicle if the injury is caused by physical contact with a motor vehicle.

2. Accidental bodily injury sustained outside this state, but within the United States of America or its territories or possessions or Canada, by the owner while occupying the owner's motor vehicle.

3. Accidental bodily injury sustained by a relative of the owner residing in the same household, under the circumstances described in subparagraph 1. or subparagraph 2., provided the relative at the time of the accident is domiciled in the owner's household and is not himself or herself the owner of a motor vehicle with respect to which security is required under ss. 627.730-627.7405.

4. Accidental bodily injury sustained in this state by any other person while occupying the owner's motor vehicle or, if a resident of this state, while not an occupant of a self-propelled vehicle, if the injury is caused by physical contact with such motor vehicle, provided the injured person is not himself or herself:

a. The owner of a motor vehicle with respect to which security is required under ss. 627.730-627.7405; or

b. Entitled to personal injury benefits from the insurer of the owner or owners of such a motor vehicle.

(e) If two or more insurers are liable to pay personal injury protection benefits for the same injury to any one person, the maximum payable shall be as specified in subsection (1), and any insurer paying the benefits shall be entitled to recover from each of the other insurers an equitable pro rata share of the benefits paid and expenses incurred in processing the claim.

(f) It is a violation of the insurance code for an insurer to fail to timely provide benefits as required by this section with such frequency as to constitute a general business practice.

(g) Benefits shall not be due or payable to or on the behalf of an insured person if that person has committed, by a material act or omission, any insurance fraud relating to personal injury protection coverage under his or her policy, if the fraud is admitted to in a sworn statement by the insured or if it is established in a court of competent jurisdiction. Any insurance fraud shall void all coverage arising from the claim related to such fraud under the personal injury protection coverage of the insured person who committed the fraud, irrespective of whether a portion of the insured person's claim may be legitimate, and any benefits paid prior to the discovery of the insured person's insurance fraud shall be recoverable by the insurer from the person who committed insurance fraud in their entirety. The prevailing party is entitled to its costs and attorney's fees in any action in which it prevails in an insurer's action to enforce its right of recovery under this paragraph.

(5) CHARGES FOR TREATMENT OF INJURED PERSONS.—

(a) Any physician, hospital, clinic, or other person or institution lawfully rendering treatment to an injured person for a bodily injury covered by personal injury protection insurance may charge *the insurer and injured party* only a reasonable amount *pursuant to this section* for the services and supplies rendered, and the insurer providing such coverage may pay for such charges directly to such person or institution lawfully rendering such treatment, if the insured receiving such treatment or his or her guardian has countersigned the *properly completed* invoice, bill, or claim form approved by the Department of Insurance upon which such charges are to be paid for as having actually been rendered, to the best knowledge of the insured or his or her guardian. In no event, however, may such a charge be in excess of the amount the person or institution customarily charges for like services or supplies ~~in cases involving no insurance~~. *With respect to a determination of whether a charge for a particular service, treatment, or otherwise is reasonable, consideration may be given to evidence of usual and customary charges and payments accepted by the provider involved in the dispute, and reimbursement levels in the community and various federal and state medical fee schedules applicable to automobile and other insurance coverages, and other information relevant to the reasonableness of the reimbursement for the service, treatment or supply.*

(b)1. An insurer or insured is not required to pay a claim *or charges:*

a. Made by a broker or by a person making a claim on behalf of a broker*;*~~.~~

b. For any service or treatment that was not lawful at the time rendered;

c. To any person who knowingly submits a false or misleading statement relating to the claim or charges;

d. With respect to a bill or statement that does not substantially meet the applicable requirements of paragraph (d);

e. For any treatment or service that is upcoded, or that is unbundled when such treatment or services should be bundled, in accordance with paragraph (d). To facilitate prompt payment of lawful services, an insurer may change codes that it determines to have been improperly or

incorrectly upcoded or unbundled, and may make payment based on the changed codes, without affecting the right of the provider to dispute the change by the insurer, provided that before doing so, the insurer must contact the health care provider and discuss the reasons for the insurer's change and the health care provider's reason for the coding, or make a reasonable good-faith effort to do so, as documented in the insurer's file; and

f. For medical services or treatment billed by a physician and not provided in a hospital unless such services are rendered by the physician or are incident to his or her professional services and are included on the physician's bill, including documentation verifying that the physician is responsible for the medical services that were rendered and billed.

2. Charges for medically necessary cephalic thermograms, peripheral thermograms, spinal ultrasounds, extremity ultrasounds, video fluoroscopy, and surface electromyography shall not exceed the maximum reimbursement allowance for such procedures as set forth in the applicable fee schedule or other payment methodology established pursuant to s. 440.13.

3. Allowable amounts that may be charged to a personal injury protection insurance insurer and insured for medically necessary nerve conduction testing when done in conjunction with a needle electromyography procedure and both are performed and billed solely by a physician licensed under chapter 458, chapter 459, chapter 460, or chapter 461 who is also certified by the American Board of Electrodiagnostic Medicine or by a board recognized by the American Board of Medical Specialties or the American Osteopathic Association or who holds diplomate status with the American Chiropractic Neurology Board or its predecessors shall not exceed 200 percent of the allowable amount under Medicare Part B for year 2001, for the area in which the treatment was rendered, adjusted annually *to reflect the changes in the annual Medical Care Item of the Consumer Price Index for All Urban Consumers in the South Region as determined by the Bureau of Labor Statistics of the United States Department of Labor for the 12-month period ending June 30 of that year* ~~by an additional amount equal to the medical Consumer Price Index for Florida~~.

4. Allowable amounts that may be charged to a personal injury protection insurance insurer and insured for medically necessary nerve conduction testing that does not meet the requirements of subparagraph 3. shall not exceed the applicable fee schedule or other payment methodology established pursuant to s. 440.13.

5. Effective upon this act becoming a law and before November 1, 2001, allowable amounts that may be charged to a personal injury protection insurance insurer and insured for magnetic resonance imaging services shall not exceed 200 percent of the allowable amount under Medicare Part B for year 2001, for the area in which the treatment was rendered. Beginning November 1, 2001, allowable amounts that may be charged to a personal injury protection insurance insurer and insured for magnetic resonance imaging services shall not exceed 175 percent of the allowable amount under Medicare Part B for year 2001, for the area in which the treatment was rendered, adjusted annually *to reflect the changes in the annual Medical Care Item of the Consumer Price Index for All Urban Consumers in the South Region as determined by the Bureau of Labor Statistics of the United States Department of Labor for the 12-month period ending June 30 of that year* ~~by an additional amount equal to the medical Consumer Price Index for Florida~~, except that allowable amounts that may be charged to a personal injury protection insurance insurer and insured for magnetic resonance imaging services provided in facilities accredited by the American College of Radiology or the Joint Commission on Accreditation of Healthcare Organizations shall not exceed 200 percent of the allowable amount under Medicare Part B for year 2001, for the area in which the treatment was rendered, adjusted annually *to reflect the changes in the annual Medical Care Item of the Consumer Price Index for All Urban Consumers in the South Region as determined by the Bureau of Labor Statistics of the United States Department of Labor for the 12-month period ending June 30 of that year* ~~by an additional amount equal to the medical Consumer Price Index for Florida~~. This paragraph does not apply to charges for magnetic resonance imaging services and nerve conduction testing for inpatients and emergency services and care as defined in chapter 395 rendered by facilities licensed under chapter 395.

6. The Department of Health, in consultation with the appropriate professional licensing boards, shall adopt, by rule, a list of diagnostic tests deemed not be medically necessary for use in the treatment of persons sustaining bodily injury covered by personal injury protection benefits under this section. The initial list shall be adopted by January 1, 2004, and shall be revised from time to time as determined by the Department of Health, in consultation with the respective professional licensing boards. Inclusion of a test on the list of invalid diagnostic tests shall be based on lack of demonstrated medical value and a level of general acceptance by the relevant provider community and shall not be dependent for results entirely upon subjective patient response. Notwithstanding its inclusion on a fee schedule in this subsection, an insurer or insured is not required to pay any charges or reimburse claims for any invalid diagnostic test as determined by the Department of Health.

(c)*1.* With respect to any treatment or service, other than medical services billed by a hospital or other provider for emergency services as defined in s. 395.002 or inpatient services rendered at a hospital-owned facility, the statement of charges must be furnished to the insurer by the provider and may not include, and the insurer is not required to pay, charges for treatment or services rendered more than 35 days before the postmark date of the statement, except for past due amounts previously billed on a timely basis under this paragraph, and except that, if the provider submits to the insurer a notice of initiation of treatment within 21 days after its first examination or treatment of the claimant, the statement may include charges for treatment or services rendered up to, but not more than, 75 days before the postmark date of the statement. The injured party is not liable for, and the provider shall not bill the injured party for, charges that are unpaid because of the provider's failure to comply with this paragraph. Any agreement requiring the injured person or insured to pay for such charges is unenforceable.

2. If, however, the insured fails to furnish the provider with the correct name and address of the insured's personal injury protection insurer, the provider has 35 days from the date the provider obtains the correct information to furnish the insurer with a statement of the charges. The insurer is not required to pay for such charges unless the provider includes with the statement documentary evidence that was provided by the insured during the 35-day period demonstrating that the provider reasonably relied on erroneous information from the insured and either:

a.~~1.~~ A denial letter from the incorrect insurer; or

b.~~2.~~ Proof of mailing, which may include an affidavit under penalty of perjury, reflecting timely mailing to the incorrect address or insurer.

3. For emergency services and care as defined in s. 395.002 rendered in a hospital emergency department or for transport and treatment rendered by an ambulance provider licensed pursuant to part III of chapter 401, the provider is not required to furnish the statement of charges within the time periods established by this paragraph; and the insurer shall not be considered to have been furnished with notice of the amount of covered loss for purposes of paragraph (4)(b) until it receives a statement complying with paragraph (e), or copy thereof, which specifically identifies the place of service to be a hospital emergency department or an ambulance in accordance with billing standards recognized by the Health Care Finance Administration.

4. Each notice of insured's rights under s. 627.7401 must include the following statement in type no smaller than 12 points:

> BILLING REQUIREMENTS.—Florida Statutes provide that with respect to any treatment or services, other than certain hospital and emergency services, the statement of charges furnished to the insurer by the provider may not include, and the insurer and the injured party are not required to pay, charges for treatment or services rendered more than 35 days before the postmark date of the statement, except for past due amounts previously billed on a timely basis, and except that, if the provider submits to the insurer a notice of initiation of treatment within 21 days after its first examination or treatment of the claimant, the statement may include charges for treatment or services rendered up to, but not more than, 75 days before the postmark date of the statement.

~~(d) Every insurer shall include a provision in its policy for personal injury protection benefits for binding arbitration of any claims dispute involving medical benefits arising between the insurer and any person providing medical services or supplies if that person has agreed to accept assignment of personal injury protection benefits. The provision shall specify that the provisions of chapter 682 relating to arbitration shall~~

~~apply. The prevailing party shall be entitled to attorney's fees and costs. For purposes of the award of attorney's fees and costs, the prevailing party shall be determined as follows:~~

~~1. When the amount of personal injury protection benefits determined by arbitration exceeds the sum of the amount offered by the insurer at arbitration plus 50 percent of the difference between the amount of the claim asserted by the claimant at arbitration and the amount offered by the insurer at arbitration, the claimant is the prevailing party.~~

~~2. When the amount of personal injury protection benefits determined by arbitration is less than the sum of the amount offered by the insurer at arbitration plus 50 percent of the difference between the amount of the claim asserted by the claimant at arbitration and the amount offered by the insurer at arbitration, the insurer is the prevailing party.~~

~~3. When neither subparagraph 1. nor subparagraph 2. applies, there is no prevailing party. For purposes of this paragraph, the amount of the offer or claim at arbitration is the amount of the last written offer or claim made at least 30 days prior to the arbitration.~~

~~4. In the demand for arbitration, the party requesting arbitration must include a statement specifically identifying the issues for arbitration for each examination or treatment in dispute. The other party must subsequently issue a statement specifying any other examinations or treatment and any other issues that it intends to raise in the arbitration. The parties may amend their statements up to 30 days prior to arbitration, provided that arbitration shall be limited to those identified issues and neither party may add additional issues during arbitration.~~

(d)~~(c)~~ All statements and bills for medical services rendered by any physician, hospital, clinic, or other person or institution shall be submitted to the insurer on a *properly completed Centers for Medicare and Medicaid Services (CMS)* ~~Health Care Finance Administration~~ 1500 form, UB 92 forms, or any other standard form approved by the department for purposes of this paragraph. All billings for such services *rendered by providers* shall, to the extent applicable, follow the Physicians' Current Procedural Terminology (CPT) *or Healthcare Correct Procedural Coding System (HCPCS), or ICD-9* in *effect for* the year in which services are rendered *and comply with the Centers for Medicare and Medicaid Services (CMS) 1500 form instructions and the American Medical Association Current Procedural Terminology (CPT) Editorial Panel and Healthcare Correct Procedural Coding System (HCPCS). All providers other than hospitals shall include on the applicable claim form the professional license number of the provider in the line or space provided for "Signature of Physician or Supplier, Including Degrees or Credentials." In determining compliance with applicable CPT and HCPCS coding, guidance shall be provided by the Physicians' Current Procedural Terminology (CPT) or the Healthcare Correct Procedural Coding System (HCPCS) in effect for the year in which services were rendered, the Office of the Inspector General (OIG), Physicians Compliance Guidelines, and other authoritative treatises designated by rule by the Agency for Health Care Administration.* No statement of medical services may include charges for medical services of a person or entity that performed such services without possessing the valid licenses required to perform such services. For purposes of paragraph (4)(b), an insurer shall not be considered to have been furnished with notice of the amount of covered loss or medical bills due unless the statements or bills comply with this paragraph*, and unless the statements or bills are properly completed in their entirety as to all material provisions, with all relevant information being provided therein*.

(e)1. At the initial treatment or service provided, each physician, other licensed professional, clinic, or other medical institution providing medical services upon which a claim for personal injury protection benefits is based shall require an insured person, or his or her guardian, to execute a disclosure and acknowledgment form, which reflects at a minimum that:

a. The insured, or his or her guardian, must countersign the form attesting to the fact that the services set forth therein were actually rendered;

b. The insured, or his or her guardian, has both the right and affirmative duty to confirm that the services were actually rendered;

c. The insured, or his or her guardian, was not solicited by any person to seek any services from the medical provider;

d. That the physician, other licensed professional, clinic, or other medical institution rendering services for which payment is being claimed explained the services to the insured or his or her guardian; and

e. If the insured notifies the insurer in writing of a billing error, the insured may be entitled to a certain percentage of a reduction in the amounts paid by the insured's motor vehicle insurer.

2. The physician, other licensed professional, clinic, or other medical institution rendering services for which payment is being claimed has the affirmative duty to explain the services rendered to the insured, or his or her guardian, so that the insured, or his or her guardian, countersigns the form with informed consent.

3. Countersignature by the insured, or his or her guardian, is not required for the reading of diagnostic tests or other services that are of such a nature that they are not required to be performed in the presence of the insured.

4. The licensed medical professional rendering treatment for which payment is being claimed must sign, by his or her own hand, the form complying with this paragraph.

5. The original completed disclosure and acknowledgement form shall be furnished to the insurer pursuant to paragraph (4)(b) and may not be electronically furnished.

6. This disclosure and acknowledgement form is not required for services billed by a provider for emergency services as defined in s. 395.002, for emergency services and care as defined in s. 395.002 rendered in a hospital emergency department, or for transport and treatment rendered by an ambulance provider licensed pursuant to part III of chapter 401.

7. The Financial Services Commission shall adopt, by rule, a standard disclosure and acknowledgment form that shall be used to fulfill the requirements of this paragraph, effective 90 days after such form is adopted and becomes final. The commission shall adopt a proposed rule by October 1, 2003. Until the rule is final, the provider may use a form of its own which otherwise complies with the requirements of this paragraph.

8. As used in this paragraph, "countersigned" means a second or verifying signature, as on a previously signed document, and is not satisfied by the statement "signature on file" or any similar statement.

9. The requirements of this paragraph apply only with respect to the initial treatment or service of the insured by a provider. For subsequent treatments or service, the provider must maintain a patient log signed by the patient, in chronological order by date of service, that is consistent with the services being rendered to the patient as claimed.

(f) Upon written notification by any person, an insurer shall investigate any claim of improper billing by a physician or other medical provider. The insurer shall determine if the insured was properly billed for only those services and treatments that the insured actually received. If the insurer determines that the insured has been improperly billed, the insurer shall notify the insured, the person making the written notification and the provider of its findings and shall reduce the amount of payment to the provider by the amount determined to be improperly billed. If a reduction is made due to such written notification by any person, the insurer shall pay to the person 20 percent of the amount of the reduction, up to $500. If the provider is arrested due to the improper billing, then the insurer shall pay to the person 40 percent of the amount of the reduction, up to $500.

(h) An insurer may not systematically downcode with the intent to deny reimbursement otherwise due. Such action constitutes a material misrepresentation under s. 626.9541(1)(i)2.

(6) DISCOVERY OF FACTS ABOUT AN INJURED PERSON; DISPUTES.—

(a) Every employer shall, if a request is made by an insurer providing personal injury protection benefits under ss. 627.730-627.7405 against whom a claim has been made, furnish forthwith, in a form

approved by the department, a sworn statement of the earnings, since the time of the bodily injury and for a reasonable period before the injury, of the person upon whose injury the claim is based.

(b) Every physician, hospital, clinic, or other medical institution providing, before or after bodily injury upon which a claim for personal injury protection insurance benefits is based, any products, services, or accommodations in relation to that or any other injury, or in relation to a condition claimed to be connected with that or any other injury, shall, if requested to do so by the insurer against whom the claim has been made, furnish forthwith a written report of the history, condition, treatment, dates, and costs of such treatment of the injured person and why the items identified by the insurer were reasonable in amount and medically necessary, together with a sworn statement that the treatment or services rendered were reasonable and necessary with respect to the bodily injury sustained and identifying which portion of the expenses for such treatment or services was incurred as a result of such bodily injury, and produce forthwith, and permit the inspection and copying of, his or her or its records regarding such history, condition, treatment, dates, and costs of treatment; provided that this shall not limit the introduction of evidence at trial. Such sworn statement shall read as follows: "Under penalty of perjury, I declare that I have read the foregoing, and the facts alleged are true, to the best of my knowledge and belief." No cause of action for violation of the physician-patient privilege or invasion of the right of privacy shall be permitted against any physician, hospital, clinic, or other medical institution complying with the provisions of this section. The person requesting such records and such sworn statement shall pay all reasonable costs connected therewith. If an insurer makes a written request for documentation or information under this paragraph within 30 days after having received notice of the amount of a covered loss under paragraph (4)(a), the amount or the partial amount which is the subject of the insurer's inquiry shall become overdue if the insurer does not pay in accordance with paragraph (4)(b) or within 10 days after the insurer's receipt of the requested documentation or information, whichever occurs later. For purposes of this paragraph, the term "receipt" includes, but is not limited to, inspection and copying pursuant to this paragraph. Any insurer that requests documentation or information pertaining to reasonableness of charges or medical necessity under this paragraph without a reasonable basis for such requests as a general business practice is engaging in an unfair trade practice under the insurance code.

(c) In the event of any dispute regarding an insurer's right to discovery of facts *under this section* ~~about an injured person's earnings or about his or her history, condition, or treatment, or the dates and costs of such treatment~~, the insurer may petition a court of competent jurisdiction to enter an order permitting such discovery. The order may be made only on motion for good cause shown and upon notice to all persons having an interest, and it shall specify the time, place, manner, conditions, and scope of the discovery. Such court may, in order to protect against annoyance, embarrassment, or oppression, as justice requires, enter an order refusing discovery or specifying conditions of discovery and may order payments of costs and expenses of the proceeding, including reasonable fees for the appearance of attorneys at the proceedings, as justice requires.

(d) The injured person shall be furnished, upon request, a copy of all information obtained by the insurer under the provisions of this section, and shall pay a reasonable charge, if required by the insurer.

(e) Notice to an insurer of the existence of a claim shall not be unreasonably withheld by an insured.

(7) MENTAL AND PHYSICAL EXAMINATION OF INJURED PERSON; REPORTS.—

(a) Whenever the mental or physical condition of an injured person covered by personal injury protection is material to any claim that has been or may be made for past or future personal injury protection insurance benefits, such person shall, upon the request of an insurer, submit to mental or physical examination by a physician or physicians. The costs of any examinations requested by an insurer shall be borne entirely by the insurer. Such examination shall be conducted within the municipality where the insured is receiving treatment, or in a location reasonably accessible to the insured, which, for purposes of this paragraph, means any location within the municipality in which the insured resides, or any location within 10 miles by road of the insured's residence, provided such location is within the county in which the insured resides. If the examination is to be conducted in a location reasonably accessible to the insured, and if there is no qualified physician to conduct the examination in a location reasonably accessible to the insured, then such examination shall be conducted in an area of the closest proximity to the insured's residence. Personal protection insurers are authorized to include reasonable provisions in personal injury protection insurance policies for mental and physical examination of those claiming personal injury protection insurance benefits. An insurer may not withdraw payment of a treating physician without the consent of the injured person covered by the personal injury protection, unless the insurer first obtains a valid report by a *Florida* physician licensed under the same chapter as the treating physician whose treatment authorization is sought to be withdrawn, stating that treatment was not reasonable, related, or necessary. A valid report is one that is prepared and signed by the physician examining the injured person or reviewing the treatment records of the injured person and is factually supported by the examination and treatment records if reviewed and that has not been modified by anyone other than the physician. The physician preparing the report must be in active practice, unless the physician is physically disabled. Active practice means that during the 3 years immediately preceding the date of the physical examination or review of the treatment records the physician must have devoted professional time to the active clinical practice of evaluation, diagnosis, or treatment of medical conditions or to the instruction of students in an accredited health professional school or accredited residency program or a clinical research program that is affiliated with an accredited health professional school or teaching hospital or accredited residency program. *The physician preparing a report at the request of an insurer and physicians rendering expert opinions on behalf of persons claiming medical benefits for personal injury protection, or on behalf of an insured through an attorney or another entity, shall maintain, for at least 3 years, copies of all examination reports as medical records and shall maintain, for at least 3 years, records of all payments for the examinations and reports. Neither an insurer nor any person acting at the direction of or on behalf of an insurer may materially change an opinion in a report prepared under this paragraph or direct the physician preparing the report to change such opinion. The denial of a payment as the result of such a changed opinion constitutes a material misrepresentation under s. 626.9541(1)(i)2.; however, this provision does not preclude the insurer from calling to the attention of the physician errors of fact in the report based upon information in the claim file.*

(b) If requested by the person examined, a party causing an examination to be made shall deliver to him or her a copy of every written report concerning the examination rendered by an examining physician, at least one of which reports must set out the examining physician's findings and conclusions in detail. After such request and delivery, the party causing the examination to be made is entitled, upon request, to receive from the person examined every written report available to him or her or his or her representative concerning any examination, previously or thereafter made, of the same mental or physical condition. By requesting and obtaining a report of the examination so ordered, or by taking the deposition of the examiner, the person examined waives any privilege he or she may have, in relation to the claim for benefits, regarding the testimony of every other person who has examined, or may thereafter examine, him or her in respect to the same mental or physical condition. If a person unreasonably refuses to submit to an examination, the personal injury protection carrier is no longer liable for subsequent personal injury protection benefits.

(8) APPLICABILITY OF PROVISION REGULATING ATTORNEY'S FEES.—With respect to any dispute under the provisions of ss. 627.730-627.7405 between the insured and the insurer, or between an assignee of an insured's rights and the insurer, the provisions of s. 627.428 shall apply, except as provided in subsection (11).

(10) An insurer may negotiate and enter into contracts with licensed health care providers for the benefits described in this section, referred to in this section as "preferred providers," which shall include health care providers licensed under chapters 458, 459, 460, 461, and 463. The insurer may provide an option to an insured to use a preferred provider at the time of purchase of the policy for personal injury protection benefits, if the requirements of this subsection are met. If the insured elects to use a provider who is not a preferred provider, whether the insured purchased a preferred provider policy or a nonpreferred provider policy, the medical benefits provided by the insurer shall be as required by this section. If the insured elects to use a provider who is a preferred provider, the insurer may pay medical benefits in excess of the benefits

required by this section and may waive or lower the amount of any deductible that applies to such medical benefits. If the insurer offers a preferred provider policy to a policyholder or applicant, it must also offer a nonpreferred provider policy. The insurer shall provide each policyholder with a current roster of preferred providers in the county in which the insured resides at the time of purchase of such policy, and shall make such list available for public inspection during regular business hours at the principal office of the insurer within the state.

(11) DEMAND LETTER.—

(a) As a condition precedent to filing any action for ~~an overdue claim for~~ benefits under *this section* ~~paragraph (4)(b)~~, the insurer must be provided with written notice of an intent to initiate litigation~~; provided, however, that, except with regard to a claim or amended claim or judgment for interest only which was not paid or was incorrectly calculated, such notice is not required for an overdue claim that the insurer has denied or reduced, nor is such notice required if the insurer has been provided documentation or information at the insurer's request pursuant to subsection (6)~~. Such notice may not be sent until the claim is overdue, including any additional time the insurer has to pay the claim pursuant to paragraph (4)(b).

(b) The notice required shall state that it is a "demand letter under s. 627.736(11)" and shall state with specificity:

1. The name of the insured upon which such benefits are being sought*, including a copy of the assignment giving rights to the claimant if the claimant is not the insured*.

2. The claim number or policy number upon which such claim was originally submitted to the insurer.

3. To the extent applicable, the name of any medical provider who rendered to an insured the treatment, services, accommodations, or supplies that form the basis of such claim; and an itemized statement specifying each exact amount, the date of treatment, service, or accommodation, and the type of benefit claimed to be due. A completed *form satisfying the requirements of paragraph (5)(d) or the lost-wage statement previously submitted* ~~Health Care Finance Administration 1500 form, UB 92, or successor forms approved by the Secretary of the United States Department of Health and Human Services~~ may be used as the itemized statement. *To the extent that the demand involves an insurer's withdrawal of payment under paragraph (7)(a) for future treatment not yet rendered, the claimant shall attach a copy of the insurer's notice withdrawing such payment and an itemized statement of the type, frequency, and duration of future treatment claimed to be reasonable and medically necessary*.

(c) Each notice required by this *subsection* ~~section~~ must be delivered to the insurer by United States certified or registered mail, return receipt requested. Such postal costs shall be reimbursed by the insurer if so requested by the *claimant* ~~provider~~ in the notice, when the insurer pays the ~~overdue~~ claim. Such notice must be sent to the person and address specified by the insurer for the purposes of receiving notices under this *subsection* ~~section, on the document denying or reducing the amount asserted by the filer to be overdue~~. Each licensed insurer, whether domestic, foreign, or alien, *shall* ~~may~~ file with the *office* ~~department~~ designation of the name and address of the person to whom notices pursuant to this *subsection* ~~section~~ shall be sent *which the office shall make available on its Internet website* ~~when such document does not specify the name and address to whom the notices under this section are to be sent or when there is no such document~~. The name and address on file with the *office* ~~department~~ pursuant to s. 624.422 shall be deemed the authorized representative to accept notice pursuant to this *subsection* ~~section~~ in the event no other designation has been made.

(d) If, within *15* ~~7 business~~ days after receipt of notice by the insurer, the overdue claim specified in the notice is paid by the insurer together with applicable interest and a penalty of 10 percent of the overdue amount paid by the insurer, subject to a maximum penalty of $250, no action ~~for nonpayment or late payment~~ may be brought against the insurer. *If the demand involves an insurer's withdrawal of payment under paragraph (7)(a) for future treatment not yet rendered, no action may be brought against the insurer if, within 15 days after its receipt of the notice, the insurer mails to the person filing the notice a written statement of the insurer's agreement to pay for such treatment in accordance with the notice and to pay a penalty of 10 percent, subject to a maximum penalty of $250, when it pays for such future treatment in accordance with the requirements of this section.* To the extent the insurer determines not to pay *any* ~~the overdue~~ amount *demanded*, the penalty shall not be payable in any *subsequent* action ~~for nonpayment or late payment~~. For purposes of this subsection, payment *or the insurer's agreement* shall be treated as being made on the date a draft or other valid instrument that is equivalent to payment*, or the insurer's written statement of agreement,* is placed in the United States mail in a properly addressed, postpaid envelope, or if not so posted, on the date of delivery. The insurer shall not be obligated to pay any attorney's fees if the insurer pays the claim *or mails its agreement to pay for future treatment* within the time prescribed by this subsection.

(e) The applicable statute of limitation for an action under this section shall be tolled for a period of 15 business days by the mailing of the notice required by this subsection.

(f) Any insurer making a general business practice of not paying valid claims until receipt of the notice required by this *subsection* ~~section~~ is engaging in an unfair trade practice under the insurance code.

(12) CIVIL ACTION FOR INSURANCE FRAUD.—An insurer shall have a cause of action against any person convicted of, or who, regardless of adjudication of guilt, pleads guilty or nolo contendere to insurance fraud under s. 817.234, patient brokering under s. 817.505, or kickbacks under s. 456.054, associated with a claim for personal injury protection benefits in accordance with this section. An insurer prevailing in an action brought under this subsection may recover compensatory, consequential, and punitive damages subject to the requirements and limitations of part II of chapter 768, and attorney's fees and costs incurred in litigating a cause of action against any person convicted of, or who, regardless of adjudication of guilt, pleads guilty or nolo contendere to insurance fraud under s. 817.234, patient brokering under s. 817.505, or kickbacks under s. 456.054, associated with a claim for personal injury protection benefits in accordance with this section.

(13) If the Financial Services Commission determines

And the title is amended as follows:

On page 2, lines 13-30, delete those lines and insert: be lawfully rendered; providing that benefits are void if fraud is committed; providing for award of attorney's fees in actions to recover benefits; providing that consideration shall be given to certain factors regarding the reasonableness of charges; specifying claims or charges that an insurer is not required to pay; requiring the Department of Health, in consultation with medical boards, to identify certain diagnostic tests as noncompensable; specifying effective dates; deleting certain provisions governing arbitration; providing for compliance with billing procedures; requiring certain providers to require an insured to sign a disclosure form; prohibiting insurers from authorizing physicians to change opinion in reports; providing requirements for physicians with respect to maintaining such reports; limiting the application of contingency risk multipliers for awards of attorney's fees; expanding provisions providing for a demand letter;

MOTION

On motion by Senator Alexander, the rules were waived to allow the following amendments to be considered:

Senators Alexander, Bennett, Campbell and Smith offered the following amendments to **Amendment 16** which were moved by Senator Alexander and adopted:

Amendment 16A (680510)—On page 8, line 20 through page 9, line 31, delete those lines and insert: percent of the allowable amount under *the participating physician fee schedule of* Medicare Part B for year 2001, for the area in which the treatment was rendered, adjusted annually *on July 1 to reflect the prior calendar year's changes in the annual Medical Care Item of the Consumer Price Index for All Urban Consumers in the South Region as determined by the Bureau of Labor Statistics of the United States Department of Labor* ~~by an additional amount equal to the medical Consumer Price Index for Florida~~.

4. Allowable amounts that may be charged to a personal injury protection insurance insurer and insured for medically necessary nerve conduction testing that does not meet the requirements of subparagraph 3. shall not exceed the applicable fee schedule or other payment methodology established pursuant to s. 440.13.

5. Effective upon this act becoming a law and before November 1, 2001, allowable amounts that may be charged to a personal injury protection insurance insurer and insured for magnetic resonance imaging services shall not exceed 200 percent of the allowable amount under Medicare Part B for year 2001, for the area in which the treatment was rendered. Beginning November 1, 2001, allowable amounts that may be charged to a personal injury protection insurance insurer and insured for magnetic resonance imaging services shall not exceed 175 percent of the allowable amount under *the participating physician fee schedule of* Medicare Part B for year 2001, for the area in which the treatment was rendered, adjusted annually *on July 1 to reflect the prior calendar year's changes in the annual Medical Care Item of the Consumer Price Index for All Urban Consumers in the South Region as determined by the Bureau of Labor Statistics of the United States Department of Labor* ~~by an additional amount equal to the medical Consumer Price Index for Florida~~, except that allowable amounts that may be charged to a personal injury protection insurance insurer and insured for magnetic resonance imaging services provided in facilities accredited by the American College of Radiology or the Joint Commission on Accreditation of Healthcare Organizations shall not exceed 200 percent of the allowable amount under the *participating physician fee schedule of* Medicare Part B for year 2001, for the area in which the treatment was rendered, adjusted annually *on July 1 to reflect the prior calendar year's changes in the annual Medical Care Item of the Consumer Price Index for All Urban Consumers in the South Region as determined by the Bureau of Labor Statistics of the United States Department of Labor* ~~by~~

Amendment 16B (212998)—On page 12, line 3, delete "(e)" and insert: *(d)* ~~(e)~~

Amendment 16 as amended was adopted.

Senator Campbell moved the following amendment:

Amendment 17 (605232)(with title amendment)—On page 75, between lines 24 and 25, insert:

Section 10. Subsection (1) of section 627.737, Florida Statutes, is amended to read:

627.737 Tort exemption; limitation on right to damages; punitive damages.—

(1) Every owner, registrant, operator, or occupant of a motor vehicle with respect to which security has been provided as required by ss. 627.730-627.7405, and every person or organization legally responsible for her or his acts or omissions, is hereby exempted from tort liability for damages because of bodily injury, sickness, or disease arising out of the ownership, operation, maintenance, or use of such motor vehicle in this state to the extent that the benefits described in s. 627.736(1) are *paid* ~~payable for such injury, or would be payable but for any exclusion authorized by ss. 627.730-627.7405, under any insurance policy or other method of security complying with the requirements of s. 627.733, or by an owner personally liable under s. 627.733 for the payment of such benefits~~, unless a person is entitled to maintain an action for pain, suffering, mental anguish, and inconvenience for such injury under the provisions of subsection (2).

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 2, after the semicolon (;) insert: amending s. 627.737, F.S.; providing that the liability exemption applies to the extent that benefits are paid;

Senator Campbell moved the following substitute amendment which was adopted:

Amendment 18 (222048)(with title amendment)—On page 75, between lines 24 and 25, insert:

Section 10. Subsection (1) of section 627.737, Florida Statutes, is amended to read:

627.737 Tort exemption; limitation on right to damages; punitive damages.—

(1) Every owner, registrant, operator, or occupant of a motor vehicle with respect to which security has been provided as required by ss. 627.730-627.7405, and every person or organization legally responsible for her or his acts or omissions, is hereby exempted from tort liability for damages because of bodily injury, sickness, or disease arising out of the ownership, operation, maintenance, or use of such motor vehicle in this state to the extent that the benefits described in s. 627.736(1) are payable for such injury~~, or would be payable but for any exclusion authorized by ss. 627.730-627.7405,~~ under any insurance policy or other method of security complying with the requirements of s. 627.733, or by an owner personally liable under s. 627.733 for the payment of such benefits, unless a person is entitled to maintain an action for pain, suffering, mental anguish, and inconvenience for such injury under the provisions of subsection (2).

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 2, after the semicolon (;) insert: amending s. 627.737, F.S.; providing that the liability exemption does not apply to personal injury protection benefits that would be payable but for any authorized exclusion;

Senator Alexander moved the following amendment which was adopted:

Amendment 19 (051238)—On page 75, delete line 31 and insert: deductibles, in amounts of $250, $500, *and* $1,000~~, and $2,000~~. *The*

Senator Campbell moved the following amendment which was adopted:

Amendment 20 (233662)(with title amendment)—On page 76, lines 9-17, delete section 11

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, lines 4-6, delete those lines and insert: deductible amount;

Senator Campbell moved the following amendment:

Amendment 21 (114812)—On page 77, line 13 through page 78, line 25, delete those lines and insert:

(8)*(a)* It is unlawful for any person *intending to defraud any other person*~~, in his or her individual capacity or in his or her capacity as a public or private employee, or for any firm, corporation, partnership, or association,~~ to solicit or cause to be solicited any business from a person involved in a motor vehicle accident ~~by any means of communication other than advertising directed to the public~~ for the purpose of making, *adjusting, or settling* motor vehicle tort claims or claims for personal injury protection benefits required by s. 627.736. ~~Charges for any services rendered by a health care provider or attorney who violates this subsection in regard to the person for whom such services were rendered are noncompensable and unenforceable as a matter of law.~~ Any person who violates the provisions of this *paragraph* ~~subsection~~ commits a felony of the *second* ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. *Such person shall be sentenced to a minimum term of imprisonment of 2 years.*

(b)1. It is unlawful for any person to solicit or cause to be solicited any business from a person involved in a motor vehicle accident, by any means of communication other than advertising directed to the public, for the purpose of making, adjusting or settling motor vehicle tort claims or claims for personal injury protection benefits required by s. 627.736, within 60 days after the occurrence of the motor vehicle accident. Any person who violates the provisions of this subparagraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 773.083, or s. 775.084.

2. It is unlawful for any person, at any time after 60 days have elapsed from the occurrence of a motor vehicle accident, to solicit or cause to be solicited any business from a person involved in a motor vehicle accident, by means of any personal or telephone contact at the person's residence, other than by mail or by advertising directed to the public, for the purpose of making, adjusting or settling motor vehicle tort claims or claims for personal injury protection benefits required by s. 627.736. Any person who violates the provisions of this subparagraph commits a felony

of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Charges for any service rendered by any person who violates this subsection in regard to the person for whom such services were rendered are noncompensable and unenforceable as a matter of law. Any contract, release or other document executed by a person involved in a motor vehicle accident, or a family member of such person, related to a violation of this section is unenforceable by the person who violated this section or that person's principal or successor in interest.

(d) For purposes of this section, the term "solicit" does not include an insurance company making contact with its insured, nor does it include an insurance company making contact with a person involved in a motor vehicle accident where the person involved in a motor vehicle accident has directly or indirectly requested to be contacted by the insurance company.

Senator Alexander moved the following substitute amendment which was adopted:

Amendment 22 (220436)—On page 77, lines 13-27 delete those lines and insert:

(8)*(a)* It is unlawful for any person *intending to defraud any other person*~~, in his or her individual capacity or in his or her capacity as a public or private employee, or for any firm, corporation, partnership, or association,~~ to solicit or cause to be solicited any business from a person involved in a motor vehicle accident ~~by any means of communication other than advertising directed to the public~~ for the purpose of making, *adjusting, or settling* motor vehicle tort claims or claims for personal injury protection benefits required by s. 627.736. ~~Charges for any services rendered by a health care provider or attorney who violates this subsection in regard to the person for whom such services were rendered are noncompensable and unenforceable as a matter of law.~~ Any person who violates the provisions of this *paragraph* ~~subsection~~ commits a felony of the *second* ~~third~~ degree,

Senator Alexander moved the following amendments which were adopted:

Amendment 23 (673004)—On page 94, line 9 through page 95, line 14, delete those lines and insert:

Section 16. *The amendment made by this act to section 456.0375(1)(b), Florida Statutes, is intended to clarify the legislative intent of this provision as it existed at the time the provision initially took effect. Accordingly, section 456.0375(1)(b), Florida Statutes, as amended by this act shall operate retroactively to October 1, 2001.*

Section 17. *Effective March 1, 2004, section 456.0375, Florida Statutes, is repealed.*

Section 18. *(1) On or before January 1, 2004, every insurer writing with a managing general agent and having a per-policy fee in its rate filing shall make a rate filing under section 627.062 or section 627.0651, Florida Statutes, to conform its per-policy fee to the requirements of this act.*

(2) Any increase in benefits approved by the Financial Services Commission under subsection (12) of section 627.736, Florida Statutes, as added by this act, shall apply to new and renewal policies that are effective 120 days after the order issued by the commission becomes final. Subsection (2) of section 627.739, Florida Statutes, as amended by this act, shall apply to new and renewal policies issued on or after October 1, 2003.

(3) Subsection (11) of section 627.736, Florida Statutes, as amended by this act, shall apply to actions filed on and after the effective date of this act.

(4) Paragraph (7)(a) of section 627.736, Florida

Amendment 24 (751956)—On page 95, line 26, after the period (.) insert: *The report by the Department of Financial Services shall include a study of the medical and legal costs associated with personal injury protection insurance claims.*

Amendment 25 (713452)(with title amendment)—On page 95, line 31, insert:

Section 21. *(1) Effective October 1, 2007, sections 627.730, 627.731, 627.732, 627.733, 627.734, 627.736, 627.737, 627.739, 627.7401, 627.7403, and 627.7405, Florida Statutes, constituting the Florida Motor Vehicle No-Fault Law, are repealed, unless reenacted by the Legislature during the 2006 Regular Session and such reenactment becomes law to take effect for policies issued or renewed on or after October 1, 2006.*

(2) Insurers are authorized to provide, in all policies issues or renewed after October 1, 2006, that such policies may terminate on or after October 1, 2007, as provided in subsection (1).

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 11, after the semicolon (;) insert: repealing of ss. 627.730, 627.731, 627.732, 627.733, 627.734, 627.736, 627.737, 627.739, 627.7401, 627.7403, and 627.7405, F.S., relating to the Florida Motor Vehicle No-Fault Law, unless reenacted by the 2005 Regular Session, and specifying certain effect; authorizing insurers to include in policies a notice of termination relating to such repeal;

Pursuant to Rule 4.19, **CS for CS for SB 1202** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

BILLS ON THIRD READING

HB 915—A bill to be entitled An act relating to K-20 education accountability; amending s. 1008.31, F.S.; expanding legislative intent for the K-20 education performance accountability system; providing requirements and an implementation schedule for performance-based funding; providing mission, goals, and measures; requiring collection of certain data; requiring the State Board of Education to conduct an assessment study; authorizing adoption of equivalent scores for purpose of graduation; providing an effective date.

—was read the third time by title.

On motion by Senator Bennett, **HB 915** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Bennett	Geller	Saunders
Bullard	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

Consideration of **HB 1757** was deferred.

SB 2002—A bill to be entitled An act relating to law enforcement officer training; amending s. 943.16, F.S.; requiring trainees attending approved basic recruit training programs to reimburse an employing agency for tuition, other course expenses, wages, and benefits paid by the agency if the employee terminates his or her employment or appointment within a specified time period after graduation; providing a schedule for reimbursement of a trainee's wages and benefits; authorizing an employing agency to institute civil action under certain circumstances; providing definitions; providing applicability; authorizing an employing

agency to waive reimbursement requirements under certain circumstances; providing a conditional effective date.

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

On motion by Senator Crist, **SB 2002** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Bennett	Geller	Saunders
Bullard	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

On motion by Senator Margolis, by two-thirds vote **HB 953** was withdrawn from the Committees on Health, Aging, and Long-Term Care; Criminal Justice; and Regulated Industries.

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

HB 953—A bill to be entitled An act relating to weight-loss pills; defining the term "weight-loss pill"; prohibiting the sale or other transfer of weight-loss pills to minors; providing a defense; requiring establishments selling such pills at retail to post notice that such sale is unlawful; providing penalties; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1626** as amended and by two-thirds vote read the second time by title. On motion by Senator Margolis, by two-thirds vote **HB 953** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Bennett	Geller	Saunders
Bullard	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

CS for CS for SB 1740—A bill to be entitled An act relating to dependent children; amending s. 39.202, F.S.; clarifying a right of access to records for certain attorneys and providing a right to access for certain school employees and certain employees and volunteers of a certified domestic violence center; authorizing the Department of Children and Family Services and specified law enforcement agencies to release certain information when a child is under investigation or supervision; providing an exception; providing that persons releasing such information are not subject to civil or criminal penalty for the release; creating s. 39.0136, F.S.; providing standards for background screening of persons seeking approval as relative and nonrelative caregivers of children; enumerating offenses the existence of which will cause disapproval; specifying the date that application of standards for background screening becomes effective; amending ss. 39.301, 39.401, 39.521, F.S.; clarifying the screening that must occur for purposes of a child protective investigation, for the placement of a child, and for providing information to the court; amending s. 39.812, F.S.; requiring certain screening of prospective adoptive parents; amending s. 63.037, F.S.; exempting adoption proceedings initiated under ch. 39, F.S., from certain provisions of s. 63.092, F.S., relating to records checks; amending s. 63.092, F.S.; conforming a cross-reference; amending s. 119.07, F.S.; providing for the venue of actions sought to release exempted public records under ch. 39, F.S.; creating s. 409.017, F.S.; providing standards for background screening of persons in a household seeking licensure as a foster home; enumerating offenses the existence of which will cause disapproval; providing for rescreening; imposing a duty upon the licensee; specifying the date that application of the standards for background screening becomes effective; amending s. 409.175, F.S.; redefining the term "personnel" and deleting the definition of the term "screening"; creating s. 409.177, F.S.; providing standards for background screening for child-placing and residential child-caring agencies; providing for denial of a license and exclusion from employment; creating s. 409.1759, F.S.; providing for background screening for summer camp personnel; providing an exception; repealing s. 435.045, F.S., relating to requirements for placement of dependent children; amending s. 937.021, F.S.; providing for the filing of police reports for missing children in the county or municipality where the child was last seen; providing an effective date.

—was read the third time by title.

On motion by Senator Lynn, **CS for CS for SB 1740** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Bennett	Geller	Saunders
Bullard	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1757—A bill to be entitled An act relating to the Florida Clean Indoor Air Act; revising various provisions of pt. II of ch. 386, F.S., the Florida Clean Indoor Air Act, for the purpose of implementing s. 20, Art. X of the State Constitution; amending s. 386.201, F.S.; providing a popular name; amending s. 386.202, F.S.; revising legislative intent; amending s. 386.203, F.S.; providing definitions; amending s. 386.204, F.S.; revising exceptions to the prohibition on smoking in an enclosed indoor workplace; amending s. 386.206, F.S.; providing for continuation of requirements with respect to the posting of signs stating that smoking is not permitted in an indoor workplace; providing for expiration of such provisions; requiring the proprietor or person in charge of an enclosed indoor workplace to develop and implement a policy regarding smoking prohibitions; amending s. 386.207, F.S., relating to administration, enforcement, and civil penalties; removing a cross reference, to conform; eliminating exemptions; amending s. 386.208, F.S.; clarifying language; reenacting s. 386.209, F.S., which preempts regulation of smoking to the state; amending s. 386.211, F.S., relating to public announcements in mass transportation terminals, to conform; reenacting s. 386.212, F.S., which prohibits any person under 18 years of age from smoking tobacco in, on, or within 1,000 feet of the real property comprising a public or private elementary, middle, or secondary school and provides penalties therefor; repealing s. 386.205, F.S., relating to designation of smoking areas; providing severability; providing an effective date.

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

On motion by Senator Smith, **HB 1757** as amended was passed and certified to the House. The vote on passage was:

Yeas—34

Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Saunders
Bennett	Geller	Sebesta
Bullard	Haridopolos	Siplin
Carlton	Hill	Smith
Clary	Jones	Webster
Constantine	Klein	Wilson
Cowin	Lee	Wise
Crist	Lynn	
Dawson	Margolis	

Nays—3

Campbell	Lawson	Miller

Vote after roll call:

Yea—Villalobos, Wasserman Schultz

SB 118—A bill to be entitled An act relating to persons with disabilities; amending ss. 413.402, 413.4021, F.S., and s. 3 of chapter 2002-286, Laws of Florida; making the program for personal care attendants for spinal cord injury victims permanent; providing criteria for participation in the program; repealing s. 400.506(10)(c), F.S., relating to monthly visits by a registered nurse; providing an effective date.

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

MOTION

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

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

Amendment 1 (351242)(with title amendment)—On page 5, lines 3-6, delete section 4

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 8 and 9, delete those lines and insert: providing

On motion by Senator Wise, **SB 118** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Alexander	Fasano	Posey
Argenziano	Garcia	Pruitt
Aronberg	Geller	Saunders
Atwater	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	Klein	Villalobos
Carlton	Lawson	Wasserman Schultz
Clary	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise
Diaz de la Portilla	Miller	
Dockery	Peaden	

Nays—None

Vote after roll call:

Yea—Constantine, Cowin

SB 594—A bill to be entitled An act relating to motor vehicle insurance; amending s. 627.7283, F.S.; requiring an insurer to refund the entire unearned premium to any member of the armed services who cancels a policy under certain circumstances; providing an effective date.

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

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

Amendment 1 (763468)(with title amendment)—On page 1 between lines 28 and 29, insert:

Section 2. Subsection (32) is added to section 163.3164, Florida Statutes, to read:

163.3164 Local Government Comprehensive Planning and Land Development Regulation Act; definitions.—As used in this act:

(32) "Military installation" means a base, camp, post, homeport facility for any ship, or other location under the jurisdiction of the Department of Defense, including any leased facility. Such term does not include any facility used primarily for civil works, docking facilities, rivers and harbors projects, or flood control projects.

Section 3. Paragraph (a) of subsection (6) and paragraph (l) of subsection (10) of section 163.3177, Florida Statutes, are amended to read:

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

(6) In addition to the requirements of subsections (1)-(5), the comprehensive plan shall include the following elements:

(a) A future land use plan element designating proposed future general distribution, location, and extent of the uses of land for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public buildings and grounds, other public facilities, and other categories of the public and private uses of land. Each future land use category must be defined in terms of uses included, and must include standards to be followed in the control and distribution of population densities and building and structure intensities. The proposed distribution, location, and extent of the various categories of land use shall be shown on a land use map or map series which shall be supplemented by goals, policies, and measurable objectives. The future land use plan shall be based upon surveys, studies, and data regarding the area, including the amount of land required to accommodate anticipated growth; the projected population of the area; the character of undeveloped land; the availability of public services; the need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community; *the compatibility with military installations;* and, in rural communities, the need for job creation, capital investment, and economic development that will strengthen and diversify the community's economy. The future land use plan may designate areas for future planned development use involving combinations of types of uses for which special regulations may be necessary to ensure development in accord with the principles and standards of the comprehensive plan and this act. In addition, for rural communities, the amount of land designated for future planned industrial use shall be based upon surveys and studies that reflect the need for job creation, capital investment, and the necessity to strengthen and diversify the local economies, and shall not be limited solely by the projected population of the rural community. The future land use plan of a county may also designate areas for possible future municipal incorporation. The land use maps or map series shall generally identify and depict historic district boundaries and shall designate historically significant properties meriting protection. The future land use element must clearly identify the land use categories in which public schools are an allowable use. When delineating the land use categories in which public schools are an allowable use, a local government shall include in the categories sufficient land proximate to residential development to meet the projected needs for schools in coordination with public school boards and may establish differing criteria for schools of different type or size. Each local government shall include lands contiguous to existing school sites, to the maximum extent possible, within the land use categories in which public schools are an allowable use. All comprehensive plans must comply with the school siting requirements of this paragraph no later than October 1, 1999. The failure by a local government to comply with these school siting requirements by October 1, 1999, will result in the prohibition of the local government's ability to amend the local comprehensive plan, except for plan amendments described in s. 163.3187(1)(b), until the school siting requirements are met. Amendments proposed by a local government for purposes of identifying the land use categories in which public schools are an allowable use or for adopting or amending the

school-siting maps pursuant to s. 163.31776(3) are exempt from the limitation on the frequency of plan amendments contained in s. 163.3187. The future land use element shall include criteria that encourage the location of schools proximate to urban residential areas to the extent possible and shall require that the local government seek to collocate public facilities, such as parks, libraries, and community centers, with schools to the extent possible and to encourage the use of elementary schools as focal points for neighborhoods. For schools serving predominantly rural counties, defined as a county with a population of 100,000 or fewer, an agricultural land use category shall be eligible for the location of public school facilities if the local comprehensive plan contains school siting criteria and the location is consistent with such criteria.

(10) The Legislature recognizes the importance and significance of chapter 9J-5, Florida Administrative Code, the Minimum Criteria for Review of Local Government Comprehensive Plans and Determination of Compliance of the Department of Community Affairs that will be used to determine compliance of local comprehensive plans. The Legislature reserved unto itself the right to review chapter 9J-5, Florida Administrative Code, and to reject, modify, or take no action relative to this rule. Therefore, pursuant to subsection (9), the Legislature hereby has reviewed chapter 9J-5, Florida Administrative Code, and expresses the following legislative intent:

(l) The state land planning agency shall consider land use compatibility issues in the vicinity of all airports in coordination with the Department of Transportation*, and for military installations in coordination with the Department of Defense*.

Section 4. Section 163.31779, Florida Statutes, is created to read:

163.31779 Military Installation Memorandum of Agreement.—

(1)(a) The county or counties in which a military installation is either wholly or partially located and those municipalities adjacent to or proximate to the military installation, as determined by the state land planning agency based on the recommendations of the governing bodies of the affected counties and municipalities and the commanding officer whose primary responsibility is the operation of the military installation, shall enter into a memorandum of agreement with the military installation to coordinate future land use changes including the local government comprehensive plan, land development regulations, and development orders.

(b) The agreements shall be completed in accordance with a schedule published by the state land planning agency. The schedule must establish staggered due dates for completion of such agreements that are executed by both the local government and the military installation, concluding by July 1, 2004.

(c) The military installation, the county or counties in which the military installation either wholly or partially is located and the affected municipalities that are adjacent to or proximate to the military installation as determined by the state land planning agency are encouraged to adopt a single memorandum of agreement to which all join as parties. The state land planning agency shall assemble and make available model agreements meeting the requirements of this section and shall notify local governments and military installations of the requirements of this section. The state land planning agency shall be available to informally review proposed agreements.

(2) In preparing to adopt a memorandum of agreement, the local government must seek advice from residents of the local government and others who are likely to be affected by its provisions including, but not limited to; builders, developers, conservation groups, representatives of the United States Armed Services, and neighborhood groups.

(3) At a minimum, the memorandum of agreement must:

(a) Coordinate planning activities between the local government and military installation to determine how the public health, safety, and welfare is likely to be affected by the proximity of development to the military installation, operating areas, and ranges.

(b) Coordinate planning activities between the local government and military installation to make reasonable provisions for preserving open space and compatible land uses near the military installation.

(c) Coordinate planning activities between the local government and military installation to evaluate land proximate to the military installation taking into consideration the findings of any Department of Defense Joint Land Use Study Program, or the findings of any Air Installation Compatible Use Zone (AICUZ) and of any Installation Environmental Noise Management Program (IENMP, which was formerly the Installation Compatible Use Zone, or ICUZ, program).

(d) Provide for a process by which the affected local governments and military installation coordinate and share information relating to comprehensive plans and plan amendments, land development regulations and changes thereto including zoning changes, and development orders. The affected local governments shall provide the military installation an opportunity to review and comment on comprehensive plans, plan amendments, land development regulations and changes thereto, and development orders. The local government shall consider those comments, if any, when adopting such plans or regulations or when approving development orders. Comments on plan amendments may be provided to the Department for consideration in its compliance review.

(e) Provide for the resolution of disputes between the military and local governments, which may include the dispute resolution processes contained in chapters 164 and 186.

(f) Provide for an oversight process, including an opportunity for public participation, for the implementation of the memorandum of agreement.

(g) Provide for the identification of amendments to the comprehensive plan needed to ensure compatibility with the military installation and consistency with the interlocal agreement.

(4) A memorandum of agreement entered into pursuant to this section must be consistent with the adopted comprehensive plan, or an amendment to such plan adopted with in one year after execution of the agreement, and land development regulations of any local government that is a signatory.

(5) The commanding officer whose primary responsibility is the operation of the military installation is encouraged to provide information about any community planning assistance grants that might be available to the local government through the federal Office of Economic Adjustment, as an incentive for communities to participate in the Joint Land Use Study Program to facilitate the compatibility of community planning and activities vital to the national defense.

Section 5. A new paragraph (m) is added to subsection (1) of section 163.3187, Florida Statutes, to read:

163.3187 Amendment of adopted comprehensive plan.—

(1) Amendments to comprehensive plans adopted pursuant to this part may be made not more than two times during any calendar year, except:

(m) A comprehensive plan amendment that addresses compatibility with military installations pursuant to the military installation memorandum of agreement, does not count toward the limitation on the frequency of plan amendments.

Section 6. A new paragraph (n) is added to subsection (2) of section 163.3191, Florida Statutes, to read:

163.3191 Evaluation and appraisal of comprehensive plan.—

(2) The report shall present an evaluation and assessment of the comprehensive plan and shall contain appropriate statements to update the comprehensive plan, including, but not limited to, words, maps, illustrations, or other media, related to:

(n) An evaluation of the success or failure of the military installation memorandum of agreement in resolving land use compatibility in the proximity of military installations.

Section 7. Subsection (13) is added to section 163.3167, Florida Statutes, to read:

163.3167 Scope of act.—

(13)(a) If a local government grants a quasi-judicial development order pursuant to its adopted land development regulations and the order is not the subject of a pending appeal, the right to commence and

complete development pursuant to the order may not be abrogated by a subsequent judicial determination that such land development regulations or any portion thereof are invalid because of a deficiency in the approval standards.

(b) This subsection does not preclude or affect the timely institution of a common law writ of certiorari proceeding pursuant to Rule 9.190, Florida Rules of Appellate Procedure or original proceedings pursuant to s. 163.3215.

(c) This subsection applies retroactively to any order granted on or after January 1, 2002.

(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 military affairs; amending s. 627.7283, F.S.; requiring an insurer to refund the entire unearned premium to any member of the armed services who cancels a policy under certain circumstances; amending s. 163.3164; F.S., providing a definition of military installations; amending s. 163.3177; F.S., providing for consideration of the compatibility with military installations in developing a future land use element to a comprehensive plan; providing for the state land planning agency to coordinate with the Department of Defense on use compatibility issues relating to military installations; creating s. 163.31779, F.S.; requiring certain counties and municipalities to enter into memoranda of agreement with military installations to coordinate future land use changes, local government comprehensive plans, land development regulations, and development orders; requiring a schedule for completion of such agreements; requiring local governments to seek public advise on such agreements; identifying provisions that must be included in such agreements at a minimum; requiring such agreements to be consistent with adopted comprehensive plans or amendments to such plans adopted within one year after execution of the agreement; requiring for the provision of information regarding community planning assistance grants; amending s. 163.3187, F.S.; exempting from certain restrictions on the adoption of amendments to comprehensive plans an amendment that addresses compatibility with military installations based on a memorandum of agreement; amending s. 163.3191, F.S.; requiring an evaluation of the success or failure of the military installation memorandum of agreement in resolving land use compatibility; amending s. 163.3167, F.S.; prohibiting certain judicial abrogation of quasi-judicial development orders issued by local governments; providing for retroactive application; providing

On motion by Senator Fasano, **SB 594** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Bennett	Geller	Saunders
Bullard	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

CS for CS for CS for SB 194—A bill to be entitled An act relating to child care facilities; amending s. 402.3055, F.S.; requiring a signed affidavit attesting to the accuracy of certain information provided by an applicant for a child care facility license; amending s. 402.310, F.S.; requiring the Department of Children and Family Services to establish and impose uniform penalties relating to child care facility violations; requiring implementation not contingent upon an appropriation; creating s. 402.3105, F.S.; requiring the department to establish a database of information relating to violations, citations, and penalties imposed against child care facilities regulated by the state; requiring the Department of Children and Family Services to consult and meet the requirements of the State Technology Office; specifying database capabilities and uses of information contained therein; requiring implementation not contingent upon an appropriation; directing the Department of Children and Family Services to adopt a rule defining child care; providing for the transfer of the Child Care Program from the Department of Children and Family Services to the Department of Health; providing effective dates.

—was read the third time by title.

On motion by Senator Lynn, **CS for CS for CS for SB 194** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Bennett	Geller	Saunders
Bullard	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

SB 1336—A bill to be entitled An act relating to trust funds; creating s. 403.185, F.S.; creating the Florida Keys and Key West Areas of Critical State Concern Wastewater and Stormwater Trust Fund to be administered by the Department of Community Affairs; providing sources of funds; providing purposes and administrative provisions with respect to such purposes; providing rulemaking authority for such administrative provisions; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing for termination of the trust fund following removal of the area of critical state concern designation from the Florida Keys and Key West Areas; providing an effective date.

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

On motion by Senator Garcia, **SB 1336** as amended was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Bennett	Geller	Saunders
Bullard	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

CS for SB 1210—A bill to be entitled An act relating to tourism; amending s. 288.1223, F.S.; increasing the membership of the Florida Commission on Tourism to include a representative from the space tourism industry and a representative from the youth travel industry; amending s. 288.1226, F.S.; increasing the membership of the board of

directors of the Florida Tourism Industry Marketing Corporation, to conform; providing an effective date.

—was read the third time by title.

On motion by Senator Fasano, **CS for SB 1210** was passed and certified to the House. The vote on passage was:

Yeas—37

Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Saunders
Bennett	Geller	Sebesta
Bullard	Haridopolos	Siplin
Campbell	Hill	Smith
Carlton	Jones	Villalobos
Clary	Klein	Wasserman Schultz
Constantine	Lawson	Wilson
Cowin	Lee	Wise
Crist	Lynn	
Dawson	Miller	

Nays—None

Vote after roll call:

Yea—Webster

Consideration of **HB 1307** was deferred.

SB 222—A bill to be entitled An act relating to infant cribs; 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; creating an infant crib safety enforcement demonstration program; providing that crib inspections are not required in certain counties for a specified time; requiring crib inspections in certain counties for a specified time; providing requirements for crib inspections by the Department of Business and Professional Regulation; requiring transient public lodging establishments to provide for inspection of cribs; requiring a report; providing for rulemaking by the Department of Business and Professional Regulation; providing for expiration of the demonstration program; providing an effective date.

—was read the third time by title.

On motion by Senator Wasserman Schultz, **SB 222** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Bennett	Clary
Argenziano	Bullard	Constantine
Aronberg	Campbell	Cowin
Atwater	Carlton	Crist
Dawson	Lawson	Sebesta
Dockery	Lee	Siplin
Fasano	Lynn	Smith
Garcia	Margolis	Villalobos
Geller	Miller	Wasserman Schultz
Haridopolos	Peaden	Webster
Hill	Posey	Wilson
Jones	Pruitt	Wise
Klein	Saunders	

Nays—None

On motion by Senator Sebesta, by two-thirds vote **HB 1721** was withdrawn from the Committees on Comprehensive Planning; Judiciary; and Finance and Taxation.

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

HB 1721—A bill to be entitled An act relating to subdivision property; amending s. 197.502, F.S.; increasing a tax deed application fee; providing notification to legal titleholders of contiguous property which is included in a tax certificate for unpaid taxes; requiring a county to notify the legal titleholder of property contiguous to land available for taxes prior to sale under certain circumstances; amending s. 197.582, F.S.; excluding certain persons as beneficiaries of certain undistributed remainder funds; amending s. 197.522, F.S.; requiring notification to certain persons when an application for a tax deed is made; providing for a statement to accompany such notice; prohibiting the assessment of ad valorem taxes and non-ad valorem assessments by certain entities against property constituting the common elements of a subdivision; requiring that the property appraiser prorate the value of ad valorem taxes and non-ad valorem assessments against easements and other common elements of a subdivision and include such prorated value among the lots within the subdivision conveyed or intended to be conveyed into private ownership; defining the term "common element"; providing an effective date.

—a companion measure, was substituted for **CS for SB 1824** as amended and by two-thirds vote read the second time by title. On motion by Senator Sebesta, by two-thirds vote **HB 1721** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Saunders
Bennett	Haridopolos	Sebesta
Bullard	Hill	Siplin
Campbell	Jones	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Wasserman Schultz
Constantine	Lee	Webster
Cowin	Lynn	Wilson
Crist	Margolis	Wise
Dawson	Miller	
Diaz de la Portilla	Peaden	

Nays—None

CS for CS for SB 2390—A bill to be entitled An act relating to health care; creating the James and Esther King Center for Universal Research to Eradicate Disease; providing intent and duties; creating an advisory council; amending s. 215.5602, F.S.; expanding the long-term goals and funding of the Florida Biomedical Research Program to include the cure of specified diseases; creating the Florida Cancer Research Cooperative; providing for a board of directors; providing the cooperative's mission and duties; amending s. 484.0512, F.S.; providing a criminal penalty for failure of a seller to refund within a specified time moneys required to be refunded to a purchaser for the return or attempted return of a hearing aid; providing a definition; amending s. 456.073, F.S.; providing that a state prisoner must exhaust all available administrative remedies before filing a complaint with the Department of Health against a health care practitioner who is providing health care services within the Department of Corrections, unless the practitioner poses a serious threat

to the health or safety of a person who is not a state prisoner; requiring the Department of Health to be notified if a health care practitioner is disciplined or allowed to resign for a practice-related offense; requiring the Division of Medical Quality Assurance of the Department of Health to conduct a study of clinical and academic training requirements of certified optometric practitioners; providing for appointment of members; requiring a report to be submitted to the Governor and Legislature; amending s. 465.0265, F.S.; providing requirements for the filing of prescriptions by pharmacies that are under common ownership or that have a contractual relationship with one another; specifying requirements for exceptions to prescription transfers between certain pharmacies; amending s. 466.006, F.S.; allowing certain dental students to take the examinations required to practice dentistry in this state under specified conditions; providing a prerequisite to licensure of such students; creating s. 466.0065, F.S.; allowing certain dental students to take regional licensure examinations under specified conditions; restricting the applicability of examination results to licensing in other jurisdictions; requiring approval by the Board of Dentistry and providing prerequisites to such approval; creating the "Nick Oelrich Gift of Life Act"; amending s. 765.512, F.S., relating to anatomical gifts; prohibiting modification of a donor's intent; providing that a donor document is legally binding; authorizing specified persons to furnish a donor's medical records upon request; amending s. 765.516, F.S.; revising procedures by which the terms of an anatomical gift may be amended or the gift may be revoked; amending s. 765.401, F.S.; providing additional persons who may be given a proxy for the making of health care decisions; requiring review by the facility's bioethics committee of decisions to withhold or withdraw life-prolonging procedures; requiring documentation of efforts to locate certain proxies; amending s. 641.19, F.S.; providing that the term "speciality" does not include the services of a licensed chiropractic physician for purposes of the regulation of managed care; providing a short title; requiring the Agency for Workforce Innovation to establish a pilot program for delivery of certified geriatric specialty nursing education; specifying eligibility requirements for certified nursing assistants to obtain certified geriatric specialty nursing education; specifying requirements for the education of certified nursing assistants to prepare for certification as a certified geriatric specialist; creating a Certified Geriatric Specialty Nursing Initiative Steering Committee; providing for the composition of and manner of appointment to the Certified Geriatric Specialty Nursing Initiative Steering Committee; providing responsibilities of the steering committee; providing for reimbursement for per diem and travel expenses; requiring the Agency for Workforce Innovation to conduct or contract for an evaluation of the pilot program for delivery of certified geriatric specialty nursing education; requiring the evaluation to include recommendations regarding the expansion of the delivery of certified geriatric specialty nursing education in nursing homes; requiring the Agency for Workforce Innovation to report to the Governor and Legislature regarding the status and evaluation of the pilot program; creating s. 464.0125, F.S.; providing definitions; providing requirements for persons to become certified geriatric specialists; specifying fees; providing for articulation of geriatric specialty nursing coursework and practical nursing coursework; providing practice standards and grounds for which certified geriatric specialists may be subject to discipline by the Board of Nursing; creating restrictions on the use of professional nursing titles; prohibiting the use of certain professional titles; providing penalties; authorizing approved nursing programs to provide education for the preparation of certified geriatric specialists without further board approval; authorizing certified geriatric specialists to supervise the activities of others in nursing home facilities according to rules by the Board of Nursing; revising terminology relating to nursing to conform to the certification of geriatric specialists; amending s. 381.00315, F.S.; revising requirements for the reactivation of the licenses of specified health care practitioners in the event of public health emergency to include certified geriatric specialists; amending s. 400.021, F.S.; including services provided by a certified geriatric specialist within the definition of nursing service; amending s. 400.211, F.S.; revising requirements for persons employed as nursing assistants to conform to the certification of certified geriatric specialists; amending s. 400.23, F.S.; specifying that certified geriatric specialists shall be considered licensed nursing staff; authorizing licensed practical nurses to supervise the activities of certified geriatric specialists in nursing home facilities according to rules adopted by the Board of Nursing; amending s. 409.908, F.S.; revising the methodology for reimbursement of Medicaid program providers to include services of certified geriatric specialists; amending s. 458.303, F.S.; revising exceptions to the practice of medicine to include services delegated to a certified geriatric specialist under specified circumstances; amending s. 1009.65, F.S.; revising eligibility for the Medical Education Reimbursement and Loan Repayment Program to include certified geriatric specialists; amending s. 1009.66, F.S.; revising eligibility requirements for the Nursing Student Loan Forgiveness Program to include certified geriatric specialists; providing an appropriation; amending s. 464.201, F.S.; defining terms; amending s. 464.202, F.S.; authorizing the Board of Nursing to adopt rules regarding the practice and supervision of certified nursing assistants; creating s. 831.311, F.S.; prohibiting the sale, manufacture, alteration, delivery, uttering, or possession of counterfeit-resistant prescription blanks for controlled substances; providing penalties; amending s. 893.04, F.S.; providing additional requirements for the dispensing of a controlled substance listed in Schedule II, Schedule III, or Schedule IV; providing rulemaking authority to the Board of Pharmacy; creating s. 893.055, F.S.; requiring the Department of Health to establish an electronic system to monitor the prescribing of controlled substances listed in Schedule II, Schedule III, and Schedule IV; requiring the dispensing of such controlled substances to be reported through the system; providing exceptions; providing reporting requirements; providing penalties; providing rulemaking authority to the department; requiring the department to cover all costs for the system; providing for an appropriation, subject to availability of funds; providing that a certain trust fund may not be used to fund the program; creating s. 893.065, F.S.; requiring the department to develop and adopt by rule the form and content for a counterfeit-proof prescription blank for voluntary use by physicians to prescribe a controlled substance listed in Schedule II, Schedule III, or Schedule IV; providing an appropriation and authorizing positions; providing contingent applicability of penalties; amending s. 409.904, F.S.; postponing the effective date of changes to standards for eligibility for certain optional medical assistance, including coverage under the medically needy program; providing appropriations; providing for retroactive application; providing effective dates, including a contingent effective date.

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

On motion by Senator Fasano, **CS for CS for SB 2390** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Bennett	Geller	Saunders
Bullard	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1307—A bill to be entitled An act relating to emergency communications; amending s. 365.172, F.S.; defining the terms "active prepaid wireless telephone," "mobile telephone number," "prepaid wireless telephone service," and "sufficient positive balance" for purposes of wireless emergency communications; revising authority of the board; prescribing additional duties of the board of directors of the Wireless 911 Board with respect to 911 and E911 systems; revising procedures for securing accounting services; prescribing a method of collecting the wireless E911 fee in instances in which the wireless telephone service to which the surcharge applies is prepaid; exempting certain colocated facilities from specified land development regulations under described circumstances; providing for certification to local governments of compliance with certain federal regulations; providing for local government approval of applications for permits for new or colocated wireless communications facilities; providing procedures and timeframes; providing for waiver of timeframes; specifying permitted use and activity for certain additional facilities; providing for the Department of Management Services and the Department of Transportation to negotiate leases of state-owned property for certain wireless telecommunications facilities; authorizing said departments to adopt rules; providing for report to the board and the county of certain delays in locating facilities; providing for a subcommittee to make recommendations to the board and certain identified local

governments regarding compliance with federal Phase II E911 service requirements; providing for report of such recommendations to the Governor and the Legislature; amending s. 365.173, F.S.; authorizing disbursements from the Wireless Emergency Telephone System Fund for activities of the board of directors of the Wireless 911 Board; creating s. 365.175, F.S.; providing definitions; requiring new private branch exchange telephone systems to have automatic location identification capabilities; providing an effective date.

—was read the third time by title.

On motion by Senator Bennett, **HB 1307** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Bennett	Geller	Saunders
Bullard	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

SPECIAL ORDER CALENDAR, continued

The Senate resumed consideration of—

CS for SB 2750—A bill to be entitled An act relating to health care; amending s. 393.064, F.S.; providing for the Department of Health rather than the Department of Children and Family Services to manage the Raymond C. Philips Research and Education Unit; amending s. 394.4615, F.S.; revising the standard under which a patient's access to his or her own clinical records may be restricted; amending s. 395.3025, F.S.; authorizing the release of patient records to a health care practitioner, the Department of Health, or a researcher or facility personnel under certain circumstances; revising a restriction on the use of patient information for certain purposes; amending s. 400.141, F.S.; providing for the release of certain nursing home resident records to the Department of Health pursuant to subpoena; amending s. 400.145, F.S., and creating s. 400.455, F.S.; requiring certification of certain records by the nursing home administrator or records custodian; amending s. 456.017, F.S.; authorizing the Department of Health to post examination scores electronically in lieu of mailing; amending s. 456.0375, F.S.; providing that a community college or university clinic is exempt from certain registration requirements; amending s. 456.041, F.S.; revising certain requirements concerning information on paid claims which is included in the practitioner profile; amending s. 456.049, F.S.; revising requirements concerning information on final judgments and settlements which is included on reports filed with the department; amending s. 456.055, F.S.; requiring claims for payment for services submitted under the same payment code to be paid in the same amount; prohibiting the waiver of such requirement by contract; amending s. 456.057, F.S.; specifying certain circumstances under which a patient release for the furnishing of records is not required; authorizing the department to obtain records pursuant to subpoena; requiring the certification of certain records; amending s. 456.063, F.S.; authorizing the board, or the department if there is no board, to adopt rules for reporting allegations of sexual misconduct; amending s. 456.072, F.S.; revising provisions specifying grounds under which disciplinary actions may be taken; providing for attorney's fees under certain circumstances; requiring that a revocation or suspension of a license be established by clear and convincing evidence; amending s. 456.073, F.S., relating to disciplinary proceedings; revising the period for filing a response to a complaint; revising requirements for the administrative hearing on a complaint; providing for certain charges and filing fees; amending s. 456.077, F.S.; revising provisions governing the issuance of citations; amending s. 456.078, F.S.; providing requirements for mediation; specifying events that constitute an adverse incident and are not subject to mediation; providing requirements for payment of the costs of mediation; requiring each board to adopt rules designating violations that are appropriate for mediation; amending s. 458.311, F.S.; revising licensure requirements; providing requirements for certification by the Board of Medicine; providing education and examination requirements; authorizing the board to adopt rules; amending s. 458.315, F.S.; providing requirements for limited licenses; providing for fees and waiver of fees under certain circumstances; providing certain restrictions on practice; providing for license renewal and for converting an active or inactive license to a limited license; amending s. 458.331, F.S.; revising requirements for determining a case of repeated malpractice and for requiring an investigation by the department; repealing s. 458.348(3), F.S., relating to protocols for the practice of electrolysis or electrology; amending s. 459.015, F.S.; revising requirements for the department with respect to investigating a claim against an osteopathic physician; amending s. 460.413, F.S.; revising the period for a chiropractic physician to respond to a complaint; amending s. 461.013, F.S.; revising requirements for determining a case of repeated malpractice and for requiring an investigation by the department; providing a short title; requiring the Agency for Workforce Innovation to establish a pilot program for delivery of certified geriatric specialty nursing education; specifying eligibility requirements for certified nursing assistants to obtain certified geriatric specialty nursing education; specifying requirements for the education of certified nursing assistants to prepare for certification as a certified geriatric specialist; creating a Certified Geriatric Specialty Nursing Initiative Steering Committee; providing for the composition of and manner of appointment to the Certified Geriatric Specialty Nursing Initiative Steering Committee; providing responsibilities of the steering committee; providing for reimbursement for per diem and travel expenses; requiring the Agency for Workforce Innovation to conduct or contract for an evaluation of the pilot program for delivery of certified geriatric specialty nursing education; requiring the evaluation to include recommendations regarding the expansion of the delivery of certified geriatric specialty nursing education in nursing homes; requiring the Agency for Workforce Innovation to report to the Governor and Legislature regarding the status and evaluation of the pilot program; creating s. 464.0125, F.S.; providing definitions; providing requirements for persons to become certified geriatric specialists; specifying fees; providing for articulation of geriatric specialty nursing coursework and practical nursing coursework; providing practice standards and grounds for which certified geriatric specialists may be subject to discipline by the Board of Nursing; creating restrictions on the use of professional nursing titles; prohibiting the use of certain professional titles; providing penalties; authorizing approved nursing programs to provide education for the preparation of certified geriatric specialists without further board approval; authorizing certified geriatric specialists to supervise the activities of others in nursing home facilities according to rules by the Board of Nursing; revising terminology relating to nursing to conform to the certification of geriatric specialists; amending s. 381.00315, F.S.; revising requirements for the reactivation of the licenses of specified health care practitioners in the event of public health emergency to include certified geriatric specialists; amending s. 400.021, F.S.; including services provided by a certified geriatric specialist within the definition of nursing service; amending s. 400.211, F.S.; revising requirements for persons employed as nursing assistants to conform to the certification of certified geriatric specialists; amending s. 400.23, F.S.; specifying that certified geriatric specialists shall be considered licensed nursing staff; authorizing licensed practical nurses to supervise the activities of certified geriatric specialists in nursing home facilities according to rules adopted by the Board of Nursing; amending s. 409.908, F.S.; revising the methodology for reimbursement of Medicaid program providers to include services of certified geriatric specialists; amending s. 458.303, F.S.; revising exceptions to the practice of medicine to include services delegated to a certified geriatric specialist under specified circumstances; amending s. 1009.65, F.S.; revising eligibility for the Medical Education Reimbursement and Loan Repayment Program to include certified geriatric specialists; amending s. 1009.66, F.S.; revising eligibility requirements for the Nursing Student Loan Forgiveness Program to include certified geriatric specialists; providing an appropriation; amending s. 464.201, F.S.; defining terms; amending s. 464.202, F.S.; authorizing the Board of Nursing to adopt rules regarding the practice and supervision of certified nursing assistants; amending s. 464.203, F.S.; revising requirements for the screening of certified nursing assistants; revising hours required for inservice training; providing for certification renewal fees; amending s. 464.204, F.S.; revising the standards under which disciplinary sanctions may be imposed; amending s. 467.013, F.S.; providing for the department to adopt rules governing applications for inactive status for midwives; amending s. 467.0135, F.S.; revising the schedule of fees; amending s. 467.017, F.S.; requiring that the emergency care plan be

available to the department; amending s. 468.352, F.S.; revising and providing definitions applicable to the regulation of respiratory therapy; amending s. 468.355, F.S.; revising provisions relating to respiratory therapy licensure and testing requirements; amending s. 468.368, F.S.; revising exemptions from respiratory therapy licensure requirements; repealing s. 468.356, F.S., relating to the approval of educational programs; repealing s. 468.357, F.S., relating to licensure by examination; amending s. 491.005, F.S.; revising certain licensing requirements for clinical social workers; amending s. 491.0145, F.S.; prohibiting the Department of Health from adopting certain rules governing licensure; creating s. 491.0146, F.S.; providing for effect of certain licenses; amending s. 627.912, F.S.; revising requirements for liability reports by insurers; amending s. 766.101, F.S.; providing immunity from liability for a medical review committee established by a university board of trustees and a committee of a college of medicine, college of nursing, or other health care discipline; repealing ss. 456.031, 456.033, 456.034, 458.313, 458.316, 458.3165, and 458.317, F.S., relating to instruction on domestic violence and on HIV and AIDS, licensure by endorsement, public health certificates and public psychiatry certificates, and limited licenses; providing for certain payments made by the Department of Health to the Division of Administrative Hearings to revert to the department; requiring the Office of Program Policy Analysis and Government Accountability and the Auditor General to study the hearings conducted by the division and the billings for those hearings; requiring a report to the Legislature; amending ss. 400.4785, 400.5571, 400.6045, F.S.; prescribing training standards for employees of home health agencies, adult day care centers, and hospices, respectively, that provide care for persons who have Alzheimer's disease or related disorders; prescribing duties of the Department of Elderly Affairs; providing for compliance with guidelines within a certain time period; providing for approval of Alzheimer's training and trainers; providing for application of training to meet specified requirements; providing authority to adopt rules; providing legislative findings and intent; providing effective dates.

—which was previously considered and amended April 30. Pending **Amendment 16 (853702)** by Senator Fasano was adopted.

Senator Peaden moved the following amendment:

Amendment 17 (573372)(with title amendment)—On page 13, line 6 through page 27, line 31, delete those lines and insert:

Section 8. Paragraph (b) of subsection (1) of section 456.0375, Florida Statutes, is amended to read:

456.0375 Registration of certain clinics; requirements; discipline; exemptions.—

(1)

(b) For purposes of this section, the term "clinic" does not include and the registration requirements herein do not apply to:

1. Entities licensed or registered by the state pursuant to chapter 390, chapter 394, chapter 395, chapter 397, chapter 400, chapter 463, chapter 465, chapter 466, chapter 478, chapter 480, or chapter 484.

2. Entities exempt from federal taxation under 26 U.S.C. s. 501(c)(3) *and community college and university clinics*.

3. Sole proprietorships, group practices, partnerships, or corporations that provide health care services by licensed health care practitioners pursuant to chapters 457, 458, 459, 460, 461, 462, 463, 466, 467, 484, 486, 490, 491, or part I, part III, part X, part XIII, or part XIV of chapter 468, or s. 464.012, which are wholly owned by licensed health care practitioners or the licensed health care practitioner and the spouse, parent, or child of a licensed health care practitioner, so long as one of the owners who is a licensed health care practitioner is supervising the *administrative* services performed therein and is legally responsible for the entity's compliance with all federal and state laws. However, no health care practitioner may supervise *the health care delivery* services beyond the scope of the practitioner's license. *Supervision of the administrative services for compliance with federal and state laws is different and distinct from supervision of the delivery of health care services. Health care delivery is the sole responsibility of the health care practitioner delivering health care services.*

4. Clinical facilities affiliated with an accredited medical school at which training is provided for medical students, residents, or fellows.

Section 9. Paragraph (a) of subsection (4) of section 456.039, Florida Statutes, is amended to read:

456.039 Designated health care professionals; information required for licensure.—

(4)(a) An applicant for initial licensure must submit a set of fingerprints to the Department of Health in accordance with s. 458.311, s. 458.3115, s. 458.3124, ~~s. 458.313,~~ s. 459.0055, s. 460.406, or s. 461.006.

Section 10. Subsection (4) of section 456.041, Florida Statutes, is amended to read:

456.041 Practitioner profile; creation.—

(4) The Department of Health shall include, with respect to a practitioner licensed under chapter 458 or chapter 459, a statement of how the practitioner has elected to comply with the financial responsibility requirements of s. 458.320 or s. 459.0085. The department shall include, with respect to practitioners subject to s. 456.048, a statement of how the practitioner has elected to comply with the financial responsibility requirements of that section. The department shall include, with respect to practitioners licensed under chapter 458, chapter 459, or chapter 461, information relating to liability actions which has been reported under s. 456.049 or s. 627.912 within the previous 10 years for any paid claim *of $50,000 or more* ~~that exceeds $5,000~~. Such claims information shall be reported in the context of comparing an individual practitioner's claims to the experience of other practitioners within the same specialty, or profession if the practitioner is not a specialist, to the extent such information is available to the Department of Health. If information relating to a liability action is included in a practitioner's practitioner profile, the profile must also include the following statement: "Settlement of a claim may occur for a variety of reasons that do not necessarily reflect negatively on the professional competence or conduct of the practitioner. A payment in settlement of a medical malpractice action or claim should not be construed as creating a presumption that medical malpractice has occurred."

Section 11. Subsection (1) of section 456.049, Florida Statutes, is amended to read:

456.049 Health care practitioners; reports on professional liability claims and actions.—

(1) Any practitioner of medicine licensed pursuant to the provisions of chapter 458, practitioner of osteopathic medicine licensed pursuant to the provisions of chapter 459, podiatric physician licensed pursuant to the provisions of chapter 461, or dentist licensed pursuant to the provisions of chapter 466 shall report to the department any claim or action for damages for personal injury alleged to have been caused by error, omission, or negligence in the performance of such licensee's professional services or based on a claimed performance of professional services without consent if the claim was not covered by an insurer required to report under s. 627.912 and the claim resulted in:

(a) A final judgment *of $50,000 or more or, for a dentist licensed under chapter 466, a final judgment of $25,000 or more* ~~in any amount~~.

(b) A settlement *of $50,000 or more or, for a dentist licensed under chapter 466, a settlement of $25,000 or more* ~~in any amount~~.

(c) A final disposition not resulting in payment on behalf of the licensee.

Reports shall be filed with the department no later than 60 days following the occurrence of any event listed in paragraph (a), paragraph (b), or paragraph (c).

Section 12. Paragraph (a) of subsection (7) and subsection (16) of section 456.057, Florida Statutes, are amended to read:

456.057 Ownership and control of patient records; report or copies of records to be furnished.—

(7)(a)1. The department may obtain patient records pursuant to a subpoena without written authorization from the patient if the department and the probable cause panel of the appropriate board, if any, find reasonable cause to believe that a health care practitioner has excessively or inappropriately prescribed any controlled substance specified in chapter 893 in violation of this chapter or any professional practice

act or that a health care practitioner has practiced his or her profession below that level of care, skill, and treatment required as defined by this chapter or any professional practice act and also find that appropriate, reasonable attempts were made to obtain a patient release. *However, if the matter under investigation was reported to the department as a professional liability claim or action pursuant to s. 456.049 or s. 627.912, an attempt to obtain a patient release is not required.*

2. The department may obtain patient records and insurance information pursuant to a subpoena without written authorization from the patient if the department and the probable cause panel of the appropriate board, if any, find reasonable cause to believe that a health care practitioner has provided inadequate medical care based on termination of insurance and also find that appropriate, reasonable attempts were made to obtain a patient release.

3. The department may obtain patient records, billing records, insurance information, provider contracts, and all attachments thereto pursuant to a subpoena without written authorization from the patient if the department and probable cause panel of the appropriate board, if any, find reasonable cause to believe that a health care practitioner has submitted a claim, statement, or bill using a billing code that would result in payment greater in amount than would be paid using a billing code that accurately describes the services performed, requested payment for services that were not performed by that health care practitioner, used information derived from a written report of an automobile accident generated pursuant to chapter 316 to solicit or obtain patients personally or through an agent regardless of whether the information is derived directly from the report or a summary of that report or from another person, solicited patients fraudulently, received a kickback as defined in s. 456.054, violated the patient brokering provisions of s. 817.505, or presented or caused to be presented a false or fraudulent insurance claim within the meaning of s. 817.234(1)(a), and also find that, within the meaning of s. 817.234(1)(a), patient authorization cannot be obtained because the patient cannot be located or is deceased, incapacitated, or suspected of being a participant in the fraud or scheme, and if the subpoena is issued for specific and relevant records.

4. For purposes of this subsection, the department may obtain patient records pursuant to a subpoena without written authorization from the patient if the patient refuses to cooperate or if, in the department's discretion, an attempt to obtain a patient release would be detrimental to the investigation.

(16) A health care practitioner or records owner furnishing copies of reports or records or making the reports or records available for digital scanning pursuant to this section shall charge no more than the actual cost of copying, including reasonable staff time, or the amount specified in administrative rule by the appropriate board, or the department when there is no board. *The health care practitioner or owner of the records shall certify that a true and complete copy of the records requested pursuant to a subpoena or patient release has been provided to the department or otherwise identify those documents that have not been provided.*

Section 13. Subsection (3) of section 456.063, Florida Statutes, is amended to read:

456.063 Sexual misconduct; disqualification for license, certificate, or registration.—

(3) Licensed health care practitioners shall report allegations of sexual misconduct to the department, regardless of the practice setting in which the alleged sexual misconduct occurred. *Each board, or the department if there is no board, may adopt rules to administer the requirements for reporting allegations of sexual misconduct, including rules to determine the sufficiency of the allegations.*

Section 14. Paragraphs (d), (aa), and (bb) of subsection (1) and subsection (4) of section 456.072, Florida Statutes, are amended, paragraph (dd) is added to subsection (1), and subsection (7) is added to that section, to read:

456.072 Grounds for discipline; penalties; enforcement.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(d) Using a Class III or a Class IV laser device or product, as defined by federal regulations, without having complied with the rules adopted pursuant to s. *404.24(2)* ~~501.122(2)~~ governing the registration of such devices.

(aa) Performing or attempting to perform health care services on the wrong patient, a wrong-site procedure, a wrong procedure, or an unauthorized procedure or a procedure that is medically unnecessary or otherwise unrelated to the patient's diagnosis or medical condition. For the purposes of this paragraph, performing or attempting to perform health care services includes *invasive actions taken in furtherance of* the preparation of the patient*, but does not include those preparations that are noninvasive*.

(bb) Leaving a foreign body in a patient, such as a sponge, clamp, forceps, surgical needle, or other paraphernalia commonly used in surgical, examination, or other diagnostic procedures*, unless leaving the foreign body is medically indicated and documented in the patient record*. For the purposes of this paragraph, it shall be legally presumed that retention of a foreign body is not in the best interest of the patient and is not within the standard of care of the profession, *unless medically indicated and documented in the patient record* ~~regardless of the intent of the professional~~.

(dd) Being terminated from an impaired practitioner program that is overseen by an impaired practitioner consultant as described in s. 456.076 for failure to comply with the terms of the monitoring or treatment contract entered into by the licensee without good cause.

(4) In *any* ~~addition to any other discipline imposed through~~ final order~~,~~ or citation~~,~~ entered on or after July 1, 2001, *that imposes a penalty or other form of discipline* pursuant to this section or ~~discipline imposed through final order, or citation, entered on or after July 1, 2001,~~ for a violation of any practice act, the board, or the department when there is no board, shall assess costs related to the investigation and prosecution of the case*, including costs associated with an attorney's time. The amount of costs to be assessed shall be determined by the board, or the department when there is no board, following its consideration of an affidavit of itemized costs and any written objections thereto*. In any case where ~~the board or the department imposes~~ a fine or assessment *of costs imposed by the board or department* ~~and the fine or assessment~~ is not paid within a reasonable time, such reasonable time to be prescribed in the rules of the board, or the department when there is no board, or in the order assessing such fines or costs, the department or the Department of Legal Affairs may contract for the collection of, or bring a civil action to recover, the fine or assessment.

(7) In any formal administrative hearing conducted under s. 120.57(1), the department shall establish grounds for revocation or suspension of a license by clear and convincing evidence. Any other forms of discipline shall be established by the greater weight of the evidence.

Section 15. Subsections (1) and (5) of section 456.073, Florida Statutes, are amended to read:

456.073 Disciplinary proceedings.—Disciplinary proceedings for each board shall be within the jurisdiction of the department.

(1) The department, for the boards under its jurisdiction, shall cause to be investigated any complaint that is filed before it if the complaint is in writing, signed by the complainant, and legally sufficient. A complaint is legally sufficient if it contains ultimate facts that show that a violation of this chapter, of any of the practice acts relating to the professions regulated by the department, or of any rule adopted by the department or a regulatory board in the department has occurred. In order to determine legal sufficiency, the department may require supporting information or documentation. The department may investigate, and the department or the appropriate board may take appropriate final action on, a complaint even though the original complainant withdraws it or otherwise indicates a desire not to cause the complaint to be investigated or prosecuted to completion. The department may investigate an anonymous complaint if the complaint is in writing and is legally sufficient, if the alleged violation of law or rules is substantial, and if the department has reason to believe, after preliminary inquiry, that the violations alleged in the complaint are true. The department may investigate a complaint made by a confidential informant if the complaint is legally sufficient, if the alleged violation of law or rule is substantial, and if the department has reason to believe, after preliminary inquiry, that the allegations of the complainant are true. The department may initiate an investigation if it has reasonable cause to believe that a licensee or a

group of licensees has violated a Florida statute, a rule of the department, or a rule of a board. ~~Except as provided in ss. 458.331(9), 459.015(9), 460.413(5), and 461.013(6),~~ When an investigation of any subject is undertaken, the department shall promptly furnish to the subject or the subject's attorney a copy of the complaint or document that resulted in the initiation of the investigation. The subject may submit a written response to the information contained in such complaint or document within *30* ~~20~~ days after service to the subject of the complaint or document. The subject's written response shall be considered by the probable cause panel. The right to respond does not prohibit the issuance of a summary emergency order if necessary to protect the public. However, if the secretary, or the secretary's designee, and the chair of the respective board or the chair of its probable cause panel agree in writing that such notification would be detrimental to the investigation, the department may withhold notification. The department may conduct an investigation without notification to any subject if the act under investigation is a criminal offense.

(5)*(a)* A formal hearing before an administrative law judge from the Division of Administrative Hearings shall be *requested* ~~held~~ pursuant to chapter 120 if there are any disputed issues of material fact *raised within 45 days after service of the administrative complaint*. ~~The administrative law judge shall issue a recommended order pursuant to chapter 120. If any party raises an issue of disputed fact during an informal hearing, the hearing shall be terminated and a formal hearing pursuant to chapter 120 shall be held.~~

(b) Notwithstanding s. 120.569(2), the department shall notify the division within 45 days after receipt of a petition or request for a hearing which the department has determined requires a formal hearing before an administrative law judge.

Section 16. Section 456.077, Florida Statutes, is amended to read:

456.077 Authority to issue citations.—

(1) Notwithstanding s. 456.073, the board, or the department if there is no board, shall adopt rules to permit the issuance of citations. The citation shall be issued to the subject and shall contain the subject's name and address, the subject's license number if applicable, a brief factual statement, the sections of the law allegedly violated, and the penalty imposed. The citation must clearly state that the subject may choose, in lieu of accepting the citation, to follow the procedure under s. 456.073. If the subject disputes the matter in the citation, the procedures set forth in s. 456.073 must be followed. However, if the subject does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation becomes a *public* final order and *does not constitute* ~~constitutes~~ discipline *for a first offense*. The penalty shall be a fine or other conditions as established by rule.

(2) The board, or the department if there is no board, shall adopt rules designating violations for which a citation may be issued. Such rules shall designate as citation violations those violations for which there is no substantial threat to the public health, safety, and welfare. Violations for which a citation may be issued shall include violations of continuing education requirements; failure to timely pay required fees and fines; failure to comply with the requirements of ss. 381.026 and 381.0261 regarding the dissemination of information regarding patient rights; failure to comply with advertising requirements; failure to timely update practitioner profile and credentialing files; failure to display signs, licenses, and permits; failure to have required reference books available; and all other violations that do not pose a direct and serious threat to the health and safety of the patient.

(3) The department shall be entitled to recover the costs of investigation, in addition to any penalty provided according to board or department rule, as part of the penalty levied pursuant to the citation.

~~(4) A citation must be issued within 6 months after the filing of the complaint that is the basis for the citation.~~

(4)~~(5)~~ Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the subject's last known address.

(5)~~(6)~~ A board has 6 months in which to enact rules designating violations and penalties appropriate for citation offenses. Failure to enact such rules gives the department exclusive authority to adopt rules as required for implementing this section. A board has continuous authority to amend its rules adopted pursuant to this section.

Section 17. Section 456.078, Florida Statutes, is amended to read:

456.078 Mediation.—

(1) Notwithstanding the provisions of s. 456.073, the board, or the department when there is no board, shall adopt rules to designate which violations of the applicable professional practice act are appropriate for mediation. The board, or the department when there is no board, *shall* ~~may~~ designate as mediation offenses those complaints where harm caused by the licensee is economic in nature*, except complaints involving fraud,* ~~or~~ can be remedied by the licensee*, or does not result in an adverse incident. For the purposes of this section, an adverse incident is defined as an event that results in:*

(a) The death of a patient;

(b) Brain or spinal damage to a patient;

(c) The performance of a surgical procedure on the wrong patient;

(d) The performance of a wrong-site surgical procedure;

(e) The performance of a wrong surgical procedure;

(f) The performance of a surgical procedure that is medically unnecessary or otherwise unrelated to the patient's diagnosis or medical condition;

(g) The surgical repair of damage resulting to a patient from a planned surgical procedure, where the damage is not a recognized specific risk, as disclosed to the patient and documented through the informed-consent process; or

(h) The performance of procedures to remove unplanned foreign objects remaining from a surgical procedure.

(2) After the department determines a complaint is legally sufficient and the alleged violations are defined as mediation offenses, the department or any agent of the department may conduct informal mediation to resolve the complaint. If the complainant and the subject of the complaint agree to a resolution of a complaint within 14 days after contact by the mediator, the mediator shall notify the department of the terms of the resolution. The department or board shall take no further action unless the complainant and the subject each fail to record with the department an acknowledgment of satisfaction of the terms of mediation within 60 days of the mediator's notification to the department. *A successful mediation shall include a statement of whether or not the resolution constitutes discipline. However,* in the event the complainant and subject fail to reach settlement terms or to record the required acknowledgment, the department shall process the complaint according to the provisions of s. 456.073.

(3) Conduct or statements made during mediation are inadmissible in any proceeding pursuant to s. 456.073. Further, any information relating to the mediation of a case shall be subject to the confidentiality provisions of s. 456.073.

(4) *Any licensee who completes a successful mediation shall pay the department's administrative costs for the mediation. No licensee shall go through the mediation process more than once if the allegation relates to the breach of the standard of care for that health care professional. In any event,* no licensee shall go through the mediation process more than three times without approval of the department. The department may consider the subject and dates of the earlier complaints in rendering its decision. Such decision shall not be considered a final agency action for purposes of chapter 120.

(5) *A board has 6 months in which to adopt rules designating violations appropriate for mediation. Failure to adopt such rules gives the department exclusive authority to adopt rules as required for implementing this section* ~~Any board created on or after January 1, 1995, shall have 6 months to adopt rules designating which violations are appropriate for mediation, after which time the department shall have exclusive authority to adopt rules pursuant to this section~~. A board shall have continuing authority to amend its rules adopted pursuant to this section.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 26 through page 3, line 6, delete those lines and insert: 456.0375, F.S.; providing an exemption from registration for community college and university clinics; providing a distinction between supervision of administrative services and supervision of health care delivery services; providing an exemption from registration for clinical facilities where training is provided by certain medical schools; amending s. 456.039, F.S.; deleting a cross-reference; amending s. 456.041, F.S.; revising certain requirements concerning information on paid claims which is included in the practitioner profile; amending s. 456.049, F.S.; specifying the amount of final professional liability claims to be reported for physicians and dentists; amending s. 456.057, F.S.; specifying certain circumstances under which a patient release for the furnishing of records is not required; authorizing the department to obtain records pursuant to subpoena; requiring the certification of certain records; amending s. 456.063, F.S.; providing professional regulatory boards, or the Department of Health if there is no board, rulemaking authority for reporting allegations of sexual misconduct; amending s. 456.072, F.S.; clarifying grounds for discipline for performing or attempting to perform health care services on the wrong patient or that are otherwise wrong or unnecessary or leaving a foreign body in the patient; providing for discipline for being terminated from an impaired practitioner program for failing to comply with the terms of a treatment contract; providing for additional costs to be assessed as part of any penalty or other form of discipline; requiring clear and convincing evidence to revoke or suspend a license and the greater weight of the evidence for other forms of discipline; conforming a cross-reference; amending s. 456.073, F.S.; extending the time within which the subject of an investigation may submit a written response to the information in the complaint or other documentation; requiring the Department of Health to give 45 days' notice to the Division of Administrative Hearings when a hearing is needed; amending s. 456.077, F.S.; providing that citations for first offenses do not constitute discipline; deleting the required period for issuing a citation; amending s. 456.078, F.S.; requiring designation of certain violations as appropriate for mediation; excluding certain violations from mediation; requiring successful mediation to include a statement of whether of not the resolution constitutes discipline; requiring payment for the administrative costs of mediation; prohibiting mediation more than once involving a breach of the standard of care for health care professionals; providing rulemaking authority;

On motion by Senator Peaden, further consideration of **CS for SB 2750** with pending **Amendment 17 (573372)** was deferred.

Consideration of **CS for CS for SB 1020**, **CS for SB 2054**, **CS for SB 2316**, **CS for CS for SB 1132**, and **CS for SB 2560** was deferred.

On motion by Senator Dockery—

CS for SB 2260—A bill to be entitled An act relating to water policy; repealing s. 373.0693(11), F.S.; deleting a provision requiring legislative approval to abolish or combine basins existing within the Southwest Florida Water Management District; amending s. 373.451, F.S.; revising legislative intent with respect to the Surface Water Improvement and Management Act; deleting requirement that state and local funds be provided for certain purposes; amending s. 373.453, F.S.; revising criteria to be applied in determining the priority of water bodies under surface water improvement and management plans and programs; providing for periodic lists of water bodies of regional or statewide significance; authorizing participation by additional persons in the development of plans and programs; deleting certain reporting requirements; requiring identification of potential funding sources for the plans and programs; requiring review of plans developed by water management districts by various state agencies within a specified time; deleting the requirement that state agencies be on certain advisory committees; authorizing water management districts to enter into contracts with governmental agencies regarding the development and implementation of water improvement and management programs; amending s. 373.459, F.S.; providing for appropriation of funds for surface water improvement and management activities by water management districts; providing for release of funds by the Department of Environmental Protection; repealing s. 373.455, F.S., relating to review of surface water improvement and management plans; repealing s. 373.456, F.S., relating to approval of surface water improvement and management plans; repealing s. 373.457, F.S., relating to implementation of surface water improvement and management plans and programs; amending ss. 259.101, 373.4136, 403.067, and 403.1835, F.S.; deleting cross-references; providing an effective date.

—was read the second time by title.

Senator Dockery moved the following amendments which were adopted:

Amendment 1 (690616)(with title amendment)—On page 3, between lines 5 and 6, insert:

Section 2. Subsection (1) of section 373.2295, Florida Statutes, is amended to read:

373.2295 Interdistrict transfers of groundwater.—

(1) As used in this section, *the term* "interdistrict transfer and use" means a consumptive water use *that* ~~which~~ involves the withdrawal of groundwater from a point within one water management district for use outside the boundaries of that district*, but does not include a withdrawal and use within the same county. In case of withdrawal of groundwater from a point within one water management district for use outside the boundaries of that district but within the same county, the provisions of subsections (4), (11), and (13) shall apply, and the district considering a permit application for such a consumptive use shall apply the applicable provisions of this chapter, and its rules, to the withdrawal and use.*

Section 3. *Any agreements between water management districts entered into before the effective date of this act pursuant to section 373.046, Florida Statutes, authorizing the issuance of permits for the interdistrict withdrawal and use of water within a county are validated and shall continue in effect until otherwise rescinded.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 6, after the semicolon (;) insert: amending s. 373.2295, F.S.; redefining the term "interdistrict transfer and use"; validating and providing continued effect of agreements between water management districts which were entered into before the effective date of the act;

Amendment 2 (061046)(with title amendment)—On page 16, between lines 23 and 24, insert:

Section 10. Paragraphs (c) and (d) of subsection (2) of section 373.069, Florida Statutes, are amended to read:

373.069 Creation of water management districts.—

(2) Notwithstanding the provisions of any other special or general act to the contrary, the boundaries of the respective districts named in subsection (1) shall include the areas within the following boundaries:

(c) St. Johns River Water Management District.—Begin at the intersection of the south boundary of Indian River County with the Atlantic Ocean; thence west along the Indian River-St. Lucie County line to the intersection of the west boundary of St. Lucie County; thence south along the Okeechobee-St. Lucie County line to the southeast corner of Section 1, Township 34 South, Range 36 East; thence west along the section line to the northwest corner of Section 10, Township 34 South, Range 36 East; thence south along the section line to the southeast corner of Section 9, Township 34 South, Range 36 East; thence west along the section line to the northwest corner of Section 18, Township 34 South, Range 36 East; thence south along the range line between Ranges 35 and 36 East to the southeast corner of Section 12, Township 34 South, Range 35 East; thence west along the section line to the northwest corner of Section 13, Township 34 South, Range 35 East; thence south along the section line to the southeast corner of Section 35, Township 34 South, Range 35 East; thence west along the township line between Townships 34 and 35 south to the southwest corner of Section 35, Township 34 South, Range 34 East; thence north along the section line to the Okeechobee-Osceola County line; thence west along the Okeechobee-Osceola County line to the southwest corner of Section 34, Township 32 South, Range 33 East; thence north along the section line to the northwest corner of Section 3, Township 31 South, Range 33 East;

thence east along the township line between Townships 30 and 31 South to the southeast corner of Section 36, Township 30 South, Range 33 East; thence north along the range line between Ranges 33 and 34 East to the northeast corner of Section 1, Township 30 South, Range 33 East; thence west along the township line between Townships 29 and 30 south to the southwest corner of Section 31, Township 29 South, Range 33 East; thence north along the range line between Ranges 32 and 33 East to the northwest corner of Section 6, Township 28 South, Range 33 East; thence east along the township line between Townships 27 and 28 south to the southeast corner of Section 36, Township 27 South, Range 32 East; thence north along the range line between Ranges 32 and 33 East to the northeast corner of Section 1, Township 26 South, Range 32 East; thence west along the township line between Townships 25 and 26 South to the southwest corner of Section 33, Township 25 South, Range 32 East; thence north along the section line to the Orange-Osceola County line; thence westerly along the Orange-Osceola County line to the Southwest corner of Section 31, Township 24 South, Range 32 East; thence north along the range line to the intersection with the northerly right-of-way line of State Road 528, also known as the Bee Line Expressway; thence westerly along the northerly right-of-way line of State Road 528 to the intersection with the northerly right-of-way line of State Road 528A; thence westerly along the northerly right-of-way line of State Road 528A to the westerly right-of-way line of U.S. Highway 441; thence northerly along the right-of-way line to the section line between sections 22 and 27 of Township 22 South, Range 29 East; thence west along the section lines to the Northeast corner of Section 25, Township 22 South, Range 28 East; thence south along the range line between Ranges 28 and 29 East to the Southeast corner of Section 36, Township 22 South, Range 28 East; thence west along the township line between Townships 22 and 23 South to the Northeast corner of Section 2, Township 23 South, Range 27 East; thence south to the Southeast corner of Section 11, Township 23 South, Range 27 East; thence west along the section lines to the Southwest corner of Section 7, Township 23 South, Range 27 East, also being the Lake-Orange County line; thence south along the range line between Ranges 26 and 27 East ~~to the southwest corner of Section 18, Township 26 South, Range 27 East; thence east along the section line to the northeast corner of Section 19, township 26 South, Range 27 East; thence south along the section line to the southwest corner of Section 32, Township 26 South, Range 27 East; thence east along the township line between Townships 26 and 27 South to the northeast corner of Section 5, Township 27 South, Range 27 East; thence south along the section lines to the southerly right-of-way line of State Road 600; thence westerly along the southerly right-of-way line of said State Road No. 600 to the west boundary of Section 27, Township 27 South, Range 26 East; thence north along the section lines to the northeast corner of Section 16, Township 25 South, Range 26 East; thence west along the section line to the southwest corner of Section 9, Township 25 South, Range 26 East; thence north along the section lines~~ to the Lake-Polk County line; thence west along the county line to the southwest corner of Section 32, Township 24 South, Range 26 East; thence into Lake County, north along the section lines to the northeast corner of Section 30, Township 24 South, Range 26 East; thence west along the section lines to the northeast corner of Section 28, Township 24 South, Range 25 East; thence north along the section lines to the northeast corner of Section 16, Township 24 South, Range 25 East; thence west along the section line to the northwest corner of Section 16, Township 24 South, Range 25 East; thence north along the section line to the northeast corner of Section 8, Township 24 South, Range 25 East; thence west along the section lines to the range line between Ranges 24 and 25; thence north along the range line to the northeast corner of Section 1, Township 23 South, Range 24 East, also being on the township line between Townships 22 and 23 South; thence west along the township line to the northwest corner of Section 6, Township 23 South, Range 24 East, also being on the Sumter-Lake County line; thence north along the Sumter-Lake County line, also being the range line between Ranges 23 and 24 East, to the northeast corner of Section 1, Township 18 South, Range 23 East, and the Marion County line; thence west along the Sumter-Marion County line, also being the township line between Townships 17 and 18 South, to the westerly right-of-way line of Interstate Highway 75; thence northerly along the westerly right-of-way line of Interstate Highway 75 to the Alachua-Marion County line, said line also being the township line between Townships 11 and 12 South; thence west along the Alachua-Marion County line to the northwest corner of Section 3, Township 12 South, Range 19 East, and the Levy County line; thence westerly along the Levy-Alachua County line, also being the township line between Townships 11 and 12 South, to the southeast corner of Section 36, Township 11 South, Range 18 East; thence north along the range line between Ranges 18 and 19 East to the northwest corner of Section 19, Township 9 South, Range 19 East; thence east along the section line to the southeast corner of Section 13, Township 9 South, Range 19 East; thence north along the range line between Ranges 19 and 20 East to the northwest corner of Section 6, Township 9 South, Range 20 East; thence easterly along the township line between Townships 8 and 9 South to the southeast corner of Section 36, Township 8 South, Range 20 East; thence north along the range line between Ranges 20 and 21 East to the northwest corner of Section 18, Township 8 South, Range 21 East; thence east along the section line to the northeast corner of Section 15, Township 8 South, Range 21 East; thence south along the section line to the southwest corner of Section 23, Township 8 South, Range 21 East; thence east along the section line to the northeast corner of Section 26, Township 8 South, Range 21 East; thence south along the section line to the southwest corner of the north 1/2 of Section 25, Township 8 South, Range 21 East; thence east to the northeast corner of the south 1/2 of Section 25, Township 8 South, Range 21 East; thence south along the range line between Ranges 21 and 22 East to the southwest corner of Section 30, Township 8 South, Range 22 East; thence east along the section line to the northeast corner of Section 32, Township 8 South, Range 22 East; thence south along the section line to the southwest corner of Section 16, Township 9 South, Range 22 East; thence eastward along the section line to the southeast corner of the west 1/8 of Section 18, Township 9 South, Range 23 East; thence northward to the northeast corner of the west 1/8 of Section 18, Township 9 South, Range 23 East; thence west to the southwest corner of Section 7, Township 9 South, Range 23 East; thence northward along the Bradford-Clay County line to the northeast corner of Section 36, Township 8 South, Range 22 East; thence west along the section line to the southwest corner of the east 1/2 of Section 25, Township 8 South, Range 22 East; thence north to the northeast corner of the west 1/2 of Section 24, Township 8 South, Range 22 East; thence west along the section line to the southwest corner of Section 13, Township 8 South, Range 22 East; thence north along the section line to the northwest corner of Section 25, Township 7 South, Range 22 East; thence east along the section line to the Bradford-Clay County line; thence north along the Bradford-Clay County line to the intersection of the south boundary of Baker County; thence west along the Baker-Bradford County line to the intersection of the east boundary of Union County; thence west along the Baker-Union County line to the southwest corner of Section 18, Township 4 South, Range 20 East; thence north along the range line between Ranges 19 and 20 East to the northeast corner of Section 1, Township 3 South, Range 19 East; thence west along the township line between Townships 2 and 3 South to the Baker-Columbia County line; thence north along the Baker-Columbia County line to the north boundary line of the State of Florida; thence easterly along the Florida-Georgia line to the Atlantic Ocean; thence southerly along the Atlantic Ocean, including the waters of said ocean within the jurisdiction of the State of Florida to the point of beginning.

(d) Southwest Florida Water Management District.—Begin at the intersection of the north boundary of Lee County with the Gulf of Mexico; thence eastward along the Lee-Charlotte County line to the Southeast corner of Section 33, Township 42 South, Range 24 East; thence North into Charlotte County, along the section lines to the Northeast corner of Section 4, Township 42 South, Range 24 East; thence East along the township line between Townships 41 and 42 South to the Southeast corner of Section 36, Township 41 South, Range 25 East; thence north along the section line to the northwest corner of Section 6, Township 41 South, Range 26 East; thence east along the section line to the southeast corner of Section 36, Township 40 South, Range 26 East; thence North along the range line between Ranges 26 and 27 to the Northeast corner of Section 1, Township 40 South, Range 26 East, and the Charlotte-Desoto County line; thence east along the Charlotte-Desoto County line to the southeast corner of Section 36, Township 39 South, Range 27 East; thence north along the DeSoto-Highlands County line to the intersection of the South boundary of Hardee County; thence north along the Hardee-Highlands County line to the southwest corner of Township 35 South, Range 28 East; thence east along the north boundary of Township 36 South to the northeast corner of Section 1, Township 36 South, Range 28 East; thence south along the range line to the southeast corner of Section 12, Township 37 South, Range 28 East; thence east along the section line to the northeast corner of Section 15, Township 37 South, Range 29 East; thence south along the section line to the southeast corner of Section 34, Township 37 South, Range 29 East; thence east along the township line to the northeast corner of Section 1, Township 38 South, Range 29 East; thence south along the range line to the southeast corner of Section 1, Township 39 South, Range 29 East; thence east along the section line to the northwest corner of Section 11, Township 39 South, Range 30 East; thence north along the section line

to the southwest corner of Section 35, Township 38 South, Range 30 East; thence east along the township line to the southeast corner of the west 1/4 of Section 35, Township 38 South, Range 30 East; thence north along the 1/4-section line of Sections 35, 26, and 23, Township 38 South, Range 30 East to the northeast corner of the west 1/4 section of Section 23, Township 38 South, Range 30 East; thence west along the section line to the northwest corner of Section 23, Township 38 South, Range 30 East; thence north along the section line to the northwest corner of Section 2, Township 37 South, Range 30 East; thence west along the township line to the southwest corner of Section 34, Township 36 South, Range 30 East; thence north along the section line to the northwest corner of Section 3, Township 36 South, Range 30 East; thence west along the township line to the southwest corner of Section 31, Township 35 South, Range 30 East; thence north along the range line between Ranges 29 and 30 East, through Townships 35, 34, and 33 South, to the northeast corner of Township 33 South, Range 29 East, being on the Highlands-Polk County line; thence west along the Highlands-Polk County line to the southeast corner of Township 32 South, Range 28 East; thence north along the range line between Ranges 28 and 29 East, in Townships 32 and 31 South, to the northeast corner of Section 12 in Township 31 South, Range 28 East; thence east along the section line to the northeast corner of Section 7, Township 31 South, Range 29 East; thence north along the section line to the northwest corner of Section 17, Township 30 South, Range 29 East; thence east along the section line to the northeast corner of the west 1/2 of Section 17, Township 30 South, Range 29 East; thence north along the 1/2-section line to the northeast corner of the west 1/2 of Section 5, Township 30 South, Range 29 East; thence west along the section line to the southwest corner of Section 32, Township 29 South, Range 29 East; thence north along the section line to the northeast corner of Section 19 in Township 29 South, Range 29 East; thence west along the north boundaries of Section 19, Township 29 South, Range 29 East, and Sections 24, 23, 22, 21, and 20, Township 29 South, Range 28 East, to the northwest corner of said Section 20; thence north along the section line to the intersection of said section line with the west shore line of Lake Pierce in Township 29 South, Range 28 East; thence following the west shore of Lake Pierce to its intersection again with the west section line of Section 5, Township 29 South, Range 28 East; thence north along the section line to the northwest corner of Section 5, Township 29 South, Range 28 East; thence east along the township line to the southwest corner of Section 33, Township 28 South, Range 28 East; thence north along the section line to the northwest corner of the southwest 1/4 of the southwest 1/4 of Section 28, Township 28 South, Range 28 East; thence east along the 1/4-section line to the intersection of said 1/4-section line with Lake Pierce; thence follow the shore line northeasterly to its intersection with the 1/2-section line of Section 28, Township 28 South, Range 28 East; thence north on the 1/2-section line to the northwest corner of the southeast 1/4 of Section 28, Township 28 South, Range 28 East; thence east to the northeast corner of the southeast 1/4 of Section 28, Township 28 South, Range 28 East; thence south along the section line to the northwest corner of Section 3, Township 29 South, Range 28 East; thence east along the section line to the northeast corner of Section 3, Township 29 South, Range 28 East; thence north along the section line to the northwest corner of Section 23, Township 28 South, Range 28 East; thence west along the section line to the southwest corner of Section 16, Township 28 South, Range 28 East; thence north along the section line to the northwest corner of Section 16, Township 28 South, Range 28 East; thence west along the section line to the southwest corner of Section 8, Township 28 South, Range 28 East; thence north along the section line to the northwest corner of Section 5, Township 28 South, Range 28 East; thence west along the township line to the intersection of said township line with Lake Marion; thence following the south shore line of Lake Marion to its intersection again with said township line; thence west along the township line to the southeast corner of Section 36, Township 37 South, Range 27 East; thence north along the range line between Ranges 27 and 28 East to the intersection of said range line with Lake Marion; thence following the west shore of Lake Marion to its intersection again with the range line between Ranges 27 and 28 East; thence north along said range line, in Townships 27 and 26 South, to the northeast corner of Township 26 South, Range 27 East, being on the Polk-Osceola County line; thence west along the Polk-Osceola County line to the northwest corner of Township 26 South, Range 27 East; ~~thence south along the range line between Ranges 26 and 27 East to the southwest corner of Section 18 in Township 26 South, Range 27 East; thence east along the section line to the southeast corner of said Section 18; thence south along the section lines to the southwest corner of Section 32 in Township 26 South, Range 27 East; thence east along the section line to the southeast corner of said Section 32; thence south along the section lines to the southerly right-of-way line of State Road 600 (U.S. Route 17 and 92) in Township 27 South, Range 27 East; thence westerly along the southerly right-of-way line of said State Road No. 600 to the West boundary of Section 27, Township 27 South, Range 26 East; thence north along the section line to the northeast corner of Section 16, Township 25 South, Range 26 East; thence west along the section line to the southwest corner of Section 9, Township 25 South, Range 26 East;~~ thence north along the section line to the Lake-Polk County line; thence west along the county line to the southwest corner of Section 32, Township 24 South, Range 26 East; thence into Lake County, north along the section lines to the northeast corner of Section 30, Township 24 South, Range 26 East; thence west along the section lines to the northeast corner of Section 28, Township 24 South, Range 25 East; thence north along the section lines to the northeast corner of Section 16, Township 24 South, Range 25 East; thence west along the section line to the northwest corner of Section 16, Township 24 South, Range 25 East; thence north along the section line to the northeast corner of Section 8, Township 24 South, Range 25 East; thence west along the section lines to the range line between Ranges 24 and 25; thence north along the range line to the northeast corner of Section 1, Township 23 South, Range 24 East, also being on the township line between Townships 22 and 23 South; thence west along the township line to the northwest corner of Section 6, Township 23 South, Range 24 East also being on the Sumter-Lake County line; thence north along the Sumter-Lake County line, also being the range line between Ranges 23 and 24, to the northeast corner of Section 1, Township 18 South, Range 23 East and the Marion County line; thence west, along the Sumter-Marion County line, also being the township line between Townships 17 and 18 South, to the westerly right-of-way line of Interstate Highway 75; thence northerly along the westerly right-of-way line of Interstate Highway 75 to the Alachua-Marion County line, said line also being the township line between Townships 11 and 12 South; thence west along the Alachua-Marion County line to the northwest corner of Section 3, Township 12 South, Range 19 East and the Levy County line; thence westerly along the Levy-Alachua County line, also being the township line between Townships 11 and 12 South, to the southeast corner of Section 36, Township 11 South, Range 17 East; thence north along the Levy-Alachua County line, also being the range line between Ranges 17 and 18 East, to the southerly right-of-way line of State Road No. 24; thence southwesterly along said southerly right-of-way line to the easterly right-of-way line of State Road No. 337; thence southerly, along said easterly right-of-way line of State Road No. 337, to the south line of Section 35, Township 14 South, Range 17 East; thence west along the section line to the northwest corner of Section 3, Township 15 South, Range 17 East; thence south along the section lines to the southwest corner of Section 27, Township 15 South, Range 17 East; thence west to the Gulf of Mexico; thence south along the Gulf of Mexico, including the waters of said gulf within the jurisdiction of the State of Florida, to the point of beginning.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 13, after the semicolon (;) insert: amending s. 373.069, F.S.; revising boundaries of the St. Johns River and Southwest Florida Water Management Districts;

Amendment 3 (105900)(with title amendment)—On page 16, between lines 23 and 24, insert:

Section 10. Subsection (5) of section 373.079, Florida Statutes, is amended to read:

373.079 Members of governing board; oath of office; staff.—

(5) The *executive director* ~~governing board~~ may employ a legal staff for the purposes of:

(a) Providing legal counsel to ~~the governing board on matters relating to the exercise of its powers and duties and to~~ the executive director and district staff on matters relating to the day-to-day operations of the district;

(b) Representing *the district* ~~it~~ in all proceedings of an administrative or judicial nature; and

(c) Otherwise assisting in the administration of the provisions of this chapter.

Attorneys employed by the *governing board* ~~district~~ must represent the legal interest or position of the governing board.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 13, after the semicolon (;) insert: amending s. 373.079, F.S.; revising procedures relating to the hiring of legal staff in the water management districts;

Amendment 4 (223004)(with title amendment)—On page 16, between lines 23 and 24, insert:

Section 10. Subsection (6) of section 403.1837, Florida Statutes, is amended to read:

403.1837 Florida Water Pollution Control Financing Corporation.—

(6) The corporation may issue and incur notes, bonds, certificates of indebtedness, or other obligations or evidences of indebtedness payable from and secured by amounts received from payment of loans and other moneys received by the corporation, including, but not limited to, amounts payable to the corporation by the department under a service contract entered into under subsection (5). ~~The corporation may not issue bonds in excess of an amount authorized by general law or an appropriations act except to refund previously issued bonds. The corporation may issue bonds in amounts not exceeding $50 million in fiscal year 2000-2001, $75 million in fiscal year 2001-2002, and $100 million in fiscal year 2002-2003.~~ The proceeds of the bonds may be used for the purpose of providing funds for projects and activities provided for in subsection (1) or for refunding bonds previously issued by the corporation. The corporation may select a financing team and issue obligations through competitive bidding or negotiated contracts, whichever is most cost-effective. Any such indebtedness of the corporation does not constitute a debt or obligation of the state or a pledge of the faith and credit or taxing power of the state.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 12, after the semicolon (;) insert: amending s. 403.1837, F.S.; repealing provisions limiting the bonding authority of the Florida Water Pollution Control Financing Corporation;

Amendment 5 (492234)(with title amendment)—On page 16, lines 24 and 25, delete those lines and insert:

Section 10. Subsection (2) of section 373.0691, Florida Statutes, is redesignated as subsection (3), and a new subsection (2) is added to that section, to read:

373.0691 Transfer of areas.—

(2) Effective at 12:01 a.m. on July 1, 2003, that portion of Polk County formerly within the St. Johns River Water Management District as set forth in s. 373.069 is transferred to the Southwest Florida Water Management District. With respect to the area transferred and at the time of change of boundaries, all contractual obligations of the St. Johns River Water Management District, all real property interests owned by the St. Johns River Water Management District, all regulatory responsibilities of the St. Johns River Water Management District, all equipment and other personal property used solely by the St. Johns River Water Management District in that area, and all records of the St. Johns River Water Management District shall be transferred and delivered to the Southwest Florida Water Management District.

Section 11. 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 2, delete line 13 and insert: cross-references; amending s. 373.0691, F.S.; providing for the transfer of land and other incidentals from the St. Johns River Water Management District to the Southwest Florida Water Management District; providing effective dates.

Pursuant to Rule 4.19, **CS for SB 2260** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 126** was deferred.

On motion by Senator Argenziano—

SB 430—A bill to be entitled An act relating to water management; 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 act as lead entity for the purpose of providing staff and administrative support for the council; providing for a Citrus/Hernando Waterways restoration program; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **SB 430** to **HB 221**.

Pending further consideration of **SB 430** as amended, on motion by Senator Argenziano, by two-thirds vote **HB 221** was withdrawn from the Committees on Natural Resources; Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

On motion by Senator Argenziano—

HB 221—A bill to be entitled An act relating to water management; 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 act as lead entity for the purpose of providing staff and administrative support for the council; providing for a Citrus/Hernando Waterways restoration program; providing an effective date.

—a companion measure, was substituted for **SB 430** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 221** was placed on the calendar of Bills on Third Reading.

CS for SB 2212—A bill to be entitled An act relating to the H. Lee Moffitt Cancer Center and Research Institute; amending s. 1004.43, F.S.; authorizing the establishment of for-profit subsidiaries of the governing corporation; providing that the contract with the State Board of Education shall permit the use of lands and facilities for research, education, treatment, prevention, and early detection of cancer; authorizing the governing corporation and its subsidiaries to obtain their own property insurance coverage; providing that certain appropriations shall be paid directly to the board of directors of the governing corporation; changing the appointing authority for certain members of the council of scientific advisors; providing an effective date.

—was read the second time by title.

The Committee on Banking and Insurance recommended the following amendment which was moved by Senator Miller and adopted:

Amendment 1 (112846)—On page 2, line 12, following the period (.) insert: *For-profit subsidiaries of the not-for-profit corporation shall not compete with for-profit health care providers in the delivery of radiation therapy services to patients.*

Senator Jones offered the following amendment which was moved by Senator Miller and adopted:

Amendment 2 (921046)(with title amendment)—On page 1, line 21, insert:

Section 1. *This act may be cited as the "Clara Ramsey Care of the Elderly Act."*

Section 2. *Certified Geriatric Specialist Preparation Pilot Program.—*

(1) The Agency for Workforce Innovation shall establish a pilot program for delivery of geriatric nursing education to certified nursing assis-

tants who wish to become certified geriatric specialists. The agency shall select two pilot sites in nursing homes that have received the Gold Seal designation under section 400.235, Florida Statutes; have been designated as a teaching nursing home under section 430.80, Florida Statutes; or have not received a class I or class II deficiency within the 30 months preceding application for this program.

(2) To be eligible to receive geriatric nursing education, a certified nursing assistant must have been employed by a participating nursing home for at least 1 year and have received a high school diploma or its equivalent.

(3) The education shall be provided at the worksite and in coordination with the certified nursing assistant's work schedule.

(4) Faculty shall provide the instruction under an approved nursing program pursuant to section 464.019, Florida Statutes.

(5) The education shall prepare the certified nursing assistant to meet the requirements for certification as a geriatric specialist. The didactic and clinical education shall include all portions of the practical nursing curriculum pursuant to section 464.019, Florida Statutes, except for pediatric and obstetric/maternal-child education, and shall include additional education in the care of ill, injured, or infirm geriatric patients and the maintenance of health, the prevention of injury, and the provision of palliative care for geriatric patients.

Section 3. *Certified Geriatric Specialty Nursing Initiative Steering Committee.—*

(1) In order to guide the implementation of the Certified Geriatric Specialist Preparation Pilot Program, there is created a Certified Geriatric Specialty Nursing Initiative Steering Committee. The steering committee shall be composed of the following members:

(a) The chair of the Board of Nursing or his or her designee;

(b) A representative of the Agency for Workforce Innovation, appointed by the Director of Workforce Innovation;

(c) A representative of Workforce Florida, Inc., appointed by the chair of the Board of Directors of Workforce Florida, Inc.;

(d) A representative of the Department of Education, appointed by the Secretary of Education;

(e) A representative of the Agency for Health Care Administration, appointed by the Secretary of Health Care Administration;

(f) The Director of the Florida Center for Nursing; and

(g) A representative of a Gold Seal nursing home that is not one of the pilot program sites, appointed by the Secretary of Health Care Administration.

(2) The steering committee shall:

(a) Provide consultation and guidance to the Agency for Workforce Innovation on matters of policy during the implementation of the pilot program; and

(b) Provide oversight to the evaluation of the pilot program.

(3) Members of the steering committee are entitled to reimbursement for per diem and travel expenses under section 112.061, Florida Statutes.

(4) The steering committee shall complete its activities by June 30, 2006, and the authorization for the steering committee ends on that date.

Section 4. *Evaluation of the Certified Geriatric Specialist Preparation Pilot Program.—The Agency for Workforce Innovation, in consultation with the Certified Geriatric Specialty Nursing Initiative Steering Committee, shall conduct, or contract for an evaluation of the pilot program. The agency shall ensure that an evaluation report is submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2006. The evaluation must address the experience and success of the certified nursing assistants in the pilot program and must contain recommendations regarding the expansion of the delivery of geriatric nursing education in nursing homes.*

Section 5. *Reports.—The Agency for Workforce Innovation shall submit status reports and recommendations regarding legislation necessary to further the implementation of the pilot program to the Governor, the President of the Senate, and the Speaker of the House of Representatives on January 1, 2004, January 1, 2005, and January 1, 2006.*

Section 6. Section 464.0125, Florida Statutes, is created to read:

464.0125 Certified geriatric specialists; certification requirements.—

(1) DEFINITIONS; RESPONSIBILITIES.—

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

1. "Certified geriatric specialist" means a person who meets the qualifications specified in this section and who is certified by the board to practice as a certified geriatric specialist.

2. "Geriatric patient" means any patient who is 60 years of age or older.

3. "Practice of certified geriatric specialty nursing" means the performance of selected acts in facilities licensed under part II or part III of chapter 400, including the administration of treatments and medications, in the care of ill, injured, or infirm geriatric patients and the promotion of wellness, maintenance of health, and prevention of illness of geriatric patients under the direction of a registered nurse, a licensed physician, a licensed osteopathic physician, a licensed podiatric physician, or a licensed dentist. The scope of practice of a certified geriatric specialist includes the practice of practical nursing as defined in s. 464.003 for geriatric patients only, except for any act in which instruction and clinical knowledge of pediatric nursing or obstetric/maternal-child nursing is required. A certified geriatric specialist, while providing nursing services in facilities licensed under part II or part III of chapter 400, may supervise the activities of certified nursing assistants and other unlicensed personnel providing services in such facilities in accordance with rules adopted by the board.

(b) The certified geriatric specialist shall be responsible and accountable for making decisions that are based upon the individual's educational preparation and experience in performing certified geriatric specialty nursing.

(2) CERTIFICATION.—

(a) Any certified nursing assistant desiring to be certified as a certified geriatric specialist shall apply to the department and submit proof that he or she holds a current certificate as a certified nursing assistant under this part and has satisfactorily completed the following requirements:

1. Is in good mental and physical health, is a recipient of a high school diploma or its equivalent and has completed the requirements for graduation from an approved program for nursing or its equivalent, as determined by the board, for the preparation of licensed practical nurses, except for instruction and clinical knowledge of pediatric nursing or obstetric/maternal-child nursing. Any program that is approved on July 1, 2003, by the board for the preparation of registered nurses or licensed practical nurses may provide education for the preparation of certified geriatric specialists without further board approval.

2. Has the ability to communicate in the English language, which may be determined by an examination given by the department.

3. Has provided sufficient information, which must be submitted by the department for a statewide criminal records correspondence check through the Department of Law Enforcement.

(b) Each applicant who meets the requirements of this subsection shall, unless denied pursuant to s. 464.018, be entitled to certification as a certified geriatric specialist. The board shall certify, and the department shall issue a certificate to practice as a certified geriatric specialist to, any certified nursing assistant meeting the qualifications in this section. The board shall establish an application fee not to exceed $100 and a biennial renewal fee not to exceed $50. The board may adopt rules to administer this section.

(c) A person receiving certification under this section shall:

1. Work only within the confines of a facility licensed under part II or part III of chapter 400.

2. Care for geriatric patients only.

3. Comply with the minimum standards of practice for nurses and be subject to disciplinary action for violations of s. 464.018.

(3) ARTICULATION.—Any certified geriatric specialist who completes the additional instruction and coursework in an approved nursing program pursuant to s. 464.019 for the preparation of practical nursing in the areas of pediatric nursing and obstetric/maternal-child nursing shall, unless denied pursuant to s. 464.018, be entitled to licensure as a licensed practical nurse if the applicant otherwise meets the requirements of s. 464.008.

(4) TITLES AND ABBREVIATIONS; RESTRICTIONS; PENALTIES.—

(a) Only persons who hold certificates to practice as certified geriatric specialists in this state or who are performing services within the practice of certified geriatric specialty nursing pursuant to the exception set forth in s. 464.022(8) shall have the right to use the title "Certified Geriatric Specialist" and the abbreviation "C.G.S."

(b) No person shall practice or advertise as, or assume the title of, certified geriatric specialist or use the abbreviation "C.G.S." or take any other action that would lead the public to believe that person was certified as such or is performing services within the practice of certified geriatric specialty nursing pursuant to the exception set forth in s. 464.022(8), unless that person is certified to practice as such.

(c) A violation of this subsection is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(5) VIOLATIONS AND PENALTIES.—Practicing certified geriatric specialty nursing, as defined in this section, without holding an active certificate to do so constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 7. Paragraph (b) of subsection (1) of section 381.00315, Florida Statutes, is amended to read:

381.00315 Public health advisories; public health emergencies.—The State Health Officer is responsible for declaring public health emergencies and issuing public health advisories.

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

(b) "Public health emergency" means any occurrence, or threat thereof, whether natural or man made, which results or may result in substantial injury or harm to the public health from infectious disease, chemical agents, nuclear agents, biological toxins, or situations involving mass casualties or natural disasters. Prior to declaring a public health emergency, the State Health Officer shall, to the extent possible, consult with the Governor and shall notify the Chief of Domestic Security Initiatives as created in s. 943.03. The declaration of a public health emergency shall continue until the State Health Officer finds that the threat or danger has been dealt with to the extent that the emergency conditions no longer exist and he or she terminates the declaration. However, a declaration of a public health emergency may not continue for longer than 60 days unless the Governor concurs in the renewal of the declaration. The State Health Officer, upon declaration of a public health emergency, may take actions that are necessary to protect the public health. Such actions include, but are not limited to:

1. Directing manufacturers of prescription drugs or over-the-counter drugs who are permitted under chapter 499 and wholesalers of prescription drugs located in this state who are permitted under chapter 499 to give priority to the shipping of specified drugs to pharmacies and health care providers within geographic areas that have been identified by the State Health Officer. The State Health Officer must identify the drugs to be shipped. Manufacturers and wholesalers located in the state must respond to the State Health Officer's priority shipping directive before shipping the specified drugs.

2. Notwithstanding chapters 465 and 499 and rules adopted thereunder, directing pharmacists employed by the department to compound bulk prescription drugs and provide these bulk prescription drugs to physicians and nurses of county health departments or any qualified person authorized by the State Health Officer for administration to persons as part of a prophylactic or treatment regimen.

3. Notwithstanding s. 456.036, temporarily reactivating the inactive license of the following health care practitioners, when such practitioners are needed to respond to the public health emergency: physicians licensed under chapter 458 or chapter 459; physician assistants licensed under chapter 458 or chapter 459; *certified geriatric specialists certified under part I of chapter 464;* licensed practical nurses, registered nurses, and advanced registered nurse practitioners licensed under part I of chapter 464; respiratory therapists licensed under part V of chapter 468; and emergency medical technicians and paramedics certified under part III of chapter 401. Only those health care practitioners specified in this paragraph who possess an unencumbered inactive license and who request that such license be reactivated are eligible for reactivation. An inactive license that is reactivated under this paragraph shall return to inactive status when the public health emergency ends or prior to the end of the public health emergency if the State Health Officer determines that the health care practitioner is no longer needed to provide services during the public health emergency. Such licenses may only be reactivated for a period not to exceed 90 days without meeting the requirements of s. 456.036 or chapter 401, as applicable.

4. Ordering an individual to be examined, tested, vaccinated, treated, or quarantined for communicable diseases that have significant morbidity or mortality and present a severe danger to public health. Individuals who are unable or unwilling to be examined, tested, vaccinated, or treated for reasons of health, religion, or conscience may be subjected to quarantine.

a. Examination, testing, vaccination, or treatment may be performed by any qualified person authorized by the State Health Officer.

b. If the individual poses a danger to the public health, the State Health Officer may subject the individual to quarantine. If there is no practical method to quarantine the individual, the State Health Officer may use any means necessary to vaccinate or treat the individual.

Any order of the State Health Officer given to effectuate this paragraph shall be immediately enforceable by a law enforcement officer under s. 381.0012.

Section 8. Subsection (14) of section 400.021, Florida Statutes, is amended to read:

400.021 Definitions.—When used in this part, unless the context otherwise requires, the term:

(14) "Nursing service" means such services or acts as may be rendered, directly or indirectly, to and in behalf of a person by individuals as defined in *ss.* ~~s.~~ 464.003 *and 464.0125*.

Section 9. Subsection (1) of section 400.211, Florida Statutes, is amended to read:

400.211 Persons employed as nursing assistants; certification requirement.—

(1) To serve as a nursing assistant in any nursing home, a person must be certified as a nursing assistant under part II of chapter 464, unless the person is a registered nurse*, a* ~~or~~ practical nurse*, or a certified geriatric specialist certified or* licensed in accordance with part I of chapter 464 or an applicant for such licensure who is permitted to practice nursing in accordance with rules adopted by the Board of Nursing pursuant to part I of chapter 464.

Section 10. Paragraphs (a) and (c) of subsection (3) of section 400.23, Florida Statutes, are amended to read:

400.23 Rules; evaluation and deficiencies; licensure status.—

(3)(a) The agency shall adopt rules providing for the minimum staffing requirements for nursing homes. These requirements shall include, for each nursing home facility, a minimum certified nursing assistant staffing of 2.3 hours of direct care per resident per day beginning January 1, 2002, increasing to 2.6 hours of direct care per resident per day beginning January 1, 2003, and increasing to 2.9 hours of direct care per resident per day beginning January 1, 2004. Beginning January 1, 2002,

no facility shall staff below one certified nursing assistant per 20 residents, and a minimum licensed nursing staffing of 1.0 hour of direct resident care per resident per day but never below one licensed nurse per 40 residents. *For purposes of computing nursing staffing minimums and ratios, certified geriatric specialists shall be considered licensed nursing staff.* Nursing assistants employed under s. 400.211(2) may be included in computing the staffing ratio for certified nursing assistants only if they provide nursing assistance services to residents on a full-time basis. Each nursing home must document compliance with staffing standards as required under this paragraph and post daily the names of staff on duty for the benefit of facility residents and the public. The agency shall recognize the use of licensed nurses for compliance with minimum staffing requirements for certified nursing assistants, provided that the facility otherwise meets the minimum staffing requirements for licensed nurses and that the licensed nurses so recognized are performing the duties of a certified nursing assistant. Unless otherwise approved by the agency, licensed nurses counted towards the minimum staffing requirements for certified nursing assistants must exclusively perform the duties of a certified nursing assistant for the entire shift and shall not also be counted towards the minimum staffing requirements for licensed nurses. If the agency approved a facility's request to use a licensed nurse to perform both licensed nursing and certified nursing assistant duties, the facility must allocate the amount of staff time specifically spent on certified nursing assistant duties for the purpose of documenting compliance with minimum staffing requirements for certified and licensed nursing staff. In no event may the hours of a licensed nurse with dual job responsibilities be counted twice.

(c) Licensed practical nurses licensed under chapter 464 who are providing nursing services in nursing home facilities under this part may supervise the activities of other licensed practical nurses, *certified geriatric specialists,* certified nursing assistants, and other unlicensed personnel providing services in such facilities in accordance with rules adopted by the Board of Nursing.

Section 11. Paragraph (b) of subsection (2) of section 409.908, Florida Statutes, is amended to read:

409.908 Reimbursement of Medicaid providers.—Subject to specific appropriations, the agency shall reimburse Medicaid providers, in accordance with state and federal law, according to methodologies set forth in the rules of the agency and in policy manuals and handbooks incorporated by reference therein. These methodologies may include fee schedules, reimbursement methods based on cost reporting, negotiated fees, competitive bidding pursuant to s. 287.057, and other mechanisms the agency considers efficient and effective for purchasing services or goods on behalf of recipients. If a provider is reimbursed based on cost reporting and submits a cost report late and that cost report would have been used to set a lower reimbursement rate for a rate semester, then the provider's rate for that semester shall be retroactively calculated using the new cost report, and full payment at the recalculated rate shall be affected retroactively. Medicare-granted extensions for filing cost reports, if applicable, shall also apply to Medicaid cost reports. Payment for Medicaid compensable services made on behalf of Medicaid eligible persons is subject to the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. Further, nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act, provided the adjustment is consistent with legislative intent.

(2)

(b) Subject to any limitations or directions provided for in the General Appropriations Act, the agency shall establish and implement a Florida Title XIX Long-Term Care Reimbursement Plan (Medicaid) for nursing home care in order to provide care and services in conformance with the applicable state and federal laws, rules, regulations, and quality and safety standards and to ensure that individuals eligible for medical assistance have reasonable geographic access to such care.

1. Changes of ownership or of licensed operator do not qualify for increases in reimbursement rates associated with the change of ownership or of licensed operator. The agency shall amend the Title XIX Long Term Care Reimbursement Plan to provide that the initial nursing home reimbursement rates, for the operating, patient care, and MAR components, associated with related and unrelated party changes of ownership or licensed operator filed on or after September 1, 2001, are equivalent to the previous owner's reimbursement rate.

2. The agency shall amend the long-term care reimbursement plan and cost reporting system to create direct care and indirect care subcomponents of the patient care component of the per diem rate. These two subcomponents together shall equal the patient care component of the per diem rate. Separate cost-based ceilings shall be calculated for each patient care subcomponent. The direct care subcomponent of the per diem rate shall be limited by the cost-based class ceiling, and the indirect care subcomponent shall be limited by the lower of the cost-based class ceiling, by the target rate class ceiling, or by the individual provider target. The agency shall adjust the patient care component effective January 1, 2002. The cost to adjust the direct care subcomponent shall be net of the total funds previously allocated for the case mix add-on. The agency shall make the required changes to the nursing home cost reporting forms to implement this requirement effective January 1, 2002.

3. The direct care subcomponent shall include salaries and benefits of direct care staff providing nursing services including registered nurses, licensed practical nurses, *certified geriatric specialists, certified under part I of chapter 464,* and certified nursing assistants who deliver care directly to residents in the nursing home facility. This excludes nursing administration, MDS, and care plan coordinators, staff development, and staffing coordinator.

4. All other patient care costs shall be included in the indirect care cost subcomponent of the patient care per diem rate. There shall be no costs directly or indirectly allocated to the direct care subcomponent from a home office or management company.

5. On July 1 of each year, the agency shall report to the Legislature direct and indirect care costs, including average direct and indirect care costs per resident per facility and direct care and indirect care salaries and benefits per category of staff member per facility.

6. In order to offset the cost of general and professional liability insurance, the agency shall amend the plan to allow for interim rate adjustments to reflect increases in the cost of general or professional liability insurance for nursing homes. This provision shall be implemented to the extent existing appropriations are available.

It is the intent of the Legislature that the reimbursement plan achieve the goal of providing access to health care for nursing home residents who require large amounts of care while encouraging diversion services as an alternative to nursing home care for residents who can be served within the community. The agency shall base the establishment of any maximum rate of payment, whether overall or component, on the available moneys as provided for in the General Appropriations Act. The agency may base the maximum rate of payment on the results of scientifically valid analysis and conclusions derived from objective statistical data pertinent to the particular maximum rate of payment.

Section 12. Subsection (2) of section 458.303, Florida Statutes, is amended to read:

458.303 Provisions not applicable to other practitioners; exceptions, etc.—

(2) Nothing in s. 458.301, s. 458.303, s. 458.305, s. 458.307, s. 458.309, s. 458.311, s. 458.313, s. 458.319, s. 458.321, s. 458.327, s. 458.329, s. 458.331, s. 458.337, s. 458.339, s. 458.341, s. 458.343, s. 458.345, or s. 458.347 shall be construed to prohibit any service rendered by a registered nurse, ~~or~~ a licensed practical nurse, *or a certified geriatric specialist certified under part I of chapter 464,* if such service is rendered under the direct supervision and control of a licensed physician who provides specific direction for any service to be performed and gives final approval to all services performed. Further, nothing in this or any other chapter shall be construed to prohibit any service rendered by a medical assistant in accordance with the provisions of s. 458.3485.

Section 13. Subsection (1) and paragraph (a) of subsection (2) of section 1009.65, Florida Statutes, are amended to read:

1009.65 Medical Education Reimbursement and Loan Repayment Program.—

(1) To encourage qualified medical professionals to practice in underserved locations where there are shortages of such personnel, there is

established the Medical Education Reimbursement and Loan Repayment Program. The function of the program is to make payments that offset loans and educational expenses incurred by students for studies leading to a medical or nursing degree, medical or nursing licensure, or advanced registered nurse practitioner certification or physician assistant licensure. The following licensed or certified health care professionals are eligible to participate in this program: medical doctors with primary care specialties, doctors of osteopathic medicine with primary care specialties, physician's assistants, *certified geriatric specialists certified under part I of chapter 464,* licensed practical nurses and registered nurses, and advanced registered nurse practitioners with primary care specialties such as certified nurse midwives. Primary care medical specialties for physicians include obstetrics, gynecology, general and family practice, internal medicine, pediatrics, and other specialties which may be identified by the Department of Health.

(2) From the funds available, the Department of Health shall make payments to selected medical professionals as follows:

(a) Up to $4,000 per year for *certified geriatric specialists certified under part I of chapter 464,* licensed practical nurses*,* and registered nurses, up to $10,000 per year for advanced registered nurse practitioners and physician's assistants, and up to $20,000 per year for physicians. Penalties for noncompliance shall be the same as those in the National Health Services Corps Loan Repayment Program. Educational expenses include costs for tuition, matriculation, registration, books, laboratory and other fees, other educational costs, and reasonable living expenses as determined by the Department of Health.

Section 14. Subsection (2) of section 1009.66, Florida Statutes, is amended to read:

1009.66 Nursing Student Loan Forgiveness Program.—

(2) To be eligible, a candidate must have graduated from an accredited or approved nursing program and have received a Florida license as a licensed practical nurse*, a certified geriatric specialist certified under part I of chapter 464,* or a registered nurse or a Florida certificate as an advanced registered nurse practitioner.

Section 15. *The sum of $157,017 is appropriated from the General Revenue Fund to the Agency for Workforce Innovation to support the work of the Certified Geriatric Specialty Nursing Initiative Steering Committee, to administer the pilot sites, contract for an evaluation, and to provide, if necessary, nursing faculty, substitute certified nursing assistants for those who are in clinical education, and technical support to the pilot sites during the 2003-2004 fiscal year.*

Section 16. Subsection (6) is added to section 464.201, Florida Statutes, to read:

464.201 Definitions.—As used in this part, the term:

(6) "Practice of a certified nursing assistant" means providing care and assisting persons with tasks relating to the activities of daily living. Such tasks are those associated with personal care, maintaining mobility, nutrition and hydration, toileting and elimination, assistive devices, safety and cleanliness, data gathering, reporting abnormal signs and symptoms, post mortem care, patient socialization and reality orientation, end-of-life care, CPR and emergency care, residents' or patients' rights, documentation of nursing assistant services, and other tasks that a certified nurse assistant may perform after training beyond that required for initial certification and upon validation of competence in that skill by a registered nurse. This section does not restrict the ability of any person who is otherwise trained and educated from performing such tasks.

Section 17. Section 464.202, Florida Statutes, is amended to read:

464.202 Duties and powers of the board.—The board shall maintain, or contract with or approve another entity to maintain, a state registry of certified nursing assistants. The registry must consist of the name of each certified nursing assistant in this state; other identifying information defined by board rule; certification status; the effective date of certification; other information required by state or federal law; information regarding any crime or any abuse, neglect, or exploitation as provided under chapter 435; and any disciplinary action taken against the certified nursing assistant. The registry shall be accessible to the public, the certificateholder, employers, and other state agencies. The board shall adopt by rule testing procedures for use in certifying nursing assistants and shall adopt rules regulating the practice of certified nursing assistants *which specify the scope of practice authorized and level of supervision required for the practice of certified nursing assistants* ~~to enforce this part~~. The board may contract with or approve another entity or organization to provide the examination services, including the development and administration of examinations. The board shall require that the contract provider offer certified nursing assistant applications via the Internet, and may require the contract provider to accept certified nursing assistant applications for processing via the Internet. The board shall require the contract provider to provide the preliminary results of the certified nursing examination on the date the test is administered. The provider shall pay all reasonable costs and expenses incurred by the board in evaluating the provider's application and performance during the delivery of services, including examination services and procedures for maintaining the certified nursing assistant registry.

Section 18. *James and Esther King Center for Universal Research to Eradicate Disease.—*

(1) The Legislature finds that an estimated 128 million Americans suffer from acute, chronic, and degenerative diseases and that biomedical research is the key to finding cures for these diseases that negatively affect all Floridians. The Legislature further finds that, while there is much research being conducted throughout this state and throughout the world, there is a lack of coordination of efforts among researchers. The Legislature, therefore, finds that there is a significant need for a coordinated effort if the goal of curing disease is to be achieved. Moreover, the Legislature finds that the biomedical technology sector meets the criteria of a high-impact sector, pursuant to section 288.108, Florida Statutes, having a high importance to this state's economy with a significant potential for growth and contribution to our universities and quality of life.

(2) It is the intent of the Legislature that Florida strive to become the nation's leader in biomedical research and commit itself to being the state to find cures for the most deadly and widespread diseases. It is further the intent of the Legislature that there be a coordinated effort among the state's public and private universities and the biomedical industry to discover such cures. Moreover, it is the intent of the Legislature to expand the state economy by attracting biomedical researchers and research companies to this state.

(3) There is established the James and Esther King Center for Universal Research to Eradicate Disease, which shall be known as the "CURED."

(a) The purpose of the center is to coordinate, improve, expand, and monitor all biomedical research programs within the state, facilitate funding opportunities, and foster improved technology transfer of research findings into clinical trials and widespread public use.

(b) The goal of the center is to find cures for diseases such as cancer, heart disease, lung disease, diabetes, and neurological disorders, including Alzheimer's disease, epilepsy, and Parkinson's disease.

(c) The center shall hold an annual biomedical technology summit in Florida to which biomedical researchers, biomedical technology companies, business incubators, pharmaceutical manufacturers, and others around the nation and world are invited to share biomedical research findings in order to expedite the discovery of cures. Summit attendees will be required to cover the costs of such attendance or obtain sponsorship for such attendance.

(d) The center shall encourage clinical trials in this state on research that holds promise of curing a disease or condition. The center shall facilitate partnerships between researchers, treating physicians, and community hospitals for the purpose of sharing new techniques and new research findings, as well as coordinating voluntary donations to ensure an adequate supply of adult stem cells or cord blood.

(e) The center shall also encourage the discovery and production in Florida of vaccines that prevent disease.

(f) The center shall monitor the supply and demand needs of researchers relating to stem cell research and other types of human tissue research. If the center determines that there is a need for increased donation of human tissue, it shall notify hospitals licensed pursuant to chapter 395, Florida Statutes, that have entered into partnership agreements with research institutes conducting stem cell research located in the same

geographic region as the researchers demanding the stem cells or other tissues. Such hospitals shall then implement programs that encourage voluntary donations of cord blood or other needed adult tissue.

(g) The center shall be funded through private, state, and federal sources.

(h) The center shall serve as a registry of all known biomedical grant opportunities and may assist any public or private biomedical research program in this state in preparing grant requests.

(i) The center shall maintain a website with links to peer-reviewed biomedical research. The website shall also contain a list of all known biomedical research being conducted in Florida and shall facilitate communication among researchers and other interested parties.

(j) The center shall submit an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than January 15 which contains recommendations for legislative change necessary to foster a positive climate for biomedical research in this state.

(k) The duties of the center may be outsourced by the Department of Health to a private entity or state university.

(4) There is established within the center an advisory council which shall meet at least annually.

(a) The council shall consist of the members of the board of directors of the Florida Research Consortium and at least one representative from:

1. The Emerging Technology Commission.

2. Enterprise Florida, Inc.

3. BioFlorida.

4. The Florida Biomedical Research Advisory Council.

5. The Florida Medical Foundation.

6. Pharmaceutical Research and Manufacturers of America.

(b) Members of the council shall serve without compensation and each organization represented shall cover all expenses of its representative.

Section 19. Paragraphs (a) and (b) of subsection (1), subsection (2), and paragraph (f) of subsection (10) of section 215.5602, Florida Statutes, are 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. 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*, and cures* for cancer, cardiovascular disease, stroke, and pulmonary disease.

(b) Expand the foundation of biomedical knowledge relating to the prevention, diagnosis, ~~and~~ treatment*, and cure* of diseases related to tobacco use, including cancer, cardiovascular disease, stroke, and pulmonary disease.

(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*, and cure* of diseases related to tobacco use, including cancer, cardiovascular disease, stroke, and pulmonary disease; and for expenses incurred in the administration of this section. *Priority shall be granted to research designed to prevent or cure disease.*

(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:

(f) Progress in the prevention, diagnosis, ~~and~~ treatment*, and cure* of diseases related to tobacco use, including cancer, cardiovascular disease, stroke, and pulmonary disease.

Section 20. *Florida Cancer Research Cooperative.—*

(1) Effective July 1, 2003, the Florida Cancer Research Cooperative is established for the purpose of making the State of Florida a world class center for cancer research.

(2)(a) A not-for-profit corporation, acting as an instrumentality of the Florida Dialogue on Cancer, shall be organized for the purpose of governing the affairs of the cooperative.

(b) The Florida Cancer Research Cooperative, Inc., may create not-for-profit corporate subsidiaries to fulfill its mission. The not-for-profit corporation and its subsidiaries are authorized to receive, hold, invest, and administer property and any moneys acquired from private, local, state, and federal sources, as well as technical and professional income generated or derived from the mission-related activities of the cooperative.

(c) The affairs of the not-for-profit corporation shall be managed by a board of directors which shall consist of:

1. The Secretary of the Department of Health or his or her designee;

2. The Chief Executive Officer of the H. Lee Moffitt Cancer Center or his or her designee;

3. The President of the University of Florida Shands Cancer Center or his or her designee;

4. The Chief Executive Officer of the University of Miami Sylvester Comprehensive Cancer Center or his or her designee;

5. The Chief Executive Officer of the Mayo Clinic, Jacksonville or his or her designee;

6. The Chief Executive Officer of the American Cancer Society, Florida Division or his or her designee;

7. The President of the American Cancer Society, Florida Division Board of Directors or his or her designee;

8. The President of the Florida Society of Clinical Oncology or his or her designee;

9. The Chief Executive Officer of Enterprise Florida, Inc., or his or her designee;

10. Three representatives from large Florida hospitals or institutions, not delineated in subparagraphs 1. through 6., that treat a large volume of cancer patients. One shall be appointed by the Governor, one shall be appointed by the Speaker of the House of Representatives, and one shall be appointed by the President of the Senate;

11. Three representatives from community-based, statewide organizations serving populations that experience cancer disparities, one of whom shall be appointed by the Governor, one of whom shall be appointed by the Speaker of the House of Representatives, and one of whom shall be appointed by the President of the Senate;

12. One member of the Florida House of Representatives, to be appointed by the Speaker of the House of Representatives;

13. One member of the Florida Senate, to be appointed by the President of the Senate;

14. Three university presidents, one of whom shall be appointed by the Governor, one of whom shall be appointed by the Speaker of the House of Representatives, and one of whom shall be appointed by the President of the Senate; and

15. Five representatives from other statewide public health organizations whose missions include public education and the eradication of cancer, three of whom shall be appointed by the Governor, one of whom

shall be appointed by the Speaker of the House of Representatives, and one of whom shall be appointed by the President of the Senate.

(d) Appointments made by the Speaker of the House of Representatives and the President of the Senate pursuant to paragraph (c) shall be for 2-year terms, concurrent with the bienniums in which they serve as presiding officers.

(e) Appointments made by the Governor pursuant to paragraph (c) shall be for 2-year terms, although the Governor may reappoint directors.

(f) Members of the board of directors of the not-for-profit corporation or any subsidiaries shall serve without compensation.

(3) The cooperative shall issue an annual report to the Governor, the Speaker of the House of Representatives, and the President of the Senate, by December 15 of each year, with policy and funding recommendations regarding cancer research capacity in Florida and related issues.

Section 21. *Florida Cancer Research Cooperative; mission and duties.—*

(1) The cooperative shall develop and centralize the processes and shared services for expanding cancer research in Florida through:

(a) Support through bioinformatics, in order to create a cancer informatics infrastructure that enhances information and resource exchange and integration through researchers working in diverse disciplines to facilitate the full spectrum of cancer investigations;

(b) Technical coordination, business development, and support of intellectual property;

(c) Development of a statewide cancer clinical trials network as contemplated in section 1; and

(d) Other multidisciplinary research support activities.

(2) The cooperative shall work in concert with the Center for Universal Research to Eradicate Disease created in section 1 to ensure that the goals of the center are advanced.

Section 22. Section 484.0512, Florida Statutes, is amended to read:

484.0512 *Thirty-day* trial period; *purchaser's right to cancel; notice; refund;* cancellation *fee; criminal penalty* ~~procedures~~.—

(1) A person selling a hearing aid in this state must provide the buyer with written notice of a 30-day trial period and money-back guarantee. The guarantee must permit the purchaser to cancel the purchase for a valid reason as defined by rule of the board within 30 days after receiving the hearing aid, by returning the hearing aid or mailing written notice of cancellation to the seller. If the hearing aid must be repaired, remade, or adjusted during the 30-day trial period, the running of the 30-day trial period is suspended 1 day for each 24-hour period that the hearing aid is not in the purchaser's possession. A repaired, remade, or adjusted hearing aid must be claimed by the purchaser within 3 working days after notification of availability. The running of the 30-day trial period resumes on the day the purchaser reclaims the repaired, remade, or adjusted hearing aid or on the fourth day after notification of availability.

(2) The board, in consultation with the Board of Speech-Language Pathology and Audiology, shall prescribe by rule the terms and conditions to be contained in the money-back guarantee and any exceptions thereto. Such rule shall provide, at a minimum, that the charges for earmolds and service provided to fit the hearing aid may be retained by the licensee. The rules shall also set forth any reasonable charges to be held by the licensee as a cancellation fee. Such rule shall be effective on or before December 1, 1994. Should the board fail to adopt such rule, a licensee may not charge a cancellation fee which exceeds 5 percent of the total charge for a hearing aid alone. The terms and conditions of the guarantee, including the total amount available for refund, shall be provided in writing to the purchaser prior to the signing of the contract.

(3) Within 30 days after the return or attempted return of the hearing aid, the seller shall refund all moneys that must be refunded to a purchaser pursuant to this section. *A violation of this subsection is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.*

(4) For purposes of this section, the term "seller" or "person selling a hearing aid" includes:

(a) Any natural person licensed under this part or any other natural person who signs a sales receipt required by s. 484.051(2) or s. 468.1245(2) or who otherwise fits, delivers, or dispenses a hearing aid.

(b) Any business organization, whether a sole proprietorship, partnership, corporation, professional association, joint venture, business trust, or other legal entity, which dispenses a hearing aid or enters into an agreement to dispense a hearing aid.

(c) Any person who controls, manages, or operates an establishment or business that dispenses a hearing aid or enters into an agreement to dispense a hearing aid.

Section 23. Effective upon this act becoming a law, subsection (1) of section 456.073, Florida Statutes, is amended to read:

456.073 Disciplinary proceedings.—Disciplinary proceedings for each board shall be within the jurisdiction of the department.

(1) The department, for the boards under its jurisdiction, shall cause to be investigated any complaint that is filed before it if the complaint is in writing, signed by the complainant, and legally sufficient. *A complaint filed by a state prisoner against a health care practitioner employed by or otherwise providing health care services within a facility of the Department of Corrections is not legally sufficient unless there is a showing that the prisoner complainant has exhausted all available administrative remedies within the state correctional system before filing the complaint. However, if the department determines after a preliminary inquiry of a state prisoner's complaint, that the practitioner may present a serious threat to the health and safety of any individual who is not a state prisoner, the department may determine legal sufficiency and proceed with discipline. The Department of Health shall be notified within 15 days whenever the Department of Corrections disciplines or allows a health care practitioner to resign for an offense related to the practice of his or her profession.* A complaint is legally sufficient if it contains ultimate facts that show that a violation of this chapter, of any of the practice acts relating to the professions regulated by the department, or of any rule adopted by the department or a regulatory board in the department has occurred. In order to determine legal sufficiency, the department may require supporting information or documentation. The department may investigate, and the department or the appropriate board may take appropriate final action on, a complaint even though the original complainant withdraws it or otherwise indicates a desire not to cause the complaint to be investigated or prosecuted to completion. The department may investigate an anonymous complaint if the complaint is in writing and is legally sufficient, if the alleged violation of law or rules is substantial, and if the department has reason to believe, after preliminary inquiry, that the violations alleged in the complaint are true. The department may investigate a complaint made by a confidential informant if the complaint is legally sufficient, if the alleged violation of law or rule is substantial, and if the department has reason to believe, after preliminary inquiry, that the allegations of the complainant are true. The department may initiate an investigation if it has reasonable cause to believe that a licensee or a group of licensees has violated a Florida statute, a rule of the department, or a rule of a board. Except as provided in ss. 458.331(9), 459.015(9), 460.413(5), and 461.013(6), when an investigation of any subject is undertaken, the department shall promptly furnish to the subject or the subject's attorney a copy of the complaint or document that resulted in the initiation of the investigation. The subject may submit a written response to the information contained in such complaint or document within 20 days after service to the subject of the complaint or document. The subject's written response shall be considered by the probable cause panel. The right to respond does not prohibit the issuance of a summary emergency order if necessary to protect the public. However, if the secretary, or the secretary's designee, and the chair of the respective board or the chair of its probable cause panel agree in writing that such notification would be detrimental to the investigation, the department may withhold notification. The department may conduct an investigation without notification to any subject if the act under investigation is a criminal offense.

Section 24. *(1) The Division of Medical Quality Assurance of the Department of Health shall conduct a study of clinical and academic training requirements of certified optometric practitioners, licensed pursuant to chapter 463, Florida Statutes, to determine the extent to which*

prescribing authority may be expanded. The study group shall be composed of the following members:

(a) One pharmacologist representing the University of Florida;

(b) One pharmacologist representing Nova Southeastern University;

(c) One pharmacologist representing Florida Agricultural and Mechanical University;

(d) One ophthalmologist representing Mayo Clinic Jacksonville;

(e) One ophthalmologist representing Bascom Palmer Eye Institute;

(f) One board-certified internist appointed by the University of South Florida;

(g) One optometrist representing the Florida Board of Optometry;

(h) One certified optometric practitioner representing the Florida Optometric Association; and

(i) One certified optometric practitioner appointed by the Nova Southeastern University College of Optometry.

(2) The study group shall be chaired by the Secretary of Health or his or her designee. The study shall be completed and a final report presented to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 15, 2004. If applicable, a minority report shall be completed and presented to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 31, 2004.

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

Section 25. Present subsection (4) of section 465.0265, Florida Statutes, is redesignated as subsection (5), and a new subsection (4) is added to that section, to read:

465.0265 Centralized prescription filling.—

(4) Pharmacies accessing the same prescription records in a centralized database or pharmacy computers linked in any other manner may refill or dispense prescriptions at the request of another pharmacy so linked if the pharmacies have the same owner or have a written contract specifying the services to be provided by each pharmacy, the responsibilities of each pharmacy, and the manner in which the pharmacies will comply with federal and state laws and rules. Prescriptions refilled or dispensed using such a system shall not be considered prescription transfers or copies if the computer system registers a complete and full audit trail of all activities and includes the identification of the pharmacies and pharmacists accessing the centralized database and if the system restricts access to the computerized prescription records to pharmacies or other authorized personnel.

Section 26. Subsection (2) of section 466.006, Florida Statutes, is amended to read:

466.006 Examination of dentists.—

(2) An applicant shall be entitled to take the examinations required in this section to practice dentistry in this state if the applicant:

(a) Is 18 years of age or older.

(b)*1.* Is a graduate of a dental school accredited by the Commission on Accreditation of the American Dental Association or its successor agency, if any, or any other nationally recognized accrediting agency*; or*.

2. Is a dental student in the final year of a program at such an accredited school who has completed all the coursework necessary to prepare the student to perform the clinical and diagnostic procedures required to pass the examinations. With respect to a dental student in the final year of a program at a dental school, a passing score on the examinations is valid for 180 days after the date the examinations were completed. A dental school student who takes the licensure examinations during the student's final year of an approved dental school must have graduated before being certified for licensure pursuant to s. 466.011.

(c) Has successfully completed the National Board of Dental Examiners dental examination within 10 years of the date of application.

Section 27. Section 466.0065, Florida Statutes, is created to read:

466.0065 Regional licensure examinations.—

(1) It is the intent of the Legislature that schools of dentistry be allowed to offer regional licensure examinations to dental students who are in the final year of a program at an approved dental school for the sole purpose of facilitating the student's licensing in other jurisdictions. This section does not allow a person to be licensed as a dentist in this state without taking the examinations as set forth in s. 466.006, nor does this section mean that regional examinations administered under this section may be substituted for complying with testing requirements under s. 466.006.

(2) Each school of dentistry in this state which is accredited by the Commission on Accreditation of the American Dental Association or its successor agency may, upon written approval by the Board of Dentistry, offer regional licensure examinations only to dental students in the final year of a program at an approved dental school, if the board has approved the hosting school's written plan to comply with the following conditions:

(a) The examining body must be a member of the American Association of Dental Examiners.

(b) The student must have successfully completed parts I and II of the National Board of Dental Examiners examination within 2 years before taking the regional examination.

(c) The student must possess medical malpractice insurance in amounts that the board determines to be sufficient to cover any reasonably forseeable incident of harm to a patient during the clinical portion of the regional examination.

(d) At least one of the examination monitors must be a dentist licensed in this state who has completed all necessary standardization exercises required by the regional examination body.

(e) Adequate arrangements must be made, when necessary, for patients who require followup care as a result of procedures performed during the clinical portion of the regional examination.

(f) The board chair or the chair's designee must be allowed to observe testing while it is in progress.

(g) Each student, upon applying to take the regional examination, must receive written disclosure in at least 12-point boldface type which states: "This examination does not meet the licensure requirements of chapter 466, Florida Statutes, for licensure in the State of Florida. Persons wishing to practice dentistry in Florida must pass the Florida licensure examinations. For more information on Florida's licensure examination procedures, please contact the Florida Board of Dentistry."

(h) The student must be enrolled as a dental student in the student's final year of a program at an approved dental school that is accredited by the Commission on Accreditation of the American Dental Association or its successor agency.

(i) The student must have completed all the coursework necessary to prepare the student to perform all clinical and diagnostic procedures required to pass the regional examination.

(j) The student's academic record must not include any evidence suggesting that the student poses an unreasonable risk to any live patients who are required for the clinical portion of the regional examination. In order to protect the health and safety of the public, the board may request additional information and documents pertaining to the candidate's mental and physical health in order to fully assess the candidate's fitness to engage in exercises involving a live patient.

(3) A student who takes the examination pursuant to this section, a dental school that submits a plan pursuant to this section, or a regional examination body that a dental school proposes to host under this section does not have standing to assert that a state agency has taken action for which a hearing may be sought under ss. 120.569 and 120.57.

Section 28. *This act may be cited as the "Nick Oelrich Gift of Life Act."*

Section 29. Subsections (1), (2), and (6) of section 765.512, Florida Statutes, are amended to read:

765.512 Persons who may make an anatomical gift.—

(1) Any person who may make a will may give all or part of his or her body for any purpose specified in s. 765.510, the gift to take effect upon death. An anatomical gift made by an adult donor and not revoked by the donor as provided in s. 765.516 is irrevocable ~~and does not require the consent or concurrence of any person~~ after the donor's death. *A family member, guardian, representative ad litem, or health care surrogate of an adult donor who has made an anatomical gift pursuant to subsection (2) may not modify, deny or prevent a donor's wish or intent to make an anatomical gift from being made after the donor's death.*

(2) If the decedent has executed an agreement concerning an anatomical gift, *by* ~~including~~ signing an organ and tissue donor card, *by* expressing his or her wish to donate in a living will or advance directive, or *by* signifying his or her intent to donate on his or her driver's license or in some other written form has indicated his or her wish to make an anatomical gift, and in the absence of actual notice of contrary indications by the decedent, the *document is evidence of legally sufficient informed consent to donate an anatomical gift and is legally binding. Any* surrogate designated by the decedent pursuant to part II of this chapter may give all or any part of the decedent's body for any purpose specified in s. 765.510.

(6) A gift of all or part of a body authorizes*:*

(a) Any examination necessary to assure medical acceptability of the gift for the purposes intended.

(b) The decedent's medical provider, family, or a third party to furnish medical records requested concerning the decedent's medical and social history.

Section 30. Section 765.516, Florida Statutes, is amended to read:

765.516 Amendment *of the terms of* or *the* revocation of the gift.—

(1) A donor may amend *the terms of* or revoke an anatomical gift by:

(a) The execution and delivery to the donee of a signed statement.

(b) An oral statement that is~~:~~

~~1. Made to the donor's spouse; or~~

~~2.~~ made in the presence of two persons, *one of whom must not be a family member,* and communicated to the donor's family or attorney or to the donee.

(c) A statement during a terminal illness or injury addressed to an attending physician, who must communicate the revocation of the gift to the procurement organization that is certified by the state.

(d) A signed document found on *or about* the donor's person ~~or in the donor's effects~~.

(2) Any gift made by a will may also be amended or revoked in the manner provided for amendment or revocation of wills or as provided in subsection (1).

Section 31. Subsection (1) of section 765.401, Florida Statutes, is amended to read:

765.401 The proxy.—

(1) If an incapacitated or developmentally disabled patient has not executed an advance directive, or designated a surrogate to execute an advance directive, or the designated or alternate surrogate is no longer available to make health care decisions, health care decisions may be made for the patient by any of the following individuals, in the following order of priority, if no individual in a prior class is reasonably available, willing, or competent to act:

(a) The judicially appointed guardian of the patient or the guardian advocate of the person having a developmental disability as defined in s. 393.063, who has been authorized to consent to medical treatment, if such guardian has previously been appointed; however, this paragraph shall not be construed to require such appointment before a treatment decision can be made under this subsection;

(b) The patient's spouse;

(c) An adult child of the patient, or if the patient has more than one adult child, a majority of the adult children who are reasonably available for consultation;

(d) A parent of the patient;

(e) The adult sibling of the patient or, if the patient has more than one sibling, a majority of the adult siblings who are reasonably available for consultation;

(f) An adult relative of the patient who has exhibited special care and concern for the patient and who has maintained regular contact with the patient and who is familiar with the patient's activities, health, and religious or moral beliefs; ~~or~~

(g) A close friend of the patient*; or*~~.~~

(h) A clinical social worker licensed pursuant to chapter 491, or a graduate of a court-approved guardianship program. Such a proxy must be selected by the provider's bioethics committee and must not be employed by the provider. If the provider does not have a bioethics committee, then such a proxy may be chosen through an arrangement with the bioethics committee of another provider. The proxy must be notified that upon request the provider shall make available a second physician, not involved in the patient's care, to assist the proxy in evaluating treatment. Decisions to withhold or withdraw life-prolonging procedures must be reviewed by the facility's bioethics committee. Documentation of efforts to locate proxies from prior classes must be recorded in the patient record.

Section 32. Subsection (22) is added to section 641.19, Florida Statutes, to read:

641.19 Definitions.—As used in this part, the term:

(22) "Specialty" does not include services performed by a chiropractic physician licensed under chapter 460.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 2 and 3, delete those lines and insert: An act relating to health care; providing a short title; requiring the Agency for Workforce Innovation to establish a pilot program for delivery of certified geriatric specialty nursing education; specifying eligibility requirements for certified nursing assistants to obtain certified geriatric specialty nursing education; specifying requirements for the education of certified nursing assistants to prepare for certification as a certified geriatric specialist; creating a Certified Geriatric Specialty Nursing Initiative Steering Committee; providing for the composition of and manner of appointment to the Certified Geriatric Specialty Nursing Initiative Steering Committee; providing responsibilities of the steering committee; providing for reimbursement for per diem and travel expenses; requiring the Agency for Workforce Innovation to conduct or contract for an evaluation of the pilot program for delivery of certified geriatric specialty nursing education; requiring the evaluation to include recommendations regarding the expansion of the delivery of certified geriatric specialty nursing education in nursing homes; requiring the Agency for Workforce Innovation to report to the Governor and Legislature regarding the status and evaluation of the pilot program; creating s. 464.0125, F.S.; providing definitions; providing requirements for persons to become certified geriatric specialists; specifying fees; providing for articulation of geriatric specialty nursing coursework and practical nursing coursework; providing practice standards and grounds for which certified geriatric specialists may be subject to discipline by the Board of Nursing; creating restrictions on the use of professional nursing titles; prohibiting the use of certain professional titles; providing penalties; authorizing approved nursing programs to provide education for the preparation of certified geriatric specialists without further board approval; authorizing certified geriatric specialists to supervise the activities of others in nursing home facilities according to rules by the Board of Nursing; revising terminology relating to nursing to conform to the certification of geriatric specialists; amending s. 381.00315, F.S.; revising requirements for the reactivation of the licenses of specified health care practitioners in the event of public health emergency to include certified geriatric specialists; amending s. 400.021, F.S.; including services provided by a certified geriatric specialist within the definition of nursing service; amending s. 400.211, F.S.; revising requirements for

persons employed as nursing assistants to conform to the certification of certified geriatric specialists; amending s. 400.23, F.S.; specifying that certified geriatric specialists shall be considered licensed nursing staff; authorizing licensed practical nurses to supervise the activities of certified geriatric specialists in nursing home facilities according to rules adopted by the Board of Nursing; amending s. 409.908, F.S.; revising the methodology for reimbursement of Medicaid program providers to include services of certified geriatric specialists; amending s. 458.303, F.S.; revising exceptions to the practice of medicine to include services delegated to a certified geriatric specialist under specified circumstances; amending s. 1009.65, F.S.; revising eligibility for the Medical Education Reimbursement and Loan Repayment Program to include certified geriatric specialists; amending s. 1009.66, F.S.; revising eligibility requirements for the Nursing Student Loan Forgiveness Program to include certified geriatric specialists; providing an appropriation; amending s. 464.201, F.S.; defining terms; amending s. 464.202, F.S.; authorizing the Board of Nursing to adopt rules regarding the practice and supervision of certified nursing assistants; creating the James and Esther King Center for Universal Research to Eradicate Disease; providing intent and duties; creating an advisory council; amending s. 215.5602, F.S.; expanding the long-term goals and funding of the Florida Biomedical Research Program to include the cure of specified diseases; creating the Florida Cancer Research Cooperative; providing for a board of directors; providing the cooperative's mission and duties; amending s. 484.0512, F.S.; providing a criminal penalty for failure of a seller to refund within a specified time moneys required to be refunded to a purchaser for the return or attempted return of a hearing aid; providing a definition; amending s. 456.073, F.S.; providing that a state prisoner must exhaust all available administrative remedies before filing a complaint with the Department of Health against a health care practitioner who is providing health care services within the Department of Corrections, unless the practitioner poses a serious threat to the health or safety of a person who is not a state prisoner; requiring the Department of Health to be notified if a health care practitioner is disciplined or allowed to resign for a practice-related offense; requiring the Division of Medical Quality Assurance of the Department of Health to conduct a study of clinical and academic training requirements of certified optometric practitioners; providing for appointment of members; requiring a report to be submitted to the Governor and Legislature; amending s. 465.0265, F.S.; providing requirements for the filing of prescriptions by pharmacies that are under common ownership or that have a contractual relationship with one another; specifying requirements for exceptions to prescription transfers between certain pharmacies; amending s. 466.006, F.S.; allowing certain dental students to take the examinations required to practice dentistry in this state under specified conditions; providing a prerequisite to licensure of such students; creating s. 466.0065, F.S.; allowing certain dental students to take regional licensure examinations under specified conditions; restricting the applicability of examination results to licensing in other jurisdictions; requiring approval by the Board of Dentistry and providing prerequisites to such approval; creating the "Nick Oelrich Gift of Life Act"; amending s. 765.512, F.S., relating to anatomical gifts; prohibiting modification of a donor's intent; providing that a donor document is legally binding; authorizing specified persons to furnish a donor's medical records upon request; amending s. 765.516, F.S.; revising procedures by which the terms of an anatomical gift may be amended or the gift may be revoked; amending s. 765.401, F.S.; providing additional persons who may be given a proxy for the making of health care decisions; requiring review by the facility's bioethics committee of decisions to withhold or withdraw life-prolonging procedures; requiring documentation of efforts to locate certain proxies; amending s. 641.19, F.S.; providing that the term "specialty" does not include the services of a licensed chiropractic physician for purposes of the regulation of managed care; amending s.

On motion by Senator Miller, by two-thirds vote **CS for SB 2212** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Alexander	Clary	Fasano
Argenziano	Constantine	Garcia
Aronberg	Cowin	Geller
Atwater	Crist	Haridopolos
Bullard	Dawson	Hill
Campbell	Diaz de la Portilla	Jones
Carlton	Dockery	Klein
Lawson	Posey	Villalobos
Lee	Pruitt	Wasserman Schultz
Lynn	Saunders	Webster
Margolis	Sebesta	Wilson
Miller	Siplin	Wise
Peaden	Smith	

Nays—None

Consideration of **CS for CS for SB 700** was deferred.

On motion by Senator Constantine—

CS for CS for SB 574—A bill to be entitled An act relating to the Florida Building Code; providing requirements relating to regional emergency elevator access; requiring elevators in newly constructed or certain substantially renovated buildings to be keyed alike within each of the state emergency response regions; providing for these requirements to be phased in for certain existing buildings; restricting the duplication and issuance of master elevator keys; requiring the labeling of master elevator keys; allowing local fire marshals to allow substitute emergency measures for elevator access in certain circumstances; providing for appeal of the local fire marshal's decision; providing for the State Fire Marshal to enforce these provisions; encouraging builders to use applicable new technology to provide regional emergency elevator access; providing an exemption for certain buildings; amending s. 399.106, F.S.; revising the membership of the Elevator Safety Technical Advisory Committee; removing provisions terminating the committee; amending s. 633.171, F.S.; establishing penalties for unauthorized use of fireworks and pyrotechnic devices; providing an effective date.

—was read the second time by title.

Senator Constantine moved the following amendments which were adopted:

Amendment 1 (103826)(with title amendment)—On page 5, between lines 7 and 8, insert:

Section 4. Subsection (2) of section 553.73, Florida Statutes, is amended to read:

553.73 Florida Building Code.—

(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, *hospice residential facilities, inpatient 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), (6), and (7) 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.

Section 5. *The Florida Building Commission may expedite the adoption and implementation of the State Existing Building Code as part of the Florida Building Code pursuant only to the provisions of chapter 120, Florida Statutes. The special update and amendment requirements of section 553.73, Florida Statutes, and the administrative rule requiring*

additional delay time between adoption and implementation of such code are waived.

Section 6. Subsection (1) of section 399.13, Florida Statutes, is amended to read:

399.13 Delegation of authority to municipalities or counties.—

(1) The department may enter into contracts with municipalities or counties under which such municipalities or counties will issue construction permits and certificates of operation; will provide for inspection of elevators, including temporary operation inspections; and will enforce the applicable provisions of the Florida Building Code, as required by this chapter. The municipality or county may choose to require inspections to be performed by its own inspectors or by private certified elevator inspectors *and may assess a reasonable fee for inspections performed by its inspectors*. Each *contract* ~~such agreement~~ shall include a provision that the municipality or county shall maintain for inspection by the department copies of all applications for permits issued, a copy of each inspection report issued, and proper records showing the number of certificates of operation issued; shall include a provision that each required inspection be conducted by a certified elevator inspector; and may include such other provisions as the department deems necessary. *The county shall enforce the provisions of the Florida Building Code as it applies to this chapter and may impose fees and assess and collect fines as part of that enforcement. A county or municipality may neither issue nor take disciplinary action against certificates of competency, elevator inspector certifications, elevator technician certifications, or elevator company registrations. However, the department may initiate disciplinary action against such registration or certifications at the request of a county or municipality.*

Section 7. Subsection (1) of section 400.605, Florida Statutes, is amended to read:

400.605 Administration; forms; fees; rules; inspections; fines.—

(1) The department, in consultation with the agency, shall by rule establish minimum standards and procedures for a hospice. The rules must include:

(a) License application procedures and requirements.

(b) The qualifications of professional and ancillary personnel to ensure the provision of appropriate and adequate hospice care.

(c) Standards and procedures for the administrative management of a hospice.

(d) Standards for hospice services that ensure the provision of quality patient care.

(e) Components of a patient plan of care.

(f) Procedures relating to the implementation of advanced directives and do-not-resuscitate orders.

(g) Procedures for maintaining and ensuring confidentiality of patient records.

(h) Standards for hospice care provided in freestanding inpatient facilities that are not otherwise licensed medical facilities and in residential care facilities such as nursing homes, assisted living facilities, adult family care homes, and hospice residential units and facilities.

~~(i) Physical plant standards for hospice residential and inpatient facilities and units.~~

(i)~~(j)~~ Components of a comprehensive emergency management plan, developed in consultation with the Department of Health, the Department of Elderly Affairs, and the Department of Community Affairs.

(j)~~(k)~~ Standards and procedures relating to the establishment and activities of a quality assurance and utilization review committee.

(k)~~(l)~~ Components and procedures relating to the collection of patient demographic data and other information on the provision of hospice care in this state.

Section 8. Subsection (5) is added to section 1013.45, Florida Statutes, to read:

1013.45 Educational facilities contracting and construction techniques.—

(5)(a) To assure that the public receives the best value in the provision of public school facilities, local school districts must use life-cycle, cost-analysis as one of the criteria for selecting new, expanded, or reconstructed facilities. Such analysis must consider:

1. The annual anticipated energy consumption;

2. The structural component's ability to withstand wind and associated debris;

3. The structural component's ability to resist wood destroying organisms;

4. The perpetual maintenance costs of the facility;

5. The structural component's ability to resist fire; and

6. The annual insurance costs.

(b) In completing such analysis, the school district may rely on information provided by the contractor if such information is based on the best available construction methods and products, as identified by the National Institute of Standards and Technology, the United States Department of Housing and Urban Development, other federal and state agencies, and other technical or professional organizations.

Section 9. Section 400.6055, Florida Statutes, is created to read:

400.6055 Construction and renovation; requirements.—The requirements for the construction and the renovation of a hospice inpatient facility or unit or a hospice residence must comply with the provisions of chapter 553 which pertain to building construction standards, including plumbing, electrical, glass, manufactured buildings, accessibility by physically handicapped persons, and the state minimum building codes.

Section 10. *The administrative rule of the Florida Building Commission for the type of products for local or statewide use, as authorized by section 553.842, Florida Statutes, shall take effect no earlier than January 1, 2004. The commission shall conduct a review of the costs of operation of this rule and determine the benefits to the health, safety, and welfare of such state approvals. It shall report the results of its cost and benefit analysis together with any recommendations to the 2004 Florida Legislature. Funds may not be expended for optional state approval without determination of a positive cost and benefit of such regulation to the public.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 26, after the semicolon (;) insert: amending s. 553.73, F.S.; including hospice facilities in the Florida Building Code; authorizing the commission to expedite adoption and implementation of the existing state building code as part of the Florida Building Code pursuant to limited procedures; allowing the commission to stay enforcement of provisions of the Florida Building Code under certain conditions; amending s. 399.13, F.S.; authorizing counties and municipalities to impose certain fees and fines; amending s. 400.605, F.S.; deleting requirements to adopt physical plant standards for a hospice; creating s. 400.6055, F.S.; requiring construction standards for hospice facilities to comply with the Florida Building Code; amending s. 1013.45, F.S.; requiring life-cycle, cost-analysis in selection of public school facilities; delaying the implementation of the administrative rule providing for product approval;

Amendment 2 (221550)—On page 5, between lines 7 and 8, insert:

(d) The provisions of this section do not apply to the manufacturing, distribution, wholesale or retail sale, or seasonal retail sale, of products regulated pursuant to chapter 791, where such products are not used or exploded within an indoor facility. This section does not affect the applicability of the Florida Fire Prevention Code, as referenced in ss. 633.0215 and 633.025 and adopted by the department.

Pursuant to Rule 4.19, **CS for CS for SB 574** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Klein—

CS for SB 2362—A bill to be entitled An act relating to the Florida Business Corporations Act; amending s. 607.0120, F.S.; clarifying a document execution provision relating to filing requirement; amending s. 607.0122, F.S.; clarifying an agent statement of resignation fee provision; amending s. 607.0123, F.S.; clarifying an effective time and date of document provision; amending s. 607.0124, F.S.; clarifying a filed document correction provision; amending s. 607.0141, F.S.; revising certain required notice provisions; providing for nonapplication to certain provisions; amending s. 607.0401, F.S.; clarifying a corporate name provision; providing construction relating to a corporate name; amending s. 607.0505, F.S.; providing for agent designation withdrawals by alien business organizations; amending s. 607.0630, F.S.; clarifying shareholder's preemptive rights provisions relating to certain securities; amending s. 607.0701, F.S.; providing for remote communications at annual shareholder meetings; providing requirements; amending s. 607.0702, F.S.; providing for remote communications at special shareholder meetings; providing requirements; amending s. 607.07401, F.S.; revising a complaint verification and allegation requirement under a shareholder derivative action provision; amending s. 607.0902, F.S.; revising a notice of shareholder meeting requirement; providing construction of control shares voting rights; deleting a rights of dissenting shareholders provision; amending s. 607.10025, F.S.; clarifying certain articles of incorporation provisions; amending s. 607.1004, F.S.; clarifying certain voting group amendment voting provisions; amending s. 607.1006, F.S.; clarifying certain execution of articles of amendment provisions; amending s. 607.1103, F.S.; clarifying a notification of certain plan actions provision; amending s. 607.1104, F.S.; clarifying a merger of subsidiary corporation plan of merger information requirement; amending s. 607.1108, F.S.; correcting a cross-reference; amending s. 607.11101, F.S.; clarifying certain effect of merger provisions; amending s. 607.1202, F.S.; clarifying a notice requirement relating to certain sales of assets; amending s. 607.1301, F.S.; providing definitions relating to appraisal rights; amending s. 607.1302, F.S.; providing for shareholders' rights to appraisals under certain circumstances; providing limitations; providing for limiting or eliminating appraisal rights under certain circumstances; prohibiting certain corporate action challenges under certain circumstances; creating s. 607.1303, F.S.; providing procedures, requirements, and limitations for assertion of rights by nominees and beneficial owners; amending s. 607.1320, F.S.; providing requirements for notice of appraisal rights; creating s. 607.1321, F.S.; providing requirements for notice of intent to demand payment; creating s. 607.1322, F.S.; providing appraisal notice and form requirements; creating s. 607.1323, F.S.; providing procedures, requirements, and limitations for perfection of appraisal rights; providing for right to withdraw under certain circumstances; creating s. 607.1324, F.S.; providing procedures and requirements for shareholders' acceptance of certain offers; creating s. 607.1326, F.S.; providing procedures for shareholder dissatisfaction with certain offers; providing for waiver of certain rights; creating s. 607.1330, F.S.; providing requirements, procedures, and limitations on court actions; providing for entitlement to certain judgments; requiring corporate payments under certain circumstances; creating s. 607.1331, F.S.; providing for assessment and award of court costs and attorney fees under certain circumstances; creating s. 607.1332, F.S.; providing for disposition of certain acquired shares; creating s. 607.1333, F.S.; providing limitations on corporate payouts; providing certain shareholder notice requirements; amending s. 607.1403, F.S.; providing for execution of articles of dissolution; clarifying requirements; amending s. 607.1406, F.S.; clarifying provisions relating to claims against dissolved corporations; creating s. 607.1407, F.S.; providing procedures and requirements for administration of unknown claims against dissolved corporations; amending s. 607.1422, F.S.; revising procedural requirements for reinstatement after administrative dissolution; amending s. 607.1430, F.S.; providing for restricting certain grounds for judicial dissolution; providing application; amending s. 607.1503, F.S.; clarifying certain foreign corporation name requirements; amending s. 607.1504, F.S.; revising certain execution procedures and requirements for amended certificates of authority; amending s. 607.1506, F.S.; clarifying name requirements for foreign corporations; creating s. 607.1605, F.S.; providing requirements, procedures, and limitations on inspection of corporate records by directors; amending s. 607.1622, F.S.; deleting an annual report information requirement relating to corporate liability for certain taxes; amending s. 607.1907, F.S.; clarifying an effect of repeal of prior acts provision; repealing s. 607.0903, F.S., relating to application of certain provisions to foreign corporations; providing effective dates.

—was read the second time by title.

Senator Klein moved the following amendments which were adopted:

Amendment 1 (112810)(with title amendment)—On page 22, line 9 through page 47, line 3, delete those lines and insert:

(5) "Interest" means interest from the effective date of the corporate action until the date of payment, at the rate of interest on judgments in this state on the effective date of the corporate action.

(6) "Preferred shares" means a class or series of shares the holders of which have preference over any other class or series with respect to distributions.

(7) "Record shareholder" means the person in whose name shares are registered in the records of the corporation or the beneficial owner of shares to the extent of the rights granted by a nominee certificate on file with the corporation.

(8) "Senior executive" means the chief executive officer, chief operating officer, chief financial officer, or anyone in charge of a principal business unit or function.

(9) "Shareholder" means both a record shareholder and a beneficial shareholder.

Section 22. Section 607.1302, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 607.1302, Florida Statutes, for present text.)

607.1302 Right of shareholders to appraisal.—

(1) A shareholder is entitled to appraisal rights, and to obtain payment of the fair value of that shareholder's shares, in the event of any of the following corporate actions:

(a) Consummation of a merger to which the corporation is a party if shareholder approval is required for the merger by s. 607.1103 and the shareholder is entitled to vote on the merger or if the corporation is a subsidiary and the merger is governed by s. 607.1104;

(b) Consummation of a share exchange to which the corporation is a party as the corporation whose shares will be acquired if the shareholder is entitled to vote on the exchange, except that appraisal rights shall not be available to any shareholder of the corporation with respect to any class or series of shares of the corporation that is not exchanged;

(c) Consummation of a disposition of assets pursuant to s. 607.1202 if the shareholder is entitled to vote on the disposition, including a sale in dissolution but not including a sale pursuant to court order or a sale for cash pursuant to a plan by which all or substantially all of the net proceeds of the sale will be distributed to the shareholders within 1 year after the date of sale;

(d) Any other amendment to the articles of incorporation, merger, share exchange, or disposition of assets to the extent provided by the articles of incorporation, bylaws, or a resolution of the board of directors, except that no bylaw or board resolution providing for appraisal rights may be amended or otherwise altered except by shareholder approval; or

(e) With regard to shares issued prior to October 1, 2003, any amendment of the articles of incorporation if the shareholder is entitled to vote on the amendment and if such amendment would adversely affect such shareholder by:

1. Altering or abolishing any preemptive rights attached to any of his or her shares;

2. Altering or abolishing the voting rights pertaining to any of his or her shares, except as such rights may be affected by the voting rights of new shares then being authorized of any existing or new class or series of shares;

3. Effecting an exchange, cancellation, or reclassification of any of his or her shares, when such exchange, cancellation, or reclassification would alter or abolish the shareholder's voting rights or alter his or her percentage of equity in the corporation, or effecting a reduction or cancellation of accrued dividends or other arrearages in respect to such shares;

4. Reducing the stated redemption price of any of the shareholder's redeemable shares, altering or abolishing any provision relating to any sinking fund for the redemption or purchase of any of his or her shares, or making any of his or her shares subject to redemption when they are not otherwise redeemable;

5. Making noncumulative, in whole or in part, dividends of any of the shareholder's preferred shares which had theretofore been cumulative;

6. Reducing the stated dividend preference of any of the shareholder's preferred shares; or

7. Reducing any stated preferential amount payable on any of the shareholder's preferred shares upon voluntary or involuntary liquidation.

(2) Notwithstanding subsection (1), the availability of appraisal rights under paragraphs (1)(a), (b), (c), and (d) shall be limited in accordance with the following provisions:

(a) Appraisal rights shall not be available for the holders of shares of any class or series of shares which is:

1. Listed on the New York Stock Exchange or the American Stock Exchange or designated as a national market system security on an interdealer quotation system by the National Association of Securities Dealers, Inc.; or

2. Not so listed or designated, but has at least 2,000 shareholders and the outstanding shares of such class or series has a market value of at least $10 million, exclusive of the value of such shares held by its subsidiaries, senior executives, directors, and beneficial shareholders owning more than 10 percent of such shares.

(b) The applicability of paragraph (2)(a) shall be determined as of:

1. The record date fixed to determine the shareholders entitled to receive notice of, and to vote at, the meeting of shareholders to act upon the corporate action requiring appraisal rights; or

2. If there will be no meeting of shareholders, the close of business on the day on which the board of directors adopts the resolution recommending such corporate action.

(c) Paragraph (2)(a) shall not be applicable and appraisal rights shall be available pursuant to subsection (1) for the holders of any class or series of shares who are required by the terms of the corporate action requiring appraisal rights to accept for such shares anything other than cash or shares of any class or any series of shares of any corporation, or any other proprietary interest of any other entity, that satisfies the standards set forth in paragraph (2)(a) at the time the corporate action becomes effective.

(d) Paragraph (2)(a) shall not be applicable and appraisal rights shall be available pursuant to subsection (1) for the holders of any class or series of shares if:

1. Any of the shares or assets of the corporation are being acquired or converted, whether by merger, share exchange, or otherwise, pursuant to the corporate action by a person, or by an affiliate of a person, who:

a. Is, or at any time in the 1-year period immediately preceding approval by the board of directors of the corporate action requiring appraisal rights was, the beneficial owner of 20 percent or more of the voting power of the corporation, excluding any shares acquired pursuant to an offer for all shares having voting power if such offer was made within 1 year prior to the corporate action requiring appraisal rights for consideration of the same kind and of a value equal to or less than that paid in connection with the corporate action; or

b. Directly or indirectly has, or at any time in the 1-year period immediately preceding approval by the board of directors of the corporation of the corporate action requiring appraisal rights had, the power, contractually or otherwise, to cause the appointment or election of 25 percent or more of the directors to the board of directors of the corporation; or

2. Any of the shares or assets of the corporation are being acquired or converted, whether by merger, share exchange, or otherwise, pursuant to such corporate action by a person, or by an affiliate of a person, who is, or at any time in the 1-year period immediately preceding approval by the board of directors of the corporate action requiring appraisal rights was, a senior executive or director of the corporation or a senior executive of any affiliate thereof, and that senior executive or director will receive, as a result of the corporate action, a financial benefit not generally available to other shareholders as such, other than:

a. Employment, consulting, retirement, or similar benefits established separately and not as part of or in contemplation of the corporate action;

b. Employment, consulting, retirement, or similar benefits established in contemplation of, or as part of, the corporate action that are not more favorable than those existing before the corporate action or, if more favorable, that have been approved on behalf of the corporation in the same manner as is provided in s. 607.0832; or

c. In the case of a director of the corporation who will, in the corporate action, become a director of the acquiring entity in the corporate action or one of its affiliates, rights and benefits as a director that are provided on the same basis as those afforded by the acquiring entity generally to other directors of such entity or such affiliate.

(e) For the purposes of paragraph (2)(d) only, the term "beneficial owner" means any person who, directly or indirectly, through any contract, arrangement, or understanding, other than a revocable proxy, has or shares the power to vote, or to direct the voting of, shares, provided that a member of a national securities exchange shall not be deemed to be a beneficial owner of securities held directly or indirectly by it on behalf of another person solely because such member is the record holder of such securities if the member is precluded by the rules of such exchange from voting without instruction on contested matters or matters that may affect substantially the rights or privileges of the holders of the securities to be voted. When two or more persons agree to act together for the purpose of voting their shares of the corporation, each member of the group formed thereby shall be deemed to have acquired beneficial ownership, as of the date of such agreement, of all voting shares of the corporation beneficially owned by any member of the group.

(3) Notwithstanding any other provision of this section, the articles of incorporation as originally filed or any amendment thereto may limit or eliminate appraisal rights for any class or series of preferred shares, but any such limitation or elimination contained in an amendment to the articles of incorporation that limits or eliminates appraisal rights for any of such shares that are outstanding immediately prior to the effective date of such amendment or that the corporation is or may be required to issue or sell thereafter pursuant to any conversion, exchange, or other right existing immediately before the effective date of such amendment shall not apply to any corporate action that becomes effective within 1 year of that date if such action would otherwise afford appraisal rights.

(4) A shareholder entitled to appraisal rights under this chapter may not challenge a completed corporate action for which appraisal rights are available unless such corporate action:

(a) Was not effectuated in accordance with the applicable provisions of this section or the corporation's articles of incorporation, bylaws, or board of directors' resolution authorizing the corporate action; or

(b) Was procured as a result of fraud or material misrepresentation.

Section 23. Section 607.1303, Florida Statutes, is created to read:

607.1303 Assertion of rights by nominees and beneficial owners.—

(1) A record shareholder may assert appraisal rights as to fewer than all the shares registered in the record shareholder's name but owned by a beneficial shareholder only if the record shareholder objects with respect to all shares of the class or series owned by the beneficial shareholder and notifies the corporation in writing of the name and address of each beneficial shareholder on whose behalf appraisal rights are being asserted. The rights of a record shareholder who asserts appraisal rights for only part of the shares held of record in the record shareholder's name

under this subsection shall be determined as if the shares as to which the record shareholder objects and the record shareholder's other shares were registered in the names of different record shareholders.

(2) A beneficial shareholder may assert appraisal rights as to shares of any class or series held on behalf of the shareholder only if such shareholder:

(a) Submits to the corporation the record shareholder's written consent to the assertion of such rights no later than the date referred to in s. 607.1322(2)(b)2.

(b) Does so with respect to all shares of the class or series that are beneficially owned by the beneficial shareholder.

Section 24. Section 607.1320, Florida Statutes, is amended to read:

(Substantial rewording of section. See s.607.1320, Florida Statutes, for present text.)

607.1320 Notice of appraisal rights.—

(1) If proposed corporate action described in s. 607.1302(1) is to be submitted to a vote at a shareholders' meeting, the meeting notice must state that the corporation has concluded that shareholders are, are not, or may be entitled to assert appraisal rights under this chapter. If the corporation concludes that appraisal rights are or may be available, a copy of ss. 607.1301-607.1333 must accompany the meeting notice sent to those record shareholders entitled to exercise appraisal rights.

(2) In a merger pursuant to s. 607.1104, the parent corporation must notify in writing all record shareholders of the subsidiary who are entitled to assert appraisal rights that the corporate action became effective. Such notice must be sent within 10 days after the corporate action became effective and include the materials described in s. 607.1322.

(3) If the proposed corporate action described in s. 607.1302(1) is to be approved other than by a shareholders meeting, the notice referred to in s. 607.1320(1) must be sent to all shareholders at the time that consents are first solicited pursuant to s. 607.0704, whether or not consents are solicited from all shareholders, and include the materials described in s. 607.1322.

Section 25. Section 607.1321, Florida Statutes, is created to read:

607.1321 Notice of intent to demand payment.—

(1) If proposed corporate action requiring appraisal rights under s. 607.1302 is submitted to a vote at a shareholders' meeting, or is submitted to a shareholder pursuant to a consent vote under s. 607.0704, a shareholder who wishes to assert appraisal rights with respect to any class or series of shares:

(a) Must deliver to the corporation before the vote is taken, or within 20 days after receiving the notice pursuant to s. 607.1320(3) if action is to be taken without a shareholder meeting, written notice of the shareholder's intent to demand payment if the proposed action is effectuated.

(b) Must not vote, or cause or permit to be voted, any shares of such class or series in favor of the proposed action.

(2) A shareholder who does not satisfy the requirements of subsection (1) is not entitled to payment under this chapter.

Section 26. Section 607.1322, Florida Statutes, is created to read:

607.1322 Appraisal notice and form.—

(1) If proposed corporate action requiring appraisal rights under s. 607.1302(1) becomes effective, the corporation must deliver a written appraisal notice and form required by paragraph (2)(a) to all shareholders who satisfied the requirements of s. 607.1321. In the case of a merger under s. 607.1104, the parent must deliver a written appraisal notice and form to all record shareholders who may be entitled to assert appraisal rights.

(2) The appraisal notice must be sent no earlier than the date the corporate action became effective and no later than 10 days after such date and must:

(a) Supply a form that specifies the date that the corporate action became effective and that provides for the shareholder to state:

1. The shareholder's name and address.

2. The number, classes, and series of shares as to which the shareholder asserts appraisal rights.

3. That the shareholder did not vote for the transaction.

4. Whether the shareholder accepts the corporation's offer as stated in subparagraph (2)(b)4.

5. If the offer is not accepted, the shareholder's estimated fair value of the shares and a demand for payment of the shareholder's estimated value plus interest.

(b) State:

1. Where the form must be sent and where certificates for certificated shares must be deposited and the date by which those certificates must be deposited, which date may not be earlier than the date for receiving the required form under subparagraph (2)(b)2.

2. A date by which the corporation must receive the form, which date may not be fewer than 40 nor more than 60 days after the date the subsection (1) appraisal notice and form are sent, and state that the shareholder shall have waived the right to demand appraisal with respect to the shares unless the form is received by the corporation by such specified date.

3. The corporation's estimate of the fair value of the shares.

4. An offer to each shareholder who is entitled to appraisal rights to pay the corporation's estimate of fair value set forth in subparagraph (2)(b)3.

5. That, if requested in writing, the corporation will provide to the shareholder so requesting, within 10 days after the date specified in subparagraph (2)(b)2., the number of shareholders who return the forms by the specified date and the total number of shares owned by them.

6. The date by which the notice to withdraw under s. 607.1323 must be received, which date must be within 20 days after the date specified in subparagraph (2)(b)2.

(c) Be accompanied by:

1. Financial statements of the corporation that issued the shares to be appraised, consisting of a balance sheet as of the end of the fiscal year ending not more than 15 months prior to the date of the corporation's appraisal notice, an income statement for that year, a cash flow statement for that year, and the latest available interim financial statements, if any.

2. A copy of ss. 607.1301-607.1333.

Section 27. Section 607.1323, Florida Statutes, is created to read:

607.1323 Perfection of rights; right to withdraw.—

(1) A shareholder who wishes to exercise appraisal rights must execute and return the form received pursuant to s. 607.1322(1) and, in the case of certificated shares, deposit the shareholder's certificates in accordance with the terms of the notice by the date referred to in the notice pursuant to s. 607.1322(2)(b)2. Once a shareholder deposits that shareholder's certificates or, in the case of uncertificated shares, returns the executed forms, that shareholder loses all rights as a shareholder, unless the shareholder withdraws pursuant to subsection (2).

(2) A shareholder who has complied with subsection (1) may nevertheless decline to exercise appraisal rights and withdraw from the appraisal process by so notifying the corporation in writing by the date set forth in the appraisal notice pursuant to s. 607.1322(2)(b)6. A shareholder who fails to so withdraw from the appraisal process may not thereafter withdraw without the corporation's written consent.

(3) A shareholder who does not execute and return the form and, in the case of certificated shares, deposit that shareholder's share certificates if required, each by the date set forth in the notice described in subsection (2), shall not be entitled to payment under this chapter.

Section 28. Section 607.1324, Florida Statutes, is created to read:

607.1324 Shareholder's acceptance of corporation's offer.—

(1) If the shareholder states on the form provided in s. 607.1322(1) that the shareholder accepts the offer of the corporation to pay the corporation's estimated fair value for the shares, the corporation shall make such payment to the shareholder within 90 days after the corporation's receipt of the form from the shareholder.

(2) Upon payment of the agreed value, the shareholder shall cease to have any interest in the shares.

Section 29. Section 607.1326, Florida Statutes, is created to read:

607.1326 Procedure if shareholder is dissatisfied with offer.—

(1) A shareholder who is dissatisfied with the corporation's offer as set forth pursuant to s. 607.1322(2)(b)4. must notify the corporation on the form provided pursuant to s. 607.1322(1) of that shareholder's estimate of the fair value of the shares and demand payment of that estimate plus interest.

(2) A shareholder who fails to notify the corporation in writing of that shareholder's demand to be paid the shareholder's stated estimate of the fair value plus interest under subsection (1) within the timeframe set forth in s. 607.1322(2)(b)2. waives the right to demand payment under this section and shall be entitled only to the payment offered by the corporation pursuant to s. 607.1322(2)(b)4.

Section 30. Section 607.1331, Florida Statutes, is created to read:

607.1331 Court costs and counsel fees.—

(1) The court in an appraisal proceeding commenced under s. 607.1330 shall determine all costs of the proceeding, including the reasonable compensation and expenses of appraisers appointed by the court. The court shall assess the costs against the corporation, except that the court may assess costs against all or some of the shareholders demanding appraisal, in amounts the court finds equitable, to the extent the court finds such shareholders acted arbitrarily, vexatiously, or not in good faith with respect to the rights provided by this chapter.

(2) The court in an appraisal proceeding may also assess the fees and expenses of counsel and experts for the respective parties, in amounts the court finds equitable:

(a) Against the corporation and in favor of any or all shareholders demanding appraisal if the court finds the corporation did not substantially comply with ss. 607.1320 and 607.1322; or

(b) Against either the corporation or a shareholder demanding appraisal, in favor of any other party, if the court finds that the party against whom the fees and expenses are assessed acted arbitrarily, vexatiously, or not in good faith with respect to the rights provided by this chapter.

(3) If the court in an appraisal proceeding finds that the services of counsel for any shareholder were of substantial benefit to other shareholders similarly situated, and that the fees for those services should not be assessed against the corporation, the court may award to such counsel reasonable fees to be paid out of the amounts awarded the shareholders who were benefited.

(4) To the extent the corporation fails to make a required payment pursuant to s. 607.1324, the shareholder may sue directly for the amount owed and, to the extent successful, shall be entitled to recover from the corporation all costs and expenses of the suit, including counsel fees.

Section 31. Section 607.1332, Florida Statutes, is created to read:

607.1332 Disposition of acquired shares.—Shares acquired by a corporation pursuant to payment of the agreed value thereof or pursuant to payment of the judgment entered therefor, as provided in this chapter, may be held and disposed of by such corporation as authorized but unissued shares of the corporation, except that, in the case of a merger or share exchange, they may be held and disposed of as the plan of merger or share exchange otherwise provides. The shares of the surviving corporation into which the shares of such shareholders demanding appraisal rights would have been converted had they assented to the merger shall have the status of authorized but unissued shares of the surviving corporation.

Section 32. Section 607.1333, Florida Statutes, is created to read:

607.1333. Limitation on corporate payment.—

(1) No payment shall be made to a shareholder seeking appraisal rights if, at the time of payment, the corporation is unable to meet the distribution standards of s. 607.06401. In such event, the shareholder shall, at the shareholder's option:

(a) Withdraw his or her notice of intent to assert appraisal rights, which shall in such event be deemed withdrawn with the consent of the corporation; or

(b) Retain his or her status as a claimant against the corporation and, if it is liquidated, be subordinated to the rights of creditors of the corporation, but have rights superior to the shareholders not asserting appraisal rights, and if it is not liquidated, retain his or her right to be paid for the shares, which right the corporation shall be obliged to satisfy when the restrictions of this section do not apply.

(2) The shareholder shall exercise the option under paragraph (1)(a) or (b) by written notice filed with the corporation within 30 days after the corporation has given written notice that the payment for shares cannot be made because of the restrictions of this section. If the shareholder fails to exercise the option, the shareholder shall be deemed to have withdrawn his or her notice of intent to assert appraisal rights.

Section 33. Subsection (1) of section 607.1403, Florida Statutes, is amended to read:

607.1403 Articles of dissolution.—

(1) At any time after dissolution is authorized, the corporation may dissolve by delivering to the Department of State for filing articles of dissolution *which shall be executed in accordance with s. 607.0120 and which shall set* ~~setting~~ forth:

(a) The name of the corporation;

(b) The date dissolution was authorized;

(c) If dissolution was approved by the shareholders, a statement that the number cast for dissolution *by the shareholders* was sufficient for approval.

(d) If dissolution was approved by the shareholders and if voting by voting groups was required, a statement that the number cast for dissolution *by the shareholders* was sufficient for approval must be separately provided for each voting group entitled to vote separately on the plan to dissolve.

Section 34. Section 607.1406, Florida Statutes, is amended to read:

607.1406 *Known* claims against dissolved corporation.—

(1) A dissolved corporation or successor entity, as defined in subsection (15), may dispose of the known claims against it by following the procedures described in subsections (2), (3), and(4).

(2) The dissolved corporation or successor entity shall deliver to each of its known claimants written notice of the dissolution at any time after its effective date. The written notice shall:

(a) Provide a reasonable description of the claim that the claimant may be entitled to assert;

(b) State whether the claim is admitted or not admitted, in whole or in part, and, if admitted:

1. The amount that is admitted, which may be as of a given date; and

2. Any interest obligation if fixed by an instrument of indebtedness;

(c) Provide a mailing address where a claim may be sent;

(d) State the deadline, which may not be fewer than 120 days after the effective date of the written notice, by which confirmation of the

claim must be delivered to the dissolved corporation or successor entity; *and*

(e) State that the corporation or successor entity may make distributions thereafter to other claimants and the corporation's shareholders or persons interested as having been such without further notice.

(3) A dissolved corporation or successor entity may reject, in whole or in part, any claim made by a claimant pursuant to this subsection by mailing notice of such rejection to the claimant within 90 days after receipt of such claim and, in all events, at least 150 days before expiration of 3 years following the effective date of dissolution. A notice sent by the dissolved corporation or successor entity pursuant to this subsection shall be accompanied by a copy of this section.

(4) A dissolved corporation or successor entity electing to follow the procedures described in subsections(2) and (3) shall also give notice of the dissolution of the corporation to persons with *known* claims*, that are* contingent upon the occurrence or nonoccurrence of future events or otherwise conditional or unmatured, and request that such persons present such claims in accordance with the terms of such notice. Such notice shall be in substantially the form, and sent in the same manner, as described in subsection (2).

(5) A dissolved corporation or successor entity shall offer any claimant whose *known* claim is contingent, conditional, or unmatured such security as the corporation or such entity determines is sufficient to provide compensation to the claimant if the claim matures. The dissolved corporation or successor entity shall deliver such offer to the claimant within 90 days after receipt of such claim and, in all events, at least 150 days before expiration of 3 years following the effective date of dissolution. If the claimant offered such security does not deliver in writing to the dissolved corporation or successor entity a notice rejecting the offer within 120 days after receipt of such offer for security, the claimant is deemed to have accepted such security as the sole source from which to satisfy his or her claim against the corporation.

(6) A dissolved corporation or successor entity which has given notice in accordance with subsections (2) and (4) shall petition the circuit court in the county where the corporation's principal office is located or was located at the effective date of dissolution to determine the amount and form of security that will be sufficient to provide compensation to any claimant who has rejected the offer for security made pursuant to subsection (5).

(7) A dissolved corporation or successor entity which has given notice in accordance with subsection (2) shall petition the circuit court in the county where the corporation's principal office is located or was located at the effective date of dissolution to determine the amount and form of security which will be sufficient to provide compensation to claimants whose claims are known to the corporation or successor entity but whose identities are unknown. The court shall appoint a guardian ad litem to represent all claimants whose identities are unknown in any proceeding brought under this subsection. The reasonable fees and expenses of such guardian, including all reasonable expert witness fees, shall be paid by the petitioner in such proceeding.

(8) The giving of any notice or making of any offer pursuant to the provisions of this section shall not revive any claim then barred or constitute acknowledgment by the dissolved corporation or successor entity that any person to whom such notice is sent is a proper claimant and shall not operate as a waiver of any defense or counterclaim in respect of any claim asserted by any person to whom such notice is sent.

(9) A dissolved corporation or successor entity which has followed the procedures described in subsections (2)-(7):

(a) Shall pay the claims admitted or made and not rejected in accordance with subsection (3);

(b) Shall post the security offered and not rejected pursuant to subsection (5);

(c) Shall post any security ordered by the circuit court in any proceeding under subsections (6) and (7); and

(d) Shall pay or make provision for all other *known* obligations of the corporation or such successor entity.

Such claims or obligations shall be paid in full, and any such provision for payments shall be made in full if there are sufficient funds. If there are insufficient funds, such claims and obligations shall be paid or provided for according to their priority and, among claims of equal priority, ratably to the extent of funds legally available therefor. Any remaining funds shall be distributed to the shareholders of the dissolved corporation; however, such distribution may not be made before the expiration of 150 days from the date of the last notice of rejections given pursuant to subsection (3). In the absence of actual fraud, the judgment of the directors of the dissolved corporation or the governing persons of such successor entity as to the provisions made for the payment of all obligations under paragraph (d) is conclusive.

(10) A dissolved corporation or successor entity which has not followed the procedures described in subsections (2) and (3) shall pay or make reasonable provision to pay all *known* claims and obligations, including all contingent, conditional, or unmatured claims known to the corporation or such successor entity and all claims which are known to the dissolved corporation or such successor entity but for which the identity of the claimant is unknown. Such claims shall be paid in full, and any such provision for payment made shall be made in full if there are sufficient funds. If there are insufficient funds, such claims and obligations shall be paid or provided for according to their priority and, among claims of equal priority, ratably to the extent of funds legally available therefor. Any remaining funds shall be distributed to the shareholders of the dissolved corporation.

(11) Directors of a dissolved corporation or governing persons of a successor entity which has complied with subsection (9) or subsection (10) are not personally liable to the claimants of the dissolved corporation.

(12) A shareholder of a dissolved corporation the assets of which were distributed pursuant to subsection (9) or subsection (10) is not liable for any claim against the corporation in an amount in excess of such shareholder's pro rata share of the claim or the amount distributed to the shareholder, whichever is less.

(13) A shareholder of a dissolved corporation, the assets of which were distributed pursuant to subsection (9)*,* is not liable for any claim against the corporation*, which claim is known to the corporation or successor entity,* on which a proceeding is not begun prior to the expiration of 3 years following the effective date of dissolution.

(14) The aggregate liability of any shareholder of a dissolved corporation for claims against the dissolved corporation *arising under this section, s. 607.1407, or otherwise,* may not exceed the amount distributed to the shareholder in dissolution.

(15) As used in this section *or s. 607.1407*, the term "successor entity" includes any trust, receivership, or other legal entity governed by the laws of this state to which the remaining assets and liabilities of a dissolved corporation are transferred and which exists solely for the purposes of prosecuting and defending suits by or against the dissolved corporation, enabling the dissolved corporation to settle and close the business of the dissolved corporation, to dispose of and convey the property of the dissolved corporation, to discharge the liabilities of the dissolved corporation, and to distribute to the dissolved corporation's shareholders any remaining assets, but not for the purpose of continuing the business for which the dissolved corporation was organized.

Section 35. Section 607.1407, Florida Statutes, is created to read:

607.1407 Unknown claims against dissolved corporation.—A dissolved corporation or successor entity, as defined in s. 607.1406(15), may choose to execute one of the following procedures to resolve payment of unknown claims.

(1) A dissolved corporation or successor entity may file notice of its dissolution with the Department of State on the form prescribed by the Department of State and request that persons with claims against the corporation which are not known to the corporation or successor entity present them in accordance with the notice. The notice shall:

(a) State the name of the corporation and the date of dissolution;

(b) Describe the information that must be included in a claim and provide a mailing address to which the claim may be sent; and

(c) State that a claim against the corporation under this subsection will be barred unless a proceeding to enforce the claim is commenced within 4 years after the filing of the notice.

(2) A dissolved corporation or successor entity may, within 10 days of adopting the articles of dissolution, publish a "Notice of Corporate Dissolution." The notice shall appear once a week for 2 consecutive weeks in a newspaper of general circulation in a county in the state wherein the corporation owns real or personal property. Such newspaper shall meet the requirements as are prescribed by law for such purposes. The notice shall:

(a) State the name of the corporation and the date of dissolution;

(b) Describe the information that must be included in a claim and provide a mailing address to which the claim may be sent; and

(c) State that a claim against the corporation under this subsection will be barred unless a proceeding to enforce the claim is commenced within 4 years after the filing of the notice.

(3) If the dissolved corporation or successor entity complies with subsections (1) or (2), the claim of each of the following claimants is barred unless the claimant commences a proceeding to enforce the claim against the dissolved corporation within 4 years after the filing date:

(a) A claimant who did not receive written notice under s. 607.1406(9), or whose claim was not provided for under s. 607.1456(10), whether such claim is based on an event occurring before or after the effective date of dissolution.

(b) A claimant whose claim was timely sent to the dissolved corporation but on which no action was taken.

(4) A claim may be entered under this section:

(a) Against the dissolved corporation, to the extent of its undistributed assets; or

(b) If the assets have been distributed in liquidation, against a shareholder of the dissolved corporation to the extent of such shareholder's pro rata share of the claim or the corporate assets distributed to such shareholder in liquidation, whichever is less, provided that the aggregate liability of any shareholder of a dissolved corporation arising under this section, s. 607.1406, or otherwise may not exceed the amount distributed to the shareholder in dissolution.

Nothing in this section shall preclude or relieve the corporation from its notification to claimants otherwise set forth in this chapter.

And the title is amended as follows:

On page 2, line 20 through page 4, line 5, delete those lines and insert: assets; amending s. 607.1301, F.S.; providing definitions relating to appraisal rights; amending s. 607.1302, F.S.; providing for shareholders' rights to appraisals under certain circumstances; providing limitations; providing for limiting or eliminating appraisal rights under certain circumstances; prohibiting certain corporate action challenges under certain circumstances; creating s. 607.1303, F.S.; providing procedures, requirements, and limitations for assertion of rights by nominees and beneficial owners; amending s. 607.1320, F.S.; providing requirements for notice of appraisal rights; creating s. 607.1321, F.S.; providing requirements for notice of intent to demand payment; creating s. 607.1322, F.S.; providing appraisal notice and form requirements; creating s. 607.1323, F.S.; providing procedures, requirements, and limitations for perfection of appraisal rights; providing for right to withdraw under certain circumstances; creating s. 607.1324, F.S.; providing procedures and requirements for shareholders' acceptance of certain offers; creating s. 607.1326, F.S.; providing procedures for shareholder dissatisfaction with certain offers; providing for waiver of certain rights; creating s. 607.1330, F.S.; providing requirements, procedures, and limitations on court actions; providing for entitlement to certain judgments; requiring corporate payments under certain circumstances; creating s. 607.1331, F.S.; providing for assessment and award of court costs and attorney fees under certain circumstances; creating s. 607.1332, F.S.; providing for disposition of certain acquired shares; creating s. 607.1333, F.S.; providing limitations on corporate payouts; providing certain shareholder notice requirements; amending s. 607.1403, F.S.; providing for execution of articles of dissolution; clarifying requirements; amending s. 607.1406, F.S.; clarifying provisions relating to claims against dissolved corporations; creating s. 607.1407, F.S.; providing procedures and requirements for administration of unknown claims against dissolved corporations; amending s. 607.1422,

Amendment 2 (112020)(with title amendment)—On page 48, line 9 through page 49, line 9, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 4, line 8-10, delete those lines and insert: amending s.

Pursuant to Rule 4.19, **CS for SB 2362** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 2482** was deferred.

On motion by Senator Posey, by two-thirds vote **HB 1035** was withdrawn from the Committees on Banking and Insurance; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Posey—

HB 1035—A bill to be entitled An act relating to a public records exemption for investigatory records relating to workers compensation employer compliance; amending s. 440.108, F.S.; providing an exception to the exemption; adding conforming and clarifying language; removing the October 2, 2003, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

—a companion measure, was substituted for **CS for SB 284** and read the second time by title.

Pursuant to Rule 4.19, **HB 1035** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 2688** and **CS for SB 1974** was deferred.

On motion by Senator Dockery—

SB 2586—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; amending s. 20.331, F.S.; creating the Office of Boating and Waterways within the commission; providing powers and duties of the office; amending s. 206.606, F.S.; providing for the transfer of moneys from the Fuel Tax Collection Trust Fund to the Marine Resources Conservation Trust Fund; amending s. 370.0603, F.S.; providing for the use of funds transferred from the Fuel Tax Collection Trust Fund; creating s. 327.47, F.S.; providing for competitive grant programs; 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 Dockery:

Amendment 1 (385224)—Delete everything after the enacting clause and insert:

Section 1. Subsection (3) of section 20.331, Florida Statutes, is amended, and paragraph (e) is added to subsection (5) of that section, to read:

20.331 Fish and Wildlife Conservation Commission.—

(3) The following administrative units are established within the commission:

(a) Division of Administrative Services.

(b) Division of Law Enforcement.

(c) Division of Freshwater Fisheries.

(d) Division of Marine Fisheries.

(e) Division of Wildlife.

(f) Florida Marine Research Institute.

The bureaus and offices of the Game and Fresh Water Fish Commission existing on February 1, 1999, are established within the Fish and Wildlife Conservation Commission. *Effective July 1, 2003, there is created within the commission an Office of Boating and Waterways with duties and responsibilities as provided in subsection (5).*

(5) In further exercise of its duties, the Fish and Wildlife Conservation Commission:

(e) Shall assign to the Office of Boating and Waterways such powers, duties, responsibilities, and functions as are necessary to manage and promote the use of state waterways for safe and enjoyable boating. Duties and responsibilities include, but are not limited to, oversight and coordination of waterway markers on state waters, providing boating education and boating safety programs, improving boating access, coordinating the removal of derelict vessels from state waters, economic development initiatives to promote boating in the state, and coordinating the submission of state comments on marine events.

Section 2. Paragraph (d) is added to subsection (1) of section 206.606, Florida Statutes, to read:

206.606 Distribution of certain proceeds.—

(1) Moneys collected pursuant to ss. 206.41(1)(g) and 206.87(1)(e) shall be deposited in the Fuel Tax Collection Trust Fund. Such moneys, after deducting the service charges imposed by s. 215.20, the refunds granted pursuant to s. 206.41, and the administrative costs incurred by the department in collecting, administering, enforcing, and distributing the tax, which administrative costs may not exceed 2 percent of collections, shall be distributed monthly to the State Transportation Trust Fund, except that:

(d) A portion of the moneys attributable to the sale of motor and diesel fuel at marinas shall be transferred from the Fuel Tax Collection Trust Fund to the Marine Resources Conservation Trust Fund in the Fish and Wildlife Conservation Commission as follows:

1. $2.5 million in fiscal year 2003-2004;

2. $5.0 million in fiscal year 2004-2005;

3. $8.5 million in fiscal year 2005-2006;

4. $10.9 million in fiscal year 2006-2007; and

5. $13.4 million in fiscal year 2007-2008 and each fiscal year thereafter.

Section 3. Subsection (1) of section 370.0603, Florida Statutes, is amended, and subsection (4) is added to that section, to read:

370.0603 Marine Resources Conservation Trust Fund; purposes.—

(1) The Marine Resources Conservation Trust Fund within the Fish and Wildlife Conservation Commission shall serve as a broad-based depository for funds from various marine-related *and boating-related* activities and shall be administered by the commission for the purposes of:

(a) Funding for marine research.

(b) Funding for fishery enhancement, including, but not limited to, fishery statistics development, artificial reefs, and fish hatcheries.

(c) Funding for marine law enforcement.

(d) Funding for administration of licensing programs for recreational fishing, saltwater products sales, and related information and education activities.

(e) Funding for the operations of the Fish and Wildlife Conservation Commission.

(f) Funding for titling and registration of vessels.

(g) Funding for marine turtle protection, research, and recovery activities from revenues that are specifically credited to the trust fund for these purposes.

(h) Funding activities for rehabilitation of oyster harvesting areas from which special oyster surcharge fees are collected, including relaying and transplanting live oysters.

(i) Funding for boating research, boating-related programs and activities, and for law enforcement on state waters.

(4) Funds transferred to the Marine Resources Conservation Trust Fund from the Fuel Tax Collection Trust Fund pursuant to s. 206.606 shall be used for the following purposes:

(a) To provide for additional water-related law enforcement, including enforcement of laws and regulations related to the protection of manatees.

(b) For the placement of uniform waterway markers on state waters.

(c) To provide funding for construction and maintenance of publicly owned boat ramps, piers, and docks, directly and through grants to counties and municipalities.

(d) To implement and administer programs related to boating safety and education, manatee technical avoidance technology, and economic development initiatives to promote boating in the state, including competitive grants programs as provided in s. 327.47.

(e) For other activities of the Office of Boating and Waterways such as coordinating the submission of state comments on boating-related events.

Funds not used in one fiscal year must be carried over for use in subsequent years.

Section 4. Section 327.47, Florida Statutes, is created to read:

327.47 Competitive grant program.—The commission shall develop and administer competitive grant programs funded with moneys transferred pursuant to s. 206.606(1)(d). Grants may be awarded for the construction and maintenance of publicly owned boat ramps, piers, and docks, boater education, deployment of manatee technical avoidance technology, and economic development initiatives that promote boating in the state. The commission may adopt rules pursuant to chapter 120 to implement this section.

Section 5. This act shall take effect July 1, 2003.

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

Amendment 1A (052348)—On page 4, lines 14-16, delete those lines and insert:

(a) To provide additional water-related law enforcement positions within the Fish and Wildlife Conservation Commission primarily for the purpose of enforcing laws designed to protect manatee populations. Law enforcement positions funded under this provision shall be assigned to counties having the highest incidence of manatee deaths and injuries.

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

Amendment 1B (884360)—On page 5, between lines 12 and 13, insert:

Section 5. *From the $2.5 million in marina fuel tax revenue transferred to the Marine Resources Conservation Trust Fund within the Fish and Wildlife Conservation Commission under the provisions of this bill, 10 additional sworn law enforcement FTEs are authorized and $1.8 million is appropriated to fund equipment, training, expense and 5 months of salaries and benefits beginning in fiscal year 2003-2004, and $700,000 is appropriated to fund the activities specified in section 370.0603(4), Florida Statutes.*

(Redesignate subsequent sections.)

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

Amendment 1C (334744)—On page 1, between lines 17 and 18, insert:

Section 1. Paragraph (a) of subsection (4) of section 370.12, Florida Statutes, is amended to read:

370.12 Marine animals; regulation.—

(4) ANNUAL FUNDING OF PROGRAMS FOR MARINE ANIMALS.—

(a) Each fiscal year the Save the Manatee Trust Fund shall be available to fund an impartial scientific benchmark census of the manatee population in the state. Weather permitting, the study shall be conducted annually by the Fish and Wildlife Conservation Commission and the results shall be made available to the President of the Senate, the Speaker of the House of Representatives, and the Governor and Cabinet for use in the evaluation and development of manatee protection measures. In addition, the Save the Manatee Trust Fund shall be available for annual funding of activities of public and private organizations and those of the commission intended to provide manatee and marine mammal protection and recovery effort; manufacture and erection of informational and regulatory signs; production, publication, and distribution of educational materials; participation in manatee and marine mammal research programs, including carcass salvage and other programs; programs intended to assist the recovery of the manatee as an endangered species, assist the recovery of the endangered or threatened marine mammals, and prevent the endangerment of other species of marine mammals; and other similar programs intended to protect and enhance the recovery of the manatee and other species of marine mammals. ~~The commission shall annually solicit advisory recommendations from the Save the Manatee Committee affiliated with the Save the Manatee Club, as identified and recognized in Executive Order 85-19, on the use of funds from the Save the Manatee Trust Fund.~~

(Redesignate subsequent sections.)

Amendment 1 as amended was adopted.

Senator Dockery moved the following amendment which was adopted:

Amendment 2 (915310)—In title, on page 1, lines 3-14, delete those lines and insert: Conservation Commission; amending s. 370.12, F.S.; deleting a requirement that the commission solicit advisory recommendations from the Save the Manatee Committee; amending s. 20.331, F.S.; creating an Office of Boating and Waterways within the commission; providing powers and duties of the office; amending s. 206.606, F.S.; providing for the transfer of moneys from the Fuel Tax Collection Trust Fund to the Marine Resources Conservation Trust Fund; amending s. 370.0603, F.S.; including boating and boating-related activities, programs, and law enforcement under purposes of the Marine Resources Conservation Trust Fund; providing for the uses of the funds transferred from the Fuel Tax Collection Trust Fund; creating s. 327.47, F.S.; providing for competitive grant programs developed and administered by the commission; authorizing the commission to adopt rules; providing appropriations; providing an effective date.

Pursuant to Rule 4.19, **SB 2586** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

RECESS

The President declared the Senate in recess at 12:21 p.m. to reconvene at 1:45 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 2:22 p.m. A quorum present—40:

Mr. President	Bullard	Crist
Alexander	Campbell	Dawson
Argenziano	Carlton	Diaz de la Portilla
Aronberg	Clary	Dockery
Atwater	Constantine	Fasano
Bennett	Cowin	Garcia
Geller	Margolis	Smith
Haridopolos	Miller	Villalobos
Hill	Peaden	Wasserman Schultz
Jones	Posey	Webster
Klein	Pruitt	Wilson
Lawson	Saunders	Wise
Lee	Sebesta	
Lynn	Siplin	

MOTION

On motion by Senator Jones, the Senate recalled from Engrossing—

CS for CS for SB 1202—A bill to be entitled An act relating to motor vehicle insurance costs; providing a short title; providing legislative findings and purpose; amending s. 119.105, F.S.; prohibiting disclosure of confidential police reports for purposes of commercial solicitation; amending s. 316.066, F.S.; requiring the filing of a sworn statement as a condition to accessing a crash report stating the report will not be used for commercial solicitation; providing a penalty; creating part XIII of ch. 400, F.S., entitled the Health Care Clinic Act; providing for definitions and exclusions; providing for the licensure, inspection, and regulation of health care clinics by the Agency for Health Care Administration; requiring licensure and background screening; providing for clinic inspections; providing rulemaking authority; providing licensure fees; providing fines and penalties for operating an unlicensed clinic; providing for clinic responsibilities with respect to personnel and operations; providing accreditation requirements; providing for injunctive proceedings and agency actions; providing administrative penalties; amending s. 456.0375, F.S.; excluding certain entities from clinic registration requirements; providing retroactive application; amending s. 456.072, F.S.; providing that making a claim with respect to personal injury protection which is upcoded or which is submitted for payment of services not rendered constitutes grounds for disciplinary action; amending s. 626.7451, F.S.; providing a per-policy fee to be remitted to the insurer's Special Investigations Unit, the Division of Insurance Fraud of the Department of Financial Services, and the Office of Statewide Prosecution for purposes of preventing, detecting, and prosecuting motor vehicle insurance fraud; amending s. 627.732, F.S.; providing definitions; amending s. 627.736, F.S.; requiring that medical services be lawfully rendered; providing allowable amounts for specified services; requiring the Department of Health, in consultation with medical boards, to identify certain diagnostic tests; specifying effective dates; providing for application of fee schedules; specifying effective dates; deleting certain provisions governing arbitration; providing for compliance with billing procedures; prohibiting insurers from authorizing physicians to change opinion in reports; providing requirements for physicians with respect to maintaining such reports; expanding provisions providing for a demand letter; providing a medical peer review process; providing requirements for alternative dispute resolution; limiting attorney's fees if matters are not resolved by medical peer review and alternative dispute resolution; authorizing the Financial Services Commission to determine cost savings under personal injury protection benefits under specified conditions; amending s. 627.739, F.S.; specifying application of a deductible amount; amending s. 768.79, F.S.; specifying applicability of provisions relating to offer of judgment and demand for judgment; amending s. 817.234, F.S.; providing that it is a material omission and insurance fraud for a physician or other provider to waive a deductible or copayment or not collect the total amount of a charge; increasing the penalties for certain acts of solicitation of accident victims; providing mandatory minimum penalties; prohibiting certain solicitation of accident victims; providing penalties; prohibiting a person from participating in an intentional motor vehicle accident for the purpose of making motor vehicle tort claims; providing penalties, including mandatory minimum penalties; amending s. 817.236, F.S.; increasing penalties for false and fraudulent motor vehicle insurance application; creating s. 817.2361, F.S.; prohibiting the creation or use of false or fraudulent motor vehicle insurance cards; providing penalties; amending s. 921.0022, F.S.; revising the offense severity ranking chart of the Criminal Punishment Code to reflect changes in penalties and the creation of additional offenses under the act; providing legislative intent with respect to the retroactive application of certain provisions; repealing s. 456.0375, F.S., relating to the regulation of clinics by the Department of Health; requiring certain insurers to make a rate filing to conform the per-policy fee to the requirements of the act; specifying the application of any increase in benefits approved by the Financial Services Commission; providing for application of other provisions of the act; requiring reports; providing an appropriation and authorizing additional positions; providing effective dates.

—for further consideration.

RECONSIDERATION OF AMENDMENTS

On motion by Senator Jones, the Senate reconsidered the vote by which **Substitute Amendment 18 (222048)** was adopted. **Substitute Amendment 18** was withdrawn.

The question recurred on **Amendment 17 (605232)**. **Amendment 17** was withdrawn.

MOTION

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

Senators Campbell and Alexander offered the following amendment which was moved by Senator Alexander and adopted:

Amendment 26 (613144)(with title amendment)—On page 75, lines 25-28, delete those lines and insert:

Section 10. Subsections (1) and (2) of section 627.739, Florida Statutes, are amended to read:

627.739 Personal injury protection; optional limitations; deductibles.—

(1) The named insured may elect a deductible or modified coverage or combination thereof to apply to the named insured alone or to the named insured and dependent relatives residing in the same household, but may not elect a deductible or modified coverage to apply to any other person covered under the policy. ~~Any person electing a deductible or modified coverage, or a combination thereof, or subject to such deductible or modified coverage as a result of the named insured's election, shall have no right to claim or to recover any amount so deducted from any owner, registrant, operator, or occupant of a vehicle or any person or organization legally responsible for any such person's acts or omissions who is made exempt from tort liability by ss. 627.730-627.7405.~~

And the title is amended as follows:

On page 3, line 3, after the semicolon (;) insert: allowing a person who elects a deductible or modified coverage to claim the amount deducted from a person legally responsible;

Pursuant to Rule 4.19, **CS for CS for SB 1202** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTION

On motion by Senator Argenziano, the House was requested to return **CS for CS for SB's 140, 998 and 1060**.

RECONSIDERATION OF BILL

On motion by Senator Diaz de la Portilla, the rules were waived and the Senate reconsidered the vote by which—

CS for SB 2364—A bill to be entitled An act relating to insurance; amending s. 627.4035, F.S.; providing for the payment of insurance premiums by a debit or credit card, automatic electronic funds transfer, or payroll deduction plan; amending s. 627.7015, F.S.; defining "claim" for purposes of alternative procedures for resolution of disputed property insurance claims; amending s. 627.901, F.S.; revising the limits on premium financing service charges; amending s. 626.9541, F.S.; clarifying certain activities that constitute illegal dealings in premiums; prohibiting insurers from refusing to insure solely because the insured or applicant is a public official; amending s. 631.913, F.S.; limiting the obligation of the Florida Workers' Compensation Insurance Guaranty Association, Incorporated for a covered claim for return of unearned premium; amending s. 631.914, F.S.; revising requirements for reporting premium for assessment calculations; amending s. 631.924, F.S.; including insolvent insurers under provisions for a stay of proceedings; amending s. 624.406, F.S.; providing for reinsurance under a workers' compensation insurance policy; amending s. 624.603, F.S.; providing an exception to include workers' compensation coverages under health insurance; amending s. 631.141, F.S.; providing for trust funds to be transferred to the receiver in delinquency proceedings to pay for unreimbursed expenses; amending ss. 624.04, 624.303, 624.313, 624.317, 624.504, 624.506, 624.521, 626.022, 626.112, 626.733, 626.7354, 626.741, 626.753, 626.829, 634.171, 634.420, 642.034, 642.036, and 642.045, F.S.; deleting references to solicitors to conform to prior deletions; amending ss. 624.34, 626.202, and 626.601, F.S.; revising certain fingerprinting requirements; amending s. 624.501, F.S.; providing for a fee for certain late appointment filings; amending s. 626.015, F.S.; deleting a definition of administrative agent; amending s. 626.171, F.S.; revising applicant address requirements; specifying required background investigation information; amending ss. 626.175, 626.7355, 626.731, 626.831, 626.8414, 626.865, 626.866, 626.867, 626.874, 626.9916, 648.34, and 648.355, F.S.; revising licensure eligibility criteria to specify United States citizenship or certain legal alien status; providing for the adoption of rules; amending s. 626.201, F.S.; revising certain fingerprint requirements; amending s. 626.221, F.S.; revising appointment application filing time period requirements; amending s. 626.2815, F.S.; requiring certain continuing education hour and subject requirements; deleting references to solicitors to conform to prior deletions; revising a continuing education board member title; amending s. 626.2816, F.S.; revising a cross-reference; clarifying a continuing education requirement; amending s. 626.2817, F.S.; deleting a prelicensure rule requirement; amending s. 626.311, F.S.; providing for the appointment of certain licensees; amending s. 626.321, F.S.; deleting references to solicitors to conform to prior deletions; providing for one application for a license and payment of applicable fees; amending s. 626.322, F.S.; clarifying the effect of insurer authorization of effectuation of certain appointments; amending s. 626.341, F.S.; including a department-designated person to administer appointment processes for certain appointment-related actions; amending s. 626.371, F.S.; providing requirements for submittal and effective date of appointments; imposing a delinquent fee for certain notification failures; providing fee payment requirements; amending s. 626.381, F.S.; including a department-designated person to administer appointment processes for certain appointment-related actions; providing for a fee for certain late appointment filings; amending s. 626.451, F.S.; including a department-designated person to administer appointment processes for certain appointment-related actions; clarifying the effect of insurer authorization of effectuation of certain appointments; requiring licensee notification of the department of certain criminal proceedings; amending s. 626.461, F.S.; including a department-designated person to administer appointment processes for certain appointment-related actions; deleting references to solicitors to conform to prior deletions; amending s. 626.471, F.S.; including a department-designated person to administer appointment processes for certain appointment-related actions; providing for termination of certain appointments; requiring notice of termination; amending s. 626.843, F.S.; revising procedures for renewing title insurance agent appointments; amending s. 626.7315, F.S.; providing an exception to a prohibition against certain individuals receiving money on account of or for an insurer; amending ss. 626.732, 626.7851, 626.8311, and 626.8417, F.S.; revising certain education subject requirements; amending s. 626.7351, F.S.; revising licensure eligibility criteria to specify United States citizenship or certain legal alien status; revising certain education subject requirements; providing additional education course requirements; amending s. 626.785, F.S.; revising licensure eligibility criteria to specify United States citizenship or certain legal alien status; increasing the amount of coverage for burial-related expenses that may be sold by a life insurance agent under contract with a funeral establishment; amending s. 626.797, F.S.; revising an association title; amending s. 626.869, F.S.; deleting a provision relating to limited licenses for certain adjusters; revising certain education requirements; amending s. 626.878, F.S.; specifying implementation requirements for the department's ethics rules; amending s. 626.9541, F.S.; revising sliding as an unfair method of competition and unfair or deceptive act or practice; amending s. 632.634, F.S.; specifying registration of a society only upon department request; amending s. 627.7295, F.S.; revising the per-policy fees that general lines agents may charge on certain policies; amending s. 648.27, F.S.; imposing a delinquent fee for certain notification failures; providing fee payment requirements; deleting obsolete runner references; amending s. 648.382, F.S.; clarifying the effect of insurer authorization of effectuation of certain appointments; imposing a delinquent fee for certain notification failures; providing fee payment requirements; amending s. 648.383, F.S.; including a department-designated person to administer appointment processes for certain appointment-related actions; providing for a fee for certain late appointment filings; amending s. 648.50, F.S.; deleting obsolete runner refer-

ences; repealing s. 626.032, F.S., relating to continuing education and required designation of administrative agents; repealing s. 626.361, F.S., relating to the effective date of appointments; amending s. 324.032, F.S.; providing requirements with respect to vehicle liability insurance for persons operating for-hire passenger vehicles; providing an effective date.

—as amended passed April 30.

On motion by Senator Diaz de la Portilla, the Senate reconsidered the vote by which **Amendment 1 (134728)** was adopted. **Amendment 1** was withdrawn.

Senator Diaz de la Portilla moved the following amendment:

Amendment 4 (784816)(with title amendment)—On page 65, between lines 29 and 30, insert:

Section 67. Paragraph (c) of subsection (1) of section 627.679, Florida Statutes, is amended to read:

627.679 Amount of insurance; disclosure.—

(1)

(c) Before any credit life insurance may be sold *in connection with a specific installment loan*, the creditor agent or agent shall obtain a separate written acknowledgment with respect to each of the following:

1. That the borrower understands that he or she has the option of assigning any other policy or policies the borrower owns or may procure for the purpose of covering such loan and that the policy need not be purchased from the creditor agent in order to obtain the loan.

2. That the borrower understands that the credit life coverage may be deferred if, at the time of application, the borrower is unable to engage in employment or unable to perform normal activities of a person of like age and sex, if the proposed credit life insurance policy contains this restriction.

3. That the borrower understands that the benefits under the policy will terminate when the borrower reaches a certain age and that the borrower's age is accurately represented on the application or policy.

Paragraph (c) does not apply to credit life insurance relating to open-end or revolving credit arrangements. In lieu of the required written acknowledgments set forth in this paragraph and s. 626.9551(2)(a), if the sale of credit life insurance is solicited or consummated telephonically, the creditor agent or agent shall provide written disclosures of such options to the borrower within 30 days from the date the coverage takes effect. The borrower must be notified that he or she has 30 days from the date the disclosures are received to rescind the credit life insurance coverage.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 12, after the first semicolon (;) insert: amending s. 627.679, F.S.; exempting certain credit life insurance from the separate written acknowledgement requirement;

Senator Diaz de la Portilla moved the following amendment to **Amendment 4** which was adopted by two-thirds vote:

Amendment 4A (093508)—On page 1, line 22, after "loan" insert: *or home equity line of credit*

Amendment 4 as amended was adopted by two-thirds vote.

On motion by Senator Diaz de la Portilla, **CS for SB 2364** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

Mr. President	Bennett	Constantine
Alexander	Bullard	Cowin
Argenziano	Campbell	Crist
Aronberg	Carlton	Dawson
Atwater	Clary	Diaz de la Portilla
Dockery	Lee	Siplin
Fasano	Lynn	Smith
Garcia	Margolis	Villalobos
Geller	Miller	Wasserman Schultz
Haridopolos	Peaden	Webster
Hill	Posey	Wilson
Jones	Pruitt	Wise
Klein	Saunders	
Lawson	Sebesta	

Nays—None

SPECIAL ORDER CALENDAR, continued

On motion by Senator Jones—

CS for SB 2688—A bill to be entitled An act relating to coastal redevelopment hazard mitigation; providing a popular name; amending s. 163.3164, F.S.; defining the term "local hazard mitigation strategy"; amending s. 163.3177, F.S.; providing an additional requirement in the comprehensive plan concerning hazard mitigation; amending s. 163.3178, F.S.; revising language with respect to coastal management; authorizing a demonstration project in certain counties to allow for the redevelopment of coastal areas within the designated coastal high hazard area; providing conditions; providing for application by a local government; providing for a written agreement between the state land planning agency and the local government; providing for a progress report; amending ss. 186.515, 288.975, and 369.303, F.S.; correcting cross-references to conform; providing an effective date.

—was read the second time by title.

Senator Jones moved the following amendment which was adopted:

Amendment 1 (124878)(with title amendment)—On page 17, between lines 11 and 12, insert:

Section 8. Paragraph (n) of subsection (25) of section 380.06, Florida Statutes, is amended to read:

380.06 Developments of regional impact.—

(25) AREAWIDE DEVELOPMENT OF REGIONAL IMPACT.—

(n) After a development order approving an areawide development plan is received, changes shall be subject to the provisions of subsection (19), except that the percentages and numerical criteria shall be double those listed in paragraph (19)(b) *and the extension of the date of buildout of a development, or any phase thereof, by 5 years or more but less than 10 years shall be presumed not to create a substantial deviation where the areawide DRI remains consistent with the local comprehensive planning except for transportation concurrency provisions. However, the areawide DRI must remain in compliance with the transportation mitigation plan of the local government development order.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 20, after the semicolon (;) insert: amending s. 380.06, F.S.; providing presumptions with respect to whether an extension of the date of a buildout or phase in an areawide development plan constitutes a substantial deviation;

Senator Pruitt moved the following amendment which was adopted:

Amendment 2 (214642)(with title amendment)—On page 17, between lines 11 and 12, insert:

Section 8. Paragraph (c) of subsection (1) of section 163.3174, Florida Statutes, is created to read:

163.3174 Local planning agency.—

(1)

(c) The Legislature recognizes that many larger municipalities within charter counties have the technical planning staff to effectively implement and enforce a comprehensive plan and develop and achieve a community vision within their boundaries. Notwithstanding paragraph (b) or any

other provision of law to the contrary, each municipality with a population greater than 10,000, located in a charter county, not operating under a home rule charter adopted pursuant to ss. 10, 11, and 24, Art. VIII of the Constitution of 1885, as preserved by s. 6(e), Art. VIII of the Constitution of 1968 with a population greater than 1,500,000 and more than 25 municipalities, shall have exclusive planning authority, including, but not limited to, development order approval and zoning and comprehensive planning for the area under its municipal jurisdiction. However, a municipality located in such a county may delegate planning authority for the area under its municipal jurisdiction to the county if the governing body of the municipality adopts a resolution approving the delegation to the county. A charter county, as described in this paragraph, may provide written comments on a proposed land use change within a municipality's jurisdiction and provide planning assistance if requested by the municipality.

Section 9. *If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 20, after the semicolon (;) insert: amending s. 163.3174, F.S.; providing local planning authority for certain municipalities in certain charter counties;

Pursuant to Rule 4.19, **CS for SB 2688** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

LOCAL BILL CALENDAR

SB 1534—A bill to be entitled An act relating to Glades County; providing for career service; specifying rights of certain employees of the Glades County Sheriff; providing definitions; providing proceedings and provisions with respect to dismissal; providing for transition between administrations; providing for appeals procedures; providing for career appeals boards; providing an effective date.

—was read the second time by title. On motion by Senator Alexander, by two-thirds vote **SB 1534** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

Consideration of **SB 1594** was deferred.

SB 2850—A bill to be entitled An act relating to Lake County; providing procedures by which the mobile home owners' association of a residential mobile home cooperative located within the county may alter, convert, lease, or modify the common areas of the mobile home cooperative; providing requirements for voting and notice; providing requirements for absentee ballots; providing an effective date.

—was read the second time by title. On motion by Senator Cowin, by two-thirds vote **SB 2850** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

SB 2856—A bill to be entitled An act relating to Hillsborough County; providing definitions; providing a statement of public purpose; providing for the establishment and collection of filing fees for maintaining and operating a law library and for ancillary payments for collection and administration of the revenues collected and any legal expenses incurred on behalf of the law library; providing for the payment of such fees; providing an exception from payment under certain circumstances; providing duties of the clerk; providing severability; repealing chapters 75-400 and 79-479, Laws of Florida, relating to funding for the law library; providing an effective date.

—was read the second time by title. On motion by Senator Crist, by two-thirds vote **SB 2856** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

SB 2884—A bill to be entitled An act relating to the Key Largo Wastewater Treatment District, Monroe County; amending ch. 2002-337, Laws of Florida; removing district from requirements of ch. 120, Florida Statutes; providing an effective date.

—was read the second time by title. On motion by Senator Bullard, by two-thirds vote **SB 2884** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Clary	Geller
Alexander	Constantine	Haridopolos
Argenziano	Cowin	Hill
Aronberg	Crist	Jones
Atwater	Dawson	Klein
Bennett	Diaz de la Portilla	Lawson
Bullard	Dockery	Lee
Campbell	Fasano	Lynn
Carlton	Garcia	Margolis

Miller	Sebesta	Wasserman Schultz
Peaden	Siplin	Webster
Posey	Smith	Wilson
Pruitt	Villalobos	Wise
Saunders		

Nays—None

SB 2890—A bill to be entitled An act relating to Monroe County; amending chapter 76-441, Laws of Florida, as amended; providing for the exemption of the Florida Keys Aqueduct Authority from the provisions of chapter 120, Florida Statutes, the Administrative Procedure Act; deleting reference to chapter 120, Florida Statutes, from the law relating to the Authority; providing for public hearings under certain circumstances; providing an effective date.

—was read the second time by title.

Senator Bullard moved the following amendment which was adopted:

Amendment 1 (733622)—On page 2, delete line 27 and insert: law. *Decisions made by the Florida Keys Aqueduct Authority shall not be subject*

On motion by Senator Bullard, by two-thirds vote **SB 2890** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

SB 2926—A bill to be entitled An act relating to Osceola County; creating an independent special district known as Tohopekaliga Water Authority; providing legislative findings and intent; providing definitions; describing the district boundaries; providing for service areas subject to the approval of affected general purpose local governments; providing that the purpose of the district shall be for the planning, acquisition, development, operation, and maintenance of water and wastewater management systems within the district and its service area; limiting the provision of district services and facilities to only those areas authorized by affected general purpose local governments; providing for an appointed governing body of the district composed of five supervisors and setting forth their authority, terms of office, qualifications, compensation, and method of appointment; providing for the filling of vacancies in office; providing district powers, functions, and duties; providing for the acquisition of land; providing for the levy and collection of rates, fees, assessments, and other charges for the provision of capital facilities or use of district services or payment of operating and financing costs; providing for borrowing money and issuing bonds, certificates, obligations, or other evidence of indebtedness; prohibiting the creation of state, county, or municipal debt; providing for the collection of unpaid rates, fees, assessments, and other charges; providing for the adoption of a master plan; providing for enforcement and penalties; providing for merger and dissolution; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Dockery, by two-thirds vote **SB 2926** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

SB 2936—A bill to be entitled An act relating to the Melbourne-Tillman Water Control District, Brevard County; amending ch. 2001-336, Laws of Florida; amending district boundaries; amending the powers and duties of the Melbourne-Tillman Water Control District, a dependent special district in Brevard County, to authorize the district to sell, lease, or otherwise dispose of real property; providing the procedure for such sale, lease, or other disposition; providing an effective date.

—was read the second time by title. On motion by Senator Posey, by two-thirds vote **SB 2936** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

SB 2960—A bill to be entitled An act relating to the Lee County Trauma Services District, an independent district; providing for establishment of the Lee County Trauma Services District for the purpose of financially supporting trauma services in Lee County; providing that such trauma services shall be provided through a designated Level II Trauma Center; providing for a governing board; providing for officers of the governing board; providing for audit of books; providing for quarterly meetings; prescribing the powers and duties of the board; stating a public purpose; providing for a budget; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator Saunders, by two-thirds vote **SB 2960** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Campbell	Diaz de la Portilla
Alexander	Carlton	Dockery
Argenziano	Clary	Fasano
Aronberg	Constantine	Garcia
Atwater	Cowin	Geller
Bennett	Crist	Haridopolos
Bullard	Dawson	Hill

Jones	Peaden	Villalobos
Klein	Posey	Wasserman Schultz
Lawson	Pruitt	Webster
Lee	Saunders	Wilson
Lynn	Sebesta	Wise
Margolis	Siplin	
Miller	Smith	

Nays—None

HB 203—A bill to be entitled An act relating to the Lower Florida Keys Hospital District, Monroe County; providing legislative intent; codifying, amending, repealing, and reenacting all special acts relating to the district; repealing chapters 67-1724, 69-1322, 72-617, 73-555, 73-558, 75-450, 77-600, 77-601, 77-602, 77-603, 78-565, 79-511, 82-414, 87-459, 89-551, and 94-415, Laws of Florida; providing an effective date.

—was read the second time by title. On motion by Senator Bullard, by two-thirds vote **HB 203** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 255—A bill to be entitled An act relating to Collier County; amending chapter 69-1326, Laws of Florida, as amended; increasing the borrowing power of the City of Naples Airport Authority; providing an effective date.

—was read the second time by title. On motion by Senator Saunders, by two-thirds vote **HB 255** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 271—A bill to be entitled An act relating to the Sarasota-Manatee Airport Authority; providing for codification of special laws regarding special districts pursuant to s. 189.429, Florida Statutes, relating to the Sarasota-Manatee Airport Authority, a special district in Manatee and Sarasota Counties; providing legislative intent; codifying, amending, and reenacting chapters 91-358, 92-242, 95-493, 97-322, and 2000-480, Laws of Florida; omitting provisions that have had their effect and other obsolete provisions; omitting redundant provisions; revising cross references; providing a saving clause in the event any provision of the act is deemed invalid; repealing chapters 91-358, 92-242, 95-493, 97-322, and 2000-480, Laws of Florida; providing an effective date.

—was read the second time by title. On motion by Senator Bennett, by two-thirds vote **HB 271** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 273—A bill to be entitled An act relating to the Southeast Volusia Hospital District, Volusia County; providing for codification of the district's charter; codifying, amending, and reenacting chapters 24961 (1947), 29586 (1953), 57-1931, 65-2362, 67-2148, 81-499, and 89-552, Laws of Florida; providing a declaration of legislative intent; repealing special acts relating to the district; providing an effective date.

—was read the second time by title. On motion by Senator Lynn, by two-thirds vote **HB 273** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 277—A bill to be entitled An act relating to the South Trail Fire Protection and Rescue District, Lee County; amending ch. 2000-484, Laws of Florida; conforming the district charter to Florida Statutes relating to annexations within the district; providing an effective date.

—was read the second time by title. On motion by Senator Saunders, by two-thirds vote **HB 277** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Aronberg	Bullard
Alexander	Atwater	Campbell
Argenziano	Bennett	Carlton

Clary	Hill	Saunders
Constantine	Jones	Sebesta
Cowin	Klein	Siplin
Crist	Lawson	Smith
Dawson	Lee	Villalobos
Diaz de la Portilla	Lynn	Wasserman Schultz
Dockery	Margolis	Webster
Fasano	Miller	Wilson
Garcia	Peaden	Wise
Geller	Posey	
Haridopolos	Pruitt	

Nays—None

HB 297—A bill to be entitled An act relating to the Greater Boca Raton Beach and Park District, Palm Beach County, an independent special district of the state; codifying, amending, and reenacting special laws relating to the district; providing legislative intent; repealing chapters 74-423, 75-330, 76-323, 82-350, 85-481, and 97-330, Laws of Florida, relating to the district; providing for liberal construction; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Klein, by two-thirds vote **HB 297** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 301—A bill to be entitled An act relating to the East County Water Control District, Hendry and Lee Counties; amending ch. 2000-423, Laws of Florida; providing for the apportionment of maintenance taxes equitably to all equally benefited properties; providing an effective date.

—was read the second time by title. On motion by Senator Saunders, by two-thirds vote **HB 301** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 307—A bill to be entitled An act relating to the City of North Key Largo Beach, Monroe County; abolishing the city; repealing ch. 31037 (1955), Laws of Florida; providing for transfer of assets and liabilities to the Board of County Commissioners of Monroe County; providing an effective date.

—was read the second time by title. On motion by Senator Bullard, by two-thirds vote **HB 307** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 353—A bill to be entitled An act relating to the Pinellas County Construction Licensing Board, Pinellas County; amending part II of chapter 75-489, Laws of Florida, as amended; revising composition of the board; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Jones, by two-thirds vote **HB 353** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 355—A bill to be entitled An act relating to the Juvenile Welfare Board of Pinellas County; providing legislative intent; amending, codifying, and reenacting chapters 23483 (1945), 24826 (1947), 25500 (1949), 26356 (1949), 61-2675, 65-2101, 70-894, 79-555, 92-228, 93-311, 95-473, and 2000-427, Laws of Florida; repealing all prior special acts relating to the Juvenile Welfare Board of Pinellas County; providing an effective date.

—was read the second time by title. On motion by Senator Jones, by two-thirds vote **HB 355** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Aronberg	Bullard
Alexander	Atwater	Campbell
Argenziano	Bennett	Carlton

Clary	Hill	Saunders
Constantine	Jones	Sebesta
Cowin	Klein	Siplin
Crist	Lawson	Smith
Dawson	Lee	Villalobos
Diaz de la Portilla	Lynn	Wasserman Schultz
Dockery	Margolis	Webster
Fasano	Miller	Wilson
Garcia	Peaden	Wise
Geller	Posey	
Haridopolos	Pruitt	

Nays—None

HB 371—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.

—was read the second time by title. On motion by Senator Wise, by two-thirds vote **HB 371** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 373—A bill to be entitled An act relating to the Martin County Environmental Control Act; amending chapter 78-560, Laws of Florida; revising meeting requirements of the Martin County Environmental Control Board; providing an effective date.

—was read the second time by title. On motion by Senator Pruitt, by two-thirds vote **HB 373** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 421—A bill to be entitled An act relating to Lee County and the City of Cape Coral; providing for the annexation of various County-administered enclaves by interlocal agreement between the city and county, subject to approval by referendum; providing for procedures for adoption of the agreement and for a referendum; providing for authority for assumption of municipal service duties and transfer of infrastructure; providing an effective date.

—was read the second time by title. On motion by Senator Saunders, by two-thirds vote **HB 421** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 423—A bill to be entitled An act relating to the City of Pensacola; amending ch. 72-655, Laws of Florida; revising provisions relating to referendum elections for levy of ad valorem property tax for the Pensacola downtown area; amending downtown area boundaries; providing for abolishment of the Pensacola downtown improvement board; providing for eligibility of electors; deleting provisions relating to registration of electors; providing for election procedures and results; removing provisions relating to notification, additional registration, voting, and passage of and failure to approve the act; providing for an abolishment referendum; providing for transmittal of referendum results; providing for continued function; providing an effective date.

—was read the second time by title. On motion by Senator Clary, by two-thirds vote **HB 423** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 431—A bill to be entitled An act relating to Monroe County; amending chapter 76-441, Laws of Florida, as amended by chapter 87-454, Laws of Florida; extending the period within which any person who is 60 years of age or older or a totally and permanently disabled American veteran meeting low income standards may apply for a special lower rate, fee, rental, or other charge; providing an effective date.

—was read the second time by title. On motion by Senator Bullard, by two-thirds vote **HB 431** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 445—A bill to be entitled An act relating to the Fort Myers Beach Public Library District; codifying, amending, and reenacting special acts relating to the district; providing membership, powers, and duties of the governing board of the district; providing for the levying of non ad-valorem assessments and the issuance of bonds; providing for the collection of taxes and assessments; providing construction; providing severability; repealing chapters 65-1823, 75-418, 79-489, 79-491, 81-414, 85-441, and 91-404, Laws of Florida; providing an effective date.

—was read the second time by title. On motion by Senator Saunders, by two-thirds vote **HB 445** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 517—A bill to be entitled An act relating to the Lee County Sheriff's Office, Lee County; amending chapter 74-522, Laws of Florida, as amended; revising the health insurance coverage of retirees to include partial payment for dependents; providing an effective date.

—was read the second time by title. On motion by Senator Aronberg, by two-thirds vote **HB 517** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Cowin	Klein
Alexander	Crist	Lawson
Argenziano	Dawson	Lee
Aronberg	Diaz de la Portilla	Lynn
Atwater	Dockery	Margolis
Bennett	Fasano	Miller
Bullard	Garcia	Peaden
Campbell	Geller	Posey
Carlton	Haridopolos	Pruitt
Clary	Hill	Saunders
Constantine	Jones	Sebesta
Siplin	Wasserman Schultz	Wilson
Smith	Webster	Wise
Villalobos		

Nays—None

HB 549—A bill to be entitled An act relating to the West Palm Beach Police Pension Fund of the City of West Palm Beach, Palm Beach County; revising provisions relating to chapter 185 share accounts and deferred retirement option plan accounts; providing an effective date.

—was read the second time by title. On motion by Senator Atwater, by two-thirds vote **HB 549** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 551—A bill to be entitled An act relating to South Indian River Water Control District, Palm Beach County; amending ch. 2001-313, Laws of Florida; providing for authority to acquire property for recreational purposes within a specified area of the district; providing an effective date.

—was read the second time by title. On motion by Senator Atwater, by two-thirds vote **HB 551** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 581—A bill to be entitled An act relating to the Madison County Hospital District; providing for codification of special laws regarding the district; providing that the district is an independent special district; providing legislative intent; codifying, amending, and reenacting the district's special acts; providing for applicability of ch. 189, F.S., and other general laws; providing a district charter; providing for severability; repealing all prior special acts related to the district; providing an effective date.

—was read the second time by title. On motion by Senator Argenziano, by two-thirds vote **HB 581** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 597—A bill to be entitled An act relating to the Canaveral Port District, Brevard County; providing legislative intent; codifying, amending, and reenacting special acts relating to the district; providing severability; providing purpose and construction; repealing chapters 28922 (1953), 30606 (1955), 57-1178, 59-1093, 65-1286, 65-1287, 67-1131, 67-1144, 69-857, 69-868, 70-592, 70-601, 74-426, 74-427, 74-428, 75-335, 75-341, 76-326, 76-327, 78-471, 79-430, 80-455, 82-266, 84-394, 87-431, 88-483, 89-408, 89-553, 94-436, 95-465, and 2000-418, Laws of Florida; providing an effective date.

—was read the second time by title. On motion by Senator Posey, by two-thirds vote **HB 597** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 599—A bill to be entitled An act relating to the East Lake Tarpon Special Fire Control District, Pinellas County; amending sections 3(2) and 11 of section 1 of chapter 2000-477, Laws of Florida; providing authority of the district with respect to land that is annexed by a municipality or other fire control district; providing for collection and payment of fire services taxes or assessments by such municipality or other district; providing for future repeal of the amendments made by the act; providing effective dates.

—was read the second time by title. On motion by Senator Fasano, by two-thirds vote **HB 599** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Campbell	Diaz de la Portilla
Alexander	Carlton	Dockery
Argenziano	Clary	Fasano
Aronberg	Constantine	Garcia
Atwater	Cowin	Geller
Bennett	Crist	Haridopolos
Bullard	Dawson	Hill
Jones	Peaden	Villalobos
Klein	Posey	Wasserman Schultz
Lawson	Pruitt	Webster
Lee	Saunders	Wilson
Lynn	Sebesta	Wise
Margolis	Siplin	
Miller	Smith	

Nays—None

HB 601—A bill to be entitled An act relating to the Cape Canaveral Hospital District, Brevard County; providing legislative intent; codifying, amending, and reenacting special acts relating to the district; providing minimum charter requirements in accordance with s. 189.404(3), F.S.; authorizing an exchange of submerged lands under specified conditions; declaring public purpose; approving any authorized permitted activities; authorizing the district to prepare a public facilities report and enact regulations to implement such report; deeming the public facilities report to be consistent with the City of Cocoa Beach's charter provisions and comprehensive plan regulating height, density, and fill of submerged lands provided specified state law standards are satisfied; providing severability; providing for liberal construction; repealing chapters 59-1121, 61-1903, 65-1290, 69-861, 75-332, 81-345, and 86-426, Laws of Florida; providing an effective date.

—was read the second time by title. On motion by Senator Posey, by two-thirds vote **HB 601** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 603—A bill to be entitled An act relating to the General Pension and Retirement Fund of the City of Pensacola, Escambia County; amending chapter 99-474, Laws of Florida, as amended by chapter 2000-470, Laws of Florida; revising definitions; revising provisions for investments of funds; providing an effective date.

—was read the second time by title. On motion by Senator Peaden, by two-thirds vote **HB 603** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Crist	Lee
Alexander	Dawson	Lynn
Argenziano	Diaz de la Portilla	Margolis
Aronberg	Dockery	Miller
Atwater	Fasano	Peaden
Bennett	Garcia	Posey
Bullard	Geller	Pruitt
Campbell	Haridopolos	Saunders
Carlton	Hill	Sebesta
Clary	Jones	Siplin
Constantine	Klein	Smith
Cowin	Lawson	Villalobos

Wasserman Schultz	Wilson	Wise
Webster		

Nays—None

HB 605—A bill to be entitled An act relating to the City of Orlando, Orange County, relating to the pension fund of the police department of the city; amending chapter 22414, Laws of Florida (1943), as amended; defining participants; providing an effective date for all retirements; defining credited service to include both full and fractional years of service; providing for a change in the computation of monthly pension for members with between 20 and 25 years of credited service; providing for reinstatement into the pension plan for members who retire and become reemployed as sworn members; providing for a BACKDROP retirement option plan as an improvement to present pension benefits; providing that additional costs of certain benefits be borne by members; providing an effective date.

—was read the second time by title. On motion by Senator Webster, by two-thirds vote **HB 605** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 645—A bill to be entitled An act relating to the Consolidated Government of the City of Jacksonville, Duval County; amending chapter 92-341, Laws of Florida; requiring that all elected officials within the consolidated government complete ethics education training; requiring that Chapter 602, Jacksonville Ordinance Code, apply to all such elected officials; providing an effective date.

—was read the second time by title. On motion by Senator Wise, by two-thirds vote **HB 645** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 647—A bill to be entitled An act relating to the Jacksonville Seaport Authority; amending chapters 92-341 and 2001-319, Laws of Florida, as amended; changing the name of the authority; amending certain requirements relating to competitive bidding; providing an effective date.

—was read the second time by title. On motion by Senator Wise, by two-thirds vote **HB 647** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 655—A bill to be entitled An act relating to Brevard County; amending chapter 94-419, Laws of Florida, as amended by chapter 2000-451, Laws of Florida; revising provisions relating to license term; revising provisions relating to fees; revising provisions relating to the limitation on the issuance of licenses; revising provisions relating to the use of proceeds from the collection of licensing fees; providing an expiration date; providing an effective date.

—was read the second time by title. On motion by Senator Posey, by two-thirds vote **HB 655** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 731—A bill to be entitled An act relating to the City of Tampa, Hillsborough County; amending chapter 29126 (1953), Laws of Florida, relating to Parkland Estates Subdivision; amending the preamble to reflect that the enforcement of zoning regulations requires a collaborative effort between Parkland Estates Subdivision and the City of Tampa and incorporating the preamble as a section of law; amending sections 1, 2, 7, and 8; modernizing language; deleting references to garages, servant houses, and out houses; providing that side setbacks may not extend beyond 7.5 feet; providing an exception; providing that Parkland Estates Civic Club has concurrent enforcement powers with the City of Tampa; removing language that any church construction be valued at a minimum of $250,000; creating sections 4, 5, 6, and 7; providing for area rezoning of single-family residential structures by the City of Tampa and for grandfathering certain structures under certain circumstances; providing for conforming and nonconforming legal status for certain properties which have been and are used for nonresidential properties and for

grandfathering certain structures under certain circumstances; directing the City of Tampa to initiate an area rezoning and requiring certain public hearings and notices; providing that the City of Tampa may enforce the use and development restrictions set forth in the act; providing that if there are inconsistencies between the City Zoning Code and the act, the act shall prevail; providing severability; repealing sections 3, 4, 5, 6, and 9, relating to use of properties between building lines and streets, of certain building materials and the sizes of buildings, the use of cesspools or septic tanks, the keeping of livestock and poultry, and misdemeanor infractions; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Sebesta, by two-thirds vote **HB 731** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 801—A bill to be entitled An act relating to the City of West Palm Beach, Palm Beach County; amending the West Palm Beach Firefighters Pension Fund to provide for optional methods of crediting investment earnings to chapter 175, Florida Statutes, share accounts and DROP accounts; providing an effective date.

—was read the second time by title. On motion by Senator Atwater, by two-thirds vote **HB 801** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 811—A bill to be entitled An act relating to Palm Beach County; amending ch. 92-264, Laws of Florida; providing for notice of non-ad valorem assessments; providing an effective date.

—was read the second time by title. On motion by Senator Atwater, by two-thirds vote **HB 811** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Argenziano	Atwater
Alexander	Aronberg	Bennett
Bullard	Geller	Pruitt
Campbell	Haridopolos	Saunders
Carlton	Hill	Sebesta
Clary	Jones	Siplin
Constantine	Klein	Smith
Cowin	Lawson	Villalobos
Crist	Lee	Wasserman Schultz
Dawson	Lynn	Webster
Diaz de la Portilla	Margolis	Wilson
Dockery	Miller	Wise
Fasano	Peaden	
Garcia	Posey	

Nays—None

HB 823—A bill to be entitled An act relating to the Pinellas County School Board; revising procedures for the election of school board members; providing guidelines for implementation; providing an effective date.

—was read the second time by title. On motion by Senator Miller, by two-thirds vote **HB 823** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 827—A bill to be entitled An act relating to Escambia County; repealing chapter 2001-328, Laws of Florida; abolishing the Pensacola-Escambia Governmental Center Authority; transferring title to all assets and liabilities of the Authority to the City of Pensacola and Escambia County jointly; providing an effective date.

—was read the second time by title. On motion by Senator Peaden, by two-thirds vote **HB 827** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 829—A bill to be entitled An act relating to the Manatee County Port Authority; codifying, reenacting, amending, and repealing special acts related to the Port Authority; providing a charter; providing for formation as a dependent special district; providing for the operation of the port authority; providing for powers, functions, and duties; providing for construction and effect; providing an effective date.

—was read the second time by title. On motion by Senator Bennett, by two-thirds vote **HB 829** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 833—A bill to be entitled An act relating to Levy County; amending ch. 98-473, Laws of Florida, relating to the Cedar Key Water and Sewer District; repealing a provision relating to bids for contracts; providing an effective date.

—was read the second time by title. On motion by Senator Argenziano, by two-thirds vote **HB 833** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 849—A bill to be entitled An act relating to the Collier County Water-Sewer District, an independent special district in Collier County; codifying, amending, reenacting, and repealing the District's special acts; providing legislative intent, jurisdiction, and restrictions with regard to the City of Naples, Everglades City, the Immokalee Water and Sewer District, the City of Marco Island, the geographic area called Golden Gate, and other specified unincorporated areas of Collier County; providing definitions; providing authority with regard to adoption of rates, fees, and charges and issuance of bonds, trust funds, and trustees; providing for covenants of District Board with bondholders; providing that unpaid fees constitute liens; providing for publication of notice of issuance of bonds and that bonds shall have the qualities of negotiable instruments; providing for rights of holders and annual reports of the District Board; continuing provisions for District bonds as securities for public bodies; providing for contracts for construction of improvements and sealed bids, and special assessments; prohibiting free water and free sewer service; providing for impact fees; providing for conveyances of property without consideration; providing for District approval of construction of water and sewage facilities; providing for construction; providing for penalties and enforcement; repealing chapters 73-437, 74-462, 77-531, 78-489, 78-492, 80-484, 82-280, 88-499, 89-452, and 96-451, Laws of Florida; providing an effective date.

—was read the second time by title. On motion by Senator Saunders, by two-thirds vote **HB 849** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 881—A bill to be entitled An act relating to Charlotte and Sarasota Counties; creating the Englewood Water District; providing for codification of special laws regarding special districts pursuant to s. 189.429, F.S., relating to the Englewood Water District; establishing boundaries; providing definitions; providing for election of a Board of Supervisors to govern said District; establishing powers, authority, and duties of the Board; granting to said governing board the authority in the territory defined to construct, acquire, extend, enlarge, reconstruct, improve, maintain, equip, repair, and operate a water system, wastewater system, or wastewater reuse system, or any combination thereof; authorizing the levy and collection of non-ad valorem assessments on property benefited by the construction of such water system, wastewater system, wastewater reuse system, or combined systems; providing for optional methods of financing the cost of the water system, wastewater system, wastewater reuse system, or combined systems or extensions and additions thereto by the issuance of revenue bonds or assessment bonds or any combination thereof and the fixing and collection thereof and the fixing and collection of rates and charges on users of such systems; providing for the levy and collection of non-ad valorem assessments on benefited property and the pledge of such assessments for the payment of any revenue bonds or assessment bonds; providing for the rights, remedies, and security of any of the holders of said bonds; providing penalties; repealing chapter 96-499, Laws of Florida, relating to the creation and establishment of the Englewood Water District; providing an effective date.

—was read the second time by title. On motion by Senator Bennett, by two-thirds vote **HB 881** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Crist	Lee
Alexander	Dawson	Lynn
Argenziano	Diaz de la Portilla	Margolis
Aronberg	Dockery	Miller
Atwater	Fasano	Peaden
Bennett	Garcia	Posey
Bullard	Geller	Pruitt
Campbell	Haridopolos	Saunders
Carlton	Hill	Sebesta
Clary	Jones	Siplin
Constantine	Klein	Smith
Cowin	Lawson	Villalobos

Wasserman Schultz	Wilson	Wise
Webster		

Nays—None

HB 959—A bill to be entitled An act relating to Hillsborough County; authorizing the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to issue an alcoholic beverage license to the University Area Community Development Corporation for use within the University Area Community Center Complex and its adjoining patio deck; providing the license may be used for special events only; providing for payment of the license fee; providing for sale of beverages for consumption within the University Area Community Center Complex and its adjoining patio deck; prohibiting sales for consumption off premises; providing for removal from the premises of partially consumed, open containers; providing for transfer of the license; providing an effective date.

—was read the second time by title. On motion by Senator Miller, by two-thirds vote **HB 959** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Margolis
Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Bennett	Geller	Saunders
Bullard	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Wilson
Crist	Lynn	Wise

Nays—1

Webster

HB 981—A bill to be entitled An act relating to the Tallahassee downtown improvement authority as a body corporate; codifying, reenacting, amending, and repealing chapters 71-935 and 91-394, Laws of Florida; providing a popular name; providing definitions; providing a statement of policy and legislative findings; prescribing the boundaries of the downtown area; prescribing the number, qualifications, term, and methods of appointment and removal of members; providing for filling vacancies in office, for service without compensation, for reimbursement of expenses, for bonding, and for personal liability in certain instances; providing for bylaws and internal governance of the board, prescribing its functions and powers, including powers to acquire, own, lease, and dispose of property, to request the City of Tallahassee to exercise its eminent domain power for public purposes, to issue, sell, and provide security for revenue certificates, to borrow on short term, to fix, regulate, and collect rates and charges, to maintain offices, to employ and prescribe the duties, authority, tenure, compensation, and expense reimbursement of a director and other staff, and to exercise all necessary incidental powers; prescribing for the city to levy in each fiscal year an ad valorem property tax of not more than 1 mill to finance board operations; providing for assessment and collection thereof by the city; requiring maintenance of records, budget, and fiscal control; forbidding participation on behalf of the board by personnel financially interested in the matter involved; providing for succession by the city to the property and certain functions of the board if it ceases to exist or operate; regulating issuance of board revenue certificates; prescribing scope of this act; providing for a freeholders election, and providing for its liberal construction and severability; providing an effective date.

—was read the second time by title. On motion by Senator Lawson, by two-thirds vote **HB 981** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 1057—A bill to be entitled An act relating to the Town of Monte Vista, Lake County; repealing ch. 10867, 1925, Laws of Florida; abolishing the town and transferring its assets and liabilities to the Board of County Commissioners of Lake County; providing an effective date.

—was read the second time by title. On motion by Senator Cowin, by two-thirds vote **HB 1057** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 1079—A bill to be entitled An act relating to Central County Water Control District, Hendry County; amending ch. 2000-415, Laws of Florida; requiring that the supervisors of the district be elected by a vote of qualified electors residing in the district; establishing procedures and extending certain supervisor terms for the implementation of this act; providing an effective date.

—was read the second time by title. On motion by Senator Bullard, by two-thirds vote **HB 1079** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Crist	Lee
Alexander	Dawson	Lynn
Argenziano	Diaz de la Portilla	Margolis
Aronberg	Dockery	Miller
Atwater	Fasano	Peaden
Bennett	Garcia	Posey
Bullard	Geller	Pruitt
Campbell	Haridopolos	Saunders
Carlton	Hill	Sebesta
Clary	Jones	Siplin
Constantine	Klein	Smith
Cowin	Lawson	Villalobos

Wasserman Schultz	Wilson	Wise
Webster		

Nays—None

HB 1113—A bill to be entitled An act relating to Sarasota County; providing legislative intent; amending, codifying, and reenacting all special acts relating to the Sarasota County Public Hospital District; providing District boundaries; providing for a governing board; providing powers, functions, and duties of the District and its governing board, including express power to sell and exchange real estate; repealing chapters 26468 (1949), 27888 (1951), 31262 (1955), 57-1838, 59-1839, 61-2807, 61-2855, 61-2868, 63-1893, 63-1895, 63-1896, 63-1913, 65-2226, 65-2227, 65-2232, 67-2047, 69-1583, 69-1593, 71-907, 83-525, 84-530, 85-501, 86-373, 87-526, 88-534, 90-411, 90-422, 95-507, and 2000-400, Laws of Florida, except for the provisions approved in referendum on January 10, 1950, conferring ad valorem taxing authority; ratifying actions of the District and the governing board taken pursuant to chapter 69-1583, Laws of Florida; providing severability; providing for construction and effect; providing an effective date.

—was read the second time by title. On motion by Senator Carlton, by two-thirds vote **HB 1113** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 1139—A bill to be entitled An act relating to Collier County; providing for liens in favor of a nonprofit corporation operating a charitable hospital within the county; authorizing such liens on judgments and settlements recovered from a tortfeasor causing a patient's injury for reasonable charges owed to a hospital for services provided to an injured person; providing limitations; providing for determination by the court of amount of recovery when a patient and hospital cannot agree on the actual amount; providing for reduction of the lien by any payments to the hospital by or on behalf of a patient; providing for notification to the hospital of the patient's intent to claim damages from the tortfeasor; requiring the hospital to state its intent to assert its lien within a prescribed time; providing a waiver of the right for failure to state such intent; providing that payment to the hospital pursuant to this act fully satisfies the patient's hospital charges and bill; requiring that the hospital provide a patient with reasonably necessary information; providing an effective date.

—was read the second time by title. On motion by Senator Saunders, by two-thirds vote **HB 1139** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Campbell	Diaz de la Portilla
Alexander	Carlton	Dockery
Argenziano	Clary	Fasano
Aronberg	Constantine	Garcia
Atwater	Cowin	Geller
Bennett	Crist	Haridopolos
Bullard	Dawson	Hill
Jones	Peaden	Villalobos
Klein	Posey	Wasserman Schultz
Lawson	Pruitt	Webster
Lee	Saunders	Wilson
Lynn	Sebesta	Wise
Margolis	Siplin	
Miller	Smith	

Nays—None

HB 1217—A bill to be entitled An act relating to Titusville-Cocoa Airport District, a dependent special district in Brevard County; codifying the District's charter pursuant to s. 189.429, Florida Statutes; providing for codification of special laws relating to Titusville-Cocoa Airport District pursuant to s. 189.429, F.S.; providing legislative intent; amending, codifying, repealing, and reenacting all prior special acts; declaring the status of the District; providing an effective date.

—was read the second time by title. On motion by Senator Posey, by two-thirds vote **HB 1217** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 1219—A bill to be entitled An act relating to the North Brevard County Hospital District, a special taxing district in Brevard County; codifying, reenacting, and amending the district's charter; providing purpose; providing boundaries; establishing the North Brevard County Hospital District Board; providing for membership, procedures, terms of office, removal from office, and filling of vacancies; providing for election of officers of the board; providing for a depository of board funds; authorizing the issuance of bonds; authorizing the establishment, construction, equipping, operation, maintenance, repair, or lease of facilities; providing for ad valorem taxation; authorizing contracts; providing for a training school for nurses; providing for public records; empowering the board to adopt rules and regulations; designating the Parrish Medical Center; providing for purchase of equipment; providing for discharge of employees or agents; providing for an employee retirement program; providing for use of moneys received; providing for transfer of residual assets in the event of dissolution of the district; providing for the sale of hospital facilities under certain circumstances; providing for lease of certain properties to third parties under certain circumstances; providing for disposition of surplus property; authorizing the board to establish a not-for-profit support corporation; providing for expenditure of funds therefor; providing for public records and meetings; providing exceptions; requiring an annual financial report; providing for adoption of provisions relating to the support corporation; providing for directors of the support corporation; providing for terms and financial disclosure; prohibiting certain acts of the support corporation; providing for adoption of articles of incorporation; providing for distribution of assets; prohibiting certain use of funds of the district; providing severability; providing for conflict; providing construction; repealing chapters 28924 (1953), 61-1910, 63-1140, 69-870, 70-606, 72-478, 73-409, 77-503, 81-347, 87-435, 88-453, 90-489, 91-339, 92-226, and 95-502, Laws of Florida; providing an effective date.

—was read the second time by title. On motion by Senator Posey, by two-thirds vote **HB 1219** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 1223—A bill to be entitled An act relating to Jackson County Hospital District, Jackson County; codifying special laws relating to the district; amending, codifying, and reenacting all special acts relating to the Jackson County Hospital District as a single act; repealing all prior special acts related to Jackson County Hospital Corporation; renaming the corporation the Jackson County Hospital District; providing an effective date.

—was read the second time by title. On motion by Senator Clary, by two-thirds vote **HB 1223** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 1225—A bill to be entitled An act relating to Midway Fire District, formerly Midway Fire Protection District, Santa Rosa County; providing for codification of special laws relating to the district; amending, codifying, reenacting, and repealing all prior special acts; providing definitions; providing for creation, status, charter amendments, boundaries, and district purposes; providing for a board of commissioners and powers, duties, and responsibilities thereof; providing for election of officers; providing for compensation and execution of bonds; preserving authority to levy ad valorem taxes, non-ad valorem assessments, and impact fees; providing powers and authority; providing for use of district funds; requiring a record of all board meetings; authorizing the board to adopt policies and regulations; providing for the board to make an annual budget; authorizing the board to enact fire prevention ordinances, appoint a fire marshal, acquire land, enter contracts, and operate a fire rescue service; providing for annexation of district lands; providing for dissolution; providing immunity from tort liability for officers, agents, and employees; providing for district expansion; providing for construction and effect; repealing chapters 80-607, 82-377, and 90-425, Laws of Florida; providing an effective date.

—was read the second time by title. On motion by Senator Peaden, by two-thirds vote **HB 1225** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 1233—A bill to be entitled An act relating to St. Lucie County Mosquito Control District; codifying, reenacting, amending, and repealing special acts related to the district; providing a charter; providing boundaries of the district; providing for a governing board and operation of the district in accordance with ch. 388, F.S.; providing for compensation; providing for district powers, functions, and duties; providing a public nuisance declaration; providing bond procedures; providing for ad valorem taxes; providing boundary revision procedures; providing for construction and effect; repealing chapters 29502 (1953), 59-1794, 59-1796, 61-2760, 65-2187, 80-598, 87-510, and 96-461, Laws of Florida; providing an effective date.

—was read the second time by title. On motion by Senator Pruitt, by two-thirds vote **HB 1233** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 1251—A bill to be entitled An act relating to the Bayshore Fire Protection and Rescue Service District, Lee County; providing for codification of special laws relating to the District; amending, codifying, reenacting, and repealing all prior special acts; providing definitions; providing for creation, status, charter amendments, and boundaries; providing for a board of commissioners and the board's powers, duties, and responsibilities; providing authority to levy ad valorem taxes and non-ad valorem assessments; providing for the District's fiscal year; providing for deposit of District funds; authorizing the District to borrow money; providing for use of District funds; authorizing the board to adopt policies, regulations, and a fire prevention code; providing for liberal construction; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator Saunders, by two-thirds vote **HB 1251** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Argenziano	Atwater
Alexander	Aronberg	Bennett

Bullard	Geller	Pruitt
Campbell	Haridopolos	Saunders
Carlton	Hill	Sebesta
Clary	Jones	Siplin
Constantine	Klein	Smith
Cowin	Lawson	Villalobos
Crist	Lee	Wasserman Schultz
Dawson	Lynn	Webster
Diaz de la Portilla	Margolis	Wilson
Dockery	Miller	Wise
Fasano	Peaden	
Garcia	Posey	

Nays—None

HB 1283—A bill to be entitled An act relating to the Consolidated Government of the City of Jacksonville, Duval County; amending ch. 92-341, Laws of Florida, as amended; clarifying the right of the council auditor to audit all entities within the consolidated government and all independent agencies and county officers; providing an effective date.

—was read the second time by title. On motion by Senator Wise, by two-thirds vote **HB 1283** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 1383—A bill to be entitled An act relating to the Hillsborough County Aviation Authority; codifying, reenacting, and amending the Authority's special acts; removing gender specific language; providing a short title; providing that the act is a reviser; deleting provisions which have expired, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies and redundancies; improving clarity and facilitating correct interpretation; providing for compliance with federal law in the expenditure of federal moneys; providing for the rights of employees; providing the act is an additional, alternative, and complete method for the exercise of powers by the Authority; providing a declaration of findings relating to Authority facilities and concessions; providing definitions; providing the purpose of the Authority; providing for members of the Authority, their procedures, and for removal; providing mandatory and discretionary powers and adding discretionary powers which are standard business practices of independent special districts not previously enumerated; providing for alcoholic beverage licenses owned by the Authority and for others operating on Authority property; providing for county and municipal powers and responsibilities and for private ownership transfers; providing for bonds and clarifying that terms of the bonds may be contained in bond documents; providing for bondholder rights and clarifying that bondholder rights may be contained in bond documents; providing for the award of contracts; providing for the legal effects of the acquisition of property or rights therein and for the sale of bonds; providing for an ad valorem tax; prohibiting the use of the taxing power of the state; providing for a covenant of the state; providing for an exemption from taxation; prohibiting discriminatory practices; providing for recodification; providing for grammatical usage; providing for severability; repealing chapters 23339 (1945), 24579 (1947), 27599 (1951), 57-1379, 59-1356, 61-2261, 61-2263, 67-1474, 72-561, 74-496, 75-388, 75-398, 75-401, 83-424, and 96-455, Laws of Florida, relating to the Authority; providing a savings clause; providing an effective date.

—was read the second time by title. On motion by Senator Sebesta, by two-thirds vote **HB 1383** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 1387—A bill to be entitled An act relating to the Putnam County Development Authority; providing for codification of the authority's special acts; amending, codifying, and reenacting the authority's special acts; providing for membership of the authority; authorizing the County of Putnam and its incorporated municipalities to contract with the authority; prescribing the authority's powers and duties, including the power to issue and validate revenue anticipation certificates; repealing all prior special acts relating to the Putnam County Development Authority; providing an effective date.

—was read the second time by title. On motion by Senator Lynn, by two-thirds vote **HB 1387** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 1447—A bill to be entitled An act relating to St. Lucie County; providing legislative intent; providing a popular name; providing for consolidation of certain local hospital authority; providing powers and duties of hospital governing boards; providing an effective date.

—was read the second time by title. On motion by Senator Pruitt, by two-thirds vote **HB 1447** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Aronberg	Bullard
Alexander	Atwater	Campbell
Argenziano	Bennett	Carlton

Clary	Hill	Saunders
Constantine	Jones	Sebesta
Cowin	Klein	Siplin
Crist	Lawson	Smith
Dawson	Lee	Villalobos
Diaz de la Portilla	Lynn	Wasserman Schultz
Dockery	Margolis	Webster
Fasano	Miller	Wilson
Garcia	Peaden	Wise
Geller	Posey	
Haridopolos	Pruitt	

Nays—None

HB 1449—A bill to be entitled An act relating to Indian River and Brevard Counties; codifying, amending, and reenacting special acts relating to the Sebastian Inlet Tax District, an independent special district; providing for a governing body; providing powers and duties; providing for construction and maintenance of an inlet between the Indian River and the Atlantic Ocean; authorizing the levy of taxes; providing severability; repealing chapters 7976 (1919), 8901 (1921), 12259 (1927), 18138 (1937), 18139 (1937), 22891 (1945), 63-910, 76-329, 78-470, 82-307, and 88-535, Laws of Florida; providing an effective date.

—was read the second time by title. On motion by Senator Pruitt, by two-thirds vote **HB 1449** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 1457—A bill to be entitled An act relating to Halifax Hospital Medical Center, Volusia County; codifying, reenacting, and amending the charter of the Halifax Hospital Medical Center special tax district; providing for boundaries of the district; establishing a Board of Commissioners; providing for membership and appointment; providing powers and duties of the board; providing for meetings of the board; authorizing the district to establish, construct, operate, and maintain hospitals, medical facilities, and services; providing that the district shall have the power of eminent domain; authorizing the district to perform certain functions in order to carry out the purposes of the act; providing for the issuance of bonds and procedures relating thereto; authorizing the district to levy and collect certain taxes; authorizing officers of the district to sign checks and warrants; providing procedure for levy and collection of taxes; providing for the payment of expenses; requiring the establishment of revenue accounts; requiring the district to provide care and services for the medically indigent; providing for liberal construction; exempting property of the district from taxation; requiring an annual financial audit of the books and records of the district; providing for employee benefits; providing for competitive bidding; providing an alternative to bidding procedure; providing an exception; authorizing the board to designate a direct-support organization; providing for severability; repealing chapters 79-577, 79-578, 84-539, 89-409, and 91-352, Laws of Florida; providing an effective date.

—was read the second time by title. On motion by Senator Lynn, by two-thirds vote **HB 1457** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 1485—A bill to be entitled An act relating to Alachua County; amending chapter 98-502, Laws of Florida; increasing the Alachua County Library District Governing Board from five to six members to add a School Board of Alachua County member; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator Lawson, by two-thirds vote **HB 1485** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 1489—A bill to be entitled An act relating to the Lake County Water Authority, formerly known as the Oklawaha Basin Recreation and Water Conservation and Control Authority, Lake County; amending ch. 29222, Laws of Florida, 1953, as amended; providing conditions for the authority's election of officers; providing an effective date.

—was read the second time by title. On motion by Senator Cowin, by two-thirds vote **HB 1489** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Crist	Lee
Alexander	Dawson	Lynn
Argenziano	Diaz de la Portilla	Margolis
Aronberg	Dockery	Miller
Atwater	Fasano	Peaden
Bennett	Garcia	Posey
Bullard	Geller	Pruitt
Campbell	Haridopolos	Saunders
Carlton	Hill	Sebesta
Clary	Jones	Siplin
Constantine	Klein	Smith
Cowin	Lawson	Villalobos

Wasserman Schultz	Wilson	Wise
Webster		

Nays—None

HB 1587—A bill to be entitled An act relating to Okaloosa County; amending chapter 2000-434, Laws of Florida; revising boundaries of the Baker Fire District, Okaloosa County; amending chapter 2001-333, Laws of Florida; revising boundaries of the North Okaloosa Fire District; providing an effective date.

—was read the second time by title. On motion by Senator Peaden, by two-thirds vote **HB 1587** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 1601—A bill to be entitled An act relating to the Indian River County Hospital District, Indian River County; codifying special laws relating to the district; providing legislative intent; amending, codifying, reenacting, and repealing chapters 61-2275, 63-1432, 65-1708, 67-1515, 67-1516, 71-688, 72-568, 74-499, 76-387, 84-451, 99-485, and 2002-345, Laws of Florida; providing district boundaries; providing definitions; providing for a board of trustees as the governing body of the district; prescribing the powers and duties of the board; providing for compensation and meetings of the board; providing for the incorporation of the sunshine law, the public records act, the election code, and the bidding requirements of chapters 255 and 287, Florida Statutes; authorizing the board to levy ad valorem tax within the district; providing for the purpose of the tax; providing for a method for such levy; exempting property of the district for assessment; providing for benefits for staff; providing an effective date.

—was read the second time by title. On motion by Senator Pruitt, by two-thirds vote **HB 1601** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 1611—A bill to be entitled An act relating to the Greater Seminole Area Special Recreation District, Pinellas County; providing for codification of special laws relating to the district; providing legislative intent; codifying, reenacting, and amending chapters 80-584, 84-515, 84-516, 86-445, 88-445, Laws of Florida; describing district boundaries; providing for the district commissioners, their appointment and powers; repealing chapters 80-584, 84-515, 84-516, 86-445, 88-445, Laws of Florida; providing for liberal construction; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Jones, by two-thirds vote **HB 1611** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 1729—A bill to be entitled An act relating to the Florida Keys Mosquito Control District, Monroe County; amending chapter 2002-346, Laws of Florida; increasing the amount of money which may be borrowed from $150,000 for a period of time not to exceed 2 years to $1 million for a period of time not to exceed 5 years; providing an effective date.

—was read the second time by title. On motion by Senator Bullard, by two-thirds vote **HB 1729** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 1731—A bill to be entitled An act relating to the Florida Keys Mosquito Control District, Monroe County; amending chapter 2002-346, Laws of Florida; authorizing the district to make purchases up to the limit in s. 287.017(1)(a), F.S., without formal bids; providing an effective date.

—was read the second time by title. On motion by Senator Bullard, by two-thirds vote **HB 1731** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Argenziano	Atwater
Alexander	Aronberg	Bennett

Bullard	Geller	Pruitt
Campbell	Haridopolos	Saunders
Carlton	Hill	Sebesta
Clary	Jones	Siplin
Constantine	Klein	Smith
Cowin	Lawson	Villalobos
Crist	Lee	Wasserman Schultz
Dawson	Lynn	Webster
Diaz de la Portilla	Margolis	Wilson
Dockery	Miller	Wise
Fasano	Peaden	
Garcia	Posey	

Nays—None

HB 1857—A bill to be entitled An act relating to the Panama City Port Authority, Bay County; providing for codification of the district's charter; codifying, amending, and reenacting the district's special acts; providing for severability; repealing chapters 17643 (1935), 23466 (1945), 57-1704, 69-1442, 79-545, 84-389, and 85-380, Laws of Florida; providing for liberal construction; providing an effective date.

—was read the second time by title. On motion by Senator Peaden, by two-thirds vote **HB 1857** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 1865—A bill to be entitled An act relating to the Manatee County local option sales tax; validating all acts and proceedings had and taken in connection with the special election held in Manatee County; authorizing the levy of the one half-cent local option sales tax in Manatee County for the purpose of providing funds to finance the cost of acquisition, construction, and installation of, and renovation to, certain capital improvements and educational facilities within the District; declaring said special election legal and valid; approving the issuance of sales tax revenue bonds; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Bennett, 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—40

Mr. President	Crist	Lee
Alexander	Dawson	Lynn
Argenziano	Diaz de la Portilla	Margolis
Aronberg	Dockery	Miller
Atwater	Fasano	Peaden
Bennett	Garcia	Posey
Bullard	Geller	Pruitt
Campbell	Haridopolos	Saunders
Carlton	Hill	Sebesta
Clary	Jones	Siplin
Constantine	Klein	Smith
Cowin	Lawson	Villalobos
Wasserman Schultz	Wilson	Wise
Webster		

Nays—None

SPECIAL ORDER CALENDAR, continued

SENATOR POSEY PRESIDING

On motion by Senator Atwater—

CS for SB 2566—A bill to be entitled An act relating to local government accountability; amending s. 11.40, F.S.; revising duties of the Legislative Auditing Committee; amending s. 11.45, F.S.; revising reporting requirements of the Auditor General; amending s. 61.181, F.S.; correcting a cross-reference; amending s. 75.05, F.S.; deleting a requirement for an independent special district to submit a copy of a complaint to the Division of Bond Finance of the State Board of Administration; amending s. 112.061, F.S.; authorizing local governments to provide for per diem rates; amending s. 112.08, F.S.; clarifying that local governments are authorized to provide health insurance; amending s. 112.625, F.S.; revising the definition of "governmental entity" to include counties and district school boards; amending s. 112.63, F.S.; providing for additional information to be provided to the Department of Management Services in actuarial reports with regard to retirement systems and plans and providing procedures therefor; providing for notification of the Department of Revenue and the Department of Financial Services in cases of noncompliance and authorizing the withholding of certain funds; requiring the Department of Management Services to notify the Department of Community Affairs in the case of affected special districts; amending s. 191.005, F.S.; exempting a candidate from campaign requirements under specified conditions; providing for the removal of a board member upon becoming unqualified; amending s. 130.04, F.S.; revising provisions governing notice of bids and disposition of bonds; amending s. 132.02, F.S.; revising provisions relating to the authorization to issue refund bonds; amending s. 132.09, F.S.; revising provisions relating to the notice of sale, bids, and awards and private sale of bonds; amending s. 163.05, F.S.; revising provisions governing the Small County Technical Assistance Program; amending s. 166.121, F.S.; revising provisions governing the issuance of bonds by a municipality; amending s. 166.241, F.S.; providing a municipal budget amendment process and requirements; amending s. 189.4044, F.S.; revising special procedures for determination of inactive special districts; amending s. 189.412, F.S.; revising duties of the Special District Information Program of the Department of Community Affairs; amending s. 189.418, F.S.; revising reporting requirements of newly created special districts; authorizing the governing body of a special district to amend its budget; amending s. 189.419, F.S.; revising provisions relating to the failure of special districts to file required reports; amending s. 189.421, F.S.; revising provisions governing the failure of special districts to disclose financial reports; providing for extension of time for the filing of said reports; providing remedies for noncompliance; providing for attorney's fees and costs; amending s. 189.428, F.S.; revising provisions governing the special district oversight review process; amending s. 189.439, F.S.; revising provisions governing the issuance of bonds by special districts; amending s. 191.005, F.S.; exempting a candidate from campaign requirements under specified conditions; providing for the removal of a board member upon becoming unqualified; amending s. 215.981, F.S.; exempting state agency direct-support organizations and citizen support organizations meeting specified expense levels from audit requirements; amending s. 218.075, F.S.; revising provisions governing the reduction or waiver of permit processing fees for certain counties; amending s. 218.32, F.S., relating to annual financial reports; requiring the Department of Financial Services to notify the Speaker of the House of Representatives and the President of the Senate of any municipality that has not had financial activity for a specified period of time; providing that such notice is sufficient to initiate dissolution procedures; repealing s. 218.321, F.S., relating to annual financial statements of local governmental entities; amending s. 218.39, F.S.; providing reporting requirements for certain special districts; amending s. 218.36, F.S.; revising reporting requirements for boards of county commissioners relating to the failure of a county officer to comply with the provisions of the section; amending s. 218.369, F.S.; revising the definition of "unit of local government" to include district school boards; renaming pt. V of ch. 218, F.S., as "Local Governmental Entity and District School Board Financial Emergencies"; amending s. 218.50, F.S.; renaming ss. 218.50-218.504, F.S., as the "Local Governmental Entity and District School Board Act"; amending s. 218.501, F.S.; revising the stated purposes of pt. V of ch. 218, F.S.; amending s. 218.502, F.S.;

revising the definition of "local governmental entity"; amending s. 218.503, F.S.; revising provisions governing the determination of financial emergency for local governments and district school boards; amending s. 218.504, F.S.; revising provisions relating to the authority of the Governor and authorizing the Commissioner of Education to terminate all state actions pursuant to ss. 218.50-218.504, F.S.; repealing ch. 131, F.S., consisting of ss. 131.01, 131.02, 131.03, 131.04, 131.05, and 131.06, F.S., relating to refunding bonds of counties, municipalities, and special districts; repealing s. 132.10, F.S., relating to minimum sale price of bonds; repealing s. 165.052, F.S., relating to special dissolution procedures for municipalities; repealing s. 189.409, F.S., relating to determination of financial emergencies of special districts; repealing s. 189.422, F.S., relating to actions of the Department of Community Affairs and special districts; repealing s. 200.0684, F.S., relating to an annual compliance report of the Department of Community Affairs regarding special districts; repealing s. 218.37(1)(h), F.S., relating to the requirement that the Division of Bond Finance use a served copy of the complaint for bond validation to verify compliance by special districts with the requirements in s. 218.38, F.S.; amending s. 1010.47, F.S.; providing that school districts must sell bonds; deleting obsolete provisions relating to the sale of bonds by a school district; transferring a position from the Executive Office of the Governor to the Department of Financial Services; providing an effective date.

—was read the second time by title.

Senator Atwater moved the following amendments which were adopted:

Amendment 1 (902468)(with title amendment)—On page 9, lines 15-31, delete section 5 and redesignate subsequent sections.

And the title is amended as follows:

On page 1, lines 12-14, delete those lines and insert: the State Board of Administration; amending s. 112.08,

Amendment 2 (643378)—On page 17, lines 27-31, delete those lines and insert: ordinance *or resolution* unless otherwise specified in the respective municipality's charter. The amount available from taxation and other

Amendment 3 (450746)(with title amendment)—On page 32, lines 1-31, delete section 23

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, lines 13-17, delete those lines and insert: upon becoming unqualified; amending s. 218.075, F.S.;

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

Consideration of **CS for CS for SB 2464** was deferred.

On motion by Senator Cowin—

CS for SB 1578—A bill to be entitled An act relating to the Commission on Ethics; amending s. 112.321, F.S.; restricting lobbying activities of members of the Commission on Ethics; providing exceptions; providing an effective date.

—was read the second time by title.

Senator Cowin moved the following amendments which were adopted:

Amendment 1 (511926)—On page 2, delete line 1 and insert: *on July 1, 2003, until the expiration of his or her current*

Amendment 2 (315822)—On page 2, delete line 6 and insert: *member of the commission on July 1, 2003, until the expiration*

Amendment 3 (665110)—On page 2, lines 13 and 14, delete those lines and insert:

Section 2. This act shall take effect October 1, 2003.

Pursuant to Rule 4.19, **CS for SB 1578** 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 CS for SB 1770** was withdrawn from the Committees on Judiciary; Appropriations Subcommittee on Education; Appropriations; and Rules and Calendar and by two-thirds vote placed on the Special Order Calendar.

MOTION

On motion by Senator Lee the rules were waived to allow a Claim Bill Calendar to be considered this day.

SPECIAL ORDER CALENDAR, continued

Consideration of **CS for CS for SB 280** was deferred.

On motion by Senator Dockery—

CS for SB 2758—A bill to be entitled An act relating to water resources; amending s. 163.3167, F.S.; requiring local governments to include projected water use in comprehensive plans; amending s. 367.081, F.S.; providing for the recovery of costs of alternative water supply facilities; amending s. 367.0814, F.S.; revising limit on the amount of revenues received by a utility to qualify for staff assistance in changing rates or charges; amending s. 373.0361, F.S.; providing for a public workshop in the development of regional water supply plans; including the consideration of population projections; providing for a list of water source options in regional water supply plans; providing for conservation measures in regional water supply plans; amending s. 373.1961, F.S.; providing for funding for certain water management districts; providing funding priorities; providing conditions for certain projects to receive funding assistance; amending s. 373.223, F.S.; requiring the Department of Environmental Protection and the water management districts to submit reports to the Legislature; creating s. 373.2234, F.S.; providing for preferred water supply sources; authorizing water management districts to adopt rules; providing legislative findings and intent with regard to landscape irrigation design; authorizing water management districts to adopt rules; amending s. 403.064, F.S.; providing for metering use of reclaimed water and volume-based rates therefor; requiring wastewater utilities to submit plans for metering use and volume-based rate structures to the department; creating s. 403.0645, F.S.; providing for reclaimed water use at state facilities; requiring reports; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2758** was placed on the calendar of Bills on Third Reading.

On motion by Senator Garcia—

CS for SB 2492—A bill to be entitled An act relating to economic development; reenacting and amending s. 288.9515, F.S.; revising and clarifying powers of Enterprise Florida, Inc., to develop authorized technology development programs; deleting a preference requirement for contractor selections; clarifying a requirement for capitalization of a technology development financing fund; revising criteria and requirements for investment of moneys in the Florida Technology Research Investment Fund; providing for payment of certain claims from the fund; specifying nonapplication of state credit or taxing power; specifying absence of state liability for certain claims; directing Enterprise Florida, Inc., to facilitate the formation of investor networks; repealing s. 288.9517, F.S., relating to audits of the technology development board and confidentiality of the identity of certain contributors to the board; repealing s. 14, ch. 93-187, Laws of Florida, relating to the future repeal and review by the Legislature of statutes governing certain technology development programs of Enterprise Florida, Inc.; providing an effective date.

—was read the second time by title.

Senator Garcia moved the following amendment which was adopted:

Amendment 1 (190470)(with title amendment)—On page 8, lines 5-10, delete those lines and insert:

(6) Enterprise Florida, Inc., shall coordinate with local and regional economic development organizations to facilitate a statewide entrepreneurship strategy to stimulate the growth of start-up businesses and technology innovations in this state. This strategy should include, but need not be limited to, technology transfer coordination, university linkages, entrepreneurial networks and training, and start-up capital access, including the formation and growth of individual and business networks that may be willing to invest in start-up businesses in this state.

And the title is amended as follows:

On page 1, lines 17 and 18, delete those lines and insert: Inc., to facilitate the formation of an entrepreneurship strategy; repealing s. 288.9517, F.S., relating

Senator Clary offered the following amendment which was moved by Senator Garcia and adopted:

Amendment 2 (062138)(with title amendment)—On page 8, between lines 14 and 15, insert:

Section 4. Section 1004.447, Florida Statutes, is created to read:

1004.447 Florida Institute for Human and Machine Cognition, Inc.—

(1)(a) There is created a not-for-profit corporation, to be known as the "Florida Institute for Human and Machine Cognition, Inc.," which shall be registered, incorporated, organized, and operated in compliance with chapter 617. "The Florida Institute for Human and Machine Cognition, Inc.," is established at the University of West Florida.

(b) The corporation is authorized to create not-for-profit corporate subsidiaries that are organized under the provisions of chapter 617 upon the prior approval of the Board of Governors, as necessary, to fulfill its mission.

(2) The corporation and any authorized and approved subsidiary:

(a) Shall be a corporation primarily acting as an instrumentality of the state, pursuant to s. 768.28(2), for purposes of sovereign immunity.

(b) Is not an agency within the meaning of s. 20.03(11).

(c) Is subject to the open records and meeting requirements of s. 24, Art. I of the State Constitution, chapter 119, and s. 286.011.

(d) May receive, hold, invest, and administer property and any moneys acquired from private, local, state, and federal sources, as well as technical and professional income generated or derived from practice activities of the institute, for the benefit of the institute and the fulfillment of its mission.

(e) May perform all things necessary to secure letters of patent, copyrights, and trademarks on any work products and to enforce its rights therein. The corporation must consider contributions by a state university and university personnel in the development of trademarks, copyrights, and patents and shall enter into written contracts establishing the interests of the university and such personnel in each trademark, copyright, or patent.

(f) May secure comprehensive general liability protection, including professional liability protection, for the not-for-profit corporation and its subsidiaries.

(g) May enter into affiliation agreements with other universities or research institutes.

(h) Is not subject to the provisions of chapter 287.

(3) The officers, directors, and employees of the corporation or any authorized and approved subsidiary shall be governed by the code of ethics for public officers and employees as set forth in part III of chapter 112.

(4) The articles of incorporation of the corporation or any authorized and approved subsidiary must be approved in a written agreement by the Board of Governors. The agreement and the articles of incorporation shall:

(a) Provide that the corporation and any authorized and approved subsidiary shall provide equal employment opportunities for all persons regardless of race, color, religion, gender, national origin, age, handicap, or marital status.

(b) Provide that the corporation and any authorized and approved subsidiary are subject to the public records and meeting requirements of s. 24, Art. I of the State Constitution.

(c) Provide that all officers, directors, and employees of the corporation and any authorized and approved subsidiary shall be governed by the code of ethics for public officers and employees as set forth in part III of chapter 112.

(d) Provide that members of the board of directors of the corporation are responsible for the prudent use of all public and private funds and that they will ensure that the use of funds is in accordance with all applicable laws, bylaws, and contractual requirements.

(e) Provide that the fiscal year of the corporation and any authorized and approved subsidiary is from July 1 to June 30.

(5) The affairs of the corporation shall be managed by a board of directors who shall serve without compensation. Each director shall have only one vote.

(a) The board of directors shall consist of:

1. The chair of the Board of Governors or the chair's designee.

2. The chair of the Board of Trustees of the University of West Florida or the chair's designee.

3. The President of the University of West Florida or the president's designee.

4. Three state university representatives.

5. Nine public representatives who are neither state university employees nor state employees.

(b) The Governor, the President of the Senate, and the Speaker of the House of Representatives shall each make one initial appointment of a state university representative to the board of directors. Each director who is a representative of a state university shall be appointed for an initial term of 3 years. The Governor shall make three initial appointments of public representatives to the board of directors. The President of the Senate and the Speaker of the House of Representatives shall each make two initial appointments of public representatives to the board of directors. The chair of the Board of Trustees of the University of West Florida shall make two initial appointments of public representatives to the board of directors. Each director who is a representative of the public shall be appointed to serve an initial term of 2 years.

(c) Upon the completion of the initial terms, a director appointed under paragraph (b) shall be appointed by a majority vote of the directors to an additional 3-year term.

(d) Any vacancy in office of a director appointed under paragraph (b) shall be filled for the remainder of the term by majority vote of the directors.

(e) Any director may be reappointed by a majority vote of the board of directors.

(f) The chair of the board of directors shall be selected by a majority vote of the directors, a quorum being present.

(6) No later than 30 days following approval of the corporation s articles of incorporation by the Board of Governors, the corporation shall enter into an affiliation agreement with the Board of Trustees of the University of West Florida for:

(a) The use or mutual provision of or participation in university programs or services, including use of The university's moneys, facilities, furnishings, equipment, other chattels, personnel, or services.

(b) The use of facilities and personnel for mutually approved teaching and research programs conducted by universities or research institutes.

(c) The preparation of an annual postaudit of the corporation's financial accounts and the financial accounts of any authorized and approved subsidiary to be conducted by an independent certified public accountant. The annual audit report shall include management letters and be submitted to the Auditor General and the Board of Governors for review.

(d) Use of the facilities of the University of West Florida, including all furnishings, equipment, and other chattels used in the operation of those facilities.

If the agreement between the corporation and the Board of Trustees of the University of West Florida is terminated, all property, including buildings, land, furnishings, equipment, and other chattels originally leased to the corporation, as well as any subsequently constructed or otherwise acquired facilities in connection with the operation of the institute, automatically reverts to full ownership by the University of West Florida. Such a reversionary interest of the state in all after-acquired facilities of the corporation is in furtherance of the goals of this section, and such a present ownership interest by the university is a continuing and insurable public interest.

(7) The corporation shall employ a chief executive officer to administer the affairs of the Florida Institute for Human and Machine Cognition, Inc. The chief executive officer shall be appointed by and serve at the pleasure of the board of directors. The chief executive officer shall exercise the following powers and duties, subject to the approval of the board of directors:

(a) Establish programs that fulfill the mission of the institute, as one of the nation's premier information-technology-related research organizations, in research, education, scientific advancement, and economic development. However, the chief executive officer may not establish academic programs for which academic credit is awarded, or programs that culminate in the conferring of a degree, without prior approval of the University of West Florida.

(b) Control the budget and the moneys appropriated or donated to the institute from private, local, state, and federal sources, as well as technical and professional income generated or derived from research activities of the institute. However, income generated by university faculty from research activities at the institute shall be shared between the institute and the university, as determined by the chief executive officer and the appropriate university president or the president's designee.

(c) Appoint representatives of the institute to carry out the research and educational activities of the institute and establish the compensation, benefits, and terms of service of such representatives. Representatives may hold concurrent appointments at affiliated academic institutions. University faculty may hold concurrent appointments at the institute.

(d) Control the use and assignment of space and equipment within the facilities.

(e) Create the administrative structure necessary to carry out the mission of the institute.

(f) Annually report in writing to the Commissioner of Education on the activities of the institute and state budget allocation expenditures.

(g) Provide a copy of the institute's annual report to the Governor, the President of the Senate, the Speaker of the House of Representatives, the chair of the Board of Governors, and the University of West Florida.

(h) Appoint a council of scientific advisers to the chief executive officer comprised of leading researchers and scientists who shall review programs and recommend research priorities and initiatives to maximize the state's investment in the institute.

1. The board of directors shall ratify the appointments of scientific advisers to the council.

2. Each member of the council shall be appointed to serve a 2-year term and may be reappointed.

(8) The Board of Governors, the Board of Trustees of the University of West Florida, the Auditor General, and the Office of Program Policy Analysis and Government Accountability may require and receive from the corporation and any subsidiary, or from their independent auditor, any detail or supplemental data relative to the operation of the corporation or subsidiary.

(9) The Board of Trustees of the University of West Florida shall annually certify to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Board of Governors that the corporation and its authorized subsidiaries are complying with the requirements of this section and are acting in the best interests of the state.

Section 5. *The corporation created pursuant to section 1004.447(1), Florida Statutes, may enter into affiliation agreements similar to the agreement described in section 1004.447(6), Florida Statutes, with the boards of trustees of other public or private universities.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 26, after the semicolon (;) insert: creating s. 1004.447, F.S.; establishing the Florida Institute for Human and Machine Cognition, Inc., at the University of West Florida as a not-for-profit corporation; providing that the corporation shall act as an instrumentality of the state; authorizing the creation of subsidiaries by the corporation; providing for articles of incorporation; providing powers of the corporation; authorizing contracts without competitive bidding; providing for a board of directors; providing for an affiliation agreement; providing for an annual postaudit report; authorizing the corporation to secure liability protection; providing for assumption of responsibilities of the corporation by the University of West Florida under certain circumstances; providing for administration of the institute by a chief executive officer and providing duties; requiring appointment of a council of scientific advisers and providing duties; providing that the corporation and its subsidiaries are not agencies for certain purposes; authorizing additional affiliation agreements;

MOTION

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

Senator Garcia moved the following amendment which was adopted:

Amendment 3 (405772)(with title amendment)—On page 8, line 15, delete "This" and insert: Except as otherwise expressly provided in this act, this

And the title is amended as follows:

On page 1, line 26, delete "an effective date" and insert: effective dates

MOTION

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

Senator Saunders moved the following amendment which was adopted:

Amendment 4 (113732)(with title amendment)—On page 8, between lines 14 and 15, insert:

Section 4. Subsections (3) and (4) are added to section 471.031, Florida Statutes, to read:

471.031 Prohibitions; penalties.—

(3) The prohibitions of this section shall not apply to any employee or contractor of a sole proprietorship, firm, limited liability company, partnership, joint stock association, corporation, or other business entity that:

(a) Provides products, services, or a project, as defined in s. 288.1045(1)(i), to an agency or department of the United States, any agency or department of a state government, or the government of a foreign country which involves the design, development, production, sale, or provision of defense or aerospace products or services;

(b) Consists of or supports commercial aircraft and the entity holds a certificate issued by the Federal Aviation Administration under Chapter 21, Title 14, Code of Federal Regulations;

(c) Consists of space vehicles or space services that are subject to licensing or regulation by an agency or department of the United States under Title 14, 47 or 48 of the Code of Federal Regulations, or for sale or use outside the United States; or

(d) Allows the use of the term "engineer" or "engineering" in a job title or personnel classification of an employee or contractor to the extent that the use of the title or classification is related to activities described in this subsection.

This subsection expires July 1, 2004, unless reenacted by the Legislature before that date.

(4) Notwithstanding any other provision of this chapter, a person who is not required to be licensed under s. 471.003(2) and who is employed by an entity not offering engineering services to the public may use the title "engineer" or any title listed in paragraph (1)(b), except for the terms "professional engineer," "licensed engineer," or "registered engineer," if such use does not indicate that the person is licensed and authorized to practice engineering beyond the scope of the exemptions set forth in s. 471.003(2). This subsection expires July 1, 2004, unless reenacted by the Legislature before that date.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 26, after the semicolon (;) insert: amending s. 471.031, F.S.; providing that certain persons are exempt from the prohibitions of the section, relating to the engineering law, under specified circumstances; revising provisions governing the use of certain engineering titles; providing for expiration of such provisions;

MOTION

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

Senator Garcia moved the following amendment which was adopted:

Amendment 5 (861624)(with title amendment)—On page 8, between lines 14 and 15, insert:

Section 4. Effective upon this act becoming a law, paragraph (h) of subsection (1) of section 220.191, Florida Statutes, is amended to read:

220.191 Capital investment tax credit.—

(1) DEFINITIONS.—For purposes of this section:

(h) "Qualifying project" means*:*

1. A new or expanding facility in this state which creates at least 100 new jobs in this state and is in one of the high-impact sectors identified by Enterprise Florida, Inc., and certified by the office pursuant to s. 288.108(6), including, but not limited to, aviation, aerospace, automotive, and silicon technology industries*; or*~~.~~

2. A new financial services facility in this state which creates at least 2,000 new jobs in this state, pays an average annual wage of at least $50,000, and makes a capital investment of at least $30 million. This subparagraph expires June 30, 2004.

Section 5. Paragraph (e) of subsection (1) and paragraph (b) of subsection (4) of section 288.1045, Florida Statutes, are amended to read:

288.1045 Qualified defense contractor tax refund program.—

(1) DEFINITIONS.—As used in this section:

(e) "Department of Defense contract" means a competitively bid Department of Defense contract or subcontract or a competitively bid federal agency contract or subcontract issued on behalf of the Department of Defense for manufacturing, assembling, fabricating, research, development, or design with a duration of 2 or more years, but excluding any contract or subcontract to provide goods, improvements to real or tangible property, or services directly to or for any particular military base or installation in this state. The term includes contracts or subcontracts for products or services for military *or homeland security* use which contracts or subcontracts are approved by the United States Department of Defense, the United States Department of State, or the United States *Department of Homeland Security* ~~Coast Guard~~.

(4) QUALIFIED DEFENSE CONTRACTOR TAX REFUND AGREEMENT.—

(b) Compliance with the terms and conditions of the agreement is a condition precedent for receipt of tax refunds each year. The failure to comply with the terms and conditions of the agreement shall result in the loss of eligibility for receipt of all tax refunds previously authorized pursuant to this section, and the revocation of the certification as a qualified applicant by the director, unless the qualified applicant is eligible to receive and elects to accept a prorated refund under paragraph (5)(g) or the office grants the qualified applicant an economic-stimulus exemption.

1. A qualified applicant may submit, in writing, a request to the office for an economic-stimulus exemption. The request must provide quantitative evidence demonstrating how negative economic conditions in the qualified applicant's industry, or specific acts of terrorism affecting the qualified applicant, have prevented the qualified applicant from complying with the terms and conditions of its tax refund agreement.

2. Upon receipt of a request under subparagraph 1., the director shall have 45 days to notify the requesting qualified applicant, in writing, if its exemption has been granted or denied. In determining if an exemption should be granted, the director shall consider the extent to which negative economic conditions in the requesting qualified applicant's industry, or specific acts of terrorism affecting the qualified applicant, have prevented the qualified applicant from complying with the terms and conditions of its tax refund agreement.

3. As a condition for receiving a prorated refund under paragraph (5)(g) or an economic-stimulus exemption under this paragraph, a qualified applicant must agree to renegotiate its tax refund agreement with the office to, at a minimum, ensure that the terms of the agreement comply with current law and office procedures governing application for and award of tax refunds. Upon approving the award of a prorated refund or granting an economic-stimulus exemption, the office shall renegotiate the tax refund agreement with the qualified applicant as required by this subparagraph. When amending the agreement of a qualified applicant receiving an economic-stimulus exemption, the office may extend the duration of the agreement for a period not to exceed 1 year.

4. A qualified applicant may submit a request for an economic-stimulus exemption to the office in lieu of any tax refund claim scheduled to be submitted after January 1, 2001, but before *June 30, 2004* ~~July 1, 2003~~. *However, a qualified applicant that has received at least one economic-stimulus exemption may not apply for an additional exemption.*

5. A qualified applicant that receives an economic-stimulus exemption may not receive a tax refund for the period covered by the exemption.

Section 6. Paragraph (o) of subsection (1) and paragraph (b) of subsection (4) of section 288.106, Florida Statutes, are amended to read:

288.106 Tax refund program for qualified target industry businesses.—

(1) DEFINITIONS.—As used in this section:

(o) "Target industry business" means a corporate headquarters business or any business that is engaged in one of the target industries identified pursuant to the following criteria developed by the office in consultation with Enterprise Florida, Inc.:

1. Future growth.—Industry forecasts should indicate strong expectation for future growth in both employment and output, according to the most recent available data. Special consideration should be given to Florida's growing access to international markets or to replacing imports.

2. Stability.—The industry should not be subject to periodic layoffs, whether due to seasonality or sensitivity to volatile economic variables such as weather. The industry should also be relatively resistant to recession, so that the demand for products of this industry is not necessarily subject to decline during an economic downturn.

3. High wage.—The industry should pay relatively high wages compared to statewide or area averages.

4. Market and resource independent.—The location of industry businesses should not be dependent on Florida markets or resources as indicated by industry analysis.

5. Industrial base diversification and strengthening.—The industry should contribute toward expanding or diversifying the state's or area's economic base, as indicated by analysis of employment and output shares compared to national and regional trends. Special consideration should be given to industries that strengthen regional economies by adding value to basic products or building regional industrial clusters as indicated by industry analysis. *Special consideration also should be given to developing strong industrial clusters, including defense and homeland security.*

6. Economic benefits.—The industry should have strong positive impacts on or benefits to the state and regional economies.

The office, in consultation with Enterprise Florida, Inc., shall develop a list of such target industries annually and submit such list as part of the final agency legislative budget request submitted pursuant to s. 216.023(1). A target industry business may not include any industry engaged in retail activities; any electrical utility company; any phosphate or other solid minerals severance, mining, or processing operation; any oil or gas exploration or production operation; or any firm subject to regulation by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation.

(4) TAX REFUND AGREEMENT.—

(b) Compliance with the terms and conditions of the agreement is a condition precedent for the receipt of a tax refund each year. The failure to comply with the terms and conditions of the tax refund agreement results in the loss of eligibility for receipt of all tax refunds previously authorized under this section and the revocation by the director of the certification of the business entity as a qualified target industry business, unless the business is eligible to receive and elects to accept a prorated refund under paragraph (5)(d) or the office grants the business an economic-stimulus exemption.

1. A qualified target industry business may submit, in writing, a request to the office for an economic-stimulus exemption. The request must provide quantitative evidence demonstrating how negative economic conditions in the business's industry, or specific acts of terrorism affecting the qualified target industry business, have prevented the business from complying with the terms and conditions of its tax refund agreement.

2. Upon receipt of a request under subparagraph 1., the director shall have 45 days to notify the requesting business, in writing, if its exemption has been granted or denied. In determining if an exemption should be granted, the director shall consider the extent to which negative economic conditions in the requesting business's industry, or specific acts of terrorism affecting the qualified target industry business, have prevented the business from complying with the terms and conditions of its tax refund agreement.

3. As a condition for receiving a prorated refund under paragraph (5)(d) or an economic-stimulus exemption under this paragraph, a qualified target industry business must agree to renegotiate its tax refund agreement with the office to, at a minimum, ensure that the terms of the agreement comply with current law and office procedures governing application for and award of tax refunds. Upon approving the award of a prorated refund or granting an economic-stimulus exemption, the office shall renegotiate the tax refund agreement with the business as required by this subparagraph. When amending the agreement of a business receiving an economic-stimulus exemption, the office may extend the duration of the agreement for a period not to exceed 1 year.

4. A qualified target industry business may submit a request for an economic-stimulus exemption to the office in lieu of any tax refund claim scheduled to be submitted after January 1, 2001, but before *June 30, 2004* ~~July 1, 2003~~. *However, a qualified target industry business that has received at least one economic-stimulus exemption may not apply for an additional exemption.*

5. A qualified target industry business that receives an economic-stimulus exemption may not receive a tax refund for the period covered by the exemption.

Section 7. Effective upon this act becoming a law, subsection (4) is added to section 288.1088, Florida Statutes, to read:

288.1088 Quick Action Closing Fund.—

(4) The Governor may, in an emergency or special circumstance and with the approval of the President of the Senate and the Speaker of the House of Representatives, reallocate unencumbered funds appropriated to the Quick Action Closing Fund to supplement statutorily created economic development programs and operations. The Executive Office of the Governor shall recommend approval of the transfer and release of funds pursuant to the legislative consultation and review requirements set forth in s. 216.177.

Section 8. Section 1004.225, Florida Statutes, is amended to read:

1004.225 Florida Technology Development Act.—

(1) This section may be cited as the "Florida Technology Development Act."

(2) "Center of excellence," as used in this section, means an organization of personnel, facilities, and equipment established at or in collaboration with one or more universities in Florida to accomplish the purposes and objectives of this section. The purposes and objectives of a center of excellence include:

(a) Identifying and pursuing opportunities for university scholars, research center scientists and engineers, and private businesses to form collaborative partnerships to foster and promote the research required to develop commercially promising, advanced, and innovative technologies and to transfer those technologies to commercial sectors.

(b) Acquiring and leveraging public and private sector funding to provide the totality of funds, personnel, facilities, equipment, and other resources needed to support the research required to develop commercially promising, advanced, and innovative technologies and to transfer those technologies to commercial sectors.

(c) Recruiting and retaining world class scholars, high-performing students, and leading scientists and engineers in technology disciplines to engage in research in this state to develop commercially promising, advanced, and innovative technologies.

(d) Enhancing and expanding technology curricula and laboratory resources at universities and research centers in this state.

(e) Increasing the number of high-performing students in technology disciplines who graduate from universities in this state and pursue careers in this state.

(f) Stimulating and supporting the inception, growth, and diversification of technology-based businesses and ventures in Florida and increasing employment opportunities for the workforce needed to support such businesses.

(3) ~~Subject to legislative appropriation,~~ The Emerging Technology Commission, or "commission," is created within the Executive Office of the Governor to guide the establishment of centers of excellence.

(a) The commission shall consist of five regular members appointed by the Governor, one of whom the Governor shall appoint as chair of the commission; two regular members appointed by the President of the Senate; two regular members appointed by the Speaker of the House of Representatives; ~~before January 7, 2003, the Secretary of Education as an ex officio nonvoting member; effective January 7, 2003,~~ the Commissioner of Education as an ex officio nonvoting member; and, as ex officio nonvoting members, the member of the Senate and the member of the House of Representatives who serve as members of the Florida Research Consortium, Inc. The regular members shall be business leaders, industrial researchers, academic researchers, scientists, or engineers who have been recognized as leaders in the state's emerging and advanced technology sectors. ~~Regular members must be appointed on or before July 1, 2002.~~

(b) Members of the commission shall serve without compensation but shall be entitled to receive per diem and travel expenses in accordance with s. 112.061 while in performance of their duties.

(c) The Executive Office of the Governor shall provide staff support for the activities of the commission and per diem and travel expenses for commission members.

(4) By August 1, 2002, Florida Research Consortium, Inc., shall provide a report to the commission which describes in detail and prioritizes factors that contribute to the success of the creation of centers of excellence. At a minimum, the report should describe and prioritize the following factors:

(a) Maturity of existing university programs relating to a proposed center of excellence.

(b) Existing amount of university resources dedicated to activities relating to a proposed center of excellence.

(c) Comprehensiveness and effectiveness of site plans relating to a proposed center of excellence.

(d) Regional economic structure and climate.

(e) The degree to which a university proposed to house a center of excellence identifies and seizes opportunities to collaborate with other public or private entities for research purposes.

(f) The presence of a comprehensive performance and accountability measurement system.

(g) The use of an integrated research and development strategy utilizing multiple levels of the educational system.

(h) The ability of a university proposed to house a center of excellence to raise research funds and leverage public and private investment dollars to support advanced and emerging technological research and development projects.

(i) The degree to which a university proposed to house a center of excellence transfers advanced and emerging technologies from its laboratories to the commercial sector.

(j) The degree to which a university proposed to house a center of excellence stimulates and supports new venture creation.

(k) The existence of a plan to enhance academic curricula by improving communication between academia and industry.

(l) The existence of a plan to increase the number, quality, and retention rate of faculty, graduate students, and eminent scholars in advanced and emerging technology-based disciplines.

(m) The existence of a plan to increase the likelihood of faculty, graduate students, and eminent scholars pursuing private sector careers in the state.

(n) Ability to provide capital facilities necessary to support research and development.

(5) By September 15, 2002, the commission shall develop and approve criteria for evaluating proposals submitted under *this section* ~~subsection (6)~~. When developing such criteria, the commission shall consider the report provided by Florida Research Consortium, Inc., under subsection (4) and hold at least two public hearings, at times and locations designated by the chair of the commission, for the purpose of soliciting expert testimony. By October 1, 2002, the commission shall provide a list of such criteria to each university in the State University System and to the State Technology Office for publishing on the Internet within 24 hours after the office's receipt of the list.

(6) Concurrent with the provision of the list of criteria to the universities, the commission shall notify each university, in writing, of the opportunity to submit to the commission written proposals for establishing one or more centers of excellence. Proposals must specifically address the evaluation criteria developed by the commission and delineate how funding would be used to develop one or more centers of excellence. Proposals must be submitted to the commission by December 1, 2002. Notwithstanding this deadline, the commission, upon an affirmative vote of a majority of its members, may accept a proposal submitted after the deadline.

(7) By February 1, 2003, the commission shall submit to the State Board of Education a minimum of two, but no more than five, recommended plans for the establishment of one or more centers of excellence in the state. Recommended plans must specifically address the evaluation criteria developed by the commission and delineate how funding would be used to develop one or more centers of excellence. When developing such recommended plans, the commission shall consider the university proposals submitted under subsection (6) and hold at least three public hearings, at times and locations designated by the chair of the commission, for the purpose of soliciting expert testimony including, but not limited to, viewing presentations of university proposals.

(8) By March 15, 2003, the State Board of Education shall develop and approve a final plan for the establishment of one or more centers of excellence in the state and authorize expenditures for implementation of the plan. The final plan must allocate at least $10 million to each center of excellence established by the plan. When developing this final plan, the board shall consider the commission's recommended plans submitted under subsection (7) and hold at least one public hearing for the purpose of soliciting expert testimony. The final plan must include performance and accountability measures that can be used to assess the progress of plan implementation and the success of the centers of excellence established under the final plan. By March 22, 2003, the board shall provide a copy of the final plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(9) Beginning June 30, 2003, the commission shall report quarterly, in writing, to the Commissioner of Education on the progress of the implementation of the final plan approved under subsection (8) and the success of the centers of excellence established under that plan.

(10)(a) Notwithstanding any provision in this section to the contrary, and subject to appropriation by the Legislature in the General Appropriations Act for fiscal year 2003–2004, the commission shall, by August 1, 2003, reissue the list of criteria developed and approved under subsection (5) to each university in the state and to the State Technology Office for publishing on the Internet within 24 hours after the office's receipt of the list.

(b) Concurrent with the provision of the list of criteria under paragraph (a), the commission shall notify each university, in writing, of the opportunity to submit to the commission written proposals for establishing one center of excellence under this subsection, which center shall be in addition to any centers of excellence established under other provisions of this section. Proposals must specifically address the evaluation criteria developed by the commission and delineate how funding would be used to develop the center of excellence. Proposals must be submitted to the commission before October 1, 2003.

(c) By December 1, 2003, the commission shall submit to the State Board of Education a recommended plan for the establishment of one center of excellence under this subsection. The recommended plan must specifically address the evaluation criteria developed by the commission and delineate how funding would be used to develop the center of excellence. When developing the recommended plan, the commission shall consider the proposals submitted under this subsection and hold at least two public hearings, at times and locations designated by the chair of the commission, for the purpose of soliciting expert testimony, including, but not limited to, viewing presentations of university proposals.

(d) By February 1, 2004, the State Board of Education shall develop and approve a final plan for the establishment of one center of excellence in the state under this subsection and authorize expenditures for implementation of the plan. The board shall consider the commission's recommended plan under paragraph (c) and hold at least one public hearing for the purpose of soliciting expert testimony. The final plan must include performance and accountability measures that can be used to assess the progress of plan implementation and the success of the center of excellence established under the final plan. By February 15, 2004, the board shall provide a copy of the final plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(e) Beginning June 30, 2004, the commission shall report quarterly, in writing, to the Commissioner of Education on the progress of the implementation of the final plan approved under paragraph (d) and the success of the center of excellence established under that plan.

(11)~~(10)~~ This section expires July 1, *2005* ~~2004~~.

Section 9. *The sum of $50,000 is appropriated from the General Revenue Fund to the Executive Office of the Governor for the purpose of providing staff and administrative support to the Emerging Technology Commission and per diem and travel expenses for commission members during the 2003-2004 fiscal year.*

Section 10. *Effective upon this act becoming a law, the proviso immediately following Specific Appropriation 173A of Chapter 2002-394, Laws of Florida, is repealed.*

Section 11. Section 445.048, Florida Statutes, is amended to read:

445.048 Passport to Economic Progress demonstration program.—

(1) AUTHORIZATION.—Notwithstanding any law to the contrary, Workforce Florida, Inc., in conjunction with the Department of Children and Family Services and the Agency for Workforce Innovation, shall implement a Passport to Economic Progress demonstration program ~~by November 1, 2001,~~ consistent with the provisions of this section in Hillsborough, ~~and~~ Manatee*, and Sarasota* counties. Workforce Florida, Inc., must consult with the applicable regional workforce boards and the applicable local offices of the department which serve the demonstration areas and must encourage community input into the implementation process.

(2) WAIVERS.—If Workforce Florida, Inc., in consultation with the Department of Children and Family Services, finds that federal waivers would facilitate implementation of the demonstration program, the department shall immediately request such waivers, and Workforce Florida, Inc., shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives if any refusal of the federal government to grant such waivers prevents the implementation of the demonstration program. If Workforce Florida, Inc., finds that federal waivers to provisions of the Food Stamp Program would facilitate implementation of the demonstration program, the Department of Children and Family Services shall immediately request such waivers in accordance with s. 414.175.

~~(3) INCOME DISREGARD.—In order to provide an additional incentive for employment, and notwithstanding the amount specified in s. 414.095(12), for individuals residing in the areas designated for this demonstration program, the first $300 plus one-half of the remainder of earned income shall be disregarded in determining eligibility for temporary cash assistance. All other conditions and requirements of s. 414.095(12) shall continue to apply to such individuals.~~

(3)~~(4)~~ TRANSITIONAL BENEFITS AND SERVICES.—In order to assist them in making the transition to economic self-sufficiency, former recipients of temporary cash assistance residing within the areas designated for this demonstration program shall be eligible for the following benefits and services:

(a) Notwithstanding the time period specified in s. 445.030, transitional education and training support services as specified in s. 445.030 for up to 4 years after the family is no longer receiving temporary cash assistance;

(b) Notwithstanding the time period specified in s. 445.031, transitional transportation support services as specified in s. 445.031 for up to 4 years after the family is no longer receiving temporary cash assistance; and

(c) Notwithstanding the time period specified in s. 445.032, transitional child care as specified in s. 445.032 for up to 4 years after the family is no longer receiving temporary cash assistance.

All other provisions of ss. 445.030, 445.031, and 445.032 shall apply to such individuals, as appropriate. This subsection does not constitute an entitlement to transitional benefits and services. If funds are insufficient to provide benefits and services under this subsection, the board of directors of Workforce Florida, Inc., may limit such benefits and services or otherwise establish priorities for the provisions of such benefits and services.

(4) INCENTIVES TO ECONOMIC SELF-SUFFICIENCY.—

(a) The Legislature finds that:

1. There are former recipients of temporary cash assistance who are working full time but whose incomes are below the poverty level.

2. Having incomes below the federal poverty level makes such individuals particularly vulnerable to reliance on public assistance despite their best efforts to achieve or maintain economic independence through employment.

3. It is necessary to implement a performance-based program that defines economic incentives for achieving specific benchmarks toward self-sufficiency while the individual is working full time.

(b) Workforce Florida, Inc., in cooperation with the Department of Children and Family Services and the Agency for Workforce Innovation, shall offer performance-based incentive bonuses as a component of the Passport to Economic Progress demonstration program in the areas of the state which are designated for the demonstration program. The bonuses do not represent a program entitlement and shall be contingent on achieving specific benchmarks prescribed in the self-sufficiency plan. If the funds appropriated for this purpose are insufficient to provide this financial incentive, the board of directors of Workforce Florida, Inc., shall reduce or suspend the bonuses in order not to exceed the appropriation.

~~(5) WAGE SUPPLEMENTATION.—~~

~~(a) The Legislature finds that:~~

~~1. There are former recipients of temporary cash assistance who are working full time but whose incomes are below the federal poverty level.~~

~~2. Having incomes below the federal poverty level makes such individuals particularly vulnerable to reliance on public assistance despite their best efforts to achieve or maintain economic independence through employment.~~

~~3. It is necessary to supplement the wages of such individuals for a limited period of time in order to assist them in fulfilling the transition to economic self-sufficiency.~~

~~(b) Workforce Florida, Inc., in cooperation with the Department of Children and Family Services and the Agency for Workforce Innovation, shall create a transitional wage supplementation program by November 1, 2001, as a component of the Passport to Economic Progress demonstration program in the areas designated for the demonstration program. This wage supplementation program does not constitute an entitlement to wage supplementation. If funds appropriated are insufficient to provide wage supplementation, the board of directors of Workforce Florida, Inc., may limit wage supplementation or otherwise establish priorities for wage supplementation.~~

(c) To be eligible for *an incentive bonus* ~~wage supplementation~~ under this subsection, an individual must:

1. Be a former recipient of temporary cash assistance who last received such assistance on or after January 1, 2000;

2. Be employed full time, which for the purposes of this subsection means employment averaging at least 32 hours per week *until the United States Congress enacts legislation reauthorizing the Temporary Assistance for Needy Families block grant, and, after the reauthorization, means employment complying with the employment requirements of the reauthorized law*; and

3. Have an average family income for the 6 months preceding the date of application for *an incentive bonus* ~~wage supplementation~~ which is less than 100 percent of the federal poverty level.

~~(d) Workforce Florida, Inc., shall determine the schedule for the payment of wage supplementation under this subsection. An individual eligible for wage supplementation under this subsection may receive a payment that equals the amount necessary to bring the individual's total family income for the period covered by the payment to 100 percent of the federal poverty level. An individual may not receive wage supplementation payments for more than a total of 12 months.~~

~~(e) The wage supplementation program authorized by this subsection shall be administered through the regional workforce boards and the one-stop delivery system, under policy guidelines, criteria, and applications developed by Workforce Florida, Inc., in cooperation with the Department of Children and Family Services and the Agency for Workforce Innovation. To the maximum extent possible, the regional workforce boards shall use electronic debit card technologies to provide wage supplementation payments under this program.~~

(5)~~(6)~~ EVALUATIONS AND RECOMMENDATIONS.—Workforce Florida, Inc., in conjunction with the Department of Children and Family Services, the Agency for Workforce Innovation, and the regional workforce boards in the areas designated for this demonstration program, shall conduct a comprehensive evaluation of the effectiveness of the demonstration program operated under this section. By January 1, *2005* ~~2003~~, Workforce Florida, Inc., shall submit a report on such evaluation to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must include recommendations as to whether the demonstration program should be expanded to other service areas or statewide and whether the program should be revised to enhance its administration or effectiveness.

(6)~~(7)~~ CONFLICTS.—If there is a conflict between the implementation procedures described in this section and federal requirements and regulations, federal requirements and regulations shall control.

Section 12. *The sum of $2,859,200 is appropriated from the Welfare Transition Trust Fund to the Agency for Workforce Innovation for implementing the Passport to Economic Progress demonstration program during the 2003–2004 fiscal year.*

Section 13. Subsections (3) and (8) of section 376.86, Florida Statutes, are amended to read:

376.86 Brownfield Areas Loan Guarantee Program.—

(3) The council may enter into an investment agreement with the Department of Environmental Protection and the State Board of Administration concerning the ~~investment of the earnings accrued and collected upon the~~ investment of the balance of funds maintained in the Nonmandatory Land Reclamation Trust Fund. The investment must be limited as follows:

(a) Not more than *$1.5* ~~$5~~ million of the ~~investment earnings earned on the investment of the minimum~~ balance of the Nonmandatory Land Reclamation Trust Fund in a fiscal year may be at risk at any time on loan guarantees or as loan loss reserves. Of that amount, 15 percent shall be reserved for investment agreements involving predominantly minority-owned businesses which meet the requirements of subsection (4).

(b) *Such funds at risk at any time* ~~The investment earnings~~ may not be used to guarantee any loan guaranty or loan loss reserve agreement for a period longer than 5 years.

(8) The council shall provide an annual report to the Legislature by February 1 of each year describing its activities and agreements approved relating to redevelopment of brownfield areas. *The provisions of this section pledging portions of the Nonmandatory Land Reclamation Trust Fund as a contingency on loan guarantees made pursuant to this section shall be reviewed by the Legislature by January 1, 2006, to determine the ability of that trust fund to continue serving as a contingency fund on loan guarantees. New loan guarantees may not be approved in 2006 until the review by the Legislature has been completed and a determination made as to an appropriate trust fund to serve as a contingency fund on loan guarantees.* This section shall be reviewed by the Legislature by *January 1, 2006* ~~October 1, 2003~~, and a determination made related to the need to continue or modify this section. New loan guarantees may not be approved in *2006* ~~2003~~ until the review by the Legislature has been completed and a determination has been made as to the feasibility of continuing the use of the Nonmandatory Land Reclamation Trust Fund to guarantee portions of loans under this section.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 26, after the semicolon (;) insert: amending s. 220.191, F.S.; redefining the term "qualifying project" for purposes of capital investment tax credits; amending s. 288.1045, F.S.; revising the definition of "Department of Defense contract" under the tax refund program for qualified defense contractors; extending the period applicable to a program exemption under certain conditions; amending s. 288.106, F.S.; providing for special consideration to be given to defense and homeland security under the tax refund program for qualified target industry businesses; extending the period applicable to a program exemption under certain conditions; amending s. 288.1088, F.S.; revising requirements and providing powers of the Governor with respect to using funds in the Quick Action Closing Fund; amending s. 1004.225, F.S.; removing historical provisions; conforming changes; providing for the designation of an additional center of excellence; providing application, evaluation, and designation procedures; extending the expiration of the Florida Technology Development Act; providing an appropriation; repealing proviso in chapter 2002-394, L.O.F., relating to the requirement for approval of an expenditure plan prior to release of appropriations for funding University Centers of Excellence; amending s. 445.048, F.S.; continuing, expanding, and revising the Passport to Economic Progress demonstration project; providing appropriations; amending s. 376.86, F.S.; revising certain restrictions on investing funds maintained in the Nonmandatory Land Reclamation Trust Fund; providing for a schedule for legislative review of the Brownfield Areas Loan Guarantee Program;

Pursuant to Rule 4.19, **CS for SB 2492** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Sebesta—

CS for SB 676—A bill to be entitled An act relating to transportation; amending s. 316.2952, F.S.; deleting a reference to an obsolete federal safety standard; amending ss. 322.212 and 338.2216, F.S.; correcting references; amending s. 338.165, F.S.; authorizing the refinancing of certain transportation facilities; providing an effective date.

—was read the second time by title.

Senators Sebesta and Webster offered the following amendment which was moved by Senator Sebesta and adopted:

Amendment 1 (323906)(with title amendment)—On page 4, lines 14 and 15, delete those lines insert:

Section 5. 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.

(1)(a)~~1.~~ The head of the Department of Transportation is the Secretary of Transportation. The secretary shall be appointed by the Governor from among three persons nominated by the Florida Transportation Commission and shall be subject to confirmation by the Senate. The secretary shall serve at the pleasure of the Governor.

(b)~~2.~~ The secretary shall be a proven, effective administrator who by a combination of education and experience shall clearly possess a broad knowledge of the administrative, financial, and technical aspects of the development, operation, and regulation of transportation systems and facilities or comparable systems and facilities.

~~(b)1. The secretary shall employ all personnel of the department. He or she shall implement all laws, rules, policies, and procedures applicable to the operation of the department and may not by his or her actions disregard or act in a manner contrary to any such policy. The secretary shall represent the department in its dealings with other state agencies, local governments, special districts, and the Federal Government. He or she shall have authority to sign and execute all documents and papers necessary to carry out his or her duties and the operations of the department. At each meeting of the Florida Transportation Commission, the secretary shall submit a report of major actions taken by him or her as official representative of the department.~~

~~2. The secretary shall cause the annual department budget request, the Florida Transportation Plan, and the tentative work program to be prepared in accordance with all applicable laws and departmental policies and shall submit the budget, plan, and program to the Florida Transportation Commission. The commission shall perform an in-depth evaluation of the budget, plan, and program for compliance with all applicable laws and departmental policies. If the commission determines that the budget, plan, or program is not in compliance with all applicable laws and departmental policies, it shall report its findings and recommendations regarding such noncompliance to the Legislature and the Governor.~~

(c)~~3.~~ The secretary shall provide to the Florida Transportation Commission or its staff, such assistance, information, and documents as are requested by the commission or its staff to enable the commission to fulfill its duties and responsibilities.

(d)~~(c)~~ The secretary shall appoint *two* ~~three~~ assistant secretaries who shall be directly responsible to the secretary and who shall perform such duties ~~as are specified in this section and such other duties~~ as are assigned by the secretary. The secretary may delegate to any assistant secretary the authority to act in the absence of the secretary. ~~The department has the authority to adopt rules necessary for the delegation of authority beyond the assistant secretaries. The assistant secretaries shall serve at the pleasure of the secretary.~~

(e)~~(d)~~ Any secretary appointed after July 5, 1989, and the assistant secretaries shall be exempt from the provisions of part III of chapter 110 and shall receive compensation commensurate with their qualifications and competitive with compensation for comparable responsibility in the private sector. ~~When the salary of any assistant secretary exceeds the limits established in part III of chapter 110, the Governor shall approve said salary.~~

(2)(a)1. The Florida Transportation Commission is hereby created and shall consist of nine members appointed by the Governor subject to confirmation by the Senate. Members of the commission shall serve terms of 4 years each.

2. Members shall be appointed in such a manner as to equitably represent all geographic areas of the state. Each member must be a registered voter and a citizen of the state. Each member of the commission must also possess business managerial experience in the private sector.

3. A member of the commission shall represent the transportation needs of the state as a whole and may not subordinate the needs of the state to those of any particular area of the state.

4. The commission is assigned to the Office of the Secretary of the Department of Transportation for administrative and fiscal accountability purposes, but it shall otherwise function independently of the control and direction of the department.

(b) The commission shall have the primary functions to:

1. Recommend major transportation policies for the Governor's approval, and assure that approved policies and any revisions thereto are properly executed.

2. Periodically review the status of the state transportation system including highway, transit, rail, seaport, intermodal development, and aviation components of the system and recommend improvements therein to the Governor and the Legislature.

3. Perform an in-depth evaluation of the annual department budget request, the Florida Transportation Plan, and the tentative work program for compliance with all applicable laws and established departmental policies. Except as specifically provided in s. 339.135(4)(c)2., (d), and (f), the commission may not consider individual construction projects, but shall consider methods of accomplishing the goals of the department in the most effective, efficient, and businesslike manner.

4. Monitor the financial status of the department on a regular basis to assure that the department is managing revenue and bond proceeds responsibly and in accordance with law and established policy.

5. Monitor on at least a quarterly basis, the efficiency, productivity, and management of the department, using performance and production standards developed by the commission pursuant to s. 334.045.

6. Perform an in-depth evaluation of the factors causing disruption of project schedules in the adopted work program and recommend to the Legislature and the Governor methods to eliminate or reduce the disruptive effects of these factors.

7. Recommend to the Governor and the Legislature improvements to the department's organization in order to streamline and optimize the efficiency of the department. In reviewing the department's organization, the commission shall determine if the current district organizational structure is responsive to Florida's changing economic and demographic development patterns. The initial report by the commission must be delivered to the Governor and Legislature by December 15, 2000, and each year thereafter, as appropriate. The commission may retain such experts as are reasonably necessary to effectuate this subparagraph, and the department shall pay the expenses of such experts.

(c) The commission or a member thereof may not enter into the day-to-day operation of the department and is specifically prohibited from taking part in:

1. The awarding of contracts.

2. The selection of a consultant or contractor or the prequalification of any individual consultant or contractor. However, the commission may recommend to the secretary standards and policies governing the procedure for selection and prequalification of consultants and contractors.

3. The selection of a route for a specific project.

4. The specific location of a transportation facility.

5. The acquisition of rights-of-way.

6. The employment, promotion, demotion, suspension, transfer, or discharge of any department personnel.

7. The granting, denial, suspension, or revocation of any license or permit issued by the department.

(d)1. The chair of the commission shall be selected by the commission members and shall serve a 1-year term.

2. The commission shall hold a minimum of 4 regular meetings annually, and other meetings may be called by the chair upon giving at least 1 week's notice to all members and the public pursuant to chapter 120. Other meetings may also be held upon the written request of at least four other members of the commission, with at least 1 week's notice of such meeting being given to all members and the public by the chair pursuant to chapter 120. Emergency meetings may be held without notice upon the request of all members of the commission. *At each meeting of the commission, the secretary or his or her designee shall submit a report of major actions taken by him or her as the official representative of the department.*

3. A majority of the membership of the commission constitutes a quorum at any meeting of the commission. An action of the commission is not binding unless the action is taken pursuant to an affirmative vote of a majority of the members present, but not fewer than four members of the commission at a meeting held pursuant to subparagraph 2., and the vote is recorded in the minutes of that meeting.

4. The chair shall cause to be made a complete record of the proceedings of the commission, which record shall be open for public inspection.

(e) The meetings of the commission shall be held in the central office of the department in Tallahassee unless the chair determines that special circumstances warrant meeting at another location.

(f) Members of the commission are entitled to per diem and travel expenses pursuant to s. 112.061.

(g) A member of the commission may not have any interest, direct or indirect, in any contract, franchise, privilege, or other benefit granted or awarded by the department during the term of his or her appointment and for 2 years after the termination of such appointment.

(h) The commission shall appoint an executive director and assistant executive director, who shall serve under the direction, supervision, and control of the commission. The executive director, with the consent of the commission, shall employ such staff as are necessary to perform adequately the functions of the commission, within budgetary limitations. All employees of the commission are exempt from part II of chapter 110 and shall serve at the pleasure of the commission. The salaries and benefits of all employees of the commission shall be set in accordance with the Selected Exempt Service; provided, however, that the commission shall have complete authority for fixing the salary of the executive director and assistant executive director.

(i) The commission shall develop a budget pursuant to chapter 216. The budget is not subject to change by the department, but such budget shall be submitted to the Governor along with the budget of the department.

(3)(a) The central office shall establish departmental policies, rules, procedures, and standards and shall monitor the implementation of such

policies, rules, procedures, and standards in order to ensure uniform compliance and quality performance by the districts and central office units that implement transportation programs. Major transportation policy initiatives or revisions shall be submitted to the commission for review. ~~The central office monitoring function shall be based on a plan that clearly specifies what areas will be monitored, activities and criteria used to measure compliance, and a feedback process that assures monitoring findings are reported and deficiencies corrected. The secretary is responsible for ensuring that a central office monitoring function is implemented, and that it functions properly. In conjunction with its monitoring function, the central office shall provide such training and administrative support to the districts as the department determines to be necessary to ensure that the department's programs are carried out in the most efficient and effective manner.~~

~~(b) The resources necessary to ensure the efficiency, effectiveness, and quality of performance by the department of its statutory responsibilities shall be allocated to the central office.~~

(b)~~(c)~~ The secretary shall appoint an Assistant Secretary for Transportation *Development and Operations and* ~~Policy,~~ an Assistant Secretary for *Transportation Support.* ~~Finance and Administration, and an Assistant Secretary for District Operations, each of whom shall serve at the pleasure of the secretary. The positions are responsible for developing, monitoring, and enforcing policy and managing major technical programs. The responsibilities and duties of these positions include, but are not limited to, the following functional areas:~~

~~1. Assistant Secretary for Transportation Policy.—~~

~~a. Development of the Florida Transportation Plan and other policy planning;~~

~~b. Development of statewide modal systems plans, including public transportation systems;~~

~~c. Design of transportation facilities;~~

~~d. Construction of transportation facilities;~~

~~e. Acquisition and management of transportation rights-of-way; and~~

~~f. Administration of motor carrier compliance and safety.~~

~~2. Assistant Secretary for District Operations.—~~

~~a. Administration of the eight districts; and~~

~~b. Implementation of the decentralization of the department.~~

~~3. Assistant Secretary for Finance and Administration.—~~

~~a. Financial planning and management;~~

~~b. Information systems;~~

~~c. Accounting systems;~~

~~d. Administrative functions; and~~

~~e. Administration of toll operations.~~

~~(d)1. Policy, program, or operations offices shall be established within the central office for the purposes of:~~

~~a. Developing policy and procedures and monitoring performance to ensure compliance with these policies and procedures;~~

~~b. Performing statewide activities which it is more cost-effective to perform in a central location;~~

~~c. Assessing and ensuring the accuracy of information within the department's financial management information systems; and~~

~~d. Performing other activities of a statewide nature.~~

(c)~~2.~~ The following offices are established and shall be headed by a manager, each of whom shall be appointed by and serve at the pleasure of the secretary. The positions shall be classified at a level equal to a division director:

1.~~a.~~ The Office of Administration;

2.~~b.~~ The Office of ~~Policy~~ Planning *and Environmental Management*;

3.~~c.~~ The Office of Design;

4.~~d.~~ The Office of Highway Operations;

5.~~e.~~ The Office of Right-of-Way;

6.~~f.~~ The Office of Toll Operations;

7.~~g.~~ The Office of Information Systems; ~~and~~

8.~~h.~~ The Office of Motor Carrier Compliance*;*~~.~~

9. The Office of Management and Budget;

10. The Office of Comptroller;

11. The Office of Construction;

12. The Office of Maintenance; and

13. The Office of Materials.

(d)~~3.~~ Other offices may be established in accordance with s. 20.04(7). The heads of such offices are exempt from part II of chapter 110. No office or organization shall be created at a level equal to or higher than a division without specific legislative authority.

~~4. During the construction of a major transportation improvement project or as determined by the district secretary, the department may provide assistance to a business entity significantly impacted by the project if the entity is a for-profit entity that has been in business for 3 years prior to the beginning of construction and has direct or shared access to the transportation project being constructed. The assistance program shall be in the form of additional guarantees to assist the impacted business entity in receiving loans pursuant to Title 13 C.F.R. part 120. However, in no instance shall the combined guarantees be greater than 90 percent of the loan. The department shall adopt rules to implement this subparagraph.~~

~~(e) The Assistant Secretary for Finance and Administration must possess a broad knowledge of the administrative, financial, and technical aspects of a complete cost-accounting system, budget preparation and management, and management information systems. The Assistant Secretary for Finance and Administration must be a proven, effective manager with specialized skills in financial planning and management. The Assistant Secretary for Finance and Administration shall ensure that financial information is processed in a timely, accurate, and complete manner.~~

~~(f)1. Within the central office there is created an Office of Management and Budget. The head of the Office of Management and Budget is responsible to the Assistant Secretary for Finance and Administration and is exempt from part II of chapter 110.~~

~~2. The functions of the Office of Management and Budget include, but are not limited to:~~

~~a. Preparation of the work program;~~

~~b. Preparation of the departmental budget; and~~

~~c. Coordination of related policies and procedures.~~

~~3. The Office of Management and Budget shall also be responsible for developing uniform implementation and monitoring procedures for all activities performed at the district level involving the budget and the work program.~~

(e)~~(g)~~ The secretary *shall* ~~may~~ appoint an inspector general *pursuant to s. 20.055* who shall be directly responsible to the secretary and shall serve at the pleasure of the secretary.

~~(h)1. The secretary shall appoint an inspector general pursuant to s. 20.055. 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.~~

~~(i)1. The secretary shall appoint a comptroller who is responsible to the Assistant Secretary for Finance and Administration. This position is exempt from part II of chapter 110.~~

~~2. The comptroller is the chief financial officer of the department and must be a proven, effective administrator who by a combination of education and experience clearly possesses a broad knowledge of the administrative, financial, and technical aspects of a complex cost-accounting system. The comptroller must also have a working knowledge of generally accepted accounting principles. At a minimum, the comptroller must hold an active license to practice public accounting in Florida pursuant to chapter 473 or an active license to practice public accounting in any other state. In addition to the requirements of the Florida Fiscal Accounting Management Information System Act, the comptroller is responsible for the development, maintenance, and modification of an accounting system that will in a timely manner accurately reflect the revenues and expenditures of the department and that includes a cost-accounting system to properly identify, segregate, allocate, and report department costs. The comptroller shall supervise and direct preparation of a detailed 36-month forecast of cash and expenditures and is responsible for managing cash and determining cash requirements. The comptroller shall review all comparative cost studies that examine the cost-effectiveness and feasibility of contracting for services and operations performed by the department. The review must state that the study was prepared in accordance with generally accepted cost-accounting standards applied in a consistent manner using valid and accurate cost data.~~

~~3. The department shall by rule or internal management memoranda as required by chapter 120 provide for the maintenance by the comptroller of financial records and accounts of the department as will afford a full and complete check against the improper payment of bills and provide a system for the prompt payment of the just obligations of the department, which records must at all times disclose:~~

~~a. The several appropriations available for the use of the department;~~

~~b. The specific amounts of each such appropriation budgeted by the department for each improvement or purpose;~~

~~c. The apportionment or division of all such appropriations among the several counties and districts, when such apportionment or division is made;~~

~~d. The amount or portion of each such apportionment against general contractual and other liabilities then created;~~

~~e. The amount expended and still to be expended in connection with each contractual and other obligation of the department;~~

~~f. The expense and operating costs of the various activities of the department;~~

~~g. The receipts accruing to the department and the distribution thereof;~~

~~h. The assets, investments, and liabilities of the department; and~~

~~i. The cash requirements of the department for a 36-month period.~~

~~4. The comptroller shall maintain a separate account for each fund administered by the department.~~

~~5. The comptroller shall perform such other related duties as designated by the department.~~

(f)~~(j)~~ The secretary shall appoint a general counsel who shall be ~~employed full time and shall be~~ directly responsible to the secretary. The general counsel is responsible for all legal matters of the department. The department may employ as many attorneys as it deems necessary to advise and represent the department in all transportation matters.

(g)~~(k)~~ The secretary shall appoint a state transportation *development administrator* ~~planner who shall report to the Assistant Secretary for Transportation Policy. The state transportation planner's responsibilities shall include, but are not limited to, policy planning, systems planning, and transportation statistics~~. This position shall be classified at a level equal to a deputy assistant secretary.

(h)~~(l)~~ The secretary shall appoint a state *transportation operations administrator* ~~highway engineer who shall report to the Assistant Secretary for Transportation Policy~~. ~~The state highway engineer's responsibilities shall include, but are not limited to, design, construction, and maintenance of highway facilities; acquisition and management of transportation rights-of-way; traffic engineering; and materials testing.~~ This position shall be classified at a level equal to a deputy assistant secretary.

(i)~~(m)~~ The secretary shall appoint a state public transportation *and modal* administrator ~~who shall report to the Assistant Secretary for Transportation Policy~~. ~~The state public transportation administrator's responsibilities shall include, but are not limited to, the administration of statewide transit, rail, intermodal development, and aviation programs.~~ This position shall be classified at a level equal to a deputy assistant secretary. ~~The department shall also assign to the public transportation administrator an organizational unit the primary function of which is to administer the high-speed rail program.~~

(4)(a) The operations of the department shall be organized into seven districts, each headed by a district secretary and a turnpike enterprise, headed by an executive director. *The district secretaries and the turnpike executive director shall be registered professional engineers in accordance with the provisions of chapter 471 or, in lieu of professional engineer registration, a district secretary or turnpike executive director may hold*

an advanced degree in an appropriate related discipline, such as a Master of Business Administration. ~~The district secretaries shall report to the Assistant Secretary for District Operations.~~ The headquarters of the districts shall be located in Polk, Columbia, Washington, Broward, Volusia, Dade, and Hillsborough Counties. The headquarters of the turnpike enterprise shall be located in Orange County. In order to provide for efficient operations and to expedite the decisionmaking process, the department shall provide for maximum decentralization to the districts. ~~However, before making a decision to centralize or decentralize department operations, the department must first determine if the decision would be cost-effective and in the public's best interest. The department shall periodically evaluate such decisions to ensure that they are appropriate.~~

~~(b) The primary responsibility for the implementation of the department's transportation programs shall be delegated by the secretary to the district secretaries, and sufficient authority shall be vested in each district to ensure adequate control of the resources commensurate with the delegated responsibility. Each district secretary shall also be accountable for ensuring their district's quality of performance and compliance with all laws, rules, policies, and procedures related to the operation of the department.~~

(b)~~(c)~~ Each district secretary may appoint a district director for *transportation development, a district director for transportation operations, and a district director for transportation support or, until July 1, 2005, each district secretary may appoint a district director for* planning and programming, a district director for production, ~~and~~ a district director for operations*, and a district director for administration*. These positions are exempt from part II of chapter 110.

(c)~~(d)~~ Within each district, offices shall be established for managing major functional responsibilities of the department. ~~The offices may include planning, design, construction, right-of-way, maintenance, and public transportation.~~ The heads of these offices shall be exempt from part II of chapter 110.

(d)~~(e)~~ The district director for the Fort Myers Urban Office of the Department of Transportation is responsible for developing the 5-year Transportation Plan for Charlotte, Collier, DeSoto, Glades, Hendry, and Lee Counties. The Fort Myers Urban Office also is responsible for providing policy, direction, local government coordination, and planning for those counties.

(e)~~(f)~~1. The responsibility for the turnpike system shall be delegated by the secretary to the executive director of the turnpike enterprise, who shall serve at the pleasure of the secretary. The executive director shall report directly to the secretary, and the turnpike enterprise shall operate pursuant to ss. 338.22-338.241.

2. To facilitate the most efficient and effective management of the turnpike enterprise, including the use of best business practices employed by the private sector, the turnpike enterprise, except as provided in s. 287.055, shall be exempt from departmental policies, procedures, and standards, subject to the secretary having the authority to apply any such policies, procedures, and standards to the turnpike enterprise from time to time as deemed appropriate.

(5) Notwithstanding the provisions of s. 110.205, the Department of Management Services is authorized to exempt positions within the Department of Transportation which are comparable to positions within the Senior Management Service pursuant to s. 110.205(2)(j) or positions which are comparable to positions in the Selected Exempt Service under s. 110.205(2)(m).

~~(6) To facilitate the efficient and effective management of the department in a businesslike manner, the department shall develop a system for the submission of monthly management reports to the Florida Transportation Commission and secretary from the district secretaries. The commission and the secretary shall determine which reports are required to fulfill their respective responsibilities under this section. A copy of each such report shall be submitted monthly to the appropriations and transportation committees of the Senate and the House of Representatives. Recommendations made by the Auditor General in his or her audits of the department that relate to management practices, systems, or reports shall be implemented in a timely manner. However, if the department determines that one or more of the recommendations should be altered or should not be implemented, it shall provide a written explanation of such determination to the Legislative Auditing Committee within 6 months after the date the recommendations were published.~~

(6)~~(7)~~ The department is authorized to contract with local governmental entities and with the private sector if the department first determines that:

(a) Consultants can do the work at less cost than state employees;

(b) State employees can do the work at less cost, but sufficient positions have not been approved by the Legislature as requested in the department's most recent legislative budget request;

(c) The work requires specialized expertise, and it would not be economical for the state to acquire, and then maintain, the expertise after the work is done;

(d) The workload is at a peak level, and it would not be economical to acquire, and then keep, extra personnel after the workload decreases; or

(e) The use of such entities is clearly in the public's best interest.

Such contracts shall require compliance with applicable federal and state laws, and clearly specify the product or service to be provided.

Section 6. Paragraphs (j) and (m) of subsection (2) of section 110.205, Florida Statutes, are amended to read:

110.205 Career service; exemptions.—

(2) EXEMPT POSITIONS.—The exempt positions that are not covered by this part include the following:

(j) 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; 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 *Development Administrator* ~~Highway Engineer~~, State Public Transportation *and Modal* Administrator, district secretaries, district directors of *transportation development, transportation operations, transportation support* ~~planning and programming, production, and operations~~, and the managers of the offices specified in s. 20.23(3)*(c)* ~~(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; and the county health department directors and county health department administrators of the Department of Health.

(m) 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)*(c)*~~(d)3.~~ and (4)(d)*, and captains and majors of the Office of Motor Carrier Compliance*; positions in the Department of Environmental Protection that are assigned the duty of an Environmental Administrator or program administrator; 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.

Section 7. Subsection (1) of section 120.52, Florida Statutes, is amended to read:

120.52 Definitions.—As used in this act:

(1) "Agency" means:

(a) The Governor in the exercise of all executive powers other than those derived from the constitution.

(b) Each:

1. State officer and state department, and each departmental unit described in s. 20.04.

2. Authority, including a regional water supply authority.

3. Board.

4. Commission, including the Commission on Ethics and the Fish and Wildlife Conservation Commission when acting pursuant to statutory authority derived from the Legislature.

5. Regional planning agency.

6. Multicounty special district with a majority of its governing board comprised of nonelected persons.

7. Educational units.

8. Entity described in chapters 163, 373, 380, and 582 and s. 186.504.

(c) Each other unit of government in the state, including counties and municipalities, to the extent they are expressly made subject to this act by general or special law or existing judicial decisions.

This definition does not include any legal entity or agency created in whole or in part pursuant to chapter 361, part II, *any metropolitan planning organization created pursuant to s. 339.175, any separate legal or administrative entity created pursuant to s. 339.175 of which a metropolitan planning organization is a member,* an expressway authority pursuant to chapter 348, any legal or administrative entity created by an interlocal agreement pursuant to s. 163.01(7), unless any party to such agreement is otherwise an agency as defined in this subsection, or any multicounty special district with a majority of its governing board comprised of elected persons; however, this definition shall include a regional water supply authority.

Section 8. Paragraph (a) of subsection (1), paragraph (b) of subsection (2), and paragraph (h) of subsection (5) of section 339.175, Florida Statutes, are amended, and paragraph (i) is added to subsection (5) of that section to read:

339.175 Metropolitan planning organization.—It is the intent of the Legislature to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight within and through urbanized areas of this state while minimizing transportation-related fuel consumption and air pollution. To accomplish these objectives, metropolitan planning organizations, referred to in this section as M.P.O.'s, shall develop, in cooperation with the state and public transit operators, transportation plans and programs for metropolitan areas. The plans and programs for each metropolitan area must provide for the development and integrated management and operation of transportation systems and facilities, including pedestrian walkways and bicycle transportation facilities that will function as an intermodal transportation system for the metropolitan area, based upon the prevailing principles provided in s. 334.046(1). The process for developing such plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive, to the degree appropriate, based on the complexity of the transportation problems to be addressed.

(1) DESIGNATION.—

(a)1. An M.P.O. shall be designated for each urbanized area of the state*; however, this does not require that an individual M.P.O. be designated for each such area*. Such designation shall be accomplished by agreement between the Governor and units of general-purpose local government representing at least 75 percent of the population of the urbanized area; however, the unit of general-purpose local government that represents the central city or cities within the M.P.O. jurisdiction, as defined by the United States Bureau of the Census, must be a party to such agreement.

2. More than one M.P.O. may be designated within an existing metropolitan planning area only if the Governor and the existing M.P.O. determine that the size and complexity of the existing metropolitan planning area makes the designation of more than one M.P.O. for the area appropriate.

(2) VOTING MEMBERSHIP.—

(b) In metropolitan areas in which authorities or other agencies have been or may be created by law to perform transportation functions *and are performing transportation functions* that are not under the jurisdiction of a general purpose local government represented on the M.P.O., they shall be provided voting membership on the M.P.O. In all other M.P.O.'s where transportation authorities or agencies are to be represented by elected officials from general purpose local governments, the M.P.O. shall establish a process by which the collective interests of such authorities or other agencies are expressed and conveyed.

(5) POWERS, DUTIES, AND RESPONSIBILITIES.—The powers, privileges, and authority of an M.P.O. are those specified in this section or incorporated in an interlocal agreement authorized under s. 163.01. Each M.P.O. shall perform all acts required by federal or state laws or rules, now and subsequently applicable, which are necessary to qualify for federal aid. It is the intent of this section that each M.P.O. shall be involved in the planning and programming of transportation facilities, including, but not limited to, airports, intercity and high-speed rail lines, seaports, and intermodal facilities, to the extent permitted by state or federal law.

(h) *A chair's coordinating committee is created, composed of the M.P.O's serving Hernando, Hillsborough, Manatee, Pasco, Pinellas, Polk, and Sarasota Counties.* ~~Any group of M.P.O.'s which has created a chair's coordinating committee as of the effective date of this act and is located within the same Department of Transportation District which is comprised of four adjacent M.P.O.'s must continue such committee as provided for in this section. Such committee must also include one representative from each M.P.O. contiguous to the geographic boundaries of the original committee.~~ The committee must, at a minimum:

1. Coordinate transportation projects deemed to be regionally significant by the committee.

2. Review the impact of regionally significant land use decisions on the region.

3. Review all proposed regionally significant transportation projects in the respective transportation improvement programs which affect more than one of the M.P.O.'s represented on the committee.

4. Institute a conflict resolution process to address any conflict that may arise in the planning and programming of such regionally significant projects.

(i)1. The Legislature finds that the state's rapid growth in recent decades has caused many urbanized areas subject to M.P.O. jurisdiction to become contiguous to each other. As a result, various transportation projects may cross from the jurisdiction of one M.P.O. into the jurisdiction of another M.P.O. To more fully accomplish the purposes for which M.P.O.'s have been mandated, M.P.O.'s shall develop coordination mechanisms with one another to expand and improve transportation within the state. The appropriate method of coordination between M.P.O.'s shall vary depending upon the project involved and given local and regional needs. Consequently, it is appropriate to set forth a flexible methodology that can be used by M.P.O.'s to coordinate with other M.P.O.'s and appropriate political subdivisions as circumstances demand.

2. Any M.P.O. may join with any other M.P.O. or any individual political subdivision to coordinate activities or to achieve any federal or state transportation planning or development goals or purposes consistent with federal or state law. When an M.P.O. determines that it is appropriate to join with another M.P.O. or any political subdivision to coordinate activities, the M.P.O. or political subdivision shall enter into an interlocal agreement pursuant to s. 163.01, which, at a minimum, creates a separate legal or administrative entity to coordinate the transportation planning or development activities required to achieve the goal or purpose; provide the purpose for which the entity is created; provide

the duration of the agreement and the entity, and specify how the agreement may be terminated, modified, or rescinded; describe the precise organization of the entity, including who has voting rights on the governing board, whether alternative voting members are provided for, how voting members are appointed, and what the relative voting strength is for each constituent M.P.O. or political subdivision; provide the manner in which the parties to the agreement will provide for the financial support of the entity and payment of costs and expenses of the entity; provide the manner in which funds may be paid to and disbursed from the entity; and provide how members of the entity will resolve disagreements regarding interpretation of the interlocal agreement or disputes relating to the operation of the entity. Such interlocal agreement shall become effective upon its recordation in the official public records of each county in which a member of the entity created by the interlocal agreement has a voting member. This paragraph does not require any M.P.O.'s to merge, combine, or otherwise join together as a single M.P.O.

Section 9. Paragraphs (a), (b), (c), (d), (e), (f), and (g) of subsection (1) of section 255.20, Florida Statutes, are redesignated as paragraphs (c), (d), (e), (f), (g), (h), and (i), respectively, and new paragraphs (a) and (b) are added to that subsection, to read:

255.20 Local bids and contracts for public construction works; specification of state-produced lumber.—

(1) A county, municipality, special district as defined in chapter 189, or other political subdivision of the state seeking to construct or improve a public building, structure, or other public construction works must competitively award to an appropriately licensed contractor each project that is estimated in accordance with generally accepted cost-accounting principles to have total construction project costs of more than $200,000. For electrical work, local government must competitively award to an appropriately licensed contractor each project that is estimated in accordance with generally accepted cost-accounting principles to have a cost of more than $50,000. As used in this section, the term "competitively award" means to award contracts based on the submission of sealed bids, proposals submitted in response to a request for proposal, proposals submitted in response to a request for qualifications, or proposals submitted for competitive negotiation. This subsection expressly allows contracts for construction management services, design/build contracts, continuation contracts based on unit prices, and any other contract arrangement with a private sector contractor permitted by any applicable municipal or county ordinance, by district resolution, or by state law. For purposes of this section, construction costs include the cost of all labor, except inmate labor, and include the cost of equipment and materials to be used in the construction of the project. Subject to the provisions of subsection (3), the county, municipality, special district, or other political subdivision may establish, by municipal or county ordinance or special district resolution, procedures for conducting the bidding process.

(a) Notwithstanding any other law to the contrary, a county, municipality, special district as defined in chapter 189, or other political subdivision of the state seeking to construct or improve bridges, roads, streets, highways, or railroads, and services incidental thereto, at costs in excess of $250,000 may require that persons interested in performing work under contract first be certified or qualified to perform such work. Any contractor may be considered ineligible to bid by the governmental entity if the contractor is behind on completing an approved progress schedule for the governmental entity by 10 percent or more at the time of advertisement of the work. Any contractor prequalified and considered eligible by the Department of Transportation to bid to perform the type of work described under the contract shall be presumed to be qualified to perform the work described. The governmental entity may provide an appeal process to overcome that presumption with de novo review based on the record below to the circuit court.

(b) With respect to contractors not prequalified with the Department of Transportation, the governmental entity shall publish prequalification criteria and procedures prior to advertisement or notice of solicitation. Such publications shall include notice of a public hearing for comment on such criteria and procedures prior to adoption. The procedures shall provide for an appeal process within the authority for objections to the prequalification process with de novo review based on the record below to the circuit court within 30 days.

Section 10. Subsections (2) and (4) of section 316.1001, Florida Statutes, are amended to read:

316.1001 Payment of toll on toll facilities required; penalties.—

(2)(a) For the purpose of enforcing this section, any governmental entity, as defined in s. 334.03, that owns or operates a toll facility may, by rule or ordinance, authorize a toll enforcement officer to issue a uniform traffic citation for a violation of this section. Toll enforcement officer means the designee of a governmental entity whose ~~sole~~ authority is to enforce the payment of tolls. The governmental entity may designate toll enforcement officers pursuant to s. 316.640(1).

(b) A citation issued under this subsection may be issued by mailing the citation by *first class mail, or by* certified mail, return receipt requested, to the address of the registered owner of the motor vehicle involved in the violation. *Mailing the citation to this address constitutes notification.* In the case of joint ownership of a motor vehicle, the traffic citation must be mailed to the first name appearing on the registration*, unless the first name appearing on the registration is a business organization, in which case the second name appearing on the registration may be used*. A citation issued under this paragraph must be mailed to the registered owner of the motor vehicle involved in the violation within 14 days after the date of *issuance of* the violation. In addition to the citation, notification must be sent to the registered owner of the motor vehicle involved in the violation specifying *remedies* ~~the remedy~~ available under *ss. 318.14(12) and* ~~s.~~ 318.18(7).

(c) The owner of the motor vehicle involved in the violation is responsible and liable for payment of a citation issued for failure to pay a toll, unless the owner can establish the motor vehicle was, at the time of the violation, in the care, custody, or control of another person. In order to establish such facts, the owner of the motor vehicle is required, within 14 days after *the date of issuance of the citation* ~~notification of the alleged violation~~, to furnish to the appropriate governmental entity an affidavit setting forth:

1. The name, address, *date of birth,* and, if known, the driver license number of the person who leased, rented, or otherwise had the care, custody, or control of the motor vehicle at the time of the alleged violation; or

2. If stolen, the police report indicating that the vehicle was stolen at the time of the alleged violation.

Upon receipt of an affidavit the person designated as having care, custody, and control of the motor vehicle at the time of the violation may be issued a citation for failure to pay a required toll. The affidavit shall be admissible in a proceeding pursuant to this section for the purpose of providing that the person identified in the affidavit was in actual care, custody, or control of the motor vehicle.

(d) A written report of a toll enforcement officer or photographic evidence that indicates that a required toll was not paid is admissible in any proceeding to enforce this section and raises a rebuttable presumption that the motor vehicle named in the report or shown in the photographic evidence was used in violation of this section.

(4) Any governmental entity may supply the department with data that is machine readable by the department's computer system, listing persons who have *one* ~~three~~ or more outstanding violations of this section. Pursuant to s. 320.03(8), those persons may not be issued a license plate or revalidation sticker for any motor vehicle.

Section 11. Paragraph (b) of subsection (1), paragraphs (a), (b), (c), (d), (e), (f), and (j) of subsection (2), and subsection (5) of section 316.302, Florida Statutes, are amended to read:

316.302 Commercial motor vehicles; safety regulations; transporters and shippers of hazardous materials; enforcement.—

(1)

(b) Except as otherwise provided in this section, all owners or drivers of commercial motor vehicles that are engaged in intrastate commerce are subject to the rules and regulations contained in 49 C.F.R. parts 382, 385, and 390-397, with the exception of 49 C.F.R. s. 390.5 as it relates to the definition of bus, as such rules and regulations existed on October 1, *2002* ~~2001~~.

(2)(a) A person who operates a commercial motor vehicle solely in intrastate commerce not transporting any hazardous material *in*

amounts that require placarding pursuant to 49 C.F.R. part 172 need not comply with 49 C.F.R. ss. 391.11(b)(1) and 395.3(a) and (b).

(b) A person who operates a commercial motor vehicle solely in intrastate commerce not transporting any hazardous material *in amounts that require placarding pursuant to 49 C.F.R. part 172* is exempt from 49 C.F.R. s. 395.3(a) and (b) and may, after 8 hours' rest, and following the required initial motor vehicle inspection, be permitted to drive any part of the first 15 on-duty hours in any 24-hour period, but may not be permitted to operate a commercial motor vehicle after that until the requirement of another 8 hours' rest has been fulfilled. The provisions of this paragraph do not apply to drivers of public utility vehicles or authorized emergency vehicles during periods of severe weather or other emergencies.

(c) A person who operates a commercial motor vehicle solely in intrastate commerce not transporting any hazardous material *in amounts that require placarding pursuant to 49 C.F.R. part 172* may not be on duty more than 72 hours in any period of 7 consecutive days, but carriers operating every day in a week may permit drivers to remain on duty for a total of not more than 84 hours in any period of 8 consecutive days; however, 24 consecutive hours off duty shall constitute the end of any such period of 7 or 8 consecutive days. This weekly limit does not apply to a person who operates a commercial motor vehicle solely within this state while transporting, during harvest periods, any unprocessed agricultural products that are subject to seasonal harvesting from place of harvest to the first place of processing or storage or from place of harvest directly to market. Upon request of the Department of Transportation, motor carriers shall furnish time records or other written verification to that department so that the Department of Transportation can determine compliance with this subsection. These time records must be furnished to the Department of Transportation within 10 days after receipt of that department's request. Falsification of such information is subject to a civil penalty not to exceed $100. The provisions of this paragraph do not apply to drivers of public utility vehicles or authorized emergency vehicles during periods of severe weather or other emergencies.

(d) A person who operates a commercial motor vehicle solely in intrastate commerce not transporting any hazardous material *in amounts that require placarding pursuant to 49 C.F.R. part 172* within a 200 air-mile radius of the location where the vehicle is based need not comply with 49 C.F.R. s. 395.8, except that time records shall be maintained as prescribed in 49 C.F.R. s. 395.1(e)(5).

(e) A person who operates a commercial motor vehicle solely in intrastate commerce is exempt from subsection (1) while transporting agricultural products, including horticultural or forestry products, from farm or harvest place to the first place of processing or storage, or from farm or harvest place directly to market. However, such person must comply with 49 C.F.R. parts 382, 392, and 393, and with 49 C.F.R. ss. 396.3(a)(1) and 396.9. *A vehicle or combination of vehicles operated pursuant to this paragraph having a gross vehicle weight of 26,001 pounds or more or having three or more axles on the power unit, regardless of weight, must display the name of the vehicle owner or motor carrier and the municipality or town where the vehicle is based on each side of the power unit in letters that contrast with the background and that are readable from a distance of 50 feet. A person who violates this vehicle identification requirement may be assessed a penalty as provided in s. 316.3025(3)(a).*

(f) A person who operates a commercial motor vehicle having a declared gross vehicle weight of less than 26,000 pounds solely in intrastate commerce and who is not transporting hazardous materials *in amounts that require placarding pursuant to 49 C.F.R. part 172*, or who is transporting petroleum products as defined in s. 376.301(31), is exempt from subsection (1). However, such person must comply with 49 C.F.R. parts 382, 392, and 393, and with 49 C.F.R. ss. 396.3(a)(1) and 396.9.

(j) A person who is otherwise qualified as a driver under 49 C.F.R. part 391, ~~and~~ who operates a commercial motor vehicle in intrastate commerce only, and who does not transport hazardous materials *in amounts that require placarding pursuant to 49 C.F.R. part 172, is* ~~shall be~~ exempt from the requirements of 49 C.F.R. part 391, subpart E, ss. 391.41(b)(3) and 391.43(e), relating to diabetes.

(5) The Department of Transportation may adopt and revise rules to assure the safe operation of commercial motor vehicles. The Department of Transportation may enter into cooperative agreements as provided in 49 C.F.R. part 388. Department of Transportation personnel may conduct motor carrier and shipper *compliance reviews* ~~terminal audits only~~ for the purpose of determining compliance with *this section* ~~49 C.F.R. parts 171, 172, 173, 177, 178, 180, 382, 391, 393, 396, and 397; 49 C.F.R. s. 395.1(e)(5);~~ and s. 627.7415.

Section 12. Section 316.3025, Florida Statutes, is amended to read:

316.3025 Penalties.—

(1) A commercial motor vehicle that is found to be operating in such an unsafe condition as to be declared out-of-service or a driver declared out-of-service or removed from driving status pursuant to the North American *Standard* ~~Uniform~~ Out-of-Service Criteria must be repaired or returned to driving status before being returned to service.

(2) Any person who owns, operates, or causes or permits a commercial motor vehicle that has been declared out-of-service pursuant to the North American *Standard* ~~Uniform~~ Out-of-Service Criteria to be driven before the completion of required repairs is subject to the imposition of a penalty as provided in 49 C.F.R. s. 383.53, in addition to any other penalties imposed against him or her. Any person who operates a commercial motor vehicle while he or she is declared out-of-service or removed from driving status pursuant to the North American *Standard* ~~Uniform~~ Out-of-Service Criteria, or who causes or permits such out-of-service driver to operate a commercial motor vehicle, is subject to the imposition of a penalty as provided in 49 C.F.R. s. 383.53, in addition to any other penalties imposed against the person.

(3)(a) A civil penalty of $50 may be assessed for a violation *of the identification requirements* of 49 C.F.R. s. 390.21 *or s. 316.302(2)(e)*.

(b) A civil penalty of $100 may be assessed for:

1. Each violation of the North American Uniform Driver Out-of-Service Criteria;

2. A violation of s. 316.302(2)(b) or (c); ~~or~~

3. A violation of 49 C.F.R. s. 392.60*; or*~~.~~

4. A violation of the North American Standard Vehicle Out-of-Service Criteria resulting from an inspection of a commercial motor vehicle involved in a crash.

(c) A civil penalty of $250 may be assessed for:

1. A violation of the placarding requirements of 49 C.F.R. parts 171-179;

2. A violation of the shipping paper requirements of 49 C.F.R. parts 171-179;

3. A violation of 49 C.F.R. s. 392.10;

4. A violation of 49 C.F.R. s. 397.5;

5. A violation of 49 C.F.R. s. 397.7;

6. A violation of 49 C.F.R. s. 397.13; or

7. A violation of 49 C.F.R. s. 397.15.

(d) A civil penalty of $500 may be assessed for*:*

1. Each violation of the North American Standard Hazardous Materials Out-of-Service Criteria;

2. Each violation of 49 C.F.R. s. 390.19, for failure of an interstate or intrastate motor carrier to register;

3. Each violation of 49 C.F.R. s. 392.9a, for failure of an interstate motor carrier to obtain operating authority; or

4. Each violation of 49 C.F.R. s. 392.9a, for operating beyond the scope of an interstate motor carrier's operating authority. ~~each violation of the North American Uniform Hazardous Materials Out-of-Service Criteria.~~

(e) A civil penalty not to exceed $5,000 in the aggregate may be assessed for violations found in the conduct of *compliance reviews* ~~terminal audits~~ pursuant to s. 316.302(5). *A civil penalty not to exceed $25,000 in the aggregate may be assessed for violations found in a follow-up compliance review conducted within a 24-month period. A civil penalty not to exceed $25,000 in the aggregate may be assessed and the motor carrier may be enjoined pursuant to s. 316.3026 if violations are found after a second follow-up compliance review within 12 months after the first follow-up compliance review. Motor carriers found to be operating without insurance required by s. 627.7415 may be enjoined as provided in s. 316.3026.*

(4) A vehicle operated by an interstate motor carrier found to be in violation of 49 C.F.R. s. 392.9a may be placed out of service for the carrier's failure to obtain operating authority or operating beyond the scope of its operating authority.

(5)~~(4)~~ Whenever any person or motor carrier as defined in chapter 320 violates the provisions of this section and becomes indebted to the state because of such violation and refuses to pay the appropriate penalty, *in addition to the provisions of s. 316.3026, such* ~~the~~ penalty becomes a lien upon the property including the motor vehicles of such person or motor carrier and may be foreclosed by the state in a civil action in any court of this state. It shall be presumed that the owner of the motor vehicle is liable for the sum, and the vehicle may be detained or impounded until the penalty is paid.

(6)~~(5)~~(a) ~~Any officer or agent collecting the penalties imposed pursuant to this section shall give to the owner, motor carrier, or driver of the vehicle an official receipt for all penalties collected from him or her.~~ Only an officer or agent of the Department of Transportation is authorized to collect the penalty provided by this section. Such officer or agent shall cooperate with the owner or driver of the motor vehicle so as not to unduly delay the vehicle.

(b) All penalties imposed and collected under this section ~~by any state agency having jurisdiction~~ shall be paid to the Treasurer, who shall credit the total amount collected to the State Transportation Trust Fund for use in repairing and maintaining the roads of this state.

(7)~~(6)~~ Any person aggrieved by the imposition of a civil penalty pursuant to this section may apply to the Commercial Motor Vehicle Review Board for a modification, cancellation, or revocation of the penalty. The Commercial Motor Vehicle Review Board may modify, cancel, revoke, or sustain such penalty.

Section 13. Section 316.3026, Florida Statutes, is amended to read:

316.3026 Unlawful operation *of motor carriers* ~~may be enjoined~~.—

(1) The Office of Motor Carrier Compliance of the Department of Transportation may issue out-of-service orders to motor carriers, as defined in s. 320.01(33), who have after proper notice failed to pay any penalty or fine assessed by the department, or its agent, against any owner or motor carrier for violations of state law, refused to submit to a compliance review and provide records pursuant to s. 316.302(5) or s. 316.70, or violated safety regulations pursuant to s. 316.302 or insurance requirements found in s. 627.7415. Such out-of-service orders shall have the effect of prohibiting the operations of any motor vehicles owned, leased, or otherwise operated by the motor carrier upon the roadways of this state, until such time as the violations have been corrected or penalties have been paid. Out-of-service orders issued under this section must be approved by the Secretary of Transportation or his or her designee. An administrative hearing pursuant to s. 120.569 shall be afforded to motor carriers subject to such orders.

(2) Any motor carrier enjoined or prohibited from operating by an out-of-service order by this state, any other state, or the Federal Motor Carrier Safety Administration may not operate on the roadways of this state until the motor carrier has been authorized to resume operations by the originating enforcement jurisdiction. Commercial motor vehicles owned or operated by any motor carrier prohibited from operation found on the roadways of this state shall be placed out of service by law enforcement officers of the Department of Transportation, and the motor carrier assessed a $10,000 civil penalty pursuant to 49 C.F.R. s. 383.53, in addition to any other penalties imposed on the driver or other responsible person. Any person who knowingly drives, operates, or causes to be operated any commercial motor vehicle in violation of an out-of-service order issued by the department in accordance with this section commits a felony of the third degree, punishable as provided in s. 775.082(3)(d). Any costs associated with the impoundment or storage of such vehicles are the responsibility of the motor carrier. Vehicle out-of-service orders may be rescinded when the department receives proof of authorization for the motor carrier to resume operation.

(3) In addition to the sanctions found in subsections (1) and (2), the Department of Transportation may petition the circuit courts of this state to enjoin any motor carrier from operating when it fails to comply with out-of-service orders issued by a competent authority within or outside this state. ~~Any motor carrier which operates a commercial motor vehicle upon the highways of this state in violation of the provisions of this chapter may be enjoined by the courts of this state from any such violation. Such injunctive proceeding may be instituted by the Department of Transportation.~~

Section 14. *Section 316.3027, Florida Statutes, is repealed.*

Section 15. Paragraph (b) of subsection (3) of section 316.515, Florida Statutes, is amended to read:

316.515 Maximum width, height, length.—

(3) LENGTH LIMITATION.—Except as otherwise provided in this section, length limitations apply solely to a semitrailer or trailer, and not to a truck tractor or to the overall length of a combination of vehicles. No combination of commercial motor vehicles coupled together and operating on the public roads may consist of more than one truck tractor and two trailing units. Unless otherwise specifically provided for in this section, a combination of vehicles not qualifying as commercial motor vehicles may consist of no more than two units coupled together; such nonqualifying combination of vehicles may not exceed a total length of 65 feet, inclusive of the load carried thereon, but exclusive of safety and energy conservation devices approved by the department for use on vehicles using public roads. Notwithstanding any other provision of this section, a truck tractor-semitrailer combination engaged in the transportation of automobiles or boats may transport motor vehicles or boats on part of the power unit; and, except as may otherwise be mandated under federal law, an automobile or boat transporter semitrailer may not exceed 50 feet in length, exclusive of the load; however, the load may extend up to an additional 6 feet beyond the rear of the trailer. The 50-feet length limitation does not apply to non-stinger-steered automobile or boat transporters that are 65 feet or less in overall length, exclusive of the load carried thereon, or to stinger-steered automobile or boat transporters that are 75 feet or less in overall length, exclusive of the load carried thereon. For purposes of this subsection, a "stinger-steered automobile or boat transporter" is an automobile or boat transporter configured as a semitrailer combination wherein the fifth wheel is located on a drop frame located behind and below the rearmost axle of the power unit. Notwithstanding paragraphs (a) and (b), any straight truck or truck tractor-semitrailer combination engaged in the transportation of horticultural trees may allow the load to extend up to an additional 10 feet beyond the rear of the vehicle, provided said trees are resting against a retaining bar mounted above the truck bed so that the root balls of the trees rest on the floor and to the front of the truck bed and the tops of the trees extend up over and to the rear of the truck bed, and provided the overhanging portion of the load is covered with protective fabric.

(b) Semitrailers.—

1. A semitrailer operating in a truck tractor-semitrailer combination may not exceed 48 feet in extreme overall outside dimension, measured from the front of the unit to the rear of the unit and the load carried thereon, exclusive of safety and energy conservation devices approved by the department for use on vehicles using public roads, unless it complies with subparagraph 2. A semitrailer which exceeds 48 feet in length and is used to transport divisible loads may operate in this state only if issued a permit under s. 316.550 and if such trailer meets the requirements of this chapter relating to vehicle equipment and safety. Except for highways on the tandem trailer truck highway network, public roads deemed unsafe for longer semitrailer vehicles or those roads on which such longer vehicles are determined not to be in the interest of public convenience shall, in conformance with s. 316.006, be restricted by the Department of Transportation or by the local authority to use by semitrailers not exceeding a length of 48 feet, inclusive of the load carried thereon but exclusive of safety and energy conservation devices approved by the department for use on vehicles using public roads. Truck

tractor-semitrailer combinations shall be afforded reasonable access to terminals; facilities for food, fuel, repairs, and rest; and points of loading and unloading.

2. A semitrailer which is more than 48 feet but not more than 53 feet in extreme overall outside dimension, as measured pursuant to subparagraph 1., may operate on public roads, except roads on the State Highway System which are restricted by the Department of Transportation or other roads restricted by local authorities, if:

a. The distance between the kingpin or other peg *that* ~~which~~ locks into the fifth wheel of a truck tractor and the center of the rear axle or rear group of axles does not exceed 41 feet*, or, in the case of a semitrailer used exclusively or primarily to transport vehicles in connection with motorsports competition events, the distance does not exceed 46 feet from the kingpin to the center of the rear axles*; and

b. It is equipped with a substantial rear-end underride protection device meeting the requirements of 49 C.F.R. s. 393.86, "Rear End Protection."

Section 16. Subsections (5), (6), and (10) of section 316.545, Florida Statutes, are amended to read:

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

(5) Whenever any person violates the provisions of this chapter and becomes indebted to the state because of such violation in the amounts aforesaid and refuses to pay said penalty, *in addition to the provisions of s. 316.3026,* such penalty shall become a lien upon the motor vehicle, and the same may be foreclosed by the state in a court of equity. It shall be presumed that the owner of the motor vehicle is liable for the sum. Any person, firm, or corporation claiming an interest in the seized motor vehicle may, at any time after the lien of the state attaches to the motor vehicle, obtain possession of the seized vehicle by filing a good and sufficient forthcoming bond with the officer having possession of the vehicle, payable to the Governor of the state in twice the amount of the state's lien, with a corporate surety duly authorized to transact business in this state as surety, conditioned to have the motor vehicle or combination of vehicles forthcoming to abide the result of any suit for the foreclosure of such lien. It shall be presumed that the owner of the motor vehicle is liable for the penalty imposed under this section. Upon the posting of such bond with the officer making the seizure, the vehicle shall be released and the bond shall be forwarded to the Department of Transportation for safekeeping. The lien of the state against the motor vehicle aforesaid shall be foreclosed in equity, and the ordinary rules of court relative to proceedings in equity shall control. If it appears that the seized vehicle has been released to the defendant upon his or her forthcoming bond, the state shall take judgment of foreclosure against the property itself, and judgment against the defendant and the sureties on the bond for the amount of the lien, including cost of proceedings. After the rendition of the decree, the state may, at its option, proceed to sue out execution against the defendant and his or her sureties for the amount recovered as aforesaid or direct the sale of the vehicle under foreclosure.

(6) Any officer or agent collecting the penalties herein imposed shall ~~give to the owner or driver of the vehicle an official receipt for all penalties collected. Such officers or agents of the state departments shall~~ cooperate with the owners or drivers of motor vehicles so as not to delay unduly the vehicles. All penalties imposed and collected under this section by any state agency having jurisdiction shall be paid to the Treasurer, who shall credit the total amount thereof to the State Transportation Trust Fund, which shall be used to repair and maintain the roads of this state and to enforce this section.

(10) The Department of Transportation may employ weight inspectors to operate its fixed-scale facilities. Weight inspectors on duty at a fixed-scale facility are authorized to enforce the laws governing commercial motor vehicle weight, registration, size, and load and to assess and collect civil penalties for violations of said laws. *A weight inspector may detain a commerical motor vehicle that has an obvious safety defect critical to the continued safe operation of the vehicle or that is operating in violation of an out-of-service order as reported on the federal Safety and Fitness Electronic Records database. The weight inspector may immediately summon a law enforcement officer of the Department of Transportation, or other law enforcement officer authorized by s. 316.640 to enforce the traffic laws of this state, to take appropriate enforcement action. The vehicle shall be released if the defect is repaired prior to the arrival of a law enforcement officer.* Weight inspectors shall not be classified as law enforcement officers subject to certification requirements of chapter 943, and are not authorized to carry weapons or make arrests. Any person who obstructs, opposes, or resists a weight inspector in the performance of the duties herein prescribed shall be guilty of an offense as described in subsection (1) for obstructing, opposing, or resisting a law enforcement officer.

Section 17. *Subsection (3) of section 316.610, Florida Statutes, is repealed.*

Section 18. Paragraph (a) of subsection (1) of section 316.640, Florida Statutes, is amended to read:

316.640 Enforcement.—The enforcement of the traffic laws of this state is vested as follows:

(1) STATE.—

(a)1.

a. The Division of Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles, the Division of Law Enforcement of the Fish and Wildlife Conservation Commission, the Division of Law Enforcement of the Department of Environmental Protection, and law enforcement officers of the Department of Transportation each have authority to enforce all of the traffic laws of this state on all the streets and highways thereof and elsewhere throughout the state wherever the public has a right to travel by motor vehicle. ~~The Division of the Florida Highway Patrol may employ as a traffic accident investigation officer any individual who successfully completes instruction in traffic accident investigation and court presentation through the Selective Traffic Enforcement Program as approved by the Criminal Justice Standards and Training Commission and funded through the National Highway Traffic Safety Administration or a similar program approved by the commission, but who does not necessarily meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary law enforcement officers under chapter 943. Any such traffic accident investigation officer who makes an investigation at the scene of a traffic accident may issue traffic citations, based upon personal investigation, when he or she has reasonable and probable grounds to believe that a person who was involved in the accident committed an offense under this chapter, chapter 319, chapter 320, or chapter 322 in connection with the accident. This paragraph does not permit the carrying of firearms or other weapons, nor do such officers have arrest authority.~~

b. University police officers shall have authority to enforce all of the traffic laws of this state when such violations occur on or about any property or facilities that are under the guidance, supervision, regulation, or control of a state university, a direct-support organization of such state university, or any other organization controlled by the state university or a direct-support organization of the state university, except that traffic laws may be enforced off-campus when hot pursuit originates on or adjacent to any such property or facilities.

c. Community college police officers shall have the authority to enforce all the traffic laws of this state only when such violations occur on any property or facilities that are under the guidance, supervision, regulation, or control of the community college system.

d. Police officers employed by an airport authority shall have the authority to enforce all of the traffic laws of this state only when such violations occur on any property or facilities that are owned or operated by an airport authority.

(I) An airport authority may employ as a parking enforcement specialist any individual who successfully completes a training program established and approved by the Criminal Justice Standards and Training Commission for parking enforcement specialists but who does not otherwise meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary or part-time officers under s. 943.12. Nothing in this sub-sub-subparagraph shall be construed to permit the carrying of firearms or other weapons, nor shall such parking enforcement specialist have arrest authority.

(II) A parking enforcement specialist employed by an airport authority is authorized to enforce all state, county, and municipal laws and ordinances governing parking only when such violations are on property

or facilities owned or operated by the airport authority employing the specialist, by appropriate state, county, or municipal traffic citation.

e. The Office of Agricultural Law Enforcement of the Department of Agriculture and Consumer Services shall have the authority to enforce traffic laws of this state.

f. School safety officers shall have the authority to enforce all of the traffic laws of this state when such violations occur on or about any property or facilities which are under the guidance, supervision, regulation, or control of the district school board.

2. An agency of the state as described in subparagraph 1. is prohibited from establishing a traffic citation quota. A violation of this subparagraph is not subject to the penalties provided in chapter 318.

3. Any disciplinary action taken or performance evaluation conducted by an agency of the state as described in subparagraph 1. of a law enforcement officer's traffic enforcement activity must be in accordance with written work-performance standards. Such standards must be approved by the agency and any collective bargaining unit representing such law enforcement officer. A violation of this subparagraph is not subject to the penalties provided in chapter 318.

4. The Division of the Florida Highway Patrol may employ as a traffic accident investigation officer any individual who successfully completes instruction in traffic accident investigation and court presentation through the Selective Traffic Enforcement Program as approved by the Criminal Justice Standards and Training Commission and funded through the National Highway Traffic Safety Administration or a similar program approved by the commission, but who does not necessarily meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary law enforcement officers under chapter 943. Any such traffic accident investigation officer who makes an investigation at the scene of a traffic accident may issue traffic citations, based upon personal investigation, when he or she has reasonable and probable grounds to believe that a person who was involved in the accident committed an offense under this chapter, chapter 319, chapter 320, or chapter 322 in connection with the accident. This subparagraph does not permit the officer to carry firearms or other weapons and such an officer does not have authority to make arrests.

Section 19. Subsection (3) of section 316.650, Florida Statutes, is amended to read:

316.650 Traffic citations.—

(3)*(a) Except for a traffic citation issued pursuant to s. 316.1001, each* ~~Every~~ traffic enforcement officer, upon issuing a traffic citation to an alleged violator of any provision of the motor vehicle laws of this state or of any traffic ordinance of any city or town, shall deposit the original and one copy of such traffic citation or, in the case of a traffic enforcement agency which has an automated citation issuance system, shall provide an electronic facsimile with a court having jurisdiction over the alleged offense or with its traffic violations bureau within 5 days after issuance to the violator.

(b) If a traffic citation is issued pursuant to s. 316.1001, a traffic enforcement officer may deposit the original and one copy of such traffic citation or, in the case of a traffic enforcement agency that has an automated citation system, may provide an electronic facsimile with a court having jurisdiction over the alleged offense or with its traffic violations bureau within 45 days after the date of issuance of the citation to the violator.

Section 20. Subsection (2) of section 316.70, Florida Statutes, is amended to read:

316.70 Nonpublic sector buses; safety rules.—

(2) *Department of Transportation personnel may conduct compliance reviews for the purpose of determining compliance with this section. A civil penalty not to exceed $5,000 in the aggregate may be assessed against any person who violates any provision of this section or who violates any rule or order of the Department of Transportation. A civil penalty not to exceed $25,000 in the aggregate may be assessed for violations found in a follow-up compliance review conducted within a 24-month period. A civil penalty not to exceed $25,000 in the aggregate may be assessed and the motor carrier may be enjoined pursuant to s. 316.3026 if violations are found after a second follow-up compliance review within 12 months after the first follow-up compliance review. Motor carriers found to be operating without insurance coverage required by s. 627.742 or 49 C.F.R. part 387 may be enjoined as provided in s. 316.3026.* ~~The Department of Transportation may assess a civil penalty of up to $5,000 per infraction against any person who violates any provision of this section or who violates any rule or order of the department.~~

Section 21. Subsection (4) of section 318.14, Florida Statutes, is amended, and subsection (12) is added to that section, to read:

318.14 Noncriminal traffic infractions; exception; procedures.—

(4) *Except as provided in subsection (12),* any person charged with a noncriminal infraction under this section who does not elect to appear shall pay the civil penalty and delinquent fee, if applicable, either by mail or in person, within 30 days after the date of *issuance of* ~~receiving~~ the citation. If the person cited follows the above procedure, he or she shall be deemed to have admitted the infraction and to have waived his or her right to a hearing on the issue of commission of the infraction. Such admission shall not be used as evidence in any other proceedings. Any person who is cited for a violation of s. 320.0605 or s. 322.15(1), or subject to a penalty under s. 320.07(3)(a) or (b) or s. 322.065, and who makes an election under this subsection shall submit proof of compliance with the applicable section to the clerk of the court. For the purposes of this subsection, proof of compliance consists of a valid driver's license or a valid registration certificate.

(12) Any person cited for a violation of s. 316.1001 may, in lieu of making an election as set forth in subsection (4) or s. 318.18(7), elect to pay his or her fine directly to the governmental entity that issued the citation, within 30 days after the date of issuance of the citation. Any person cited for a violation of s. 316.1001 who does not elect to pay the fine directly to the governmental entity that issued the citation as described in this section shall have an additional 45 days after the date of the issuance of the citation in which to pay the civil penalty and delinquent fee, if applicable, as provided in s. 318.18(7), either by mail or in person, in accordance with subsection (4).

Section 22. Effective October 1, 2003, section 330.27, Florida Statutes, is amended to read:

330.27 Definitions, when used in ss. 330.29-330.36, 330.38, 330.39.—

(1) "Aircraft" means *a powered or unpowered machine or device capable of atmospheric flight* ~~any motor vehicle or contrivance now known, or hereafter invented, which is used or designed for navigation of or flight in the air~~, except a parachute or other *such device* ~~contrivance designed for such navigation but~~ used primarily as safety equipment.

(2) "Airport" means *an* ~~any~~ area of land or water~~, or any manmade object or facility located thereon, which is~~ used *for*, or intended *to be used* for*,* ~~use, for the~~ landing and takeoff of aircraft, *including* ~~and any~~ appurtenant areas*,* ~~which are used, or intended for use, for airport~~ buildings*,* ~~or other airport~~ facilities*,* or rights-of-way *necessary to facilitate such use or intended use*~~, together with all airport buildings and facilities located thereon~~.

~~(3) "Airport hazard" means any structure, object of natural growth, or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or which is otherwise hazardous to such landing or taking off.~~

~~(4) "Aviation" means the science and art of flight and includes, but is not limited to, transportation by aircraft; the operation, construction, repair, or maintenance of aircraft, aircraft power plants, and accessories, including the repair, packing, and maintenance of parachutes; the design, establishment, construction, extension, operation, improvement, repair, or maintenance of airports or other air navigation facilities; and instruction in flying or ground subjects pertaining thereto.~~

(3)~~(5)~~ "Department" means the Department of Transportation.

(4)~~(6)~~ "Limited airport" means *any* ~~an~~ airport~~, publicly or privately owned,~~ limited exclusively to the specific conditions stated on the site approval order or license.

~~(7) "Operation of aircraft" or "operate aircraft" means the use, navigation, or piloting of aircraft in the airspace over this state or upon any airport within this state.~~

~~(8) "Political subdivision" means any county, municipality, district, port or aviation commission or authority, or similar entity authorized to establish or operate an airport in this state.~~

(5)~~(9)~~ "Private airport" means an airport, publicly or privately owned, which is *not open or available for use by the public,* ~~used primarily by the licensee~~ but *may be made* ~~which is~~ available *to others* ~~for use~~ by invitation of the *owner or manager* ~~licensee. Services may be provided if authorized by the department~~.

(6)~~(10)~~ "Public airport" means an airport, publicly or privately owned, which ~~meets minimum safety and service standards and~~ is open for use by the public.

(7)~~(11)~~ "Temporary airport" means *any* ~~an~~ airport~~, publicly or privately owned,~~ that will be used for a period of less than *30* ~~90~~ days with no more than 10 operations per day.

(8)~~(12)~~ "Ultralight aircraft" means any ~~heavier-than-air, motorized~~ aircraft *meeting* ~~which meets~~ the criteria ~~for maximum weight, fuel capacity, and airspeed~~ established ~~for such aircraft~~ by ~~the Federal Aviation Administration under~~ Part 103 of the Federal Aviation Regulations.

Section 23. Effective October 1, 2003, section 330.29, Florida Statutes, is amended to read:

330.29 Administration and enforcement; rules; *requirements* ~~standards~~ for airport sites and airports.—It is the duty of the department to:

(1) Administer and enforce the provisions of this chapter.

(2) Establish *requirements for airport site approval, licensure, and registration* ~~minimum standards for airport sites and airports under its licensing jurisdiction~~.

(3) Establish and maintain a state aviation facility data system to facilitate licensing and registration of all airports.

(4)~~(3)~~ Adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter.

Section 24. Effective October 1, 2003, section 330.30, Florida Statutes, is amended to read:

330.30 Approval of airport sites*; registration* and *licensure* ~~licensing~~ of airports~~; fees~~.—

(1) SITE APPROVALS; REQUIREMENTS, ~~FEES,~~ EFFECTIVE PERIOD, REVOCATION.—

(a) Except as provided in subsection (3), the owner or lessee of any proposed airport shall, prior to *site* ~~the~~ acquisition ~~of the site~~ or ~~prior to the~~ construction or establishment of the proposed airport, obtain approval of the airport site from the department. Applications for approval of a site ~~and for an original license~~ shall be ~~jointly~~ made *in* ~~on~~ a form *and manner* prescribed by the department ~~and shall be accompanied by a site approval fee of $100~~. The department~~, after inspection of the airport site,~~ shall grant the site approval if it is satisfied:

1. That the site *has* ~~is~~ adequate *area allocated* for the *airport as* proposed. ~~airport;~~

2. That the proposed airport~~, if constructed or established,~~ will conform to *licensing or registration requirements* ~~minimum standards of safety~~ and will comply with *the* applicable *local government land development regulations or* ~~county or municipal~~ zoning requirements.~~;~~

3. That all *affected* ~~nearby~~ airports, *local governments* ~~municipalities~~, and property owners have been notified and any comments submitted by them have been given adequate consideration.~~; and~~

4. That safe air-traffic patterns can be *established*~~worked out~~ for the proposed airport *with* ~~and for~~ all existing airports and approved airport sites in its vicinity.

(b) Site approval shall be granted for public airports only after a favorable department inspection of the proposed site.

(c) Site approval shall be granted for private airports only after receipt of documentation in a form and manner the department deems necessary to satisfy the conditions in paragraph (a).

(d)~~(b)~~ Site approval may be granted subject to any reasonable conditions ~~which~~ the department *deems* ~~may deem~~ necessary to protect the public health, safety, or welfare.

(e) ~~Such~~ Approval shall remain *valid* ~~in effect~~ for ~~a period of~~ 2 years after the date of *issue* ~~issuance of the site approval order~~, unless ~~sooner~~ revoked by the department or ~~unless, prior to the expiration of the 2-year period,~~ a *public airport* license *is issued or private airport registration completed* ~~for an airport located on the approved site has been issued~~ pursuant to subsection (2) *prior to the expiration date*.

(f) The department may extend a site approval ~~may be extended~~ for *subsequent periods of 2 years per extension for* ~~a maximum of 2 years upon~~ good cause ~~shown by the owner or lessee of the airport site~~.

(g)~~(c)~~ The department may revoke *a site* ~~such~~ approval if it determines:

1. That ~~there has been an abandonment of~~ the site *has been abandoned* as an airport site;

2. That ~~there has been a failure within a reasonable time to develop~~ the site *has not been developed* as an airport *within a reasonable time period* or *development does not* ~~to~~ comply with the conditions of the *site* approval;

3. That*, except as required for in-flight emergencies,* ~~the operation of~~ aircraft *have operated* ~~of a nonemergency nature has occurred~~ on the site; or

4. That~~, because of changed physical or legal conditions or circumstances,~~ the site is no longer usable for ~~the~~ aviation purposes *due to physical or legal changes in conditions that were the subject of the* ~~for which the~~ approval ~~was~~ granted.

(2) LICENSES *AND REGISTRATIONS*; REQUIREMENTS, ~~FEES,~~ RENEWAL, REVOCATION.—

(a) Except as provided in subsection (3), the owner or lessee of *any* ~~an~~ airport in this state *shall have either a public airport* ~~must obtain a~~ license *or private airport registration* prior to the operation of aircraft *to or from the facility* ~~on the airport~~. ~~An~~ Application for *a* ~~such~~ license *or registration* shall be made *in* ~~on~~ a form *and manner* prescribed by the department ~~and shall be accomplished jointly with an application for site approval~~. Upon granting site approval*:*~~, making a favorable final airport inspection report indicating compliance with all license requirements, and receiving the appropriate license fee, the department shall issue a license to the applicant, subject to any reasonable conditions that the department may deem necessary to protect the public health, safety, or welfare.~~

1. For a public airport, the department shall issue a license after a final airport inspection finds the facility to be in compliance with all requirements for the license. The license may be subject to any reasonable conditions that the department may deem necessary to protect the public health, safety, or welfare.

2. For a private airport, the department shall provide controlled electronic access to the state aviation facility data system to permit the applicant to complete the registration process. Registration shall be completed upon self-certification by the registrant of operational and configuration data deemed necessary by the department.

(b) The department *may* ~~is authorized to~~ license *a public* ~~an~~ airport that does not meet ~~all of the minimum~~ standards only if it determines that such exception is justified by unusual circumstances or is in the interest of public convenience and does not endanger the public health, safety, or welfare. Such a license shall bear the designation "special" and shall state the conditions subject to which the license is granted.

(c) The department may *license a public airport or a private airport may register* ~~authorize a site~~ as a temporary airport *provided* ~~if it finds, after inspection of the site,~~ that the airport will not endanger the public health, safety, or welfare *and the airport meets the temporary airport requirements established by the department. A temporary airport license or registration shall be valid for less* ~~Such authorization shall expire not later~~ than *30* ~~90~~ days ~~after issuance~~ and is not renewable.

~~(d) The license fees for the four categories of airport licenses are:~~

~~1. Public airport: $100.~~

~~2. Private airport: $70.~~

~~3. Limited airport: $50.~~

~~4. Temporary airport: $25.~~

~~Airports owned or operated by the state, a county, or a municipality and emergency helistops operated by licensed hospitals are required to be licensed but are exempt from the payment of site approval fees and annual license fees.~~

(d)~~(c)~~1. Each public airport license *shall* ~~will~~ expire no later than 1 year after the effective date of the license, except that the expiration date of a license may be adjusted to provide a maximum license period of 18 months to facilitate airport inspections, recognize seasonal airport operations, or improve administrative efficiency. ~~If the expiration date for a public airport is adjusted, the appropriate license fee shall be determined by prorating the annual fee based on the length of the adjusted license period.~~

2. *Registration* ~~The license period~~ for *private* ~~all~~ airports *shall remain valid provided specific elements of airport data, established by the department, are periodically recertified by the airport registrant. The ability to recertify private airport registration data shall be available at all times by electronic submittal. A private airport registration that has not been recertified in the 24-month period following the last certification shall expire, unless the registration period has been adjusted by the department for purposes of informing private airport owners of their registration responsibilities or promoting administrative efficiency. The expiration date of the current registration period will be clearly identifiable from the state aviation facility data system* ~~other than public airports will be set by the department, but shall not exceed a period of 5 years. In determining the license period for such airports, the department shall consider the number of based aircraft, the airport location relative to adjacent land uses and other airports, and any other factors deemed by the department to be critical to airport operation and safety~~.

3. The effective date and expiration date shall be *shown on public airport licenses* ~~stated on the face of the license~~. Upon receiving an application for renewal of *an airport* ~~a~~ license *in* ~~on~~ a form *and manner* prescribed by the department *and receiving*~~, making~~ a favorable inspection report indicating compliance with all applicable requirements and conditions~~, and receiving the appropriate annual license fee~~, the department shall renew the license, subject to any conditions deemed necessary to protect the public health, safety, or welfare.

4. The department may require *a new* site approval for *any* ~~an~~ airport if the license *or registration* ~~of the airport~~ has *expired* ~~not been renewed by the expiration date~~.

5. If the renewal application *for a public airport license has* ~~and fees have~~ not been received by the department *or no private airport registration recertification has been accomplished* within 15 days after the date of expiration ~~of the license~~, the department may *revoke* ~~close~~ the airport *license or registration*.

(e)~~(f)~~ The department may revoke*, or refuse to allow or issue,* any *airport registration or recertification, or any* license or *license* renewal ~~thereof, or refuse to issue a renewal~~, if it determines:

1. That *the site* ~~there~~ has been *abandoned as* an ~~abandonment of the~~ airport ~~as such~~;

2. That *the airport does not* ~~there has been a failure to~~ comply with the conditions of the license*, license* ~~or~~ renewal*, or site approval* ~~thereof~~; or

3. That~~, because of changed physical or legal conditions or circumstances,~~ the airport has become either unsafe or unusable for *flight operation due to physical or legal changes in conditions that were the subject of approval* ~~the aeronautical purposes for which the license or renewal was issued~~.

(3) EXEMPTIONS.—The provisions of this section do not apply to:

(a) An airport owned or operated by the United States.

(b) An ultralight aircraft landing area~~; except that any public ultralight airport~~ located *more than* ~~within~~ 5 nautical miles *from a* ~~of another~~ public ~~airport~~ or military airport*, except* ~~or~~ any ultralight landing area with more than 10 ultralight aircraft operating *at* ~~from~~ the site ~~is subject to the provisions of this section~~.

(c) A helistop used solely in conjunction with a construction project undertaken pursuant to the performance of a state contract if the purpose of the helicopter operations at the site is to expedite construction.

~~(d) An airport under the jurisdiction or control of a county or municipal aviation authority or a county or municipal port authority or the Florida Space Authority; however, the department shall license any such airport if such authority does not elect to exercise its exemption under this subsection.~~

(d)~~(e)~~ A helistop used by mosquito control or emergency services, not to include areas where permanent facilities are installed, such as hospital landing sites.

(e)~~(f)~~ An airport which meets the criteria of s. 330.27*(7)*~~(11)~~ used exclusively for aerial application or spraying of crops on a seasonal basis, not to include any licensed airport where permanent crop aerial application or spraying facilities are installed, if the period of operation does not exceed 30 days per calendar year. Such proposed airports, which will be located within 3 miles of existing airports or approved airport sites, shall *establish* ~~work out~~ safe air-traffic patterns with such existing airports or approved airport sites, by memorandums of understanding, or by letters of agreement between the parties representing the airports or sites.

(f) Any body of water used for the takeoff and landing of aircraft, including any land, building, structure, or any other contrivance that facilitates private use or intended private use.

(4) EXCEPTIONS.—Private airports with 10 or more based aircraft may request to be inspected and licensed by the department. Private airports licensed according to this subsection shall be considered private airports as defined in s. 330.27(5) in all other respects.

Section 25. Effective October 1, 2003, section 330.35, Florida Statutes, is amended to read:

330.35 Airport zoning~~, approach zone~~ protection.—

(1) Nothing in ss. 330.29-330.36, 330.38, and 330.39 shall be construed to limit any right, power, or authority of the state or a political subdivision to regulate airport hazards by zoning.

(2) Airports licensed for ~~general~~ public use under the provisions of s. 330.30 are eligible for *airport zoning* ~~approach zone~~ protection, ~~and the procedure shall be the same~~ as ~~is~~ prescribed in chapter 333.

(3) The department is granted all powers conferred upon political subdivisions of this state by chapter 333 to regulate airport hazards at state-owned *public* airports. The procedure shall be to form a joint zoning board with the political subdivision of the state in which the state-owned *public* airport is located as prescribed in chapter 333.

Section 26. Effective October 1, 2003, subsection (2) of section 330.36, Florida Statutes, is amended to read:

330.36 Prohibition against county or municipal licensing of airports; regulation of seaplane landings.—

(2) *Upon adoption of zoning requirements in compliance with subsection (1),* a municipality may prohibit or otherwise regulate, for specified public health and safety purposes, the landing of seaplanes in and upon any public waters of the state which are located within the limits or jurisdiction of, or bordering on, the municipality.

Section 27. Subsection (1) of section 288.075, Florida Statutes, is amended to read:

288.075 Confidentiality of records.—

(1) As used in this section, the term "economic development agency" means the Office of Tourism, Trade, and Economic Development, any industrial development authority created in accordance with part III of chapter 159 or by special law, the Florida Space Authority created in

part II of chapter 331, the Florida *Aerospace Finance* ~~Commercial Space Financing~~ Corporation created in part III of chapter 331, the public economic development agency of a county or municipality, or any research and development authority created in accordance with part V of chapter 159. The term also includes any private agency, person, partnership, corporation, or business entity when authorized by the state, a municipality, or a county to promote the general business interests or industrial interests of the state or that municipality or county.

Section 28. Subsection (16) of section 331.303, Florida Statutes, is amended to read:

331.303 Definitions.—

(16) "Project" means any development, improvement, property, launch, utility, facility, system, works, road, sidewalk, enterprise, service, or convenience, which may include coordination with Enterprise Florida, Inc., the Board of *Education* ~~Regents~~, ~~and the Space Research Foundation~~ *the Florida Aerospace Finance Corporation, and the Florida Space Research Institute*; any rocket, capsule, module, launch facility, assembly facility, operations or control facility, tracking facility, administrative facility, or any other type of space-related transportation vehicle, station, or facility; any type of equipment or instrument to be used or useful in connection with any of the foregoing; any type of intellectual property and intellectual property protection in connection with any of the foregoing including, without limitation, any patent, copyright, trademark, and service mark for, among other things, computer software; any water, wastewater, gas, or electric utility system, plant, or distribution or collection system; any small business incubator initiative, including any startup aerospace company, research and development company, research and development facility, *education and workforce training facility,* storage facility, and consulting service; or any tourism initiative, including any space experience attraction, space-launch-related activity, and space museum sponsored or promoted by the authority.

Section 29. Section 331.308, Florida Statutes, is amended to read:

331.308 Board of supervisors.—

(1) There is created within the Florida Space Authority a board of supervisors consisting of eight regular members, who shall be appointed by the Governor, and two ex officio nonvoting members, one of whom shall be a state senator selected by the President of the Senate and one of whom shall be a state representative selected by the Speaker of the House of Representatives. The Lieutenant Governor, who is the state's space policy leader, shall serve as chair of the board of supervisors, and shall cast the deciding vote if the votes of the eight regular members result in a tie. *The board shall elect a vice-chair to preside in the absence of the Lieutenant Governor and to perform such other duties as may be designated.* All regular members shall be subject to confirmation by the Senate at the next regular session of the Legislature. Existing board members are not prohibited from reappointment. Each of the regular board members must be a resident of the state and must have experience in the aerospace or commercial space industry or in finance or have other significant relevant experience. A private sector legal entity may not have more than one person serving on the board at any one time. One regular member shall represent organized labor interests, one regular member shall represent minority interests, and four regular members must represent space industry, at least one of whom must also be from a small business, as defined in s. 288.703. For the purpose of this section, "space industry" includes private sector entities engaged in space flight business, as defined in s. 212.031, research and technology development of space-based products and services, space station commercialization, development of spaceport and range technology, remote sensing products and services, space biotechnology, measurement and calibration of space assets, space-related software and information technology development, design and architecture of space-based assets and facilities for manufacturing and other purposes, space-related nanotechnology, space tourism, and other commercial enterprises utilizing uniquely space-based capabilities.

(2) Each regular member shall serve a term of 4 years or until a successor is appointed and qualified. The term of each such member shall be construed to commence on the date of appointment and to terminate on June 30 of the year of the end of the term. Appointment to the board shall not preclude any such member from holding any other private or public position.

(3) The ex officio nonvoting legislative members shall serve on the board for 2-year terms.

(4) Any vacancy on the board shall be filled for the balance of the unexpired term.

~~(5) This act does not affect the terms or conditions of current members of the board, but applies to any vacancy that occurs on or after the effective date of this act. Appointments to the board shall give effect to this act as soon as practicable. Vacancies created by or occurring subsequent to the passage of this act shall be filled by representatives of the space industry, as provided herein, until the composition of the board is in compliance with the provisions of subsection (1).~~

(5)~~(6) The board shall hold its initial meeting no later than 20 days after the members have been appointed. At its initial meeting, or as soon thereafter as is practicable, the~~ *The* board shall appoint an executive director. Meetings shall be held quarterly or more frequently at the call of the chair. A majority of the regular members of the board shall constitute a quorum, and a majority vote of such members present is necessary for any action taken by the board.

(6)~~(7)~~ The Governor has the authority to remove from the board any regular member in the manner and for cause as defined by the laws of this state and applicable to situations ~~which~~ *that* may arise before the board. Unless excused by the chair of the board, a regular member's absence from two or more consecutive board meetings creates a vacancy in the office to which the member was appointed.

Section 30. Paragraph (b) of subsection (2) of section 331.367, Florida Statutes, is amended to read:

331.367 Spaceport Management Council.—

(2) The council shall make recommendations regarding:

(b) The projects and levels of commercial financing required from the Florida *Aerospace Finance* ~~Commercial Space Financing~~ Corporation created by s. 331.407.

Section 31. Section 331.368, Florida Statutes, is amended to read:

331.368 Florida Space Research Institute.—

(1) There is created the Florida Space Research Institute, the purpose of which is to serve as an industry-driven center for research, leveraging the state's resources in a collaborative effort to support Florida's space industry and its expansion, diversification, and transition to commercialization.

(2) The institute shall operate as a public/private partnership under the direction of a board composed of:

(a) A representative of the Florida Space Authority.

(b) A representative of Enterprise Florida, Inc.

(c) A representative of the Florida Aviation Aerospace Alliance.

(d) A representative of the Florida Space Business Roundtable.

(e) Additional private-sector representatives from the space industry selected collaboratively by the core members specified in paragraphs (a)-(d). The additional space industry representatives under this paragraph must comprise the majority of members of the board and must be from geographic regions throughout the state. *Each private-sector representative shall be appointed to a term of 3 years.*

(f) Two representatives from the educational community who are selected collaboratively by the core members specified in paragraphs (a)-(d) and who are engaged in research or instruction related to the space industry. One representative must be from a community college, and one representative must be from a public or private university. *Each educational representative shall be appointed to a term of 2 years.*

(g) Additional ex officio, nonvoting representatives selected collaboratively by the core members.

(3) Annually, the members of the board shall select one of the members to serve as chair, who shall be responsible for convening and leading meetings of the board.

(4) Board members are considered to be volunteers as defined in s. 110.501 and shall serve with all protections provided to volunteers of state agencies under s. 768.1355.

(5) For the purposes of contracts and grants, s. 216.346 shall apply to the institute's programs with state universities and community colleges.

(6) The Florida Space Research Institute may:

(a) Acquire property under such conditions as the board may deem necessary or desirable, and sell or otherwise dispose of the same.

(b) Serve as a coordinating organization among public and private academic institutions, industry, and government agencies to support the expansion and diversification of Florida's space industry, and to support research and education programs.

(c) Execute contracts and other documents, adopt proceedings, and perform any acts determined by the board to be necessary to carry out the purposes of this section.

(d) Establish a personnel-management system and procedures, rules, and rates governing administrative and financial operations of the institute.

(e) Acquire, accept, or administer grants, contracts, and fees from other organizations to perform activities that are consistent with the purposes of this section.

(f) Work in partnership with the Florida Space Authority, Enterprise Florida, Inc., the Department of Education, and other organizations to support their programs to promote the state as a center for space enterprise, research, and technology development.

(7)~~(3)~~ The board of the Florida Space Research Institute shall:

(a) Set the strategic direction for the space-related research priorities of the state and its space-related businesses, the scope of research projects for the institute, and the timeframes for completion.

(b) Invite the participation of public and private *academic institutions* ~~universities~~, including, but not limited to, the University of Central Florida, the University of Florida, the University of South Florida, Florida State University, Florida Institute of Technology, and the University of Miami.

(c) Select a lead university to:

1. Serve as coordinator of research *for* ~~and as the administrative entity of~~ the institute;

2. Support the institute's development of a statewide space research agenda and programs; and

3. Develop, and update as necessary, a report recommending ways that the state's public and private universities can work in partnership to support the state's space-industry requirements~~, which report must be completed by December 15, 2000~~.

(d) Establish a partnership with the state Workforce Development Board, or its successor entity, under which the institute coordinates the workforce-training requirements identified by the space industry and supports development of workforce-training initiatives to meet such requirements, using training providers approved by the board or its successor entity.

(e) Comanage, with the National Aeronautics and Space Administration and subject to the terms of an agreement with NASA, operation of a Space Experiment Research and Processing Laboratory, if such a facility is constructed on land of the John F. Kennedy Space Center. The institute shall carry out such responsibility through a consortium of public and private universities in the state led by the University of Florida.

(f) Develop initiatives to foster the participation of the state's space industry in the International Space Station and to help the state maintain and enhance its competitive position in the commercial space-transportation industry.

(g) Pursue partnerships with the National Aeronautics and Space Administration to coordinate and conduct research in fields including, but not limited to, environmental monitoring; agriculture; aquatics; resource reutilization technologies for long-duration space missions; and spaceport technologies which support current or next-generation launch vehicles and range systems.

(h) Pursue partnerships with the National Aeronautics and Space Administration for the conduct of space-related research using computer technology to connect experts in a given field of science who are in disparate locations and to perform research experiments in a real-time, virtual environment.

(i) Appoint or dismiss, as deemed necessary by the board, a person to act as executive director of the institute, who shall have such other functions, duties, powers, and salary as the board prescribes.

(8)~~(4)~~ By December 15 of each year, the institute 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*, and the Commissioner of Education*. The report shall also include recommendations regarding actions the state should take to enhance the development of space-related businesses, including:

(a) Future research activities.

(b) The development of capital and technology assistance to new and expanding industries.

(c) The removal of regulatory impediments.

(d) The establishment of business development incentives.

(e) The initiation of education and training programs to ensure a skilled workforce.

Section 32. Section 331.401, Florida Statutes, is amended to read:

331.401 Short title.—Sections 331.401-331.419 may be cited as the "Florida *Aerospace Finance* ~~Commercial Space Financing~~ Corporation Act."

Section 33. Section 331.403, Florida Statutes, is amended to read:

331.403 Legislative findings and intent.—The Legislature finds that the expansion of state and federal support for the aerospace industry in Florida is critical to the continued development of a viable commercial *aerospace* ~~space~~ industry and the technical and scientific job base for its citizens. This development of commercial opportunities in Florida is slowed by the lack of traditional business financing tools such as securitization for industrial development. Florida's launch industry is also being challenged by the provision of such industry assistance by other countries. Florida's aerospace industry could be assisted by a corporation established to work with the United States Export-Import Bank, the Small Business Administration, the National Aeronautics and Space Administration, and other federal, state, and private sources to provide information, technical assistance, and financial support. It is the intention of the Legislature to retain and expand job opportunities for Florida citizens through this mechanism.

Section 34. Section 331.405, Florida Statutes, is amended to read:

331.405 Definitions.—As used in this part:

(1) "Account" means the account established pursuant to s. 331.415.

(2) "Aerospace" means the industry concerned with the design and manufacture of aircraft, rockets, missiles, spacecraft, satellites, space vehicles, space stations, space facilities, or components thereof, and equipment, systems, facilities, simulators, programs, and activities related thereto.

(3)~~(2)~~ "Authority" means the Florida Space Authority created by s. 331.302.

(4)~~(3)~~ "Board" means the governing body of the corporation.

(5)~~(4)~~ "Corporation" means the Florida *Aerospace Finance* ~~Commercial Space Financing~~ Corporation.

(6)~~(5)~~ "Domiciled in this state" means registered to do business in Florida.

(7)~~(6)~~ "Financial institution" has the same meaning as in s. 655.005(1)(h).

(8)~~(7)~~ "Financing agreement" has the same meaning as in s. 331.303(10).

(9)~~(8)~~ "Member" means an individual appointed to be a member of the board.

(10)~~(9)~~ "President" means the chief executive officer of the corporation.

Section 35. Section 331.407, Florida Statutes, is amended to read:

331.407 Florida *Aerospace Finance* ~~Commercial Space Financing~~ Corporation.—

(1) The Florida *Aerospace Finance* ~~Commercial Space Financing~~ Corporation is created as a corporation not for profit. The corporation shall have all the powers, rights, privileges, and authority as provided under chapter 617 and this part. The corporation shall be organized on a nonstock basis. The purpose of the corporation is to expand employment and income opportunities for residents of this state by providing businesses domiciled in this state with information, technical assistance, and financial assistance to support space-related transactions, in order to increase the development within the state of commercial aerospace products, activities, services, and facilities.

(2) The corporation shall have the power and authority to carry out the following functions:

(a) To coordinate its efforts with programs and goals of the United States Air Force, the National Aeronautics and Space Administration, the Export-Import Bank, the International Trade Administration of the United States Department of Commerce, the Foreign Credit Insurance Association, Enterprise Florida, Inc., and its boards, and other private and public programs and organizations, domestic and foreign.

(b) To establish a network of contacts among those domestic and foreign public and private organizations which provide information, technical assistance, and financial support to the aerospace industry.

(c) To assemble, publish, and disseminate information on financing opportunities and techniques of financing aerospace projects, programs, and activities; sources of public and private aerospace financing assistance; and sources of *aerospace-related* ~~space-related~~ financing.

(d) To organize, host, and participate in seminars and other forums designed to disseminate information and technical assistance regarding *aerospace-related* ~~space-related~~ financing.

(e) To insure, coinsure, lend, and guarantee loans, and to originate for sale direct *aerospace-related* ~~space-related~~ loans, pursuant to criteria, bylaws, policies, and procedures adopted by the board.

(f) To capitalize, underwrite, and secure funding for aerospace infrastructure, satellites, launch vehicles, and any service which supports aerospace launches.

(g) To construct, lease, or sell aerospace infrastructure, satellites, launch vehicles, and any other related activities and services.

(h) To acquire property, including real, personal, tangible, intangible, or mixed, under such conditions as the board may deem necessary or desirable, and sell or otherwise dispose of the same.

(i) To make and exercise any and all contracts or other instruments necessary or convenient to the exercise of its powers, including financing agreements.

(3) It is the intent of the Legislature that the corporation shall not be considered an "agency" as defined in s. 216.011 or s. 287.012.

Section 36. Subsection (4) of section 331.409, Florida Statutes, is amended to read:

331.409 Powers and limitations.—

(4) In providing assistance, the board shall create a fiscal strategy for Florida which will guide and facilitate the successful expansion of *aerospace-related* ~~space-related~~ jobs.

Section 37. Paragraphs (a) and (c) of subsection (5) of section 331.411, Florida Statutes, are amended to read:

331.411 Board of directors; powers and duties.—

(5) The board shall:

(a) Prior to the expenditure of funds from the account, adopt bylaws, rules, and policies necessary to carry out its responsibilities under this part, particularly with respect to the implementation of the corporation's programs to insure, coinsure, lend, provide loan guarantees, and make direct, guaranteed, or collateralized loans to support *aerospace-related* ~~space-related~~ transactions.

(c) Adopt policies, including criteria, establishing which *aerospace-related* ~~space-related~~ transactions shall be eligible for insurance, coinsurance, loan guarantees, and direct, guaranteed, or collateralized loans which may be extended by the corporation. To implement this paragraph, the board shall adopt rules which include the following criteria:

1. Any individual signing any corporation loan application and loan or guarantee agreement must have an equity interest in the business applying for financial assistance.

2. Applicants must be domiciled in this state and will be contractually obligated to use Florida launch facilities to the maximum extent possible.

Section 38. Subsections (37) and (38) are added to section 334.03, Florida Statutes, to read:

334.03 Definitions.—When used in the Florida Transportation Code, the term:

(37) "511" or "511 services" means three-digit telecommunications dialing to access interactive voice response telephone traveler information services provided in the state as defined by the Federal Communications Commission in FCC Order No. 00-256, July 31, 2000.

(38) "Interactive voice response" means a software application that accepts a combination of voice telephone input and touch-tone keypad selection and provides appropriate responses in the form of voice, fax, callback, e-mail, and other media.

Section 39. Present subsection (31) of section 334.044, Florida Statutes, is redesignated as subsection (32), and a new subsection (31) is added to that section, to read:

334.044 Department; powers and duties.—The department shall have the following general powers and duties:

(31) To provide oversight of traveler information systems that may include the provision of interactive voice response telephone systems accessible via the 511 number as assigned by the Federal Communications Commission for traveler information services. The department shall ensure that uniform standards and criteria for the collection and dissemination of traveler information are applied using interactive voice response systems.

Section 40. Section 334.14, Florida Statutes, is amended to read:

334.14 Employees of department who are required to be engineers.—*Each employee performing engineering as defined in chapter 471 shall be registered in accordance with the provisions of chapter 471.*

~~(1) At a minimum, each of the following employees of the department must be a professional engineer registered under chapter 471:~~

~~(a) The State Highway Engineer and the district secretary for each district, except that in lieu of engineering registration the district secretary for each district may hold an advanced degree in an appropriate related discipline such as a master of business administration.~~

~~(b)1. The head of each office, or equivalent unit, of the department that is responsible for the design of transportation facilities.~~

~~2. Any person who is employed or assigned by any such unit to be in responsible charge of an engineering project designed by the unit, regardless of whether such person is employed in the central office or in a field office.~~

~~(c)1. The head of each office, or equivalent unit, of the department that is responsible for the construction of transportation facilities or materials testing.~~

~~2. Any area or resident engineer who is in responsible charge of an engineering construction project.~~

~~(d)1. The head of each office, or equivalent unit, of the department that is directly responsible for traffic operations or the maintenance of transportation facilities.~~

~~2. The senior maintenance engineer assigned to a field office.~~

~~3. The senior maintenance engineers in charge of the various area maintenance yards assigned to the field units.~~

~~(2) As used in this section, the term "responsible charge" means the rendering of engineering judgment and decisions in the development of technical policy and programs or the direct control and personal supervision of work performed by himself or herself or by others over whom the person holds supervisory authority.~~

~~(3) Any person holding the position of resident engineer of construction or senior maintenance engineer of a field unit on July 1, 1984, or the position of designer as identified in subparagraph (1)(b)2. on July 1, 1985, is not subject to the engineering registration requirement. However, when such person vacates his or her position, his or her replacement must comply with that requirement.~~

~~(4) The department shall employ a district secretary for each transportation district whose duties shall be fixed by the department and who shall be responsible for the efficient operation and administration of that district.~~

~~(5) In addition to the requirement for engineering registration in subsection (1), the department, in filling the positions described in this section, shall place emphasis on proven management ability and experience.~~

Section 41. Section 334.60, Florida Statutes, is created to read:

334.60 511 traveler information system.—

(1) The department is the state's lead agency for implementing 511 services and is the state's point of contact for coordinating 511 services with telecommunications service providers. The department shall:

(a) Implement and administer 511 services in the state;

(b) Coordinate with other transportation authorities in the state to provide multimodal traveler information through 511 services and other means;

(c) Develop uniform standards and criteria for the collection and dissemination of traveler information using the 511 number or other interactive voice response systems; and

(d) Enter into joint participation agreements or contracts with highway authorities and public transit districts to share the costs of implementing and administering 511 services in the state. The department may also enter into other agreements or contracts with private firms relating to the 511 services to offset the costs of implementing and administering 511 services in the state.

The department shall adopt rules to administer the coordination of 511 traveler information phone services in the state.

Section 42. Section 336.467, Florida Statutes, is amended to read:

336.467 County-state right-of-way acquisition agreements.—A county *or other governmental entity* may enter into an agreement with the department to provide for the department to acquire rights-of-way for the county *or other governmental entity*~~, provided the highway project is to be funded by the 80-percent portion of the constitutional gas tax allocated to that county and requires the acquisition of at least 10 parcels of land, the total cost of which will equal or exceed $100,000~~.

Section 43. Subsections (1), (4), and (7) of section 337.14, Florida Statutes, are amended to read:

337.14 Application for qualification; certificate of qualification; restrictions; request for hearing.—

(1) Any person desiring to bid for the performance of any construction contract in excess of $250,000 which the department proposes to let must first be certified by the department as qualified pursuant to this section and rules of the department. The rules of the department shall address the qualification of persons to bid on construction contracts in excess of $250,000 and shall include requirements with respect to the equipment, past record, experience, financial resources, and organizational personnel of the applicant necessary to perform the specific class of work for which the person seeks certification. The department is authorized to limit the dollar amount of any contract upon which a person is qualified to bid or the aggregate total dollar volume of contracts such person is allowed to have under contract at any one time. Each applicant seeking qualification to bid on construction contracts in excess of $250,000 shall furnish the department a statement under oath, on such forms as the department may prescribe, setting forth detailed information as required on the application. Each application for certification shall be accompanied by the latest annual financial statement of the applicant completed within the last 12 months. If the annual financial statement shows the financial condition of the applicant more than 4 months prior to the date on which the application is received by the department, then an interim financial statement must also be submitted. The interim financial statement must cover the period from the end date of the annual statement and must show the financial condition of the applicant no more than 4 months prior to the date on which the application is received by the department. Each required annual or interim financial statement must be audited and accompanied by the opinion of a certified public accountant or a public accountant approved by the department. The information required by this subsection is confidential and exempt from the provisions of s. 119.07(1). The department shall act upon the application for qualification within 30 days after *the department determines that the application is complete* ~~it is presented~~.

(4) If the applicant is found to possess the prescribed qualifications, the department shall issue to him or her a certificate of qualification that, unless thereafter revoked by the department for good cause, will be valid for a period of 18 months after the date of the applicant's financial statement or such shorter period as the department prescribes. *Submission of an application shall not affect expiration of the certificate of qualification.* If the department finds that an application is incomplete or contains inadequate information or information that cannot be verified, the department may request in writing that the applicant provide the necessary information to complete the application or provide the source from which any information in the application may be verified. If the applicant fails to comply with the initial written request within a reasonable period of time as specified therein, the department shall request the information a second time. If the applicant fails to comply with the second request within a reasonable period of time as specified therein, the application shall be denied.

(7) No "contractor" as defined in s. 337.165(1)(d) or his or her "affiliate" as defined in s. 337.165(1)(a) qualified with the department under this section may also qualify under s. 287.055 or s. 337.105 to provide *testing services,* construction, engineering, and inspection services to the department. This limitation shall not apply to any design-build prequalification under s. 337.11(7).

Section 44. Section 337.18, Florida Statutes, is amended to read:

337.18 Surety bonds *for construction or maintenance contracts*; requirement with respect to contract award; *bond requirements;* defaults; damage assessments.—

(1)*(a)* A surety bond shall be required of the successful bidder in an amount equal to the awarded contract price. For a project for which the contract price is $150,000 or less, the department may waive the requirement for all or a portion of a surety bond if it determines the project is of a noncritical nature and nonperformance will not endanger public health, safety, or property. The department may require alternate

means of security if a surety bond is waived. The surety on such bond shall be a surety company authorized to do business in the state. All bonds shall be payable to the department and conditioned for the prompt, faithful, and efficient performance of the contract according to plans and specifications and within the time period specified, and for the prompt payment of all persons *defined in s. 713.01* furnishing labor, material, equipment, and supplies *for work provided in the contract* ~~therefor~~; however, whenever an improvement, demolition, or removal contract price is $25,000 or less, the security may, in the discretion of the bidder, be in the form of a cashier's check, bank money order of any state or national bank, certified check, or postal money order. The department shall adopt rules to implement this subsection. Such rules shall include provisions under which the department shall refuse to accept bonds on contracts when a surety wrongfully fails or refuses to settle or provide a defense for claims or actions arising under a contract for which the surety previously furnished a bond.

(b) Upon execution of the contract, and prior to beginning any work under the contract, the contractor shall record in the public records of the county where the improvement is located the payment and performance bond required under this section. A claimant shall have a right of action against the contractor and surety for the amount due him or her, including unpaid finance charges due under the claimant's contract. Such action shall not involve the department in any expense.

(c) A claimant, except a laborer, who is not in privity with the contractor shall, before commencing or not later than 90 days after commencing to furnish labor, materials, or supplies for the prosecution of the work, furnish the contractor with a notice that he or she intends to look to the bond for protection. A claimant who is not in privity with the contractor and who has not received payment for his or her labor, materials, or supplies shall deliver to the contractor and to the surety written notice of the performance of the labor or delivery of the materials or supplies and of the nonpayment. The notice of nonpayment may be served at any time during the progress of the work or thereafter but not before 45 days after the first furnishing of labor, services, or materials, and not later than 90 days after the final furnishing of the labor, services, or materials by the claimant or, with respect to rental equipment, not later than 90 days after the date that the rental equipment was last on the job site available for use. An action by a claimant, except a laborer, who is not in privity with the contractor for the labor, materials, or supplies may not be instituted against the contractor or the surety unless both notices have been given. Notices required or permitted under this section may be served in any manner provided in s. 713.18.

(d) An action must be instituted by a claimant, whether in privity with the contractor or not, against the contractor or the surety on the payment bond or the payment provisions of a combined payment and performance bond within 365 days after the final acceptance of the contract work by the department. A claimant may not waive in advance his or her right to bring an action under the bond against the surety. In any action brought to enforce a claim against a payment bond under this section, the prevailing party is entitled to recover a reasonable fee for the services of his or her attorney for trial and appeal or for arbitration, in an amount to be determined by the court, which fee must be taxed as part of the prevailing party's costs, as allowed in equitable actions.

(e) When a contractor has furnished a payment bond pursuant to this section, he or she may, when the department makes any payment to the contractor, serve a written demand on any claimant who is not in privity with the contractor for a written statement under oath of his or her account showing the nature of the labor or services performed to date, if any; the materials furnished; the materials to be furnished, if known; the amount paid on account to date; the amount due; and the amount to become due, if known, as of the date of the statement by the claimant. Any such demand to a claimant who is not in privity with the contractor must be served on the claimant at the address and to the attention of any person who is designated to receive the demand in the notice to the contractor served by the claimant. The failure or refusal to furnish the statement does not deprive the claimant of his or her rights under the bond if the demand is not served at the address of the claimant or directed to the attention of the person designated to receive the demand in the notice to contractor. The failure to furnish the statement within 60 days after the demand, or the furnishing of a false or fraudulent statement, deprives the claimant who fails to furnish the statement, or who furnishes the false or fraudulent statement, of his or her rights under the bond. If the contractor serves more than one demand for statement of account on a claimant and none of the information regarding the account has changed since the claimant's last response to a demand, the failure or refusal to furnish such statement does not deprive the claimant of his or her rights under the bond. The negligent inclusion or omission of any information deprives the claimant of his or her rights under the bond to the extent that the contractor can demonstrate prejudice from such act or omission by the claimant. The failure to furnish a response to a demand for statement of account does not affect the validity of any claim on the bond being enforced in a lawsuit filed before the date the demand for statement of account is received by the claimant.

(f) The bonds provided for in this section are statutory bonds. The provisions of s. 255.05 are not applicable to bonds issued pursuant to this section.

(2) The department shall provide in its contracts for the determination of default on the part of any contractor for cause attributable to such contractor. The department shall have no liability for anticipated profits for unfinished work on a contract which has been determined to be in default. Every contract let by the department for the performance of work shall contain a provision for payment to the department by the contractor of liquidated damages due to failure of the contractor to complete the contract work within the time stipulated in the contract or within such additional time as may have been granted by the department. The contractual provision shall include a reasonable estimate of the damages that would be incurred by the department as a result of such failure. The department shall establish a schedule of daily liquidated damage charges, based on original contract amounts, for construction contracts entered into by the department, which schedule shall be incorporated by reference into the contract. The department shall update the schedule of liquidated damages at least once every 2 years, but no more often than once a year. The schedule shall, at a minimum, be based on the average construction, engineering, and inspection costs experienced by the department on contracts over the 2 preceding fiscal years. The schedule shall also include anticipated costs of project-related delays and inconveniences to the department and traveling public. Anticipated costs may include, but are not limited to, road user costs, a portion of the projected revenues that will be lost due to failure to timely open a project to revenue-producing traffic, costs resulting from retaining detours for an extended time, and other similar costs. Any such liquidated damages paid to the department shall be deposited to the credit of the fund from which payment for the work contracted was authorized.

(3) In addition to the provision for payment to the department by the contractor of liquidated damages due to the failure of the contractor to complete the project within the time stipulated in the contract or within such additional time as may have been granted by the department, the department may also recover from the contractor amounts paid by the department for damages suffered by third parties as a result of the contractor's failure to complete the project within the time stipulated in the contract or within such additional time as may have been granted by the department, unless the failure to timely complete the project was caused by the department's act or omission. However, nothing herein shall create a cause of action against the department, or against a contractor by an abutting property owner or business entity, where none has previously existed.

(4)(a) If the department determines and adequately documents that the timely completion of any project will provide a substantial benefit to the public health, safety, or welfare; will limit the disruptive effect of construction on the community; or is cost beneficial on a revenue-producing project, the contract for such project may provide for an incentive payment payable to the contractor for early completion of the project or critical phases of the work and for additional damages to be assessed against the contractor for the completion of the project or critical phases of the work in excess of the time specified. All contracts containing such provisions shall be approved by the head of the department or his or her designee. The amount of such incentive payment or such additional damages shall be established in the contract *based on an analysis of the cost savings to the traveling public or revenue projections for a revenue-producing project* ~~but shall not exceed $10,000 per calendar day, except that for revenue-producing projects the amounts and periods of the incentive may be greater if an analysis indicates that additional revenues projected to be received upon completion of the project will exceed the cost of the incentive payments~~. Any liquidated damages provided for under subsection (2) and any additional damages provided for under this subsection shall be payable to the department because of the contractor's failure to complete the contract work within the time stipulated in the

contract or within such additional time as may have been granted by the department.

(b) The department shall adopt rules to implement this subsection. Such rules shall include procedures and criteria for the selection of projects on which incentive payments and additional damages may be provided for by contract.

(5) Such bonds shall be subject to the additional obligation that the principal and surety executing the same shall be liable to the state in a civil action instituted by the department or any officer of the state authorized in such cases, for double any amount in money or property the state may lose or be overcharged or otherwise defrauded of, by reason of any wrongful or criminal act, if any, of the contractor, the contractor's agent, or employees.

Section 45. Subsection (2) of section 338.235, Florida Statutes, is amended to read:

338.235 Contracts with department for provision of services on the turnpike system.—

(2) In order to secure high-quality products*, business opportunities,* and services *on the turnpike system, products, business opportunities, and services authorized by s. 338.234 may be secured by competitive solicitation* ~~for turnpike patrons, products and services authorized by s. 338.234(1) may be secured through the request-for-proposal process~~. *If the department receives an unsolicitated proposal for products, business opportunities, or services that it wishes to consider, it shall publish a notice in a newspaper of general circulation at least once a week for 2 weeks, or may broadcast such notice by electronic media for 2 weeks, stating that it has received a proposal and will accept other proposals on the same subject for 30 days after the date of publication.* The department may select *offers that* ~~the proposal and fee which~~ best satisfy the conditions of a quality service*, business opportunity, or* ~~and~~ product ~~operation~~ for the turnpike system. The factors to be used in evaluating proposals include, but are not limited to:

(a) The financial capacity of the provider;

(b) The willingness to contribute toward the cost of facility construction;

(c) The type and quality of the service or product offered;

(d) The price structure of the service or product offered;

(e) Management experience and capabilities;

(f) The national brand names offered;

(g) The originality of the concept and its relationship to the turnpike system;

(h) The lease rate; and

(i) Other factors that the department may deem pertinent.

Section 46. Section 339.61, Florida Statutes, is created to read:

339.61 Florida Strategic Intermodal System; Legislative findings, declaration, and intent.—

(1) There is hereby created the Florida Strategic Intermodal System.

(2) The Legislature finds that increasing demands are continuing to be placed on the state's transportation system by a fast-growing economy, continued population growth, and projected increases in freight movement, international trade, and tourism. The Legislature also finds that the state's growing regional and intercity economic centers will increase the demand for interregional and intercity travel and that the evolving service-based and information-based industries will change the type of transportation system that business and industry demand, increasing the importance of speed and reliability. The Legislature further finds that our transportation system must be designed and operated in such a way that it preserves the abundance of natural and manmade amenities that have been so successful in attracting new residents, businesses, and tourists to this state. Therefore, the Legislature declares that the designation of a strategic intermodal system, composed of facilities and services of statewide and interregional significance, will efficiently serve the mobility needs of Florida's citizens, businesses, and visitors and will help Florida become a worldwide economic leader, enhance economic prosperity and competitiveness, enrich quality of life, and reflect responsible environmental stewardship. To that end, it is the intent of the Legislature that the Strategic Intermodal System consist of transportation facilities that meet a strategic and essential state interest and that limited resources available for the implementation of statewide and interregional transportation priorities be focused on that system.

Section 47. Section 339.62, Florida Statutes, is created to read:

339.62 System components.—The Strategic Intermodal System shall consist of appropriate components of:

(1) The Florida Intrastate Highway System established under to s. 338.001.

(2) The National Highway System.

(3) Airport, seaport, and spaceport facilities.

(4) Rail lines and rail facilities.

(5) Selected intermodal facilities; passenger and freight terminals; and appropriate components of the State Highway System, county road system, city street system, inland waterways, and local public transit systems that serve as existing or planned connectors between the components listed in subsections (1)-(4).

(6) Existing or planned corridors that serve a statewide or interregional purpose.

Section 48. Section 339.63, Florida Statutes, is created to read:

339.63 System facilities designated; additions and deletions.—

(1) The initial Strategic Intermodal System shall include all facilities that meet the criteria recommended by the Strategic Intermodal Steering Committee in a report titled "Steering Committee Final Report: Recommendations for Designating Florida's Strategic Intermodal System" dated December 2002.

(2) Subsequent to the initial designation of the Strategic Intermodal System pursuant to subsection (1), the Secretary of Transportation shall periodically add facilities to or delete facilities from the Strategic Intermodal System based upon adopted criteria.

Section 49. Section 339.64, Florida Statutes, is created to read:

339.64 Strategic Intermodal System Plan.—

(1) The department shall develop, in cooperation with metropolitan planning organizations, regional planning councils, local governments, the Statewide Intermodal Transportation Advisory Council and other transportation providers, a Strategic Intermodal System Plan. The plan shall be consistent with the Florida Transportation Plan developed pursuant to s. 339.155 and shall be updated at least once every 5 years, subsequent to updates of the Florida Transportation Plan.

(2) In association with the development of the initial Strategic Intermodal System Plan and other transportation plans, the Florida Transportation Commission, shall conduct an assessment of the need for an improved philosophical approach to regional and intermodal input in the planning for and governing of the Strategic Intermodal System and other transportation systems. The Florida Transportation Commission shall coordinate with the department, the Statewide Intermodal Transportation Advisory Council, and other appropriate entities when developing this assessment. The Florida Transportation Commission shall deliver a report to the Governor and Legislature by December 15, 2003, with recommendations as necessary to fully implement the Strategic Intermodal System.

(3) During the development of the Strategic Intermodal System Plan and the development of all subsequent updates, the department shall provide metropolitan planning organizations, regional planning councils, local governments, transportation providers, affected public agencies, and citizens with an opportunity to participate in and comment on the development of the proposed plan or update.

(4) The Strategic Intermodal System Plan shall include the following:

(a) A needs assessment.

(b) A project prioritization process.

(c) A map of facilities designated as Strategic Intermodal System facilities and facilities that are emerging in importance that are likely to become part of the system in the future.

(d) A finance plan based on reasonable projections of anticipated revenues, including both 10-year and 20-year cost-feasible components.

(5) STATEWIDE INTERMODAL TRANSPORTATION ADVISORY COUNCIL.—

(a) The Statewide Intermodal Transportation Advisory Council is created to advise and make recommendations to the Legislature and the department on policies, planning, and funding of intermodal transportation projects. The council's responsibilities shall include:

1. Advising the department on the policies, planning, and implementation of strategies related to intermodal transportation.

2. Providing advice and recommendations to the Legislature on funding for projects to move goods and people in the most efficient and effective manner for the State of Florida.

(b) MEMBERSHIP.—Members of the Statewide Intermodal Transportation Advisory Council shall consist of the following:

1. Five intermodal industry representatives selected by the Governor as follows:

a. One representative from an airport involved in the movement of freight and people from their airport facility to another transportation mode.

b. One individual representing a fixed-route, local-government transit system.

c. One representative from an intercity bus company providing regularly scheduled bus travel as determined by federal regulations.

d. One representative from a spaceport.

e. One representative from intermodal trucking companies.

2. Three intermodal industry representatives selected by the President of the Senate as follows:

a. One representative from major-line railroads.

b. One representative from seaports listed in s. 311.09(1) from the Atlantic Coast.

c. One representative from an airport involved in the movement of freight and people from their airport facility to another transportation mode.

3. Three intermodal industry representatives selected by the Speaker of the House of Representatives as follows:

a. One representative from short-line railroads.

b. One representative from seaports listed in s. 311.09(1) from the Gulf Coast.

c. One representative from intermodal trucking companies. In no event may this representative be employed by the same company that employs the intermodal trucking company representative selected by the Governor.

(c) Initial appointments to the council must be made no later than 30 days after the effective date of this section.

1. The initial appointments made by the President of the Senate and the Speaker of the House of Representatives shall serve terms concurrent with those of the respective appointing officer. Beginning January 15, 2005, and for all subsequent appointments, council members appointed by the President of the Senate and the Speaker of the House of Representatives shall serve 2-year terms, concurrent with the term of the respective appointing officer.

2. The initial appointees, and all subsequent appointees, made by the Governor shall serve 2-year terms.

3. Vacancies on the council shall be filled in the same manner as the initial appointments.

(d) Each member of the council shall be allowed one vote. The council shall select a Chair from among its membership. Meetings shall be held at the call of the Chair, but not less frequently than quarterly. The members of the council shall be reimbursed for per diem and travel expenses as provided in s. 112.061.

(e) The department shall provide administrative staff support and shall ensure that council meetings are electronically recorded. Such recordings and all documents received, prepared for, or used by the council in conducting its business shall be preserved pursuant to chapters 119 and 257.

Section 50. *Mamie Langdale Memorial Bridge designated; markers.—*

(1) The new U.S. Highway 27 bridge in the City of Moore Haven in Glades County is hereby designated as "Mamie Langdale Memorial Bridge."

(2) The Department of Transportation is directed to erect suitable markers designating Mamie Langdale Memorial Bridge as described in subsection (1).

Section 51. *George Crady Bridge designated; markers.—*

(1) The old Nassau Sound Bridge, bridge number 750055, on State Road 105 in Nassau and Duval Counties is hereby redesignated as "George Crady Bridge."

(2) The Department of Transportation is directed to erect suitable markers designating George Crady Bridge as described in subsection (1).

Section 52. *Rodolfo Garcia Memorial Avenue designated; markers.—*

(1) The portion of west S.R. 823 in Miami-Dade county between west 76th Street and west 72nd Street is designated as "Rodolfo Garcia Memorial Avenue."

(2) The Department of Transportation is directed to erect suitable markers designating "Rodolfo Garcia Memorial Avenue."

Section 53. Section 341.0532, Florida Statutes, is created to read:

341.0532 Statewide Transportation Corridors.—

(1) A "Statewide transportation corridor" is defined as a system of transportation infrastructure that collectively provides for the efficient movement of significant volumes of intrastate, interstate, and international commerce by seamlessly linking multiple modes of transport.

(2) Florida's statewide transportation corridors are:

(a) The Atlantic Coast Corridor, from Jacksonville to Miami, including Interstate 95.

(b) The Gulf Coast Corridor, from Pensacola to St. Petersburg and to Tampa including U.S. Route 98 and U.S. Route 19/State Road 27.

(c) The Central Florida/North-South Corridor, from the Florida-Georgia border to Naples and Fort Lauderdale/Miami, including Interstate 75.

(d) The Central Florida/East-West Corridor from St. Petersburg to Tampa and to Titusville, including Interstate 4 and the Beeline Expressway.

(e) The North Florida Corridor, from Pensacola to Jacksonville, including Interstate 10, and U.S. Route 231, State Road 77 and State Road 79 from the Florida-Alabama border to Panama City.

(f) The Jacksonville to Tampa Corridor, including U.S. Route 301.

(g) The Jacksonville to Orlando Corridor, including U.S. 17.

(h) The Southeastern Everglades Corridor, linking Wildwood, Winter Garden, Orlando, and West Palm Beach via the Florida Turnpike. For the purposes of this subsection, the term "corridor" includes railways adjacent to such corridor and the roadways linking to transportation terminals, and intermodal service centers to the major highways listed in this subsection.

Section 54. Section 95.361, Florida Statutes, is amended to read:

95.361 Roads presumed to be dedicated.—

(1) When a road, constructed by a county, a municipality, or the Department of Transportation, has been maintained or repaired continuously and uninterruptedly for 4 years by the county, municipality, or the Department of Transportation, jointly or severally, the road shall be deemed to be dedicated to the public to the extent in width that has been actually maintained for the prescribed period, whether or not the road has been formally established as a public highway. The dedication shall vest all right, title, easement, and appurtenances in and to the road in:

(a) The county, if it is a county road;

(b) The municipality, if it is a municipal street or road; or

(c) The state, if it is a road in the State Highway System or State Park Road System,

whether or not there is a record of a conveyance, dedication, or appropriation to the public use.

(2) *In those instances where a road has been constructed by a nongovernmental entity, or where the road was not constructed by the entity currently maintaining or repairing it, or where it cannot be determined who constructed the road, and when such road has been regularly maintained or repaired for the immediate past 7 years by a county, a municipality, or the Department of Transportation, whether jointly or severally, such road shall be deemed to be dedicated to the public to the extent of the width that actually has been maintained or repaired for the prescribed period, whether or not the road has been formally established as a public highway. The dedication shall vest all rights, title, easement, and appurtenances in and to the road in:*

(a) The county, if it is a county road;

(b) The municipality, if it is a municipal street or road; or

(c) The state, if it is a road in the State Highway System or State Park Road System, whether or not there is a record of conveyance, dedication, or appropriation to the public use.

(3) The filing of a map in the office of the clerk of the circuit court of the county where the road is located showing the lands and reciting on it that the road has vested in the state, a county, or a municipality in accordance with subsection (1) *or subsection (2)* or by any other means of acquisition, duly certified by:

(a) The secretary of the Department of Transportation, or the secretary's designee, if the road is a road in the State Highway System or State Park Road System;

(b) The chair and clerk of the board of county commissioners of the county, if the road is a county road; or

(c) The mayor and clerk of the municipality, if the road is a municipal road or street,

shall be prima facie evidence of ownership of the land by the state, county, or municipality, as the case may be.

(4) Any person, firm, corporation, or entity having or claiming any interest in and to any of the property affected by subsection (2) shall have and is hereby allowed a period of 1 year after the effective date of this subsection, or a period of 7 years after the initial date of regular maintenance or repair of the road, whichever period is greater, to file a claim in equity or with a court of law against the particular governing authority assuming jurisdiction over such property to cause a cessation of the maintenance and occupation of the property. Such timely filed and adjudicated claim shall prevent the dedication of the road to the public pursuant to subsection (2).

Section 55. subsection (10) of section 339.12, Florida Statutes as created by section 83 of chapter 2002-20, Laws of Florida, and amended by section 58 of chapter 2002-402, Laws of Florida, is repealed.

Section 56. *The Florida Air Museum, housed at Sun n' Fun in Lakeland, is designated as the official state aviation museum and education center.*

Section 57. Subsection (1) of section 337.401, Florida Statutes, is amended to read:

337.401 Use of right-of-way for utilities subject to regulation; permit; fees.—

(1) The department and local governmental entities, referred to in ss. 337.401-337.404 as the "authority," that have jurisdiction and control of public roads or publicly owned rail corridors are authorized to prescribe and enforce reasonable rules or regulations with reference to the placing and maintaining along, across, or on any road or publicly owned rail corridors under their respective jurisdictions any electric transmission, telephone, telegraph, or other communications services lines; pole lines; poles; railways; ditches; sewers; water, heat, or gas mains; pipelines; fences; gasoline tanks and pumps; or other structures hereinafter referred to as the "utility." *The department may enter into a permit-delegation agreement with a governmental entity if issuance of a permit is based on requirements that the department finds will ensure the safety and integrity of facilities of the Department of Transportation.*

Section 58. Subsection (3) is added to section 334.071, Florida Statutes, to read:

334.071 Legislative designation of transportation facilities.—

(3) Erection of markers shall be contingent on the appropriate city or county commission passing a resolution in support of the particular honorary designation. If the bridge or road segment being designated is located in more than one city or county, resolutions supporting the designation must be passed by each affected local government prior to the erection of the markers.

Section 59. Subsection (4) is added to section 335.02, Florida Statutes, to read:

335.02 Authority to designate transportation facilities and rights-of-way and establish lanes; procedure for redesignation and relocation.—

(4) Notwithstanding any general law or special act, regulations of any county, municipality, or special district, including any instrumentality thereof, shall not apply to existing or future transportation facilities, or appurtenances thereto, on the State Highway System.

Section 60. Subsection (8) of section 332.007, Florida Statutes, is amended to read:

332.007 Administration and financing of aviation and airport programs and projects; state plan.—

(8) Notwithstanding any other provision of law to the contrary, the department is authorized to provide operational and maintenance assistance to publicly owned public-use airports. Such assistance shall be to comply with enhanced federal security requirements or to address related economic impacts from the events of September 11, 2001. For projects in the current adopted work program, or projects added using the available budget of the department, airports may request the department change the project purpose in accordance with this provision notwithstanding the provisions of s. 339.135(7). For purposes of this subsection, the department may fund up to 100 percent of eligible project costs that are not funded by the Federal Government. Prior to releasing any funds under this section, the department shall review and approve the expenditure plans submitted by the airport. The department shall inform the Legislature of any change that it approves under this subsection. This subsection shall expire on June 30, *2007* ~~2004~~.

Section 61. 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, line 8, after the semicolon (;) insert: transportation facilities; amending ss. 20.23 and 110.205, F.S.; providing for the reorganization of the Department of Transportation; revising duties of the assistant secretaries; providing for additional offices; amending s. 120.52, F.S.; redefining the term "agency" for the purposes of the Administrative Procedure Act; amending s. 339.175, F.S.; providing authority for metropolitan planning organizations and political subdivisions to form separate legal or administrative entities for the purpose of coordinating regional transportation planning and development goals and purposes; specifying how the entity shall be created and operated; exempting the entity from the Administrative Procedure Act; amending s. 255.20, F.S.; providing for a presumption of prequalification for certain contractors; amending s. 316.1001, F.S.; providing for issuing citations for toll violations by first class mail; providing that mailing constitutes notification of such a violation; amending s. 316.302, F.S.; revising provisions for exemption from specified notification requirements for commercial motor vehicles carrying hazardous materials; incorporating specified federal regulations; updating regulations and rules applicable to certain commercial motor vehicle owners and drivers; specifying ownership identification requirements for certain commercial motor carriers; providing penalties for violation of such requirements; providing for compliance reviews; deleting obsolete references; requirements for identifying commercial vehicles; authorizing the department to conduct compliance reviews; amending s. 316.3025, F.S.; conforming references; providing for a civil penalty to be assessed for additional specified violations; providing penalties for commercial trucks found to be operating following an out-of-service order; amending s. 316.3026, F.S.; providing for the Office of Motor Carrier Compliance to enforce laws governing the operating authority of motor carriers; repealing s. 316.3027, F.S., relating to identification requirements of commercial vehicles; amending s. 316.515, F.S.; revising length limitations for certain commercial vehicles; amending s. 316.545, F.S.; providing for placement of a lien on a vehicle for failure to pay an out-of-service fine; deleting obsolete provisions; authorizing weight inspectors to detain a commercial vehicle under certain circumstances; repealing s. 316.610(3), F.S., relating to a commercial vehicle inspection program within the department which no longer exists; amending s. 316.640, F.S.; providing for authorization of traffic accident investigation officers; amending s. 316.650, F.S.; authorizing the transfer of toll violation citations via electronic means; amending s. 316.70, F.S.; authorizing the department to conduct compliance reviews of nonpublic sector buses; amending s. 318.14, F.S.; revising the time period for paying certain civil penalties; amending s. 330.27, F.S.; revising definitions; amending s. 330.29, F.S.; revising duties of the Department of Transportation with respect to the regulation of airport sites and airports; requiring the department to establish requirements for airport site approval, licensure, and registration; requiring the department to establish and maintain a state aviation facility data system; amending s. 330.30, F.S.; revising provisions for airport site approval; revising provisions for airport licensing; providing for a private airport registration process; specifying requirements for such licensing and registration; deleting airport license fees; providing for expiration and revocation of such license or registration; revising provisions for exemption from such registration and licensing requirements; exempting described areas and facilities from such requirements; providing described private airports the option to be inspected and licensed by the department; amending s. 330.35, F.S.; revising provisions for airport zoning protection for public-use airports; amending s. 330.36, F.S.; providing for zoning requirements governing the landing of seaplanes; amending s. 288.075, F.S.; conforming provisions to changes made by the act; amending s. 331.303, F.S.; revising a definition; amending s. 331.308, F.S.; revising provisions relating to the board of supervisors for the Florida Space Authority; amending s. 331.367, F.S.; conforming provisions to changes made by the act; amending s. 331.368, F.S.; revising the membership of the board of directors for the Florida Space Research Institute; clarifying the authority of the Florida Space Research Institute; providing for the submission of an annual report to the Commissioner of Education; amending s. 331.401, F.S.; conforming provisions to changes made by the act; amending s. 331.403, F.S.; revising legislative findings and intent; amending s. 331.405, F.S.; defining the term "aerospace"; amending s. 331.407, F.S.; redesignating the Florida Commercial Space Finance Corporation as the Florida Aerospace Finance Corporation; conforming provisions to changes made by the act; providing that the Florida Aerospace Finance Corporation is not an agency for certain purposes; amending ss. 331.409 and 331.411, F.S.; conforming provisions to changes made by the act; amending s. 334.03, F.S.; defining "511 services" and "interactive voice response"; amending s. 334.044, F.S.; expanding the powers and duties of the department to include oversight of traveler information systems; amending s. 334.14, F.S.; revising the qualifications required for engineers employed by the department; creating s. 334.60, F.S.; requiring the department to be the lead agency in establishing and coordinating a 511 traveler information phone system; amending s. 336.467, F.S.; authorizing the department to acquire rights-of-way for other governmental entities; amending s. 337.14, F.S.; clarifying the contractor prequalification process; prohibiting a construction contractor from providing testing services; amending s. 337.18, F.S.; clarifying that surety bonds issued in favor of the department for construction and maintenance projects over a specified amount are governed by chapter 337, F.S.; removing certain limitations on contractor incentive payments; amending s. 338.165, F.S.; authorizing the Division of Bond Finance to issue bonds at the department's request for certain facilities; amending s. 338.235, F.S.; authorizing the turnpike authority to secure products, business opportunities, and services by competitive solicitation; creating s. 339.61, F.S.; creating the Florida Strategic Intermodal System; providing legislative findings; creating s. 339.62, F.S.; providing the components of the Strategic Intermodal System; creating s. 339.63, F.S.; designating system facilities; creating s. 339.64, F.S.; providing for a needs assessment; providing for the Strategic Intermodal System plan; designating Mamie Langdale Memorial Bridge in Glades County; designating George Crady Bridge in Nassau and Duval Counties; designating Rodolfo Garcia Memorial Avenue; directing the Department of Transportation to erect suitable markers; defining statewide transportation corridors; amending s. 95.361, F.S.; providing for government acquisition of certain roads; providing procedures to contest such acquisition; repealing s. 339.12(10) as created by s. 83 of ch. 2002-20, Laws of Florida, and amended by s. 58 of ch. 2002-402, Laws of Florida, relating to grants for local governments; designating an official state aviation museum; amending s. 337.401, F.S.; allowing the department under certain circumstances to enter into permit-delegation agreements with other governmental entities for issuance of permits to use certain rights-of-way; amending s. 334.071, F.S.; requiring local government approval of any proposed road or bridge honorary designation; amending s. 335.02, F.S.; providing that local government regulations shall not apply to transportation facilities on the State Highway System; amending s. 332.007, F.S.; extending the time period of the department's authorization to fund certain security-related airport projects; providing an effective date.

Senator Bennett moved the following amendment which was adopted:

Amendment 2 (674348)(with title amendment)—On page 4, between lines 13 and 14, insert:

Section 5. Paragraph (k) of subsection (6) of section 163.3177, Florida Statutes, is amended to read:

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

(6) In addition to the requirements of subsections (1)-(5), the comprehensive plan shall include the following elements:

(k) An airport master plan, and any subsequent amendments to the airport master plan, prepared by a licensed publicly owned and operated airport under s. 333.06 may be incorporated into the local government comprehensive plan by the local government having jurisdiction under this act for the area in which the airport or projected airport development is located by the adoption of a comprehensive plan amendment. In the amendment to the local comprehensive plan that integrates the airport master plan, the comprehensive plan amendment shall address land use compatibility consistent with chapter 333 regarding airport zoning; the provision of regional transportation facilities for the efficient use and operation of the transportation system and airport; consistency with the local government transportation circulation element and applicable metropolitan planning organization long-range transportation plans; and the execution of any necessary interlocal agreements for the purposes of the provision of public facilities and services to maintain the adopted level of service standards for facilities subject to concurrency; and may address airport-related or aviation-related development. Development or expansion of an airport consistent with the adopted airport master plan that has been incorporated into the local comprehensive plan in compliance with this part, and airport-related or aviation-related development that has been addressed in the comprehensive plan amendment that incorporates the airport master plan, shall not be a development of regional impact. *Notwithstanding any other general law, an*

airport that has received a development-of-regional impact development order pursuant to s. 380.06, but which is no longer required to undergo development-of-regional impact review pursuant to this subsection, may abandon its development-of-regional impact order upon written notification to the applicable local government. Upon receipt by the local government, the development-of-regional impact development order is void.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 8, after the semicolon (;) insert: amending s. 163.3177, F.S.; providing for certain airports to abandon development-of-regional impact orders;

Pursuant to Rule 4.19, **CS for SB 676** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

REMARKS

On motion by Senator Dockery, the following remarks were ordered spread upon the Journal:

Senator Dockery: Normally permits for utilities in D.O.T. rights-of-way are in accordance with agreed to specifications in a document called the "utility accomodation guide." Under this amendment, can local governments who are delegated permitting authority have specifications different than those?

Senator Sebesta: No.

Senator Dockery: Also, could they actually withhold a permit that would otherwise be granted by D.O.T.?

Senator Sebesta: No.

On motion by Senator Constantine—

CS for SB 1956—A bill to be entitled An act relating to growth management; amending s. 369.301, F.S.; changing the short title; creating s. 369.3011, F.S.; providing for a short title; providing legislative intent; providing definitions; providing for the designation of the Wekiva River Springshed Protection Area; creating comprehensive plan requirements for the area; creating a integrated planning area for the Wekiva River Basin; creating comprehensive plan requirements for transportation, land use, and water resource in the basin; creating transportation requirements for road construction in the basin; providing for planning assistance by the Department of Community Affairs; describing duties of the Department of Agriculture and Consumer Services for the creation of best-management practices; amending s. 163.3187, F.S.; exempting comprehensive plan amendments created by this act from the statutory limit of two amendments per year; creating s. 373.0425, F.S.; providing for rulemaking authority for the St. Johns River Water Management District as it relates to implementing the provisions of this act; creating s. 381.0069, F.S.; directing the Department of Health to develop a program for the improvement of certain wastewater treatment systems in the Wekiva River Springshed Protection Area; amending s. 373.139, F.S.; encouraging the St. Johns River Water Management District to pursue land acquisition within the Wekiva Basin; amending s. 369.307, F.S.; encouraging all agencies to pursue acquisitions within the Wekiva-Ocala Greenway Florida Forever project or other additional lands in the springs recharge area; providing for the repeal of this act; providing an effective date.

—was read the second time by title.

Senator Constantine moved the following amendments which were adopted:

Amendment 1 (590296)—On page 4, lines 24 and 25, delete those lines and insert:

(c) "Wekiva Parkway" means any limited access highway or expressway constructed between State

Amendment 2 (800588)—On page 6, delete line 16 and insert: *development standards, which shall be in addition to the current statutory requirements, shall protect the quality and quantity*

Amendment 3 (430972)—On page 7, line 20, delete "*use*"

Senators Constantine and Cowin offered the following amendment which was moved by Senator Constantine and adopted:

Amendment 4 (104906)—On page 9, lines 7-15, delete those lines and insert: *34-36; and Township 19 South, Range 27 East, Sections 1-3, 10-15, 24, 25, 36; and Township 19 South, Range 28 East, Sections 6, 7, 18, 19, 29, 30-32; and Township 20 South, Range 27 East, Sections 1, 2, 11-14, 23-26, 35, 36; and Township 20 South, Range 28 East, Sections 4-9, 16-18, less and except those lands located in the Wekiva River Protection*

Senator Constantine moved the following amendments which were adopted:

Amendment 5 (140070)—On page 11, lines 2 and 3, delete those lines and insert: *between land use categories such that groundwater recharge levels are equal to or greater than*

Amendment 6 (515246)—On page 16, line 28 through page 17, line 15, delete those lines and insert:

(1) The Legislature recognizes that Recommendation 15 of the Final Report of the Wekiva Basin Area Task Force, dated January 15, 2003 addressed the potential to enhance protection of the Wekiva River System through the regulatory authority of the St. Johns River Water Management District. Therefore, the Legislature directs the St. Johns River Water Management District to review its permitting rules authorized under Parts II and IV to determine whether additional criteria specific to the Wekiva River Springshed Protection Area are appropriate to protect the water quality and flow of springs in accordance with state water quality standards and s. 373.042 in the Wekiva River System as defined in s. 369.303(10). The review shall include, but need not be limited to consideration of criteria to address: aquifer recharge protection; permitting thresholds to prevent significant adverse impacts to the springs; concurrent action on consumptive use permit and environmental resource permit applications; landscaping to reduce irrigation needs; best management practices to protect spring water quality; and use of reclaimed water to reduce the use of groundwater. This review shall be completed by December 1, 2003.

Amendment 7 (813840)—On page 18, line 29 through page 19, line 8, delete those lines and insert: *Wekiva-Ocala Greenway Florida Forever Projects identified in Recommendation 16 of the Final Report of the Wekiva Basin Area Task Force, dated January 15, 2003, prior to construction associated with the Wekiva Parkway.*

Senator Lee moved the following amendment which was adopted:

Amendment 8 (221764)(with title amendment)—On page 19, lines 17 and 18, delete those lines and insert:

Section 8. *Private property rights and regional reservoirs.—*

(1) The Legislature finds that construction of a regional reservoir designed to store more than 10 billion gallons of water may inordinately burden nearby real property because of the proximity of the reservoir and may result in a loss of value for the property owner. Therefore, a regional water supply authority, serving three or fewer counties, that is authorized to construct, operate, and maintain such a regional reservoir shall be deemed a governmental entity under section 70.001, Florida Statutes, the Bert J. Harris, Jr., Private Property Rights Protection Act, for purposes of this section.

(2) This section provides a cause of action for the actions of a regional water supply authority, in siting and constructing a reservoir as described in subsection (1), that may not rise to the level of a taking under the State Constitution or the United States Constitution. This section may not necessarily be construed under the case law regarding takings if the action of a regional water supply authority does not rise to the level of a taking. The provisions of this section are cumulative and do not abrogate any other remedy lawfully available, including any remedy lawfully available for the actions of a regional water supply authority that rise to the level of a taking. However, a regional water supply authority may not be liable more than once for compensation due to an action of the regional water supply authority that results in a loss of value for a subject real property.

(3) Each owner of real property located within 10,000 feet of the the center of the footprint of a regional reservoir, as described in subsection (1), or 5,500 feet from the exterior of the berm of such reservoir, may present a claim for compensation in writing to the head of the regional water supply authority on or before December 31, 2004, for a loss in property value resulting from the proximity of the reservoir. For each claim presented under this section, section 70.001, Florida Statutes, applies, except when there is conflict with this section, the provisions of this section shall govern.

(a) The property owner must submit along with the claim a bona fide, valid appraisal that supports the claim and demonstrates the loss in fair market value to the real property.

(b) A claim under this section shall be presented only to the regional water supply authority that is authorized to construct, operate, and maintain the reservoir.

(4) The Legislature recognizes that construction and maintenance of a regional reservoir may not necessarily interfere with allowable uses of real property near the reservoir. However, the siting and construction of the reservoir may result in an actual loss to the fair market value of real property located within 10,000 feet of the center of the footprint of the reservoir, or 5,500 feet from the exterior of the berm, because of the proximity of the reservoir. Therefore, any offer of compensation by the regional water supply authority shall be based solely on the loss of value for the property owner as a result of the proximity of the reservoir and not on the effects the reservoir has on existing uses or on a vested right to a specific use of real property.

(a) Notwithstanding section 70.001, Florida Statutes, the regional water supply authority to whom a claim is presented shall, not later than 180 days after receiving such claim:

1. Make a written offer to purchase the real property if there is more than a 50-percent loss in value to the real property as a result of the proximity of the reservoir and if the property owner is a willing seller;

2. Make a written offer to purchase an interest in rights of use which may become transferable development rights to be held, sold, or otherwise disposed of by the regional water supply authority; or

3. Terminate negotiations.

(b) An offer by the regional water supply authority to purchase the property in fee or purchase an interest in rights of use under this section shall cover the cost of the appraisal required in subsection (3).

(5) During the 180-day period, unless the property owner accepts a written offer for purchase pursuant to subparagraph (4)(a)1. or 2., the regional water supply authority shall issue a final decision stating that:

(a) The real property has a loss in value due to an inordinate burden on the property resulting from the proximity of the reservoir and the regional water supply authority and property owner cannot reach agreement on the amount of compensation; or

(b) The property owner has failed to establish a basis for relief under the provisions of this section and section 70.001, Florida Statutes.

Failure of the regional water supply authority to issue a final decision as required by this subsection shall cause the written offer or termination of negotiations required in subsection (4) to operate as a final decision. As a matter of law, this final decision constitutes the last prerequisite to judicial review of the merits for the purposes of the judicial proceeding provided for in section 70.001, Florida Statutes.

(6) The circuit court, for purposes of this section, shall determine whether, considering the written offer and final decision, the regional water supply authority has inordinately burdened the subject real property. Following a determination that the regional water supply authority has inordinately burdened the real property, the court shall impanel a jury to determine the total amount of compensation to the property owner for the loss in value due to the inordinate burden to the subject real property.

(7) Pursuant to section 70.001, Florida Statutes, the court may award reasonable costs and attorney's fees and the court shall determine the amount. If the court awards the property owner reasonable costs and attorney's fees, the costs shall include the cost of the appraisal required in subsection (3).

(8) This section is repealed effective January 1, 2005. However, the repeal of this section shall not affect a claim filed on or before December 31, 2004.

Section 9. *If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.*

Section 10. Except as otherwise expressly provided in this act, this act shall stand repealed effective July 1, 2008, unless purchase of the right-of-way for the

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 7, after the semicolon (;) insert: providing legislative findings with respect to loss of property values due to the proximity of a regional water reservoir; authorizing a cause of action for a property owner; specifying a period during which a property owner may present a claim for compensation to the regional water supply authority that constructs, operates, and maintains the reservoir; providing requirements for the offer of compensation by a regional water supply authority; providing for judicial review under the Bert J. Harris, Jr., Private Property Rights Protection Act; providing for an award of costs and attorney's fees; providing for future repeal of the section; providing for severability;

Pursuant to Rule 4.19, **CS for SB 1956** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for SB 2460—A bill to be entitled An act relating to independent living transition services; amending s. 409.1451, F.S.; requiring each district of the Department of Children and Family Services to identify adolescent foster children with developmental disabilities or special mental health needs; requiring the program to provide former foster youth having disabilities with activities to learn life skills; revising eligibility requirements for participation in the Road-to-Independence Scholarship Program and transitional support services; providing for young adults to continue in foster care in lieu of a Road-to-Independence Scholarship; providing an effective date.

—was read the second time by title.

Senator Campbell moved the following amendment which was adopted:

Amendment 1 (203302)—On page 1, line 20, delete "Subsections (1) and (4)" and insert: Subsection (1)

Senator Campbell moved the following amendment:

Amendment 2 (974254)(with title amendment)—On page 3, line 4 through page 4, line 5, delete those lines.

And the title is amended as follows:

On page 1, lines 8-10, delete those lines and insert: revising eligibility

On motion by Senator Campbell, further consideration of **CS for SB 2460** with pending **Amendment 2 (974254)** was deferred.

On motion by Senator Campbell—

CS for SB 1974—A bill to be entitled An act relating to guardian ad litem services; providing legislative findings and intent; creating the Statewide Guardian Ad Litem Office within the Justice Administrative Commission; providing for the appointment of an executive director; providing for the duties of the executive director; providing responsibilities of the office; providing for the continuation of the attorney ad litem program; requiring the office to submit to the Governor, legislative leaders, and the Chief Justice of the Florida Supreme Court an annual report

and a plan for meeting the guardian ad litem needs of the state; transferring a pilot program for attorneys ad litem for dependent children to the office; transferring funds and positions to the office; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 1974** to **HB 439**.

Pending further consideration of **CS for SB 1974** as amended, on motion by Senator Campbell, by two-thirds vote **HB 439** was withdrawn from the Committees on Judiciary; Children and Families; Governmental Oversight and Productivity; Appropriations Subcommittee on Article V Implementation and Judiciary; and Appropriations.

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

HB 439—A bill to be entitled An act relating to guardians ad litem; providing legislative intent; creating the Statewide Guardian Ad Litem Office within the Justice Administrative Commission; providing for the appointment of an executive director; providing for duties; providing oversight responsibility for local guardian ad litem and attorney ad litem programs; providing for the transfer of the attorney ad litem pilot program and the funds and positions associated with the Guardian Ad Litem Program to the Statewide Guardian Ad Litem Office; providing an effective date.

—a companion measure, was substituted for **CS for SB 1974** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 439** was placed on the calendar of Bills on Third Reading.

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

CS for SB 2460—A bill to be entitled An act relating to independent living transition services; amending s. 409.1451, F.S.; requiring each district of the Department of Children and Family Services to identify adolescent foster children with developmental disabilities or special mental health needs; requiring the program to provide former foster youth having disabilities with activities to learn life skills; revising eligibility requirements for participation in the Road-to-Independence Scholarship Program and transitional support services; providing for young adults to continue in foster care in lieu of a Road-to-Independence Scholarship; providing an effective date.

—which was previously considered and amended this day. Pending **Amendment 2 (974254)** by Senator Campbell was adopted.

Senator Campbell moved the following amendments which were adopted:

Amendment 3 (250826)—On page 4, lines 29-31, delete those lines and insert:

2. A young adult 18 to 21 years of age is eligible for the initial award, and a young adult under 23 years of age is eligible for renewal awards, if he or she:

Amendment 4 (794188)—On page 5, lines 1-3, delete those lines and insert:

a. Is a dependent child, pursuant to chapter 39, and is living in licensed foster care or in subsidized independent living at the time of his or her

Amendment 5 (165536)—On page 7, line 28 through page 8, line 2, delete those lines and insert:

4. A young adult who is eligible to receive a Road-to-Independence Act Scholarship may, in lieu of the scholarship award, request to receive independent living services including case management in a foster home or residential group care placement. The costs shall not exceed the scholarship award.

Amendment 6 (064404)(with title amendment)—On page 8, line 26, following "2003" insert: , except that subparagraph 409.1451(5)(b)4., Florida Statutes, shall take effect upon this act becoming a law

And the title is amended as follows:

On page 1, delete line 16 and insert: providing effective dates.

Pursuant to Rule 4.19, **CS for SB 2460** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Argenziano—

CS for SB 2186—A bill to be entitled An act relating to the indigent care surtax; amending s. 212.055, F.S.; allowing small counties having a specified population to levy an indigent care surtax; providing procedures; providing uses of the surtax; providing a maximum tax rate; providing an effective date.

—was read the second time by title.

The Committee on Comprehensive Planning recommended the following amendment which was moved by Senator Argenziano and failed:

Amendment 1 (505556)—On page 2, lines 11 and 12, delete those lines and insert: (b) A statement that includes a brief

Pursuant to Rule 4.19, **CS for SB 2186** was placed on the calendar of Bills on Third Reading.

On motion by Senator Hill—

CS for CS for SB 2654—A bill to be entitled An act relating to speciality license plates; amending ss. 320.08056 and 320.08058, F.S.; creating the Family First license plate; providing for the distribution of annual use fees received from the sale of such plates; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 2654** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 1028** and **SB 2794** was deferred.

On motion by Senator Dockery—

CS for SB 2754—A bill to be entitled An act relating to the acquisition and conservation of lands; amending s. 253.025, F.S.; revising requirements for appraisals when acquiring state lands; amending s. 253.034, F.S.; providing conditions under which state-owned lands may be considered nonconservation lands; revising requirements for land management plans for conservation lands be submitted to the Division of State Lands; providing that land use plans for nonconservation lands be submitted to the Division of State Lands at least every 10 years; revising requirements for the sale of surplus lands; authorizing the Division of State Lands to determine the sale price of surplus lands; providing the Board of Trustees of the Internal Improvement Trust Fund with the authority to adopt rules; directing the Division of State Lands to prepare a state inventory of all federal lands, and all lands titled in the name of the state, a state agency, a water management district, or a local government; requiring the participation of counties in developing a county inventory; creating s. 253.0341, F.S.; authorizing counties and local governments to submit requests to surplus state lands directly to the board of trustees; providing for an expedited surplusing process; amending s. 253.042, F.S.; revising the circumstances under which the board of trustees may directly exchange state-owned lands; providing requirements for the exchange of donated conservation lands; providing requirements for the conveyance of donated nonconservation lands; providing requirements for the exchange of other state-owned lands; amending s. 253.7823, F.S.; revising requirements for the disposition of former barge canal surplus lands; amending s. 259.032, F.S.; revising requirements for updating land management plans; eliminating the reversion of specified funds for use in acquiring lands; requiring that state agencies prepare and submit to the Department of Revenue for certification applica-

tion requests for payment in lieu of taxes from local governments; revising requirements for payment in lieu of taxes; amending s. 259.0322, F.S.; providing that payments in lieu of taxes be made for 20 consecutive years; amending s. 259.036, F.S.; requiring land management review teams to submit a 10-year land management plan update to the Acquisition and Restoration Council; amending s. 259.041, F.S.; clarifying certain requirements regarding the acquisition of state-owned lands; amending s. 373.139, F.S.; repealing obsolete requirements; amending s. 373.59, F.S.; revising provisions requiring that the water management districts may make payments in lieu of taxes from funds deposited into the Water Management Lands Trust Fund; providing for 20 annual payments in lieu of taxes; amending s. 373.5905, F.S.; revising provisions requiring reinstitution of payments in lieu of taxes; requiring the exchange of lands between the Board of Trustees of the Internal Improvement Trust Fund and a local government under certain conditions; providing purposes for which exchanged lands may be used; repealing s. 253.783, F.S., relating to powers and duties of the department to acquire lands for the former barge canal project; repealing s. 253.84, F.S., relating to the acquisition of lands by the state of property containing cattle-dipping vats; repealing s. 259.0345, F.S., relating to the Florida Forever Advisory Council; providing an effective date.

—was read the second time by title.

Senator Dockery moved the following amendments which were adopted:

Amendment 1 (500266)—On page 6, between lines 27 and 28, insert: *Each manager of conservation lands shall also update a land management plan whenever the manager proposes to add new facilities or make substantive land use or management changes that were not addressed in the approved plan, or within one year of the addition of significant new lands.*

Amendment 2 (983030)—On page 10, lines 21-28, delete those lines and insert:

(c) At least every *10* ~~5~~ years, as a component of each land management plan or land use plan and in a form and manner prescribed by rule by the board, each *manager* ~~management entity~~ shall evaluate and indicate to the board those lands that ~~the entity manages which~~ are not being used for the purpose for which they were originally leased. *For conservation lands, the council shall review and shall recommend to the board whether such lands should be retained in public ownership or disposed of by the board. For nonconservation lands, the division shall review such lands and shall recommend to the board whether such lands should be retained in public ownership or disposed of by the board.* ~~Such lands shall be reviewed by the council for its recommendation as to whether such lands should be disposed of by the board.~~

Amendment 3 (033304)—On page 15, line 1 through page 16, line 30, delete those lines and insert:

Section 3. Section 253.0341, Florida Statutes, is created to read:

253.0341 Surplus of state-owned lands to counties or local governments.—Counties and local governments may submit surplusing requests for state-owned lands directly to the board of trustees. County or local government requests for the state to surplus conservation or nonconservation lands, whether for purchase or exchange, shall be expedited throughout the surplusing process. Property jointly acquired by the state and other entities shall not be surplused without the consent of all joint owners.

(1) The decision to surplus state-owned nonconservation lands may be made by the board without a review of, or a recommendation on, the request from the Acquisition and Restoration Council or the Division of State Lands. Such requests for nonconservation lands shall be considered by the board within 60 days of the board's receipt of the request.

(2) County or local government requests for the surplusing of state-owned conservation lands are subject to review of and recommendation on the request to the board by the Acquisition and Restoration Council. Requests to surplus conservation lands shall be considered by the board within 120 days of the board's receipt of the request.

Section 4. Section 253.42, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 253.42, F.S., for present text.)

253.42 Board of trustees may exchange lands.—The provisions of this section apply to all lands owned by, vested in, or titled in the name of the board whether the lands were acquired by the state as a purchase, or through gift, donation, or any other conveyance for which no consideration was paid.

(1) The board of trustees may exchange any lands owned by, vested in, or titled in the name of the board for other lands in the state owned by counties, local governments, individuals, or private or public corporations, and may fix the terms and conditions of any such exchange. Any nonconservation lands that were acquired by the state through gift, donation, or any other conveyance for which no consideration was paid must first be offered at no cost to a county or local government unless otherwise provided in a deed restriction of record or other legal impediment, and so long as the use proposed by the county or local government is for a public purpose. For conservation lands acquired by the state through gift, donation, or any other conveyance for which no consideration was paid, the state may request land of equal conservation value from the county or local government but no other consideration.

(2) In exchanging state-owned lands not acquired by the state through gift, donation, or any other conveyance for which no consideration was paid, with counties or local governments, the board shall require an exchange of equal value. Equal value is defined as the conservation benefit of the lands being offered for exchange by a county or local government being equal or greater in conservation benefit than the state-owned lands. Such exchanges may include cash transactions if based on an appropriate measure of value of the state-owned land, but must also include the determination of a net-positive conservation benefit by the Acquisition and Restoration Council, irrespective of appraised value.

(3) The board shall select and agree upon the state lands to be exchanged and the lands to be conveyed to the state and shall pay or receive any sum of money deemed necessary by the board for the purpose of equalizing the value of the exchanged property. The board is authorized to make and enter into contracts or agreements for such purpose or purposes.

Amendment 4 (682334)(with title amendment)—On page 18, line 3 through page 22, line 2, delete those lines and insert:

Section 6. Paragraph (c) of subsection (10) and subsections (12), (13), and (16) of section 259.032, Florida Statutes, are amended to read:

259.032 Conservation and Recreation Lands Trust Fund; purpose.—

(10)

(c) Once a plan is adopted, the managing agency or entity shall update the plan at least every *10* ~~5~~ years in a form and manner prescribed by rule of the board of trustees. Such updates, for parcels over 160 acres, shall be developed with input from an advisory group. Such plans may include transfers of leasehold interests to appropriate conservation organizations or governmental entities designated by the Land Acquisition and Management Advisory Council or its successor, for uses consistent with the purposes of the organizations and the protection, preservation, conservation, restoration, and proper management of the lands and their resources. Volunteer management assistance is encouraged, including, but not limited to, assistance by youths participating in programs sponsored by state or local agencies, by volunteers sponsored by environmental or civic organizations, and by individuals participating in programs for committed delinquents and adults.

(12)(a) Beginning July 1, 1999, the Legislature shall make available sufficient funds annually from the Conservation and Recreation Lands Trust Fund to the department for payment in lieu of taxes to qualifying counties and local governments as defined in paragraph (b) for all actual tax losses incurred as a result of board of trustees acquisitions for state agencies under the Florida Forever program or the Florida Preservation 2000 program during any year. Reserved funds not used for payments in lieu of taxes in any year shall revert to the fund to be used for land *management* ~~acquisition~~ in accordance with the provisions of this section.

(b) Payment in lieu of taxes shall be available:

1. To all counties that have a population of 150,000 or fewer. Population levels shall be determined pursuant to s. 11.031.

2. To all local governments located in eligible counties.

3. To Glades County, where a privately owned and operated prison leased to the state has recently been opened and where privately owned and operated juvenile justice facilities leased to the state have recently been constructed and opened, a payment in lieu of taxes, in an amount that offsets the loss of property tax revenue, which funds have already been appropriated and allocated from the Department of Correction's budget for the purpose of reimbursing amounts equal to lost ad valorem taxes.

~~Counties and local governments that did not receive payments in lieu of taxes for lands purchased pursuant to s. 259.101 during fiscal year 1999-2000, if such counties and local governments would have received payments pursuant to this subsection as that section existed on June 30, 1999, shall receive retroactive payments for such tax losses.~~

(c) If insufficient funds are available in any year to make full payments to all qualifying counties and local governments, such counties and local governments shall receive a pro rata share of the moneys available.

(d) The payment amount shall be based on the average amount of actual taxes paid on the property for the 3 years preceding acquisition. Applications for payment in lieu of taxes shall be made no later than January 31 of the year following acquisition. No payment in lieu of taxes shall be made for properties which were exempt from ad valorem taxation for the year immediately preceding acquisition.

(e) If property which was subject to ad valorem taxation was acquired by a tax-exempt entity for ultimate conveyance to the state under this chapter, payment in lieu of taxes shall be made for such property based upon the average amount of taxes paid on the property for the 3 years prior to its being removed from the tax rolls. The department shall certify to the Department of Revenue those properties that may be eligible under this provision. Once eligibility has been established, that county or local government shall receive 10 consecutive annual payments for each tax loss, and no further eligibility determination shall be made during that period.

(f)~~(e)~~ Payment in lieu of taxes pursuant to this subsection shall be made annually to qualifying counties and local governments after certification by the Department of Revenue that the amounts applied for are reasonably appropriate, based on the amount of actual taxes paid on the eligible property. *With the assistance of the local government requesting payment in lieu of taxes, the state agency that acquired the land is responsible for preparing and submitting application requests for payment to the Department of Revenue for certification*~~, and after the Department of Environmental Protection has provided supporting documents to the Comptroller and has requested that payment be made in accordance with the requirements of this section~~.

(g)~~(f)~~ If the board of trustees conveys to a local government title to any land owned by the board, any payments in lieu of taxes on the land made to the local government shall be discontinued as of the date of the conveyance.

For the purposes of this subsection, "local government" includes municipalities, the county school board, mosquito control districts, and any other local government entity which levies ad valorem taxes, with the exception of a water management district.

(13) Moneys credited to the fund each year which are not used for management, maintenance, or capital improvements pursuant to subsection (11); for payment in lieu of taxes pursuant to subsection (12); or for the purposes of subsection (5)*,* shall be available for the acquisition of land pursuant to this section.

~~(16) Notwithstanding other provisions of law relating to the purpose of the Conservation and Recreation Lands Trust Fund, and for the 2002-2003 fiscal year only, the purposes of the trust fund shall include funding issues provided in the General Appropriations Act. This subsection expires July 1, 2003.~~

Section 7. Section 259.0322, Florida Statutes, is amended to read:

259.0322 Reinstitution of payments in lieu of taxes; duration.—If the Department of Environmental Protection ~~or a water management district~~ has made a payment in lieu of taxes to a governmental entity and subsequently suspended such payment, the department ~~or water management district~~ shall reinstitute appropriate payments and continue the payments in consecutive years until the governmental entity has received a total of 10 payments for each tax loss.

And the title is amended as follows:

On page 2, lines 11-13, delete those lines and insert: updating land management plans; revising provisions allowing the use of reverted funds; requiring that state agencies

Amendment 5 (871546)(with title amendment)—On page 23, line 15 through page 27, line 21, delete those lines and insert:

Section 10. Subsection (3) of section 373.139, Florida Statutes, is amended to read:

373.139 Acquisition of real property.—

(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) 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.

(b) The Secretary of Environmental Protection shall release moneys from the appropriate account or trust fund to a district for preacquisition costs within 30 days after receipt of a resolution adopted by the district's governing board which identifies and justifies any such preacquisition costs necessary for the purchase of any lands listed in the district's 5-year work plan. The district shall return to the department any funds not used for the purposes stated in the resolution, and the department shall deposit the unused funds into the appropriate account or trust fund.

(c) The Secretary of Environmental Protection shall release acquisition moneys from the appropriate account or trust fund to a district following receipt of a resolution adopted by the governing board identifying the lands being acquired and certifying that such acquisition is consistent with the 5-year work plan of acquisition and other provisions of this section. The governing board also shall provide to the Secretary of Environmental Protection a copy of all certified appraisals used to determine the value of the land to be purchased. Each parcel to be acquired must have at least one appraisal. Two appraisals are required when the estimated value of the parcel exceeds *$1 million* ~~$500,000~~. However, when both appraisals exceed *$1 million* ~~$500,000~~ and differ significantly, a third appraisal may be obtained. If the purchase price is greater than the appraisal price, the governing board shall submit written justification for the increased price. The Secretary of Environmental Protection may withhold moneys for any purchase that is not consistent

with the 5-year plan or the intent of this section or that is in excess of appraised value. The governing board may appeal any denial to the Land and Water Adjudicatory Commission pursuant to s. 373.114.

Section 11. Subsection (10) of section 373.59, Florida Statutes, is amended to read:

373.59 Water Management Lands Trust Fund.—

(10)(a) Beginning July 1, 1999, not more than one-fourth of the ~~land management~~ funds provided for in subsections (1) and (8) in any year shall be reserved annually by a governing board, during the development of its annual operating budget, for payments in lieu of taxes for all actual tax losses incurred as a result of governing board acquisitions for water management districts pursuant to ss. 259.101, 259.105, *373.470,* and this section during any year. Reserved funds not used for payments in lieu of taxes in any year shall revert to the Water Management Lands Trust Fund to be used in accordance with the provisions of this section.

(b) Payment in lieu of taxes shall be available:

1. To all counties that have a population of 150,000 or fewer. Population levels shall be determined pursuant to s. 11.031.

2. To all local governments located in eligible counties and whose lands are bought and taken off the tax rolls.

For properties acquired after January 1, 2000, in the event that such properties otherwise eligible for payment in lieu of taxes under this subsection are leased or reserved and remain subject to ad valorem taxes, payments in lieu of taxes shall commence or recommence upon the expiration or termination of the lease or reservation, but in no event shall there be more than a total of *10* ~~ten~~ annual payments in lieu of taxes for each tax loss. If the lease is terminated for only a portion of the lands at any time, the *10* ~~ten~~ annual payments shall be made for that portion only commencing the year after such termination, without limiting the requirement that *10* ~~ten~~ annual payments shall be made on the remaining portion or portions of the land as the lease on each expires. For the purposes of this subsection, "local government" includes municipalities, the county school board, mosquito control districts, and any other local government entity which levies ad valorem taxes.

(c) If sufficient funds are unavailable in any year to make full payments to all qualifying counties and local governments, such counties and local governments shall receive a pro rata share of the moneys available.

(d) The payment amount shall be based on the average amount of actual taxes paid on the property for the 3 years preceding acquisition. Applications for payment in lieu of taxes shall be made no later than January 31 of the year following acquisition. No payment in lieu of taxes shall be made for properties which were exempt from ad valorem taxation for the year immediately preceding acquisition.

(e) If property that was subject to ad valorem taxation was acquired by a tax-exempt entity for ultimate conveyance to the state under this chapter, payment in lieu of taxes shall be made for such property based upon the average amount of taxes paid on the property for the 3 years prior to its being removed from the tax rolls. The water management districts shall certify to the Department of Revenue those properties that may be eligible under this provision. Once eligibility has been established, that governmental entity shall receive 10 consecutive annual payments for each tax loss, and no further eligibility determination shall be made during that period.

(f)~~(e)~~ Payment in lieu of taxes pursuant to this subsection shall be made annually to qualifying counties and local governments after certification by the Department of Revenue that the amounts applied for are reasonably appropriate, based on the amount of actual taxes paid on the eligible property, and after the water management districts have provided supporting documents to the Comptroller and have requested that payment be made in accordance with the requirements of this section. *With the assistance of the local government requesting payment in lieu of taxes, the water management district that acquired the land is responsible for preparing and submitting application requests for payment to the Department of Revenue for certification.*

(g)~~(f)~~ If a water management district conveys to a county or local government title to any land owned by the district, any payments in lieu of taxes on the land made to the county or local government shall be discontinued as of the date of the conveyance.

~~(g) The districts may make retroactive payments to counties and local governments that did not receive payments in lieu of taxes for lands purchased under s. 259.101 and this section during fiscal year 1999-2000 if the counties and local governments would have received those payments under ss. 259.032(12) and 373.59(14).~~

Section 12. Section 373.5905, Florida Statutes, is amended to read:

373.5905 Reinstitution of payments in lieu of taxes; duration.—If ~~the Department of Environmental Protection or~~ a water management district has made a payment in lieu of taxes to a governmental entity and subsequently suspended such payment, the ~~department or~~ water management district shall reinstitute appropriate payments and continue the payments in consecutive years until the governmental entity has received a total of 10 payments for each tax loss.

And the title is amended as follows:

On page 2, line 27 through page 3, line 2, delete those lines and insert: F.S.; repealing obsolete requirements; revising requirements for appraisals when acquiring water management district lands; amending s. 373.59, F.S.; revising provisions requiring payments in lieu of taxes from funds deposited into the Water Management Lands Trust Fund; amending s. 373.5905, F.S.; revising

Amendment 6 (760520)(with title amendment)—On page 28, before line 1, insert:

Section 13. Subsection (2) of section 260.016, Florida Statutes, is amended to read:

260.016 General powers of the department.—

(2) The department shall:

(a) Evaluate lands for the acquisition of greenways and trails and compile a list of suitable corridors, greenways, and trails, ranking them in order of priority for proposed acquisition. The department shall devise a method of evaluation which includes, but is not limited to, the consideration of~~:~~

~~1.~~ the importance and function of such corridors within the statewide system.

~~2. Potential for local sharing in the acquisition, development, operation, or maintenance of greenway and trail corridors.~~

~~3. Costs of acquisition, development, operation, and maintenance.~~

(b) Maintain an updated list of abandoned and to-be-abandoned railroad rights-of-way.

(c) Provide information to public and private agencies and organizations on abandoned rail corridors which are or will be available for acquisition from the railroads or for lease for interim recreational use from the Department of Transportation.

(d) Develop and implement a process for designation of lands and waterways as a part of the statewide system of greenways and trails, which shall include:

1. Development and dissemination of criteria for designation.

2. Development and dissemination of criteria for changes in the terms or conditions of designation, including withdrawal or termination of designation. A landowner may have his or her lands removed from designation by providing the department with a written request that contains an adequate description of such lands to be removed. Provisions shall be made in the designation agreement for disposition of any future improvements made to the land by the department.

~~3. Compilation of available information on and field verification of the characteristics of the lands and waterways as they relate to the developed criteria.~~

3.~~4.~~ Public notice pursuant to s. 120.525 in all phases of the process.

~~5. Actual notice to the landowner by certified mail at least 7 days before any public meeting regarding the department's intent to designate.~~

4.~~6.~~ Written authorization from the landowner in the form of a lease or other instrument for the designation and granting of public access, if appropriate, to a landowner's property.

5.~~7. Development of~~ A greenway or trail use plan as a part of the designation agreement *which shall*~~. In any particular segment of a greenway or trail, the plan components must be compatible with connecting segments and,~~ at a minimum, describe the types and intensities of uses of the property.

(e) Implement the plan for the Florida Greenways and Trails System as adopted by the Florida Greenways Coordinating Council on September 11, 1998.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 4, after the semicolon (;) insert: amending s. 260.016, F.S.; revising powers of the department in evaluating lands for acquisition of greenways and trails;

Amendment 7 (922884)(with title amendment)—On page 28, lines 23-25, delete those lines and insert:

Section 14. *Effective upon becoming law and notwithstanding the exchange and surplusing requirements of chapters 253 and 259, Florida Statutes, and the notice requirements of chapter 270, Florida Statutes, in an exchange of lands contemplated between the Board of Trustees of the Internal Improvement Trust Fund and a private entity for formerly submerged sovereignty lands, heretofore known as the "Chapman Exchange", the board shall exchange lands with the private entity under these provisions no later than July 1, 2003. This exchange satisfies the constitutional public interest test for the following reasons:*

1. The land to be exchanged by the state is not greater than 200 acres, is within a rural county of critical economic concern, and is adjacent to lands previously sold by the state to private interests.

2. The land to be exchanged is currently off the tax rolls of the county, which is at the 10 mill constitutional cap.

3. The private entity has been negotiating an exchange with the Division of State Lands for a period of not less than one year, has acquired lands within the division's project areas for conservation land acquisition, and owns land adjacent to the subject state parcel.

4. The exchange shall be of equal monetary value. The private entity shall provide any difference in appraised value at the time of closing in cash or the equivalent.

Section 15. *Sections 253.84 and 259.0345, Florida Statutes, are repealed.*

Section 16. Except as otherwise provided, this act shall take effect July 1, 2003.

And the title is amended as follows:

On page 3, lines 9-16, delete those lines and insert: requiring the exchange of lands between the Board of Trustees of the Internal Improvement Trust Fund and a private entity by July 1, 2003; repealing s. 253.84, F.S., relating to the acquisition of lands containing cattle-dipping vats; repealing s. 259.0345, F.S., relating to the Florida Forever Advisory Council; providing an effective date.

MOTION

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

Senator Dockery moved the following amendment which was adopted:

Amendment 8 (923126)(with title amendment)—On page 14, lines 14-31, delete those lines and insert:

(8)(a) Notwithstanding other provisions of this section, the Division of State Lands is directed to prepare a state inventory of all federal lands and all lands titled in the name of the state, a state agency, a water management district, or a local government on a county-by-county basis, with the exception of rights-of-way for existing, proposed, or anticipated transportation facilities. The division must identify state or water management district lands purchased with funds distributed according to the Florida Forever Program, the Preservation 2000 Program, the Conservation and Recreation Lands Program, the Environmentally Endangered Lands Program, the Save Our Rivers Program, or the Save Our Coast Program. To facilitate the development of the state inventory, each county shall direct the appropriate county office with authority over the information to provide the division with a county inventory of all lands identified as federal lands and lands titled in the name of the state, a state agency, a water management district, or a local government.

(b) The state inventory must distinguish between lands purchased by the state or a water management district as part of a core parcel or within original project boundaries, as those terms are used to meet the surplus requirements of subsection (6), and lands purchased by the state, a state agency, or a water management district which were not essential or necessary to meet the conservation purposes of the programs which funded the acquisition.

(c) In any county in which more than 50 percent of the lands within the county boundary are federal lands or lands titled in the name of the state, a state agency, a water management district, or a local government, those lands titled in the name of the state or a state agency that were purchased using funds from any program identified in paragraph (a) and that are not essential or necessary to meet the original purposes of the program under which they were acquired may, upon request of a public or private entity, be made available for purchase through the state's surplusing process. Priority consideration shall be given to buyers, public or private, willing to return the property to productive use so long as the property can be reentered onto the county ad valorem tax roll. Property acquired with matching funds from a local government shall not be made available for purchase without the consent of said local government.

And the title is amended as follows:

On page 1, line 25, after the semicolon (;) insert: providing conditions under which certain lands may be made available for purchase under the state's land surplusing process;

Pursuant to Rule 4.19, **CS for SB 2754** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

SB 1538—A bill to be entitled An act relating to the Florida Public Student Assistance Grant Program; amending s. 1009.50, F.S.; amending criteria for receiving a grant; amending criteria for determining the minimum and maximum amounts that may be awarded; providing an appropriation; providing an effective date.

—was read the second time by title.

Senator Aronberg offered the following amendment which was moved by Senator Miller and adopted:

Amendment 1 (275344)(with title amendment)—On page 1, line 11, insert:

Section 1. Section 1009.892, Florida Statutes, is created to read:

1009.892 Innovation Florida Scholarships for Developing High-Tech Jobs Program.—

(1) This section may be cited as the "Innovation Florida Scholarships for Developing High-Tech Jobs Act."

(2) The Innovation Florida Scholarships for Developing High-Tech Jobs Program is created to provide need-based financial assistance to any Florida high school graduate who merits recognition of high academic achievement and who enrolls in a certified degree program at an eligible Florida postsecondary educational institution within 3 years after graduation from high school.

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

(a) "Certified degree program" means a degree program that:

1. Is certified by the Department of Education.

2. Addresses the need for support of degree programs in targeted employment areas.

3. Includes an internship component as described in this section.

(b) "Targeted employment" means employment in any of the following business areas:

1. Advanced manufacturing, including the following:

a. Automotive and electronics.

b. Aerospace technology.

c. Robotics.

d. Engineering design technology.

2. Life sciences, including the following:

a. Orthopedics or medical devices.

b. Biomedical research or development.

c. Pharmaceutical manufacturing.

d. Agribusiness.

e. Nanotechnology or molecular manufacturing.

3. Information technology, including the following:

a. Informatics.

b. Certified network administration.

c. Software development.

d. Fiber optics.

4. High-technology logistics, including the following:

a. High-technology distribution.

b. Efficient and effective flow and storage of goods, services, or information.

c. Intermodal ports.

(4) The Department of Education shall administer the Innovation Florida Scholarships for Developing High-Tech Jobs Program according to rules and procedures established by the State Board of Education. The department must advertise the availability of the scholarship program and must notify students, teachers, parents, guidance counselors, and principals or other relevant school administrators of the criteria and application procedures. The department must begin this process of notification no later than January 1 of each year.

(5) Funds for the Innovation Florida Scholarships for Developing High-Tech Jobs Program shall be appropriated annually in the General Appropriations Act.

(a) If funds appropriated are not adequate to provide the maximum allowable award to each eligible applicant, awards must be prorated to each eligible applicant using the same percentage reduction.

(b) Notwithstanding s. 216.301, if all funds allocated to the Innovative Florida Scholarships for Developing High-Tech Jobs Program are not used in any fiscal year, up to 20 percent of the total allocation may be carried forward and used for awards in the following year.

(6) The department shall issue awards from the scholarship program annually. Annual awards may be for up to 45 semester credit hours or the equivalent for the amount of demonstrated unmet need for the cost of education, not to exceed an amount equal to the average prior academic year cost of tuition, fees, and assigned books and supplies at state universities or such other amount as specified in the General Appropriations Act. A demonstrated unmet need of less than $100 shall render the applicant ineligible for a scholarship. Before the registration period each semester, the department shall transmit payment for each award to the president or director of the postsecondary educational institution, or his or her representative, except that the department may withhold payment if the receiving institution fails to report or to make refunds to the department as required in this section.

(a) Within 30 days after the end of regular registration each semester, the educational institution shall certify to the department the eligibility status of each student who receives an award. After the end of the drop and add period, an institution is not required to reevaluate or revise a student's eligibility status, but must make a refund to the department if a student who receives an award disbursement terminates enrollment for any reason during an academic term and a refund is permitted by the institution's refund policy.

(b) An institution that receives funds from the program shall certify to the department the amount of funds disbursed to each student and shall remit to the department any undisbursed advances within 60 days after the end of regular registration.

(c) Each institution that receives moneys through this program shall prepare an annual report that includes an annual financial audit conducted by an independent certified public accountant or the Auditor General. The report shall include an audit of the institution's administration of the program and a complete accounting of the moneys for the program. This report must be submitted to the department annually by March 1. The department may conduct its own annual audit of an institution's administration of the program. The department may request a refund of any moneys overpaid to the institution for the program. The department may suspend or revoke an institution's eligibility to receive future moneys for the program if the department finds that an institution has not complied with this section. The institution must remit within 60 days any refund requested in accordance with this subsection.

(7)(a) A student enrolled in 6 to 8 semester credit hours may receive up to one-half of the maximum award; a student enrolled in 9 to 11 credit hours may receive up to three-fourths of the maximum award; and a student enrolled in 12 or more credit hours may receive up to the full award.

(b) If a recipient transfers from one eligible institution to another and continues to meet eligibility requirements, the award must be transferred with the student.

(c) A student may use an award for summer term enrollment if funds are available.

(d) Funds from a scholarship may not be used to pay for remedial or college-preparatory coursework.

(8) To be eligible for an initial award, a student must:

(a) Be a Florida resident as defined in s. 1009.40 and rules of the State Board of Education.

(b) Earn a standard Florida high school diploma or its equivalent as described in s. 1003.43 or s. 1003.45 unless:

1. The student is enrolled full-time in the early admission program of an eligible postsecondary educational institution or completes a home education program according to s. 1002.41; or

2. The student earns a high school diploma from a non-Florida school while living with a parent who is on military or public service assignment away from Florida.

(c) Have achieved a cumulative grade point average of at least 3.0 on a 4.0 scale or its equivalent in high school courses designated by the Department of Education, unless the student has attended a home education program according to s. 1002.41 during grades 11 and 12, in which case the student must have attained at least the score identified by rules of the Department of Education on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the ACT Assessment Program.

(d) Be accepted by and enroll in a Florida public or independent postsecondary educational institution identified by the Department of Education.

(e) Be enrolled for at least 6 semester credit hours or the equivalent in quarter hours or clock hours.

(f) Have not been convicted of a felony offense, unless the student's civil rights have been restored by the Governor and Cabinet sitting as the Board of Executive Clemency. This paragraph does not apply to an offense for which adjudication of guilt is withheld.

(g) Apply for a scholarship from the program by high school graduation.

(9) A student is eligible to accept an initial award for 3 years following high school graduation and to accept a renewal award for 7 years following high school graduation. A student who applies for an award by high school graduation and who meets all other eligibility requirements, but who does not accept his or her award, may reapply during subsequent application periods up to 3 years after high school graduation.

(10) Eligibility for renewal awards shall be based on continued academic achievement of a cumulative grade point average of at least 2.75 on a 4.0 scale or its equivalent by the student at the eligible institution, continued eligibility for financial assistance pursuant to this section, and participation of the student for at least one summer during the course of the student's postsecondary education in an internship program that is relevant to at least one of the targeted employment areas as defined in this section. A student must work a minimum of 160 hours during the summer internship.

(11) A postsecondary educational institution with a certified degree program may provide a grant to an employer in targeted employment that hires a student in the certified degree program as part of a summer internship program approved by the institution for wages paid to the student, not to exceed $500 per student per summer. An employer that receives a grant under this subsection must pay each student in the internship program wages at a rate that is at least 120 percent of the federal minimum wage.

(12) The State Board of Education shall adopt rules under ss. 120.536(1) and 120.54 to administer this section.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, delete line 2 and insert: An act relating to student financial assistance programs; creating s. 1009.892, F.S.; creating the Innovation Florida Scholarships for Developing High-Tech Jobs Program; authorizing need-based scholarships for students enrolled in certified degree programs in targeted employment areas at Florida postsecondary educational institutions; providing for administration and funding of the program; providing student eligibility requirements for initial and renewal awards; providing for the adoption of rules; amending the Florida Public Student

Senator Miller moved the following amendment which was adopted:

Amendment 2 (091250)(with title amendment)—On page 3, lines 1-3, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 1, line 7, delete "providing an appropriation"

Senator Aronberg offered the following amendment which was moved by Senator Miller and adopted:

Amendment 3 (393616)(with title amendment)—On page 3, lines 1-3, delete those lines and insert:

Section 3. Section 1009.892, Florida Statutes, is created to read:

1009.892 Innovation Florida Scholarships for Developing High-Tech Jobs Program.—

(1) This section may be cited as the "Innovation Florida Scholarships for Developing High-Tech Jobs Act."

(2) The Innovation Florida Scholarships for Developing High-Tech Jobs Program is created to provide need-based financial assistance to any Florida high school graduate who merits recognition of high academic achievement and who enrolls in a certified degree program at an eligible Florida postsecondary educational institution within 3 years after graduation from high school.

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

(a) "Certified degree program" means a degree program that:

1. Is certified by the Department of Education.

2. Addresses the need for support of degree programs in targeted employment areas.

3. Includes an internship component as described in this section.

(b) "Targeted employment" means employment in any of the following business areas:

1. Advanced manufacturing, including the following:

a. Automotive and electronics.

b. Aerospace technology.

c. Robotics.

d. Engineering design technology.

2. Life sciences, including the following:

a. Orthopedics or medical devices.

b. Biomedical research or development.

c. Pharmaceutical manufacturing.

d. Agribusiness.

e. Nanotechnology or molecular manufacturing.

3. Information technology, including the following:

a. Informatics.

b. Certified network administration.

c. Software development.

d. Fiber optics.

4. High-technology logistics, including the following:

a. High-technology distribution.

b. Efficient and effective flow and storage of goods, services, or information.

c. Intermodal ports.

(4) The Department of Education shall administer the Innovation Florida Scholarships for Developing High-Tech Jobs Program according to rules and procedures established by the State Board of Education. The department must advertise the availability of the scholarship program and must notify students, teachers, parents, guidance counselors, and principals or other relevant school administrators of the criteria and application procedures. The department must begin this process of notification no later than January 1 of each year.

(5) Funds for the Innovation Florida Scholarships for Developing High-Tech Jobs Program shall be appropriated annually in the General Appropriations Act.

(a) If funds appropriated are not adequate to provide the maximum allowable award to each eligible applicant, awards must be prorated to each eligible applicant using the same percentage reduction.

(b) Notwithstanding s. 216.301, if all funds allocated to the Innovative Florida Scholarships for Developing High-Tech Jobs Program are not used in any fiscal year, up to 20 percent of the total allocation may be carried forward and used for awards in the following year.

(6) The department shall issue awards from the scholarship program annually. Annual awards may be for up to 45 semester credit hours or

the equivalent for the amount of demonstrated unmet need for the cost of education, not to exceed an amount equal to the average prior academic year cost of tuition, fees, and assigned books and supplies at state universities or such other amount as specified in the General Appropriations Act. A demonstrated unmet need of less than $100 shall render the applicant ineligible for a scholarship. Before the registration period each semester, the department shall transmit payment for each award to the president or director of the postsecondary educational institution, or his or her representative, except that the department may withhold payment if the receiving institution fails to report or to make refunds to the department as required in this section.

(a) Within 30 days after the end of regular registration each semester, the educational institution shall certify to the department the eligibility status of each student who receives an award. After the end of the drop and add period, an institution is not required to reevaluate or revise a student's eligibility status, but must make a refund to the department if a student who receives an award disbursement terminates enrollment for any reason during an academic term and a refund is permitted by the institution's refund policy.

(b) An institution that receives funds from the program shall certify to the department the amount of funds disbursed to each student and shall remit to the department any undisbursed advances within 60 days after the end of regular registration.

(c) Each institution that receives moneys through this program shall prepare an annual report that includes an annual financial audit conducted by an independent certified public accountant or the Auditor General. The report shall include an audit of the institution's administration of the program and a complete accounting of the moneys for the program. This report must be submitted to the department annually by March 1. The department may conduct its own annual audit of an institution's administration of the program. The department may request a refund of any moneys overpaid to the institution for the program. The department may suspend or revoke an institution's eligibility to receive future moneys for the program if the department finds that an institution has not complied with this section. The institution must remit within 60 days any refund requested in accordance with this subsection.

(7)(a) A student enrolled in 6 to 8 semester credit hours may receive up to one-half of the maximum award; a student enrolled in 9 to 11 credit hours may receive up to three-fourths of the maximum award; and a student enrolled in 12 or more credit hours may receive up to the full award.

(b) If a recipient transfers from one eligible institution to another and continues to meet eligibility requirements, the award must be transferred with the student.

(c) A student may use an award for summer term enrollment if funds are available.

(d) Funds from a scholarship may not be used to pay for remedial or college-preparatory coursework.

(8) To be eligible for an initial award, a student must:

(a) Be a Florida resident as defined in s. 1009.40 and rules of the State Board of Education.

(b) Earn a standard Florida high school diploma or its equivalent as described in s. 1003.43 or s. 1003.45 unless:

1. The student is enrolled full-time in the early admission program of an eligible postsecondary educational institution or completes a home education program according to s. 1002.41; or

2. The student earns a high school diploma from a non-Florida school while living with a parent who is on military or public service assignment away from Florida.

(c) Have achieved a cumulative grade point average of at least 3.0 on a 4.0 scale or its equivalent in high school courses designated by the Department of Education, unless the student has attended a home education program according to s. 1002.41 during grades 11 and 12, in which case the student must have attained at least the score identified by rules of the Department of Education on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the ACT Assessment Program.

(d) Be accepted by and enroll in a Florida public or independent postsecondary educational institution identified by the Department of Education.

(e) Be enrolled for at least 6 semester credit hours or the equivalent in quarter hours or clock hours.

(f) Have not been convicted of a felony offense, unless the student's civil rights have been restored by the Governor and Cabinet sitting as the Board of Executive Clemency. This paragraph does not apply to an offense for which adjudication of guilt is withheld.

(g) Apply for a scholarship from the program by high school graduation.

(9) A student is eligible to accept an initial award for 3 years following high school graduation and to accept a renewal award for 7 years following high school graduation. A student who applies for an award by high school graduation and who meets all other eligibility requirements, but who does not accept his or her award, may reapply during subsequent application periods up to 3 years after high school graduation.

(10) Eligibility for renewal awards shall be based on continued academic achievement of a cumulative grade point average of at least 2.75 on a 4.0 scale or its equivalent by the student at the eligible institution, continued eligibility for financial assistance pursuant to this section, and participation of the student for at least one summer during the course of the student's postsecondary education in an internship program that is relevant to at least one of the targeted employment areas as defined in this section. A student must work a minimum of 160 hours during the summer internship.

(11) A postsecondary educational institution with a certified degree program may provide a grant to an employer in targeted employment that hires a student in the certified degree program as part of a summer internship program approved by the institution for wages paid to the student, not to exceed $500 per student per summer. An employer that receives a grant under this subsection must pay each student in the internship program wages at a rate that is at least 120 percent of the federal minimum wage.

(12) The State Board of Education shall adopt rules under ss. 120.536(1) and 120.54 to administer this section.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, delete line 7 and insert: creating s. 1009.892, F.S.; creating the Innovation Florida Scholarships for Developing High-Tech Jobs Program; authorizing need-based scholarships for students enrolled in certified degree programs in targeted employment areas at Florida postsecondary educational institutions; providing for administration and funding of the program; providing student eligibility requirements for initial and renewal awards; providing for the adoption of rules; providing an

RECONSIDERATION OF AMENDMENT

On motion by Senator Miller, the Senate reconsidered the vote by which **Amendment 1 (275344)** was adopted. **Amendment 1** was withdrawn.

On motion by Senator Miller, further consideration of **SB 1538** as amended was deferred.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable James E. "Jim" King, Jr., President

I am directed to inform the Senate that the House of Representatives has returned as requested CS for CS for SB's 140, 998 and 1060.

John B. Phelps, Clerk

CS for CS for SB's 140, 998 and 1060—A bill to be entitled An act relating to utilities; amending s. 163.01, F.S.; providing applicability of provisions relating to ownership and operation of utilities by entities composed of municipalities and counties; prescribing powers of counties and specified municipalities with respect to acquisition of water utilities and wastewater utilities by separate legal entities composed of municipalities and counties; authorizing the Public Service Commission to review the acquisition of a utility by two or more host governments; providing for a binding arbitration process under the Public Service Commission to resolve certain disputes relating to utility acquisition; authorizing the commission to adopt rules; requiring the Public Service Commission to establish rules that base the acquisition price for a host government to acquire a utility on certain information; amending s. 120.52, F.S.; deleting an exception from the requirements of ch. 120, F.S., for an entity created under s. 163.01(7)(g)1., F.S.; amending s. 367.021, F.S.; excluding an entity created under s. 163.01(7)(g)1., F.S., from the definition of "governmental authority"; amending s. 367.071, F.S.; deleting a provision authorizing a utility to be sold or transferred prior to approval of the Public Service Commission with a contingency clause in the contract; providing severability; providing legislative findings with respect to loss of property values due to the proximity of a regional water reservoir; authorizing a cause of action for a property owner; specifying a period during which a property owner may present a claim for compensation to the regional water supply authority that constructs, operates, and maintains the reservoir; providing requirements for the offer of compensation by a regional water supply authority; providing for judicial review under the Bert J. Harris, Jr., Private Property Rights Protection Act; providing for an award of costs and attorney's fees; providing for future repeal of the section; providing for applicability; providing effective dates.

RECONSIDERATION OF BILL

On motion by Senator Argenziano, the rules were waived and the Senate reconsidered the vote by which—

CS for CS for SB's 140, 998 and 1060—A bill to be entitled An act relating to utilities; amending s. 163.01, F.S.; providing applicability of provisions relating to ownership and operation of utilities by entities composed of municipalities and counties; prescribing powers of counties and specified municipalities with respect to acquisition of water utilities and wastewater utilities by separate legal entities composed of municipalities and counties; authorizing the Public Service Commission to review the acquisition of a utility by two or more host governments; providing for a binding arbitration process under the Public Service Commission to resolve certain disputes relating to utility acquisition; authorizing the commission to adopt rules; requiring the Public Service Commission to establish rules that base the acquisition price for a host government to acquire a utility on certain information; amending s. 120.52, F.S.; deleting an exception from the requirements of ch. 120, F.S., for an entity created under s. 163.01(7)(g)1., F.S.; amending s. 367.021, F.S.; excluding an entity created under s. 163.01(7)(g)1., F.S., from the definition of "governmental authority"; amending s. 367.071, F.S.; deleting a provision authorizing a utility to be sold or transferred prior to approval of the Public Service Commission with a contingency clause in the contract; providing severability; providing legislative findings with respect to loss of property values due to the proximity of a regional water reservoir; authorizing a cause of action for a property owner; specifying a period during which a property owner may present a claim for compensation to the regional water supply authority that constructs, operates, and maintains the reservoir; providing requirements for the offer of compensation by a regional water supply authority; providing for judicial review under the Bert J. Harris, Jr., Private Property Rights Protection Act; providing for an award of costs and attorney's fees; providing for future repeal of the section; providing for applicability; providing effective dates.

—as amended passed April 24.

THE PRESIDENT PRESIDING

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

Amendment 1 (405672)(with title amendment)—On page 14, line 16 through page 18, line 8, delete section 6

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 31 and on page 2, line 16, delete those lines and insert: contract; providing severability; providing effective dates.

On motion by Senator Argenziano, **CS for CS for SB's 140, 998 and 1060** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Mr. President	Dawson	Miller
Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Saunders
Aronberg	Fasano	Sebesta
Atwater	Garcia	Siplin
Bennett	Geller	Smith
Bullard	Hill	Villalobos
Campbell	Jones	Wasserman Schultz
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lee	Wise
Cowin	Lynn	
Crist	Margolis	

Nays—None

Vote after roll call:

Yea—Haridopolos, Posey, Pruitt

The Honorable James E. "Jim" King, Jr., President

I am directed to inform the Senate that the House of Representatives has returned as requested CS for SB 1784.

John B. Phelps, Clerk

CS for SB 1784—A bill to be entitled An act relating to public records; exempting from public records requirements information and records reported to the Department of Health under the electronic monitoring system for prescription of controlled substances listed in Schedules II-IV; authorizing certain persons and entities access to patient-identifying information; providing guidelines for the use of such information and penalties for violations; providing for future legislative review and repeal; providing a finding of public necessity; providing a contingent effective date.

RECONSIDERATION OF BILL

On motion by Senator Fasano, the rules were waived and the Senate reconsidered the vote by which—

CS for SB 1784—A bill to be entitled An act relating to public records; exempting from public records requirements information and records reported to the Department of Health under the electronic monitoring system for prescription of controlled substances listed in Schedules II-IV; authorizing certain persons and entities access to patient-identifying information; providing guidelines for the use of such information and penalties for violations; providing for future legislative review and repeal; providing a finding of public necessity; providing a contingent effective date.

—as amended passed April 20.

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

Amendment 1 (363756)—On page 3, lines 8-20, delete those lines

Amendment 2 (261250)—On page 4, delete line 13 and insert: *necessity that personal-identifying information reported to the Department of*

Amendment 3 (862352)—On page 1, line 23, delete "*subsection*" and insert: *section*

On motion by Senator Fasano, **CS for SB 1784** as amended was passed by the required two-thirds vote of the members present, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Geller	Saunders
Atwater	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	Klein	Villalobos
Carlton	Lawson	Wasserman Schultz
Clary	Lee	Webster
Constantine	Lynn	Wilson
Cowin	Margolis	Wise
Crist	Miller	

Nays—None

The Honorable James E. "Jim" King, Jr., President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 1436 and CS for SB 1646, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 1436 and CS for SB 1646—A bill to be entitled An act relating to implementation of Amendment 9 to the State Constitution (November 2002 election); providing a short title; amending s. 1003.01, F.S.; defining the terms "core-curricula courses" and "extracurricular courses"; amending s. 1003.03, F.S.; establishing the constitutional class size maximum; providing for the determination of averages; providing for the department to calculate averages based upon student membership surveys; providing implementation options for school districts; providing accountability for the class size reduction measures; providing that a district school board that fails to comply with maximum class size requirements is subject to suspension by the Governor; creating s. 1011.685, F.S.; establishing an operating categorical fund for implementing class size reduction; providing for the use of the funds by school districts; creating s. 1013.735, F.S.; establishing the Classrooms for Kids Program; providing for the allocation of funds; providing requirements for district participation in the program; providing for the use of the funds; creating s. 1013.736, F.S.; establishing the District Equity Recognition Program; providing for eligibility for school district participation; establishing a district equity ratio for purposes of calculating the allocation for the program; providing for the use of the funds; creating s. 1013.737, F.S.; establishing the Class Size Reduction Lottery Revenue Bond Program; authorizing the issuance of revenue bonds to finance or refinance the construction, acquisition, reconstruction, or renovation of educational facilities; specifying that the bonds are payable from first proceeds of lottery revenues transferred to the Educational Enhancement Trust Fund; establishing a covenant with bondholders to not materially and adversely affect their rights; providing for issuance of the bonds by the Division of Bond Finance on behalf of the Department of Education; limiting the total amount of such bonds issued; providing for deposit of bond proceeds in the Lottery Capital Outlay and Debt Service Trust Fund; providing for the filing of complaints for validation; providing for timely encumbrances of funds for authorized projects; amending s. 24.121, F.S.; removing limitations on lottery revenues that may be pledged to the payment of debt service; amending s. 121.091, F.S.; authorizing instructional personnel who receive authorization to extend participation in the Deferred Retirement Option Program; requiring the Department of Management Services to request a determination from the United States Internal Revenue Service; providing that the changes effected by this act to the Deferred Retirement Option Program are contingent upon such determination or other favorable opinion; amending s. 1001.42, F.S.; clarifying provisions concerning a school-within-a-school; amending s. 1003.02, F.S.; requiring school districts to notify parents of acceleration mechanisms; eliminating a cross-reference to conform to changes made by the act; amending s. 1003.43, F.S.; removing the requirement that a life management course be offered during the 9th and 10th grade years; amending s. 1003.436, F.S.; reducing the number of hours required for one full credit; amending s. 1011.62, F.S.; removing a date limitation to provide for categorical flexibility; amending s. 1011.69, F.S.; deleting obsolete provisions; providing that Classrooms for Kids operating categorial funds are not subject to provisions requiring equity in school funding; amending s. 1012.56, F.S.; revising the time period for an authorized statement of status of eligibility for educator certification requirements; amending requirements for mastery of general knowledge for a teaching certificate; revising requirements for mastery of subject area knowledge; revising requirements for mastery of professional competence; amending s. 1012.57, F.S.; requiring district school boards to adopt rules to allow for the issuance of adjunct educator certificates; amending s. 1013.03, F.S.; requiring the Department of Education to review rules relating to school construction and make recommendations to the State Board of Education; amending s. 1013.31, F.S.; requiring school districts to periodically update the inventory of educational facilities; amending s. 1002.37, F.S.; revising reporting requirements for the board of trustees of the Florida Virtual School; providing for funding the Florida Virtual School within the Florida Education Finance Program; providing for the determination of a credit; eliminating obsolete provisions; amending s. 1011.61, F.S.; redefining the term "full-time equivalent student" to include a Florida Virtual School student; providing for membership to exceed certain maximum days of instruction; creating the Florida Business and Education in School Together (Florida BEST) Program; requiring school districts to seek business partners for Florida BEST schools; requiring each school district to create a Florida BEST school evaluation committee; defining a "Florida Business and Education in School Together (Florida BEST) school"; providing for priority in admission of students; providing parental responsibility; providing for contracts to operate Florida BEST schools; providing school district and business responsibilities for Florida BEST schools; providing exemptions from local government ordinances or regulations relating to square footage or floor area; repealing ss. 1002.33(13), 1012.41, and 1013.43, F.S., relating to number of charter schools, directors of career and technical education, and the small school requirement; amending s. 216.292, F.S.; requiring the Executive Office of the Governor to transfer funds for class size reduction based on recommendations of the Florida Education Finance Program Appropriation Allocation Conference; requiring notice and review; providing for severability; providing effective dates.

House Amendment 1 (483919)(with title amendment)—Remove everything after the enacting clause, and insert:

Section 1. *This act shall be known by the popular name the "Quality Education Act," with emphasis on class size reduction and better educated students and teachers (BEST) Florida teaching.*

Section 2. Subsections (14) and (15) are added to section 1003.01, Florida Statutes, to read:

1003.01 Definitions.—As used in this chapter, the term:

(14) "Core-curricula courses" means courses defined by the State Board of Education as mathematics, language arts/reading, science, social studies, foreign language, English for Speakers of Other Languages, or exceptional student education and courses taught in traditional, self-contained elementary school classrooms. The term is limited in meaning and used for the sole purpose of designating classes that are subject to the maximum class size requirements established in s. 1, Art. IX of the State Constitution.

(15) "Extracurricular courses" means all courses that are not defined as core-curricula courses. The term is limited in meaning and used for the sole purpose of designating classes that are not subject to the maximum class size requirements established in s. 1, Art. IX of the State Constitution.

Section 3. Section 1003.03, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 1003.03, F.S., for present text.)

1003.03 Maximum class size.—

(1) LEGISLATIVE INTENT.—It is the intent of the Legislature that s. 1, Art. IX of the State Constitution be implemented in an efficient manner that preserves the choice options available to parents and students. Accordingly, the Legislature finds that lab schools, charter schools, the Florida Virtual School, eligible K-8 virtual schools, and the Florida School for the Deaf and the Blind, as well as other alternatives to traditional delivery of instruction in the public schools, including, but not limited to, Advanced Placement, International Baccalaureate, Advanced International Certificate of Education, and dual enrollment courses, are not encompassed in the definition of core-curricula courses for purposes of implementing s. 1, Art. IX of the State Constitution.

(2) CONSTITUTIONAL CLASS SIZE MAXIMUMS.—Pursuant to s. 1, Art. IX of the State Constitution, beginning in the 2010-2011 school year:

(a) The maximum number of students assigned to each teacher who is teaching a core-curricula course in public school classrooms for prekindergarten through grade 3 may not exceed 18 students.

(b) The maximum number of students assigned to each teacher who is teaching a core-curricula course in public school classrooms for grades 4 through 8 may not exceed 22 students.

(c) The maximum number of students assigned to each teacher who is teaching a core-curricula course in public school classrooms for grades 9 through 12 may not exceed 25 students.

(3) IMPLEMENTATION.—

(a) Beginning with the 2003-2004 fiscal year, each school district that is not in compliance with the maximums described in subsection (2) shall reduce the average number of students per classroom in each of the following grade groupings: prekindergarten through grade 3, grade 4 through grade 8, and grade 9 through grade 12, by at least two students each year.

(b) Determination of the average number of students per classroom as described in paragraph (a) shall be calculated as follows:

1. For fiscal years 2003-2004 through 2005-2006, the calculation for compliance for each of the three grade groupings shall be the average at the school district level.

2. For fiscal years 2006-2007 and 2007-2008, the calculation for compliance for each of the three grade groupings shall be the average at the school level.

3. For fiscal years 2008-2009, 2009-2010, and thereafter, the calculation for compliance for each of the three grade groupings shall be at the individual classroom level.

(c) The Department of Education shall annually calculate each of the three average class size measures described in paragraphs (a) and (b) based upon the October student membership survey. For purposes of determining the baseline from which each school district's average class size must be reduced for the 2003-2004 school year, the department shall use data from the March 2003 student membership survey updated to include classroom identification numbers as required by the department.

(d) Prior to the adoption of the school district budget for 2003-2004, each district school board shall hold public hearings to review school attendance zones in order to ensure maximum use of facilities while minimizing the additional use of transportation in order to comply with the two-student-per-year reduction required in paragraph (a). School districts that meet the constitutional class size maximums described in subsection (2) are exempt from this requirement.

As alternatives to instruction in traditional public schools, courses provided by lab schools, charter schools, the Florida Virtual School, eligible K-8 virtual schools, and the Florida School for the Deaf and the Blind and Advanced Placement, International Baccalaureate, Advanced International Certificate of Education, and dual enrollment courses are not encompassed within the definition of core-curricula courses in public school classrooms. School districts shall make every effort to further reduce exceptional student education and English for Speakers of Other Languages class sizes below the class size maximums as necessary to provide high-quality instruction for these special needs students.

(4) IMPLEMENTATION OPTIONS.—District school boards must consider, but are not limited to, implementing the following items in order to meet the constitutional class size maximums described in subsection (2) and the two-student-per-year reduction required in subsection (3):

(a) Adopt policies to encourage qualified students to take dual enrollment courses through community colleges and state universities.

(b) Adopt policies to encourage students to take courses from the Florida Virtual School and eligible K-8 virtual schools.

(c)1. Repeal district school board policies that require students to have more than 24 credits to graduate from high school.

2. Adopt policies to allow students to graduate from high school as soon as they pass the grade 10 FCAT and complete the courses required for high school graduation.

(d) Use methods to maximize use of instructional staff, such as changing required teaching loads and scheduling of planning periods, deploying school district employees who have professional certification to the classroom, using adjunct educators, or using any other method not prohibited by law.

(e) Use innovative methods to reduce the cost of school construction by using prototype school designs, using SMART Schools designs, participating in the School Infrastructure Thrift (SIT) Program, or using any other method not prohibited by law.

(f) Use joint-use facilities through partnerships with community colleges, state universities, and private colleges and universities. Joint-use facilities available for use as K-12 classrooms that do not meet the K-12 State Regulations for Educational Facilities in the Florida Building Code may be used at the discretion of the district school board provided that such facilities meet all other health, life, safety, and fire codes.

(g) Adopt alternative methods of class scheduling, such as block scheduling.

(h) Redraw school attendance zones to maximize use of facilities while minimizing the additional use of transportation.

(i) Operate schools beyond the normal operating hours to provide classes in the evening or operate more than one session of school during the day.

(j) Use year-round schools and other nontraditional calendars that do not adversely impact annual assessment of student achievement.

(k) Review and consider amending any collective bargaining contracts that hinder the implementation of class size reduction.

(l) Provide Florida Learning Access Grants in accordance with s. 1002.395.

(m) Adopt policies to encourage the use of charter schools that meet financial, management, accountability, and performance standards as established by the State Board of Education.

(n) Use any other approach not prohibited by law.

(5) ACCOUNTABILITY.—

(a) Beginning in the 2004-2005 fiscal year, if the Commissioner of Education determines for any year that a school district has not reduced average class size as required in subsection (3) at the time of the third FEFP calculation, the department shall calculate an amount from the class size reduction operating categorical that is proportionate to the amount of class size reduction not accomplished. Upon verification of the department's calculation by the Florida Education Finance Program Appropriation Allocation Conference, the Executive Office of the Governor shall transfer undistributed funds, except for funds that have been encumbered for classroom teacher contracts, equivalent to the calculated amount from the school district's class size reduction operating categorical to an approved fixed capital outlay appropriation for class size reduction in the affected school district pursuant to s. 216.292(13). The amount of such funds transferred shall be the lesser of the amount specified above or the undistributed balance of the school district's class size reduction operating categorical.

(b) Beginning in the 2006-2007 school year, the Commissioner of Education shall determine by January 15 of each year which school districts have not met the two-student-per-year reduction required in subsection (3) based upon a comparison of the school district's October student membership survey for the current school year and the March 2003 baseline student membership survey. The commissioner shall report such school districts to the Legislature. Each school district that has not met the two-student-per-year reduction shall be required to implement one of the following policies in the subsequent school year unless the commissioner finds that the school district comes into compliance based upon the February student membership survey:

1. Year-round schools;

2. Double sessions;

3. Florida Learning Access Grants, pursuant to s. 1002.395;

4. Rezoning; or

5. Maximizing use of instructional staff by changing required teacher loads and scheduling of planning periods, deploying school district employees who have professional certification to the classroom, using adjunct educators, operating schools beyond the normal operating hours to provide classes in the evening, or operating more than one session of school during the day.

A school district that is required to implement one of the policies outlined in subparagraphs 1.-5. shall correct in the year of implementation any past deficiencies and bring the school district into compliance with the two-student-per-year reduction requirements pursuant to subsection (3). A school district may choose to implement more than one of these policies. The district school superintendent shall report to the Commissioner of Education the extent to which the school district implemented any of the policies outlined in subparagraphs 1.-5. in a format to be specified by the commissioner. The commissioner shall use the enforcement authority provided in s. 1008.32 to ensure that school districts comply with the provisions of this paragraph.

(c) Beginning in the 2007-2008 school year, the Commissioner of Education shall annually determine which school districts do not meet the requirements described in subsection (3). In addition to enforcement authority provided in s. 1008.32, the commissioner shall develop a constitutional compliance plan for each such school district that includes, but is not limited to, redrawing school attendance zones to maximize use of facilities while minimizing the additional use of transportation, unless the commissioner finds that the school district comes into compliance based upon the February student membership survey and the other accountability policies listed in paragraph (b). Each district school board shall implement its constitutional compliance plan developed by the commissioner until the school district complies with the constitutional class size maximums.

Section 4. Section 1011.685, Florida Statutes, is created to read:

1011.685 Class size reduction; operating categorical fund.—

(1) There is created an operating categorical fund for implementing the class size reduction provisions of s. 1, Art. IX of the State Constitution. These funds shall be allocated to each school district based on the school district's proportionate share of FEFP base funding. Funds shall be released upon the State Board of Education's approval of the school district' s class size reduction plan.

(2) Class size reduction operating categorical funds shall be used by school districts for the following:

(a) To reduce class size in any lawful manner if the school district has not met the constitutional class size maximums identified in s. 1003.03(2) or the two-student-per-year reduction required by s. 1003.03(3).

(b) Upon satisfying the requirements of paragraph (a), to implement the requirements of ss. 1011.63 and 1012.231(2).

(c) Upon satisfying the requirements of paragraphs (a) and (b), for any lawful operating expenditure; however, priority should be given to increasing the salary of career teachers as defined in s. 1012.231(2)(b).

(3) Notwithstanding the provisions of s. 1011.71(2), a school district receiving funds under this section is authorized until June 30, 2006, to use up to 2 mills of its nonvoted capital improvement millage for any lawful operating expenditure if the school district has met the constitutional class size maximums identified in s. 1003.03(2); however, priority should be given to increasing the salary of career teachers as defined in s. 1012.231(2)(b). In order to exercise the authority of this subsection, the school district must:

(a) Hold a public hearing that clearly communicates the school district's purpose for the use of the funds and, during a regularly scheduled meeting of the district school board, vote to use such funds in the manner and for the purpose identified in the public hearing.

(b) Annually report to the Department of Education the amount of funds used and the operating expenditures for which the funds were used.

(4) The Department of Education shall collect all such reports and shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31 of each year a summary of each school district's use of nonvoted capital improvement millage for operating expenditures, including a summary of the amount of funds used and the operating expenditures for which the funds were used.

(5) No later than June 30, 2006, the Legislature shall review such reports for purposes of determining whether any school district expended nonvoted capital improvement millage while failing to comply with subsection (3) or any other provision of law. Upon such review, if the Legislature so directs, the Department of Education shall withhold from the school district's allocation from the Public Education Capital Outlay and Debt Service Trust Fund no less than an amount of funds equivalent to the amount determined by the Legislature to have been so expended.

Section 5. Section 1013.735, Florida Statutes, is created to read:

1013.735 Class Size Reduction Infrastructure Program.—

(1) ALLOCATION.—The Department of Education shall allocate funds appropriated for the Class Size Reduction Infrastructure Program, which is hereby established.

(2) DISTRICT PARTICIPATION.—In order to participate in the Class Size Reduction Infrastructure Program, a district school board shall:

(a) Enter into an interlocal agreement pursuant to s. 1013.33.

(b) Certify that the school district's inventory of facilities listed in the Florida Inventory of School Houses is accurate and up to date pursuant to s. 1013.31.

(c) Receive approval from the State Board of Education for a capital outlay expenditure plan that is based on documented infrastructure need and is limited only to construction, renovation, and remodeling expenditures and purchase or lease-purchase of relocatables for class size reduction.

(3) USE OF FUNDS.—In order to increase capacity to reduce class size, a district school board shall expend the funds received pursuant to this section only to:

(a) Construct, renovate, remodel, or repair educational facilities that reduce class size and are in excess of funded projects identified in the school district's 5-year work program adopted prior to March 15, 2003; or

(b) Purchase or lease-purchase relocatable facilities that are in excess of relocatables identified in the school district's 5-year work program adopted prior to March 15, 2003.

Section 6. Effective upon this act becoming a law, section 1013.736, Florida Statutes, is created to read:

1013.736 District Effort Recognition Program.—

(1) RECOGNITION FUNDS.—From funds appropriated by the Legislature, district effort recognition capital outlay grants shall be made to eligible school districts in accordance with the provisions of this section and the General Appropriations Act. The funds appropriated in this section are not subject to the provisions of s. 216.301.

(2) ELIGIBILITY.—Annually, the Department of Education shall determine each school district's compliance with the provisions of s. 1003.03 and determine the school district's eligibility to receive a district effort recognition grant for local school facilities projects pursuant to this section. School districts shall be eligible for a district effort recognition grant based upon participation in any of the following:

(a) The school district levies a half-cent school capital outlay sales surtax authorized in s. 212.055(6).

(b) The school district participates in the levy of the local government infrastructure sales surtax authorized in s. 212.055(2).

(c) The school district levies voted millage for capital outlay purposes as authorized in s. 9, Art. VII of the State Constitution.

(d) The school district levies the full 2 mills of nonvoted discretionary capital outlay millage authorized by s. 1011.71(2).

(e) The school district receives proceeds of school impact fees greater than $500 per dwelling unit.

(3) ALLOCATION AND DISTRIBUTION OF FUNDS.—The department shall allocate the annual amount of funds provided among all eligible school districts based upon the school district's plan approved by the State Board of Education and documented infrastructure need, which shall be limited solely to construction, renovation, and remodeling expenditures and purchase or lease-purchase of relocatables for class size reduction.

Section 7. Section 1013.737, Florida Statutes, is created to read:

1013.737 Class Size Reduction Lottery Revenue Bond Program.—There is established the Class Size Reduction Lottery Revenue Bond Program.

(1) The issuance of revenue bonds is authorized to finance or refinance the construction, acquisition, reconstruction, or renovation of educational facilities. Such bonds shall be issued pursuant to and in compliance with the provisions of s. 11(d), Art. VII of the State Constitution, the provisions of the State Bond Act, ss. 215.57-215.83, as amended, and the provisions of this section.

(2) The bonds are payable from, and secured by a first lien on, the first lottery revenues transferred to the Educational Enhancement Trust Fund each fiscal year, as provided by s. 24.121(2), and do not constitute a general obligation of, or a pledge of the full faith and credit of, the state.

(3) The state hereby covenants with the holders of such revenue bonds that it will not take any action that will materially and adversely affect the rights of such holders so long as bonds authorized by this section are outstanding. The state does hereby additionally authorize the establishment of a covenant in connection with the bonds which provides that any additional funds received by the state from new or enhanced lottery programs or other similar activities will first be available for payments relating to bonds pledging revenues available pursuant to s. 24.121(2) prior to use for any other purpose.

(4) The bonds shall be issued by the Division of Bond Finance of the State Board of Administration on behalf of the Department of Education in such amount as shall be requested by resolution of the State Board of Education. However, the total principal amount of bonds, excluding refunding bonds, issued pursuant to this section shall not exceed $600 million.

(5) Proceeds available from the sale of the bonds shall be deposited in the Lottery Capital Outlay and Debt Service Trust Fund within the Department of Education.

(6) The facilities to be financed with the proceeds of such bonds are designated as state fixed capital outlay projects for purposes of s. 11(d), Art. VII of the State Constitution, and the specific facilities to be financed shall be determined in accordance with state law and appropriations from the Educational Enhancement Trust Fund. Prior to the release of funds, the State Board of Education must approve each school district's expenditure plan, which plan must be based on documented infrastructure need and be limited solely to construction, renovation, and remodeling expenditures and purchase or lease-purchase of relocatables for class size reduction. Projects shall be funded from the Lottery Capital Outlay and Debt Service Trust Fund. Each educational facility to be financed with the proceeds of the bonds issued pursuant to this section is hereby approved as required by s. 11(f), Art. VII of the State Constitution.

(7) Any complaint for validation of such bonds is required to be filed only in the circuit court of the county where the seat of state government is situated. The notice required to be published by s. 75.06 is required to be published only in the county where the complaint is filed, and the complaint and order of the circuit court need be served only on the state attorney of the circuit in which the action is pending.

(8) The Commissioner of Education shall provide for timely encumbrances of funds for duly authorized projects. Encumbrances may include proceeds to be received under a resolution approved by the State Board of Education authorizing issuance of class size reduction lottery bonds pursuant to s. 11(d), Art. VII of the State Constitution, this section, and other applicable law.

Section 8. Subsection (2) of section 24.121, Florida Statutes, is amended to read:

24.121 Allocation of revenues and expenditure of funds for public education.—

(2) Each fiscal year, at least 38 percent of the gross revenue from the sale of on-line lottery tickets, variable percentages of the gross revenue from the sale of instant lottery tickets as determined by the department consistent with subsection (1), and other earned revenue, excluding application processing fees, shall be deposited in the Educational Enhancement Trust Fund, which is hereby created in the State Treasury to be administered by the Department of Education. The Department of the Lottery shall transfer moneys to the Educational Enhancement Trust Fund at least once each quarter. Funds in the Educational Enhancement Trust Fund shall be used to the benefit of public education in accordance with the provisions of this act. Notwithstanding any other provision of law, ~~a maximum of $180 million of~~ lottery revenues transferred to the Educational Enhancement Trust Fund ~~in fiscal year 1997-1998 and for 30 years thereafter~~ shall be reserved as needed and used to meet the requirements of the documents authorizing the bonds issued by the state pursuant to s. 1013.68, ~~or~~ s. 1013.70*, or s. 1013.737* or distributed to school districts for the Classrooms First Program as provided in s. 1013.68. Such lottery revenues are hereby pledged to the payment of debt service on bonds issued by the state pursuant to s. 1013.68, ~~or~~ s. 1013.70*, or s. 1013.737*. Debt service payable on bonds issued by the state pursuant to s. 1013.68, ~~or~~ s. 1013.70*, or s. 1013.737* shall be payable from*, and are secured by a first lien on,* the first lottery revenues transferred to the Educational Enhancement Trust Fund in each fiscal year. Amounts distributable to school districts that request the issuance of bonds pursuant to s. 1013.68(3) are hereby pledged to such bonds pursuant to s. 11(d), Art. VII of the State Constitution. ~~The amounts distributed through the Classrooms First Program shall equal $145 million in each fiscal year. These funds are intended to provide up to $2.5 billion for public school facilities.~~

Section 9. Effective upon this act becoming a law, subsection (13) of section 121.091, Florida Statutes, is amended to read:

121.091 Benefits payable under the system.—Benefits may not be paid under this section unless the member has terminated employment as provided in s. 121.021(39)(a) or begun participation in the Deferred Retirement Option Program as provided in subsection (13), and a proper application has been filed in the manner prescribed by the department. The department may cancel an application for retirement benefits when the member or beneficiary fails to timely provide the information and documents required by this chapter and the department's rules. The department shall adopt rules establishing procedures for application for retirement benefits and for the cancellation of such application when the required information or documents are not received.

(13) DEFERRED RETIREMENT OPTION PROGRAM.—In general, and subject to the provisions of this section, the Deferred Retirement Option Program, hereinafter referred to as the DROP, is a program under which an eligible member of the Florida Retirement System may elect to participate, deferring receipt of retirement benefits while continuing employment with his or her Florida Retirement System employer. The deferred monthly benefits shall accrue in the System Trust Fund on behalf of the participant, plus interest compounded monthly, for the specified period of the DROP participation, as provided in paragraph (c). Upon termination of employment, the participant shall receive the total

DROP benefits and begin to receive the previously determined normal retirement benefits. Participation in the DROP does not guarantee employment for the specified period of DROP. *Participation in the DROP by an eligible member beyond the initial 60-month period as authorized in this subsection shall be on an annual contractual basis for all participants.*

(a) Eligibility of member to participate in the DROP.—All active Florida Retirement System members in a regularly established position, and all active members of either the Teachers' Retirement System established in chapter 238 or the State and County Officers' and Employees' Retirement System established in chapter 122 which systems are consolidated within the Florida Retirement System under s. 121.011, are eligible to elect participation in the DROP provided that:

1. The member is not a renewed member of the Florida Retirement System under s. 121.122, or a member of the State Community College System Optional Retirement Program under s. 121.051, the Senior Management Service Optional Annuity Program under s. 121.055, or the optional retirement program for the State University System under s. 121.35.

2. Except as provided in subparagraph 6., election to participate is made within 12 months immediately following the date on which the member first reaches normal retirement date, or, for a member who reaches normal retirement date based on service before he or she reaches age 62, or age 55 for Special Risk Class members, election to participate may be deferred to the 12 months immediately following the date the member attains 57, or age 52 for Special Risk Class members. For a member who first reached normal retirement date or the deferred eligibility date described above prior to the effective date of this section, election to participate shall be made within 12 months after the effective date of this section. A member who fails to make an election within such 12-month limitation period shall forfeit all rights to participate in the DROP. The member shall advise his or her employer and the division in writing of the date on which the DROP shall begin. Such beginning date may be subsequent to the 12-month election period, but must be within the 60-month *or, with respect to members who are instructional or administrative personnel employed by a community college in areas of critical need identified by the district board of trustees and who have received authorization by the district board of trustees to participate in the DROP beyond 60 months, or who are instructional or administrative personnel employed by the Florida School for the Deaf and the Blind and who have received authorization by the Board of Trustees of the Florida School for the Deaf and the Blind to participate in the DROP beyond 60 months, or who are instructional personnel as defined in s. 1012.01(2)(a)-(d) in grades K-12 or administrative personnel as defined in s. 1012.01(3) in grades K-12 and who have received authorization by the district school superintendent to participate in the DROP beyond 60 months, the 96-month* limitation period as provided in subparagraph (b)1. When establishing eligibility of the member to participate in the DROP for the 60-month *or, with respect to members who are instructional or administrative personnel employed by a community college in areas of critical need identified by the district board of trustees and who have received authorization by the district board of trustees to participate in the DROP beyond 60 months, or who are instructional or administrative personnel employed by the Florida School for the Deaf and the Blind and who have received authorization by the Board of Trustees of the Florida School for the Deaf and the Blind to participate in the DROP beyond 60 months, or who are instructional personnel as defined in s. 1012.01(2)(a)-(d) in grades K-12 or administrative personnel as defined in s. 1012.01(3) in grades K-12 and who have received authorization by the district school superintendent to participate in the DROP beyond 60 months, the 96-month* maximum participation period, the member may elect to include or exclude any optional service credit purchased by the member from the total service used to establish the normal retirement date. A member with dual normal retirement dates shall be eligible to elect to participate in DROP within 12 months after attaining normal retirement date in either class.

3. The employer of a member electing to participate in the DROP, or employers if dually employed, shall acknowledge in writing to the division the date the member's participation in the DROP begins and the date the member's employment and DROP participation will terminate.

4. Simultaneous employment of a participant by additional Florida Retirement System employers subsequent to the commencement of participation in the DROP shall be permissible provided such employers acknowledge in writing a DROP termination date no later than the participant's existing termination date or the 60-month limitation period as provided in subparagraph (b)1.

5. A DROP participant may change employers while participating in the DROP, subject to the following:

a. A change of employment must take place without a break in service so that the member receives salary for each month of continuous DROP participation. If a member receives no salary during a month, DROP participation shall cease unless the employer verifies a continuation of the employment relationship for such participant pursuant to s. 121.021(39)(b).

b. Such participant and new employer shall notify the division on forms required by the division as to the identity of the new employer.

c. The new employer shall acknowledge, in writing, the participant's DROP termination date, which may be extended but not beyond the original 60-month *or, with respect to members who are instructional or administrative personnel employed by a community college in areas of critical need identified by the district board of trustees and who have received authorization by the district board of trustees to participate in the DROP beyond 60 months, or who are instructional or administrative personnel employed by the Florida School for the Deaf and the Blind and who have received authorization by the Board of Trustees of the Florida School for the Deaf and the Blind to participate in the DROP beyond 60 months, or who are instructional personnel as defined in s. 1012.01(2)(a)-(d) in grades K-12 or administrative personnel as defined in s. 1012.01(3) in grades K-12 and who have received authorization by the district school superintendent to participate in the DROP beyond 60 months, the 96-month* period provided in subparagraph (b)1., shall acknowledge liability for any additional retirement contributions and interest required if the participant fails to timely terminate employment, and shall be subject to the adjustment required in sub-subparagraph (c)5.d.

6. Effective July 1, 2001, for instructional personnel as defined in s. 1012.01(2), election to participate in the DROP shall be made at any time following the date on which the member first reaches normal retirement date. The member shall advise his or her employer and the division in writing of the date on which the Deferred Retirement Option Program shall begin. When establishing eligibility of the member to participate in the DROP for the 60-month *or, with respect to members who are instructional or administrative personnel employed by a community college in areas of critical need identified by the district board of trustees and who have received authorization by the district board of trustees to participate in the DROP beyond 60 months, or who are instructional or administrative personnel employed by the Florida School for the Deaf and the Blind and who have received authorization by the Board of Trustees of the Florida School for the Deaf and the Blind to participate in the DROP beyond 60 months, or who are instructional personnel as defined in s. 1012.01(2)(a)-(d) in grades K-12 or administrative personnel as defined in s. 1012.01(3) in grades K-12 and who have received authorization by the district school superintendent to participate in the DROP beyond 60 months, the 96-month* maximum participation period, as provided in subparagraph (b)1., the member may elect to include or exclude any optional service credit purchased by the member from the total service used to establish the normal retirement date. A member with dual normal retirement dates shall be eligible to elect to participate in either class.

(b) Participation in the DROP.—

1. An eligible member may elect to participate in the DROP for a period not to exceed a maximum of 60 calendar months *or, with respect to members who are instructional or administrative personnel employed by a community college in areas of critical need identified by the district board of trustees and who have received authorization by the district board of trustees to participate in the DROP beyond the initial 60 calendar months on an annual contractual basis, or who are instructional or administrative personnel employed by the Florida School for the Deaf and the Blind and who have received authorization by the Board of Trustees of the Florida School for the Deaf and the Blind to participate in the DROP beyond the initial 60 calendar months on an annual contractual basis, or who are instructional personnel as defined in s. 1012.01(2)(a)-(d) in grades K-12 or administrative personnel as defined in s. 1012.01(3) in grades K-12 and who have received authorization by*

the district school superintendent to participate in the DROP beyond the initial 60 calendar months on an annual contractual basis, a maximum of 96 calendar months immediately following the date on which the member first reaches his or her normal retirement date or the date to which he or she is eligible to defer his or her election to participate as provided in subparagraph (a)2. However, a member who has reached normal retirement date prior to the effective date of the DROP shall be eligible to participate in the DROP for a period of time not to exceed 60 calendar months *or, with respect to members who are instructional or administrative personnel employed by a community college in areas of critical need identified by the district board of trustees and who have received authorization by the district board of trustees to participate in the DROP beyond the initial 60 calendar months on an annual contractual basis, or who are instructional or administrative personnel employed by the Florida School for the Deaf and the Blind and who have received authorization by the Board of Trustees of the Florida School for the Deaf and the Blind to participate in the DROP beyond the initial 60 calendar months on an annual contractual basis, or who are instructional personnel as defined in s. 1012.01(2)(a)-(d) in grades K-12 or administrative personnel as defined in s. 1012.01(3) in grades K-12 and who have received authorization by the district school superintendent to participate in the DROP beyond the initial 60 calendar months on an annual contractual basis, a maximum of 96 calendar months* immediately following the effective date of the DROP, except a member of the Special Risk Class who has reached normal retirement date prior to the effective date of the DROP and whose total accrued value exceeds 75 percent of average final compensation as of his or her effective date of retirement shall be eligible to participate in the DROP for no more than 36 calendar months immediately following the effective date of the DROP.

2. Upon deciding to participate in the DROP, the member shall submit, on forms required by the division:

a. A written election to participate in the DROP;

b. Selection of the DROP participation and termination dates, which satisfy the limitations stated in paragraph (a) and subparagraph 1. Such termination date shall be in a binding letter of resignation with the employer, establishing a deferred termination date. The member may change the termination date within the limitations of subparagraph 1., but only with the written approval of his or her employer;

c. A properly completed DROP application for service retirement as provided in this section; and

d. Any other information required by the division.

3. The DROP participant shall be a retiree under the Florida Retirement System for all purposes, except for paragraph (5)(f) and subsection (9) and ss. 112.3173, 112.363, 121.053, and 121.122. However, participation in the DROP does not alter the participant's employment status and such employee shall not be deemed retired from employment until his or her deferred resignation is effective and termination occurs as provided in s. 121.021(39).

4. Elected officers shall be eligible to participate in the DROP subject to the following:

a. An elected officer who reaches normal retirement date during a term of office may defer the election to participate in the DROP until the next succeeding term in that office. Such elected officer who exercises this option may participate in the DROP for up to 60 calendar months or a period of no longer than such succeeding term of office, whichever is less.

b. An elected or a nonelected participant may run for a term of office while participating in DROP and, if elected, extend the DROP termination date accordingly, except, however, if such additional term of office exceeds the 60-month limitation established in subparagraph 1., and the officer does not resign from office within such 60-month limitation, the retirement and the participant's DROP shall be null and void as provided in sub-subparagraph (c)5.d.

c. An elected officer who is dually employed and elects to participate in DROP shall be required to satisfy the definition of termination within the 60-month *or, with respect to members who are instructional or administrative personnel employed by a community college in areas of critical need identified by the district board of trustees and who have received authorization by the district board of trustees to participate in the DROP beyond 60 months, or who are instructional or administrative personnel employed by the Florida School for the Deaf and the Blind and who have received authorization by the Board of Trustees of the Florida School for the Deaf and the Blind to participate in the DROP beyond 60 months, or who are instructional personnel as defined in s. 1012.01(2)(a)-(d) in grades K-12 or administrative personnel as defined in s. 1012.01(3) in grades K-12 and who have received authorization by the district school superintendent to participate in the DROP beyond 60 months, the 96-month* limitation period as provided in subparagraph 1. for the nonelected position and may continue employment as an elected officer as provided in s. 121.053. The elected officer will be enrolled as a renewed member in the Elected Officers' Class or the Regular Class, as provided in ss. 121.053 and 121.22, on the first day of the month after termination of employment in the nonelected position and termination of DROP. Distribution of the DROP benefits shall be made as provided in paragraph (c).

(c) Benefits payable under the DROP.—

1. Effective with the date of DROP participation, the member's initial normal monthly benefit, including creditable service, optional form of payment, and average final compensation, and the effective date of retirement shall be fixed. The beneficiary established under the Florida Retirement System shall be the beneficiary eligible to receive any DROP benefits payable if the DROP participant dies prior to the completion of the period of DROP participation. In the event a joint annuitant predeceases the member, the member may name a beneficiary to receive accumulated DROP benefits payable. Such retirement benefit, the annual cost of living adjustments provided in s. 121.101, and interest shall accrue monthly in the System Trust Fund. Such interest shall accrue at an effective annual rate of 6.5 percent compounded monthly, on the prior month's accumulated ending balance, up to the month of termination or death.

2. Each employee who elects to participate in the DROP shall be allowed to elect to receive a lump-sum payment for accrued annual leave earned in accordance with agency policy upon beginning participation in the DROP. Such accumulated leave payment certified to the division upon commencement of DROP shall be included in the calculation of the member's average final compensation. The employee electing such lump-sum payment upon beginning participation in DROP will not be eligible to receive a second lump-sum payment upon termination, except to the extent the employee has earned additional annual leave which combined with the original payment does not exceed the maximum lump-sum payment allowed by the employing agency's policy or rules. Such early lump-sum payment shall be based on the hourly wage of the employee at the time he or she begins participation in the DROP. If the member elects to wait and receive such lump-sum payment upon termination of DROP and termination of employment with the employer, any accumulated leave payment made at that time cannot be included in the member's retirement benefit, which was determined and fixed by law when the employee elected to participate in the DROP.

3. The effective date of DROP participation and the effective date of retirement of a DROP participant shall be the first day of the month selected by the member to begin participation in the DROP, provided such date is properly established, with the written confirmation of the employer, and the approval of the division, on forms required by the division.

4. Normal retirement benefits and interest thereon shall continue to accrue in the DROP until the established termination date of the DROP, or until the participant terminates employment or dies prior to such date. Although individual DROP accounts shall not be established, a separate accounting of each participant's accrued benefits under the DROP shall be calculated and provided to participants.

5. At the conclusion of the participant's DROP, the division shall distribute the participant's total accumulated DROP benefits, subject to the following provisions:

a. The division shall receive verification by the participant's employer or employers that such participant has terminated employment as provided in s. 121.021(39)(b).

b. The terminated DROP participant or, if deceased, such participant's named beneficiary, shall elect on forms provided by the division to receive payment of the DROP benefits in accordance with one of the

options listed below. For a participant or beneficiary who fails to elect a method of payment within 60 days of termination of the DROP, the division will pay a lump sum as provided in sub-sub-subparagraph (I).

(I) Lump sum.—All accrued DROP benefits, plus interest, less withholding taxes remitted to the Internal Revenue Service, shall be paid to the DROP participant or surviving beneficiary.

(II) Direct rollover.—All accrued DROP benefits, plus interest, shall be paid from the DROP directly to the custodian of an eligible retirement plan as defined in s. 402(c)(8)(B) of the Internal Revenue Code. However, in the case of an eligible rollover distribution to the surviving spouse of a deceased participant, an eligible retirement plan is an individual retirement account or an individual retirement annuity as described in s. 402(c)(9) of the Internal Revenue Code.

(III) Partial lump sum.—A portion of the accrued DROP benefits shall be paid to the DROP participant or surviving spouse, less withholding taxes remitted to the Internal Revenue Service, and the remaining DROP benefits shall be transferred directly to the custodian of an eligible retirement plan as defined in s. 402(c)(8)(B) of the Internal Revenue Code. However, in the case of an eligible rollover distribution to the surviving spouse of a deceased participant, an eligible retirement plan is an individual retirement account or an individual retirement annuity as described in s. 402(c)(9) of the Internal Revenue Code. The proportions shall be specified by the DROP participant or surviving beneficiary.

c. The form of payment selected by the DROP participant or surviving beneficiary complies with the minimum distribution requirements of the Internal Revenue Code.

d. A DROP participant who fails to terminate employment as defined in s. 121.021(39)(b) shall be deemed not to be retired, and the DROP election shall be null and void. Florida Retirement System membership shall be reestablished retroactively to the date of the commencement of the DROP, and each employer with whom the participant continues employment shall be required to pay to the System Trust Fund the difference between the DROP contributions paid in paragraph (i) and the contributions required for the applicable Florida Retirement System class of membership during the period the member participated in the DROP, plus 6.5 percent interest compounded annually.

6. The accrued benefits of any DROP participant, and any contributions accumulated under such program, shall not be subject to assignment, execution, attachment, or to any legal process whatsoever, except for qualified domestic relations orders by a court of competent jurisdiction, income deduction orders as provided in s. 61.1301, and federal income tax levies.

7. DROP participants shall not be eligible for disability retirement benefits as provided in subsection (4).

(d) Death benefits under the DROP.—

1. Upon the death of a DROP participant, the named beneficiary shall be entitled to apply for and receive the accrued benefits in the DROP as provided in sub-subparagraph (c)5.b.

2. The normal retirement benefit accrued to the DROP during the month of a participant's death shall be the final monthly benefit credited for such DROP participant.

3. Eligibility to participate in the DROP terminates upon death of the participant. If the participant dies on or after the effective date of enrollment in the DROP, but prior to the first monthly benefit being credited to the DROP, Florida Retirement System benefits shall be paid in accordance with subparagraph (7)(c)1. or subparagraph 2.

4. A DROP participants' survivors shall not be eligible to receive Florida Retirement System death benefits as provided in paragraph (7)(d).

(e) Cost-of-living adjustment.—On each July 1, the participants' normal retirement benefit shall be increased as provided in s. 121.101.

(f) Retiree health insurance subsidy.—DROP participants are not eligible to apply for the retiree health insurance subsidy payments as provided in s. 112.363 until such participants have terminated employment and participation in the DROP.

(g) Renewed membership.—DROP participants shall not be eligible for renewed membership in the Florida Retirement System under ss. 121.053 and 121.122 until termination of employment is effectuated as provided in s. 121.021(39)(b).

(h) Employment limitation after DROP participation.—Upon satisfying the definition of termination of employment as provided in s. 121.021(39)(b), DROP participants shall be subject to such reemployment limitations as other retirees. Reemployment restrictions applicable to retirees as provided in subsection (9) shall not apply to DROP participants until their employment and participation in the DROP are terminated.

(i) Contributions.—

1. All employers paying the salary of a DROP participant filling a regularly established position shall contribute 8.0 percent of such participant's gross compensation for the period of July 1, 2002, through June 30, 2003, and 11.56 percent of such compensation thereafter, which shall constitute the entire employer DROP contribution with respect to such participant. Such contributions, payable to the System Trust Fund in the same manner as required in s. 121.071, shall be made as appropriate for each pay period and are in addition to contributions required for social security and the Retiree Health Insurance Subsidy Trust Fund. Such employer, social security, and health insurance subsidy contributions are not included in the DROP.

2. The employer shall, in addition to subparagraph 1., also withhold one-half of the entire social security contribution required for the participant. Contributions for social security by each participant and each employer, in the amount required for social security coverage as now or hereafter provided by the federal Social Security Act, shall be in addition to contributions specified in subparagraph 1.

3. All employers paying the salary of a DROP participant filling a regularly established position shall contribute the percent of such participant's gross compensation required in s. 121.071(4), which shall constitute the employer's health insurance subsidy contribution with respect to such participant. Such contributions shall be deposited by the administrator in the Retiree Health Insurance Subsidy Trust Fund.

(j) Forfeiture of retirement benefits.—Nothing in this section shall be construed to remove DROP participants from the scope of s. 8(d), Art. II of the State Constitution, s. 112.3173, and paragraph (5)(f). DROP participants who commit a specified felony offense while employed will be subject to forfeiture of all retirement benefits, including DROP benefits, pursuant to those provisions of law.

(k) Administration of program.—The division shall make such rules as are necessary for the effective and efficient administration of this subsection. The division shall not be required to advise members of the federal tax consequences of an election related to the DROP but may advise members to seek independent advice.

Section 10. Subsection (20) of section 1001.42, Florida Statutes, is amended to read:

1001.42 Powers and duties of district school board.—The district school board, acting as a board, shall exercise all powers and perform all duties listed below:

(20) SCHOOL-WITHIN-A-SCHOOL.—In order to reduce the anonymity of students in large schools, adopt policies to encourage any *large* school ~~that does not meet the definition of a small school, as established by s. 1013.43(2),~~ to subdivide into schools-within-a-school that shall operate within existing resources in accordance with the provisions of chapter 1003.

Section 11. Section 1002.395, Florida Statutes, is created to read:

1002.395 Florida Learning Access Grants.—

(1) POPULAR NAME.—This section shall be known by the popular name the "Florida Learning Access Grants Program."

(2) DISTRICT PARTICIPATION.—District school boards may choose to implement the Florida Learning Access Grants program as a strategy to reduce class size in their local school districts pursuant to s. 1003.03(4). District school boards may be required to participate in this

program to reduce class size if the Commissioner of Education so determines pursuant to s. 1003.03(5)(b).

(3) PARENTAL CHOICE.—The parent of any K-12 student in a school district participating in the program pursuant to subsection (2) who is enrolled and in attendance during the October and February FTE enrollment counts in a Florida public school may, for the following school year:

(a) Opt to have the student remain in the school in which the student is enrolled; or

(b) Opt to request, on an annual basis, a Florida Learning Access Grant to assist the parent in paying for the student's attendance at an eligible private school of the parent's choice. The grant shall be in the amount of $3,500 in 2003 dollars, adjusted annually thereafter to reflect increases or decreases in the Consumer Price Index, or the tuition charged by the private school, whichever is less. The parent choosing a Florida Learning Access Grant shall be responsible for the child's transportation.

(4) PARTICIPATING SCHOOL DISTRICT OBLIGATIONS.—Each school district participating in this program shall annually by February 22, for each K-12 student eligible under subsection (3), notify the parent that the school district has chosen to offer Florida Learning Access Grants and provide the parent with the parental choice options for the following school year as provided in subsection (3).

(5) PARENT OBLIGATIONS.—

(a) The parent shall notify the school district as to which of the options provided in subsection (3) the parent wishes to choose.

1. Failure of the parent to provide notification shall constitute the choice of the option provided by paragraph (3)(a).

2. If the parent chooses the option provided by paragraph (3)(b), the parent must:

a. Obtain acceptance for admission of the student to a private school eligible under subsection (6) as soon as possible and inform the private school that the student will be using a Florida Learning Access Grant.

b. Notify the Department of Education of the parent's request for a Florida Learning Access Grant and the name and address of the selected private school.

c. Agree to provide transportation for the student to the private school if necessary.

d. Agree to pay any costs associated with the student's attendance at the private school that exceed the annual amount of the Florida Learning Access Grant.

e. Agree that the education provided by the private school selected shall satisfy the student's full need for educational services from the student's school.

f. Ensure that the student takes a nationally normed examination as determined by the private school for each grade 3 through 10. The results of the examination shall be provided to the parent.

(b) After the first year of the student's attendance at a private school under the Florida Learning Access Grants program, the parent must annually notify the Department of Education if the parent intends to renew the grant according to the provisions of subsection (8) in order for the student to continue in the program, together with the name and address of the private school selected for the student for the following year.

(6) PRIVATE SCHOOL ELIGIBILITY.—Eligibility of a private school shall be determined by the parental oversight and accountability requirements that, coupled with the exercise of parental choice, are reasonably necessary to secure the educational public purpose. To be eligible to participate in the Florida Learning Access Grants program, a private school must be a Florida private school, may be sectarian or nonsectarian, and must:

(a) Demonstrate fiscal soundness by being in operation for 1 school year or provide the Department of Education with a statement by a certified public accountant confirming that the private school desiring to participate is insured and the owner or owners have sufficient capital or credit to operate the school for the upcoming year serving the number of students anticipated with expected revenues from tuition and other sources that may be reasonably expected. In lieu of such a statement, a surety bond or letter of credit for the amount equal to the Florida Learning Access Grant funds for any school year may be filed with the department.

(b) Notify the Department of Education and the school district in the service areas in which the school is located of its intent to participate in the program under this section as early as possible, but no later than July 1 preceding the school year in which it intends to participate. The notice shall specify the grade levels and services that the private school has available for the Florida Learning Access Grants program.

(c) Comply with the antidiscrimination provisions of 42 U.S.C. s. 2002d.

(d) Meet state and local health and safety laws and codes.

(e) Comply with all state statutes applicable to the general regulation of private schools.

(f) If a Florida Learning Access Grant student's parent so requests, coordinate with the school district the locations and times for the student to take all statewide assessments pursuant to s. 1008.22.

(7) INITIAL FLORIDA LEARNING ACCESS GRANTS.—

(a) Initial Florida Learning Access Grants shall be offered on a first-come, first-served basis.

(b) The number of initial Florida Learning Access Grants to be awarded shall be determined annually by the Department of Education based upon the department's determination of the number that would be necessary to reduce class size to meet the school district's two-student-per-year reduction requirements pursuant to s. 1003.03(3) or to meet the constitutional class size maximums described in s. 1003.03(2). However, district school boards may authorize more Florida Learning Access Grants than the number established by the department.

(8) FLORIDA LEARNING ACCESS GRANT RENEWAL.—For purposes of educational continuity and parental choice, a Florida Learning Access Grant, once awarded, shall be renewable for as long as the parent is a Florida resident who opts for continuation of the grant for the student and the student lawfully attends an eligible private school through grade 12 or until the student graduates from high school. The Florida Learning Access Grant may be transferred from one eligible private school to another upon the school's acceptance of the student and the parent's provision of adequate notice to the Department of Education. A parent may, however, at any time opt to return the student to the public school.

(9) FLORIDA LEARNING ACCESS GRANT DISBURSEMENT.—Upon proper documentation reviewed and approved by the Department of Education, the Chief Financial Officer shall make Florida Learning Access Grant payments in four equal amounts no later than September 1, November 1, February 1, and April 1 of each academic year. The initial payment shall be made after Department of Education verification of admission acceptance, and subsequent payments shall be made upon verification of the student's continued enrollment and attendance at the private school. Payment must be by individual warrant made payable to the student's parent and mailed by the Department of Education to the private school of the parent's choice, and the parent shall restrictively endorse the warrant to the private school.

(10) LIABILITY.—No liability shall arise on the part of the state based on the award or use of any Florida Learning Access Grant.

(11) DEPARTMENT OF EDUCATION OBLIGATIONS.—

(a)1. Upon notification of the number of students whose parents have opted to request initial Florida Learning Access Grants, the Department of Education shall transfer from general revenue funds appropriated to the school district the total amount of annual $3,500 grants for the school district's students from the Florida Education Finance Program to a separate account for the disbursement of the initial Florida Learning Access Grants.

2. The Department of Education shall, in its annual budget, provide for Florida Learning Access Grants for parents who wish their children

to continue participation in the Florida Learning Access Grants program beyond the initial year of participation.

(b) The Department of Education shall administer the Florida Learning Access Grants program, and the State Board of Education may adopt rules pursuant ss. 120.536(1) and 120.54 to implement the provisions of this section. However, the inclusion of eligible private schools within options available to Florida public school students does not expand the regulatory authority of the state, its officers, or any school district to impose any additional regulations on private schools beyond those reasonably necessary to enforce requirements expressly set forth in this section.

Section 12. Section 1002.396, Florida Statutes, is created to read:

1002.396 Kindergarten grants program.—

(1) LEGISLATIVE INTENT; KINDERGARTEN GRANTS PROGRAM.—Recognizing the importance of each child having the best possible foundation for his or her success in school, it is the intent of the Legislature that the parents of a child who will have attained the age of 5 years on or before September 1 of the school year or who is otherwise eligible to attend kindergarten in a Florida public school be given the option:

(a) To enroll the child in and transport the child to kindergarten in any public school within the school district other than the school to which the child is assigned; or

(b) To receive a kindergarten grant to enroll the child in an eligible private kindergarten of the parent's choice. The grant shall be in the amount of $3,500 in 2003 dollars, adjusted annually thereafter to reflect increases or decreases in the Consumer Price Index, or the tuition charged by the private kindergarten, whichever is less. The parent choosing a kindergarten grant shall be responsible for the child's transportation.

(2) PARENT OBLIGATIONS.—

(a) The parent choosing to participate in the kindergarten grants program shall notify the school district as to which of the options provided in subsection (1) the parent wishes to choose.

(b) If the parent chooses the option provided in paragraph (1)(a), the parent shall inform the school district by May 1 which public school the parent has selected, and the parent shall agree to provide any necessary transportation to the selected public school.

(c) If the parent chooses the option provided in paragraph (1)(b), the parent shall:

1. Obtain acceptance for admission of the child to a private kindergarten eligible under subsection (3) as soon as possible and inform the private kindergarten that the child will be using a kindergarten grant.

2. Notify the Department of Education by July 1 of the parent's request for a kindergarten grant and the name and address of the selected private kindergarten.

3. Agree to provide any necessary transportation for the child to the selected private kindergarten.

4. Agree to pay any costs associated with the child's attendance at the private kindergarten that exceed the amount of the kindergarten grant.

(3) PRIVATE KINDERGARTEN ELIGIBILITY.—Eligibility of a private kindergarten shall be determined by the parental oversight and accountability requirements that, coupled with the exercise of parental choice, are reasonably necessary to secure the educational public purpose. To be eligible to participate in the kindergarten grants program, a kindergarten must be a Florida private kindergarten, may be sectarian or nonsectarian, and must:

(a) Demonstrate fiscal soundness by being in operation for 1 school year or provide the Department of Education with a statement by a certified public accountant confirming that the private kindergarten desiring to participate is insured and the owner or owners have sufficient capital or credit to operate the kindergarten for the upcoming year serving the number of students anticipated with expected revenues from tuition and other sources that may be reasonably expected. In lieu of such a statement, a surety bond or letter of credit for the amount equal to the kindergarten grants funds for any school year may be filed with the department.

(b) Notify the Department of Education and the school district in the service area in which the kindergarten is located of its intent to participate in the program under this section as early as possible, but no later than July 1 preceding the school year in which it intends to participate.

(c) Comply with the antidiscrimination provisions of 42 U.S.C. s. 2000d.

(d) Meet state and local health and safety laws and codes.

(e) Comply with all state statutes applicable to the general regulation of private schools.

(4) KINDERGARTEN GRANT DISBURSEMENT.—Upon proper documentation reviewed and approved by the Department of Education, the Chief Financial Officer shall make kindergarten grant payments in four equal amounts no later than September 1, November 1, February 1, and April 1 of each academic year. The initial payment shall be made after Department of Education verification of admission acceptance, and subsequent payments shall be made upon verification of the student's continued enrollment and attendance at the private kindergarten. Payment must be by individual warrant made payable to the student's parent and mailed by the Department of Education to the private kindergarten of the parent's choice, and the parent shall restrictively endorse the warrant to the private kindergarten.

(5) LIABILITY.—No liability shall arise on the part of the state based on the award or use of any kindergarten grant.

(6) DEPARTMENT OF EDUCATION OBLIGATIONS.—

(a) The Department of Education shall transfer from general revenue funds appropriated to the school district the total amount of annual $3,500 grants for the school district's students from the Florida Education Finance Program to a separate account for the disbursement of the kindergarten grants.

(b) The Department of Education shall administer the kindergarten grants program and may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this section. However, the inclusion of eligible private schools within options available to Florida public school students does not expand the regulatory authority of the state, its officers, or any school district to impose any additional regulations on private schools beyond those reasonably necessary to enforce requirements expressly set forth in this section.

Section 13. Section 1002.397, Florida Statutes, is created to read:

1002.397 K-8 Virtual School Grants Program.—

(1) K-8 VIRTUAL SCHOOL GRANTS PROGRAM.—Parents of a student who is eligible to attend kindergarten or grade 1, 2, 3, 4, 5, 6, 7, or 8 and was enrolled and in attendance at a Florida public school during the October and February FTE enrollment counts or is entering kindergarten or first grade and has been assigned to a specific Florida public school shall be given the option to enroll the student in an eligible K-8 virtual school of the parent's choice. The student shall be enrolled as a full-time student. The student shall be eligible for a virtual school grant in the amount of $4,800 in 2003 dollars, adjusted annually thereafter to reflect increases or decreases in the Consumer Price Index, or the tuition charged by the eligible K-8 virtual school, whichever is less. Students who are enrolled in traditional public school classes that are not in compliance with the maximum class sizes provided in s. 1003.03 or who have scored Level 1 on the Florida Comprehensive Assessment Test or have been retained shall be given priority.

(2) STUDENT AND PARENT OBLIGATIONS.—

(a) The parent of an eligible student choosing to participate in the K-8 Virtual School Grants Program shall notify the school district of the parent's desire for the student to participate in the grants program.

(b) The parent shall:

1. Obtain acceptance for admission of the student to an eligible K-8 virtual school and inform the virtual school that the child will be using a virtual school grant.

2. Notify the Department of Education by July 1 of the parent's request for a K-8 virtual school grant and the name and address of the selected virtual school.

3. Agree to pay any costs, including any transportation, associated with the child's attendance at the K-8 virtual school that exceed the amount of the K-8 virtual school grant.

(c) Each parent shall serve as, or provide, an onsite mentor or facilitator at the site where the student is physically located.

(d) Each student shall have access to a singular, consistent curriculum that meets or exceeds the Sunshine State Standards and that has an interactive program with significant on-line components. Nothing in this section, however, shall prohibit a student from working at a different grade level in a subject within the singular curriculum.

(e) Each student enrolled in an approved K-8 virtual school shall be a full-time student. Enrolled students must take all language arts, mathematics, science, history, and required courses for the grade level in which the student is enrolled.

(f) Each student enrolled in an approved K-8 virtual school in grades 3, 4, 5, 6, 7, and 8 shall participate in the Florida Comprehensive Assessment Test (FCAT) in accordance with the requirement of s. 1008.22. Students in grades that are not required to take the FCAT shall participate in local assessments and in the K-3 state-approved assessment for reading adopted by Just Read Florida.

(3) K-8 VIRTUAL SCHOOL ELIGIBILITY.—As used in this section, a "K-8 virtual school" means an independent public school that uses on-line and distance learning technology in order to deliver instruction to students in kindergarten and grades 1 through 8. Eligibility of a K-8 virtual school to participate in the K-8 Virtual School Grants Program shall be determined by the State Board of Education. To be eligible to participate in the program, a K-8 virtual school must:

(a) Demonstrate fiscal soundness by being in operation for at least 1 school year or provide the Department of Education with a statement by a certified public accountant confirming that the K-8 virtual school desiring to participate is insured and the owner or owners have sufficient capital or credit to operate the school for the upcoming year serving the number of students anticipated with expected revenues from tuition and other sources that may be reasonably expected. In lieu of such a statement, a surety bond or letter of credit for the amount equal to the K-8 virtual school grants funds for any school year may be filed with the department.

(b) Notify the Department of Education of its intent to participate in the program under this section as early as possible, but no later than July 1 preceding the school year in which it intends to participate, except that such notification deadline shall not apply in the first year of implementation.

(c) Comply with the antidiscrimination provisions of 42 U.S.C. s. 2000d.

(d) Submit to the State Board of Education forecasted enrollment, actual enrollments, and grade completions for the K-8 virtual school according to procedures established by the State Board of Education. At a minimum, such procedures must include the number of students served by grade and by county of residence.

(e) Provide, free of charge, all instructional materials for each student enrolled in the K-8 virtual school for as long as the student is enrolled. In addition, for each household with a student or students enrolled in a K-8 virtual school, the virtual school must make available, free of charge, a computer and a printer, in addition to a subsidized Internet connection, for as long as the student is enrolled. Nothing in this paragraph prevents students from using their own computers, printers, or Internet connections.

(f) Conform all curriculum and course content to the Sunshine State Standards. All reading and other content area strategies shall be based on scientific research.

(g) Administer the Florida Comprehensive Assessment Test (FCAT) in accordance with ss. 1008.22, 1008.23, and 1008.24 or, for those students in grades that are not required to take the FCAT, local assessments and the K-3 state-approved assessment for reading adopted by Just Read Florida.

(h) Employ on-line teachers who are certified in Florida. All on-line teachers shall meet with each student at least once per month during each school semester, either face-to-face at the school facility or another mutually agreed upon location or via telephone. On-line teachers shall be available to students, parents, and onsite mentors and facilitators on a schedule equivalent to that of a normal public school day and normal public school calendar for each K-8 virtual school student's public school district in a variety of ways, including, but not limited to, telephone and electronic mail.

(i) Maintain an administrative office, which shall be considered its principal place of business within the state.

(4) K-8 VIRTUAL SCHOOL GRANT DISBURSEMENT.—Upon proper documentation reviewed and approved by the Department of Education, the Chief Financial Officer shall make K-8 virtual school grant payments in four equal amounts no later than September 1, November 1, February 1, and April 1 of each academic year. The initial payment shall be made after Department of Education verification of admission acceptance, and subsequent payments shall be made upon verification of the student's continued enrollment. Payment must be by individual warrant made payable to the student's parent and mailed by the Department of Education to the K-8 virtual school of the parent's choice, and the parent shall restrictively endorse the warrant to the virtual school.

(5) LIABILITY.—No liability shall arise on the part of the state based on the award or use of any K-8 virtual school grant.

(6) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of Education shall administer the K-8 Virtual School Grants Program.

(a) The department may approve one or more K-8 virtual schools for the purpose of delivering K-8 on-line and distance learning education.

(b) The department shall monitor each K-8 virtual school's performance and annually evaluate each K-8 virtual school based on the following criteria:

1. The extent to which the school demonstrates increases in student achievement according to the goals of the Sunshine State Standards.

2. Student achievement data from the Florida Comprehensive Assessment Test (FCAT) for grades 3 through 8. The school shall be assigned a school performance grade under the school grading system. For those students in kindergarten and grades 1 and 2 who are not required to take the FCAT, student achievement data shall be from local assessments and the K-3 state-approved assessment for reading adopted by Just Read Florida.

3. Grade completion rate, based upon the goals of a 70 percent completion rate, with 80 percent of those completing grades scoring at Level 3 or higher on the FCAT or at least satisfactory on the K-3 assessment.

4. Parent satisfaction rate, based upon the goal of 80 percent of parents of participating students indicating satisfaction with the school.

5. The accountability and viability of the K-8 virtual school as demonstrated by its academic, fiscal, and operational performance.

The Department of Education shall report each K-8 virtual school s performance to the State Board of Education, the President of the Senate, and the Speaker of the House of Representatives.

(7) RULEMAKING.—The State Board of Education may adopt rules in accordance with ss. 120.536(1) and 120.54 as necessary to implement this section, including reporting requirements for K-8 virtual schools operating pursuant to this section.

Section 14. A new subsection (5) is added to section 220.187, Florida Statutes, present subsections (5) through (7) are renumbered as subsections (6) through (8), respectively, and paragraph (c) of subsection (2), paragraph (b) of subsection (3), and paragraph (e) of subsection (4) of said section are amended, to read:

220.187 Credits for contributions to nonprofit scholarship-funding organizations.—

(2) DEFINITIONS.—As used in this section, the term:

(c) "Eligible nonpublic school" means a nonpublic school located in Florida that offers an education to students in any grades K-12 and that meets the requirements in subsection *(6)* ~~(5)~~.

(3) AUTHORIZATION TO GRANT SCHOLARSHIP FUNDING TAX CREDITS; LIMITATIONS ON INDIVIDUAL AND TOTAL CREDITS.—

(b) *Notwithstanding any other provision of law,* the total amount of tax credit which may be granted each state fiscal year under *both* this section *and s. 220.1875* is *$100* ~~$50~~ million.

(4) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS.—

(e) An eligible nonprofit scholarship-funding organization that receives an eligible contribution must spend 100 percent of the eligible contribution to provide scholarships *within 6 months after the date the contribution was received or* in the same state fiscal year in which the contribution was received*, whichever is later*. No portion of eligible contributions may be used for administrative expenses. All interest accrued from contributions must be used for scholarships.

(5) PARENT OBLIGATIONS.—As a condition for scholarship payment pursuant to paragraph (4)(g), if the parent chooses for his or her child to attend an eligible nonpublic school, the parent must inform the child's school district within 15 days after such decision.

Section 15. Section 220.1875, Florida Statutes, is created to read:

220.1875 Credits for contributions to nonprofit scholarship-funding organizations; scholarships for dependent children of active duty or reserve personnel in the United States military, United States Armed Forces veterans, or members of the Florida National Guard.—

(1) PURPOSE.—The purpose of this section is to:

(a) Encourage private, voluntary contributions to nonprofit scholarship-funding organizations.

(b) Expand educational opportunities for dependent children of active duty or reserve personnel in the United States military, United States Armed Forces veterans, or members of the Florida National Guard.

(c) Enable children in this state to achieve a greater level of excellence in their education.

(2) DEFINITIONS.—As used in this section, the term:

(a) "Department" means the Department of Revenue.

(b) "Eligible contribution" means a monetary contribution from a taxpayer, subject to the restrictions provided in this section, to an eligible nonprofit scholarship-funding organization. The taxpayer making the contribution may not designate a specific child as the beneficiary of the contribution. The taxpayer may not contribute more than $5 million in 2003 dollars, adjusted annually thereafter to reflect increases or decreases in the Consumer Price Index, to any single eligible nonprofit scholarship-funding organization.

(c) "Eligible nonpublic school" means a nonpublic school located in Florida that offers an education to students in any grades K-12 and that meets the requirements in subsection (5).

(d) "Eligible nonprofit scholarship-funding organization" means a charitable organization that is exempt from federal income tax pursuant to s. 501(c)(3) of the Internal Revenue Code and that complies with the provisions of subsection (4).

(e) "Qualified student" means a dependent child of active duty or reserve personnel in the United States military, a dependent child of a United States Armed Forces veteran, a dependent child of a member of the Florida National Guard, or any qualified student, pursuant to s. 220.187, as further provided in paragraph (4)(d).

(3) AUTHORIZATION TO GRANT SCHOLARSHIP FUNDING TAX CREDITS; LIMITATIONS ON INDIVIDUAL AND TOTAL CREDITS.—

(a) There is allowed a credit of 100 percent of an eligible contribution against any tax due for a taxable year under this chapter. However, such a credit may not exceed 75 percent of the tax due under this chapter for the taxable year, after the application of any other allowable credits by the taxpayer. The credit granted by this section shall be reduced by the difference between the amount of federal corporate income tax taking into account the credit granted by this section and the amount of federal corporate income tax without application of the credit granted by this section.

(b) The total amount of tax credit that may be granted each state fiscal year under this section is $10 million in 2003 dollars, adjusted annually thereafter to reflect increases or decreases in the Consumer Price Index.

(c) A taxpayer who files a Florida consolidated return as a member of an affiliated group pursuant to s. 220.131(1) may be allowed the credit on a consolidated return basis; however, the total credit taken by the affiliated group is subject to the limitation established under paragraph (a).

(4) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS.—

(a) An eligible nonprofit scholarship-funding organization shall provide scholarships, from eligible contributions, to qualified students for:

1. Tuition or textbook expenses for, or transportation to, an eligible nonpublic school. At least 75 percent of the scholarship funding must be used to pay tuition expenses; or

2. Transportation expenses to a Florida public school that is located outside the district in which the student resides.

(b) An eligible nonprofit scholarship-funding organization shall give priority to qualified students who received a scholarship from an eligible nonprofit scholarship-funding organization during the previous school year.

(c) The amount of a scholarship provided to any child for any single school year by all eligible nonprofit scholarship-funding organizations from eligible contributions shall not exceed the following annual limits:

1. Three thousand five hundred dollars in 2003 dollars, adjusted annually thereafter to reflect increases or decreases in the Consumer Price Index, for a scholarship awarded to a student enrolled in an eligible nonpublic school.

2. Five hundred dollars in 2003 dollars, adjusted annually thereafter to reflect increases or decreases in the Consumer Price Index, for a scholarship awarded to a student enrolled in a Florida public school that is located outside the district in which the student resides.

(d) An eligible nonprofit scholarship-funding organization that receives an eligible contribution must spend 100 percent of the eligible contribution to provide scholarships within 6 months after the date the contribution was received or in the same state fiscal year in which the contribution was received, whichever is later. An eligible nonprofit scholarship-funding organization may use eligible contributions to provide scholarships to qualified students, pursuant to s. 220.187, after it has served qualified dependent children of active duty or reserve personnel in the United States military, dependent children of United States Armed Forces veterans, or dependent children of members of the Florida National Guard. No portion of eligible contributions may be used for administrative expenses. All interest accrued from contributions must be used for scholarships.

(e) An eligible nonprofit scholarship-funding organization that receives eligible contributions must provide to the Auditor General an annual financial and compliance audit of its accounts and records conducted by an independent certified public accountant and in accordance with rules adopted by the Auditor General.

(f) Payment of the scholarship by the eligible nonprofit scholarship-funding organization shall be by individual warrant or check made payable to the student's parent. If the parent chooses for his or her child to attend an eligible nonpublic school, the warrant or check must be mailed by the eligible nonprofit scholarship-funding organization to the nonpublic school of the parent's choice, and the parent shall restrictively endorse

the warrant or check to the nonpublic school. An eligible nonprofit scholarship-funding organization shall ensure that, upon receipt of a scholarship warrant or check, the parent to whom the warrant or check is made payable restrictively endorses the warrant or check to the nonpublic school of the parent's choice for deposit into the account of the nonpublic school.

(5) ELIGIBLE NONPUBLIC SCHOOL OBLIGATIONS.—An eligible nonpublic school must:

(a) Demonstrate fiscal soundness by being in operation for one school year or provide the Department of Education with a statement by a certified public accountant confirming that the nonpublic school desiring to participate is insured and the owner or owners have sufficient capital or credit to operate the school for the upcoming year serving the number of students anticipated with expected revenues from tuition and other sources that may be reasonably expected. In lieu of such a statement, a surety bond or letter of credit for the amount equal to the scholarship funds for any quarter may be filed with the department.

(b) Comply with the antidiscrimination provisions of 42 U.S.C. s. 2000d.

(c) Meet state and local health and safety laws and codes.

(d) Comply with all state laws relating to general regulation of nonpublic schools.

(6) ADMINISTRATION; RULES.—

(a) An application for a tax credit pursuant to this section shall be submitted to the department on forms established by rule of the department.

(b) The department and the Department of Education shall develop a cooperative agreement to assist in the administration of this section. The Department of Education shall be responsible for annually submitting, by March 15, to the department a list of eligible nonprofit scholarship-funding organizations that meet the requirements of paragraph (2)(d) and for monitoring eligibility of nonprofit scholarship-funding organizations that meet the requirements of paragraph (2)(d), eligibility of nonpublic schools that meet the requirements of paragraph (2)(c), and eligibility of expenditures under this section as provided in subsection (4).

(c) The department shall adopt rules necessary to administer this section, including rules establishing application forms and procedures and governing the allocation of tax credits under this section on a first-come, first-served basis.

(d) The Department of Education shall adopt rules necessary to determine eligibility of nonprofit scholarship-funding organizations as defined in paragraph (2)(d) and according to the provisions of subsection (4) and identify qualified students as defined in paragraph (2)(e).

(7) DEPOSITS OF ELIGIBLE CONTRIBUTIONS.—All eligible contributions received by an eligible nonprofit scholarship-funding organization shall be deposited in a manner consistent with s. 18.10(2).

Section 16. Paragraph (b) of subsection (2) and paragraph (a) of subsection (6) of section 1002.20, Florida Statutes, are amended to read:

1002.20 K-12 student and parent rights.—K-12 students and their parents are afforded numerous statutory rights including, but not limited to, the following:

(2) ATTENDANCE.—

(b) Regular school attendance.—Parents of students who have attained the age of 6 years by February 1 of any school year but who have not attained the age of 16 years must comply with the compulsory school attendance laws. Parents have the option to comply with the school attendance laws by attendance of the student in a public school*, including the Florida Virtual School operating pursuant to s. 1002.37*; a parochial, religious, or denominational school; a private school; a home education program; *a K-8 virtual school operating pursuant to s. 1002.397;* or a private tutoring program, in accordance with the provisions of s. 1003.01*(13)*~~(14)~~.

(6) EDUCATIONAL CHOICE.—

(a) Public school choices.—Parents of public school students may seek whatever public school choice options that are applicable to their students ~~and are available to students in their school districts~~. These options may include controlled open enrollment, lab schools, charter schools, charter technical career centers, magnet schools, alternative schools, special programs, advanced placement, dual enrollment, International Baccalaureate, early admissions, credit by examination or demonstration of competency, the New World School of the Arts, the Florida School for the Deaf and the Blind, ~~and~~ the Florida Virtual School*, and K-8 virtual schools operating pursuant to s. 1002.397* . These options may also include the public school choice options of the Opportunity Scholarship Program and the McKay Scholarships for Students with Disabilities Program.

Section 17. Subsection (13) of section 1002.33, Florida Statutes, is repealed, subsections (14) through (26) are renumbered as subsections (13) through (25), respectively, and paragraph (e) of subsection (10) and paragraph (a) of present subsection (21) of said section are amended to read:

1002.33 Charter schools.—

(10) ELIGIBLE STUDENTS.—

(e) A charter school may limit the enrollment process only to target the following student populations:

1. Students within specific age groups or grade levels.

2. Students considered at risk of dropping out of school or academic failure. Such students shall include exceptional education students.

3. Students enrolling in a charter school-in-the-workplace or charter school-in-a-municipality established pursuant to subsection *(15)* ~~(16)~~.

4. Students residing within a reasonable distance of the charter school, as described in paragraph *(20)* ~~(21)~~(c). Such students shall be subject to a random lottery and to the racial/ethnic balance provisions described in subparagraph (7)(a)8. or any federal provisions that require a school to achieve a racial/ethnic balance reflective of the community it serves or within the racial/ethnic range of other public schools in the same school district.

5. Students who meet reasonable academic, artistic, or other eligibility standards established by the charter school and included in the charter school application and charter or, in the case of existing charter schools, standards that are consistent with the school's mission and purpose. Such standards shall be in accordance with current state law and practice in public schools and may not discriminate against otherwise qualified individuals.

6. Students articulating from one charter school to another pursuant to an articulation agreement between the charter schools that has been approved by the sponsor.

~~(13) NUMBER OF SCHOOLS.—~~

~~(a) The number of newly created charter schools is limited to no more than 28 in each school district that has 100,000 or more students, no more than 20 in each school district that has 50,000 to 99,999 students, and no more than 12 in each school district with fewer than 50,000 students.~~

~~(b) An existing public school which converts to a charter school shall not be counted toward the limit established by paragraph (a).~~

~~(c) Notwithstanding any limit established by this subsection, a district school board or a charter school applicant shall have the right to request an increase of the limit on the number of charter schools authorized to be established within the district from the State Board of Education.~~

~~(d) Whenever a municipality has submitted charter applications for the establishment of a charter school feeder pattern (elementary, middle, and senior high schools), and upon approval of each individual charter application by the district school board, such applications shall then be designated as one charter school for all purposes listed pursuant to this section.~~

(20)~~(21)~~ SERVICES.—

(a) A sponsor shall provide certain administrative and educational services to charter schools. These services shall include contract management services, full-time equivalent and data reporting services, exceptional student education administration services, test administration services, processing of teacher certificate data services, and information services. Any administrative fee charged by the sponsor for the provision of services shall be limited to 5 percent of the available funds defined in paragraph *(17)*~~(18)~~(b).

Section 18. Subsection (6) of section 1002.41, Florida Statutes, is amended to read:

1002.41 Home education programs.—

(6) Home education students may participate in dual enrollment programs in accordance with the provisions of ss. 1007.27*(5)*~~(4)~~ and 1007.271(10).

Section 19. Paragraph (i) is added to subsection (1) of section 1003.02, Florida Statutes, and subsection (4) of said section is amended, to read:

1003.02 District school board operation and control of public K-12 education within the school district.—As provided in part II of chapter 1001, district school boards are constitutionally and statutorily charged with the operation and control of public K-12 education within their school district. The district school boards must establish, organize, and operate their public K-12 schools and educational programs, employees, and facilities. Their responsibilities include staff development, public K-12 school student education including education for exceptional students and students in juvenile justice programs, special programs, adult education programs, and career and technical education programs. Additionally, district school boards must:

(1) Provide for the proper accounting for all students of school age, for the attendance and control of students at school, and for proper attention to health, safety, and other matters relating to the welfare of students in the following fields:

(i) Parental notification of acceleration mechanisms.—At the beginning of each school year, notify parents of students in or entering high school of the opportunity and benefits of Advanced Placement, International Baccalaureate, Advanced International Certificate of Education, dual enrollment, and Florida Virtual School courses.

(4) ~~For any school within the district that is not in compliance with the small school size requirements of chapter 1013,~~ In order to reduce the anonymity of students in large schools, adopt policies that encourage subdivision of the school into schools-within-a-school, which shall operate within existing resources. A "school-within-a-school" means an operational program that uses flexible scheduling, team planning, and curricular and instructional innovation to organize groups of students with groups of teachers as smaller units, so as to functionally operate as a smaller school. Examples of this include, but are not limited to:

(a) An organizational arrangement assigning both students and teachers to smaller units in which the students take some or all of their coursework with their fellow grouped students and from the teachers assigned to the smaller unit. A unit may be grouped together for 1 year or on a vertical, multiyear basis.

(b) An organizational arrangement similar to that described in paragraph (a) with additional variations in instruction and curriculum. The smaller unit usually seeks to maintain a program different from that of the larger school, or of other smaller units. It may be vertically organized, but is dependent upon the school principal for its existence, budget, and staff.

(c) A separate and autonomous smaller unit formally authorized by the district school board or district school superintendent. The smaller unit plans and runs its own program, has its own staff and students, and receives its own separate budget. The smaller unit must negotiate the use of common space with the larger school and defer to the building principal on matters of safety and building operation.

Section 20. Section 1003.429, Florida Statutes, is created to read:

1003.429 Accelerated high school graduation options.—

(1) Beginning with the 2003-2004 school year, all students scheduled to graduate in 2004 and thereafter shall select one of the following three high school graduation options:

(a) Completion of the general requirements for high school graduation pursuant to s. 1003.43;

(b) Completion of a 3-year standard college preparatory program requiring successful completion of a minimum of 18 academic credits in grades 9 through 12. The 18 credits shall be primary requirements and shall be distributed as follows:

1. Four credits in English, with major concentration in composition and literature;

2. Three credits in mathematics at the Algebra I level or higher from the list of courses that qualify for state university admission;

3. Three credits in natural science, two of which must have a laboratory component;

4. Three credits in social sciences;

5. Two credits in the same second language unless the student is a native speaker of or can otherwise demonstrate competency in a language other than English. If the student demonstrates competency in another language, the student may replace the language requirement with two credits in other academic courses; and

6. Three credits in electives; or

(c) Completion of a 3-year career preparatory program requiring successful completion of a minimum of 18 academic credits in grades 9 through 12. The 18 credits shall be primary requirements and shall be distributed as follows:

1. Four credits in English, with major concentration in composition and literature;

2. Three credits in mathematics, one of which must be Algebra I;

3. Three credits in natural science, two of which must have a laboratory component;

4. Three credits in social sciences;

5. Two credits in the same second language unless the student is a native speaker of or can otherwise demonstrate competency in a language other than English. If the student demonstrates competency in another language, the student may replace the language requirement with two credits in other academic courses; and

6. Three credits in electives.

(2) Beginning with the 2003-2004 school year, each district school board shall provide each student in grades 6 through 12 and their parents with the 3-year and 4-year high school graduation options listed in subsection (1) with curriculum for the students and parents to select the postsecondary education or career plan that best fits their needs. The options shall include a timeframe for achieving each graduation option.

(3) Selection of one of the graduation options listed in subsection (1) is exclusively up to the student and parent. If the student and parent fail to select a graduation option, the student shall be considered to have selected the general requirements for high school graduation pursuant to paragraph (1)(a).

(4) District school boards shall not establish requirements for accelerated 3-year high school graduation options in excess of the requirements in paragraphs (1)(b) and (1)(c).

(5) Students pursuing accelerated 3-year high school graduation options pursuant to paragraph (1)(b) or paragraph (1)(c) are required to:

(a) Earn passing scores on the FCAT as defined in s. 1008.22(3)(c).

(b) Achieve a cumulative grade point average of 2.0 on a 4.0 scale, or its equivalent, in the courses required by the chosen accelerated 3-year

high school graduation option pursuant to paragraph (1)(b) or paragraph (1)(c).

(6) A student who meets all requirements prescribed in subsections (1) and (5) shall be awarded a standard diploma in a form prescribed by the State Board of Education.

Section 21. Paragraph (i) of subsection (1) of section 1003.43, Florida Statutes, is amended to read:

1003.43 General requirements for high school graduation.—

(1) Graduation requires successful completion of either a minimum of 24 academic credits in grades 9 through 12 or an International Baccalaureate curriculum. The 24 credits shall be distributed as follows:

(i) One-half credit in life management skills to include consumer education, positive emotional development, marriage and relationship skill-based education, nutrition, *parenting skills,* prevention of human immunodeficiency virus infection and acquired immune deficiency syndrome and other sexually transmissible diseases, benefits of sexual abstinence and consequences of teenage pregnancy, information and instruction on breast cancer detection and breast self-examination, cardiopulmonary resuscitation, drug education, and the hazards of smoking. ~~Such credit shall be given for a course to be taken by all students in either the 9th or 10th grade.~~

District school boards may award a maximum of one-half credit in social studies and one-half elective credit for student completion of nonpaid voluntary community or school service work. Students choosing this option must complete a minimum of 75 hours of service in order to earn the one-half credit in either category of instruction. Credit may not be earned for service provided as a result of court action. District school boards that approve the award of credit for student volunteer service shall develop guidelines regarding the award of the credit, and school principals are responsible for approving specific volunteer activities. A course designated in the Course Code Directory as grade 9 through grade 12 that is taken below the 9th grade may be used to satisfy high school graduation requirements or Florida Academic Scholars award requirements as specified in a district school board's student progression plan. A student shall be granted credit toward meeting the requirements of this subsection for equivalent courses, as identified pursuant to s. 1007.271(6), taken through dual enrollment.

Section 22. Paragraph (a) of subsection (1) of section 1003.436, Florida Statutes, is amended to read:

1003.436 Definition of "credit".—

(1)(a) For the purposes of requirements for high school graduation, one full credit means a minimum of *120* ~~135~~ hours of bona fide instruction in a designated course of study that contains student performance standards. *A student may be awarded a credit for less than 120 hours of classroom instruction based on documented mastery of course requirements and Sunshine State Standards with approval by the district school board.* The State Board of Education shall determine the number of postsecondary credit hours earned through dual enrollment pursuant to s. 1007.271 that satisfy the requirements of a district's interinstitutional articulation agreement according to s. 1007.235 and that equal one full credit of the equivalent high school course identified pursuant to s. 1007.271(6).

Section 23. Paragraphs (a) and (b) of subsection (1) of section 1007.261, Florida Statutes, are amended to read:

1007.261 State universities; admissions of students.—Each university board of trustees is authorized to adopt rules governing the admission of students, subject to this section and rules of the State Board of Education.

(1) Minimum academic standards for undergraduate admission to a university include:

(a) Each student must have received a high school diploma pursuant to *s. 1003.429 or* s. 1003.43, or its equivalent, except as provided in s. 1007.271(2)-(5) or completed a home education program according to s. 1002.41.

(b) Each student must have successfully completed a college-preparatory curriculum of *18* ~~19~~ credits, *which shall include, but not be limited to, four credits in English, with major concentration in composition and literature; three credits in mathematics; three credits in natural science, two of which must have a laboratory component; three credits in social sciences; and two credits in the same second language* ~~as defined in rules of the State Board of Education, including at least 2 credits of sequential foreign language at the secondary level or the equivalent of such instruction at the postsecondary level~~. A student who completes a home education program according to s. 1002.41 is not required to document completion of the *18* ~~19~~ credits required by this paragraph. A student whose native language is not English is exempt from the foreign language requirement, provided that the student demonstrates proficiency in the native language. If a standardized test is not available in the student's native language for the demonstration of proficiency, the university may provide an alternative method of assessment. The State Board of Education shall adopt rules for the articulation of foreign language competency and equivalency between secondary and postsecondary institutions. A student who received an associate in arts degree prior to September 1, 1989, or who enrolled in a program of studies leading to an associate degree from a community college prior to August 1, 1989, and maintains continuous enrollment shall be exempt from this admissions requirement.

Section 24. Section 1007.27, Florida Statutes, is amended to read:

1007.27 Articulated acceleration mechanisms.—

(1) It is the intent of the Legislature that a variety of articulated acceleration mechanisms be available for secondary and postsecondary students attending public educational institutions. It is intended that articulated acceleration serve to shorten the time necessary for a student to complete the requirements associated with the conference of a high school diploma and a postsecondary degree, broaden the scope of curricular options available to students, or increase the depth of study available for a particular subject. *It is the intent of the Legislature that school districts and public postsecondary educational institutions maximize the opportunities for students to utilize the acceleration mechanisms identified in this section.* Articulated acceleration mechanisms shall include, but *are* not ~~be~~ limited to, dual enrollment as provided for in s. 1007.271, early admission, advanced placement, credit by examination, the International Baccalaureate Program, and the Advanced International Certificate of Education Program. Credit earned through the Florida Virtual School shall provide additional opportunities for early graduation and acceleration.

(2) School districts and public postsecondary educational institutions shall annually advise students and their parents of the opportunities available to students to participate in the acceleration mechanisms identified in this section.

(3)~~(2)~~ The *State Board* ~~Department~~ of Education shall identify the minimum scores, maximum credit, and course or courses for which credit is to be awarded for each College Level Examination Program (CLEP) general examination, CLEP subject examination, College Board Advanced Placement Program examination, ~~and~~ International Baccalaureate examination*, and Advanced International Certificate of Education examination*. In addition, the *State Board of Education* ~~department~~ shall identify such courses in the general education core curriculum of each state university and community college.

(4)~~(3)~~ Each community college and state university must award credit for specific courses for which competency has been demonstrated by successful passage of one of the examinations in subsection *(3)* ~~(2)~~ unless the award of credit duplicates credit already awarded. Community colleges and state universities may not exempt students from courses without the award of credit if competencies have been so demonstrated.

(5)~~(4)~~ It is the intent of the Legislature to provide articulated acceleration mechanisms for students who are in home education programs, as defined in s. 1003.01(11), consistent with the educational opportunities available to public and private secondary school students. Home education students may participate in dual enrollment, career and technical dual enrollment, early admission, and credit by examination. Credit earned by home education students through dual enrollment shall apply toward the completion of a home education program that meets the requirements of s. 1002.41.

(6)~~(5)~~ Early admission *is* ~~shall be~~ a form of dual enrollment through which eligible secondary students enroll in a postsecondary institution on a full-time basis in courses that are creditable toward the high school

diploma and the associate or baccalaureate degree. Students enrolled pursuant to this subsection shall be exempt from the payment of registration, tuition, and laboratory fees.

(7)~~(6)~~ Advanced placement *is* ~~shall be~~ the enrollment of an eligible secondary student in a course offered through the Advanced Placement Program administered by the College Board. Postsecondary credit for an advanced placement course shall be limited to students who score a minimum of 3, on a 5-point scale, on the corresponding Advanced Placement Examination. The specific courses for which students receive such credit shall be determined by the *State Board of Education* ~~department~~. Students of Florida public secondary schools enrolled pursuant to this subsection shall be exempt from the payment of any fees for administration of the examination regardless of whether or not the student achieves a passing score on the examination.

(8)~~(7)~~ Credit by examination *is* ~~shall be~~ the program through which secondary and postsecondary students generate postsecondary credit based on the receipt of a specified minimum score on nationally standardized general or subject-area examinations. For the purpose of statewide application, such examinations and the corresponding minimum scores required for an award of credit shall be delineated by the State Board of Education in the statewide articulation agreement. The maximum credit generated by a student pursuant to this subsection shall be mitigated by any related postsecondary credit earned by the student prior to the administration of the examination. This subsection shall not preclude community colleges and universities from awarding credit by examination based on student performance on examinations developed within and recognized by the individual postsecondary institutions.

(9)~~(8)~~ The International Baccalaureate Program *is* ~~shall be~~ the curriculum in which eligible secondary students are enrolled in a program of studies offered through the International Baccalaureate Program administered by the International Baccalaureate Office. The State Board of Education shall establish rules which specify the cutoff scores and International Baccalaureate Examinations which will be used to grant postsecondary credit at community colleges and universities. Any such rules *that*~~, which~~ have the effect of raising the required cutoff score or of changing the International Baccalaureate Examinations which will be used to grant postsecondary credit~~,~~ shall only apply to students taking International Baccalaureate Examinations after such rules are adopted by the State Board of Education. Students shall be awarded a maximum of 30 semester credit hours pursuant to this subsection. The specific course for which a student receives such credit shall be determined by the *State Board of Education* ~~department~~. Students enrolled pursuant to this subsection shall be exempt from the payment of any fees for administration of the examinations regardless of whether or not the student achieves a passing score on the examination.

(10)~~(9)~~ The Advanced International Certificate of Education Program *is* ~~shall be~~ the curriculum in which eligible secondary students are enrolled in a program of studies offered through the ~~Advanced International Certificate of Education~~ program administered by the University of Cambridge Local Examinations Syndicate. The State Board of Education shall establish rules which specify the cutoff scores and Advanced International Certificate of Education examinations which will be used to grant postsecondary credit at community colleges and universities. Any such rules *that*~~, which~~ have the effect of raising the required cutoff score or of changing the Advanced International Certification of Education examinations which will be used to grant postsecondary credit~~,~~ shall apply to students taking Advanced International Certificate of Education Examinations after such rules are adopted by the State Board of Education. Students shall be awarded a maximum of 30 semester credit hours pursuant to this subsection. The specific course for which a student receives such credit shall be determined by the *State Board of Education* ~~community college or university that accepts the student for admission~~. Students enrolled pursuant to this subsection shall be exempt from the payment of any fees for administration of the examinations regardless of whether or not the student achieves a passing score on the examination.

(11)~~(10)~~ Any student who earns 9 or more credits from one or more of the acceleration mechanisms provided for in this section is exempt from any requirement of a public postsecondary educational institution mandating enrollment during a summer term.

(12) The State Board of Education may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this section.

Section 25. *Acceleration mechanisms study.—*

(1) The State Board of Education shall conduct a review of the extent to which the acceleration mechanisms authorized by s. 1007.27, Florida Statutes, are currently utilized by school districts, community colleges, and state universities and shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2003.

(2) The report must include a summary of ongoing activities and a plan to increase and enhance the use of acceleration mechanisms as a way to shorten the length of time as well as the funding required for a student to obtain a postsecondary degree.

(3) The review and plan shall address at least the following issues:

(a) The manner in which students are advised regarding the availability of acceleration mechanism options.

(b) The availability of acceleration mechanism options to eligible students who wish to participate.

(c) The grading practices, including weighting of courses, of school districts, community colleges, and state universities with regard to credit earned through acceleration mechanisms.

(d) The extent to which credit earned through an acceleration mechanism is used to meet the general education requirements of a public postsecondary educational institution.

(e) The extent to which the secondary instruction associated with acceleration mechanism options could be offered at sites other than public K-12 school sites to assist in meeting class size reduction needs.

(f) The manner in which funding for instruction associated with acceleration mechanism options is provided.

(g) The feasibility of providing students the option of choosing Advanced Placement credit or College Level Examination Program (CLEP) credit as an alternative to dual enrollment credit upon completion of a dual enrollment course.

Section 26. Section 1003.62, Florida Statutes, is amended to read:

1003.62 *Academic performance-based* charter school districts ~~pilot program~~.—The State Board of Education *may* ~~is authorized to~~ enter into a performance contract with ~~up to six~~ district school boards *as authorized in this section* for the purpose of establishing them as *academic performance-based* charter school districts. ~~The State Board of Education shall give priority to Hillsborough and Volusia Counties upon the submission of a completed precharter agreement or charter proposal for a charter school district.~~ The purpose of this *section* ~~pilot program~~ is to examine a new relationship between the State Board of Education and district school boards that *will* ~~may~~ produce significant improvements in student achievement ~~and school management~~, while complying with constitutional *and statutory* requirements assigned to each entity.

(1) *ACADEMIC PERFORMANCE-BASED* CHARTER *SCHOOL* DISTRICT.—

(a) A *school district shall be eligible for designation as an academic performance-based* charter school district *if it* is a *high-performing* school district *in which a minimum of 50 percent of the schools earn a performance grade category "A" or "B" and in which no school earns a performance grade category "D" or "F" for 2 consecutive years pursuant to s. 1008.34. Schools that receive a performance grade category "I" or "N" shall not be included in this calculation. The performance contract for a school district that earns a charter based on school performance grades shall be predicated on maintenance of at least 50 percent of the schools in the school district earning a performance grade category "A" or "B" with no school in the school district earning a performance grade category "D" or "F" for 2 consecutive years. A school district in which the number of schools that earn a performance grade of "A" or "B" is less than 50 percent may have its charter renewed for 1 year; however, if the percentage of "A" or "B" schools is less than 50 percent for 2 consecutive years, the charter shall not be renewed.*

(b) A school district that satisfies the eligibility criteria for designation as an academic performance-based charter school district may be so

designated upon a supermajority vote by ~~in Florida in which~~ the district school board *after having* ~~has~~ submitted and the State Board of Education *having* ~~has~~ approved a charter proposal that exchanges statutory and rule exemption*, as authorized by this section,* for agreement to meet performance goals in the proposal. The *academic performance-based*charter school district shall be chartered for *1 year* ~~3 years~~, at the end of which the performance shall be evaluated. *If maintenance of high-performing school district status pursuant to paragraph (a) is not documented in accordance with State Board of Education rule, the charter shall not be renewed.*

(2) EXEMPTION FROM STATUTES AND RULES.—

(a) An academic performance-based charter school district shall operate in accordance with its charter and shall be exempt from certain State Board of Education rules and statutes if the State Board of Education determines such an exemption will assist the district in maintaining or improving its high performing status pursuant to paragraph (1)(a). However, the State Board of Education may not exempt an academic performance-based charter school district from any of the following statutes:

1. Those statutes pertaining to the provision of services to students with disabilities.

2. Those statutes pertaining to civil rights, including s. 1000.05, relating to discrimination.

3. Those statutes pertaining to student health, safety, and welfare.

4. Those statutes governing the election or compensation of district school board members.

5. Those statutes pertaining to the student assessment program and the school grading system, including chapter 1008.

6. Those statutes pertaining to financial matters, including chapter 1010.

7. Those statutes pertaining to planning and budgeting, including chapter 1011, except that ss. 1011.64 and 1011.69 shall be eligible for exemption.

8. Sections 1012.22(1)(c) and 1012.27(2), relating to performance-pay policies for school administrators and instructional personnel. Professional service contracts shall be subject to the provisions of ss. 1012.33 and 1012.34.

9. Those statutes pertaining to educational facilities, including chapter 1013, except as specified under contract with the State Board of Education. However, no contractual provision that could have the effect of requiring the appropriation of additional capital outlay funds to the academic performance-based charter school district shall be valid.

(b) Additionally, an academic performance-based charter school district shall be in compliance with the following statutes:

1. Section 286.011, relating to public meetings and records, public inspection, and criminal and civil penalties.

2. Those statutes pertaining to public records, including chapter 119.

3. Those statutes pertaining to financial disclosure by elected officials.

4. Those statutes pertaining to conflicts of interest by elected officials. ~~Charter school districts shall be exempt from state statutes and specified State Board of Education rules. The district school board of a charter school district shall not be exempt from any statute governing election of district school board members, public meetings and public records requirements, financial disclosure, conflicts of interest, operation in the sunshine, or any provisions outside the Florida K-20 Education Code.~~

(3) GOVERNING BOARD.—The governing board of the *academic performance-based* charter school district shall be the duly elected district school board. The district school board shall be responsible for supervising the schools in the *academic performance-based* charter *school* district and *may convert* ~~is authorized to charter~~ each of its existing public schools *to charter schools* pursuant to s. 1002.33~~, apply for deregulation of its public schools pursuant to s. 1003.63,~~ or otherwise establish performance-based contractual relationships with its public schools for the purpose of giving them greater autonomy with accountability for performance.

(4) PRECHARTER AGREEMENT.—The State Board of Education *may* ~~is authorized to~~ approve a precharter agreement *that grants* ~~with a potential charter district. The agreement may grant~~ limited flexibility and direction for developing the full *academic performance-based* charter proposal.

(5) ANNUAL REPORT BY CHARTER SCHOOL DISTRICT.—Each school district chartered pursuant to this section shall transmit an annual report to the State Board of Education that delineates the performance of the school district relative to the performance goals contained in the charter agreement. The annual report shall be transmitted to the Commissioner of Education and shall be due each year on the anniversary date of the charter agreement.

~~(5) TIME PERIOD FOR PILOT.—The pilot program shall be authorized for a period of 3 full school years commencing with award of a charter. The charter may be renewed upon action of the State Board of Education.~~

(6) REPORTS.—The State Board of Education shall annually report on the *performance of each academic performance-based* ~~implementation of the~~ charter school district ~~pilot program~~ . *Biennially* ~~Upon the completion of the first 3-year term~~, the State Board of Education, through the Commissioner of Education, shall submit to the Legislature a full evaluation of the effectiveness of *granting academic performance-based charter school district status* ~~the program~~.

(7) PILOT PROGRAM CHARTER SCHOOL DISTRICTS; GRANDFATHER PROVISION.—The State Board of Education shall use the criteria approved in the initial charter applications issued to the school districts of Volusia, Hillsborough, Orange, and Palm Beach Counties to renew those pilot program charter school districts in accordance with this subsection. No additional pilot program charter school districts shall be approved, and the pilot program consists solely of school districts in Volusia, Hillsborough, Orange, and Palm Beach Counties. The termination of the charter school districts pilot program is effective July 1, 2007, or upon the end of a 5-year renewal contract issued by the State Board of Education to the Volusia County, Hillsborough County, Orange County, or Palm Beach County school district prior to July 1, 2003, whichever is later.

(8)~~(7)~~ RULEMAKING.—The State Board of Education *may adopt* ~~shall have the authority to enact~~ rules to implement this section in accordance with ss. 120.536 and 120.54.

Section 27. Paragraph (b) of subsection (5) of section 1011.62, Florida Statutes, is amended to read:

1011.62 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:

(5) CATEGORICAL FUNDS.—

(b) ~~For fiscal year 2002-2003,~~ If a district school board finds and declares in a resolution adopted at a regular meeting of the school board that the funds received for any of the following categorical appropriations are urgently needed to maintain school board specified academic classroom instruction, the school board may consider and approve an amendment to the school district operating budget transferring the identified amount of the categorical funds to the appropriate account for expenditure:

1. Funds for student transportation.

2. Funds for in-service educational personnel training.

3. Funds for safe schools.

4. Funds for public school technology.

~~5. Funds for teacher recruitment and retention.~~

5.~~6.~~ Funds for supplemental academic instruction.

6. Funds for instructional materials.

Prior to adopting the resolution required by this paragraph, the district school board must advertise in a newspaper of general circulation in the school district its intent to pass such resolution and must provide in such advertisement the purpose for which the funds were appropriated, the alternative purpose for which the funds will be used, and the basis for finding a necessity for the reallocation of such funds. In reporting its expenditures under s. 1010.20, with respect to a school district's discretionary spending authority exercised under this subsection, the district school board shall report on a school-by-school basis and a district-aggregated basis how all funds, including federal funds, allocated to the school district for formula-funded categorical programs were expended.

Section 28. Section 1011.68, Florida Statutes, is amended to read:

1011.68 Funds for student transportation.—The annual allocation to each district for transportation to public school programs, including charter schools as provided in s. 1002.33*(17)*~~(18)~~(b), of students in membership in kindergarten through grade 12 and in migrant and exceptional student programs below kindergarten shall be determined as follows:

(1) Subject to the rules of the State Board of Education, each district shall determine the membership of students who are transported:

(a) By reason of living 2 miles or more from school.

(b) By reason of being students with disabilities or enrolled in a teenage parent program, regardless of distance to school.

(c) By reason of being in a state prekindergarten program, regardless of distance from school.

(d) By reason of being career and technical, dual enrollment, or students with disabilities transported from one school center to another to participate in an instructional program or service; or students with disabilities, transported from one designation to another in the state, provided one designation is a school center and provided the student's individual educational plan (IEP) identifies the need for the instructional program or service and transportation to be provided by the school district. A "school center" is defined as a public school center, community college, state university, or other facility rented, leased, or owned and operated by the school district or another public agency. A "dual enrollment student" is defined as a public school student in membership in both a public secondary school program and a community college or a state university program under a written agreement to partially fulfill ss. 1003.435 and 1007.23 and earning full-time equivalent membership under s. 1011.62(1)(i).

(e) With respect to elementary school students whose grade level does not exceed grade 6, by reason of being subjected to hazardous walking conditions en route to or from school as provided in s. 1006.23. Such rules shall, when appropriate, provide for the determination of membership under this paragraph for less than 1 year to accommodate the needs of students who require transportation only until such hazardous conditions are corrected.

(f) By reason of being a pregnant student or student parent, and the child of a student parent as provided in s. 1003.54, regardless of distance from school.

(2) The allocation for each district shall be calculated annually in accordance with the following formula:

T = B + EX. The elements of this formula are defined as follows: T is the total dollar allocation for transportation. B is the base transportation dollar allocation prorated by an adjusted student membership count. The adjusted membership count shall be derived from a multiplicative index function in which the base student membership is adjusted by multiplying it by index numbers that individually account for the impact of the price level index, average bus occupancy, and the extent of rural population in the district. EX is the base transportation dollar allocation for disabled students prorated by an adjusted disabled student membership count. The base transportation dollar allocation for disabled students is the total state base disabled student membership count weighted for increased costs associated with transporting disabled students and multiplying it by the prior year's average per student cost for transportation. The adjusted disabled student membership count shall be derived from a multiplicative index function in which the weighted base disabled student membership is adjusted by multiplying it by index numbers that individually account for the impact of the price level index, average bus occupancy, and the extent of rural population in the district. Each adjustment factor shall be designed to affect the base allocation by no more or less than 10 percent.

(3) The total allocation to each district for transportation of students shall be the sum of the amounts determined in subsection (2). If the funds appropriated for the purpose of implementing this section are not sufficient to pay the base transportation allocation and the base transportation allocation for disabled students, the Department of Education shall prorate the available funds on a percentage basis. If the funds appropriated for the purpose of implementing this section exceed the sum of the base transportation allocation and the base transportation allocation for disabled students, the base transportation allocation for disabled students shall be limited to the amount calculated in subsection (2), and the remaining balance shall be added to the base transportation allocation.

(4) No district shall use funds to purchase transportation equipment and supplies at prices which exceed those determined by the department to be the lowest which can be obtained, as prescribed in s. 1006.27(1).

(5) Funds allocated or apportioned for the payment of student transportation services may be used to pay for transportation of students to and from school on local general purpose transportation systems. Student transportation funds may also be used to pay for transportation of students to and from school in private passenger cars and boats when the transportation is for isolated students, or students with disabilities as defined by rule. Subject to the rules of the State Board of Education, each school district shall determine and report the number of assigned students using general purpose transportation private passenger cars and boats. The allocation per student must be equal to the allocation per student riding a school bus.

(6) Notwithstanding other provisions of this section, in no case shall any student or students be counted for transportation funding more than once per day. This provision includes counting students for funding pursuant to trips in school buses, passenger cars, or boats or general purpose transportation.

(7) Any funds received by a school district under this section that are not required to transport students may, at the discretion of the district school board, be transferred to the district's Florida Education Finance Program.

Section 29. Subsections (2), (4), and (5) of section 1011.69, Florida Statutes, are amended to read:

1011.69 Equity in School-Level Funding Act.—

(2)~~(a) Beginning in the 2000-2001 fiscal year, district school boards shall allocate to each school within the district at least 50 percent of the funds generated by that school based upon the Florida Education Finance Program as provided in s. 1011.62 and the General Appropriations Act, including gross state and local funds, discretionary lottery funds, and funds from the school district's current operating discretionary millage levy.~~

~~(b) Beginning in the 2001-2002 fiscal year, district school boards shall allocate to each school within the district at least 65 percent of the funds generated by that school based upon the Florida Education Finance Program as provided in s. 1011.62 and the General Appropriations Act, including gross state and local funds, discretionary lottery funds, and funds from the school district's current operating discretionary millage levy.~~

~~(c) Beginning in the 2002-2003 fiscal year, district school boards shall allocate to each school within the district at least 80 percent of the funds generated by that school based upon the Florida Education Finance Program as provided in s. 1011.62 and the General Appropriations Act, including gross state and local funds, discretionary lottery funds, and funds from the school district's current operating discretionary millage levy.~~

~~(d)~~ Beginning in the 2003-2004 fiscal year, district school boards shall allocate to *schools* ~~each school~~ within the district *an average of* ~~at least~~ 90 percent of the funds generated by *all schools and guarantee that*

each school receives at least 80 percent of the funds generated by that school based upon the Florida Education Finance Program as provided in s. 1011.62 and the General Appropriations Act, including gross state and local funds, discretionary lottery funds, and funds from the school district's current operating discretionary millage levy. Total funding for each school shall be recalculated during the year to reflect the revised calculations under the Florida Education Finance Program by the state and the actual weighted full-time equivalent students reported by the school during the full-time equivalent student survey periods designated by the Commissioner of Education. If the district school board is providing programs or services to students funded by federal funds, any eligible students enrolled in the schools in the district shall be provided federal funds. Only *academic performance-based charter school* ~~those~~ districts ~~that initially applied for charter school district status~~, pursuant to s. 1003.62, ~~and have been approved by the State Board of Education~~ are exempt from the provisions of this section.

(4) *The following funds are excluded from the school-level allocation under this section:* ~~Recommendations made by the Governor's Equity in Educational Opportunity Task Force shall be reviewed to identify potential categorical funds to be included in the district allocation methodology required in subsection (2).~~

(a)~~(5)~~ Funds appropriated in the General Appropriations Act for supplemental academic instruction to be used for the purposes described in s. 1011.62(1)(f) ~~are excluded from the school-level allocation under this section~~.

(b) Funds appropriated in the General Appropriations Act for the class size reduction operating categorical fund established in s. 1011.685.

Section 30. Subsections (1) through (6) of section 1012.56, Florida Statutes, are amended to read:

1012.56 Educator certification requirements.—

(1) APPLICATION.—Each person seeking certification pursuant to this chapter shall submit a completed application containing the applicant's social security number to the Department of Education and remit the fee required pursuant to s. 1012.59 and rules of the State Board of Education. Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each party is required to provide his or her social security number in accordance with this section. Disclosure of social security numbers obtained through this requirement *is* ~~shall be~~ limited to the purpose of administration of the Title IV-D program of the Social Security Act for child support enforcement. Pursuant to s. 120.60, the department shall issue within 90 calendar days after the stamped receipted date of the completed application:

(a) A certificate covering the classification, level, and area for which the applicant is deemed qualified; or

(b) An official statement of status of eligibility. The statement of status of eligibility must advise the applicant of any qualifications that must be completed to qualify for certification. Each statement of status of eligibility is valid for *3* ~~2~~ years after its date of issuance, except as provided in paragraph (2)(d). ~~A statement of status of eligibility may be reissued for one additional 2-year period if application is made while the initial statement of status of eligibility is valid or within 1 year after the initial statement expires, and if the certification subject area is authorized to be issued by the state board at the time the application requesting a reissued statement of status of eligibility is received.~~

(2) ELIGIBILITY CRITERIA.—To be eligible to seek certification ~~pursuant to this chapter~~, a person must:

(a) Be at least 18 years of age.

(b) File a written statement, under oath, that the applicant subscribes to and will uphold the principles incorporated in the Constitution of the United States and the Constitution of the State of Florida.

(c) Document receipt of a bachelor's or higher degree from an accredited institution of higher learning, or *any* ~~a nonaccredited~~ institution of higher learning *otherwise approved pursuant to State Board of Education rule* ~~that the Department of Education has identified as having a quality program resulting in a bachelor's degree, or higher~~. Each applicant seeking initial certification must have attained at least a 2.5 overall grade point average on a 4.0 scale in the applicant's major field of study. The applicant may document the required education by submitting official transcripts from institutions of higher education or by authorizing the direct submission of such official transcripts through established electronic network systems. The bachelor's or higher degree may not be required in areas approved in rule by the State Board of Education as nondegreed areas.

(d) Submit to a fingerprint check from the Department of Law Enforcement and the Federal Bureau of Investigation pursuant to s. 1012.32. If the fingerprint reports indicate a criminal history or if the applicant acknowledges a criminal history, the applicant's records shall be referred to the Bureau of Educator Standards for review and determination of eligibility for certification. If the applicant fails to provide the necessary documentation requested by the Bureau of Educator Standards within 90 days after the date of the receipt of the certified mail request, the statement of eligibility and pending application shall become invalid.

(e) Be of good moral character.

(f) Be competent and capable of performing the duties, functions, and responsibilities of an educator.

(g) Demonstrate mastery of general knowledge, pursuant to subsection (3).

(h) Demonstrate mastery of subject area knowledge, pursuant to subsection (4).

(i) Demonstrate mastery of professional preparation and education competence, pursuant to subsection (5).

(3) MASTERY OF GENERAL KNOWLEDGE.—Acceptable means of demonstrating mastery of general knowledge are:

(a) Achievement of passing scores on basic skills examination required by state board rule;

(b) Achievement of passing scores on the College Level Academic Skills Test earned prior to July 1, 2002;

(c) A valid *professional* standard teaching certificate issued by another state ~~that requires an examination of mastery of general knowledge~~;

(d) A ~~valid standard teaching certificate issued by another state and~~ valid certificate issued by the National Board for Professional Teaching Standards *or other such nationally recognized organization as determined by the State Board of Education*; ~~or~~

(e) Documentation of two semesters of successful teaching in a community college, state university, or private college or university that awards an associate or higher degree and is an accredited institution or an institution of higher education otherwise approved pursuant to State Board of Education rule; or

(f)~~(e)~~ A valid ~~standard~~ teaching certificate issued by another state and documentation of *1 year* ~~2 years~~ of ~~continuous~~ successful ~~full-time~~ teaching ~~or administrative~~ experience ~~during the 5-year period immediately preceding the date of application for certification~~.

(4) MASTERY OF SUBJECT AREA KNOWLEDGE.—Acceptable means of demonstrating mastery of subject area knowledge are:

(a) Achievement of passing scores on subject area examinations required by state board rule;

(b) Completion of the subject area specialization requirements specified in state board rule and verification of the attainment of the essential subject matter competencies by the district school superintendent of the employing school district or chief administrative officer of the employing state-supported or private school for a subject area for which a subject area examination has not been developed and required by state board rule;

(c) Completion of the ~~graduate level~~ subject area specialization requirements specified in state board rule for a subject coverage requiring a master's or higher degree and achievement of a passing score on the subject area examination specified in state board rule;

(d) A valid *professional* standard teaching certificate issued by another state ~~that requires an examination of mastery of subject area knowledge~~;

(e) A ~~valid standard teaching certificate issued by another state and~~ valid certificate issued by the National Board for Professional Teaching Standards *or other such nationally recognized organization as determined by the State Board of Education*; or

(f) A valid ~~standard~~ teaching certificate issued by another state and documentation of *1 year* ~~2 years~~ of ~~continuous~~ successful ~~full-time~~ teaching ~~or administrative~~ experience ~~during the 5-year period immediately preceding the date of application for certification~~.

(5) MASTERY OF PROFESSIONAL PREPARATION AND EDUCATION COMPETENCE.—Acceptable means of demonstrating mastery of professional preparation and education competence are:

(a) Completion of an approved teacher preparation program at a postsecondary educational institution within this state and achievement of a passing score on the professional education competency examination required by state board rule;

(b) Completion of a teacher preparation program *offered by* ~~at~~ a postsecondary educational institution outside Florida and achievement of a passing score on the professional education competency examination required by state board rule;

(c) A valid *professional* standard teaching certificate issued by another state ~~that requires an examination of mastery of professional education competence~~;

(d) A ~~valid standard teaching certificate issued by another state and~~ valid certificate issued by the National Board for Professional Teaching Standards *or other such nationally recognized organization as determined by the State Board of Education*;

(e) A valid ~~standard~~ teaching certificate issued by another state and documentation of *1 year* ~~2 years~~ of ~~continuous~~ successful ~~full-time~~ teaching ~~or administrative~~ experience ~~during the 5-year period immediately preceding the date of application for certification~~;

(f) Completion of professional preparation courses as specified in state board rule, successful completion of a professional education competence demonstration program pursuant to paragraph (7)(b), and achievement of a passing score on the professional education competency examination required by state board rule; or

(g) Successful completion of a professional preparation alternative certification and education competency program, outlined in paragraph (7)(a).

State Board of Education rule governing mastery of professional preparation and education competence shall be revised as necessary in accordance with s. 1004.04(2).

(6) TYPES AND TERMS OF CERTIFICATION.—

(a) The Department of Education shall issue a professional certificate for a period not to exceed 5 years to any applicant who meets all the requirements outlined in subsection (2).

(b) The department shall issue a temporary certificate to any applicant who completes the requirements outlined in paragraphs (2)(a)-(f) and completes the subject area content requirements specified in state board rule or demonstrates mastery of subject area knowledge pursuant to subsection (4) and holds an accredited degree or a degree approved by the Department of Education at the level required for the subject area specialization in state board rule.

(c) The department shall issue one nonrenewable 2-year temporary certificate and one nonrenewable 5-year professional certificate to a qualified applicant who holds a bachelor's degree in the area of speech-language impairment to allow for completion of a master's degree program in speech-language impairment.

Each temporary certificate is valid for 3 school fiscal years and is nonrenewable. ~~However, the requirement in paragraph (2)(g) must be met within 1 calendar year of the date of employment under the temporary certificate. Individuals who are employed under contract at the end of the 1 calendar year time period may continue to be employed through the end of the school year in which they have been contracted. A school district shall not employ, or continue the employment of, an individual in a position for which a temporary certificate is required beyond this time period if the individual has not met the requirement of paragraph (2)(g).~~ *However,* the State Board of Education shall adopt rules to allow the department to extend the validity period of a temporary certificate for 2 years when the requirements for the professional certificate~~, not including the requirement in paragraph (2)(g),~~ were not completed due to the serious illness or injury of the applicant or other extraordinary extenuating circumstances. *Based on emergency need,* the department shall reissue the temporary certificate for 2 additional years upon approval by the Commissioner of Education. A written request for *such* reissuance *must first* ~~of the certificate shall~~ be submitted*, stating the basis for the emergency need,* by the district school superintendent, the governing authority of a university lab school, the governing authority of a state-supported school, or the governing authority of a private school. *However, the Commissioner of Education may provide to any applicant who, by June 30, 2003, has demonstrated mastery of general knowledge, subject area knowledge, and professional preparation and education competence, pursuant to subsections (3), (4), and (5), except for achievement of a passing score on one subtest area of the general knowledge examination, a one-time only extension of his or her temporary certificate until June 30, 2004.*

Section 31. Subsection (1) of section 1012.57, Florida Statutes, is amended to read:

1012.57 Certification of adjunct educators.—

(1) Notwithstanding the provisions of ss. 1012.32, 1012.55, and 1012.56, or any other provision of law or rule to the contrary, district school boards *shall adopt rules to allow for the issuance of* ~~may issue~~ an adjunct teaching certificate to any applicant who fulfills the requirements of s. 1012.56(2)(a)-(f) and who has expertise in the subject area to be taught. An applicant shall be considered to have expertise in the subject area to be taught if the applicant ~~has at least a minor in the subject area or~~ demonstrates sufficient subject area mastery *through passage of a subject area test* ~~as determined by district school board policy~~. The adjunct teaching certificate shall be used for part-time teaching positions. The intent of this provision is to allow school districts to tap the wealth of talent and expertise represented in Florida's citizens who may wish to teach part-time in a Florida public school by permitting school districts to issue adjunct certificates *to qualified applicants* . Adjunct certificateholders should be used as a strategy to reduce the teacher shortage; thus, adjunct certificateholders should supplement a school's instructional staff, not supplant it. Each school principal shall assign an experienced peer mentor to assist the adjunct teaching certificateholder during the certificateholder's first year of teaching, and an adjunct certificateholder may participate in a district's new teacher training program. District school boards shall provide the adjunct teaching certificateholder an orientation in classroom management prior to assigning the certificateholder to a school. Each adjunct teaching certificate is valid for 5 school years and is renewable if~~:~~

~~(a) The applicant completes a minimum of 60 inservice points or 3 semester hours of college credit. The earned credits must include instruction in classroom management, district school board procedures, school culture, and other activities that enhance the professional teaching skills of the certificateholder.~~

~~(b)~~ the applicant has received satisfactory performance evaluations during each year of teaching under adjunct teaching certification.

Section 32. Subsection (13) is added to section 1013.03, Florida Statutes, to read:

1013.03 Functions of the department.—The functions of the Department of Education as it pertains to educational facilities shall include, but not be limited to, the following:

(13) By October 1, 2003, review all rules related to school construction to identify requirements that are outdated, obsolete, unnecessary, or otherwise could be amended in order to provide additional flexibility to school districts to comply with the constitutional class size maximums described in s. 1003.03(2) and make recommendations concerning such rules to the State Board of Education. The State Board of Education shall act on such recommendations by December 31, 2003.

Section 33. Paragraph (d) is added to subsection (1) of section 1013.31, Florida Statutes, to read:

1013.31 Educational plant survey; localized need assessment; PECO project funding.—

(1) At least every 5 years, each board shall arrange for an educational plant survey, to aid in formulating plans for housing the educational program and student population, faculty, administrators, staff, and auxiliary and ancillary services of the district or campus, including consideration of the local comprehensive plan. The Office of Workforce and Economic Development shall document the need for additional career and adult education programs and the continuation of existing programs before facility construction or renovation related to career or adult education may be included in the educational plant survey of a school district or community college that delivers career or adult education programs. Information used by the Office of Workforce and Economic Development to establish facility needs must include, but need not be limited to, labor market data, needs analysis, and information submitted by the school district or community college.

(d) Periodic update of Florida Inventory of School Houses.—School districts shall periodically update their inventory of educational facilities as new capacity becomes available and as unsatisfactory space is eliminated. The State Board of Education shall adopt rules to determine the timeframe in which school districts must provide a periodic update.

Section 34. Paragraph (b) of subsection (1) and subsections (2) and (3) of section 1002.37, Florida Statutes, are amended, subsections (4), (5), and (6) are renumbered as subsections (5), (6), and (7), respectively, and a new subsection (4) is added to said section, to read:

1002.37 The Florida Virtual School.—

(1)

(b) The mission of the Florida Virtual School is to provide students with technology-based educational opportunities to gain the knowledge and skills necessary to succeed *and to award high school diplomas pursuant to s. 1003.43(9)*. The school shall serve any student in the state who meets the profile for success in this educational delivery context and shall give priority to:

1. Students enrolled in traditional public school classes that are not in compliance with the maximum class sizes provided in s. 1000.03.

2. Students enrolled as full-time students in the Florida Virtual School and seeking a high school diploma awarded by the Florida Virtual School.

3.~~1.~~ Students who need expanded access to courses in order to meet their educational goals, such as home education students and students in ~~inner-city and~~ rural *and other public* high schools who do not have access to higher-level courses.

4.~~2.~~ Students seeking accelerated access in order to obtain a high school diploma at least one semester early.

The board of trustees of the Florida Virtual School shall identify appropriate performance measures and standards based on student achievement that reflect the school's statutory mission and priorities, and shall implement an accountability system for the school that includes assessment of its effectiveness and efficiency in providing quality services that encourage high student achievement, seamless articulation, and maximum access.

(2) The Florida Virtual School shall be governed by a board of trustees comprised of seven members appointed by the Governor to 4-year staggered terms. The board of trustees shall be a public agency entitled to sovereign immunity pursuant to s. 768.28, and board members shall be public officers who shall bear fiduciary responsibility for the Florida Virtual School. The board of trustees shall have the following powers and duties:

(a)1. The board of trustees shall meet at least 4 times each year, upon the call of the chair, or at the request of a majority of the membership.

2. The fiscal year for the Florida Virtual School shall be the state fiscal year as provided in s. 216.011(1)(o).

(b) The board of trustees shall be responsible for the Florida Virtual School's development of a state-of-the-art technology-based education delivery system that is cost-effective, educationally sound, marketable, and capable of sustaining a self-sufficient delivery system through the Florida Education Finance Program~~, by fiscal year 2003-2004. The school shall collect and report data for all students served and credit awarded. This data shall be segregated by private, public, and home education students by program. Information shall also be collected that reflects any other school in which a virtual school student is enrolled~~ .

(c) The board of trustees shall aggressively seek avenues to generate revenue to support its future endeavors, and shall enter into agreements with distance learning providers. The board of trustees may acquire, enjoy, use, and dispose of patents, copyrights, and trademarks and any licenses and other rights or interests thereunder or therein. Ownership of all such patents, copyrights, trademarks, licenses, and rights or interests thereunder or therein shall vest in the state, with the board of trustees having full right of use and full right to retain the revenues derived therefrom. Any funds realized from patents, copyrights, trademarks, or licenses shall be *considered internal funds as provided in s. 1011.07. Such funds shall be*used to support the school's marketing and research and development activities in order to improve courseware and services to its students.

(d) The board of trustees shall *be responsible for the administration and control of all local school funds derived from all activities or sources and shall prescribe the principles and procedures to be followed in administering these funds* ~~annually prepare and submit to the State Board of Education a legislative budget request, including funding requests for computers for public school students who do not have access to public school computers, in accordance with chapter 216 and s. 1013.60. The legislative budget request of the Florida Virtual School shall be prepared using the same format, procedures, and timelines required for the submission of the legislative budget of the Department of Education. Nothing in this section shall be construed to guarantee a computer to any individual student~~.

(e) The Florida Virtual School may accrue supplemental revenue from supplemental support organizations, which include, but are not limited to, alumni associations, foundations, parent-teacher associations, and booster associations. The governing body of each supplemental support organization shall recommend the expenditure of moneys collected by the organization for the benefit of the school. Such expenditures shall be contingent upon the review of the executive director. The executive director may override any proposed expenditure of the organization that would violate Florida law or breach sound educational management.

(f)~~(e)~~ In accordance with law and rules of the State Board of Education, the board of trustees shall administer and maintain personnel programs for all employees of the board of trustees and the Florida Virtual School. The board of trustees may adopt rules, policies, and procedures related to the appointment, employment, and removal of personnel.

1. The board of trustees shall determine the compensation, including salaries and fringe benefits, and other conditions of employment for such personnel.

2. The board of trustees may establish and maintain a personnel loan or exchange program by which persons employed by the board of trustees for the Florida Virtual School as academic administrative and instructional staff may be loaned to, or exchanged with persons employed in like capacities by, public agencies either within or without this state, or by private industry. With respect to public agency employees, the program authorized by this subparagraph shall be consistent with the requirements of part II of chapter 112. The salary and benefits of board of trustees personnel participating in the loan or exchange program shall be continued during the period of time they participate in a loan or exchange program, and such personnel shall be deemed to have no break in creditable or continuous service or employment during such time. The salary and benefits of persons participating in the personnel loan or exchange program who are employed by public agencies or private industry shall be paid by the originating employers of those participants, and such personnel shall be deemed to have no break in creditable or continuous service or employment during such time.

3. The employment of all Florida Virtual School academic administrative and instructional personnel shall be subject to rejection for cause

by the board of trustees, and shall be subject to policies of the board of trustees relative to certification, tenure, leaves of absence, sabbaticals, remuneration, and such other conditions of employment as the board of trustees deems necessary and proper, not inconsistent with law.

4. Each person employed by the board of trustees in an academic administrative or instructional capacity with the Florida Virtual School shall be entitled to a contract as provided by rules of the board of trustees.

5. All employees except temporary, seasonal, and student employees may be state employees for the purpose of being eligible to participate in the Florida Retirement System and receive benefits. The classification and pay plan, including terminal leave and other benefits, and any amendments thereto, shall be subject to review and approval by the Department of Management Services and the Executive Office of the Governor prior to adoption. ~~In the event that the board of trustees assumes responsibility for governance pursuant to this section before approval is obtained, employees shall be compensated pursuant to the system in effect for the employees of the fiscal agent.~~

(g)~~(f)~~ The board of trustees shall establish priorities for admission of students in accordance with paragraph (1)(b).

(h)~~(g)~~ The board of trustees shall establish and distribute to all school districts and high schools in the state procedures for enrollment of students in courses offered by the Florida Virtual School. ~~Such procedures shall be designed to minimize paperwork and fairly resolve the issue of double funding students taking courses on-line.~~

(i) The board of trustees shall establish criteria defining the elements of an approved franchise. The board of trustees may enter into franchise agreements with Florida district school boards and may establish the terms and conditions governing such agreements. The board of trustees shall establish the performance and accountability measures and report the performance of each school district franchise to the Commissioner of Education.

(j)~~(h)~~ The board of trustees shall ~~annually~~ submit to the State Board of Education both forecasted and actual enrollments *and credit completions* for the Florida Virtual School, according to procedures established by the State Board of Education. At a minimum, such procedures must include the number of public, private, and home education students served by *program and by county of residence* ~~district~~.

(k)~~(i)~~ The board of trustees shall provide for the content and custody of student and employee personnel records. Student records shall be subject to the provisions of s. 1002.22. Employee records shall be subject to the provisions of s. 1012.31.

(l)~~(j)~~ The financial records and accounts of the Florida Virtual School shall be maintained under the direction of the board of trustees and under rules adopted by the State Board of Education for the uniform system of financial records and accounts for the schools of the state.

The Governor shall designate the initial chair of the board of trustees to serve a term of 4 years. Members of the board of trustees shall serve without compensation, but may be reimbursed for per diem and travel expenses pursuant to s. 112.061. The board of trustees shall be a body corporate with all the powers of a body corporate and such authority as is needed for the proper operation and improvement of the Florida Virtual School. The board of trustees is specifically authorized to adopt rules, policies, and procedures, consistent with law and rules of the State Board of Education related to governance, personnel, budget and finance, administration, programs, curriculum and instruction, travel and purchasing, technology, students, contracts and grants, and property as necessary for optimal, efficient operation of the Florida Virtual School. Tangible personal property owned by the board of trustees shall be subject to the provisions of chapter 273.

(3) *Funding for the Florida Virtual School shall be provided as follows:*

(a) A "full-time equivalent student" for the Florida Virtual School is one student who has successfully completed six credits that shall count toward the minimum number of credits required for high school graduation. A student who completes less than six credits shall be a fraction of a full-time equivalent student. Half-credit completions shall be included in determining a full-time equivalent student. Credit completed by a student in excess of the minimum required for that student for high school graduation is not eligible for funding.

(b) Full-time equivalent student credits completed through the Florida Virtual School, including credits completed during the summer, shall be reported to the Department of Education in the manner prescribed by the department and shall be funded through the Florida Education Finance Program.

(c) School districts may not limit student access to courses offered through the Florida Virtual School.

(d) Full-time equivalent student credit completion for courses offered through the Florida Virtual School shall be reported only by the Florida Virtual School. School districts shall report full-time equivalent student membership only for courses for which the school district provides the instruction.

(e) The district cost differential as provided in s. 1011.62(2) shall be established as 1.000.

(f) The Florida Virtual School shall receive funds for operating purposes in an amount determined as follows: multiply the maximum allowable nonvoted discretionary millage for operations pursuant to s. 1011.71(1) by the value of 95 percent of the current year's taxable value for school purposes for the state; divide the result by the total full-time equivalent membership of the state; and multiply the result by the full-time equivalent membership of the school. The amount thus obtained shall be discretionary operating funds and shall be appropriated from state funds in the General Appropriations Act.

(g) The Florida Virtual School shall receive additional state funds as may be provided in the General Appropriations Act.

(h) In addition to the funds provided in the General Appropriations Act, the Florida Virtual School may receive other funds from grants and donations.

~~(a) Until fiscal year 2003-2004, the Commissioner of Education shall include the Florida Virtual School as a grant-in-aid appropriation in the department's legislative budget request to the State Board of Education, the Governor, and the Legislature, subject to any guidelines imposed in the General Appropriations Act.~~

~~(b) The Orange County District School Board shall be the temporary fiscal agent of the Florida Virtual School.~~

(4) School districts operating a virtual school that is an approved franchise of the Florida Virtual School may count full-time equivalent students, as provided in paragraph (3)(a), if such school has been certified as an approved franchise by the Commissioner of Education based on criteria established by the board of trustees pursuant to paragraph (2)(i).

Section 35. Paragraph (c) of subsection (1) of section 1011.61, Florida Statutes, is amended to read:

1011.61 Definitions.—Notwithstanding the provisions of s. 1000.21, the following terms are defined as follows for the purposes of the Florida Education Finance Program:

(1) A "full-time equivalent student" in each program of the district is defined in terms of full-time students and part-time students as follows:

(c)1. A "full-time equivalent student" is:

a. A full-time student in any one of the programs listed in s. 1011.62(1)(c); or

b. A combination of full-time or part-time students in any one of the programs listed in s. 1011.62(1)(c) which is the equivalent of one full-time student based on the following calculations:

(I) A full-time student, except a postsecondary or adult student or a senior high school student enrolled in adult education when such courses are required for high school graduation, in a combination of programs listed in s. 1011.62(1)(c) shall be a fraction of a full-time equivalent membership in each special program equal to the number of net hours

per school year for which he or she is a member, divided by the appropriate number of hours set forth in subparagraph (a)1. or subparagraph (a)2. The difference between that fraction or sum of fractions and the maximum value as set forth in subsection (4) for each full-time student is presumed to be the balance of the student's time not spent in such special education programs and shall be recorded as time in the appropriate basic program.

(II) A prekindergarten handicapped student shall meet the requirements specified for kindergarten students.

(III) A Florida Virtual School full-time equivalent student shall consist of six full credit completions in the programs listed in s. 1011.62(1)(c)1. and 4. Credit completions can be a combination of either full credits or half credits.

2. A student in membership in a program scheduled for more or less than 180 school days is a fraction of a full-time equivalent membership equal to the number of instructional hours in membership divided by the appropriate number of hours set forth in subparagraph (a)1.; however, for the purposes of this subparagraph, membership in programs scheduled for more than 180 days is limited to students enrolled in juvenile justice education programs *and the Florida Virtual School*.

The department shall determine and implement an equitable method of equivalent funding for experimental schools and for schools operating under emergency conditions, which schools have been approved by the department to operate for less than the minimum school day.

Section 36. Paragraphs (b), (c), (d), and (e) of subsection (6) of section 1013.64, Florida Statutes, are amended to read:

1013.64 Funds for comprehensive educational plant needs; construction cost maximums for school district capital projects.—Allocations from the Public Education Capital Outlay and Debt Service Trust Fund to the various boards for capital outlay projects shall be determined as follows:

(6)

(b)1. A district school board*, including a district school board of an academic performance-based charter school district,* must not use funds from the *following sources:* Public Education Capital Outlay and Debt Service Trust Fund*;* ~~or the~~ School District and Community College District Capital Outlay and Debt Service Trust Fund*; Classrooms First Program funds provided in s. 1013.68; effort index grant funds provided in s. 1013.73; nonvoted 2-mill levy of ad valorem property taxes provided in s. 1011.71(2); Class Size Reduction Infrastructure Program funds provided in s. 1013.735; District Effort Recognition Program funds provided in s. 1013.736; school capital outlay sales surtax provided in s. 212.055(6); local government infrastructure sales surtax provided in s. 212.055(2); or voted millage provided in s. 1011.73,* for any new construction of educational plant space with a total cost per student station, including change orders, that equals more than:

a. *$12,755* ~~$11,600~~ for an elementary school,

b. *$14,624* ~~$13,300~~ for a middle school, or

c. *$19,352* ~~$17,600~~ for a high school,

(*January 2002* ~~1997~~) as adjusted annually *to reflect increases or decreases in* ~~by~~ the Consumer Price Index.

2. A district school board must not use funds from the Public Education Capital Outlay and Debt Service Trust Fund or the School District and Community College District Capital Outlay and Debt Service Trust Fund for any new construction of an ancillary plant that exceeds 70 percent of the average cost per square foot of new construction for all schools.

(c) Except as otherwise provided, new construction initiated *after July 1, 2004,* by a district school board *funded solely from proceeds received by school districts through provisions of ss. 212.055 and 1011.73 and s. 9, Art. VII of the State Constitution* ~~after June 30, 1997,~~ must not exceed the cost per student station as provided in paragraph (b). *However, a school district may exceed the cost per student station provided in paragraph (b) if the school district:*

1. Utilizes funds provided through voted millage options or, for those school districts with unincarcerated populations of less than 100,000, funds generated through discretionary 2 mill authority.

2. Holds a public hearing that clearly communicates the school district's purpose for the use of the funds and, during a regularly scheduled meeting of the district school board, votes to use such funds in the manner and for the purpose identified in the public hearing.

3. Annually reports to the department the amount of funds used, the capital outlay for which the funds were used, and the source of the funds.

(d) The department shall*:*

1. Compute for each calendar year the statewide average construction costs for facilities serving each instructional level, for relocatable educational facilities, for administrative facilities, and for other ancillary and auxiliary facilities. The department shall compute the statewide average costs per student station for each instructional level.

2. Annually review the actual completed construction costs of educational facilities in each school district. For any school district in which the total actual cost per student station, including change orders, exceeds the statewide limits established in paragraph (b), the school district shall report to the department the actual cost per student station and the reason for the school district's inability to adhere to the limits established in paragraph (b). The department shall collect all such reports and shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31 of each year a summary of each school district's spending in excess of the cost per student station provided in paragraph (b) as reported by the school districts.

Cost per student station includes contract costs, legal and administrative costs, fees of architects and engineers, furniture and equipment, and site improvement costs. Cost per student station does not include the cost of purchasing or leasing the site for the construction or the cost of related offsite improvements.

~~(e) The restrictions of this subsection on the cost per student station of new construction do not apply to a project funded entirely from proceeds received by districts through provisions of ss. 212.055 and 1011.73 and s. 9, Art. VII of the State Constitution, if the school board approves the project by majority vote.~~

Section 37. *Subsection (2) of section 1007.261 and sections 1012.41, 1013.21, and 1013.43, Florida Statutes, are repealed.*

Section 38. Subsection (13) is added to section 216.292, Florida Statutes, to read:

216.292 Appropriations nontransferable; exceptions.—

(13) The Executive Office of the Governor shall transfer funds from appropriations for public school operations to a fixed capital outlay appropriation for class size reduction based on recommendations of the Florida Education Finance Program Appropriation Allocation Conference pursuant to s. 1003.03(5)(a). This subsection is subject to the notice and review provisions of s. 216.177.

Section 39. Section 1000.041, Florida Statutes, is created to read:

1000.041 Better educated students and teachers (BEST) Florida teaching; legislative purposes; guiding principles.—The legislative purposes and guiding principles of BEST Florida teaching are:

(1) Teachers teach, students learn.

(2) Teachers maintain orderly, disciplined classrooms conducive to student learning.

(3) Teachers are trained, recruited, well compensated, and retained for quality.

(4) Teachers are well rewarded for their students' high performance.

(5) Teachers are most effective when served by exemplary school administrators.

Each teacher preparation program, each postsecondary educational institution providing dual enrollment or other acceleration programs,

each district school board, and each district and school-based administrator fully supports and cooperates in the accomplishment of these purposes and guiding principles.

Section 40. Section 1001.33, Florida Statutes, is amended to read:

1001.33 Schools under control of district school board and district school superintendent.—

(1) Except as otherwise provided by law, all public schools conducted within the district shall be under the direction and control of the district school board with the district school superintendent as executive officer.

(2) Each district school board, each district school superintendent, and each district and school-based administrator shall cooperate to apply the following guiding principles for better educated students and teachers (BEST) Florida teaching:

(a) Teachers teach, students learn.

(b) Teachers maintain orderly, disciplined classrooms conducive to student learning.

(c) Teachers are trained, recruited, well compensated, and retained for quality.

(d) Teachers are well rewarded for their students' high performance.

(e) Teachers are most effective when served by exemplary school administrators.

Section 41. Subsections (5) and (6) of section 1001.42, Florida Statutes, are amended to read:

1001.42 Powers and duties of district school board.—The district school board, acting as a board, shall exercise all powers and perform all duties listed below:

(5) PERSONNEL.—

(a) Designate positions to be filled, prescribe qualifications for those positions, and provide for the appointment, compensation, promotion, suspension, and dismissal of employees, subject to the requirements of chapter 1012. *Each district school board shall provide clerical personnel or volunteers who are not classroom teachers to assist teachers in noninstructional activities, including performing paperwork and recordkeeping duties. However, a teacher shall remain responsible for all instructional activities and for classroom management and grading student performance.*

(b) Notwithstanding s. 1012.55 or any other provision of law or rule to the contrary *and* ~~, the district school board may,~~ consistent with adopted district school board policy relating to alternative certification for school principals, *have the authority to* appoint persons to the position of school principal who do not hold educator certification.

(c) Fully support and cooperate in the application of the guiding principles for better educated students and teachers (BEST) Florida teaching, pursuant to s. 1000.041.

(6) *STUDENT* ~~CHILD~~ WELFARE.—

(a) In accordance with the provisions of chapters 1003 and 1006, provide for the proper accounting for all *students* ~~children~~ of school age, for the attendance and control of students at school, and for proper attention to health, safety, and other matters relating to the welfare of *students* ~~children~~.

(b) In accordance with the provisions of ss. 1003.31 and 1003.32, fully support the authority of each teacher and school bus driver to remove disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students from the classroom and the school bus and the authority of the school principal to place such students in an alternative educational setting, when appropriate and available.

Section 42. Subsection (23) of section 1001.51, Florida Statutes, is renumbered as subsection (25), and new subsections (23) and (24) are added to said section to read:

1001.51 Duties and responsibilities of district school superintendent.—The district school superintendent shall exercise all powers and perform all duties listed below and elsewhere in the law, provided that, in so doing, he or she shall advise and counsel with the district school board. The district school superintendent shall perform all tasks necessary to make sound recommendations, nominations, proposals, and reports required by law to be acted upon by the district school board. All such recommendations, nominations, proposals, and reports by the district school superintendent shall be either recorded in the minutes or shall be made in writing, noted in the minutes, and filed in the public records of the district school board. It shall be presumed that, in the absence of the record required in this section, the recommendations, nominations, and proposals required of the district school superintendent were not contrary to the action taken by the district school board in such matters.

(23) QUALITY TEACHERS.—Fully support and cooperate in the application of the guiding principles for better educated students and teachers (BEST) Florida teaching, pursuant to s. 1000.041.

(24) ORDERLY CLASSROOMS AND SCHOOL BUSES.—Fully support the authority of each teacher, according to s. 1003.32, and school bus driver to remove disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students from the classroom and the school bus and the authority of the school principal to place such students in an alternative educational setting, when appropriate and available.

Section 43. Subsection (1) of section 1001.54, Florida Statutes, is amended to read:

1001.54 Duties of school principals.—

(1)*(a)* A district school board shall employ, through written contract, public school principals.

(b) The school principal has authority over school district personnel in accordance with s. 1012.28.

(c) The school principal shall encourage school personnel to implement the guiding principles for better educated students and teachers (BEST) Florida teaching, pursuant to s. 1000.041.

(d) The school principal should fully support the authority of each teacher, according to s. 1003.32, and school bus driver to remove disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students from the classroom and the school bus and, when appropriate and available, place such students in an alternative educational setting.

Section 44. Subsection (22) is added to said section 1002.20, Florida Statutes, to read:

1002.20 K-12 student and parent rights.—K-12 students and their parents are afforded numerous statutory rights including, but not limited to, the following:

(22) ORDERLY, DISCIPLINED CLASSROOMS.—Public school students shall be in orderly, disciplined classrooms conducive to learning without the distraction caused by disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students, in accordance with s. 1003.32.

Section 45. Subsection (13) of section 1002.42, Florida Statutes, is amended to read:

1002.42 Private schools.—

(13) PROFESSIONAL DEVELOPMENT SYSTEM.—An organization of private schools that has no fewer than 10 member schools in this state may develop a professional development system to be filed with the Department of Education in accordance with the provisions of s. 1012.98*(6)*~~(7)~~.

Section 46. Section 1003.04, Florida Statutes, is amended to read:

1003.04 Student conduct and parental involvement ~~goals~~.—

(1) ~~It is the goal of the Legislature and each district school board that~~ Each public K-12 student *must comply with school attendance laws* ~~remain in attendance~~ throughout the school year, unless excused by the

school for illness or other good cause, and *must* comply fully with the school's code of conduct.

(2) The parent of each public K-12 student must cooperate with the authority of the student's district school board, superintendent, principal, teachers, and school bus drivers, according to ss. 1003.31 and 1003.32, to remove the student from the classroom and the school bus and, when appropriate and available, to place the student in an alternative educational setting, if the student is disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive.

(3)~~(2)~~ It is the goal of the Legislature and each district school board that the parent of each public K-12 student comply with the school's reasonable and time-acceptable parental involvement requests.

Section 47. Subsection (1) of section 1003.31, Florida Statutes, is amended to read:

1003.31 Students subject to control of school.—

(1) Subject to law and rules of the State Board of Education and of the district school board, each student enrolled in a school shall:

(a) During the time she or he is being transported to or from school at public expense;

(b) During the time she or he is attending school;

(c) During the time she or he is on the school premises participating with authorization in a school-sponsored activity; and

(d) During a reasonable time before and after the student is on the premises for attendance at school or for authorized participation in a school-sponsored activity, and only when on the premises, be under the control and direction of the principal or teacher in charge of the school, and under the immediate control and direction of the teacher or other member of the instructional staff or of the bus driver to whom such responsibility may be assigned by the principal. However, the State Board of Education or the district school board may, by rules, subject each student to the control and direction of the principal or teacher in charge of the school during the time she or he is otherwise en route to or from school or is presumed by law to be attending school. *Each district school board, each district school superintendent, and each school principal should fully support the authority of teachers, according to s. 1003.32, and school bus drivers to remove disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students from the classroom and the school bus and, when appropriate and available, place such students in an alternative educational setting.*

Section 48. Section 1003.32, Florida Statutes, is amended to read:

1003.32 Authority of teacher; responsibility for control of students; district school board and principal duties.—Subject to law and to the rules of the district school board, each teacher or other member of the staff of any school shall have such authority for the control and discipline of students as may be assigned to him or her by the principal or the principal' s designated representative and shall keep good order in the classroom and in other places in which he or she is assigned to be in charge of students.

(1) *In accordance with this section and* within the framework of the district school board's code of student conduct, teachers and other instructional personnel shall have the authority to undertake any of the following actions in managing student behavior and ensuring the safety of all students in their classes and school *and their opportunity to learn in an orderly and disciplined classroom*:

(a) Establish classroom rules of conduct.

(b) Establish and implement consequences, designed to change behavior, for infractions of classroom rules.

(c) Have disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students ~~temporarily~~ removed from the classroom for behavior management intervention.

(d) Have violent, abusive, uncontrollable, or disruptive students directed for information or assistance from appropriate school or district school board personnel.

(e) Assist in enforcing school rules on school property, during school-sponsored transportation, and during school-sponsored activities.

(f) Request and receive information as to the disposition of any referrals to the administration for violation of classroom or school rules.

(g) Request and receive immediate assistance in classroom management if a student becomes uncontrollable or in case of emergency.

(h) Request and receive training and other assistance to improve skills in classroom management, violence prevention, conflict resolution, and related areas.

(i) Press charges if *there is reason to believe that* a crime has been committed ~~against the teacher or other instructional personnel~~ on school property, during school-sponsored transportation, or during school-sponsored activities.

(j) Use reasonable force, according to standards adopted by the State Board of Education, to protect himself or herself or others from injury.

(k) Use corporal punishment according to school board policy and at least the following procedures, if a teacher feels that corporal punishment is necessary:

1. The use of corporal punishment shall be approved in principle by the principal before it is used, but approval is not necessary for each specific instance in which it is used. The principal shall prepare guidelines for administering such punishment which identify the types of punishable offenses, the conditions under which the punishment shall be administered, and the specific personnel on the school staff authorized to administer the punishment.

2. A teacher or principal may administer corporal punishment only in the presence of another adult who is informed beforehand, and in the student's presence, of the reason for the punishment.

3. A teacher or principal who has administered punishment shall, upon request, provide the student's parent with a written explanation of the reason for the punishment and the name of the other adult who was present.

(2) Teachers and other instructional personnel shall:

(a) Set and enforce reasonable classroom rules that treat all students equitably.

(b) Seek professional development to improve classroom management skills when data show that they are not effective in handling minor classroom disruptions.

(c) Maintain *an orderly and disciplined classroom with* a positive and effective learning environment that maximizes learning and minimizes disruption.

(d) Work with parents and other school personnel to solve discipline problems in their classrooms.

(3) A teacher may send a student to the principal's office to maintain effective discipline in the classroom *and may recommend an appropriate consequence consistent with the student code of conduct under s. 1006.07*. The principal shall respond by employing *the teacher's recommended consequence or a more serious disciplinary action if the student's history of disruptive behavior warrants it. If the principal determines that a different disciplinary action is appropriate, the principal should consult with the teacher prior to taking such different disciplinary action* ~~appropriate discipline management techniques consistent with the student code of conduct under s. 1006.07~~.

(4) A teacher may remove *a student* from class ~~a student~~ whose behavior the teacher determines interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn. *Each district school board, each district school superintendent, and each school principal should support the authority of teachers to remove disobedient, violent, abusive, uncontrollable, or disruptive students from the classroom.*

(5) If a teacher removes a student from class under subsection (4), the principal may place the student in another appropriate classroom,

in in-school suspension, or in a dropout prevention and academic intervention program as provided by s. 1003.53; or the principal may recommend the student for out-of-school suspension or expulsion, as appropriate. The student may be prohibited from attending or participating in school-sponsored or school-related activities. The principal may not return the student to that teacher's class without the teacher's consent unless the committee established under subsection (6) determines that such placement is the best or only available alternative. The teacher and the placement review committee must render decisions within 5 days of the removal of the student from the classroom.

(6)*(a)* Each school shall establish a *placement review* committee to determine placement of a student when a teacher withholds consent to the return of a student to the teacher's class. *A school principal must notify each teacher in that school about the availability, the procedures, and the criteria for the placement review committee as outlined in this section.*

(b) The principal must report on a quarterly basis to the district school superintendent and district school board each incidence of a teacher's withholding consent for a removed student to return to the teacher's class and the disposition of the incident, and the superintendent must annually report these data to the department.

(c) The Commissioner of Education shall annually review each school district's compliance with this section, and success in achieving orderly classrooms, and shall use all appropriate enforcement actions up to and including the withholding of disbursements from the Educational Enhancement Trust Fund until full compliance is verified.

(d) Placement review committee membership must include at least the following:

1.~~(a)~~ Two teachers*, one* selected by the school's faculty *and one selected by the teacher who has removed the student*.

2.~~(b)~~ One member from the school's staff who is selected by the principal.

The teacher who withheld consent to readmitting the student may not serve on the committee. The teacher and the placement review committee must render decisions within 5 days after the removal of the student from the classroom. *If the placement review committee's decision is contrary to the decision of the teacher to withhold consent to the return of the removed student to the teacher's class, the teacher may appeal the committee's decision to the district school superintendent.*

(7) Any teacher who removes 25 percent of his or her total class enrollment shall be required to complete professional development to improve classroom management skills.

(8) Each teacher or other member of the staff of any school who knows or has reason to believe that any person has committed, or has made a credible threat to commit, a crime of violence on school property shall report such knowledge or belief in accordance with the provisions of s. 1006.13. Each district school superintendent and each school principal shall fully support good faith reporting in accordance with the provisions of this subsection and s. 1006.13. Any person who makes a report required by this subsection in good faith shall be immune from civil or criminal liability for making the report.

(9)~~(8)~~ When knowledgeable of the likely risk of physical violence in the schools, the district school board shall take reasonable steps to ensure that teachers, other school staff, and students are not at undue risk of violence or harm.

Section 49. Section 1004.04, Florida Statutes, is amended to read:

1004.04 Public accountability and state approval for teacher preparation programs.—

(1) INTENT.—

(a) The Legislature recognizes that skilled teachers make an important contribution to a system that allows students to obtain a high-quality education.

(b) The intent of the Legislature is to *require the State Board of Education to attain* ~~establish~~ a system for development and approval of teacher preparation programs that *allows* ~~will free~~ postsecondary teacher preparation institutions to employ varied and innovative teacher preparation techniques while being held accountable for producing graduates with the competencies and skills necessary to achieve the state education goals; help the state's diverse student population, including *students who have substandard reading and computational skills and* students with limited English proficiency, meet high standards for academic achievement; maintain safe, secure classroom learning environments; and sustain the state system of school improvement and education accountability established pursuant to ss. 1000.03(5) and 1008.345.

(2) UNIFORM CORE CURRICULA.—

(a) The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 that establish uniform core curricula for each state-approved teacher preparation program.

(b) The rules to establish uniform core curricula for each state-approved teacher preparation program must include, but are not limited to, a State Board of Education identified foundation in scientifically researched, knowledge-based reading literacy and computational skills acquisition; classroom management; school safety; professional ethics; educational law; human development and learning; and understanding of the Sunshine State Standards content measured by state achievement tests, reading and interpretation of data, and use of data to improve student achievement.

(c) These rules shall not require an additional period of time-to-degree but may be phased in to enable teacher preparation programs to supplant courses, including pedagogy courses, not required by law or State Board of Education rule with the courses identified pursuant to paragraph (b).

(3)~~(2)~~ DEVELOPMENT OF TEACHER PREPARATION PROGRAMS.—A system developed by the Department of Education in collaboration with postsecondary educational institutions shall assist departments and colleges of education in the restructuring of their programs *in accordance with this section* to meet the need for producing quality teachers now and in the future.

(a) The system must be designed to assist teacher educators in conceptualizing, developing, implementing, and evaluating programs that meet state-adopted standards. These standards shall emphasize quality indicators drawn from research, professional literature, recognized guidelines, Florida essential teaching competencies and educator-accomplished practices, effective classroom practices, and the outcomes of the state system of school improvement and education accountability, as well as performance measures.

(b) Departments and colleges of education shall emphasize the state system of school improvement and education accountability concepts and standards, including Sunshine State Standards.

(c) State-approved teacher preparation programs must incorporate*:*

1. Appropriate English for Speakers of Other Languages instruction so that program graduates will have completed the requirements for teaching limited English proficient students in Florida public schools.

2. Scientifically researched, knowledge-based reading literacy and computational skills instruction so that program graduates will be able to provide the necessary academic foundations for their students at whatever grade levels they choose to teach.

(4)~~(3)~~ INITIAL STATE PROGRAM APPROVAL.—

(a) A program approval process based on standards adopted pursuant to *subsections* ~~subsection~~ (2) *and (3)* must be established for postsecondary teacher preparation programs, phased in according to timelines determined by the Department of Education, and fully implemented for all teacher preparation programs in the state. Each program shall be approved by the department, consistent with the intent set forth in subsection (1) and based primarily upon significant, objective, and quantifiable graduate performance measures.

(b) Each teacher preparation program approved by the Department of Education, as provided for by this section, shall require students to meet the following as prerequisites for admission into the program:

1. Have a grade point average of at least 2.5 on a 4.0 scale for the general education component of undergraduate studies or have completed the requirements for a baccalaureate degree with a minimum grade point average of 2.5 on a 4.0 scale from any college or university accredited by a regional accrediting association as defined by State Board of Education rule *or any college or university otherwise approved pursuant to State Board of Education rule*.

2. Demonstrate mastery of general knowledge, including the ability to read, write, and compute, by passing the College Level Academic Skills Test, a corresponding component of the National Teachers Examination series, or a similar test pursuant to rules of the State Board of Education.

Each teacher preparation program may waive these admissions requirements for up to 10 percent of the students admitted. Programs shall implement strategies to ensure that students admitted under a waiver receive assistance to demonstrate competencies to successfully meet requirements for certification.

(5)~~(4)~~ CONTINUED PROGRAM APPROVAL.—Notwithstanding subsection *(4)* ~~(3)~~, failure by a public or nonpublic teacher preparation program to meet the criteria for continued program approval shall result in loss of program approval. The Department of Education, in collaboration with the departments and colleges of education, shall develop procedures for continued program approval that document the continuous improvement of program processes and graduates' performance.

(a) Continued approval of specific teacher preparation programs at each public and nonpublic postsecondary educational institution within the state is contingent upon the passing of the written examination required by s. 1012.56 by at least 90 percent of the graduates of the program who take the examination. ~~On request of an institution,~~ The Department of Education shall *annually* provide an analysis of the performance of the graduates of such institution with respect to the competencies assessed by the examination required by s. 1012.56.

(b) Additional criteria for continued program approval for public institutions may be approved by the State Board of Education. Such criteria must emphasize instruction in classroom management and must provide for the evaluation of the teacher candidates' performance in this area. The criteria shall also require instruction in working with underachieving students. Program evaluation procedures must include, but are not limited to, program graduates' satisfaction with instruction and the program's responsiveness to local school districts. Additional criteria for continued program approval for nonpublic institutions shall be developed in the same manner as for public institutions; however, such criteria must be based upon significant, objective, and quantifiable graduate performance measures. Responsibility for collecting data on outcome measures through survey instruments and other appropriate means shall be shared by the postsecondary educational institutions and the Department of Education. By January 1 of each year, the Department of Education shall report this information for each postsecondary educational institution that has state-approved programs of teacher education to the Governor, the State Board of Education, the Commissioner of Education, the President of the Senate, the Speaker of the House of Representatives, all Florida postsecondary teacher preparation programs, and interested members of the public. This report must analyze the data and make recommendations for improving teacher preparation programs in the state.

(c) Continued approval for a teacher preparation program is contingent upon the results of *periodic* ~~annual~~ reviews*, on a schedule established by the State Board of Education,* of the program conducted by the postsecondary educational institution, using procedures and criteria outlined in an institutional program evaluation plan approved by the Department of Education. This plan must incorporate the criteria established in paragraphs (a) and (b) and include provisions for involving primary stakeholders, such as program graduates, district school personnel, classroom teachers, principals, community agencies, and business representatives in the evaluation process. Upon request by an institution, the department shall provide assistance in developing, enhancing, or reviewing the institutional program evaluation plan and training evaluation team members.

(d) Continued approval for a teacher preparation program is contingent upon standards being in place that are designed to adequately prepare elementary, middle, and high school teachers to instruct their students in *reading and* higher-level mathematics concepts and in the use of technology at the appropriate grade level.

(e) Continued approval of teacher preparation programs is contingent upon compliance with the student admission requirements of subsection *(4)* ~~(3)~~ and upon the receipt of at least a satisfactory rating from public schools and private schools that employ graduates of the program. *Each teacher preparation program at a state university or community college shall guarantee that its graduates will demonstrate the skills specified in subparagraphs 1.-5. during the first 2 years immediately following graduation from the program or following initial certification, whichever occurs first. Any teacher in a Florida public school who fails to demonstrate the essential skills specified in subparagraphs 1.-5. shall be provided additional training by the state university or community college from which he or she received the education degree at no expense to the teacher or the employer. Such training must consist of an individualized plan agreed upon by the school district and the public postsecondary educational institution that includes specific learning outcomes. The public postsecondary educational institution assumes no responsibility for the teacher's employment contract with the employer.* Employer satisfaction shall be determined by *a* ~~an annually administered~~ survey instrument approved by the Department of Education *and annually administered by the postsecondary educational institution* that, at a minimum, must include employer satisfaction of the graduates' ability to do the following:

1. Write and speak in a logical and understandable style with appropriate grammar.

2. Recognize signs of students' difficulty with the reading and computational process and apply appropriate measures to improve students' reading and computational performance.

3. Use and integrate appropriate technology in teaching and learning processes.

4. Demonstrate knowledge and understanding of Sunshine State Standards.

5. Maintain an orderly and disciplined classroom conducive to student learning.

(f)1. Each Florida public and private institution that offers a state-approved teacher preparation program must annually report information regarding these programs to the state and the general public. This information shall be reported in a uniform and comprehensible manner that is consistent with definitions and methods approved by the Commissioner of the National Center for Educational Statistics and that is approved by the State Board of Education. This information must include, at a minimum:

a. The percent of graduates obtaining full-time teaching employment within the first year of graduation.

b. The average length of stay of graduates in their full-time teaching positions.

c. Satisfaction ratings required in paragraph (e).

2. Each public and private institution offering training for school readiness related professions, including training in the fields of child care and early childhood education, whether offering technical credit, associate in applied science degree programs, associate in science degree programs, or associate in arts degree programs, shall annually report information regarding these programs to the state and the general public in a uniform and comprehensible manner that conforms with definitions and methods approved by the State Board of Education. This information must include, at a minimum:

a. Average length of stay of graduates in their positions.

b. Satisfaction ratings of graduates' employers.

This information shall be reported through publications, including college and university catalogs and promotional materials sent to potential applicants, secondary school guidance counselors, and prospective employers of the institution's program graduates.

(6)~~(5)~~ PRESERVICE FIELD EXPERIENCE.—All postsecondary instructors, school district personnel and instructional personnel, and

school sites preparing instructional personnel through preservice field experience courses and internships shall meet special requirements. *District school boards are authorized to pay student teachers during their internships.*

(a) All instructors in postsecondary teacher preparation programs who instruct or supervise preservice field experience courses or internships shall have at least one of the following: specialized training in clinical supervision; a valid professional teaching certificate pursuant to ss. 1012.56 and 1012.585; or at least 3 years of successful teaching experience in prekindergarten through grade 12.

(b) All school district personnel and instructional personnel who supervise or direct teacher preparation students during field experience courses or internships must have evidence of "clinical educator" training and must successfully demonstrate effective classroom management strategies that consistently result in improved student performance. The State Board of Education shall approve the training requirements.

(c) Preservice field experience programs must provide specific guidance and demonstration of effective classroom management strategies, strategies for incorporating technology into classroom instruction, *strategies for incorporating scientifically researched, knowledge-based reading literacy and computational skills acquisition into classroom instruction,* and ways to link instructional plans to the Sunshine State Standards, as appropriate. The length of structured field experiences may be extended to ensure that candidates achieve the competencies needed to meet certification requirements.

(d) Postsecondary teacher preparation programs in cooperation with district school boards and approved private school associations shall select the school sites for preservice field experience activities. These sites must represent the full spectrum of school communities, including, but not limited to, schools located in urban settings. In order to be selected, school sites must demonstrate commitment to the education of public school students and to the preparation of future teachers.

(7)~~(6)~~ STANDARDS OF EXCELLENCE.—The State Board of Education shall approve standards of excellence for teacher preparation. These standards must exceed the requirements for program approval pursuant to subsection *(4)* ~~(3)~~ and must incorporate state and national recommendations for exemplary teacher preparation programs.

(8)~~(7)~~ NATIONAL BOARD STANDARDS.—The State Board of Education shall review standards and recommendations developed by the National Board for Professional Teaching Standards and may incorporate those parts deemed appropriate into criteria for continued state program approval, standards of excellence, and requirements for inservice education.

(9)~~(8)~~ COMMUNITY COLLEGES.—To the extent practical, postsecondary educational institutions offering teacher preparation programs shall establish articulation agreements on a core of liberal arts courses and introductory professional courses with field experience components which shall be offered at community colleges.

(10)~~(9)~~ PRETEACHER AND TEACHER EDUCATION PILOT PROGRAMS.—State universities and community colleges may establish preteacher education and teacher education pilot programs to encourage promising minority students to prepare for a career in education. These pilot programs shall be designed to recruit and provide additional academic, clinical, and counseling support for students whom the institution judges to be potentially successful teacher education candidates, but who may not meet teacher education program admission standards. Priority consideration shall be given to those pilot programs that are jointly submitted by community colleges and state universities.

(a) These pilot programs shall be approved by the State Board of Education and shall be designed to provide help and support for program participants during the preteacher education period of general academic preparation at a community college or state university and during professional preparation in a state-approved teacher education program. Emphasis shall be placed on development of the basic skills needed by successful teachers.

(b) State universities and community colleges may admit into the pilot program those incoming students who demonstrate an interest in teaching as a career, but who may not meet the requirements for entrance into an approved teacher education program.

1. Flexibility may be given to colleges of education to develop and market innovative teacher training programs directed at specific target groups such as graduates from the colleges of arts and sciences, employed education paraprofessionals, substitute teachers, early federal retirees, and nontraditional college students. Programs must be submitted to the State Board of Education for approval.

2. Academically successful graduates in the fields of liberal arts and science may be encouraged to embark upon a career in education.

3. Models may be developed to provide a positive initial experience in teaching in order to encourage retention. Priority should be given to models that encourage minority graduates.

(c) In order to be certified, a graduate from a pilot program shall meet all requirements for teacher certification specified by s. 1012.56. Should a graduate of a pilot program not meet the requirements of s. 1012.56, that person shall not be included in the calculations required by paragraph *(5)*~~(4)~~(a) and State Board of Education rules for continued program approval, or in the statutes used by the State Board of Education in deciding which teacher education programs to approve.

(d) Institutions participating in the pilot program shall submit an annual report evaluating the success of the program to the Commissioner of Education by March 1 of each year. The report shall *include, at a minimum,* ~~contain, but shall not be limited to:~~ the number of pilot program participants, including the number participating in general education and the number admitted to approved teacher education programs, the number of pilot program graduates, and the number of pilot program graduates who met the requirements of s. 1012.56. The commissioner shall consider the number of participants recruited, the number of graduates, and the number of graduates successfully meeting the requirements of s. 1012.56 reported by each institution, and shall make an annual recommendation to the State Board of Education regarding the institution's continued participation in the pilot program.

(11)~~(10)~~ TEACHER EDUCATION PILOT PROGRAMS FOR HIGH-ACHIEVING STUDENTS.—Pilot teacher preparation programs *may*~~shall~~ be established at *any college or university that has a state board approved teacher preparation program* ~~the University of Central Florida, the University of North Florida, and the University of South Florida~~. These programs shall include a year-long paid teaching assignment and competency-based learning experiences and shall be designed to encourage high-achieving students, as identified by the institution, to pursue a career in education. *Priority consideration shall be given to students obtaining academic degrees in mathematics, science, engineering, reading, or identified critical shortage areas.* Students chosen to participate in the pilot programs shall agree to teach for at least *3 years* ~~1 year~~ after they receive their degrees. Criteria for identifying high-achieving students shall be developed by the institution and shall include, at a minimum, requirements that the student have a 3.3 grade point average or above and that the student has demonstrated mastery of general knowledge pursuant to s. 1012.56. The year-long paid teaching assignment shall begin after completion of the equivalent of 3 years of the state university teacher preparation program.

(a) Each pilot program shall be designed to include:

1. A year-long paid teaching assignment at a *low-performing* ~~specified~~ school site during the fourth year of the state university teacher preparation program, which includes intense supervision by a support team trained in clinical education. The support team shall include a state university supervisor and experienced school-based mentors. A mentor teacher shall be assigned to each fourth year employed teacher to implement an individualized learning plan. This mentor teacher will be considered an adjunct professor for purposes of this program and may receive credit for time spent as a mentor teacher in the program. The mentor teacher must have a master's degree or above, a minimum of 3 years of teaching experience, and clinical education training or certification by the National Board *for* ~~of~~ Professional Teaching Standards. Experiences and instruction may be delivered by other mentors, assigned teachers, professors, individualized learning, and demonstrations. Students in this paid teaching assignment shall assume full responsibility of all teaching duties.

2. Professional education curriculum requirements that address the educator-accomplished practices and other competencies specified in state board rule.

3. A modified instructional delivery system that provides onsite training during the paid teaching assignment in the professional education areas and competencies specified in this subsection. The institutions participating in this pilot program shall be given a waiver to provide a modified instructional delivery system meeting criteria that allows earned credit through nontraditional approaches. The modified system may provide for an initial evaluation of the candidate's competencies to determine an appropriate individualized professional development plan and may provide for earned credit by:

a. Internet learning and competency acquisition.

b. Learning acquired by observing demonstrations and being observed in application.

c. Independent study or instruction by mentor teachers or adjunct teachers.

4. Satisfactory demonstration of the educator-accomplished practices and content area competencies for program completion.

5. For program completion, required achievement of passing scores on all tests required for certification by State Board of Education rules.

(b) Beginning in July 2003, each institution participating in the pilot program shall submit to the Commissioner of Education an annual report evaluating the effectiveness of the program. The report shall include, but shall not be limited to, the number of students selected for the pilot program, the number of students successfully completing the pilot program, the number of program participants who passed all required examinations, the number of program participants who successfully demonstrated all required competencies, and a follow-up study to determine the number of pilot program completers who were employed in a teaching position and employers' satisfaction with the performance of pilot program completers *based on student performance*.

(c) This subsection shall be implemented to the extent specifically funded in the General Appropriations Act.

(12)~~(11)~~ RULES.—The State Board of Education shall adopt necessary rules pursuant to ss. 120.536(1) and 120.54 to implement this section.

Section 50. Subsection (1) of section 1006.08, Florida Statutes, is amended to read:

1006.08 District school superintendent duties relating to student discipline and school safety.—

(1) The district school superintendent shall recommend plans to the district school board for the proper accounting for all students of school age, for the attendance and control of students at school, *and* for the proper attention to health, safety, and other matters which will best promote the welfare of students. *Each district school superintendent should fully support the authority of principals, teachers, according to s. 1003.32, and school bus drivers to remove disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students from the classroom and the school bus and, when appropriate and available, to place such students in an alternative educational setting.* When the district school superintendent makes a recommendation for expulsion to the district school board, he or she shall give written notice to the student and the student's parent of the recommendation, setting forth the charges against the student and advising the student and his or her parent of the student's right to due process as prescribed by ss. 120.569 and 120.57(2). When district school board action on a recommendation for the expulsion of a student is pending, the district school superintendent may extend the suspension assigned by the principal beyond 10 school days if such suspension period expires before the next regular or special meeting of the district school board.

Section 51. Paragraph (a) of subsection (1) of section 1006.09, Florida Statutes, is amended to read:

1006.09 Duties of school principal relating to student discipline and school safety.—

(1)(a) Subject to law and to the rules of the State Board of Education and the district school board, the principal in charge of the school or the principal's designee shall develop policies for delegating to any teacher or other member of the instructional staff or to any bus driver transporting students of the school responsibility for the control and direction of students. *Each school principal should fully support the authority of teachers, according to s. 1003.32, and school bus drivers to remove disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students from the classroom and the school bus and, when appropriate and available, place such students in an alternative educational setting.* The principal or the principal's designee *must give full consideration to* ~~shall consider~~ the recommendation for discipline made by a teacher, other member of the instructional staff, or a bus driver when making a decision regarding student referral for discipline.

Section 52. Section 1009.59, Florida Statutes, is amended to read:

1009.59 ~~Critical~~ Teacher ~~Shortage~~ Student Loan *Reimbursement* ~~Forgiveness~~ Program.—

(1) The ~~Critical~~ Teacher ~~Shortage~~ Student Loan *Reimbursement* ~~Forgiveness~~ Program is established to encourage qualified personnel *with undergraduate or graduate degrees in mathematics, science, engineering, reading, or State Board of Education designated critical teacher shortage areas* to seek employment *as teachers in Florida's publicly funded schools* ~~in subject areas in which critical teacher shortages exist, as identified annually by the State Board of Education~~. The primary *purpose* ~~function~~ of the program is to *enhance the quality of Florida's teacher workforce by making* ~~make~~ repayments toward loans received by *the selected* students from federal programs or commercial lending institutions for the support of postsecondary education study. Repayments are intended to be made to qualified applicants *with undergraduate or graduate degrees in mathematics, science, engineering, reading, or State Board of Education designated critical teacher shortage areas* ~~who begin teaching for the first time in designated subject areas, and~~ who apply during their first *full* year of teaching *in a publicly funded school in Florida* as certified teachers in these subject areas. *Repayment shall be prorated if a teacher teaches at least 90 days during the first year of teaching.*

(2) From the funds available, the Department of Education may make loan principal repayments *on behalf of persons with degrees in mathematics, science, engineering, reading, or state board designated critical teacher shortage areas who are certified to teach in Florida public schools. The repayments may be made* as follows:

(a) Up to *$1,500 the first year the person is employed as a teacher in a publicly funded school in Florida* ~~$2,500 a year for up to 4 years on behalf of selected graduates of state-approved undergraduate postsecondary teacher preparation programs, persons certified to teach pursuant to any applicable teacher certification requirements, or selected teacher preparation graduates from any state participating in the Interstate Agreement on the Qualification of Educational Personnel~~ .

(b) Up to *$2,500 for the second year the person is employed as a teacher in a publicly funded school in Florida* ~~$5,000 a year for up to 2 years on behalf of selected graduates of state-approved graduate postsecondary teacher preparation programs, persons with graduate degrees certified to teach pursuant to any applicable teacher certification requirements, or selected teacher preparation graduates from any state participating in the Interstate Agreement on the Qualification of Educational Personnel~~.

(c) Up to $3,500 for the third year the person is employed as a teacher in a publicly funded school in Florida.

(d) Up to $4,500 for the fourth year and each subsequent year, up to a maximum of 10 years, the person is employed as a teacher in a publicly funded school in Florida.

(e)~~(c)~~ All repayments shall be contingent on continued proof of *satisfactory* employment in *a teacher position* ~~the designated subject areas~~ in *a publicly funded school in* this state and shall be made directly to the holder of the loan *or the applicant*. The state shall not bear responsibility for the collection of any interest charges or other remaining balance. ~~In the event that designated critical teacher shortage subject areas are changed by the State Board of Education,~~ A teacher shall continue to be eligible for loan *reimbursement in accordance with paragraphs (a)-(d) for up to the maximum of 10 years if* ~~forgiveness as long as~~ he or she continues to teach *in a subject area or in a critical shortage area pursuant to this section at a publicly funded school in Florida* ~~in the subject~~

~~area for which the original loan repayment was made~~ and otherwise meets all conditions of eligibility.

(3) Students receiving a *state* scholarship loan or a fellowship loan are not eligible to participate in the ~~Critical~~ Teacher ~~Shortage~~ Student Loan *Reimbursement* ~~Forgiveness~~ Program.

(4) The Department of Education must advertise the availability of this program and must advise school districts, postsecondary educational institutions, and the public of the criteria and application procedures.

(5)~~(4)~~ The State Board of Education may adopt rules pursuant to ss. 120.536(1) and 120.54 necessary for the administration of this program.

(6)~~(5)~~ This section shall be implemented only to the extent as specifically funded and authorized by law.

Section 53. Section 1009.591, Florida Statutes, is created to read:

1009.591 Teaching Fellows Program.—There is created the Teaching Fellows Program to encourage graduate students in mathematics, science, or engineering disciplines or state board designated critical teacher shortage areas to enter the teaching profession in public schools in Florida. The program shall be administered by the Department of Education.

(1) The Teaching Fellows Program shall provide an annual stipend of $5,000 for each approved teaching fellow who is enrolled full-time in one of Florida's public or private universities in a graduate program in a mathematics, science, or engineering discipline or a state board designated critical teacher shortage area and commits to teach in a publicly funded school in Florida for 5 consecutive years immediately following completion of the graduate program.

(2) It is the intent of the Legislature that the total amount appropriated annually for the program be sufficient to provide 200 teaching fellows with stipends of $5,000 per year and to provide a $5,000 signing bonus to each fellow upon initial employment as a teacher in a Florida public school graded "A," "B," or "C," or a $10,000 signing bonus upon employment in a Florida public school graded "D" or "F" with $5,000 at initial employment and $5,000 upon completion of the first year of teaching.

(3) A teaching fellow may receive a stipend from the program for up to 4 consecutive years if the teaching fellow remains enrolled full-time in an eligible program and makes satisfactory progress toward a graduate degree in a program in a mathematics, science, or engineering discipline or a state board designated critical teacher shortage area.

(4) A teaching fellow who receives a stipend pursuant to this section and attends a state university shall also receive a waiver of tuition and out-of-state fees, if applicable, at that university.

(5) If a teaching fellow graduates and is employed following graduation as a teacher in a publicly funded school in Florida for 5 consecutive years, the teaching fellow is not required to repay the amount received as stipends, bonus, or tuition and fee waivers pursuant to this program.

(6) If a teaching fellow does not obtain a graduate degree within 4 years, or if the teaching fellow graduates but does not teach in a publicly funded school in Florida for 5 consecutive years following graduation, the teaching fellow must repay the Department of Education, on a schedule to be determined by the department, the total amount awarded for stipends, bonus, and tuition and fee waivers received pursuant to this program plus annual interest of 8 percent accruing from the date of the scholarship payment. Moneys repaid shall be deposited into the State Student Financial Assistance Trust Fund established in s. 1010.73. However, the department may provide additional time for repayment if the department finds that circumstances beyond the control of the recipient caused or contributed to default on the repayment.

(7) Recipients under this program are not eligible to participate in the Teacher Student Loan Reimbursement Program.

(8) The department must advertise the availability of this program and advise school districts, postsecondary educational institutions, and the public of the criteria and application procedures.

(9) The State Board of Education may adopt rules pursuant to ss. 120.536(1) and 120.54 necessary for the administration of this program.

(10) This section shall be implemented only to the extent as specifically funded and authorized by law.

Section 54. Section 1011.63, Florida Statutes, is created to read:

1011.63 Better educated students and teachers (BEST) Florida teaching categorical fund for salary career ladder; performance pay reserve fund bonuses.—

(1) There is created a categorical fund to fund a salary career ladder for teacher salary levels pursuant to s. 1012.231(2). To access this fund, school districts must first comply with the requirements of s. 1003.03(2) and (3) and also comply with the requirements of s. 1012.22(1)(c)4. by rewarding each of their classroom teachers in the "career teacher" category, pursuant to s. 1012.231(2)(b), whose students demonstrate more than a year's worth of learning in 1 year as measured by the FCAT or local assessment in accordance with s. 1008.22(3) or (7) with an annual performance bonus pursuant to paragraph (2)(b).

(2)(a) Beginning with the 2003-2004 academic year, categorical funds for BEST Florida teaching shall be allocated annually to each school district based on each school district's proportionate share of full-time K-12 classroom teachers. These funds shall be in addition to the funds appropriated on the basis of full-time equivalent student membership in the Florida Education Finance Program and shall be included in the total potential funds of each school district. These funds shall be used only to fund a salary career ladder for teacher salary levels pursuant to s. 1012.231(2).

(b) Each district school board shall also use a portion of its performance pay reserve funds required pursuant to s. 1012.22(1)(c)4. to provide BEST Florida teaching bonuses of up to $3,000 to each full-time K-12 classroom teacher in the "career teacher" category, pursuant to s. 1012.231(2)(b), whose students demonstrate more than a year's worth of learning in 1 year as measured by the FCAT or local assessment in accordance with s. 1008.22(3) or (7).

(3) A school district that has satisfied the requirements of subsections (1) and (2) and the requirements of s. 1003.03(2) and (3) may use the funds for any lawful operating expenditure; however, priority should be given to increasing the salary of career teachers as defined in s. 1012.231(2)(b).

(4) To be eligible for categorical funds, each district school superintendent shall submit to the Commissioner of Education, and receive the commissioner's approval of:

(a) A plan detailing the school district's salary career ladder for teacher salary levels.

(b) A plan detailing the school district's methodology for selecting the teachers in the "career teacher" category, pursuant to s. 1012.231(2)(b), who will receive the performance bonuses and how it will use a portion of its performance pay reserve funds required by s. 1012.22(1)(c)4. to fund the bonuses.

(5) Any teacher in the "career teacher" category, pursuant to s. 1012.231(2)(b), who receives a performance bonus 2 years in a 4-year period shall be considered for promotion to "lead teacher" pursuant to s. 1012.231(2)(c).

Section 55. Section 1012.05, Florida Statutes, is amended to read:

1012.05 Teacher recruitment and retention.—

(1) The Department of Education, in cooperation with teacher organizations, district personnel offices, and schools, colleges, and departments of *all* ~~education in~~ public and nonpublic postsecondary educational institutions, shall concentrate on the recruitment of qualified teachers.

(2) The Department of Education shall:

(a) Develop and implement a system for posting teaching vacancies and establish a database of teacher applicants that is accessible within and outside the state.

(b) Advertise in major newspapers, national professional publications, and other professional publications and in *public and nonpublic postsecondary educational institutions* ~~schools of education~~.

(c) Utilize state and nationwide toll-free numbers.

(d) Conduct periodic communications with district personnel directors regarding applicants.

(e) Provide district access to the applicant database by computer or telephone.

(f) Develop and distribute promotional materials related to teaching as a career.

(g) Publish and distribute information pertaining to employment opportunities, application procedures, *and all routes toward* teacher certification *in Florida*, and teacher salaries.

(h) Provide information related to certification procedures.

(i) Develop and sponsor the Florida Future Educator of America Program throughout the state.

(j) Develop, in consultation with school district staff including, but not limited to, district school superintendents, district school board members, and district human resources personnel, a long-range plan for educator recruitment and retention.

(k) Identify best practices for retaining high-quality teachers.

(l) Develop, in consultation with Workforce Florida, Inc., and the Agency for Workforce Innovation, created pursuant to ss. 445.004 and 20.50, respectively, a plan for accessing and identifying available resources in the state's workforce system for the purpose of enhancing teacher recruitment and retention.

(m) Develop and implement a First Response Center to provide educator candidates one-stop shopping for information on teaching careers in Florida and establish the Teacher Lifeline Network to provide on-line support to beginning teachers and those needing assistance.

(3) The Department of Education, in cooperation with district personnel offices, shall sponsor a job fair in a central part of the state to match in-state educators *and potential educators* and out-of-state educators *and potential educators* with teaching opportunities in this state.

(4) Subject to proviso in the General Appropriations Act, the Commissioner of Education may use funds appropriated by the Legislature and funds from federal grants and other sources to provide incentives for teacher recruitment and preparation programs. The purpose of the use of such funds is to recruit and prepare individuals who do not graduate from state-approved teacher preparation programs to teach in a Florida public school. The commissioner may contract with entities other than, and including, approved teacher preparation programs to provide intensive teacher training leading to passage of the required certification exams for the desired subject area or coverage. The commissioner shall survey school districts to evaluate the effectiveness of such programs.

Section 56. Section 1012.231, Florida Statutes, is created to read:

1012.231 Teacher compensation; assignment of teachers.—

(1) MINIMUM SALARY.—Beginning with the 2003-2004 academic year, each district school board shall develop, and shall present to the State Board of Education by June 30, 2004, a plan, to be implemented beginning with the 2004-2005 academic year, for minimum compensation of full-time classroom teachers at no less than the amount of $31,000, in 2003 dollars, indexed to the Consumer Price Index thereafter, pursuant to legislative appropriations. The plan shall provide for phased-in incremental implementation that maintains separation between years of service for each differentiated classroom teacher category as required pursuant to subsection (2). Beginning with the 2004-2005 academic year, this minimum beginning salary shall be considered a statewide minimum standard similar to minimum number of school days, designation of duties of instructional personnel, and minimum certification standards and, as such, shall not be subject to collective bargaining under chapter 447.

(2) SALARY CAREER LADDER FOR CLASSROOM TEACHERS.—Beginning with the 2003-2004 academic year, each district school board shall use its share of the BEST Florida teaching categorical to fund a salary career ladder for classroom teachers, with the highest salary level based on outstanding performance and assignment of additional duties. Performance shall be defined as designated in s. 1012.34(3)(a)1.-7. and shall also include local assessments as required by s. 1008.22(7) to determine student learning gains in grades and classes not measured by the FCAT. District school boards shall designate categories of classroom teachers reflecting these salary career levels as follows:

(a) Associate Teacher.—Classroom teachers who have not yet fully validated all essential teaching competencies, including the educator-accomplished practices as established in State Board of Education rule, who have not qualified through reciprocal certification options identified in s. 1012.56, or who are low-performing teachers. The district school board is authorized to demote any chronically low-performing teacher to associate teacher.

(b) Career Teacher.—Classroom teachers who have fully validated all essential teaching competencies, including the educator-accomplished practices as established in State Board of Education rule, or who have qualified through reciprocal certification options identified in s. 1012.56.

(c) Lead Teacher.—The highest performing 5 percent of classroom teachers in the school district, after mentor teachers, who have demonstrated outstanding performance as evidenced by improved student achievement and who are responsible for leading others in the school as department chair, lead teacher, grade-level leader, intern coordinator, or professional development coordinator. Lead teachers must participate on a regular basis in the direct instruction of students and serve as faculty for professional development activities as determined by the State Board of Education. Lead teachers shall be paid an additional annual salary of $5,000.

(d) Mentor Teacher.—The highest performing 3 percent of classroom teachers in the school district who have demonstrated sustained outstanding performance as evidenced by improved student achievement and other factors as defined by the State Board of Education and who serve as regular mentors to other teachers who are either not performing satisfactorily or who strive to become more proficient. Mentor teachers must serve as faculty-based professional development coordinators and regularly demonstrate and share their expertise with other teachers in order to remain mentor teachers. Mentor teachers must also participate on a regular basis in the direct instruction of low-performing students. Mentor teachers shall be paid an additional annual salary of $10,000.

(3) TEACHER ASSIGNMENT.—School districts may not assign a higher percentage than the school district average of first-time teachers, temporarily certified teachers, teachers in need of improvement, or out-of-field teachers to schools with above the school district average of minority and economically disadvantaged students or schools that are graded "D" or "F." District school boards are authorized to provide salary incentives to meet this requirement. No district school board shall sign a collective bargaining agreement that fails to provide sufficient incentives to meet this requirement.

Section 57. Section 1012.27, Florida Statutes, is amended to read:

1012.27 Public school personnel; powers and duties of district school superintendent.—The district school superintendent *is* ~~shall be~~ responsible~~, as required herein,~~ for directing the work of the personnel, subject to the requirements of this chapter, and in addition the district school superintendent shall *perform* ~~have~~ the following ~~duties~~:

(1) POSITIONS, QUALIFICATIONS, AND NOMINATIONS.—

(a) Recommend to the district school board duties and responsibilities which need to be performed and positions which need to be filled to make possible the development of an adequate school program in the district. *Beginning with the 2003-2004 academic year, this recommendation shall provide for clerical personnel or volunteers who are not classroom teachers to assist teachers in noninstructional activities, including performing paperwork and recordkeeping duties. However, a teacher shall remain responsible for all instructional activities and for classroom management and grading student performance.*

(b) Recommend minimum qualifications of personnel for these various positions, and nominate in writing persons to fill such positions.

The district school superintendent's recommendations for filling instructional positions at the school level must consider nominations received from school principals of the respective schools. Before transferring a teacher who holds a professional teaching certificate from one

school to another, the district school superintendent shall consult with the principal of the receiving school and allow the principal to review the teacher's records and interview the teacher. If, in the judgment of the principal, students would not benefit from the placement, an alternative placement may be sought.

(2) COMPENSATION AND SALARY SCHEDULES.—Prepare and recommend to the district school board for adoption a salary schedule or salary schedules. The district school superintendent must recommend a salary schedule for instructional personnel which bases a portion of each employee's compensation on performance demonstrated under s. 1012.34. In developing the recommended salary schedule, the district school superintendent shall include input from parents, teachers, and representatives of the business community. *Beginning with the 2003-2004 academic year, the recommended salary schedule for classroom teachers shall be consistent with the requirements of s. 1012.231.*

(3) CONTRACTS AND TERMS OF SERVICE.—Recommend to the district school board terms for contracting with employees and prepare such contracts as are approved.

(4) TRANSFER.—Recommend employees for transfer and transfer any employee during any emergency and report the transfer to the district school board at its next regular meeting.

(5) SUSPENSION AND DISMISSAL.—Suspend members of the instructional staff and other school employees during emergencies for a period extending to and including the day of the next regular or special meeting of the district school board and notify the district school board immediately of such suspension. When authorized to do so, serve notice on the suspended member of the instructional staff of charges made against him or her and of the date of hearing. Recommend employees for dismissal under the terms prescribed herein.

(6) DIRECT WORK OF EMPLOYEES AND SUPERVISE INSTRUCTION.—Direct or arrange for the proper direction and improvement, under rules of the district school board, of the work of all members of the instructional staff and other employees of the district school system, supervise or arrange under rules of the district school board for the supervision of instruction in the district, and take such steps as are necessary to bring about continuous improvement.

Section 58. Subsections (3) and (4) of section 1012.28, Florida Statutes, are amended to read:

1012.28 Public school personnel; duties of school principals.—

(3) Each school principal is responsible for the performance of all personnel employed by the district school board and assigned to the school to which the principal is assigned. The school principal shall faithfully and effectively apply the personnel assessment system approved by the district school board pursuant to s. 1012.34 *and, beginning with the 2003-2004 academic year, s. 1012.231*.

(4) Each school principal shall assist the teachers within the school to use student assessment data, as measured by student learning gains pursuant to s. 1008.22, for self-evaluation. *Each school principal shall also ensure that clerical personnel or volunteers who are not classroom teachers assist teachers in noninstructional activities, including performing paperwork and recordkeeping duties.*

Section 59. Paragraph (a) of subsection (1), subsection (2), and paragraph (a) of subsection (3) of section 1012.585, Florida Statutes, are amended to read:

1012.585 Process for renewal of professional certificates.—

(1)(a) District school boards ~~in this state~~ shall renew state-issued professional certificates as follows:

1. Each district school board shall renew state-issued professional certificates for individuals who hold a *state-issued* professional certificate ~~by this state~~ and are employed by that district pursuant to criteria established in subsections (2), (3), and (4) and rules of the State Board of Education.

2. The employing school district may charge the individual an application fee not to exceed the amount charged by the Department of Education for such services, including associated late renewal fees. Each district school board shall transmit monthly to the department a fee in an amount established by the State Board of Education for each renewed certificate. The fee shall not exceed the actual cost for maintenance and operation of the statewide certification database and for the actual costs incurred in printing and mailing such renewed certificates. As defined in current rules of the state board, the department shall contribute a portion of such fee for purposes of funding the Educator Recovery Network established in s. 1012.798. The department shall deposit all funds into the Educational Certification Trust Fund for use as specified in s. 1012.59.

(2)(a) All professional certificates, except a nonrenewable professional certificate, shall be renewable for successive periods not to exceed 5 years after the date of submission of documentation of completion of the requirements for renewal provided in subsection (3). Only one renewal may be granted during each 5-year validity period of a professional certificate.

(b) A teacher with national certification from the National Board for Professional Teaching Standards is deemed to meet state renewal requirements for the life of the teacher's national certificate in the subject shown on the national certificate. *A complete renewal application and fee shall be submitted. The Commissioner of Education shall notify teachers of the renewal application and fee requirements.*

(c) As authorized by State Board of Education rule, a teacher with a valid certificate issued by the American Board for Certification of Teacher Excellence is deemed to meet state renewal requirements for the life of the teacher's American Board certificate in the subject shown on the American Board certificate. A complete renewal application and fee shall be submitted.

(d)~~(c)~~ If the renewal application form is not received by the department or by the employing school district before the expiration of the professional certificate, the application form, application fee, and a late fee must be submitted before July 1 of the year following expiration of the certificate in order to renew the professional certificate.

(e)~~(d)~~ The State Board of Education shall adopt rules to allow a 1-year extension of the validity period of a professional certificate in the event of serious illness, injury, or other extraordinary extenuating circumstances of the applicant. The department shall grant such 1-year extension upon written request by the applicant or by the district school superintendent or the governing authority of a university lab school, state-supported school, or private school that employs the applicant.

(3) For the renewal of a professional certificate, the following requirements must be met:

(a) The applicant must earn a minimum of 6 college credits or 120 inservice points or a combination thereof. For each area of specialization to be retained on a certificate, the applicant must earn at least 3 of the required credit hours or equivalent inservice points in the specialization area. Education in "clinical educator" training pursuant to s. *1004.04(6)(b)* ~~1004.04(5)(b)~~ and credits or points that provide training in the area of *scientifically researched, knowledge-based reading literacy and computational skills acquisition,* exceptional student education, normal child development, and the disorders of development may be applied toward any specialization area. Credits or points that provide training in the areas of drug abuse, child abuse and neglect, strategies in teaching students having limited proficiency in English, or dropout prevention, or training in areas identified in the educational goals and performance standards adopted pursuant to ss. 1000.03(5) and 1001.23 may be applied toward any specialization area. Credits or points earned through approved summer institutes may be applied toward the fulfillment of these requirements. Inservice points may also be earned by participation in professional growth components approved by the State Board of Education and specified pursuant to s. 1012.98 in the district's approved master plan for inservice educational training, including, but not limited to, serving as a trainer in an approved teacher training activity, serving on an instructional materials committee or a state board or commission that deals with educational issues, or serving on an advisory council created pursuant to s. 1001.452.

Section 60. Section 1012.586, Florida Statutes, is created to read:

1012.586 Additions or changes to certificates; duplicate certificates.—A school district may process via a Department of Education

website certificates for the following applications of public school employees:

(1) Addition of a subject coverage or endorsement to a valid Florida certificate on the basis of the completion of the appropriate subject area testing requirements of s. 1012.56(4)(a) or the completion of the requirements of an approved school district program or the inservice components for an endorsement.

(2) A reissued certificate to reflect a name change.

(3) A duplicate certificate to replace a lost or damaged certificate.

The employing school district shall charge the employee a fee not to exceed the amount charged by the Department of Education for such services. Each district school board shall retain a portion of the fee as defined in the rules of the State Board of Education. The portion sent to the department shall be used for maintenance of the technology system, the web application, and posting and mailing of the certificate.

Section 61. Subsections (1) and (2) and paragraph (a) of subsection (3) of section 1012.72, Florida Statutes, are amended to read:

1012.72 Dale Hickam Excellent Teaching Program.—

(1) The Legislature recognizes that teachers play a critical role in preparing students to achieve the high levels of academic performance expected by the Sunshine State Standards *and*~~. The Legislature further recognizes~~ the importance of identifying and rewarding teaching excellence ~~and of encouraging good teachers to become excellent teachers. The Legislature finds that the National Board of Professional Teaching Standards (NBPTS) has established high and rigorous standards for accomplished teaching and has developed a national voluntary system for assessing and certifying teachers who demonstrate teaching excellence by meeting those standards~~. It is ~~therefore~~ the Legislature's intent to provide incentives for teachers to seek *national* ~~NBPTS~~ certification and to reward teachers who demonstrate teaching excellence by attaining *national* ~~NBPTS~~ certification and sharing their expertise with *students and* other teachers. *Contingent upon approval by the State Board of Education, the incentives and privileges extended to the National Board for Professional Teaching Standards (NBPTS) and to a teacher who holds a valid certificate issued by the NBPTS shall be extended to the American Board for Certification of Teacher Excellence (ABCTE) and to a teacher who holds a valid Master Teacher Certificate issued by the ABCTE.*

(2) The Dale Hickam Excellent Teaching Program is created to provide categorical funding for monetary incentives and bonuses for teaching excellence. The Department of Education shall distribute to each school district or to the NBPTS*, or to the ABCTE if approved by the State Board of Education,* an amount as prescribed annually by the Legislature for the Dale Hickam Excellent Teaching Program. For purposes of this section, the Florida School for the Deaf and the Blind shall be considered a school district. Unless otherwise provided in the General Appropriations Act, each distribution shall be the sum of the amounts earned for the following incentives and bonuses:

(a) A fee subsidy to be paid by the Department of Education to the NBPTS*, or to the ABCTE if approved by the State Board of Education,* on behalf of each individual who is an employee of a district school board or a public school within the school district, who is certified by the district to have demonstrated satisfactory teaching performance pursuant to s. 1012.34 and who satisfies the prerequisites for participating in the NBPTS certification program*, or the ABCTE master teacher certification program if approved by the State Board of Education*, and who agrees, in writing, to pay 10 percent of the NBPTS *or ABCTE* participation fee and to participate in the NBPTS certification program*, or the ABCTE master teacher certification program if approved by the State Board of Education,* during the school year for which the fee subsidy is provided. The fee subsidy for each eligible participant shall be an amount equal to 90 percent of the fee charged for participating in the ~~NBPTS~~ certification program. The fee subsidy is a one-time award and may not be duplicated for any individual.

(b) A portfolio-preparation incentive of $150 paid by the Department of Education to each teacher employed by a district school board or a public school within a school district who is participating in the NBPTS certification program*, or the ABCTE master teacher certification program if approved by the State Board of Education*. The portfolio-preparation incentive is a one-time award paid during the school year for which the ~~NBPTS~~ fee subsidy is provided.

(c) An annual bonus equal to 10 percent of the prior fiscal year's statewide average salary for classroom teachers to be distributed to the school district to be paid to each individual who holds NBPTS certification*, or ABCTE master teacher certification if approved by the State Board of Education,* and is employed by the district school board or by a public school within the school district. The district school board shall distribute the annual bonus to each individual who meets the requirements of this paragraph and who is certified annually by the district to have demonstrated satisfactory teaching performance pursuant to s. 1012.34. The annual bonus may be paid as a single payment or divided into not more than three payments.

(d) An annual bonus equal to 10 percent of the prior fiscal year's statewide average salary for classroom teachers to be distributed to the school district to be paid to each individual who meets the requirements of paragraph (c) and agrees, in writing, to provide the equivalent of 12 workdays of mentoring and related services to *beginning* public school teachers *or teachers in low-performing schools* within the state who do not hold NBPTS certification *or ABCTE certification if approved by the State Board of Education*. The district school board shall distribute the annual bonus in a single payment following the completion of all required mentoring and related services for the year. It is not the intent of the Legislature to remove excellent teachers from their assigned classrooms; therefore, credit may not be granted by a school district or public school for mentoring or related services provided during student contact time during the 196 days of required service for the school year.

Beginning with the 2003-2004 academic year, annual bonuses pursuant to this section shall be limited to teachers who demonstrate outstanding student performance in accordance with s. 1012.34(3)(a)1.-7. and who also demonstrate significant successful efforts in mentoring other teachers, including beginning teachers or those in need of assistance. A teacher for whom the state pays the certification fee and who does not complete the certification program or does not teach in a public school of this state for at least 1 year after completing the certification program must repay the amount of the certification fee to the state. However, a teacher who completes the certification program but fails to be awarded NBPTS certification*, or ABCTE master teacher certification if approved by the State Board of Education,* is not required to repay the amount of the certification fee if the teacher meets the 1-year teaching requirement. Repayment is not required of a teacher who does not complete the certification program or fails to fulfill the teaching requirement because of the teacher's death or disability or because of other extenuating circumstances as determined by the State Board of Education.

(3)(a) In addition to any other remedy available under the law, any person who is a recipient of a certification fee subsidy paid to the NBPTS*, or the ABCTE if approved by the State Board of Education,* and who is an employee of the state or any of its political subdivisions is considered to have consented, as a condition of employment, to the voluntary or involuntary withholding of wages to repay to the state the amount of such a certification fee subsidy awarded under this section. Any such employee who defaults on the repayment of such a certification fee subsidy must, within 60 days after service of a notice of default by the Department of Education to the employee, establish a repayment schedule which must be agreed to by the department and the employee, for repaying the defaulted sum through payroll deductions. The department may not require the employee to pay more than 10 percent of the employee's pay per pay period under such a repayment schedule or plan. If the employee fails to establish a repayment schedule within the specified period of time or fails to meet the terms and conditions of the agreed upon or approved repayment schedule as authorized by this subsection, the employee has breached an essential condition of employment and is considered to have consented to the involuntary withholding of wages or salary for the repayment of the certification fee subsidy.

Section 62. *Section 1012.73, Florida Statutes, is repealed.*

Section 63. Subsection (2), paragraph (b) of subsection (3), and subsections (5) through (11) of section 1012.98, Florida Statutes, are amended to read:

1012.98 School Community Professional Development Act.—

(2) The school community includes *students and parents,* administrative personnel, managers, instructional personnel, support person-

nel, members of district school boards, members of school advisory councils, ~~parents,~~ business partners, and personnel that provide health and social services to *students* ~~school children. School districts may identify and include additional members of the school community in the professional development activities required by this section~~.

(3) The activities designed to implement this section must:

(b) Assist the school community in providing stimulating*, scientifically research-based* educational activities that encourage and motivate students to achieve at the highest levels and to become active learners.

~~(5)(a) The Department of Education shall provide a system for the recruitment, preparation, and professional development of school administrative personnel. This system shall:~~

~~1. Identify the knowledge, competencies, and skills necessary for effective school management and instructional leadership that align with student performance standards and accountability measures.~~

~~2. Include performance evaluation methods.~~

~~3. Provide for alternate means for preparation of school administrative personnel which may include programs designed by school districts and postsecondary educational institutions pursuant to guidelines developed by the commissioner. Such preparation programs shall be approved by the Department of Education.~~

~~4. Provide for the hiring of qualified out-of-state school administrative personnel.~~

~~5. Provide advanced educational opportunities for school-based instructional leaders.~~

~~(b) The Commissioner of Education shall appoint a task force that includes a district school superintendent, a district school board member, a principal, an assistant principal, a teacher, a dean of a college of education, and parents. The task force shall convene periodically to provide recommendations to the department in the areas of recruitment, certification, preparation, professional development, and evaluation of school administrators.~~

(5)~~(6)~~ Each district school board shall provide funding for the professional development system as required by s. 1011.62 and the General Appropriations Act, and shall direct expenditures from other funding sources to strengthen the system and make it uniform and coherent. A school district may coordinate its professional development program with that of another district, with an educational consortium, or with a community college or university, especially in preparing and educating personnel. Each district school board shall make available inservice activities to instructional personnel of nonpublic schools in the district and the state certified teachers who are not employed by the district school board on a fee basis not to exceed the cost of the activity per all participants.

(6)~~(7)~~ An organization of private schools which has no fewer than 10 member schools in this state, which publishes and files with the Department of Education copies of its standards, and the member schools of which comply with the provisions of part II of chapter 1003, relating to compulsory school attendance, may also develop a professional development system that includes a master plan for inservice activities. The system and inservice plan must be submitted to the commissioner for approval pursuant to rules of the State Board of Education.

(7)~~(8)~~ The Department of Education shall design methods by which the state and district school boards may evaluate and improve the professional development system. The evaluation must include an annual assessment of data that indicate progress or lack of progress of all students. If the review of the data indicates progress, the department shall identify the best practices that contributed to the progress. If the review of the data indicates a lack of progress, the department shall investigate the causes of the lack of progress, provide technical assistance, and require the school district to employ a different approach to professional development. The department shall report annually to the State Board of Education and the Legislature any school district that, in the determination of the department, has failed to provide an adequate professional development system. This report must include the results of the department's investigation and of any intervention provided.

(8)~~(9)~~ The State Board of Education may adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section.

(9)~~(10)~~ This section does not limit or discourage a district school board from contracting with independent entities for professional development services and inservice education if the district school board *can demonstrate to the Commissioner of Education* ~~believes~~ that, through such a contract, a better product can be acquired or its goals for education improvement can be better met.

(10)~~(11)~~ For teachers, managers, and administrative personnel who have been evaluated as less than satisfactory, a district school board shall require participation in specific professional development programs as part of the improvement prescription.

Section 64. Section 1012.987, Florida Statutes, is created to read:

1012.987 Education leadership development.—

(1) The State Board of Education shall adopt rules through which school principals may earn a principal leadership designation based on teacher retention, overall student performance, and school grade. The State Board of Education must designate incentives available to personnel who earn a principal leadership designation, including, but not limited to, merit pay, expanded discretionary spending flexibility, relaxed regulation or reporting requirements, additional professional development resources, and public recognition.

(2)(a) The Department of Education shall provide a system for the recruitment, preparation, and education leadership development of school administrative personnel. This system shall be based on standards adopted by the State Board of Education that include, but are not limited to:

1. Improved student achievement.

2. Increased emphasis on reading using the latest scientific knowledge-based research in reading and the administrator's role as a successful school leader in reading reform efforts.

3. Instructional leadership.

4. Data analysis.

5. School safety.

6. Community and family involvement.

7. Operational management.

8. School finance.

(b) Each education leadership development program must provide all program participants full information on not less than an annual basis to update the participants on the status of, and rationale for changes to, state and federal law and funding policies.

(c) Education leadership development programs must be consistent with standards adopted by the State Board of Education and must be approved by the department.

(d) Alternative education leadership development programs that meet the standards of, and are approved by, the Department of Education may be offered by a school district or postsecondary educational institution.

(e) The Commissioner of Education may conduct K-20 education leadership institutes for the purpose of communicating the state's education priorities, best practices, and other related research and facilitating the formation of a K-20 partnership.

Section 65. *Notwithstanding any provision of law to the contrary, when a school is graded "F" or receives a second consecutive grade of "D," the elected district school superintendent, or if the district school superintendent is appointed, the district school board, may request the resignation of the school principal and teachers.*

Section 66. *Each district school board shall review and consider amending any collective bargaining contract that may hinder the implementation of any provision of this act.*

Section 67. *The Commissioner of Education shall conduct en electronic mail or other survey of the classroom teachers in each school district at the end of the 2003-2004 academic year to determine whether the teachers received improved support from their district school board, superintendent, and principal for paperwork reduction and classroom discipline and shall use the enforcement authority of s. 1008.32, Florida Statutes, as appropriate, to ensure compliance with better educated students and teachers (BEST) Florida teaching.*

Section 68. Paragraph (a) of subsection (22) of section 121.021, Florida Statutes, is amended to read:

121.021 Definitions.—The following words and phrases as used in this chapter have the respective meanings set forth unless a different meaning is plainly required by the context:

(22) "Compensation" means the monthly salary paid a member by his or her employer for work performed arising from that employment.

(a) Compensation shall include:

1. Overtime payments paid from a salary fund.

2. Accumulated annual leave payments.

3. Payments in addition to the employee's base rate of pay if all the following apply:

a. The payments are paid according to a formal written policy that applies to all eligible employees equally;

b. The policy provides that payments shall commence no later than the 11th year of employment;

c. The payments are paid for as long as the employee continues his or her employment; and

d. The payments are paid at least annually.

4. Amounts withheld for tax sheltered annuities or deferred compensation programs, or any other type of salary reduction plan authorized under the Internal Revenue Code.

5. Payments made in lieu of a permanent increase in the base rate of pay, whether made annually or in 12 or 26 equal payments within a 12-month period, when the member's base pay is at the maximum of his or her pay range. When a portion of a member's annual increase raises his or her pay range and the excess is paid as a lump sum payment, such lump sum payment shall be compensation for retirement purposes.

6. Effective July 1, 2002, salary supplements made pursuant to *s.* ~~ss. 1012.73 and~~ 1012.72 ~~requiring a valid National Board for Professional Standards certificate or equivalent status as provided in s. 1012.73(3)(e)5.~~, notwithstanding the provisions of subparagraph 3.

Section 69. Paragraph (b) of subsection (1) of section 1013.35, Florida Statutes, is amended to read:

1013.35 School district educational facilities plan; definitions; preparation, adoption, and amendment; long-term work programs.—

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

(b) "District facilities work program" means the 5-year listing of capital outlay projects adopted by the district school board as provided in subparagraph (2)(a)2. and paragraph (2)(b) as part of the district educational facilities plan, which is required in order to:

1. Properly maintain the educational plant and ancillary facilities of the district.

2. Provide an adequate number of satisfactory student stations for the projected student enrollment of the district in K-12 programs ~~in accordance with the goal in s. 1013.21~~.

Section 70. Subsection (5) is added to section 1013.45, Florida Statutes, to read:

1013.45 Educational facilities contracting and construction techniques.—

(5) In order to ensure that the construction of new and expanded educational facilities provides public school students with the best long-term value for classrooms, a district school board must consider, as part of the selection criteria for awarding facility contracts, a life cycle cost analysis of building materials when constructing or expanding school capacity. The analysis shall include the annualized anticipated energy consumption, the relative resistance of structural components to damage by wind loads and associated debris, the resistance of the structural components to wood-destroying organisms, a comparison of the perpetual maintenance costs, the resistance of the structural components to fire, and a comparison of the annual costs of providing insurance. District school boards may rely on the information provided by the contractor if the contractor's analysis is based upon the best currently available methods, including those of the National Institute of Standards and Technology, the United States Department of Housing and Urban Development, other federal or state agencies, or technical or professional societies.

Section 71. Subsection (1) of section 1013.62, Florida Statutes, is amended to read:

1013.62 Charter schools capital outlay funding.—

(1) In each year in which funds are appropriated for charter school capital outlay purposes, the Commissioner of Education shall allocate the funds among eligible charter schools. To be eligible for a funding allocation, a charter school must meet the provisions of subsection (6), must have received final approval from its sponsor pursuant to s. 1002.33 for operation during that fiscal year, and must serve students in facilities that are not provided by the charter school's sponsor. Prior to the release of capital outlay funds to a school district on behalf of the charter school, the Department of Education shall ensure that the district school board and the charter school governing board enter into a written agreement that includes provisions for the reversion of any unencumbered funds and all equipment and property purchased with public education funds to the ownership of the district school board, as provided for in subsection (3), in the event that the school terminates operations. Any funds recovered by the state shall be deposited in the General Revenue Fund. A charter school is not eligible for a funding allocation if it was created by the conversion of a public school and operates in facilities provided by the charter school's sponsor for a nominal fee or at no charge or if it is directly or indirectly operated by the school district. Unless otherwise provided in the General Appropriations Act, the funding allocation for each eligible charter school shall be determined by multiplying the school's projected student enrollment by one-fifteenth of the cost-per-student station specified in s. 1013.64(6)(b) for an elementary, middle, or high school, as appropriate. If the funds appropriated *by the state* are *insufficient, a district school board may allocate any state or federal dollars received by the district school board to a charter school within the school district for charter school capital outlay purposes* ~~not sufficient, the commissioner shall prorate the available funds among eligible charter schools. Funds shall be distributed on the basis of the capital outlay full-time equivalent membership by grade level, which shall be calculated by averaging the results of the second and third enrollment surveys~~. The Department of Education shall distribute capital outlay funds monthly, beginning in the first quarter of the fiscal year, based on one-twelfth of the amount the department reasonably expects the charter school to receive during that fiscal year. The commissioner shall adjust subsequent distributions as necessary to reflect each charter school's actual student enrollment as reflected in the second and third enrollment surveys. The commissioner shall establish the intervals and procedures for determining the projected and actual student enrollment of eligible charter schools.

Section 72. Paragraph (b) of subsection (1) of section 1009.531, Florida Statutes, is amended to read:

1009.531 Florida Bright Futures Scholarship Program; student eligibility requirements for initial awards.—

(1) To be eligible for an initial award from any of the three types of scholarships under the Florida Bright Futures Scholarship Program, a student must:

(b) Earn a standard Florida high school diploma or its equivalent as described in *s. 1003.429,* s. 1003.43*,* or s. *1003.435* ~~1003.45~~ unless:

1. The student is enrolled full time in the early admission program of an eligible postsecondary education institution or completes a home education program according to s. 1002.41; or

2. The student earns a high school diploma from a non-Florida school while living with a parent or guardian who is on military or public service assignment away from Florida.

Section 73. Part VIII of chapter 159, Florida Statutes, consisting of sections 159.831, 159.832, 159.833, 159.834, and 159.835, is created to read:

159.831 Popular name.—This part may be known by the popular name the "Florida Qualified Public Educational Facilities Private Activity Bond Allocation Act."

159.832 Purpose.—The purpose of this part is to allocate the state volume limitation imposed by s. 142(k)(5)(A) of the Code on private activity bonds to finance qualified public educational facilities. No private activity bond subject to the limitation in s. 142(k)(5)(A) of the Code shall be issued in this state unless a written confirmation therefor is issued pursuant to this part.

159.833 Definitions.—As used in this part, the term:

(1) "Board" means the State Board of Education, created pursuant to s. 2, Art. IX of the State Constitution.

(2) "Code" means the Internal Revenue Code of 1986, as amended, and the regulations and rulings issued thereunder.

(3) "Commissioner" means the Commissioner of Education.

(4) "Department" means the Department of Education, created pursuant to s. 20.15.

(5) "Issued" has the same meaning as in the Code.

(6) "Private activity bond" means any bond described in s. 141 of the Code.

(7) "Qualified public educational facility" means a facility described in s. 142(k)(1) of the Code.

159.834 Allocation of state volume limitation.—

(1) By January 1, 2004, the board shall establish a program for allocating the state volume limitation imposed by s. 142(k)(5)(A) of the Code on private activity bonds to finance qualified public educational facilities. Such program shall include objective criteria to be considered in determining whether to grant a request for such volume limitation, including, but not limited to, the need for a qualified public educational facility in the area proposed in the application, the number of students to be served by such facility, and the cost-effectiveness of the proposed facility. The program shall be administered by the department.

(2) The department shall annually determine the amount of private activity bonds for qualified public educational facilities permitted to be issued in this state under s. 142(k)(5) of the Code and shall make such information available upon request to any person or agency.

(3) The department shall ensure that any volume limitation unused at the end of each calendar year is carried forward pursuant to s. 142(k)(5)(B)(ii) of the Code.

(4) The commissioner shall sign any certificate required by the Code relating to the allocation of the state volume limitation on private activity bonds to finance qualified public educational facilities.

159.835 Rules.—The board and the department shall adopt any rules necessary to ensure the orderly implementation and administration of this part.

Section 74. Section 1003.33, Florida Statutes, is amended to read:

1003.33 Report cards; end-of-the-year status.—

(1) Each district school board shall establish and publish policies requiring the content and regular issuance of student report cards for all elementary school, middle school, and high school students. These report cards must clearly depict and grade:

(a) The student's academic performance in each class or course, which in grades 1 through 12 must be based upon examinations as well as written papers, class participation, and other academic performance criteria.

(b) The student's conduct and behavior.

(c) The student's attendance, including absences and tardiness.

(2) A student's final report card for a school year shall contain a statement indicating end-of-the-year status regarding performance or nonperformance at grade level, acceptable or unacceptable behavior and attendance, and promotion or nonpromotion.

~~District school boards shall not allow schools to exempt students from academic performance requirements based on practices or policies designed to encourage student attendance. A student's attendance record may not be used in whole or in part to provide an exemption from any academic performance requirement.~~

Section 75. *From the funds appropriated in Specific Appropriation 58D for BEST Florida teaching, $1,076,500 is hereby authorized for fiscal year 2003-2004 for the Teaching Fellows Program established in s. 1009.591, Florida Statutes, and $1 million is hereby authorized for education leadership development activities pursuant to s. 1012.987, Florida Statutes.*

Section 76. *If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.*

Section 77. Except as otherwise provided herein, this act shall take effect July 1, 2003.

Remove the entire title, and insert:

A bill to be entitled An act relating to quality education; providing a popular name; amending s. 1003.01, F.S.; defining the terms "core-curricula courses" and "extracurricular courses"; amending s. 1003.03, F.S.; providing legislative intent; establishing the constitutional class size maximums; providing for the determination of averages; requiring the Department of Education to calculate averages based upon student membership surveys; providing implementation options for school districts; providing accountability for the class size reduction measures; creating s. 1011.685, F.S.; establishing an operating categorical fund for implementing class size reduction; providing for use of the funds by school districts; authorizing use of capital outlay millage; requiring reports; creating s. 1013.735, F.S.; establishing the Class Size Reduction Infrastructure Program; providing for the allocation of funds; providing requirements for district participation; providing for the use of the funds; creating s. 1013.736, F.S.; establishing the District Effort Recognition Program; providing eligibility for school district participation; providing for allocation and distribution of funds; creating s. 1013.737, F.S.; establishing the Class Size Reduction Lottery Revenue Bond Program; authorizing issuance of revenue bonds to finance or refinance the construction, acquisition, reconstruction, or renovation of educational facilities; amending s. 24.121, F.S.; removing limitations on lottery revenues that may be pledged to the payment of debt service; amending s. 121.091, F.S.; authorizing instructional and administrative personnel who receive authorization to extend participation in the Deferred Retirement Option Program on an annual contractual basis; amending s. 1001.42, F.S.; eliminating a cross reference to small schools; creating s. 1002.395, F.S.; providing for Florida Learning Access Grants; providing obligations of school districts, parents, and the Department of Education; providing private school eligibility requirements; creating s. 1002.396, F.S.; providing for kindergarten grants; providing obligations of parents and the Department of Education; providing private kindergarten eligibility requirements; creating s. 1002.397, F.S.; providing for K-8 virtual school grants; providing obligations of students, parents, and the Department of Education; providing K-8 virtual school eligibility requirements; amending s. 220.187, F.S.; expanding and revising the corporate income tax credit scholarship program; creating s. 220.1875, F.S.; creating a corporate income tax credit scholarship program for dependents of military personnel and veterans; providing requirements and limitations; amending s. 1002.20, F.S., relating to parent and student rights, to conform to changes made by the act; amending s. 1002.33, F.S.; removing the cap on the number of charter schools authorized in school districts; correcting cross references; amending s. 1002.41, F.S.; correcting a cross reference; amending s. 1003.02, F.S.; requiring school

districts to notify parents of acceleration mechanisms; eliminating a cross reference to conform to changes made by the act; creating s. 1003.429, F.S.; providing options for accelerated high school graduation; providing for a 3-year standard college preparatory program and a 3-year career preparatory program; amending s. 1003.43, F.S.; including parenting skills in the life management skills course; removing requirement that the life management skills course be taken in certain grades; amending s. 1003.436, F.S.; reducing the number of hours required for one full credit; amending s. 1007.261, F.S.; revising credit requirements for admission to state universities; amending s. 1007.27, F.S.; requiring notification to students and parents of acceleration opportunities; authorizing the State Board of Education to adopt rules concerning articulated acceleration mechanisms; requiring the State Board of Education to review and report on the use of acceleration mechanisms and grading practices, including the weighting of courses, for credit and admission; amending s. 1003.62, F.S.; deleting provisions relating to the charter school district pilot program; providing for establishment of academic performance-based charter school districts; providing for eligibility and exemption from statutes and rules; requiring annual reports; including a grandfather provision for certain pilot program charter school districts; amending s. 1011.62, F.S.; removing a date limitation to provide for categorical flexibility; revising categorical funds; providing for advertisement and reporting; amending s. 1011.68, F.S.; correcting a cross reference; amending s. 1011.69, F.S.; deleting obsolete provisions; revising equity in school-level funding provisions; providing that class size reduction operating categorical funds are not subject to provisions requiring equity in school-level funding; amending s. 1012.56, F.S.; revising the time period for which an official statement of status of eligibility for certification is valid; revising requirements for mastery of general knowledge, mastery of subject area knowledge, and mastery of professional preparation and education competence; revising provisions relating to temporary certificates; amending s. 1012.57, F.S.; requiring district school boards to adopt rules to allow for the issuance of adjunct teaching certificates; revising provisions relating to determination of expertise in the subject area to be taught; amending s. 1013.03, F.S.; requiring the Department of Education to review rules relating to school construction and make recommendations to the State Board of Education; amending s. 1013.31, F.S.; requiring school districts to periodically update the inventory of educational facilities; amending s. 1002.37, F.S.; revising priorities of the Florida Virtual School; providing that certain funds are internal funds; authorizing supplemental support organizations; revising administrative responsibilities regarding funding and reporting requirements for the board of trustees of the Florida Virtual School; authorizing franchise agreements; providing for funding the Florida Virtual School within the Florida Education Finance Program; providing for funding based on credit completion; providing a calculation; eliminating obsolete provisions; amending s. 1011.61, F.S.; revising definition of "full-time equivalent student" to include a Florida Virtual School student; providing for membership to exceed certain maximum days of instruction; amending s. 1013.64, F.S.; revising provisions relating to determination of allocations to school districts from the Public Education Capital Outlay and Debt Service Trust Fund; revising provisions relating to the costs per student station; authorizing a school district to exceed cost per student station requirements under certain circumstances; requiring reports; repealing ss. 1007.261(2), 1012.41, 1013.21, and 1013.43, F.S., relating to credit requirements, employment of directors of career and technical education, reduction of relocatable facilities in use, and the small school requirement; amending s. 216.292, F.S.; requiring the Executive Office of the Governor to transfer funds for class size reduction based on recommendations of the Florida Education Finance Program Appropriation Allocation Conference; requiring notice and review; creating s. 1000.041, F.S.; providing legislative purposes and guiding principles for BEST Florida teaching; amending s. 1001.33, F.S.; requiring cooperation to apply such guiding principles; amending s. 1001.42, F.S.; requiring district school boards to provide clerical personnel or volunteers to assist teachers in noninstructional activities; requiring school district support of authority; amending ss. 1001.51 and 1001.54, F.S.; providing for cooperation and support of district school superintendents and school principals; amending s. 1002.20, F.S.; providing student rights with respect to classroom orderliness; amending s. 1002.42, F.S.; correcting a cross reference; amending s. 1003.04, F.S.; requiring specified student conduct; requiring parental cooperation with school authority; amending s. 1003.31, F.S.; providing for support of the authority of teachers and bus drivers; amending s. 1003.32, F.S.; revising provisions relating to teacher authority and responsibility for control of students; designating a school placement review committee to determine placement for disruptive students; requiring reports; requiring Commissioner of Education review of success in achieving orderly classrooms and use of enforcement actions; requiring reporting of knowledge or belief of crimes of violence on school property; providing immunity; amending s. 1004.04, F.S.; revising provisions relating to state approval of teacher preparation programs; expanding State Board of Education rules establishing core curricula; requiring teacher preparation programs to incorporate certain instruction; providing for guarantee; providing for additional teacher training under certain circumstances; authorizing pay for student teacher internships; providing priority consideration for participation in teacher education pilot programs; amending ss. 1006.08 and 1006.09, F.S.; providing for district school superintendent and school principal support relating to student discipline; amending s. 1009.59, F.S.; renaming and revising eligibility criteria and loan reimbursement of the Critical Teacher Shortage Student Loan Forgiveness Program; creating s. 1009.591, F.S.; creating the Teaching Fellows Program to encourage certain graduate students to enter the teaching profession; providing for stipends, signing bonuses upon employment, and waiver of tuition and fees under certain circumstances; providing repayment requirements; creating s. 1011.63, F.S.; creating a categorical fund for a salary career ladder; providing requirements to access funds; providing for allocation to school districts and use of funds; amending s. 1012.05, F.S.; requiring the Department of Education to provide for one-stop shopping for teacher career information and on-line support; authorizing use of funds to recruit and prepare teachers; creating s. 1012.231, F.S.; requiring district school board plans for compensation of classroom teachers; providing for funding teacher salary career ladders based on performance; providing requirements and incentives relating to teacher assignments; amending ss. 1012.27 and 1012.28, F.S.; providing duties of district school superintendents and school principals; amending s. 1012.585, F.S.; revising certain requirements for renewal of professional certificates; correcting a cross reference; creating s. 1012.586, F.S.; authorizing school districts to process certain applications via website; providing for a fee and the uses thereof; amending s. 1012.72, F.S.; expanding the Dale Hickam Excellent Teaching program to provide incentives for teachers who seek or are issued certain certification by the American Board for Certification of Teacher Excellence; restricting bonuses to certain teachers; repealing s. 1012.73, F.S., relating to the mentor teacher pilot program; amending s. 1012.98, F.S.; revising provisions relating to the School Community Professional Development Act; deleting provisions relating to recruitment, preparation, and professional development of school administrative personnel; creating s. 1012.987, F.S.; authorizing a principal leadership designation and incentives therefor; requiring a system for recruitment, preparation, and education leadership development of school administrative personnel; authorizing request of resignation of a school principal and teachers under certain circumstances; requiring district school boards to review and consider amending certain collective bargaining contracts; requiring the Commissioner of Education to conduct a survey of classroom teachers; amending ss. 121.021 and 1013.35, F.S.; correcting cross references; amending s. 1013.45, F.S.; requiring a life cycle analysis when constructing or expanding educational facilities; amending s. 1013.62, F.S.; authorizing allocation of certain funds to charter schools for capital outlay purposes under certain circumstances; amending s. 1009.531, F.S.; conforming provisions to changes made by the act and correcting a cross reference; creating pt. VIII of ch. 159, F.S., the "Florida Qualified Public Educational Facilities Private Activity Bond Allocation Act"; providing purpose and definitions; providing for allocation of state volume limitation on private activity bonds to finance qualified public educational facilities; providing for rules; amending s. 1003.33, F.S.; deleting certain provisions prohibiting district school boards from exempting students from academic performance requirements; authorizing an appropriation for the Teaching Fellows Program and for education leadership development activities; providing for severability; providing effective dates.

WHEREAS, in 1998, the voters approved an amendment to Section 1, Article IX of the State Constitution that required the Legislature to establish by law a uniform, efficient, safe, secure, and high-quality system of free public schools that allows students to obtain a high-quality education, and

WHEREAS, in 2002, the voters of Florida approved a further amendment to Section 1, Article IX of the State Constitution to assure that students obtain a high-quality education, and

WHEREAS, the voters defined a high-quality education as, by 2010, a prekindergarten through grade 3 core-curricula class size of no more than 18 students assigned to a teacher, a grade 4 through grade 8 core-curricula class size of no more than 22 students assigned to a teacher,

and a grade 9 through grade 12 core-curricula class size of no more than 25 students assigned to a teacher, and

WHEREAS, the Legislature finds that a high-quality education cannot be achieved solely by small class sizes but also requires well-educated, well-trained, well-compensated, and effective classroom teachers and school administrators who maintain orderly, disciplined classrooms conducive to student learning, and

WHEREAS, Section 1, Article IX of the State Constitution requires that reduced class sizes be accomplished through a system that is both efficient and uniform, and

WHEREAS, the constitutional principle of efficiency includes the school districts use of their facilities, teachers, and other resources in the most efficient manner, and

WHEREAS, the Florida Supreme Court, in considering the provisions of Amendment 9 to Section 1, Article IX of the State Constitution, found that "rather than restricting the Legislature, the proposed amendment gives the Legislature latitude in designing ways to reach the class size goal articulated in the ballot initiative, and places the obligation to ensure compliance on the Legislature," and

WHEREAS, the Legislature has chosen to focus on teacher quality and student achievement, provide clarity of goals, safeguard the efficient use of public funds, allow flexibility to reach those goals, recognize issues relating to both efficiency and equity of implementation, and require accountability to meet the standards set forth in the State Constitution, NOW, THEREFORE,

Senators Constantine and Carlton offered the following amendment which was moved by Senator Constantine:

Senate Amendment 1 (653694) (with title amendment) to House Amendment 1—On page 1, line 16 through page 178, line 509, delete those lines and insert:

Section 1. Subsections (14) and (15) are added to section 1003.01, Florida Statutes, to read:

1003.01 Definitions.—As used in this chapter, the term:

(14) "Core-curricula courses" mean courses defined by the Department of Education as mathematics, language arts/reading, science, social studies, foreign language, English for Speakers of Other Languages, exceptional student education, and courses taught in traditional self-contained elementary school classrooms. The term is limited in meaning and used for the sole purpose of designating classes that are subject to the maximum class size requirements established in s. 1, art. IX of the State Constitution.

(15) "Extracurricular courses" means all courses that are not defined as "core-curricula courses," which may include, but are not limited to, physical education, fine arts, performing fine arts, vocational education, and career and technical education. The term is limited in meaning and used for the sole purpose of designating classes that are not subject to the maximum class size requirements established in s. 1, Art. IX of the State Constitution.

Section 2. Section 1003.03, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 1003.03, F.S., for present text.)

1003.03 Maximum class size.—

(1) CONSTITUTIONAL CLASS SIZE MAXIMUM.—Pursuant to s. 1, Art. IX of the State Constitution, beginning in the 2010-2011 school year:

(a) The maximum number of students assigned to each teacher who is teaching core-curricula courses in public school classrooms for prekindergarten through grade 3 may not exceed 18 students.

(b) The maximum number of students assigned to each teacher who is teaching core-curricula courses in public school classrooms for grades 4 through 8 may not exceed 22 students.

(c) The maximum number of students assigned to each teacher who is teaching core-curricula courses in public school classrooms for grades 9 through 12 may not exceed 25 students.

(2) IMPLEMENTATION.—

(a) Beginning with the 2003-2004 fiscal year, each school district that is not in compliance with the maximums in subsection (1) shall reduce the average number of students per classroom in each of the following grade groupings: prekindergarten through grade 3, grade 4 through grade 8, and grade 9 through grade 12, by at least two students each year.

(b) Determination of the number of students per classroom in paragraph (a) shall be calculated as follows:

1. For fiscal years 2003-2004 through 2005-2006, the calculation for compliance for each of the 3 grade groupings shall be the average at the district level.

2. For fiscal years 2006-2007 through 2007-2008, the calculation for compliance for each of the 3 grade groupings shall be the average at the school level.

3. For fiscal years 2008-2009, 2009-2010, and thereafter, the calculation for compliance shall be at the individual classroom level.

(c) The Department of Education shall annually calculate each of the three average class size measures defined in paragraphs (a) and (b) based upon the October student membership survey. For purposes of determining the baseline from which each district's average class size must be reduced for the 2003-2004 school year, the department shall use data from the February 2003 student membership survey updated to include classroom identification numbers as required by the department.

(d) Prior to the adoption of the district school budget for 2004-2005, each district school board shall hold public hearings to review school attendance zones in order to ensure maximum use of facilities while minimizing the additional use of transportation in order to comply with the two-student-per-year reduction required in paragraph (a). School districts that meet the constitutional class size maximum described in subsection (1) are exempt from this requirement.

(3) IMPLEMENTATION OPTIONS.—District school boards must consider, but are not limited to, implementing the following items in order to meet the constitutional class size maximum described in subsection (1) and the two-student-per-year reduction required in subsection (2):

(a) Adopt policies to encourage qualified students to take dual enrollment courses.

(b) Adopt policies to encourage students to take courses from the Florida Virtual School.

(c)1. Repeal district school board policies that require students to have more than 24 credits to graduate from high school.

2. Adopt policies to allow students to graduate from high school as soon as they pass the grade 10 FCAT and complete the courses required for high school graduation.

(d) Use methods to maximize use of instructional staff, such as changing required teaching loads and scheduling of planning periods, deploying district employees that have professional certification to the classroom, using adjunct educators, or any other method not prohibited by law.

(e) Use innovative methods to reduce the cost of school construction by using prototype school designs, using SMART Schools designs, participating in the School Infrastructure Thrift Program, or any other method not prohibited by law.

(f) Use joint-use facilities through partnerships with community colleges, state universities, and private colleges and universities. Joint-use facilities available for use as K-12 classrooms that do not meet the K-12 State Regulations for Educational Facilities in the Florida Building Code may be used at the discretion of the district school board provided that such facilities meet all other health, life, safety, and fire codes.

(g) Adopt alternative methods of class scheduling, such as block scheduling.

(h) Redraw school attendance zones to maximize use of facilities while minimizing the additional use of transportation.

(i) Operate schools beyond the normal operating hours to provide classes in the evening or operate more than one session of school during the day.

(j) Use year-round schools and other nontraditional calendars that do not adversely impact annual assessment of student achievement.

(k) Review and consider amending any collective bargaining contracts that hinder the implementation of class size reduction.

(l) Use any other approach not prohibited by law.

(4) ACCOUNTABILITY.—

(a) Beginning in the 2003-2004 fiscal year, if the department determines for any year that a school district has not reduced average class size as required in subsection (2) at the time of the third FEFP calculation, the department shall calculate an amount from the class size reduction operating categorical which is proportionate to the amount of class size reduction not accomplished. Upon verification of the department's calculation by the Florida Education Finance Program Appropriation Allocation Conference, the Executive Office of the Governor shall transfer undistributed funds equivalent to the calculated amount from the district's class size reduction operating categorical to an approved fixed capital outlay appropriation for class size reduction in the affected district pursuant to s. 216.292(13). The amount of funds transferred shall be the lesser of the amount verified by the Florida Education Finance Program Appropriation Allocation Conference or the undistributed balance of the district's class size reduction operating categorical. However, based upon a recommendation by the Commissioner of Education that the State Board of Education has reviewed evidence indicating that a district has been unable to meet class size reduction requirements despite appropriate effort to do so, the Legislative Budget Commission may approve an alternative amount of funds to be transferred from the district's class size reduction operating categorical to its approved fixed capital outlay account for class size reduction.

(b) Beginning in the 2005-2006 school year, the department shall determine by January 15 of each year which districts have not met the two-student-per-year reduction required in subsection (2) based upon a comparison of the district's October student membership survey for the current school year and the February 2003 baseline student membership survey. The department shall report such districts to the Legislature. Each district that has not met the two-student-per-year reduction shall be required to implement one of the following policies in the subsequent school year unless the department finds that the district comes into compliance based upon the February student membership survey:

1. Year-round schools;

2. Double sessions;

3. Rezoning; or

4. Maximizing use of instructional staff by changing required teacher loads and scheduling of planning periods, deploying school district employees who have professional certification to the classroom, using adjunct educators, operating schools beyond the normal operating hours to provide classes in the evening, or operating more than one session during the day.

A school district that is required to implement the policies outlined in subparagraphs 1. through 4. shall correct in the year of implementation any past deficiencies and bring the district into compliance with the two-student-per-year reduction goals established for the district by the department pursuant to subsection (2). A school district may choose to implement more than one of these policies. The district school superintendent shall report to the Commissioner of Education the extent to which the district implemented any of the policies outlined in subparagraphs 1. through 4. in a format to be specified by the Commissioner of Education. The Department of Education shall use the enforcement authority provided in s. 1008.32, to ensure that districts comply with the provisions of this paragraph.

(c) Beginning in the 2006-2007 school year, the department shall annually determine which districts do not meet the requirements described in subsection (2). In addition to enforcement authority provided in s. 1008.32, the Department of Education shall develop a constitutional compliance plan for each such district which includes, but is not limited to, redrawing school attendance zones to maximize use of facilities while minimizing the additional use of transportation unless the department finds that the district comes into compliance based upon the February student membership survey and the other accountability policies listed in paragraph (b). Each district school board shall implement the constitutional compliance plan developed by the state board until the district complies with the constitutional class size maximum.

Section 3. Section 1011.685, Florida Statutes, is created to read:

1011.685 Class size reduction; operating categorical fund.—

(1) There is created an operating categorical fund for implementing the class size reduction provisions of s. 1, Art. IX of the State Constitution. These funds shall be allocated to each school district in the amount prescribed by the Legislature in the General Appropriations Act.

(2) Class size reduction operating categorical funds shall be used by school districts for the following:

(a) To reduce class size in any lawful manner, if the district has not met the constitutional maximum identified in s. 1003.03(1) or the reduction of two students per year required by s. 1003.03(2).

(b) For any lawful operating expenditure, if the district has met the constitutional maximum identified in s. 1003.03(1) or the reduction of two students per year required by s. 1003.03(2); however, priority should be given to increase salaries of classroom teachers as defined in s. 1012.01(2)(a) or to implement the salary career ladder defined in s. 1012.231.

Section 4. Section 1013.735, Florida Statutes, is created to read:

1013.735 Classrooms for Kids Program.—

(1) ALLOCATION.—The department shall allocate funds appropriated for the Classrooms for Kids Program. It is the intent of the Legislature that this program be administered as nearly as practicable in the same manner as the capital outlay program authorized under s. 9(a), Art. XII of the State Constitution. Each district school board's share of the annual appropriation for the Classrooms for Kids Program must be calculated according to the following formula:

(a) Twenty-five percent of the appropriation shall be prorated to the districts based on each district's percentage of base capital outlay full-time equivalent membership, and 65 percent shall be based on each district's percentage of growth capital outlay full-time equivalent membership as specified for the allocation of funds from the Public Education Capital Outlay and Debt Service Trust Fund by s. 1013.64(3).

(b) Ten percent of the appropriation must be allocated among district school boards according to the allocation formula in s. 1013.64(1)(a).

(2) DISTRICT PARTICIPATION.—In order to participate in the Classrooms for Kids Program, a district school board shall:

(a) Enter into an interlocal agreement pursuant to s. 1013.33.

(b) Certify that the district's inventory of facilities listed in the Florida Inventory of School Houses is accurate and up-to-date pursuant to s. 1013.31.

(3) USE OF FUNDS.—In order to increase capacity to reduce class size, a district school board shall expend the funds received pursuant to this section only to:

(a) Construct, renovate, remodel, or repair educational facilities that are in excess of projects identified in the district's 5-year work program adopted prior to March 15, 2003; or

(b) Purchase or lease-purchase relocatable facilities that are in excess of relocatables identified in the district's 5-year work program adopted prior to March 15, 2003.

Section 5. Effective upon this act becoming a law, section 1013.736, Florida Statutes, is created to read:

1013.736 District Effort Recognition Program.—

(1) RECOGNITION FUNDS.—From funds appropriated by the Legislature, district effort recognition capital outlay grants shall be made to eligible school districts in accordance with the provisions of this section and the General Appropriations Act. The funds appropriated in this section are not subject to the provisions of s. 216.301.

(2) ELIGIBILITY.—Annually, the Department of Education shall determine each district's compliance with the provisions of s. 1003.03 and determine the district's eligibility to receive a district effort recognition grant for local school facilities projects pursuant to this section. Districts shall be eligible for a district effort recognition grant based upon participation in any of the following:

(a) The district levies a half-cent school capital outlay surtax authorized in s. 212.055(6).

(b) The district participates in the levy of the local government infrastructure sales surtax authorized in s. 212.055(2).

(c) The district levies voted millage for capital outlay purposes as authorized in s. 9, Art. VII of the State Constitution.

(3) DISTRICT EFFORT RECOGNITION PROGRAM.—The department shall annually calculate a district effort amount for each district by September 1 after each fiscal year. The total amount of revenue for the prior year from each revenue levied as described in subsection (2) shall be divided by the number of months for which revenue was received and multiplied by the number of authorized months remaining in each voter referendum. The amount so determined for each revenue levied shall be totaled. The Department of Revenue shall report the amount of voter-approved revenue described in paragraphs (2)(a) and (b). The district shall report the amount of revenue described in paragraph (2)(b) identified for district fixed capital outlay in the prior fiscal year. To determine the amount of revenue levied pursuant to paragraph (2)(c), the district shall annually report to the department the outstanding debt service by bond series and date of maturity. The total of annual debt service to maturity remaining as of July 1 of each year shall be added to the other revenues levied pursuant to paragraphs (2)(a) and (b) in determining the total district effort amount. Only the amount of voter-approved revenue described in paragraph (2)(b) which has been identified for district fixed capital outlay from the prior fiscal year shall be used in the calculation.

(4) ALLOCATION AND DISTRIBUTION OF FUNDS.—The department shall allocate the annual amount of funds provided among all eligible districts based upon the district's proportion of the funds as determined in subsection (3). Funds shall be distributed once a district has encumbered the funds.

(5) USE OF FUNDS.—School districts that do not meet the constitutional class size maximum described in s. 1003.03(1) must use the funds for capital outlay to reduce class size. School districts that meet the constitutional class size maximum may use the funds for any lawful capital outlay purpose.

Section 6. Section 1013.737, Florida Statutes, is created to read:

1013.737 The Class Size Reduction Lottery Revenue Bond Program.—There is established the Class Size Reduction Lottery Revenue Bond Program.

(1) The issuance of revenue bonds is authorized to finance or refinance the construction, acquisition, reconstruction, or renovation of educational facilities. Such bonds shall be issued pursuant to and in compliance with the provisions of s. 11(d), Art. VII of the State Constitution, the provisions of the State Bond Act, ss. 215.57-215.83, as amended, and the provisions of this section.

(2) The bonds are payable from, and secured by a first lien on, the first lottery revenues transferred to the Educational Enhancement Trust Fund each fiscal year, as provided by s. 24.121(2), and do not constitute a general obligation of, or a pledge of the full faith and credit of, the state.

(3) The state hereby covenants with the holders of such revenue bonds that it will not take any action that will materially and adversely affect the rights of such holders so long as bonds authorized by this section are outstanding. The state does hereby additionally authorize the establishment of a covenant in connection with the bonds which provides that any additional funds received by the state from new or enhanced lottery programs, video gaming, or other similar activities will first be available for payments relating to bonds pledging revenues available pursuant to s. 24.121(2), prior to use for any other purpose.

(4) The bonds shall be issued by the Division of Bond Finance of the State Board of Administration on behalf of the Department of Education in such amount as shall be requested by resolution of the State Board of Education. However, the total principal amount of bonds, excluding refunding bonds, issued pursuant to this section shall not exceed $1.4 billion.

(5) Proceeds available from the sale of the bonds shall be deposited in the Lottery Capital Outlay and Debt Service Trust Fund within the Department of Education.

(6) The facilities to be financed with the proceeds of such bonds are designated as state fixed capital outlay projects for purposes of s. 11(d), Art. VII of the State Constitution, and the specific facilities to be financed shall be determined in accordance with state law and appropriations from the Educational Enhancement Trust Fund. Projects shall be funded from the Lottery Capital Outlay and Debt Service Trust Fund. Each educational facility to be financed with the proceeds of the bonds issued pursuant to this section is hereby approved as required by s. 11(f), Art. VII of the State Constitution.

(7) Any complaint for validation of such bonds is required to be filed only in the circuit court of the county where the seat of state government is situated. The notice required to be published by s. 75.06 is required to be published only in the county where the complaint is filed, and the complaint and order of the circuit court need be served only on the state attorney of the circuit in which the action is pending.

(8) The Commissioner of Education shall provide for timely encumbrances of funds for duly authorized projects. Encumbrances may include proceeds to be received under a resolution approved by the State Board of Education authorizing issuance of class size reduction lottery bonds pursuant to s. 11(d), Art. VII of the State Constitution, s. 1013.737, and other applicable law.

Section 7. Subsection (2) of section 24.121, Florida Statutes, is amended to read:

24.121 Allocation of revenues and expenditure of funds for public education.—

(2) Each fiscal year, at least 38 percent of the gross revenue from the sale of on-line lottery tickets, variable percentages of the gross revenue from the sale of instant lottery tickets as determined by the department consistent with subsection (1), and other earned revenue, excluding application processing fees, shall be deposited in the Educational Enhancement Trust Fund, which is hereby created in the State Treasury to be administered by the Department of Education. The Department of the Lottery shall transfer moneys to the Educational Enhancement Trust Fund at least once each quarter. Funds in the Educational Enhancement Trust Fund shall be used to the benefit of public education in accordance with the provisions of this act. Notwithstanding any other provision of law, ~~a maximum of $180 million of~~ lottery revenues transferred to the Educational Enhancement Trust Fund ~~in fiscal year 1997-1998 and for 30 years thereafter~~ shall be reserved as needed and used to meet the requirements of the documents authorizing the bonds issued by the state pursuant to s. 1013.68, ~~or~~ s. 1013.70*, or s. 1013.737* or distributed to school districts for the Classrooms First Program as provided in s. 1013.68. Such lottery revenues are hereby pledged to the payment of debt service on bonds issued by the state pursuant to s. 1013.68, ~~or~~ s. 1013.70*, or s. 1013.737*. Debt service payable on bonds issued by the state pursuant to s. 1013.68, ~~or~~ s. 1013.70*, or s. 1013.737* shall be payable from*, and are secured by a first lien on,* the first lottery revenues transferred to the Educational Enhancement Trust Fund in each fiscal year. Amounts distributable to school districts that request the issuance of bonds pursuant to s. 1013.68(3) are hereby pledged to such bonds pursuant to s. 11(d), Art. VII of the State Constitution. ~~The amounts distributed through the Classrooms First Program shall equal $145 million in each fiscal year. These funds are intended to provide up to $2.5 billion for public school facilities.~~

Section 8. Paragraphs (a) and (b) of subsection (13) of section 121.091, Florida Statutes, are amended to read:

121.091 Benefits payable under the system.—Benefits may not be paid under this section unless the member has terminated employment

as provided in s. 121.021(39)(a) or begun participation in the Deferred Retirement Option Program as provided in subsection (13), and a proper application has been filed in the manner prescribed by the department. The department may cancel an application for retirement benefits when the member or beneficiary fails to timely provide the information and documents required by this chapter and the department's rules. The department shall adopt rules establishing procedures for application for retirement benefits and for the cancellation of such application when the required information or documents are not received.

(13) DEFERRED RETIREMENT OPTION PROGRAM.—In general, and subject to the provisions of this section, the Deferred Retirement Option Program, hereinafter referred to as the DROP, is a program under which an eligible member of the Florida Retirement System may elect to participate, deferring receipt of retirement benefits while continuing employment with his or her Florida Retirement System employer. The deferred monthly benefits shall accrue in the System Trust Fund on behalf of the participant, plus interest compounded monthly, for the specified period of the DROP participation, as provided in paragraph (c). Upon termination of employment, the participant shall receive the total DROP benefits and begin to receive the previously determined normal retirement benefits. Participation in the DROP does not guarantee employment for the specified period of DROP. *Participation in the DROP by an eligible member beyond the initial 60-month period as authorized in this subsection shall be on an annual contractual basis for all participants.*

(a) Eligibility of member to participate in the DROP.—All active Florida Retirement System members in a regularly established position, and all active members of either the Teachers' Retirement System established in chapter 238 or the State and County Officers' and Employees' Retirement System established in chapter 122 which systems are consolidated within the Florida Retirement System under s. 121.011, are eligible to elect participation in the DROP provided that:

1. The member is not a renewed member of the Florida Retirement System under s. 121.122, or a member of the State Community College System Optional Retirement Program under s. 121.051, the Senior Management Service Optional Annuity Program under s. 121.055, or the optional retirement program for the State University System under s. 121.35.

2. Except as provided in subparagraph 6., election to participate is made within 12 months immediately following the date on which the member first reaches normal retirement date, or, for a member who reaches normal retirement date based on service before he or she reaches age 62, or age 55 for Special Risk Class members, election to participate may be deferred to the 12 months immediately following the date the member attains 57, or age 52 for Special Risk Class members. For a member who first reached normal retirement date or the deferred eligibility date described above prior to the effective date of this section, election to participate shall be made within 12 months after the effective date of this section. A member who fails to make an election within such 12-month limitation period shall forfeit all rights to participate in the DROP. The member shall advise his or her employer and the division in writing of the date on which the DROP shall begin. Such beginning date may be subsequent to the 12-month election period, but must be within the 60-month *or, with respect to members who are instructional personnel as defined in s. 1012.01(2)(a)-(d) in grades K-12 and who have received authorization by the district school superintendent to participate in DROP for more than 60 months, the 96-month* limitation period as provided in subparagraph (b)1. When establishing eligibility of the member to participate in the DROP for the 60-month *or, with respect to members who are instructional personnel as defined in s. 1012.01(2)(a)-(d) in grades K-12 and who have received authorization by the district school superintendent to participate in DROP for more than 60 months, the 96-month* maximum participation period, the member may elect to include or exclude any optional service credit purchased by the member from the total service used to establish the normal retirement date. A member with dual normal retirement dates shall be eligible to elect to participate in DROP within 12 months after attaining normal retirement date in either class.

3. The employer of a member electing to participate in the DROP, or employers if dually employed, shall acknowledge in writing to the division the date the member's participation in the DROP begins and the date the member's employment and DROP participation will terminate.

4. Simultaneous employment of a participant by additional Florida Retirement System employers subsequent to the commencement of participation in the DROP shall be permissible provided such employers acknowledge in writing a DROP termination date no later than the participant's existing termination date or the 60-month limitation period as provided in subparagraph (b)1.

5. A DROP participant may change employers while participating in the DROP, subject to the following:

a. A change of employment must take place without a break in service so that the member receives salary for each month of continuous DROP participation. If a member receives no salary during a month, DROP participation shall cease unless the employer verifies a continuation of the employment relationship for such participant pursuant to s. 121.021(39)(b).

b. Such participant and new employer shall notify the division on forms required by the division as to the identity of the new employer.

c. The new employer shall acknowledge, in writing, the participant's DROP termination date, which may be extended but not beyond the original 60-month *or, with respect to members who are instructional personnel as defined in s. 1012.01(2)(a)-(d) in grades K-12 and who have received authorization by the district school superintendent to participate in DROP for more than 60 months, the 96-month* period provided in subparagraph (b)1., shall acknowledge liability for any additional retirement contributions and interest required if the participant fails to timely terminate employment, and shall be subject to the adjustment required in sub-subparagraph (c)5.d.

6. Effective July 1, 2001, for instructional personnel as defined in s. 1012.01(2), election to participate in the DROP shall be made at any time following the date on which the member first reaches normal retirement date. The member shall advise his or her employer and the division in writing of the date on which the Deferred Retirement Option Program shall begin. When establishing eligibility of the member to participate in the DROP for the 60-month *or, with respect to members who are instructional personnel as defined in s. 1012.01(2)(a)-(d) in grades K-12 and who have received authorization by the district school superintendent to participate in DROP for more than 60 months, the 96-month* maximum participation period, as provided in subparagraph (b)1., the member may elect to include or exclude any optional service credit purchased by the member from the total service used to establish the normal retirement date. A member with dual normal retirement dates shall be eligible to elect to participate in either class.

(b) Participation in the DROP.—

1. An eligible member may elect to participate in the DROP for a period not to exceed a maximum of 60 calendar months *or, with respect to members who are instructional personnel as defined in s. 1012.01(2)(a)-(d) in grades K-12 and who have received authorization by the district school superintendent to participate in DROP for more than 60 calendar months, a maximum of 96 calendar months* immediately following the date on which the member first reaches his or her normal retirement date or the date to which he or she is eligible to defer his or her election to participate as provided in subparagraph (a)2. However, a member who has reached normal retirement date prior to the effective date of the DROP shall be eligible to participate in the DROP for a period of time not to exceed 60 calendar months *or, with respect to members who are instructional personnel as defined in s. 1012.01(2)(a)-(d) in grades K-12 and who have received authorization by the district school superintendent to participate in DROP for more than 60 calendar months, 96 calendar months* immediately following the effective date of the DROP, except a member of the Special Risk Class who has reached normal retirement date prior to the effective date of the DROP and whose total accrued value exceeds 75 percent of average final compensation as of his or her effective date of retirement shall be eligible to participate in the DROP for no more than 36 calendar months immediately following the effective date of the DROP.

2. Upon deciding to participate in the DROP, the member shall submit, on forms required by the division:

a. A written election to participate in the DROP;

b. Selection of the DROP participation and termination dates, which satisfy the limitations stated in paragraph (a) and subparagraph 1. Such

termination date shall be in a binding letter of resignation with the employer, establishing a deferred termination date. The member may change the termination date within the limitations of subparagraph 1., but only with the written approval of his or her employer;

c. A properly completed DROP application for service retirement as provided in this section; and

d. Any other information required by the division.

3. The DROP participant shall be a retiree under the Florida Retirement System for all purposes, except for paragraph (5)(f) and subsection (9) and ss. 112.3173, 112.363, 121.053, and 121.122. However, participation in the DROP does not alter the participant's employment status and such employee shall not be deemed retired from employment until his or her deferred resignation is effective and termination occurs as provided in s. 121.021(39).

4. Elected officers shall be eligible to participate in the DROP subject to the following:

a. An elected officer who reaches normal retirement date during a term of office may defer the election to participate in the DROP until the next succeeding term in that office. Such elected officer who exercises this option may participate in the DROP for up to 60 calendar months or a period of no longer than such succeeding term of office, whichever is less.

b. An elected or a nonelected participant may run for a term of office while participating in DROP and, if elected, extend the DROP termination date accordingly, except, however, if such additional term of office exceeds the 60-month limitation established in subparagraph 1., and the officer does not resign from office within such 60-month limitation, the retirement and the participant's DROP shall be null and void as provided in sub-subparagraph (c)5.d.

c. An elected officer who is dually employed and elects to participate in DROP shall be required to satisfy the definition of termination within the 60-month *or, with respect to members who are instructional personnel as defined in s. 1012.01(2)(a)-(d) in grades K-12 and who have received authorization by the district school superintendent to participate in DROP for more than 60 months, the 96-month* limitation period as provided in subparagraph 1. for the nonelected position and may continue employment as an elected officer as provided in s. 121.053. The elected officer will be enrolled as a renewed member in the Elected Officers' Class or the Regular Class, as provided in ss. 121.053 and 121.22, on the first day of the month after termination of employment in the nonelected position and termination of DROP. Distribution of the DROP benefits shall be made as provided in paragraph (c).

Section 9. Paragraph (b) of subsection (3), and paragraph (a) of subsection (6) of section 220.187, Florida Statutes, are amended, a new subsection (5) is added to that section, and subsequent subsections (5), (6), and (7) are redesignated as subsections (6), (7), and (8), respectively, to read:

220.187 Credits for contributions to nonprofit scholarship-funding organizations.—

(3) AUTHORIZATION TO GRANT SCHOLARSHIP FUNDING TAX CREDITS; LIMITATIONS ON INDIVIDUAL AND TOTAL CREDITS.—

(b) The total amount of tax credit which may be granted each state fiscal year under this section is *$88* ~~$50~~ million.

(5) PARENT OBLIGATIONS—As a condition for scholarship payment pursuant to paragraph (4)(g), if the parent chooses for his or her child to attend an eligible nonpublic school, the parent must inform the child's school district within 15 days after such decision.

(6) ADMINISTRATION; RULES.—

(a) If the credit granted pursuant to this section is not fully used in any one year *because of insufficient tax liability on the part of the corporation*, the unused amount may ~~not~~ be carried forward *for a period not to exceed 3 years*. A taxpayer may not convey, assign, or transfer the credit authorized by this section to another entity unless all of the assets of the taxpayer are conveyed, assigned, or transferred in the same transaction. *This carryforward applies to all approved contributions made after January 1, 2002.*

Section 10. Paragraph (i) is added to subsection (1) of section 1003.02, Florida Statutes, and subsection (4) of that section is amended, to read:

1003.02 District school board operation and control of public K-12 education within the school district.—As provided in part II of chapter 1001, district school boards are constitutionally and statutorily charged with the operation and control of public K-12 education within their school district. The district school boards must establish, organize, and operate their public K-12 schools and educational programs, employees, and facilities. Their responsibilities include staff development, public K-12 school student education including education for exceptional students and students in juvenile justice programs, special programs, adult education programs, and career and technical education programs. Additionally, district school boards must:

(1) Provide for the proper accounting for all students of school age, for the attendance and control of students at school, and for proper attention to health, safety, and other matters relating to the welfare of students in the following fields:

(i) Parental notification of acceleration mechanisms.—At the beginning of each school year, notify parents of students in or entering high school of the opportunity and benefits of advanced placement, International Baccalaureate, Advanced International Certificate of Education, dual enrollment, and Florida Virtual School courses.

(4) ~~For any school within the district that is not in compliance with the small school size requirements of chapter 1013,~~ In order to reduce the anonymity of students in large schools, adopt policies that encourage subdivision of the school into schools-within-a-school, which shall operate within existing resources. A "school-within-a-school" means an operational program that uses flexible scheduling, team planning, and curricular and instructional innovation to organize groups of students with groups of teachers as smaller units, so as to functionally operate as a smaller school. Examples of this include, but are not limited to:

(a) An organizational arrangement assigning both students and teachers to smaller units in which the students take some or all of their coursework with their fellow grouped students and from the teachers assigned to the smaller unit. A unit may be grouped together for 1 year or on a vertical, multiyear basis.

(b) An organizational arrangement similar to that described in paragraph (a) with additional variations in instruction and curriculum. The smaller unit usually seeks to maintain a program different from that of the larger school, or of other smaller units. It may be vertically organized, but is dependent upon the school principal for its existence, budget, and staff.

(c) A separate and autonomous smaller unit formally authorized by the district school board or district school superintendent. The smaller unit plans and runs its own program, has its own staff and students, and receives its own separate budget. The smaller unit must negotiate the use of common space with the larger school and defer to the building principal on matters of safety and building operation.

Section 11. Paragraphs (i) and (j) of subsection (1) of section 1003.43, Florida Statutes, are amended to read:

1003.43 General requirements for high school graduation.—

(1) Graduation requires successful completion of either a minimum of 24 academic credits in grades 9 through 12 or an International Baccalaureate curriculum. The 24 credits shall be distributed as follows:

(i) One-half credit in life management skills to include consumer education, positive emotional development, marriage and relationship skill-based education, nutrition, *parenting skills,* prevention of human immunodeficiency virus infection and acquired immune deficiency syndrome and other sexually transmissible diseases, benefits of sexual abstinence and consequences of teenage pregnancy, information and instruction on breast cancer detection and breast self-examination, cardiopulmonary resuscitation, drug education, and the hazards of smoking. ~~Such credit shall be given for a course to be taken by all students in either the 9th or 10th grade.~~ (j) One credit in physical education to

include assessment, improvement, and maintenance of personal fitness. Participation in an interscholastic sport at the junior varsity or varsity level, for two full seasons, shall satisfy the one-credit requirement in physical education if the student passes a competency test on personal fitness with a score of "C" or better. The competency test on personal fitness must be developed by the Department of Education. A district school board may not require that the one credit in physical education be taken during the 9th grade year. Completion of one semester with a grade of "C" or better in a marching band class, ~~or~~ in a physical activity class that requires participation in marching band activities as an extracurricular activity*, or in a Reserve Officer Training Corps (R.O.T.C.) class a significant component of which is drills* shall satisfy a one-half credit requirement in physical education. This one-half credit may not be used to satisfy the personal fitness requirement or the requirement for adaptive physical education under an individual educational plan (IEP) or 504 plan.

District school boards may award a maximum of one-half credit in social studies and one-half elective credit for student completion of nonpaid voluntary community or school service work. Students choosing this option must complete a minimum of 75 hours of service in order to earn the one-half credit in either category of instruction. Credit may not be earned for service provided as a result of court action. District school boards that approve the award of credit for student volunteer service shall develop guidelines regarding the award of the credit, and school principals are responsible for approving specific volunteer activities. A course designated in the Course Code Directory as grade 9 through grade 12 that is taken below the 9th grade may be used to satisfy high school graduation requirements or Florida Academic Scholars award requirements as specified in a district school board's student progression plan. A student shall be granted credit toward meeting the requirements of this subsection for equivalent courses, as identified pursuant to s. 1007.271(6), taken through dual enrollment.

Section 12. Section 1003.429, Florida Statutes, is created to read:

1003.429 Accelerated high school graduation options.—

(1) Beginning with the 2003-2004 school year, all students scheduled to graduate in 2004 and thereafter may select one of the following three high school graduation options:

(a) Completion of the general requirements for high school graduation pursuant to s. 1003.43;

(b) Completion of a 3-year standard college preparatory program requiring successful completion of a minimum of 18 academic credits in grades 9 through 12. The 18 credits shall be primary requirements and shall be distributed as follows:

1. Four credits in English, with major concentration in composition and literature;

2. Three credits in mathematics at the Algebra I level or higher from the list of courses that qualify for state university admission;

3. Three credits in natural science, two of which must have a laboratory component;

4. Three credits in social sciences;

5. Two credits in the same second language unless the student is a native speaker of or can otherwise demonstrate competency in a language other than English. If the student demonstrates competency in another language, the student may replace the language requirement with two credits in other academic courses; and

6. Three credits in electives; or

(c) Completion of a 3-year career preparatory program requiring successful completion of a minimum of 18 academic credits in grades 9 through 12. The 18 credits shall be primary requirements and shall be distributed as follows:

1. Four credits in English, with major concentration in composition and literature;

2. Three credits in mathematics, one of which must be Algebra I;

3. Three credits in natural science, two of which must have a laboratory component;

4. Three credits in social sciences;

5. Two credits in the same second language unless the student is a native speaker of or can otherwise demonstrate competency in a language other than English. If the student demonstrates competency in another language, the student may replace the language requirement with two credits in other academic courses; and

6. Three credits in electives.

(2) Beginning with the 2003-2004 school year, each district school board shall provide each student in grades 6 through 12 and their parents with the 3-year and 4-year high school graduation options listed in subsection (1) with curriculum for the students and parents to select the postsecondary education or career plan that best fits their needs. The options shall include a timeframe for achieving each graduation option.

(3) Selection of one of the graduation options listed in subsection (1) is exclusively up to the student and parent. If the student and parent fail to select a graduation option, the student shall be considered to have selected the general requirements for high school graduation pursuant to paragraph (1)(a).

(4) District school boards shall not establish requirements for accelerated 3-year high school graduation options in excess of the requirements in paragraphs (1)(b) and (1)(c).

(5) Students pursuing accelerated 3-year high school graduation options pursuant to paragraph (1)(b) or paragraph (1)(c) are required to:

(a) Earn passing scores on the FCAT as defined in s. 1008.22(3)(c).

(b) Achieve a cumulative grade point average of 2.0 on a 4.0 scale, or its equivalent, in the courses required by the chosen accelerated 3-year high school graduation option pursuant to paragraph (1)(b) or paragraph (1)(c).

(6) A student who meets all requirements prescribed in subsections (1) and (5) shall be awarded a standard diploma in a form prescribed by the State Board of Education.

Section 13. Paragraphs (a) and (b) of subsection (1) of section 1007.261, Florida Statutes, are amended to read:

1007.261 State universities; admissions of students.—Each university board of trustees is authorized to adopt rules governing the admission of students, subject to this section and rules of the State Board of Education.

(1) Minimum academic standards for undergraduate admission to a university include:

(a) Each student must have received a high school diploma pursuant to *s. 1003.429 or* s. 1003.43, or its equivalent, except as provided in s. 1007.271(2)-(5) or completed a home education program according to s. 1002.41.

(b) Each student must have successfully completed a college-preparatory curriculum of *18* ~~19~~ credits, *which shall include, but not be limited to, four credits in English, with major concentration in composition and literature; three credits in mathematics; three credits in natural science, two of which must have a laboratory component; three credits in social sciences; and two credits in the same second language* ~~as defined in rules of the State Board of Education, including at least 2 credits of sequential foreign language at the secondary level or the equivalent of such instruction at the postsecondary level~~. A student who completes a home education program according to s. 1002.41 is not required to document completion of the *18* ~~19~~ credits required by this paragraph. A student whose native language is not English is exempt from the foreign language requirement, provided that the student demonstrates proficiency in the native language. If a standardized test is not available in the student's native language for the demonstration of proficiency, the university may provide an alternative method of assessment. The State Board of Education shall adopt rules for the articulation of foreign language competency and equivalency between secondary and postsecondary institutions. A student who received an associate in arts degree prior to September 1, 1989, or who enrolled in a program of studies leading to an associate degree from a community college prior to August 1, 1989, and maintains continuous enrollment shall be exempt from this admissions requirement.

Section 14. Paragraph (a) of subsection (1) of section 1003.436, Florida Statutes, is amended to read:

1003.436 Definition of "credit".—

(1)(a) For the purposes of requirements for high school graduation, one full credit means a minimum of 135 hours of bona fide instruction in a designated course of study that contains student performance standards. *One full credit means a minimum of 120 hours of bona fide instruction in a designated course of study that contains student performance standards for purposes of meeting high school graduation requirements in a district school that has been authorized to implement block scheduling by the district school board.* The State Board of Education shall determine the number of postsecondary credit hours earned through dual enrollment pursuant to s. 1007.271 that satisfy the requirements of a district's interinstitutional articulation agreement according to s. 1007.235 and that equal one full credit of the equivalent high school course identified pursuant to s. 1007.271(6).

Section 15. Paragraph (b) of subsection (5) of section 1011.62, Florida Statutes, is amended to read:

1011.62 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:

(5) CATEGORICAL FUNDS.—

(b) ~~For fiscal year 2002-2003,~~ If a district school board finds and declares in a resolution adopted at a regular meeting of the school board that the funds received for any of the following categorical appropriations are urgently needed to maintain school board specified academic classroom instruction, the school board may consider and approve an amendment to the school district operating budget transferring the identified amount of the categorical funds to the appropriate account for expenditure:

1. Funds for student transportation.

2. Funds for in-service educational personnel training.

3. Funds for safe schools.

4. Funds for public school technology.

~~5. Funds for teacher recruitment and retention.~~

5.~~6.~~ Funds for supplemental academic instruction.

Section 16. Section 1011.69, Florida Statutes, is amended to read:

1011.69 Equity in School-Level Funding Act.—

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

~~(2)(a) Beginning in the 2000-2001 fiscal year, district school boards shall allocate to each school within the district at least 50 percent of the funds generated by that school based upon the Florida Education Finance Program as provided in s. 1011.62 and the General Appropriations Act, including gross state and local funds, discretionary lottery funds, and funds from the school district's current operating discretionary millage levy.~~

~~(b) Beginning in the 2001-2002 fiscal year, district school boards shall allocate to each school within the district at least 65 percent of the funds generated by that school based upon the Florida Education Finance Program as provided in s. 1011.62 and the General Appropriations Act, including gross state and local funds, discretionary lottery funds, and funds from the school district's current operating discretionary millage levy.~~

~~(c) Beginning in the 2002-2003 fiscal year, district school boards shall allocate to each school within the district at least 80 percent of the funds generated by that school based upon the Florida Education Finance Program as provided in s. 1011.62 and the General Appropriations Act, including gross state and local funds, discretionary lottery funds, and funds from the school district's current operating discretionary millage levy.~~

~~(d)~~ Beginning in the 2003-2004 fiscal year, district school boards shall allocate to *schools* ~~each school~~ within the district *an average of* ~~at least~~ 90 percent of the funds generated by *all schools and guarantee that each school receives at least 80 percent of the funds generated by* that school based upon the Florida Education Finance Program as provided in s. 1011.62 and the General Appropriations Act, including gross state and local funds, discretionary lottery funds, and funds from the school district's current operating discretionary millage levy. Total funding for each school shall be recalculated during the year to reflect the revised calculations under the Florida Education Finance Program by the state and the actual weighted full-time equivalent students reported by the school during the full-time equivalent student survey periods designated by the Commissioner of Education. If the district school board is providing programs or services to students funded by federal funds, any eligible students enrolled in the schools in the district shall be provided federal funds. Only *academic performance-based charter school* ~~those~~ districts ~~that initially applied for charter school district status,~~ pursuant to s. 1003.62, ~~and have been approved by the State Board of Education~~ are exempt from the provisions of this section.

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

(4) The following funds are excluded from the school-level allocation under this section:

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

(a)~~(5)~~ Funds appropriated in the General Appropriations Act for supplemental academic instruction to be used for the purposes described in s. 1011.62(1)(f)*; and*

(b) Funds appropriated in the General Appropriations Act for the class size reduction operating categorical fund established in s. 1011.685 ~~are excluded from the school-level allocation under this section~~.

Section 17. Subsection (13) is added to section 1013.03, Florida Statutes, to read:

1013.03 Functions of the department.—The functions of the Department of Education as it pertains to educational facilities shall include, but not be limited to, the following:

(13) By October 1, 2003, review all rules related to school construction to identify requirements that are outdated, obsolete, unnecessary, or otherwise could be amended in order to provide additional flexibility to school districts to comply with the constitutional class size maximums described in s. 1003.03(1) and make recommendations concerning such rules to the State Board of Education. The State Board of Education shall act on such recommendations by December 31, 2003.

Section 18. Paragraph (d) is added to subsection (1) of section 1013.31, Florida Statutes, to read:

1013.31 Educational plant survey; localized need assessment; PECO project funding.—

(1) At least every 5 years, each board shall arrange for an educational plant survey, to aid in formulating plans for housing the educational program and student population, faculty, administrators, staff, and auxiliary and ancillary services of the district or campus, including consideration of the local comprehensive plan. The Office of Workforce and Economic Development shall document the need for additional career and adult education programs and the continuation of existing programs before facility construction or renovation related to career or adult education may be included in the educational plant survey of a school district or community college that delivers career or adult education programs. Information used by the Office of Workforce and Economic Development to establish facility needs must include, but need not be limited to, labor market data, needs analysis, and information submitted by the school district or community college.

(d) Periodic update of Florida Inventory of School Houses.—School districts shall periodically update their inventory of educational facilities as new capacity becomes available and as unsatisfactory space is eliminated. The State Board of Education shall adopt rules to determine the time frame in which districts must provide a periodic update.

Section 19. Subsections (2) and (3) of section 1002.37, Florida Statutes, are amended, subsections (4), (5), and (6) are renumbered as subsections (5), (6) and (7), respectively, and new subsections (3) and (4) are added to that section to read:

1002.37 The Florida Virtual School.—

(2) The Florida Virtual School shall be governed by a board of trustees comprised of seven members appointed by the Governor to 4-year staggered terms. The board of trustees shall be a public agency entitled to sovereign immunity pursuant to s. 768.28, and board members shall be public officers who shall bear fiduciary responsibility for the Florida Virtual School. The board of trustees shall have the following powers and duties:

(a)1. The board of trustees shall meet at least 4 times each year, upon the call of the chair, or at the request of a majority of the membership.

2. The fiscal year for the Florida Virtual School shall be the state fiscal year as provided in s. 216.011(1)(o).

(b) The board of trustees shall be responsible for the Florida Virtual School's development of a state-of-the-art technology-based education delivery system that is cost-effective, educationally sound, marketable, and capable of sustaining a self-sufficient delivery system through the Florida Education Finance Program~~, by fiscal year 2003-2004. The school shall collect and report data for all students served and credit awarded. This data shall be segregated by private, public, and home education students by program. Information shall also be collected that reflects any other school in which a virtual school student is enrolled~~.

(c) The board of trustees shall aggressively seek avenues to generate revenue to support its future endeavors, and shall enter into agreements with distance learning providers. The board of trustees may acquire, enjoy, use, and dispose of patents, copyrights, and trademarks and any licenses and other rights or interests thereunder or therein. Ownership of all such patents, copyrights, trademarks, licenses, and rights or interests thereunder or therein shall vest in the state, with the board of trustees having full right of use and full right to retain the revenues derived therefrom. Any funds realized from patents, copyrights, trademarks, or licenses shall be *considered internal funds as provided in s. 1011.07. Such funds shall be* used to support the school's marketing and research and development activities in order to improve courseware and services to its students.

(d) The board of trustees shall *be responsible for the administration and control of all local school funds derived from all activities or sources and shall prescribe the principles and procedures to be followed in administering these funds.*~~annually prepare and submit to the State Board of Education a legislative budget request, including funding requests for computers for public school students who do not have access to public school computers, in accordance with chapter 216 and s. 1013.60. The legislative budget request of the Florida Virtual School shall be prepared using the same format, procedures, and timelines required for the submission of the legislative budget of the Department of Education. Nothing in this section shall be construed to guarantee a computer to any individual student.~~

(e) The Florida Virtual School may accrue supplemental revenue from supplemental support organizations, which include, but are not limited to, alumni associations, foundations, parent-teacher associations, and booster associations. The governing body of each supplemental support organization shall recommend the expenditure of moneys collected by the organization for the benefit of the school. Such expenditures shall be contingent upon the review of the executive director. The executive director may override any proposed expenditure of the organization that would violate Florida law or breach sound educational management.

(f)~~(e)~~ In accordance with law and rules of the State Board of Education, the board of trustees shall administer and maintain personnel programs for all employees of the board of trustees and the Florida Virtual School. The board of trustees may adopt rules, policies, and procedures related to the appointment, employment, and removal of personnel.

1. The board of trustees shall determine the compensation, including salaries and fringe benefits, and other conditions of employment for such personnel.

2. The board of trustees may establish and maintain a personnel loan or exchange program by which persons employed by the board of trustees for the Florida Virtual School as academic administrative and instructional staff may be loaned to, or exchanged with persons employed in like capacities by, public agencies either within or without this state, or by private industry. With respect to public agency employees, the program authorized by this subparagraph shall be consistent with the requirements of part II of chapter 112. The salary and benefits of board of trustees personnel participating in the loan or exchange program shall be continued during the period of time they participate in a loan or exchange program, and such personnel shall be deemed to have no break in creditable or continuous service or employment during such time. The salary and benefits of persons participating in the personnel loan or exchange program who are employed by public agencies or private industry shall be paid by the originating employers of those participants, and such personnel shall be deemed to have no break in creditable or continuous service or employment during such time.

3. The employment of all Florida Virtual School academic administrative and instructional personnel shall be subject to rejection for cause by the board of trustees, and shall be subject to policies of the board of trustees relative to certification, tenure, leaves of absence, sabbaticals, remuneration, and such other conditions of employment as the board of trustees deems necessary and proper, not inconsistent with law.

4. Each person employed by the board of trustees in an academic administrative or instructional capacity with the Florida Virtual School shall be entitled to a contract as provided by rules of the board of trustees.

5. All employees except temporary, seasonal, and student employees may be state employees for the purpose of being eligible to participate in the Florida Retirement System and receive benefits. The classification and pay plan, including terminal leave and other benefits, and any amendments thereto, shall be subject to review and approval by the Department of Management Services and the Executive Office of the Governor prior to adoption. ~~In the event that the board of trustees assumes responsibility for governance pursuant to this section before approval is obtained, employees shall be compensated pursuant to the system in effect for the employees of the fiscal agent~~.

(g)~~(f)~~ The board of trustees shall establish priorities for admission of students in accordance with paragraph (1)(b).

(h)~~(g)~~ The board of trustees shall establish and distribute to all school districts and high schools in the state procedures for enrollment of students in courses offered by the Florida Virtual School. ~~Such procedures shall be designed to minimize paperwork and fairly resolve the issue of double funding students taking courses on-line.~~

(i) The board of trustees shall establish criteria defining the elements of an approved franchise. The board of trustees may enter into franchise agreements with Florida district school boards and may establish the terms and conditions governing such agreements. The board of trustees shall establish the performance and accountability measures and report the performance of each school district franchise to the Commissioner of Education.

(j)~~(h)~~ The board of trustees shall ~~annually~~ submit to the State Board of Education both forecasted and actual enrollments *and credit completions* for the Florida Virtual School, according to procedures established by the State Board of Education. At a minimum, such procedures must include the number of public, private, and home education students served by *program and by county of residence* ~~district~~.

(k)~~(i)~~ The board of trustees shall provide for the content and custody of student and employee personnel records. Student records shall be subject to the provisions of s. 1002.22. Employee records shall be subject to the provisions of s. 1012.31.

(l)~~(j)~~ The financial records and accounts of the Florida Virtual School shall be maintained under the direction of the board of trustees and

under rules adopted by the State Board of Education for the uniform system of financial records and accounts for the schools of the state.

The Governor shall designate the initial chair of the board of trustees to serve a term of 4 years. Members of the board of trustees shall serve without compensation, but may be reimbursed for per diem and travel expenses pursuant to s. 112.061. The board of trustees shall be a body corporate with all the powers of a body corporate and such authority as is needed for the proper operation and improvement of the Florida Virtual School. The board of trustees is specifically authorized to adopt rules, policies, and procedures, consistent with law and rules of the State Board of Education related to governance, personnel, budget and finance, administration, programs, curriculum and instruction, travel and purchasing, technology, students, contracts and grants, and property as necessary for optimal, efficient operation of the Florida Virtual School. Tangible personal property owned by the board of trustees shall be subject to the provisions of chapter 273.

(3) Funding for the Florida Virtual School shall be provided as follows:

(a) A "full-time equivalent student" for the Florida Virtual School is one student who has successfully completed six credits that shall count toward the minimum number of credits required for high school graduation. A student who completes less than six credits shall be a fraction of a full-time equivalent student. Half credit completions shall be included in determining a full-time equivalent student. Credit completed by a student in excess of the minimum required for that student for high school graduation is not eligible for funding.

(b) Full-time equivalent student credit completed through the Florida Virtual School, including credits completed during the summer, shall be reported to the Department of Education in the manner prescribed by the department and shall be funded through the Florida Education Finance Program.

(c) School districts may not limit student access to courses offered through the Florida Virtual School.

(d) Full-time equivalent student credit completion for courses offered through the Florida Virtual School shall be reported only by the Florida Virtual School. School districts shall report full-time equivalent student membership only for courses for which the district provides the instruction.

(e) The district cost differential as provided in s. 1011.62(2) shall be established as 1.000.

(f) The Florida Virtual School shall receive funds for operating purposes in an amount determined as follows: multiply the maximum allowable nonvoted discretionary millage for operations pursuant to s. 1011.71(1) by the value of 95 percent of the current year's taxable value for school purposes for the state; divide the result by the total full-time equivalent membership of the state; and multiply the result by the full-time equivalent membership of the school. The amount thus obtained shall be discretionary operating funds and shall be appropriated from state funds in the General Appropriations Act.

(g) The Florida Virtual School shall receive additional state funds as may be provided in the General Appropriations Act.

(h) In addition to the funds provided in the General Appropriations Act, the Florida Virtual School may receive other funds from grants and donations.

~~(3)(a) Until fiscal year 2003-2004, the Commissioner of Education shall include the Florida Virtual School as a grant-in-aid appropriation in the department's legislative budget request to the State Board of Education, the Governor, and the Legislature, subject to any guidelines imposed in the General Appropriations Act.~~

~~(b) The Orange County District School Board shall be the temporary fiscal agent of the Florida Virtual School.~~

(4) School districts operating a virtual school that is an approved franchise of the Florida Virtual School may count full-time equivalent students, as provided in paragraph (3)(a), if such school has been certified as an approved franchise by the Commissioner of Education based on criteria established by the board of trustees pursuant to paragraph (2)(i).

Section 20. Paragraph (c) of subsection (1) of section 1011.61, Florida Statutes, is amended to read:

1011.61 Definitions.—Notwithstanding the provisions of s. 1000.21, the following terms are defined as follows for the purposes of the Florida Education Finance Program:

(1) A "full-time equivalent student" in each program of the district is defined in terms of full-time students and part-time students as follows:

(c)1. A "full-time equivalent student" is:

a. A full-time student in any one of the programs listed in s. 1011.62(1)(c); or

b. A combination of full-time or part-time students in any one of the programs listed in s. 1011.62(1)(c) which is the equivalent of one full-time student based on the following calculations:

(I) A full-time student, except a postsecondary or adult student or a senior high school student enrolled in adult education when such courses are required for high school graduation, in a combination of programs listed in s. 1011.62(1)(c) shall be a fraction of a full-time equivalent membership in each special program equal to the number of net hours per school year for which he or she is a member, divided by the appropriate number of hours set forth in subparagraph (a)1. or subparagraph (a)2. The difference between that fraction or sum of fractions and the maximum value as set forth in subsection (4) for each full-time student is presumed to be the balance of the student's time not spent in such special education programs and shall be recorded as time in the appropriate basic program.

(II) A prekindergarten handicapped student shall meet the requirements specified for kindergarten students.

(III) A Florida Virtual School full-time equivalent student shall consist of six full credit completions in the programs listed in s. 1011.62(1)(c)1. and 4. Credit completions can be a combination of either full credits or half credits.

2. A student in membership in a program scheduled for more or less than 180 school days is a fraction of a full-time equivalent membership equal to the number of instructional hours in membership divided by the appropriate number of hours set forth in subparagraph (a)1.; however, for the purposes of this subparagraph, membership in programs scheduled for more than 180 days is limited to students enrolled in juvenile justice education programs *and the Florida Virtual School*.

The department shall determine and implement an equitable method of equivalent funding for experimental schools and for schools operating under emergency conditions, which schools have been approved by the department to operate for less than the minimum school day.

Section 21. *Florida Business and Education in School Together (Florida BEST) Program.—*

(1) In order to increase business partnerships in education, to reduce school and classroom overcrowding throughout the state, and to offset the high costs of educational facilities construction, the Legislature intends to encourage the formation of partnerships between business and education by creating the Florida Business and Education in School Together (Florida BEST) Program.

(2) Each school board shall through advertisements in local media and other means request proposals from area businesses to allow the operation of a business and education partnership school in facilities owned or operated by the business.

(3) Each school district shall establish a Florida BEST school evaluation committee.

(a) The committee shall be appointed by the school board and be composed of one school district administrator, at least one member of the business community, and at least one member of a local chamber of commerce.

(b) The committee shall evaluate the feasibility of each proposal, including the operating cost, number of students to be served, proposed student-to-teacher ratio, proposed number of years the satellite school

would operate, and any other operational or facilities considerations the school board or committee deems appropriate.

(c) The committee shall recommend to the school board those proposals for satellite schools the committee deems viable and worthy of being established. The school board must take official action on the recommendation of the committee within 60 days after receipt of the recommendation.

(4) A "Florida Business and Education in School Together (Florida BEST) school" is defined as a public school offering instruction to students from kindergarten through third grade. The school may offer instruction in any single grade level or for multiple grade levels. Florida BEST schools shall comply with the constitutional class size requirements.

(a) First priority for admission of students to the Florida BEST school shall be given to the children of owners and employees of the host business. If additional student capacity remains after those children are admitted, the host business may choose which other neighboring businesses may also participate to generate a viable number of students for the school. The school board shall make the necessary arrangements to accommodate students from other school districts whose parents are associated with the host business or business partners.

(b) Parents shall be responsible for providing transportation to and from school for the students.

(5) A multiyear contract for operation of the Florida BEST school may be entered into between the school district and the host business. The contract must at least include provisions relating to any cost of facilities modifications, provide for the assignment or waiver of appropriate insurance costs, specify the number of students expected to be served, provide grounds for canceling the lease, and specify the advance notice required before the school may be closed.

(a) The school board shall be responsible for providing the appropriate instructional, support, and administrative staff and textbooks, materials, and supplies. The school district may also agree to operate or contract for the operation of a before school and after school program using the donated facilities.

(b) The host business shall provide the appropriate types of space for operating the school. If special facilities, such as restrooms or dining, recreational, or other areas are required, the district may contribute a part of the cost of the construction, remodeling, or renovation for such facilities from capital outlay funds of the district. A multiyear lease for operation of the facility must be agreed to if the school district contributes to the cost of such construction.

Section 22. *Notwithstanding any local government ordinance or regulation, any business or corporation may expand the square footage or floor area of its current or proposed facility to accommodate a Florida Business and Education in School Together (Florida BEST) school. Facilities constructed to house a Florida BEST school must comply with the State Uniform Building Code for Educational Facilities Construction adopted pursuant to section 1013.37, Florida Statutes, and must meet state and local health, environmental, and safety laws and codes.*

Section 23. *Subsection (13) of section 1002.33, Florida Statutes, as created by section 98 of ch. 2002-387, Laws of Florida; subsection (2) of section 1007.261, Florida Statutes, as created by section 352 of chapter 2002-387, Laws of Florida; section 1012.41, Florida Statutes, as created by section 716 of chapter 2002-387, Laws of Florida; section 1013.21, Florida Statutes, as created by section 815 of chapter 2002-387, Laws of Florida; and section 1013.43, Florida Statutes, as created by section 842 of chapter 2002-387, Laws of Florida, and section 1012.73, Florida Statutes, as created by section 751 of chapter 2002-287, Laws of Florida, are repealed.*

Section 24. Subsection (13) is added to section 216.292, Florida Statutes, to read:

216.292 Appropriations nontransferable; exceptions.—

(13) The Executive Office of the Governor shall transfer funds from appropriations for public school operations to a fixed capital outlay appropriation for class size reduction based on recommendations of the Florida Education Finance Program Appropriation Allocation Conference or the Legislative Budget Commission pursuant to s. 1003.03(4)(a). This subsection is subject to the notice and review provisions of s. 216.177.

Section 25. Section 25. Section 1003.62, Florida Statutes, is amended to read:

1003.62 *Academic performance-based* charter school districts ~~pilot program~~.—The State Board of Education *may* ~~is authorized to~~ enter into a performance contract with ~~up to six~~ district school boards *as authorized in this section* for the purpose of establishing them as *academic performance-based* charter school districts. ~~The State Board of Education shall give priority to Hillsborough and Volusia Counties upon the submission of a completed precharter agreement or charter proposal for a charter school district.~~ The purpose of this *section* ~~pilot program~~ is to examine a new relationship between the State Board of Education and district school boards that *will* ~~may~~ produce significant improvements in student achievement ~~and school management~~, while complying with constitutional *and statutory* requirements assigned to each entity.

(1) *ACADEMIC PERFORMANCE-BASED* CHARTER *SCHOOL* DISTRICT.—

(a) A school district shall be eligible for designation as an academic performance-based charter school district *if it* is a *high-performing* school district *in which a minimum of 50 percent of the schools earn a performance grade category "A" or "B" and in which no school earns a performance grade category "D" or "F" for 2 consecutive years pursuant to s. 1008.34. Schools that receive a performance grade category "I" or "N" shall not be included in this calculation. The performance contract for a school district that earns a charter based on school performance grades shall be predicated on maintenance of at least 50 percent of the schools in the school district earning a performance grade category "A" or "B" with no school in the school district earning a performance grade category "D" or "F" for 2 consecutive years. A school district in which the number of schools that earn a performance grade of "A" or "B" is less than 50 percent may have its charter renewed for 1 year; however, if the percentage of "A" or "B" schools is less than 50 percent for 2 consecutive years, the charter shall not be renewed.*

(b) A school district that satisfies the eligibility criteria for designation as an academic performance-based charter school district may be so designated upon a super majority vote by ~~in Florida in which~~ the district school board *after having* ~~has~~ submitted and the State Board of Education *having* ~~has~~ approved a charter proposal that exchanges statutory and rule exemption*, as authorized by this section,* for agreement to meet performance goals in the proposal. The *academic performance-based* charter school district shall be chartered for *1 year* ~~3 years~~, at the end of which the performance shall be evaluated. *If maintenance of high-performing school district status pursuant to paragraph (a) is not documented in accordance with State Board of Education rule, the charter shall not be renewed.*

(2) EXEMPTION FROM STATUTES AND RULES.—

(a) An academic performance-based charter school district shall operate in accordance with its charter and shall be exempt from certain State Board of Education rules and statutes if the State Board of Education determines such an exemption will assist the district in maintaining or improving its high performing status pursuant to paragraph (1)(a). However, the State Board of Education may not exempt an academic performance-based charter school district from any of the following statutes:

1. Those statutes pertaining to the provision of services to students with disabilities.

2. Those statutes pertaining to civil rights, including s. 1000.05, relating to discrimination.

3. Those statutes pertaining to student health, safety, and welfare.

4. Those statutes governing the election or compensation of district school board members.

5. Those statutes pertaining to the student assessment program and the school grading system, including chapter 1008.

6. Those statutes pertaining to financial matters, including chapter 1010.

7. Those statutes pertaining to planning and budgeting, including chapter 1011, except that ss. 1011.64 and 1011.69 shall be eligible for exemption.

8. Sections 1012.22(1)(c) and 1012.27(2), relating to performance-pay policies for school administrators and instructional personnel. Professional service contracts shall be subject to the provisions of ss. 1012.33 and 1012.34.

9. Those statutes pertaining to educational facilities, including chapter 1013, except as specified under contract with the State Board of Education. However, no contractual provision that could have the effect of requiring the appropriation of additional capital outlay funds to the academic performance-based charter school district shall be valid.

(b) Additionally, an academic performance-based charter school district shall be in compliance with the following statutes:

1. Section 286.011, relating to public meetings and records, public inspection, and criminal and civil penalties.

2. Those statutes pertaining to public records, including chapter 119.

3. Those statutes pertaining to financial disclosure by elected officials.

4. Those statutes pertaining to conflicts of interest by elected officials. ~~Charter school districts shall be exempt from state statutes and specified State Board of Education rules. The district school board of a charter school district shall not be exempt from any statute governing election of district school board members, public meetings and public records requirements, financial disclosure, conflicts of interest, operation in the sunshine, or any provisions outside the Florida K-20 Education Code.~~

(3) GOVERNING BOARD.—The governing board of the *academic performance-based* charter school district shall be the duly elected district school board. The district school board shall be responsible for supervising the schools in the *academic performance-based* charter *school* district and *may convert* ~~is authorized to charter~~ each of its existing public schools *to charter schools* pursuant to s. 1002.33~~, apply for deregulation of its public schools pursuant to s. 1003.63,~~ or otherwise establish performance-based contractual relationships with its public schools for the purpose of giving them greater autonomy with accountability for performance.

(4) PRECHARTER AGREEMENT.—The State Board of Education *may* ~~is authorized to~~ approve a precharter agreement *that grants* ~~with a potential charter district. The agreement may grant~~ limited flexibility and direction for developing the full *academic performance-based* charter proposal.

(5) ANNUAL REPORT BY CHARTER SCHOOL DISTRICT.—Each school district chartered pursuant to this section shall transmit an annual report to the State Board of Education that delineates the performance of the school district relative to the performance goals contained in the charter agreement. The annual report shall be transmitted to the Commissioner of Education and shall be due each year on the anniversary date of the charter agreement.

~~(5) TIME PERIOD FOR PILOT.—The pilot program shall be authorized for a period of 3 full school years commencing with award of a charter. The charter may be renewed upon action of the State Board of Education.~~

(6) REPORTS.—The State Board of Education shall annually report on the *performance of each academic performance-based* ~~implementation of the~~ charter school district ~~pilot program~~ . *Biennially* ~~Upon the completion of the first 3-year term~~, the State Board of Education, through the Commissioner of Education, shall submit to the Legislature a full evaluation of the effectiveness of *granting academic performance-based charter school district status* ~~the program~~.

(7) PILOT PROGRAM CHARTER SCHOOL DISTRICTS; GRANDFATHER PROVISION.—The State Board of Education shall use the criteria approved in the initial charter applications issued to the school districts of Volusia, Hillsborough, Orange, and Palm Beach Counties to renew those pilot program charter school districts in accordance with this subsection. No additional pilot program charter school districts shall be approved, and the pilot program consists solely of school districts in Volusia, Hillsborough, Orange, and Palm Beach Counties. The termination of the charter school districts pilot program is effective July 1, 2007, or upon the end of a 5-year renewal contract issued by the State Board of Education to the Volusia County, Hillsborough County, Orange County, or Palm Beach County school district prior to July 1, 2003, whichever is later.

(8)~~(7)~~ RULEMAKING.—The State Board of Education *may adopt* ~~shall have the authority to enact~~ rules to implement this section in accordance with ss. 120.536 and 120.54.

Section 26. Section 35. Paragraphs (b) and (d) of subsection (6) of section 1013.64, Florida Statutes, are amended to read:

1013.64 Funds for comprehensive educational plant needs; construction cost maximums for school district capital projects.—Allocations from the Public Education Capital Outlay and Debt Service Trust Fund to the various boards for capital outlay projects shall be determined as follows:

(6)

(b)1. A district school board*, including a district school board of an academic performance-based charter school district,* must not use funds from the *following sources:* Public Education Capital Outlay and Debt Service Trust Fund*;* ~~or the~~ School District and Community College District Capital Outlay and Debt Service Trust Fund*; Classrooms First Program funds provided in s. 1013.68; effort index grant funds provided in s. 1013.73; nonvoted 2-mill levy of ad valorem property taxes provided in s. 1011.71(2); Class Size Reduction Infrastructure Program funds provided in s. 1013.735; or District Effort Recognition Program funds provided in s. 1013.736,* for any new construction of educational plant space with a total cost per student station, including change orders, that equals more than:

a. *$12,755* ~~$11,600~~ for an elementary school,

b. *$14,624* ~~$13,300~~ for a middle school, or

c. *$19,352* ~~$17,600~~ for a high school,

(*January 2002* ~~1997~~) as adjusted annually *to reflect increases or decreases in* ~~by~~ the Consumer Price Index.

2. A district school board must not use funds from the Public Education Capital Outlay and Debt Service Trust Fund or the School District and Community College District Capital Outlay and Debt Service Trust Fund for any new construction of an ancillary plant that exceeds 70 percent of the average cost per square foot of new construction for all schools.

(d) The department shall*:*

1. Compute for each calendar year the statewide average construction costs for facilities serving each instructional level, for relocatable educational facilities, for administrative facilities, and for other ancillary and auxiliary facilities. The department shall compute the statewide average costs per student station for each instructional level.

2. Annually review the actual completed construction costs of educational facilities in each school district. For any school district in which the total actual cost per student station, including change orders, exceeds the statewide limits established in paragraph (b), the school district shall report to the department the actual cost per student station and the reason for the school district's inability to adhere to the limits established in paragraph (b). The department shall collect all such reports and shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31 of each year a summary of each school district's spending in excess of the cost per student station provided in paragraph (b) as reported by the school districts.

Cost per student station includes contract costs, legal and administrative costs, fees of architects and engineers, furniture and equipment, and site improvement costs. Cost per student station does not include the cost of purchasing or leasing the site for the construction or the cost of related offsite improvements.

Section 27. Section 1000.041, Florida Statutes, is created to read:

1000.041 Better Educated Students and Teachers (BEST) Florida Teaching; legislative purposes; guiding principles.—The legislative purposes and guiding principles of the BEST Florida Teaching are:

(1) Teachers lead, students learn.

(2) Teachers maintain orderly, disciplined classrooms conducive to student learning.

(3) Teachers are trained, recruited, well compensated, and retained for quality.

(4) Teachers are well rewarded for their students' high performance.

(5) Teachers are most effective when served by exemplary school administrators.

Each teacher preparation program, each postsecondary educational institution providing dual enrollment or other acceleration programs, each district school board, and each district and school-based administrator fully supports and cooperates in the accomplishment of these purposes and guiding principles.

Section 28. Section 1001.33, Florida Statutes, is amended to read:

1001.33 Schools under control of district school board and district school superintendent.—

(1) Except as otherwise provided by law, all public schools conducted within the district shall be under the direction and control of the district school board with the district school superintendent as executive officer.

(2) Each district school board, each district school superintendent, and each district and school-based administrator shall cooperate to apply the following guiding principles of the Better Educated Students and Teachers (BEST) Florida Teaching:

(a) Teachers lead, students learn.

(b) Teachers maintain orderly, disciplined classrooms conducive to student learning.

(c) Teachers are trained, recruited, well compensated, and retained for quality.

(d) Teachers are well rewarded for their students' high performance.

(e) Teachers are most effective when served by exemplary school administrators.

Section 29. Subsections (5), (6), and (20) of section 1001.42, Florida Statutes, are amended to read:

1001.42 Powers and duties of district school board.—The district school board, acting as a board, shall exercise all powers and perform all duties listed below:

(5) PERSONNEL.—

(a) Designate positions to be filled, prescribe qualifications for those positions, and provide for the appointment, compensation, promotion, suspension, and dismissal of employees, subject to the requirements of chapter 1012. *A district school board is encouraged to provide clerical personnel or volunteers who are not classroom teachers to assist teachers in noninstructional activities, including performing paperwork and recordkeeping duties. However, a teacher shall remain responsible for all instructional activities and for classroom management and grading student performance.*

(b) Notwithstanding s. 1012.55 or any other provision of law or rule to the contrary and, ~~the district school board may,~~ consistent with adopted district school board policy relating to alternative certification for school principals, *have the authority to* appoint persons to the position of school principal who do not hold educator certification.

(c) Fully support and cooperate in the application of the guiding principles of Better Educated Students and Teachers (BEST) Florida Teaching, pursuant to s. 1000.041.

(6) *STUDENT* ~~CHILD~~ WELFARE.—

(a) In accordance with the provisions of chapters 1003 and 1006, provide for the proper accounting for all *students* ~~children~~ of school age, for the attendance and control of students at school, and for proper attention to health, safety, and other matters relating to the welfare of *students* ~~children~~.

(b) In accordance with the provisions of ss. 1003.31 and 1003.32, fully support the authority of each teacher and school bus driver to remove disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students from the classroom and the school bus and the authority of the school board to place such students in an alternative educational setting, when appropriate and available.

(20) SCHOOL-WITHIN-A-SCHOOL.—In order to reduce the anonymity of students in large schools, adopt policies to encourage any *large* school ~~that does not meet the definition of a small school, as established by s. 1013.43(2),~~ to subdivide into schools-within-a-school that shall operate within existing resources in accordance with the provisions of chapter 1003.

Section 30. Subsection (23) of section 1001.51, Florida Statutes, is renumbered as subsection (25), and new subsections (23) and (24) are added to that section to read:

1001.51 Duties and responsibilities of district school superintendent.—The district school superintendent shall exercise all powers and perform all duties listed below and elsewhere in the law, provided that, in so doing, he or she shall advise and counsel with the district school board. The district school superintendent shall perform all tasks necessary to make sound recommendations, nominations, proposals, and reports required by law to be acted upon by the district school board. All such recommendations, nominations, proposals, and reports by the district school superintendent shall be either recorded in the minutes or shall be made in writing, noted in the minutes, and filed in the public records of the district school board. It shall be presumed that, in the absence of the record required in this section, the recommendations, nominations, and proposals required of the district school superintendent were not contrary to the action taken by the district school board in such matters.

(23) QUALITY TEACHERS.—Fully support and cooperate in the application of the guiding principles of Better Educated Students and Teachers (BEST) Florida Teaching, pursuant to s. 1000.041.

(24) ORDERLY CLASSROOMS AND SCHOOL BUSES.—Fully support the authority of each teacher and school bus driver to remove disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students from the classroom and the school bus and the authority of the school principal to place such students in an alternative educational setting, when appropriate and available.

Section 31. Subsection (1) of section 1001.54, Florida Statutes, is amended to read:

1001.54 Duties of school principals.—

(1)*(a)* A district school board shall employ, through written contract, public school principals.

(b) The school principal has authority over school district personnel in accordance with s. 1012.28.

(c) The school principal shall encourage school personnel to implement the guiding principles for Better Educated Students and Teachers (BEST) Florida Teaching, pursuant to s. 1000.041.

(d) The school principal shall fully support the authority of each teacher and school bus driver to remove disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students from the classroom and the school bus and, when appropriate and available, place such students in an alternative educational setting.

Section 32. Subsection (22) is added to section 1002.20, Florida Statutes, to read:

1002.20 K-12 student and parent rights.—K-12 students and their parents are afforded numerous statutory rights including, but not limited to, the following:

(22) ORDERLY, DISCIPLINED CLASSROOMS.—Public school students shall be in orderly, disciplined classrooms conducive to learning without the distraction caused by disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students, in accordance with s. 1003.32.

Section 33. Subsection (13) of section 1002.42, Florida Statutes, is amended to read:

1002.42 Private schools.—

(13) PROFESSIONAL DEVELOPMENT SYSTEM.—An organization of private schools that has no fewer than 10 member schools in this state may develop a professional development system to be filed with the Department of Education in accordance with the provisions of s. 1012.98*(6)*~~(7)~~.

Section 34. Section 1003.04, Florida Statutes, is amended to read:

1003.04 Student conduct and parental involvement ~~goals~~.—

(1) ~~It is the goal of the Legislature and each district school board that~~ Each public K-12 student *must* remain in attendance throughout the school year, unless excused by the school for illness or other good cause, and *must* comply fully with the school's code of conduct.

(2) The parent of each public K-12 student must cooperate with the authority of the student's district school board, superintendent, principal, teachers, and school bus drivers, according to ss. 1003.31 and 1003.32, to remove the student from the classroom and the school bus and, when appropriate and available, to place the student in an alternative educational setting, if the student is disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive.

(3)~~(2)~~ It is the goal of the Legislature and each district school board that the parent of each public K-12 student comply with the school's reasonable and time-acceptable parental involvement requests.

Section 35. Subsection (1) of section 1003.31, Florida Statutes, is amended to read:

1003.31 Students subject to control of school.—

(1) Subject to law and rules of the State Board of Education and of the district school board, each student enrolled in a school shall:

(a) During the time she or he is being transported to or from school at public expense;

(b) During the time she or he is attending school;

(c) During the time she or he is on the school premises participating with authorization in a school-sponsored activity; and

(d) During a reasonable time before and after the student is on the premises for attendance at school or for authorized participation in a school-sponsored activity, and only when on the premises, be under the control and direction of the principal or teacher in charge of the school, and under the immediate control and direction of the teacher or other member of the instructional staff or of the bus driver to whom such responsibility may be assigned by the principal. However, the State Board of Education or the district school board may, by rules, subject each student to the control and direction of the principal or teacher in charge of the school during the time she or he is otherwise en route to or from school or is presumed by law to be attending school. *Each district school board, each district school superintendent, and each school principal shall fully support the authority of teachers, according to s. 1003.32, and school bus drivers to remove disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students from the classroom and the school bus and, when appropriate and available, place such students in an alternative educational setting.*

Section 36. Section 1003.32, Florida Statutes, is amended to read:

1003.32 Authority of teacher; responsibility for control of students; district school board and principal duties.—Subject to law and to the rules of the district school board, each teacher or other member of the staff of any school shall have such authority for the control and discipline of students as may be assigned to him or her by the principal or the principal's designated representative and shall keep good order in the classroom and in other places in which he or she is assigned to be in charge of students.

(1) *In accordance with this section and* within the framework of the district school board's code of student conduct, teachers and other instructional personnel shall have the authority to undertake any of the following actions in managing student behavior and ensuring the safety of all students in their classes and school *and their opportunity to learn in an orderly and disciplined classroom*:

(a) Establish classroom rules of conduct.

(b) Establish and implement consequences, designed to change behavior, for infractions of classroom rules.

(c) Have disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students ~~temporarily~~ removed from the classroom for behavior management intervention.

(d) Have violent, abusive, uncontrollable, or disruptive students directed for information or assistance from appropriate school or district school board personnel.

(e) Assist in enforcing school rules on school property, during school-sponsored transportation, and during school-sponsored activities.

(f) Request and receive information as to the disposition of any referrals to the administration for violation of classroom or school rules.

(g) Request and receive immediate assistance in classroom management if a student becomes uncontrollable or in case of emergency.

(h) Request and receive training and other assistance to improve skills in classroom management, violence prevention, conflict resolution, and related areas.

(i) Press charges if *there is a reason to believe that* a crime has been committed ~~against the teacher or other instructional personnel~~ on school property, during school-sponsored transportation, or during school-sponsored activities.

(j) Use reasonable force, according to standards adopted by the State Board of Education, to protect himself or herself or others from injury.

(k) Use corporal punishment according to school board policy and at least the following procedures, if a teacher feels that corporal punishment is necessary:

1. The use of corporal punishment shall be approved in principle by the principal before it is used, but approval is not necessary for each specific instance in which it is used. The principal shall prepare guidelines for administering such punishment which identify the types of punishable offenses, the conditions under which the punishment shall be administered, and the specific personnel on the school staff authorized to administer the punishment.

2. A teacher or principal may administer corporal punishment only in the presence of another adult who is informed beforehand, and in the student's presence, of the reason for the punishment.

3. A teacher or principal who has administered punishment shall, upon request, provide the student's parent with a written explanation of the reason for the punishment and the name of the other adult who was present.

(2) Teachers and other instructional personnel shall:

(a) Set and enforce reasonable classroom rules that treat all students equitably.

(b) Seek professional development to improve classroom management skills when data show that they are not effective in handling minor classroom disruptions.

(c) Maintain *an orderly and disciplined classroom with* a positive and effective learning environment that maximizes learning and minimizes disruption.

(d) Work with parents and other school personnel to solve discipline problems in their classrooms.

(3) A teacher may send a student to the principal's office to maintain effective discipline in the classroom *and may recommend an appropriate consequence consistent with the student code of conduct under s. 1006.07*. The principal shall respond by employing *the teacher's recommended consequence or a more serious disciplinary action if the student's history of disruptive behavior warrants it. If the principal determines that a lesser disciplinary action is appropriate, the principal should consult with the teacher prior to taking disciplinary action* ~~appropriate discipline management techniques consistent with the student code of conduct under s. 1006.07~~.

(4) A teacher may remove from class a student whose behavior the teacher determines interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn. *Each district school board, each district school superintendent, and each school principal shall support the authority of teachers to remove disobedient, violent, abusive, uncontrollable, or disruptive students from the classroom.*

(5) If a teacher removes a student from class under subsection (4), the principal may place the student in another appropriate classroom, in in-school suspension, or in a dropout prevention and academic intervention program as provided by s. 1003.53; or the principal may recommend the student for out-of-school suspension or expulsion, as appropriate. The student may be prohibited from attending or participating in school-sponsored or school-related activities. The principal may not return the student to that teacher's class without the teacher's consent unless the committee established under subsection (6) determines that such placement is the best or only available alternative. The teacher and the placement review committee must render decisions within 5 days of the removal of the student from the classroom.

(6)*(a)* Each school shall establish a *placement review* committee to determine placement of a student when a teacher withholds consent to the return of a student to the teacher's class. *A school principal must notify each teacher in that school about the availability, the procedures, and the criteria for the placement review committee as outlined in this section.*

(b) The principal must report on a quarterly basis to the district school superintendent and district school board each incidence of a teacher's withholding consent for a removed student to return to the teacher's class and the disposition of the incident, and the superintendent must annually report these data to the department.

(c) The Commissioner of Education shall annually review each school district's compliance with this section, and success in achieving orderly classrooms, and shall use all appropriate enforcement actions up to and including the withholding of disbursements from the Educational Enhancement Trust Fund until full compliance is verified.

(d) Placement review committee membership must include at least the following:

1.~~(a)~~ Two teachers*, one* selected by the school's faculty *and one selected by the teacher who has removed the student*.

2.~~(b)~~ One member from the school's staff who is selected by the principal.

The teacher who withheld consent to readmitting the student may not serve on the committee. The teacher and the placement review committee must render decisions within 5 days after the removal of the student from the classroom. *If the placement review committee's decision is contrary to the decision of the teacher to withhold consent to the return of the removed student to the teacher's class, the teacher may appeal the committee's decision to the district school superintendent.*

(7) Any teacher who removes 25 percent of his or her total class enrollment shall be required to complete professional development to improve classroom management skills.

(8) Each teacher or other member of the staff of any school who knows or has reason to suspect that any person has committed, or has made a credible threat to commit, a crime of violence on school property shall report such knowledge or suspicion in accordance with the provisions of s. 1006.13. Each district school superintendent and each school principal shall fully support good-faith reporting in accordance with the provisions of this subsection and s. 1006.13. Any person who makes a report required by this subsection in good faith shall be immune from civil or criminal liability for making the report.

(9)~~(8)~~ When knowledgeable of the likely risk of physical violence in the schools, the district school board shall take reasonable steps to ensure that teachers, other school staff, and students are not at undue risk of violence or harm.

Section 37. Section 1004.04, Florida Statutes, is amended to read:

1004.04 Public accountability and state approval for teacher preparation programs.—

(1) INTENT.—

(a) The Legislature recognizes that skilled teachers make an important contribution to a system that allows students to obtain a high-quality education.

(b) The intent of the Legislature is to *require the State Board of Education to attain* ~~establish~~ a system for development and approval of teacher preparation programs that *allows* ~~will free~~ postsecondary teacher preparation institutions to employ varied and innovative teacher preparation techniques while being held accountable for producing graduates with the competencies and skills necessary to achieve the state education goals; help the state's diverse student population, including *students who have substandard reading and computational skills and* students with limited English proficiency, meet high standards for academic achievement; maintain safe, secure classroom learning environments; and sustain the state system of school improvement and education accountability established pursuant to ss. 1000.03(5) and 1008.345.

(2) UNIFORM CORE CURRICULA.—

(a) The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 that establish uniform core curricula for each state-approved teacher preparation program.

(b) The rules to establish uniform core curricula for each state-approved teacher preparation program must include, but are not limited to, a State Board of Education identified foundation in scientifically researched, knowledge-based reading literacy and computational skills acquisition; classroom management; school safety; professional ethics; educational law; human development and learning; and understanding of the Sunshine State Standards content measured by state achievement tests, reading and interpretation of data, and use of data to improve student achievement.

(c) These rules shall not require an additional period of time-to-degree but may be phased in to enable teacher preparation programs to supplant courses, including pedagogy courses, not required by law or State Board of Education rule with the courses identified pursuant to paragraph (b).

(3)~~(2)~~ DEVELOPMENT OF TEACHER PREPARATION PROGRAMS.—A system developed by the Department of Education in collaboration with postsecondary educational institutions shall assist departments and colleges of education in the restructuring of their programs *in accordance with this section* to meet the need for producing quality teachers now and in the future.

(a) The system must be designed to assist teacher educators in conceptualizing, developing, implementing, and evaluating programs that meet state-adopted standards. These standards shall emphasize quality indicators drawn from research, professional literature, recognized guidelines, Florida essential teaching competencies and educator-accomplished practices, effective classroom practices, and the outcomes of the state system of school improvement and education accountability, as well as performance measures.

(b) Departments and colleges of education shall emphasize the state system of school improvement and education accountability concepts and standards, including Sunshine State Standards.

(c) State-approved teacher preparation programs must incorporate*:*

1. Appropriate English for Speakers of Other Languages instruction so that program graduates will have completed the requirements for teaching limited English proficient students in Florida public schools.

2. Scientifically researched, knowledge-based reading literacy and computational skills instruction so that program graduates will be able to provide the necessary academic foundations for their students at whatever grade levels they choose to teach.

(4)~~(3)~~ INITIAL STATE PROGRAM APPROVAL.—

(a) A program approval process based on standards adopted pursuant to *subsections* ~~subsection~~ (2) *and (3)* must be established for postsecondary teacher preparation programs, phased in according to timelines determined by the Department of Education, and fully implemented for all teacher preparation programs in the state. Each program shall be approved by the department, consistent with the intent set forth in subsection (1) and based primarily upon significant, objective, and quantifiable graduate performance measures.

(b) Each teacher preparation program approved by the Department of Education, as provided for by this section, shall require students to meet the following as prerequisites for admission into the program:

1. Have a grade point average of at least 2.5 on a 4.0 scale for the general education component of undergraduate studies or have completed the requirements for a baccalaureate degree with a minimum grade point average of 2.5 on a 4.0 scale from any college or university accredited by a regional accrediting association as defined by State Board of Education rule *or any college or university otherwise approved pursuant to State Board of Education rule*.

2. Demonstrate mastery of general knowledge, including the ability to read, write, and compute, by passing the College Level Academic Skills Test, a corresponding component of the National Teachers Examination series, or a similar test pursuant to rules of the State Board of Education.

Each teacher preparation program may waive these admissions requirements for up to 10 percent of the students admitted. Programs shall implement strategies to ensure that students admitted under a waiver receive assistance to demonstrate competencies to successfully meet requirements for certification.

(5)~~(4)~~ CONTINUED PROGRAM APPROVAL.—Notwithstanding subsection *(4)* ~~(3)~~, failure by a public or nonpublic teacher preparation program to meet the criteria for continued program approval shall result in loss of program approval. The Department of Education, in collaboration with the departments and colleges of education, shall develop procedures for continued program approval that document the continuous improvement of program processes and graduates' performance.

(a) Continued approval of specific teacher preparation programs at each public and nonpublic postsecondary educational institution within the state is contingent upon the passing of the written examination required by s. 1012.56 by at least 90 percent of the graduates of the program who take the examination. ~~On request of an institution~~ The Department of Education shall *annually* provide an analysis of the performance of the graduates of such institution with respect to the competencies assessed by the examination required by s. 1012.56.

(b) Additional criteria for continued program approval for public institutions may be approved by the State Board of Education. Such criteria must emphasize instruction in classroom management and must provide for the evaluation of the teacher candidates' performance in this area. The criteria shall also require instruction in working with underachieving students. Program evaluation procedures must include, but are not limited to, program graduates' satisfaction with instruction and the program's responsiveness to local school districts. Additional criteria for continued program approval for nonpublic institutions shall be developed in the same manner as for public institutions; however, such criteria must be based upon significant, objective, and quantifiable graduate performance measures. Responsibility for collecting data on outcome measures through survey instruments and other appropriate means shall be shared by the postsecondary educational institutions and the Department of Education. By January 1 of each year, the Department of Education shall report this information for each postsecondary educational institution that has state-approved programs of teacher education to the Governor, the State Board of Education, the Commissioner of Education, the President of the Senate, the Speaker of the House of Representatives, all Florida postsecondary teacher preparation programs, and interested members of the public. This report must analyze the data and make recommendations for improving teacher preparation programs in the state.

(c) Continued approval for a teacher preparation program is contingent upon the results of *periodic* ~~annual~~ reviews*, on a schedule established by the State Board of Education,* of the program conducted by the postsecondary educational institution, using procedures and criteria outlined in an institutional program evaluation plan approved by the Department of Education. This plan must incorporate the criteria established in paragraphs (a) and (b) and include provisions for involving primary stakeholders, such as program graduates, district school personnel, classroom teachers, principals, community agencies, and business representatives in the evaluation process. Upon request by an institution, the department shall provide assistance in developing, enhancing, or reviewing the institutional program evaluation plan and training evaluation team members.

(d) Continued approval for a teacher preparation program is contingent upon standards being in place that are designed to adequately prepare elementary, middle, and high school teachers to instruct their students in *reading and* higher-level mathematics concepts and in the use of technology at the appropriate grade level.

(e) Continued approval of teacher preparation programs is contingent upon compliance with the student admission requirements of subsection *(4)* ~~(3)~~ and upon the receipt of at least a satisfactory rating from public schools and private schools that employ graduates of the program. *Each teacher preparation program shall guarantee the high quality of its graduates during the first 2 years immediately following graduation from the program or following initial certification, whichever occurs first. Any educator in a Florida school who fails to demonstrate the essential skills specified in subparagraphs 1.-5. shall be provided additional training by the teacher preparation program at no expense to the educator or the employer. Such training must consist of an individualized plan agreed upon by the school district and the postsecondary educational institution that includes specific learning outcomes. The postsecondary educational institution assumes no responsibility for the educator's employment contract with the employer.* Employer satisfaction shall be determined by an annually administered survey instrument approved by the Department of Education that, at a minimum, must include employer satisfaction of the graduates' ability to do the following:

1. Write and speak in a logical and understandable style with appropriate grammar.

2. Recognize signs of students' difficulty with the reading and computational process and apply appropriate measures to improve students' reading and computational performance.

3. Use and integrate appropriate technology in teaching and learning processes.

4. Demonstrate knowledge and understanding of Sunshine State Standards.

5. Maintain an orderly and disciplined classroom conducive to student learning.

(f)1. Each Florida public and private institution that offers a state-approved teacher preparation program must annually report information regarding these programs to the state and the general public. This information shall be reported in a uniform and comprehensible manner that is consistent with definitions and methods approved by the Commissioner of the National Center for Educational Statistics and that is approved by the State Board of Education. This information must include, at a minimum:

a. The percent of graduates obtaining full-time teaching employment within the first year of graduation.

b. The average length of stay of graduates in their full-time teaching positions.

c. Satisfaction ratings required in paragraph (e).

2. Each public and private institution offering training for school readiness related professions, including training in the fields of child care and early childhood education, whether offering technical credit, associate in applied science degree programs, associate in science degree

programs, or associate in arts degree programs, shall annually report information regarding these programs to the state and the general public in a uniform and comprehensible manner that conforms with definitions and methods approved by the State Board of Education. This information must include, at a minimum:

a. Average length of stay of graduates in their positions.

b. Satisfaction ratings of graduates' employers.

This information shall be reported through publications, including college and university catalogs and promotional materials sent to potential applicants, secondary school guidance counselors, and prospective employers of the institution's program graduates.

(6)~~(5)~~ PRESERVICE FIELD EXPERIENCE.—All postsecondary instructors, school district personnel and instructional personnel, and school sites preparing instructional personnel through preservice field experience courses and internships shall meet special requirements. *District school boards are authorized to pay student teachers during their internships.*

(a) All instructors in postsecondary teacher preparation programs who instruct or supervise preservice field experience courses or internships shall have at least one of the following: specialized training in clinical supervision; a valid professional teaching certificate pursuant to ss. 1012.56 and 1012.585; or at least 3 years of successful teaching experience in prekindergarten through grade 12.

(b) All school district personnel and instructional personnel who supervise or direct teacher preparation students during field experience courses or internships must have evidence of "clinical educator" training and must successfully demonstrate effective classroom management strategies that consistently result in improved student performance. The State Board of Education shall approve the training requirements.

(c) Preservice field experience programs must provide specific guidance and demonstration of effective classroom management strategies, strategies for incorporating technology into classroom instruction, *strategies for incorporating scientifically researched, knowledge-based reading literacy and computational skills acquisition into classroom instruction,* and ways to link instructional plans to the Sunshine State Standards, as appropriate. The length of structured field experiences may be extended to ensure that candidates achieve the competencies needed to meet certification requirements.

(d) Postsecondary teacher preparation programs in cooperation with district school boards and approved private school associations shall select the school sites for preservice field experience activities. These sites must represent the full spectrum of school communities, including, but not limited to, schools located in urban settings. In order to be selected, school sites must demonstrate commitment to the education of public school students and to the preparation of future teachers.

(7)~~(6)~~ STANDARDS OF EXCELLENCE.—The State Board of Education shall approve standards of excellence for teacher preparation. These standards must exceed the requirements for program approval pursuant to subsection *(4)* ~~(3)~~ and must incorporate state and national recommendations for exemplary teacher preparation programs.

(8)~~(7)~~ NATIONAL BOARD STANDARDS.—The State Board of Education shall review standards and recommendations developed by the National Board for Professional Teaching Standards and may incorporate those parts deemed appropriate into criteria for continued state program approval, standards of excellence, and requirements for inservice education.

(9)~~(8)~~ COMMUNITY COLLEGES.—To the extent practical, postsecondary educational institutions offering teacher preparation programs shall establish articulation agreements on a core of liberal arts courses and introductory professional courses with field experience components which shall be offered at community colleges.

(10)~~(9)~~ PRETEACHER AND TEACHER EDUCATION PILOT PROGRAMS.—State universities and community colleges may establish preteacher education and teacher education pilot programs to encourage promising minority students to prepare for a career in education. These pilot programs shall be designed to recruit and provide additional academic, clinical, and counseling support for students whom the institution judges to be potentially successful teacher education candidates, but who may not meet teacher education program admission standards. Priority consideration shall be given to those pilot programs that are jointly submitted by community colleges and state universities.

(a) These pilot programs shall be approved by the State Board of Education and shall be designed to provide help and support for program participants during the preteacher education period of general academic preparation at a community college or state university and during professional preparation in a state-approved teacher education program. Emphasis shall be placed on development of the basic skills needed by successful teachers.

(b) State universities and community colleges may admit into the pilot program those incoming students who demonstrate an interest in teaching as a career, but who may not meet the requirements for entrance into an approved teacher education program.

1. Flexibility may be given to colleges of education to develop and market innovative teacher training programs directed at specific target groups such as graduates from the colleges of arts and sciences, employed education paraprofessionals, substitute teachers, early federal retirees, and nontraditional college students. Programs must be submitted to the State Board of Education for approval.

2. Academically successful graduates in the fields of liberal arts and science may be encouraged to embark upon a career in education.

3. Models may be developed to provide a positive initial experience in teaching in order to encourage retention. Priority should be given to models that encourage minority graduates.

(c) In order to be certified, a graduate from a pilot program shall meet all requirements for teacher certification specified by s. 1012.56. Should a graduate of a pilot program not meet the requirements of s. 1012.56, that person shall not be included in the calculations required by paragraph *(5)*~~(4)~~(a) and State Board of Education rules for continued program approval, or in the statutes used by the State Board of Education in deciding which teacher education programs to approve.

(d) Institutions participating in the pilot program shall submit an annual report evaluating the success of the program to the Commissioner of Education by March 1 of each year. The report shall *include, at a minimum,* ~~contain, but shall not be limited to:~~ the number of pilot program participants, including the number participating in general education and the number admitted to approved teacher education programs, the number of pilot program graduates, and the number of pilot program graduates who met the requirements of s. 1012.56. The commissioner shall consider the number of participants recruited, the number of graduates, and the number of graduates successfully meeting the requirements of s. 1012.56 reported by each institution, and shall make an annual recommendation to the State Board of Education regarding the institution's continued participation in the pilot program.

(11)~~(10)~~ TEACHER EDUCATION PILOT PROGRAMS FOR HIGH-ACHIEVING STUDENTS.—Pilot teacher preparation programs *may* ~~shall~~ be established *with the authorization of the Commissioner of Education at colleges and universities with state-approved teacher education programs* ~~at the University of Central Florida, the University of North Florida, and the University of South Florida~~. These programs shall include a year-long paid teaching assignment and competency-based learning experiences and shall be designed to encourage high-achieving students, as identified by the institution, to pursue a career in education. *Priority consideration shall be given to students obtaining academic degrees in mathematics, science, engineering, reading, or identified critical shortage areas.* Students chosen to participate in the pilot programs shall agree to teach for at least *3* ~~1~~ *years* ~~year~~ after they receive their degrees. Criteria for identifying high-achieving students shall be developed by the institution and shall include, at a minimum, requirements that the student have a 3.3 grade point average or above and that the student has demonstrated mastery of general knowledge pursuant to s. 1012.56. The year-long paid teaching assignment shall begin after completion of the equivalent of 3 years of the state university teacher preparation program.

(a) Each pilot program shall be designed to include:

1. A year-long paid teaching assignment at a *low-performing* ~~specified~~ school site during the fourth year of the state university teacher preparation program, which includes intense supervision by a support

team trained in clinical education. The support team shall include a state university supervisor and experienced school-based mentors. A mentor teacher shall be assigned to each fourth year employed teacher to implement an individualized learning plan. This mentor teacher will be considered an adjunct professor for purposes of this program and may receive credit for time spent as a mentor teacher in the program. The mentor teacher must have a master's degree or above, a minimum of 3 years of teaching experience, and clinical education training or certification by the National Board *for* ~~of~~ Professional Teaching Standards. Experiences and instruction may be delivered by other mentors, assigned teachers, professors, individualized learning, and demonstrations. Students in this paid teaching assignment shall assume full responsibility of all teaching duties.

2. Professional education curriculum requirements that address the educator-accomplished practices and other competencies specified in state board rule.

3. A modified instructional delivery system that provides onsite training during the paid teaching assignment in the professional education areas and competencies specified in this subsection. The institutions participating in this pilot program shall be given a waiver to provide a modified instructional delivery system meeting criteria that allows earned credit through nontraditional approaches. The modified system may provide for an initial evaluation of the candidate's competencies to determine an appropriate individualized professional development plan and may provide for earned credit by:

a. Internet learning and competency acquisition.

b. Learning acquired by observing demonstrations and being observed in application.

c. Independent study or instruction by mentor teachers or adjunct teachers.

4. Satisfactory demonstration of the educator-accomplished practices and content area competencies for program completion.

5. For program completion, required achievement of passing scores on all tests required for certification by State Board of Education rules.

(b) Beginning in July 2003, each institution participating in the pilot program shall submit to the Commissioner of Education an annual report evaluating the effectiveness of the program. The report shall include, but shall not be limited to, the number of students selected for the pilot program, the number of students successfully completing the pilot program, the number of program participants who passed all required examinations, the number of program participants who successfully demonstrated all required competencies, and a followup study to determine the number of pilot program completers who were employed in a teaching position and employers' satisfaction with the performance of pilot program completers *based upon student performance*.

(c) This subsection shall be implemented to the extent specifically funded in the General Appropriations Act.

(12)~~(11)~~ RULES.—The State Board of Education shall adopt necessary rules pursuant to ss. 120.536(1) and 120.54 to implement this section.

Section 38. Subsection (1) of section 1006.08, Florida Statutes, is amended to read:

1006.08 District school superintendent duties relating to student discipline and school safety.—

(1) The district school superintendent shall recommend plans to the district school board for the proper accounting for all students of school age, for the attendance and control of students at school, *and* for the proper attention to health, safety, and other matters which will best promote the welfare of students. *Each district school superintendent shall fully support the authority of his or her principals, teachers, and school bus drivers to remove disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students from the classroom and the school bus and, when appropriate and available, to place such students in an alternative educational setting.* When the district school superintendent makes a recommendation for expulsion to the district school board, he or she shall give written notice to the student and the student' s parent of the recommendation, setting forth the charges against the student and advising the student and his or her parent of the student's right to due process as prescribed by ss. 120.569 and 120.57(2). When district school board action on a recommendation for the expulsion of a student is pending, the district school superintendent may extend the suspension assigned by the principal beyond 10 school days if such suspension period expires before the next regular or special meeting of the district school board.

Section 39. Paragraph (a) of subsection (1) of section 1006.09, Florida Statutes, is amended to read:

1006.09 Duties of school principal relating to student discipline and school safety.—

(1)(a) Subject to law and to the rules of the State Board of Education and the district school board, the principal in charge of the school or the principal's designee shall develop policies for delegating to any teacher or other member of the instructional staff or to any bus driver transporting students of the school responsibility for the control and direction of students. *Each school principal shall fully support the authority of his or her teachers and school bus drivers to remove disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students from the classroom and the school bus and, when appropriate and available, place such students in an alternative educational setting.* The principal or the principal's designee *must give full consideration to* ~~shall consider~~ the recommendation for discipline made by a teacher, other member of the instructional staff, or a bus driver when making a decision regarding student referral for discipline.

Section 40. Section 1012.05, Florida Statutes, is amended to read:

1012.05 Teacher recruitment and retention.—

(1) The Department of Education, in cooperation with teacher organizations, district personnel offices, and schools, colleges, and departments of *all* ~~education in~~ public and nonpublic postsecondary educational institutions, shall concentrate on the recruitment of qualified teachers.

(2) The Department of Education shall:

(a) Develop and implement a system for posting teaching vacancies and establish a database of teacher applicants that is accessible within and outside the state.

(b) Advertise in major newspapers, national professional publications, and other professional publications and in *public and nonpublic postsecondary educational institutions* ~~schools of education~~.

(c) Utilize state and nationwide toll-free numbers.

(d) Conduct periodic communications with district personnel directors regarding applicants.

(e) Provide district access to the applicant database by computer or telephone.

(f) Develop and distribute promotional materials related to teaching as a career.

(g) Publish and distribute information pertaining to employment opportunities, application procedures, *and all routes toward* teacher certification *in Florida*, and teacher salaries.

(h) Provide information related to certification procedures.

(i) Develop and sponsor the Florida Future Educator of America Program throughout the state.

(j) Develop, in consultation with school district staff including, but not limited to, district school superintendents, district school board members, and district human resources personnel, a long-range plan for educator recruitment and retention.

(k) Identify best practices for retaining high-quality teachers.

(l) Develop, in consultation with Workforce Florida, Inc., and the Agency for Workforce Innovation, created pursuant to ss. 445.004 and

20.50, respectively, a plan for accessing and identifying available resources in the state's workforce system for the purpose of enhancing teacher recruitment and retention.

(m) Develop and implement a First Response Center to provide educator candidates one-stop shopping for information on teaching careers in Florida and establish the Teacher Lifeline Network to provide on-line support to beginning teachers and those needing assistance.

(3) The Department of Education, in cooperation with district personnel offices, shall sponsor a job fair in a central part of the state to match in-state educators *and potential educators* and out-of-state educators *and potential educators* with teaching opportunities in this state.

(4) Subject to proviso in the General Appropriations Act, the Commissioner of Education may use funds appropriated by the Legislature and funds from federal grants and other sources to provide incentives for teacher recruitment and preparation programs. The purpose of the use of such funds is to recruit and prepare individuals who do not graduate from state-approved teacher preparation programs to teach in a Florida public school. The commissioner may contract with entities other than, and including, approved teacher preparation programs to provide intensive teacher training leading to passage of the required certification exams for the desired subject area or coverage. The commissioner shall survey school districts to evaluate the effectiveness of such programs.

Section 41. Section 1012.231, Florida Statutes, is created to read:

1012.231 BEST Florida Teacher salary career ladder program; assignment of teachers.—

(1) SALARY CAREER LADDER FOR CLASSROOM TEACHERS.—Beginning with the 2004-2005 academic year, each district school board shall implement a salary career ladder for classroom teachers as defined in s. 1012.01(2)(a). Performance shall be defined as designated in s. 1012.34(3)(a)1.-7. District school boards shall designate categories of classroom teachers reflecting these salary career ladder levels as follows:

(a) Associate Teacher.—Classroom teachers who have not yet received a professional certificate or those with a professional certificate who are evaluated as low-performing teachers.

(b) Professional Teacher.—Classroom teachers who have received a professional certificate.

(c) Lead Teacher.—Classroom teachers in the school district who are responsible for leading others in the school as department chair, lead teacher, grade-level leader, intern coordinator, or professional development coordinator. Lead teachers must participate on a regular basis in the direct instruction of students and serve as faculty for professional development activities as determined by the State Board of Education. To be eligible for designation as a lead teacher, a teacher must demonstrate outstanding performance pursuant to s. 1012.34(3)(a)1.-7. and must have been a "professional teacher" pursuant to paragraph (b) for at least one year.

(d) Mentor Teacher.—Classroom teachers in the school district who serve as regular mentors to other teachers who are either not performing satisfactorily or who strive to become more proficient. Mentor teachers must serve as faculty-based professional development coordinators and regularly demonstrate and share their expertise with other teachers in order to remain mentor teachers. Mentor teachers must also participate on a regular basis in the direct instruction of low-performing students. To be eligible for designation as a mentor teacher, a teacher must demonstrate outstanding performance pursuant to s. 1012.34(3)(a)1.-7. and must have been a "lead teacher" pursuant to paragraph (c) for at least two years.

Promotion of a teacher to a higher level on the salary career ladder shall be based upon prescribed performance criteria and not based upon length of service.

(2) TEACHER ASSIGNMENT.—School districts may not assign a higher percentage than the school district average of first-time teachers, temporarily certified teachers, teachers in need of improvement, or out-of-field teachers to schools with above the school district average of minority and economically disadvantaged students or schools that are graded "D" or "F." District school boards are authorized to provide salary incentives to meet this requirement. No district school board shall sign a collective bargaining agreement that fails to provide sufficient incentives to meet this requirement.

(3) The State Board of Education shall develop a long-range plan to implement a differentiated pay model for teachers beginning in the 2004-2005 academic year, based upon the differentiated classroom teacher categories in subsection (1). No later than December 1, 2003, the State Board of Education shall approve guidelines and criteria for the district plans. District school boards shall develop plans to implement the salary career ladder prescribed in this section and submit these plans to the State Board of Education by March 1, 2004.

Section 42. Section 1012.27, Florida Statutes, is amended to read:

1012.27 Public school personnel; powers and duties of district school superintendent.—The district school superintendent *is* ~~shall be~~ responsible~~, as required herein,~~ for directing the work of the personnel, subject to the requirements of this chapter, and in addition the district school superintendent shall *perform* ~~have~~ the following ~~duties~~:

(1) POSITIONS, QUALIFICATIONS, AND NOMINATIONS.—

(a) Recommend to the district school board duties and responsibilities which need to be performed and positions which need to be filled to make possible the development of an adequate school program in the district.

(b) Recommend minimum qualifications of personnel for these various positions, and nominate in writing persons to fill such positions.

The district school superintendent's recommendations for filling instructional positions at the school level must consider nominations received from school principals of the respective schools. Before transferring a teacher who holds a professional teaching certificate from one school to another, the district school superintendent shall consult with the principal of the receiving school and allow the principal to review the teacher's records and interview the teacher. If, in the judgment of the principal, students would not benefit from the placement, an alternative placement may be sought.

(2) COMPENSATION AND SALARY SCHEDULES.—Prepare and recommend to the district school board for adoption a salary schedule or salary schedules. The district school superintendent must recommend a salary schedule for instructional personnel which bases a portion of each employee's compensation on performance demonstrated under s. 1012.34. In developing the recommended salary schedule, the district school superintendent shall include input from parents, teachers, and representatives of the business community. *Beginning with the 2004-2005 academic year, the recommended salary schedule for classroom teachers shall be consistent with the district's career ladder based upon s. 1012.231.*

(3) CONTRACTS AND TERMS OF SERVICE.—Recommend to the district school board terms for contracting with employees and prepare such contracts as are approved.

(4) TRANSFER.—Recommend employees for transfer and transfer any employee during any emergency and report the transfer to the district school board at its next regular meeting.

(5) SUSPENSION AND DISMISSAL.—Suspend members of the instructional staff and other school employees during emergencies for a period extending to and including the day of the next regular or special meeting of the district school board and notify the district school board immediately of such suspension. When authorized to do so, serve notice on the suspended member of the instructional staff of charges made against him or her and of the date of hearing. Recommend employees for dismissal under the terms prescribed herein.

(6) DIRECT WORK OF EMPLOYEES AND SUPERVISE INSTRUCTION.—Direct or arrange for the proper direction and improvement, under rules of the district school board, of the work of all members of the instructional staff and other employees of the district school system, supervise or arrange under rules of the district school board for the supervision of instruction in the district, and take such steps as are necessary to bring about continuous improvement.

Section 43. Subsections (1) through (5) of section 1012.56, Florida Statutes, are amended to read:

1012.56 Educator certification requirements.—

(1) APPLICATION.—Each person seeking certification pursuant to this chapter shall submit a completed application containing the applicant's social security number to the Department of Education and remit the fee required pursuant to s. 1012.59 and rules of the State Board of Education. Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each party is required to provide his or her social security number in accordance with this section. Disclosure of social security numbers obtained through this requirement *is* ~~shall be~~ limited to the purpose of administration of the Title IV-D program of the Social Security Act for child support enforcement. Pursuant to s. 120.60, the department shall issue within 90 calendar days after the stamped receipted date of the completed application:

(a) A certificate covering the classification, level, and area for which the applicant is deemed qualified; or

(b) An official statement of status of eligibility. The statement of status of eligibility must advise the applicant of any qualifications that must be completed to qualify for certification. Each statement of status of eligibility is valid for *3* ~~2~~ years after its date of issuance, except as provided in paragraph (2)(d). ~~A statement of status of eligibility may be reissued for one additional 2-year period if application is made while the initial statement of status of eligibility is valid or within 1 year after the initial statement expires, and if the certification subject area is authorized to be issued by the state board at the time the application requesting a reissued statement of status of eligibility is received.~~

(2) ELIGIBILITY CRITERIA.—To be eligible to seek certification ~~pursuant to this chapter~~, a person must:

(a) Be at least 18 years of age.

(b) File a written statement, under oath, that the applicant subscribes to and will uphold the principles incorporated in the Constitution of the United States and the Constitution of the State of Florida.

(c) Document receipt of a bachelor's or higher degree from an accredited institution of higher learning, or a nonaccredited institution of higher learning that the Department of Education has identified as having a quality program resulting in a bachelor's degree, or higher. Each applicant seeking initial certification must have attained at least a 2.5 overall grade point average on a 4.0 scale in the applicant's major field of study. The applicant may document the required education by submitting official transcripts from institutions of higher education or by authorizing the direct submission of such official transcripts through established electronic network systems. The bachelor's or higher degree may not be required in areas approved in rule by the State Board of Education as nondegreed areas.

(d) Submit to a fingerprint check from the Department of Law Enforcement and the Federal Bureau of Investigation pursuant to s. 1012.32. If the fingerprint reports indicate a criminal history or if the applicant acknowledges a criminal history, the applicant's records shall be referred to the Bureau of Educator Standards for review and determination of eligibility for certification. If the applicant fails to provide the necessary documentation requested by the Bureau of Educator Standards within 90 days after the date of the receipt of the certified mail request, the statement of eligibility and pending application shall become invalid.

(e) Be of good moral character.

(f) Be competent and capable of performing the duties, functions, and responsibilities of an educator.

(g) Demonstrate mastery of general knowledge, pursuant to subsection (3).

(h) Demonstrate mastery of subject area knowledge, pursuant to subsection (4).

(i) Demonstrate mastery of professional preparation and education competence, pursuant to subsection (5).

(3) MASTERY OF GENERAL KNOWLEDGE.—Acceptable means of demonstrating mastery of general knowledge are:

(a) Achievement of passing scores on basic skills examination required by state board rule;

(b) Achievement of passing scores on the College Level Academic Skills Test earned prior to July 1, 2002;

(c) A valid *professional* standard teaching certificate issued by another state ~~that requires an examination of mastery of general knowledge~~;

(d) A ~~valid standard teaching certificate issued by another state and~~ valid certificate issued by the National Board for Professional Teaching Standards; or

(e) *Documentation of two semesters of successful teaching in a community college, state university, or private college or university that awards an associate or higher degree and is an accredited institution or an institution of higher education identified by the Department of Education as having a quality program.* ~~A valid standard teaching certificate issued by another state and documentation of 2 years of continuous successful full-time teaching or administrative experience during the 5-year period immediately preceding the date of application for certification.~~

(4) MASTERY OF SUBJECT AREA KNOWLEDGE.—Acceptable means of demonstrating mastery of subject area knowledge are:

(a) Achievement of passing scores on subject area examinations required by state board rule;

(b) Completion of the subject area specialization requirements specified in state board rule and verification of the attainment of the essential subject matter competencies by the district school superintendent of the employing school district or chief administrative officer of the employing state-supported or private school for a subject area for which a subject area examination has not been developed and required by state board rule;

(c) Completion of the ~~graduate level~~ subject area specialization requirements specified in state board rule for a subject coverage requiring a master's or higher degree and achievement of a passing score on the subject area examination specified in state board rule;

(d) A valid *professional* standard teaching certificate issued by another state ~~that requires an examination of mastery of subject area knowledge~~; *or*

(e) A ~~valid standard teaching certificate issued by another state and~~ valid certificate issued by the National Board for Professional Teaching Standards.~~; or~~

~~(f) A valid standard teaching certificate issued by another state and documentation of 2 years of continuous successful full-time teaching or administrative experience during the 5-year period immediately preceding the date of application for certification.~~

(5) MASTERY OF PROFESSIONAL PREPARATION AND EDUCATION COMPETENCE.—Acceptable means of demonstrating mastery of professional preparation and education competence are:

(a) Completion of an approved teacher preparation program at a postsecondary educational institution within this state and achievement of a passing score on the professional education competency examination required by state board rule;

(b) Completion of a teacher preparation program at a postsecondary educational institution outside Florida and achievement of a passing score on the professional education competency examination required by state board rule;

(c) A valid *professional* standard teaching certificate issued by another state ~~that requires an examination of mastery of professional education competence~~;

(d) A ~~valid standard teaching certificate issued by another state and~~ valid certificate issued by the National Board for Professional Teaching Standards;

(e) *Documentation of two semesters of successful teaching in a community college, state university, or private college or university that*

awards an associate or higher degree and is an accredited institution or an institution of higher education identified by the Department of Education as having a quality program ~~A valid standard teaching certificate issued by another state and documentation of 2 years of continuous successful full-time teaching or administrative experience during the 5-year period immediately preceding the date of application for certification~~;

(f) Completion of professional preparation courses as specified in state board rule, successful completion of a professional education competence demonstration program pursuant to paragraph (7)(b), and achievement of a passing score on the professional education competency examination required by state board rule; or

(g) Successful completion of a professional preparation alternative certification and education competency program, outlined in paragraph (7)(a).

Section 44. Subsection (1) of section 1012.57, Florida Statutes, is amended to read:

1012.57 Certification of adjunct educators.—

(1) Notwithstanding the provisions of ss. 1012.32, 1012.55, and 1012.56, or any other provision of law or rule to the contrary, district school boards *shall adopt rules to allow for the issuance of* ~~may issue~~ an adjunct teaching certificate to any applicant who fulfills the requirements of s. 1012.56(2)(a)-(f) and who has expertise in the subject area to be taught. An applicant shall be considered to have expertise in the subject area to be taught if the applicant ~~has at least a minor in the subject area or~~ demonstrates sufficient subject area mastery *through passage of a subject area test* ~~as determined by district school board policy~~. The adjunct teaching certificate shall be used for part-time teaching positions. The intent of this provision is to allow school districts to tap the wealth of talent and expertise represented in Florida's citizens who may wish to teach part-time in a Florida public school by permitting school districts to issue adjunct certificates *to qualified applicants*. Adjunct certificateholders should be used as a strategy to reduce the teacher shortage; thus, adjunct certificateholders should supplement a school's instructional staff, not supplant it. Each school principal shall assign an experienced peer mentor to assist the adjunct teaching certificateholder during the certificateholder's first year of teaching, and an adjunct certificateholder may participate in a district's new teacher training program. District school boards shall provide the adjunct teaching certificateholder an orientation in classroom management prior to assigning the certificateholder to a school. Each adjunct teaching certificate is valid for 5 school years and is renewable if~~:~~

~~(a) The applicant completes a minimum of 60 inservice points or 3 semester hours of college credit. The earned credits must include instruction in classroom management, district school board procedures, school culture, and other activities that enhance the professional teaching skills of the certificateholder.~~

~~(b)~~ the applicant has received satisfactory performance evaluations during each year of teaching under adjunct teaching certification.

Section 45. Paragraph (a) of subsection (1), subsection (2), and paragraph (a) of subsection (3) of section 1012.585, Florida Statutes, are amended to read:

1012.585 Process for renewal of professional certificates.—

(1)(a) District school boards ~~in this state~~ shall renew state-issued professional certificates as follows:

1. Each district school board shall renew state-issued professional certificates for individuals who hold a *state-issued* professional certificate ~~by this state~~ and are employed by that district pursuant to criteria established in subsections (2), (3), and (4) and rules of the State Board of Education.

2. The employing school district may charge the individual an application fee not to exceed the amount charged by the Department of Education for such services, including associated late renewal fees. Each district school board shall transmit monthly to the department a fee in an amount established by the State Board of Education for each renewed certificate. The fee shall not exceed the actual cost for maintenance and operation of the statewide certification database and for the actual costs incurred in printing and mailing such renewed certificates. As defined in current rules of the state board, the department shall contribute a portion of such fee for purposes of funding the Educator Recovery Network established in s. 1012.798. The department shall deposit all funds into the Educational Certification Trust Fund for use as specified in s. 1012.59.

(2)(a) All professional certificates, except a nonrenewable professional certificate, shall be renewable for successive periods not to exceed 5 years after the date of submission of documentation of completion of the requirements for renewal provided in subsection (3). Only one renewal may be granted during each 5-year validity period of a professional certificate.

(b) A teacher with national certification from the National Board for Professional Teaching Standards is deemed to meet state renewal requirements for the life of the teacher's national certificate in the subject shown on the national certificate. *A complete renewal application and fee shall be submitted. The Commissioner shall notify teachers of the renewal application and fee requirements.*

(c) If the renewal application form is not received by the department or by the employing school district before the expiration of the professional certificate, the application form, application fee, and a late fee must be submitted before July 1 of the year following expiration of the certificate in order to renew the professional certificate.

(d) The State Board of Education shall adopt rules to allow a 1-year extension of the validity period of a professional certificate in the event of serious illness, injury, or other extraordinary extenuating circumstances of the applicant. The department shall grant such 1-year extension upon written request by the applicant or by the district school superintendent or the governing authority of a university lab school, state-supported school, or private school that employs the applicant.

(3) For the renewal of a professional certificate, the following requirements must be met:

(a) The applicant must earn a minimum of 6 college credits or 120 inservice points or a combination thereof. For each area of specialization to be retained on a certificate, the applicant must earn at least 3 of the required credit hours or equivalent inservice points in the specialization area. Education in "clinical educator" training pursuant to s. *1004.04(6)(b)* ~~1004.04(5)(b)~~ and credits or points that provide training in the area of *scientifically researched, knowledge-based reading literacy and computational skills acquisition,* exceptional student education, normal child development, and the disorders of development may be applied toward any specialization area. Credits or points that provide training in the areas of drug abuse, child abuse and neglect, strategies in teaching students having limited proficiency in English, or dropout prevention, or training in areas identified in the educational goals and performance standards adopted pursuant to ss. 1000.03(5) and 1001.23 may be applied toward any specialization area. Credits or points earned through approved summer institutes may be applied toward the fulfillment of these requirements. Inservice points may also be earned by participation in professional growth components approved by the State Board of Education and specified pursuant to s. 1012.98 in the district's approved master plan for inservice educational training, including, but not limited to, serving as a trainer in an approved teacher training activity, serving on an instructional materials committee or a state board or commission that deals with educational issues, or serving on an advisory council created pursuant to s. 1001.452.

Section 46. Section 1012.586, Florida Statutes, is created to read:

1012.586 Additions or changes to certificates; duplicate certificates.—A school district may process via a Department of Education website certificates for the following applications of public school employees:

(1) Addition of a subject coverage or endorsement to a valid Florida certificate on the basis of the completion of the appropriate subject area testing requirements of s. 1012.56(4)(a) or the completion of the requirements of an approved school district program or the inservice components for an endorsement.

(2) A reissued certificate to reflect a name change.

(3) A duplicate certificate to replace a lost or damaged certificate.

The employing school district shall charge the employee a fee not to exceed the amount charged by the Department of Education for such services. Each district school board shall retain a portion of the fee as defined in the rules of the State Board of Education. The portion sent to the department shall be used for maintenance of the technology system, the web application, and posting and mailing of the certificate.

Section 47. Subsection (2), paragraph (b) of subsection (3), and subsections (5) through (10) of section 1012.98, Florida Statutes, are amended to read:

1012.98 School Community Professional Development Act.—

(2) The school community includes *students and parents,* administrative personnel, managers, instructional personnel, support personnel, members of district school boards, members of school advisory councils, ~~parents,~~ business partners, and personnel that provide health and social services to *students* ~~school children. School districts may identify and include additional members of the school community in the professional development activities required by this section~~.

(3) The activities designed to implement this section must:

(b) Assist the school community in providing stimulating*, scientifically research-based* educational activities that encourage and motivate students to achieve at the highest levels and to become active learners.

~~(5)(a) The Department of Education shall provide a system for the recruitment, preparation, and professional development of school administrative personnel. This system shall:~~

~~1. Identify the knowledge, competencies, and skills necessary for effective school management and instructional leadership that align with student performance standards and accountability measures.~~

~~2. Include performance evaluation methods.~~

~~3. Provide for alternate means for preparation of school administrative personnel which may include programs designed by school districts and postsecondary educational institutions pursuant to guidelines developed by the commissioner. Such preparation programs shall be approved by the Department of Education.~~

~~4. Provide for the hiring of qualified out-of-state school administrative personnel.~~

~~5. Provide advanced educational opportunities for school-based instructional leaders.~~

~~(b) The Commissioner of Education shall appoint a task force that includes a district school superintendent, a district school board member, a principal, an assistant principal, a teacher, a dean of a college of education, and parents. The task force shall convene periodically to provide recommendations to the department in the areas of recruitment, certification, preparation, professional development, and evaluation of school administrators.~~

(5)~~(6)~~ Each district school board shall provide funding for the professional development system as required by s. 1011.62 and the General Appropriations Act, and shall direct expenditures from other funding sources to strengthen the system and make it uniform and coherent. A school district may coordinate its professional development program with that of another district, with an educational consortium, or with a community college or university, especially in preparing and educating personnel. Each district school board shall make available inservice activities to instructional personnel of nonpublic schools in the district and the state certified teachers who are not employed by the district school board on a fee basis not to exceed the cost of the activity per all participants.

(6)~~(7)~~ An organization of private schools which has no fewer than 10 member schools in this state, which publishes and files with the Department of Education copies of its standards, and the member schools of which comply with the provisions of part II of chapter 1003, relating to compulsory school attendance, may also develop aprofessional development system that includes a master plan for inservice activities. The system and inservice plan must be submitted to the commissioner for approval pursuant to rules of the State Board of Education.

(7)~~(8)~~ The Department of Education shall design methods by which the state and district school boards may evaluate and improve the professional development system. The evaluation must include an annual assessment of data that indicate progress or lack of progress of all students. If the review of the data indicates progress, the department shall identify the best practices that contributed to the progress. If the review of the data indicates a lack of progress, the department shall investigate the causes of the lack of progress, provide technical assistance, and require the school district to employ a different approach to professional development. The department shall report annually to the State Board of Education and the Legislature any school district that, in the determination of the department, has failed to provide an adequate professional development system. This report must include the results of the department's investigation and of any intervention provided.

(8)~~(9)~~ The State Board of Education may adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section.

(9)~~(10)~~ This section does not limit or discourage a district school board from contracting with independent entities for professional development services and inservice education if the district school board *can demonstrate to the Commissioner of Education* ~~believes~~ that, through such a contract, a better product can be acquired or its goals for education improvement can be better met.

(10)~~(11)~~ For teachers, managers, and administrative personnel who have been evaluated as less than satisfactory, a district school board shall require participation in specific professional development programs as part of the improvement prescription.

Section 48. Paragraph (b) of subsection (1) of section 1009.531, Florida Statutes, is amended to read:

1009.531 Florida Bright Futures Scholarship Program; student eligibility requirements for initial awards.—

(1) To be eligible for an initial award from any of the three types of scholarships under the Florida Bright Futures Scholarship Program, a student must:

(b) Earn a standard Florida high school diploma or its equivalent as described in *s. 1003.429,* s. 1003.43*,* or s. *1003.435* ~~1003.45~~ unless:

1. The student is enrolled full time in the early admission program of an eligible postsecondary education institution or completes a home education program according to s. 1002.41; or

2. The student earns a high school diploma from a non-Florida school while living with a parent or guardian who is on military or public service assignment away from Florida.

Section 49. Part VIII of Chapter 159, Florida Statutes, consisting of sections 159.831, 159.832, 159.833, 159.834, and 159.835, is created to read:

159.831 Short title.—This part may be cited as the "Florida Qualified Public Educational Facilities Private Activity Bond Allocation Act."

159.832 Purpose.—The purpose of this part is to allocate the state volume limitation imposed by s. 142(k)(5)(A) of the Code on private activity bonds to finance qualified public educational facilities. No private activity bond subject to the limitation in s. 142(k)(5)(A) of the code shall be issued in this state unless a written confirmation therefor is issued pursuant to this part.

159.833 Definitions.—As used in this part, the term:

(1) "Board" means the State Board of Education, created pursuant to Section 2, Article IX of the State Constitution.

(2) "Code" means the Internal Revenue Code of 1986, as amended, and the regulations and rulings issued thereunder.

(3) "Commissioner" means the Commissioner of Education.

(4) "Department" means the Department of Education, created pursuant to s. 20.15.

(5) "Issued" has the same meaning as in the code.

(6) "Private activity bond" means any bond described in s. 141 of the Code.

(7) "Qualified Public Educational Facility" means a facility described in s. 142(k)(1) of the code.

159.834 Allocation of state volume limitation.—

(1) By February 1, 2004, the board shall establish a program for allocating the state volume limitation imposed by s. 142(k)(5)(A) of the Code on private activity bonds to finance qualified public educational facilities. Such program shall include objective criteria to be considered in determining whether to grant a request for such volume limitation, including, but not limited to, the need for a qualified public educational facility in the area proposed in the application, the number of students to be served by such facility, and the cost effectiveness of the proposed facility. The program shall be administered by the department.

(2) The department shall annually determine the amount of private activity bonds for qualified public educational facilities permitted to be issued in this state under s. 142 (k)(5) of the Code and shall make such information available upon request to any person or agency.

(3) The department shall ensure that any volume limitation unused at the end of each calendar year is carried forward pursuant to s. 142(k)(5)(B)(ii) of the Code.

(4) The commissioner shall sign any certificate required by the Code relating to the allocation of the state volume limitation on private activity bonds to finance qualified public educational facilities.

159.835 Rules.—The board and the department shall adopt any rules necessary to ensure the orderly implementation and administration of this act.

Section 50. *If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.*

Section 51. Paragraph (c) of subsection (1) of section 1012.22, Florida Statutes, is amended to read:

1012.22 Public school personnel; powers and duties of the district school board.—The district school board shall:

(1) Designate positions to be filled, prescribe qualifications for those positions, and provide for the appointment, compensation, promotion, suspension, and dismissal of employees as follows, subject to the requirements of this chapter:

(c) Compensation and salary schedules.—

1. The district school board shall adopt a salary schedule or salary schedules designed to furnish incentives for improvement in training and for continued efficient service to be used as a basis for paying all school employees and fix and authorize the compensation of school employees on the basis thereof.

2. A district school board, in determining the salary schedule for instructional personnel, must base a portion of each employee's compensation on performance demonstrated under s. 1012.34, must consider the prior teaching experience of a person who has been designated state teacher of the year by any state in the United States, and must consider prior professional experience in the field of education gained in positions in addition to district level instructional and administrative positions.

3. In developing the salary schedule, the district school board shall seek input from parents, teachers, and representatives of the business community.

4. Beginning with the 2002-2003 fiscal year, each district school board must adopt a performance-pay policy for school administrators and instructional personnel. The district's performance-pay policy is subject to negotiation as provided in chapter 447; however, the adopted salary schedule must allow school administrators and instructional personnel who demonstrate outstanding performance, as measured under s. 1012.34, to earn a 5-percent supplement in addition to their individual, negotiated salary. The supplements shall be funded from the performance-pay reserve funds adopted in the salary schedule. *Beginning with the 2004-2005 academic year, the district's 5-percent performance-pay policy must provide for the evaluation of classroom teachers within each level of the salary career ladder provided in s. 1012.231.* The Commissioner of Education shall determine whether the district school board's adopted salary schedule complies with the requirement for performance-based pay. If the district school board fails to comply with this section, the commissioner shall withhold disbursements from the Educational Enhancement Trust Fund to the district until compliance is verified.

Section 52. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2003, and the changes effected by this act to the Deferred Retirement Option Program shall take effect June 1, 2003.

And the title is amended as follows:

On page 178, line 5103 through page 188, line 5383, delete those lines and insert: An act relating to the implementation of Amendment 9 to the State Constitution (November 2002 election); amending s. 1003.01, F.S.; defining the terms "core-curricula courses" and "extracurricular courses"; amending s. 1003.03, F.S.; establishing the constitutional class size maximum; providing for the determination of averages; providing for the department to calculate averages based upon student membership surveys; providing implementation options for school districts; providing accountability for the class size reduction measures; creating s. 1011.685, F.S.; establishing an operating categorical fund for implementing class size reduction; providing for the use of the funds by school districts; creating s. 1013.735, F.S.; establishing the Classrooms for Kids Program; providing for the allocation of funds; providing requirements for district participation in the program; providing for the use of the funds; creating s. 1013.736, F.S.; establishing the District Effort Recognition Program; providing for eligibility for school district participation; establishing a district equity ratio for purposes of calculating the allocation for the program; providing for the use of the funds; creating s. 1013.737, F.S.; establishing the Class Size Reduction Lottery Revenue Bond Program; authorizing the issuance of revenue bonds to finance or refinance the construction, acquisition, reconstruction, or renovation of educational facilities; providing legislative findings; specifying that the bonds are payable from first proceeds of lottery revenues transferred to the Educational Enhancement Trust Fund; establishing a covenant with bondholders to not materially and adversely affect their rights; providing for issuance of the bonds by the Division of Bond Finance on behalf of the Department of Education; limiting the total amount of such bonds issued; providing for deposit of bond proceeds in the Lottery Capital Outlay and Debt Service Trust Fund; providing for the filing of complaints for validation; providing for timely encumbrances of funds for authorized projects; amending s. 24.121, F.S.; removing limitations on lottery revenues that may be pledged to the payment of debt service; amending s. 121.091, F.S.; authorizing instructional personnel who receive authorization to extend participation in the Deferred Retirement Option Program; amending s. 220.187, F.S.; increasing the total amount of tax credit which may be granted each state fiscal year; allowing tax credits to be carried forward; amending s. 1003.02, F.S.; requiring school districts to notify parents of acceleration mechanisms; eliminating a cross-reference to conform to changes made by the act; amending s. 1003.43, F.S.; providing that parenting skills be included; removing the requirement that a life management course be offered during the 9th and 10th grade years; providing that participation in R.O.T.C. class satisfies a portion of the physical education requirement; creating s. 1003.429, F.S.; providing for accelerated high school graduations; providing requirements; prohibiting school districts from imposing additional requirements; amending 1007.261, F.S.; aligning university admission standards with accelerated high school graduation options; revising credits required; amending s. 1003.436, F.S.; reducing the number of hours required for one full credit for district schools implementing block scheduling; amending s. 1011.62, F.S.; removing a date limitation to provide for categorical flexibility; revising purposes of categorical; amending s. 1011.69, F.S.; deleting obsolete provisions; revising allocation amount to average percent of funds generated; revising the exemption for certain charter schools; providing that Classrooms for Kids operating categorial funds are not subject to provisions requiring equity in school funding; amending s. 1013.03, F.S.; requiring the Department of Education to review rules relating to school construction and make recommendations to the State Board of Education; amending s. 1013.31, F.S.; requiring school districts to periodically update the inventory of educational facilities; amending s. 1002.37, F.S.; providing that certain

funds are internal funds; authorizing supplemental support organization; revising administrative responsibilities regarding funding and reporting requirements for the board of trustees of the Florida Virtual School; authorizing franchise agreements; providing for funding the Florida Virtual School within the Florida Education Finance Program; providing for funding based on credit completion; providing a calculation; eliminating obsolete provisions; amending s. 1011.61, F.S.; redefining the term "full-time equivalent student" to include a Florida Virtual School student; providing for membership to exceed certain maximum days of instruction; creating the Florida Business and Education in School Together (Florida BEST) Program; requiring school districts to seek business partners for Florida BEST schools; requiring each school district to create a Florida BEST school evaluation committee; defining a "Florida Business and Education in School Together (Florida BEST) school"; providing for priority in admission of students; providing parental responsibility; providing for contracts to operate Florida BEST schools; providing school district and business responsibilities for Florida BEST schools; providing exemptions from local government ordinances or regulations relating to square footage or floor area; repealing ss. 1002.33(13), 1012.41, 1012.73, 1013.21, and 1013.43, F.S., relating to number of charter schools, directors of career and technical education, the Florida Mentor Teacher School Pilot Program, reduction of relocatable facilities in use, and the small school requirement; amending s. 216.292, F.S.; requiring the Executive Office of the Governor to transfer funds for class size reduction based on recommendations of the Florida Education Finance Program Appropriation Allocation Conference or the Legislative Budget Commission; requiring notice and review; amending s. 1003.62, F.S.; making pilot program statewide; providing additional criteria for the establishment of a charter school district; providing for renewal of the charter; providing certain exemptions from law and rule; providing reporting requirements; grandfathering certain districts; amending s. 1013.64, F.S.; providing limitations on the use of certain funds; revising provisions relating to the costs per student station; requiring reports; creating the BEST Florida Teaching Program Act; creating s. 1000.041, F.S.; providing legislative purposes and guiding principles of the act; amending s. 1001.33, F.S.; requiring cooperation to apply guiding principles; amending s. 1001.42, F.S.; providing that a district school board may use certain personnel to assist teachers in noninstructional activities; requiring school district support of certain activities and programs; clarifying provisions concerning a school-within-a school; amending ss. 1001.51 and 1001.54, F.S.; requiring cooperation and support of district school superintendents and school principals; amending s. 1002.20, F.S.; providing student rights with respect to classroom orderliness; amending s. 1002.42, F.S.; correcting a cross-reference; amending s. 1003.04, F.S.; requiring specified student conduct and attendance; requiring parental cooperation with school authority; amending s. 1003.31, F.S.; requiring support of the authority of teachers and bus drivers; amending s. 1003.32, F.S.; revising provisions relating to teacher authority and responsibility for control of students; designating a school placement review committee to determine placement for disruptive students; requiring reports; requiring Commissioner of Education review of success in achieving orderly classrooms and use of enforcement actions; requiring reporting of knowledge or suspicion of crimes of violence on school property and providing immunity; amending s. 1004.04, F.S.; revising provisions relating to state approval of teacher preparation programs; expanding State Board of Education rules establishing core curricula; requiring teacher preparation programs to incorporate certain instruction; providing for guarantee; providing for additional teacher training under certain circumstances; authorizing pay for student teacher internships; authorizing additional standards for program approval and certification; deleting the requirement that pilot programs be established at the University of Central Florida, the University of North Florida, and the University of South Florida; allowing pilot programs to be established as authorized by the Commissioner of Education at colleges and universities with state-approved teacher education programs; providing priority consideration for participation in teacher education pilot programs; amending ss. 1006.08 and 1006.09, F.S.; requiring district school superintendent and school principal support relating to student discipline; amending s. 1012.05, F.S.; requiring the Department of Education to provide for one-stop shopping for teacher career information and on-line support; authorizing use of funds to recruit and prepare teachers; creating s. 1012.231, F.S.; establishing a salary career ladder program; providing levels of career ladder salary; providing standards; providing limitations or certain assignments; requiring the State Board of Education to develop a long-range plan; amending s. 1012.27, F.S.; requiring district school superintendents to implement district's career ladder salary program; amending s. 1012.56, F.S.; revising the time period for which an official statement of status of eligibility for certification is valid; revising requirements for mastery of general knowledge, mastery of subject area knowledge, and mastery of professional preparation and education competence; revising provisions relating to temporary certificates; amending s. 1012.57, F.S.; requiring district school boards to adopt rules to allow for the issuance of adjunct teaching certificates; revising provisions relating to determination of expertise in the subject area to be taught; amending s. 1012.585, F.S.; revising certain requirements for renewal of professional certificates; correcting a cross-reference; creating s. 1012.586, F.S.; authorizing school districts to process certain applications via website; providing for a fee and the uses thereof; amending s. 1012.98, F.S.; revising provisions relating to the School Community Professional Development Act; deleting provisions relating to recruitment, preparation, and professional development of school administrative personnel; amending s. 1009.531, F.S.; correcting a cross-reference; creating ss. 159.831, 159.832, and 159.832, F.S.; relating to the Florida Qualified Public Educational Facilities Private Activity Bond Allocation Act; providing definitions; providing certain state volume limitations on certain private bond activity; providing for department review; authorizing rule adoption; amending s. 1012.22, F.S.; providing that district's five-percent performance-pay policy must apply at each level of the salary career ladder program; providing for severability; providing effective dates.

WHEREAS, in 1998 the voters approved an amendment to Section 1, Article IX of the State Constitution that required the Legislature to establish by law a uniform, efficient, safe, secure, and high-quality system of free public schools that allows students to obtain a high-quality education, and

WHEREAS, in 2002 the voters of Florida approved a further amendment to Section 1, Article IX of the State Constitution to assure that students obtain a high-quality education, and

WHEREAS, the voters defined a high-quality education as, by 2010 a prekindergarten through grade 3 core-curricula class size of no more than 18 students assigned to a teacher, a grade 4 through grade 8 core-curricula class size of no more than 22 students assigned to a teacher, and a grade 9 through grade 12 core-curricula class size of no more than 25 students assigned to a teacher, and

WHEREAS, the Legislature finds that a high-quality education cannot be achieved solely by small class sizes but also requires well-education, well-trained, well-compensated, and effective classroom teachers and school administrators who maintain orderly, disciplines classrooms conducive to student learning, and

WHEREAS, Section 1, Article IX of the State Constitution requires that such reduced class sizes be accomplished through a system that is both efficient and uniform, and

WHEREAS, the constitutional principle of efficiency includes the school districts' use of their facilities, teachers, and other resources in the most efficient manner, and

WHEREAS, the Florida Supreme Court in considering the provisions of Amendment 9 to Section 1, Article IX of the State Constitution, found that "rather than restricting the Legislature, the proposed amendment gives the Legislature latitude in designing ways to reach the class size goal articulated in the ballot initiative, and places the obligation to ensure compliance on the Legislature," and

WHEREAS, the Legislature has chosen to focus on student achievement, provide clarity of goals, safeguard the efficient use of public funds, allow flexibility to reach those goals, recognize issues relating to efficiency and equity of implementation, and require accountability to meet the standards set forth in the State Constitution, NOW, THEREFORE,

Senators Bullard, Dawson, Geller, Hill, Klein, Miller, Siplin, Smith, Wasserman Schultz and Wilson offered the following amendment to **Senate Amendment 1** which was moved by Senator Wasserman Schultz and failed:

Senate Amendment 1A (095870) (with title amendment) to Senate Amendment 1 (653694) (with title amendment) to House Amendment 1—On page 22, line 13 through page 23, line 9, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 110, line 2 through page 110, line 5, delete those lines and insert: amending s. 1003.02, F.S.;

The vote was:

Yeas—13

Aronberg	Klein	Siplin
Bullard	Lynn	Smith
Dawson	Margolis	Wasserman Schultz
Geller	Miller	Wilson
Hill		

Nays—26

Mr. President	Crist	Peaden
Alexander	Diaz de la Portilla	Posey
Argenziano	Dockery	Pruitt
Atwater	Fasano	Saunders
Campbell	Garcia	Sebesta
Carlton	Haridopolos	Villalobos
Clary	Jones	Webster
Constantine	Lawson	Wise
Cowin	Lee	

The question recurred on **Senate Amendment 1 to House Amendment 1** which was adopted.

On motion by Senator Carlton, the Senate concurred in **House Amendment 1** as amended and requested the House to concur in the Senate amendment to the House amendment.

CS for CS for SB 1436 and CS for SB 1646 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

Vote after roll call:

Yea to Nay—Wilson

SPECIAL ORDER CALENDAR, continued

On motion by Senator Bennett, by two-thirds vote **HB 525** was withdrawn from the Committees on Commerce, Economic Opportunities, and Consumer Services; Criminal Justice; Judiciary; and Governmental Oversight and Productivity.

On motion by Senator Bennett—

HB 525—A bill to be entitled An act relating to use of the term "chamber of commerce"; creating s. 501.972, F.S.; providing definitions; prohibiting certain business entities from using the term "chamber of commerce" under certain circumstances; providing exceptions; providing a penalty; specifying nonimposition of certain requirements; authorizing chambers of commerce to sue certain business entities to enjoin use of certain terms; providing an effective date.

—a companion measure, was substituted for **SB 1832** and read the second time by title.

Pursuant to Rule 4.19, **HB 525** was placed on the calendar of Bills on Third Reading.

SENATOR CARLTON PRESIDING

Consideration of **CS for SB 1522** was deferred.

On motion by Senator Siplin—

CS for CS for SB 2266—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.20, F.S.; providing for distribution of a portion of revenues from the tax on sales, use, and other transactions to specified units of local government owning eligible convention centers; creating s. 288.1171, F.S.; providing for certification of units of local government owning eligible convention centers by the Office of Tourism, Trade, and Economic Development; requiring the office to adopt specified rules; providing a definition; providing requirements for certification; providing for use of proceeds distributed to units of local government under the act; providing for audits by the Department of Revenue; providing for revocation of certification; providing an effective date.

—was read the second time by title.

The Committee on Finance and Taxation recommended the following amendments which were moved by Senator Siplin and adopted:

Amendment 1 (204628)—On page 6, line 21, delete "*60,000*" and insert: *75,000*

Amendment 2 (213886)—On page 8, delete line 7 and insert:

Section 3. This act shall take effect July 1, 2004, only if the Legislature specifies, in the General Appropriations Act for fiscal year 2004-2005, that sufficient funds are available to implement the provisions of this act.

Pursuant to Rule 4.19, **CS for CS for SB 2266** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1176** was deferred.

On motion by Senator Peaden—

CS for SB 1374—A bill to be entitled An act relating to to administrative procedures; amending s. 120.55, F.S.; providing for electronic publication of the Florida Administrative Weekly on an Internet website in lieu of paper publication; amending content requirements for the Florida Administrative Weekly; requiring the Department of State to review notices; eliminating fees associated with the Florida Administrative Weekly; providing website search and archiving requirements; providing for free agency and public access to the Florida Administrative Weekly Internet website; eliminating trust fund provisions; amending s. 120.551, F.S.; extending the time for the Department of Environmental Protection's Internet publication pilot project; amending s. 287.042, F.S.; eliminating obsolete provisions; repealing s. 120.551, F.S.; providing for the future repeal of provisions requiring an Internet publication pilot project; providing for discontinuation of the paper version of the Florida Administrative Weekly; requiring notice of discontinuation; providing for agency training courses; providing effective dates.

—was read the second time by title.

MOTION

On motion by Senator Peaden, the rules were waived to allow the following amendments to be considered:

Senator Peaden moved the following amendments which were adopted:

Amendment 1 (832744)(with title amendment)—On page 9, lines 21 and 22, delete those lines and insert:

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, delete line 26 and insert: providing an effective date.

Amendment 2 (330878)(with title amendment)—On page 1, line 30 through page 9, line 20, delete those lines and insert:

Section 1. Section 120.551, Florida Statutes, is amended to read:

120.551 Internet publication ~~pilot project~~.—

(1) *For purposes of this section, the term:*

(a) "Agency" means the Department of Environmental Protection and the Board of Trustees of the Internal Improvement Trust Fund.

(b) "Internet website" means a centralized Internet website that is established and maintained by the Department of Environmental Protection, is provided to the public without charge, and permits the public to:

1. Search notices by type, publication date, program area, or rule number;

2. Search a permanent database that archives all notices published on the website; and

3. Subscribe to an automated e-mail notification of selected notice types.

(2) Whenever the agency is required to publish notices in the Florida Administrative Weekly, the agency shall instead publish the complete notice ~~On or before December 31, 2001, the Department of Environmental Protection and the State Technology Office shall establish and commence a pilot project to determine the cost-effectiveness of publication of notices~~ on the Internet *website* ~~in lieu of complete publication in the Florida Administrative Weekly~~. *Notices published on the Internet website shall clearly state the date the notice was first published and shall be published only on the same days as the Florida Administrative Weekly is published.* The ~~pilot project shall end on July 1, 2003. Under this pilot project, notwithstanding any other provision of law, whenever the Department of Environmental Protection is required to publish notices in the Florida Administrative Weekly, the~~ Department of *State shall* ~~Environmental Protection instead may~~ publish a *statement* ~~summary of such notice~~ in the Florida Administrative Weekly *that indicates* ~~along with~~ the specific URL or ~~Internet~~ address *for the Internet website* ~~where the complete notice required by law shall be published~~. The *agency* ~~Department of Environmental Protection~~ shall publish all other notices in the manner prescribed by law. ~~Notices published on the Internet under this section shall clearly state the date the notice was first posted on the Internet and shall be initially posted only on the same days the Florida Administrative Weekly is published. Notices related to rulemaking published on the Internet under this provision shall be maintained on the Internet for a period of at least 12 months after the effective date of the rule or at least 3 months after the publication of a notice of withdrawal of the proposed rule. All other notices published on the Internet under this provision shall be maintained on the Internet for a period of at least 3 months after the date first posted. A searchable database or other electronic system to be permanently maintained on the Internet for the purpose of archiving all notices published on the Internet and allowing citizens permanent electronic access to such archived records shall also be established by the pilot project. No notice posted on the Internet shall be removed until the searchable database is implemented.~~

(3) This section is repealed effective July 1, 2004, unless reviewed and reenacted by the Legislature before that date.

~~(2) The Department of State shall publish notice of this pilot project in each weekly publication of the Florida Administrative Weekly. The notice shall state: "Under a temporary pilot project, in conjunction with the State Technology Office, to determine the cost-effectiveness of Internet publication of notices in lieu of complete publication in the Florida Administrative Weekly, summaries of notices of the Department of Environmental Protection are being published in the Florida Administrative Weekly along with a reference to the specific Internet URL or address where the complete notice required by law shall be published."~~

~~(3) No later than January 31, 2003, the Department of Environmental Protection, the State Technology Office, and the Department of State shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives containing findings on the cost-effectiveness of publication of notices on the Internet in lieu of publication in the Florida Administrative Weekly, and recommendations, including legislative or rule changes, for modifications to the process necessary to effectuate publication of notices on the Internet.~~

And the title is amended as follows:

On page 1, lines 3-25, delete those lines and insert: procedures; amending s. 120.551, F.S.; eliminating the Internet publication pilot project; defining terms; providing that notices required to be published in the Florida Administrative Weekly by the Department of Environmental Protection and the Board of Trustees of the Internal Improvement Trust Fund shall be published on an Internet website; specifying Internet website requirements; specifying publication requirements; directing the Department of State to publish a statement in the Florida Administrative Weekly that indicates the Internet website address; providing for the future repeal of the section;

Pursuant to Rule 4.19, **CS for SB 1374** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Villalobos, by two-thirds vote **HB 1019** was withdrawn from the Committees on Criminal Justice; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Villalobos—

HB 1019—A bill to be entitled An act relating to a public records exemption for identifying information contained in a videotaped statement of a minor; amending s. 119.07, F.S., relating to the public records exemption for any information in a videotaped statement of a minor who is alleged to be or who is a victim of sexual battery, lewd acts, or other sexual misconduct which reveals the minor's identity; making editorial changes; adding clarifying language; removing the October 2, 2003, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

—a companion measure, was substituted for **SB 1026** and read the second time by title.

Pursuant to Rule 4.19, **HB 1019** was placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine—

CS for SB 1522—A bill to be entitled An act relating to parental and family involvement in a student's education; creating s. 1002.23, F.S., the Family and School Partnership for Student Achievement Act; providing legislative purpose; requiring support for implementation by school district and school personnel; requiring the Department of Education to develop guidelines for a parent guide to assist parents; specifying contents of the parent guide; requiring the department to disseminate a checklist to school districts; requiring the department to establish a parent-response center; requiring school districts to adopt rules to strengthen family involvement and empowerment; requiring the districts to submit copies of rules to the Department of Education; requiring school districts to develop and disseminate parent guides and checklists; requiring review and enforcement by the State Board of Education; amending s. 1001.42, F.S.; requiring district school boards to adopt rules and develop a parent guide and checklist; amending s. 1001.51, F.S.; requiring the support and cooperation of district school superintendents in implementing requirements for parent and family involvement in a student's education; amending s. 1001.54, F.S.; requiring the support and cooperation of school principals; amending s. 1002.20, F.S.; requiring that parents receive specified information concerning their child's education; amending s. 1003.33, F.S.; requiring reports cards to contain additional information concerning a student's performance or nonperformance; amending s. 1008.25, F.S.; providing additional notification requirements to parents of students with substantial reading deficiencies; amending s. 1012.72, F.S., relating to incentives and bonuses under the Dale Hickam Excellent Teaching Program; specifying additional requirements for teachers who receive certain bonuses; amending s. 1012.98, F.S.; requiring certain professional development inservice activities to include the subject of parent involvement; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1522** was placed on the calendar of Bills on Third Reading.

On motion by Senator Atwater—

CS for CS for SB 2264—A bill to be entitled An act relating to health insurance; amending s. 627.411, F.S.; revising grounds for disapproval of health insurance policy forms that apply certain rating practices, or that result in actuarially justified rate increases under certain circumstances; requiring health insurance policies to meet a minimum loss ratio of a specified amount; amending s. 627.6515, F.S.; amending conditions that must be met to exempt from part VII of ch. 627, F.S., a group health insurance policy issued or delivered outside this state under which a resident of this state is provided coverage; providing rulemaking authority; providing an effective date.

—was read the second time by title.

Senator Atwater moved the following amendment which was adopted:

Amendment 1 (724054)(with title amendment)—On page 2, line 17 through page 3, line 19, delete those lines and insert: discrimination *pursuant to s. 626.9541(1)(g)2.* ~~in sales practices.~~

And the title is amended as follows:

On page 1, lines 4-7, delete those lines and insert: disapproval of health insurance policy forms; requiring health

MOTION

On motion by Senator Atwater, the rules were waived to allow the following amendments to be considered:

Senator Atwater moved the following amendments which were adopted:

Amendment 2 (180206)(with title amendment)—On page 5, line 3 through page 8, line 17, delete those lines and insert:

Section 2. Paragraph (g) of subsection (1) of section 626.9541, Florida Statutes, is amended to read:

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

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

(g) Unfair discrimination.—

1. Knowingly making or permitting any unfair discrimination between individuals of the same actuarially supportable class and equal expectation of life, in the rates charged for any life insurance or annuity contract, in the dividends or other benefits payable thereon, or in any other of the terms and conditions of such contract.

2. Knowingly making or permitting any unfair discrimination between individuals of the same actuarially supportable class*, as determined at the original time of issuance of the coverage,* and essentially the same hazard, in the amount of premium, policy fees, or rates charged for any policy or contract of accident, disability, or health insurance, in the benefits payable thereunder, in any of the terms or conditions of such contract, or in any other manner whatever.

3. For a health insurer, life insurer, disability insurer, property and casualty insurer, automobile insurer, or managed care provider to underwrite a policy, or refuse to issue, reissue, or renew a policy, refuse to pay a claim, cancel or otherwise terminate a policy, or increase rates based upon the fact that an insured or applicant who is also the proposed insured has made a claim or sought or should have sought medical or psychological treatment in the past for abuse, protection from abuse, or shelter from abuse, or that a claim was caused in the past by, or might occur as a result of, any future assault, battery, or sexual assault by a family or household member upon another family or household member as defined in s. 741.28. A health insurer, life insurer, disability insurer, or managed care provider may refuse to underwrite, issue, or renew a policy based on the applicant's medical condition, but shall not consider whether such condition was caused by an act of abuse. For purposes of this section, the term "abuse" means the occurrence of one or more of the following acts:

a. Attempting or committing assault, battery, sexual assault, or sexual battery;

b. Placing another in fear of imminent serious bodily injury by physical menace;

c. False imprisonment;

d. Physically or sexually abusing a minor child; or

e. An act of domestic violence as defined in s. 741.28.

This subparagraph does not prohibit a property and casualty insurer or an automobile insurer from excluding coverage for intentional acts by the insured if such exclusion does not constitute an act of unfair discrimination as defined in this paragraph.

Section 3. Subsection (2) of section 627.6515, Florida Statutes, is amended, and subsections (9) and (10) are added to that section to read:

627.6515 Out-of-state groups.—

(2) *Except as otherwise provided in this part,* this part does not apply to a group health insurance policy issued or delivered outside this state under which a resident of this state is provided coverage if:

(a) The policy is issued to an employee group the composition of which is substantially as described in s. 627.653; a labor union group or association group the composition of which is substantially as described in s. 627.654; an additional group the composition of which is substantially as described in s. 627.656; a group insured under a blanket health policy when the composition of the group is substantially in compliance with s. 627.659; a group insured under a franchise health policy when the composition of the group is substantially in compliance with s. 627.663; an association group to cover persons associated in any other common group, which common group is formed primarily for purposes other than providing insurance; a group that is established primarily for the purpose of providing group insurance, provided the benefits are reasonable in relation to the premiums charged thereunder and the issuance of the group policy has resulted, or will result, in economies of administration; or a group of insurance agents of an insurer, which insurer is the policyholder;

(b) Certificates evidencing coverage under the policy are issued to residents of this state and contain in contrasting color and not less than 10-point type the following statement: "The benefits of the policy providing your coverage are governed primarily by the law of a state other than Florida"; and

(c) The policy provides the benefits specified in ss. 627.419, 627.6574, 627.6575, 627.6579, 627.6612, 627.66121, 627.66122, 627.6613, 627.667, 627.6675, 627.6691, and 627.66911.

(d) Applications for certificates of coverage offered to residents of this state must contain, in contrasting color and not less than 12-point type, the following statement on the same page as the applicant's signature:

"This policy is primarily governed by the laws of insert state where the master policy if filed *. As a result, all of the rating laws applicable to policies filed in this state do not apply to this coverage, which may result in increases in your premium at renewal that would not be permissible under a Florida-approved policy. Any purchase of individual health insurance should be considered carefully, as future medical conditions may make it impossible to qualify for another individual health policy. For information concerning individual health coverage under a Florida-approved policy, consult your agent or the Florida Department of Financial Services." This paragraph applies only to group certificates providing health insurance coverage which require individualized underwriting to determine coverage eligibility for an individual or premium rates to be charged to an individual except for the following:*

1. Policies issued to provide coverage to groups of persons all of whom are in the same or functionally related licensed professions, and providing coverage only to such licensed professionals, their employees, or their dependents;

2. Policies providing coverage to small employers as defined by s. 627.6699. Such policies shall be subject to, and governed by, the provisions of s. 627.6699;

3. Policies issued to a bona fide association, as defined by s. 627.6571(5), provided that there is a person or board acting as a fiduciary for the benefit of the members, and such association is not owned, controlled by, or otherwise associated with the insurance company; or

4. Any accidental death, accidental death and dismemberment, accident-only, vision-only, dental-only, hospital indemnity-only, hospital accident-only, cancer, specified disease, Medicare supplement, products that supplement Medicare, long-term care, or disability income insurance, or similar supplemental plans provided under a separate policy, certificate, or contract of insurance, which cannot duplicate coverage under an underlying health plan, coinsurance, or deductibles or coverage issued as a supplement to workers' compensation or similar insurance, or automobile medical-payment insurance.

(9) Any insured shall be able to terminate membership or affiliation with the group to whom the master policy is issued. An insured that elects to terminate his membership or affiliation with the group shall provide written notice to the insurer. Upon providing the written notice, the member shall be entitled to the rights and options provided by s. 627.6675.

(10) Any pricing structure that results, or is reasonably expected to result, in rate escalations resulting in a death spiral, which is a rate escalation caused by segmenting healthy and unhealthy lives resulting in an ultimate pool of primarily less healthy insureds, is considered a predatory pricing structure and constitutes unfair discrimination as provided in s. 626.9541(1)(g). The Financial Services Commission may adopt rules to define other unfairly discriminatory or predatory health insurance rating practices.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 7-16, delete those lines and insert: under certain circumstances; amending s. 626.9541, F.S., relating to unfair discrimination; amending s. 627.6515, F.S.; providing for disclosure and exceptions thereto; clarifying applicability to out-of-state group policies; prohibiting predatory pricing; authorizing the Office of Insurance Regulation to adopt rules; clarifying applicability of group conversion provisions; providing an effective date.

Amendment 3 (225832)(with title amendment)—On page 8, between lines 17 and 18, insert:

Section 3. Subsection (2) and paragraph (d) of subsection (3) of section 641.31, Florida Statutes, are amended to read:

641.31 Health maintenance contracts.—

(2) The rates charged by any health maintenance organization to its subscribers shall not be excessive, inadequate, or unfairly discriminatory or follow a rating methodology that is inconsistent, indeterminate, or ambiguous or encourages misrepresentation or misunderstanding. *A law restricting or limiting deductibles, coinsurance, copayments, or annual or lifetime maximum payments shall not apply to any health maintenance organization contract that provides coverage as described in s. 641.31071(5)(a)2., offered or delivered to an individual or a group of 51 or more persons.* The department, in accordance with generally accepted actuarial practice as applied to health maintenance organizations, may define by rule what constitutes excessive, inadequate, or unfairly discriminatory rates and may require whatever information it deems necessary to determine that a rate or proposed rate meets the requirements of this subsection.

(3)

(d) Any change in rates charged for the contract must be filed with the department not less than 30 days in advance of the effective date. At the expiration of such 30 days, the rate filing shall be deemed approved unless prior to such time the filing has been affirmatively approved or disapproved by order of the department. The approval of the filing by the department constitutes a waiver of any unexpired portion of such waiting period. The department may extend by not more than an additional 15 days the period within which it may so affirmatively approve or disapprove any such filing, by giving notice of such extension before expiration of the initial 30-day period. At the expiration of any such period as so extended, and in the absence of such prior affirmative approval or disapproval, any such filing shall be deemed approved. *This paragraph does not apply to group health contracts effectuated and delivered in this state, insuring groups of 51 or more persons, except for Medicare supplement insurance, long-term care insurance, and any coverage under which the increase in claims costs over the lifetime of the contract due to advancing age or duration is refunded in the premium.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 15, after the semicolon (;) insert: amending s. 641.31, F.S.; specifying nonapplication of certain health maintenance contract filing requirements to certain group health insurance policies; providing exceptions;

Pursuant to Rule 4.19, **CS for CS for SB 2264** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Sebesta—

CS for CS for SB 2578—A bill to be entitled An act relating to aviation; creating s. 332.14, F.S., the Secure Airports for Florida's Economy (SAFE) Act; creating the SAFE Council; specifying membership and duties; directing the council to produce a 5-year Master Plan of eligible projects; specifying project purposes; providing for annual plan updates and submission of plan; directing the Department of Transportation, the Department of Law Enforcement, the Department of Community Affairs, and the Office of Tourism, Trade, and Economic Development to serve on the council and to evaluate the project proposals on specific criteria; allowing the council to expend federal, state, local, and private funds on projects, as appropriate and subject to legislative approval; providing for staff; requiring monitoring; amending s. 332.007, F.S.; authorizing airports to expend certain funds for security purposes through a specified date; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 2578** to **HB 1833**.

Pending further consideration of **CS for CS for SB 2578** as amended, on motion by Senator Sebesta, by two-thirds vote **HB 1833** was withdrawn from the Committees on Transportation; Home Defense, Public Security, and Ports; Comprehensive Planning; Appropriations Subcommittee on Transportation and Economic Development; and Appropriations.

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

HB 1833—A bill to be entitled An act relating to airport transportation facilities; creating s. 332.14, F.S.; creating the "Secure Airports for Florida's Economy Act" or "SAFE Act"; creating the SAFE Council to recommend transportation facility projects to the Legislature; providing for membership, organization, and staff support; providing for a master plan of goals and objectives and specific project recommendations; providing for annual plan updates and submission of plan; providing for project review by the Department of Transportation, the Department of Community Affairs, and the Office of Tourism, Trade, and Economic Development; providing criteria for such reviews; providing for certain costs and expenditure of described funds; providing for joint participation agreements to be executed by the airport and the Department of Transportation for projects; requiring monitoring; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2578** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 1833** was placed on the calendar of Bills on Third Reading.

On motion by Senator Clary—

CS for CS for SB 2464—A bill to be entitled An act relating to engineering; amending s. 471.013, F.S.; revising examination requirements; amending s. 471.015, F.S.; conforming provisions; amending s. 471.023, F.S.; revising terminology relating to legal entities involved in offering engineering services; amending s. 471.033, F.S.; providing for the imposition of restitution as a penalty for disciplinary violations; amending s. 471.038, F.S.; deleting obsolete language; deleting certain management powers and duties of the Department of Business and Professional Regulation over the Florida Engineers Management Corporation; deleting a bond requirement for certain employees of the corporation; revising the date an annual report is due; transferring certain functions of the department to the board; amending s. 287.055, F.S.; revising standards applicable to the acquisition of professional services; providing an effective date.

—was read the second time by title.

Senator Clary moved the following amendment which was adopted:

Amendment 1 (151080)(with title amendment)—On page 16, line 28 through page 17, line 8, delete those lines and renumber subsequent section.

And the title is amended as follows:

On page 1, lines 19-21, delete those lines and insert: department to the board; providing

Pursuant to Rule 4.19, **CS for CS for SB 2464** 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 326—A bill to be entitled An act relating to alcoholic beverages; amending s. 562.11, F.S.; prohibiting a person licensed under the Beverage Law, or an agent, officer, or employee of such person, from providing alcoholic beverages to an underage employee; prohibiting the licensee from permitting an underage employee from consuming alcoholic beverages on the licensed premises; providing a penalty; reenacting s. 561.706(3), F.S., relating to records of arrests of vendors or employees for certain violations of the Beverage Law, to incorporate the amendment to s. 562.11, F.S., in a reference thereto; providing procedures for issuance of a license that becomes available because of a revocation; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 326** was placed on the calendar of Bills on Third Reading.

On motion by Senator Wise—

SB 288—A bill to be entitled An act relating to public records; amending s. 110.1091, F.S., which provides an exemption from public-records requirements for personal identifying information contained in records relating to a state employee's participation in an employee assistance program; deleting provisions authorizing the routine monitoring of telephone calls; removing the repeal of the exemption scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 288** to **HB 1591**.

Pending further consideration of **SB 288** as amended, on motion by Senator Wise, by two-thirds vote **HB 1591** was withdrawn from the Committees on Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Wise, the rules were waived and—

HB 1591—A bill to be entitled An act relating to a public records exemption for state employee assistance program records; amending s. 110.1091, F.S.; narrowing the exemption for records relating to an employee's participation in an employee assistance program to provide that an employee's personal identifying information contained in employee assistance program records is confidential and exempt; making editorial changes; removing the October 2, 2003, repeal thereof scheduled pursuant to the Open Government Sunset Review Act of 1995; providing an effective date.

—a companion measure, was substituted for **SB 288** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 1591** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dawson—

SB 270—A bill to be entitled An act relating to bridge designation; designating the Skypass Bridge in the City of Riviera Beach as the "L. E. Buie Bridge"; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 270** was placed on the calendar of Bills on Third Reading.

On motion by Senator Cowin, by two-thirds vote **HB 1883** was withdrawn from the Committees on Ethics and Elections; Judiciary; Finance and Taxation; Appropriations; and Rules and Calendar.

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

HB 1883—A bill to be entitled An act relating to financial impact statements for proposed constitutional amendments; amending s. 15.21, F.S.; requiring the Secretary of State to submit certain proposed constitutional amendments to the Financial Impact Estimating Conference; amending s. 16.061, F.S., as amended; revising the time period for the Attorney General to petition the Supreme Court for review of certain financial impact statements; deleting duties of the Attorney General with respect to constitutional amendments proposed other than by initiative; conforming provisions to changes made by the act; amending s. 100.371, F.S.; creating the Financial Impact Estimating Conference; providing membership; providing duties; deleting certain duties of the Revenue Estimating Conference; providing for the creation of an initiative financial information statement; providing duties of the Department of State with respect to printing and providing copies of the initiative financial information statement; requiring the Secretary of State and the Office of Economic and Demographic Research to make such statement available on-line; amending ss. 101.161 and 216.136, F.S.; conforming provisions to changes made by the act; repealing s. 100.381, F.S., relating to fiscal impact statements for constitutional amendments or revisions other than initiatives; providing an effective date.

—a companion measure, was substituted for **SB 1322** and by two-thirds vote read the second time by title.

Senator Cowin moved the following amendment:

Amendment 1 (891728)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 16.061, Florida Statutes, is amended to read:

16.061 *Initiative petitions* ~~Proposed constitutional revisions or amendments.~~—

(1) The Attorney General shall, within 30 days after receipt of a proposed revision or amendment to the State Constitution by initiative petition from the Secretary of State, petition the Supreme Court, requesting an advisory opinion regarding the compliance of the text of the proposed amendment or revision with s. 3, Art. XI of the State Constitution and the compliance of the proposed ballot title and substance with

s. 101.161. *The Attorney General shall, within 30 days after receipt of the initiative petition's fiscal impact statement or revised fiscal impact statement from the Revenue Estimating Conference, or immediately after receipt if received less than 120 days before the election at which the question of ratifying the amendment will be presented, petition the Supreme Court requesting an advisory opinion regarding compliance of the statement with s. 100.371(6).* ~~and the compliance of the fiscal impact statement with ss. 100.371 and 101.161. For all other proposed revisions or amendments to the State Constitution, the Attorney General shall, upon the Revenue Estimating Conference finalizing the fiscal impact statement, petition the Supreme Court requesting an advisory opinion regarding compliance of the text of the fiscal impact statement with ss. 100.371, 100.381, and 101.161.~~ The petition may enumerate any specific factual issues which the Attorney General believes would require a judicial determination.

(2) A copy of the petition shall be provided to the Secretary of State and the principal officer of the sponsor.

~~(3) Any fiscal impact statement that the court finds not to be in accordance with s. 100.371, s. 100.381, or s. 101.161 shall be remanded solely to the Revenue Estimating Conference for redrafting.~~

Section 2. Subsections (6) and (7) of section 100.371, Florida Statutes, are amended to read:

100.371 Initiatives; procedure for placement on ballot.—

(6)(a) Within 45 days after receipt of a proposed revision or amendment to the State Constitution by initiative petition from the Secretary of State*,* or *within 30 days after such receipt if receipt occurs 120 days or less before the election at which the question of ratifying the amendment will be presented*~~, for any initiative approved by the Florida Supreme Court for the general election ballot for 2002, within 45 days after the effective date of this subsection, whichever occurs later~~, the Revenue Estimating Conference shall complete an analysis and fiscal impact statement to be placed on the ballot of the estimated increase or decrease in any revenues or costs to state or local governments resulting from the proposed initiative. The Revenue Estimating Conference shall provide an opportunity for any proponents or opponents of the initiative to submit information and may solicit information or analysis from any other entities or agencies, including the Office of Economic and Demographic Research.

(b)1. Members of the Revenue Estimating Conference shall reach a consensus or majority concurrence on a clear and unambiguous fiscal impact statement, no more than 50 words in length *and immediately submit the statement to the Attorney General*. Nothing in this subsection prohibits the Revenue Estimating Conference from setting forth a range of potential impacts in the fiscal impact statement. ~~Any fiscal impact statement that a court finds not to be in accordance with this section, s. 100.381, or s. 101.161 shall be remanded solely to the Revenue Estimating Conference for redrafting. The Revenue Estimating Conference shall redraft the fiscal impact statement within 15 days.~~

2. If the members of the Revenue Estimating Conference are unable to agree on the statement required by this subsection, the following statement shall appear on the ballot pursuant to s. 101.161(1): "The fiscal impact of this measure, if any, cannot be reasonably determined at this time."

3. Any fiscal impact statement that the Supreme Court finds not to be in accordance with this subsection shall be remanded solely to the Revenue Estimating Conference for redrafting, provided the court's advisory opinion is rendered at least 75 days before the election at which the question of ratifying the amendment will be presented. The Revenue Estimating Conference shall prepare and adopt a revised fiscal impact statement no later than 5 p.m. on the 15th day after the date of the court's opinion.

4. If, by 5 p.m. on the 55th day before the election, the Supreme Court has not issued an advisory opinion approving a fiscal impact statement prepared by the Revenue Estimating Conference for an initiative amendment that otherwise meets the legal requirements for ballot placement, the following statement shall appear on the ballot pursuant to s. 101.161(1): "Due to time constraints, the fiscal impact of this measure, if any, could not be included on the ballot."

5. If, by 5 p.m. on the 55th day before the general election, the Supreme Court has not issued an advisory opinion approving a fiscal impact statement prepared by the Revenue Estimating Conference for an initiative amendment that otherwise meets the legal requirements for ballot placement at the general election, the following statement shall appear on the advance general election absentee ballot pursuant to s. 101.161(1): "Due to time constraints, the fiscal impact of this measure, if any, could not be included on the ballot."

~~(c) The fiscal impact statement must be separately contained and be set forth after the ballot summary as required in s. 101.161(1).~~

(7) The Department of State may adopt rules in accordance with s. 120.54 to carry out the provisions of subsections (1)-(5) of this section.

Section 3. *Section 100.381, Florida Statutes, is repealed.*

Section 4. Subsection (1) of section 101.161, Florida Statutes, is amended to read:

101.161 Referenda; ballots.—

(1) Whenever a constitutional amendment or other public measure is submitted to the vote of the people, the substance of such amendment or other public measure shall be printed in clear and unambiguous language on the ballot after the list of candidates, followed by the word "yes" and also by the word "no," and shall be styled in such a manner that a "yes" vote will indicate approval of the proposal and a "no" vote will indicate rejection. The wording of the substance of the amendment or other public measure and the ballot title to appear on the ballot shall be embodied in the joint resolution, constitutional revision commission proposal, constitutional convention proposal, taxation and budget reform commission proposal, or enabling resolution or ordinance. Except for amendments and ballot language proposed by joint resolution, the substance of the amendment or other public measure shall be an explanatory statement, not exceeding 75 words in length, of the chief purpose of the measure. In addition, the ballot shall include *following the ballot summary* a separate fiscal impact statement concerning the measure prepared by the Revenue Estimating Conference in accordance with s. 100.371(6) ~~or s. 100.381~~. The ballot title shall consist of a caption, not exceeding 15 words in length by which the measure is commonly referred to or spoken of.

Section 5. Paragraph (a) of subsection (4) of section 101.62, Florida Statutes, is amended to read:

101.62 Request for absentee ballots.—

(4)(a) To each absent qualified elector overseas who has requested an absentee ballot, the supervisor of elections shall, not fewer than 35 days before the first primary election, mail an absentee ballot. Not fewer than 45 days before the second primary and general election, the supervisor of elections shall mail an advance absentee ballot to those persons requesting ballots for such elections. The advance absentee ballot for the second primary shall be the same as the first primary absentee ballot as to the names of candidates, except that for any offices where there are only two candidates, those offices and all political party executive committee offices shall be omitted. Except as provided in *ss.* ~~s.~~ 99.063(4) *and 100.371(6)(b)5.*, the advance absentee ballot for the general election shall be as specified in s. 101.151, except that in the case of candidates of political parties where nominations were not made in the first primary, the names of the candidates placing first and second in the first primary election shall be printed on the advance absentee ballot. The advance absentee ballot or advance absentee ballot information booklet shall be of a different color for each election and also a different color from the absentee ballots for the first primary, second primary, and general election. The supervisor shall mail an advance absentee ballot for the second primary and general election to each qualified absent elector for whom a request is received until the absentee ballots are printed. The supervisor shall enclose with the advance second primary absentee ballot and advance general election absentee ballot an explanation stating that the absentee ballot for the election will be mailed as soon as it is printed; and, if both the advance absentee ballot and the absentee ballot for the election are returned in time to be counted, only the absentee ballot will be counted. The Department of State may prescribe by rule the requirements for preparing and mailing absentee ballots to absent qualified electors overseas.

Section 6. For the purpose of incorporating the amendments of sections 100.371 and 101.161, Florida Statutes, in references thereto, section 15.21, Florida Statutes, is reenacted to read:

15.21 Initiative petitions; s. 3, Art. XI, State Constitution.—The Secretary of State shall immediately submit an initiative petition to the Attorney General and to the Revenue Estimating Conference if the sponsor has:

(1) Registered as a political committee pursuant to s. 106.03;

(2) Submitted the ballot title, substance, and text of the proposed revision or amendment to the Secretary of State pursuant to ss. 100.371 and 101.161; and

(3) Obtained a letter from the Division of Elections confirming that the sponsor has submitted to the appropriate supervisors for verification, and the supervisors have verified, forms signed and dated equal to 10 percent of the number of electors statewide and in at least one-fourth of the congressional districts required by s. 3, Art. XI of the State Constitution.

Section 7. For the purpose of incorporating amendments to section 100.371, Florida Statutes, in references thereto, paragraph (a) of subsection (3) of section 216.136, Florida Statutes, is reenacted to read:

216.136 Consensus estimating conferences; duties and principals.—

(3) REVENUE ESTIMATING CONFERENCE.—

(a) Duties.—The Revenue Estimating Conference shall develop such official information with respect to anticipated state and local government revenues as the conference determines is needed for the state planning and budgeting system. Any principal may request the conference to review and estimate revenues for any trust fund. Also, the conference shall prepare fiscal impact statements for constitutional amendments pursuant to s. 100.371(6).

Section 8. *The Secretary of State shall immediately submit to the Revenue Estimating Conference any active initiative petition that met the requirements of section 15.21, Florida Statutes, before the effective date of this act.*

Section 9. *This act does not apply to any constitutional amendment proposed by initiative which has been certified for ballot position by the Secretary of State before the effective date of this act.*

Section 10. This act shall take effect July 2, 2003.

And the title is amended as follows:

Delete everything before the enacting clause and insert: An act relating to constitutional amendments; amending s. 16.061, F.S.; requiring the Attorney General to immediately petition the Supreme Court for review of certain fiscal impact statements; deleting duties of the Attorney General with respect to constitutional amendments proposed other than by initiative; amending s. 100.371, F.S.; revising times within which the Revenue Estimating Conference must complete its analysis and fiscal impact statement for amendments proposed by initiative; prescribing ballot language to be used if a fiscal impact statement is not timely approved by the Supreme Court; repealing s. 100.381, F.S., relating to fiscal impact statement requirements for amendments proposed other than by initiative; amending s. 101.161, F.S.; prescribing placement of the fiscal impact statement on the ballot; amending s. 101.62, F.S., relating to absentee ballots, to conform; reenacting ss. 15.21, 216.136(3)(a), F.S., to conform to the changes by this act; providing procedures for commencing the fiscal impact statement development and review process for certain proposed initiatives; exempting certain proposed initiatives from the fiscal impact statement requirement; providing an effective date.

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

Amendment 1A (180368)(with title amendment)—On page 2, lines 21 and 24, delete those lines and insert:

Section 2. Subsections (2), (6), and (7) of section 100.371, Florida Statutes, are amended to read:

100.371 Initiatives; procedure for placement on the ballot.—

(2) Such certification shall be issued when the Secretary of State has received verification certificates from the supervisors of elections indicating that the requisite number and distribution of valid signatures of electors have been submitted to and verified by the supervisors. Every signature shall be dated when made and shall be valid for a period of *18 months* ~~4 years~~ following *the* ~~such~~ date *of signature certification to the Secretary of State*, provided all other requirements of law are *satisfied* ~~complied with~~.

And the title is amended as follows:

On page 8, line 30, after the semicolon (;) insert: reducing the period for which initiative petition signatures remain valid;

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

Amendment 1B (585834)(with title amendment)—On page 4, between lines 22 and 23, insert:

6.a. In addition to the financial impact statement required by this subsection, the Revenue Estimating Conference shall draft an initiative financial information statement. The initiative financial information statement should describe in greater detail than the financial impact statement any projected increase or decrease in revenues or costs that the state or local governments would likely experience if the ballot measure were approved. Where appropriate, the initiative financial information statement may include both estimated dollar amounts and a description placing the estimated dollar amounts into context. The initiative financial information statement must include both a summary of not more than 500 words and more detailed information that includes the assumptions that were made to develop the fiscal impacts, work papers, and any other information deemed relevant by the Revenue Estimating Conference.

b. The Department of State shall have printed, and shall furnish to each supervisor of elections, a copy of the summary from the initiative financial information statement. The supervisors shall have the summary from the initiative financial information statement available at each polling place and at their main office upon request.

c. The Secretary of State shall make available on the Internet the entire initiative financial information statement. In addition, each supervisor of elections with a web site shall post the summary from the initiative financial information statement on their web site.

And the title is amended as follows:

On page 9, line 5, after the semicolon (;) insert: requiring the Revenue Estimating Conference to produce a financial information statement and summary; providing for distribution and publication of the financial information statement and summary;

Senator Geller moved the following substitute amendment for **Amendment 1B** which was adopted:

Amendment 1C (880160)(with title amendment)—On page 4, between lines 22 and 23, insert:

6.a. In addition to the financial impact statement required by this subsection, the Revenue Estimating Conference shall draft an initiative financial information statement. The initiative financial information statement should describe in greater detail than the financial impact statement any projected increase or decrease in revenues or costs that the state or local governments would likely experience if the ballot measure were approved. The sponsor of an initiative amendment may also draft an initiative financial information statement that includes the sponsor's estimated increase or decrease in any revenues or costs to state or local governments resulting from the proposed initiative. Where appropriate, the initiative financial information statements may include both estimated dollar amounts and a description placing the estimated dollar amounts into context. The initiative financial information statements must include both a summary of not more than 500 words and more detailed information that includes the assumptions that were made to develop the fiscal impacts, work papers, and any other information deemed relevant by the Revenue Estimating Conference or amendment sponsor.

b. The Department of State shall have printed, and shall furnish to each supervisor of elections, a copy of the summary from the initiative financial information statements. The supervisors shall have the summary from the initiative financial information statements available at each polling place and at their main office upon request.

c. The Secretary of State shall make available on the Internet the initiative financial information statements in their entirety. In addition, each supervisor of elections with a web site shall post the summary from the initiative financial information statements on their web site.

And the title is amended as follows:

On page 9, line 5 after the semicolon (;) insert: requiring the Revenue Estimating Conference and authorizing the amendment sponsor to produce a financial information statement and summary; providing for distribution and publication of the financial information statement and summary;

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **HB 1883** as amended was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 470** and **SB 246** was deferred.

On motion by Senator Wise, by two-thirds vote **HB 1021** was withdrawn from the Committees on Comprehensive Planning; Banking and Insurance; Health, Aging, and Long-Term Care; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Wise—

HB 1021—A bill to be entitled An act relating to a public records exemption for certain information regarding an applicant for federal, state, or local housing assistance programs; amending s. 119.07, F.S.; narrowing the public records exemption; removing the exemption for bank account numbers, credit card numbers, and telephone numbers of applicants and participants in such programs; adding clarifying language; making editorial changes; removing superfluous language; removing the October 2, 2003, repeal thereof scheduled pursuant to the Open Government Sunset Review Act of 1995; providing an effective date.

—a companion measure, was substituted for **CS for SB 290** and read the second time by title.

Senator Wise moved the following amendment which was adopted:

Amendment 1 (545480)—On page 1, line 29, after "*a municipality,*" insert: *a housing authority,*

Pursuant to Rule 4.19, **HB 1021** as amended was placed on the calendar of Bills on Third Reading.

Consideration of **SB 2486** was deferred.

On motion by Senator Bennett—

SB 2284—A bill to be entitled An act relating to insurance under construction contracts; amending s. 725.06, F.S.; including promises to insure or obtain insurance for certain parties to construction contracts for certain actions as void and unenforceable; providing exceptions; providing for limited liability protection for additional insured coverage under certain agreements or contracts; prohibiting a contractor or subcontractor from withholding payment to certain subcontractors, subsubcontractors, or materialmen under certain insurance policies under certain circumstances; providing conditions; revising application; providing an effective date.

—was read the second time by title.

The Committee on Banking and Insurance recommended the following amendment which was moved by Senator Bennett and adopted:

Amendment 1 (872716)—Delete everything after the enacting clause and insert:

Section 1. Section 725.06, Florida Statutes, is amended to read:

725.06 Construction contracts; limitation on indemnification*; agreements to insure*.—

(1) *Except as otherwise provided in paragraphs (a), (b), and (c),* any portion of any agreement or contract for or in connection with, or any guarantee of or in connection with, any construction, alteration, repair, or demolition of a building, structure, appurtenance, or appliance, including moving and excavating associated therewith, between an ~~owner of real property and an~~ architect, engineer, general contractor, subcontractor, sub-subcontractor, or materialman or any combination thereof wherein any party referred to herein promises to *have someone named an additional insured under his insurance policy,* indemnify*, defend* or hold harmless ~~the other party to the agreement, contract,~~ *another person* or *party* ~~guarantee~~ for liability *or* for damages to persons or property caused in whole or in part by any act, omission, or default of the *person or party* ~~indemnitee arising from the contract or its performance,~~ *being indemnified* shall be void and unenforceable *as against public policy. However, this provision shall not be construed to place limits on indemnity agreements that are only between a general contractor and the owner of real property as long as* ~~unless~~ the contract contains a monetary limitation on the extent of the indemnification that bears a reasonable commercial relationship to the contract and is part of the project specifications or bid documents, if any. Notwithstanding the foregoing, the monetary limitation on the extent of the indemnification provided to the owner of real property by any party in privity of contract with such owner shall not be less than $1 million per occurrence, unless otherwise agreed by the parties. *However, such indemnification shall not include claims of, or damages resulting from, gross negligence, or willful, wanton or intentional misconduct of the indemnitee or its officers, directors, agents or employees, or for statutory violations or punitive damages except and to the extent the statutory violation or punitive damages are caused by or result from the negligent acts, omissions, or default of the indemnitor or any of the indemnitor's contractors, subcontractors, subsubcontractors, materialmen, or agents of any tier or their respective employees.*

(a) Indemnification provisions in any such agreements, contracts, or guarantees may ~~not~~ require that the indemnitor indemnify the indemnitee for damages to persons or property caused ~~in whole or in part~~ by any act, omission, or default of ~~a party other than~~:

1.~~(a)~~ The indemnitor; *or*

2.~~(b)~~ Any of the indemnitor's contractors, subcontractors, subsubcontractors, materialmen, or agents of any tier or their respective employees.~~; or~~

~~(c) The indemnitee or its officers, directors, agents, or employees. However, such indemnification shall not include claims of, or damages resulting from, gross negligence, or willful, wanton or intentional misconduct of the indemnitee or its officers, directors, agents or employees, or for statutory violation or punitive damages except and to the extent the statutory violation or punitive damages are caused by or result from the acts or omissions of the indemnitor or any of the indemnitor's contractors, subcontractors, sub-subcontractors, materialmen, or agents of any tier or their respective employees.~~

(b)~~(2)~~ A construction contract for a public agency or in connection with a public agency's project may require a party to that contract to indemnify and hold harmless the other party to the contract, their officers and employees, from liabilities, damages, losses and costs, including, but not limited to, reasonable attorney's fees, to the extent caused by the negligence, recklessness, or intentional wrongful misconduct of the indemnifying party and persons employed or utilized by the indemnifying party in the performance of the construction contract.

(c) Any portion of any agreement or contract for or in connection with, or any guarantee of or in connection with, any construction, alteration, repair, or demolition of a building, structure, appurtenance, or appliance, including moving and excavating associated therewith, between an entity regulated by the Florida Public Service Commission and an architect, engineer, general contractor, subcontractor, sub-subcontractor, or materialman or any combination thereof wherein any party referred to herein promises to indemnify or hold harmless the other party to the

agreement, contract, or guarantee for liability for damages to persons or property caused in whole or in part by any negligent act, omission, or default of the indemnitee arising from the contract or its performance, shall be void and unenforceable unless the contract contains a monetary limitation on the extent of the indemnification that bears a reasonable commercial relationship to the contract and is part of the project specifications or bid documents, if any. Notwithstanding the foregoing, the monetary limitation on the extent of the indemnification provided to the owner of real property by any party in privity of contract with such owner shall not be less than $1 million per occurrence, unless otherwise agreed by the parties. Indemnification provisions in any such agreements, contracts, or guarantees may not require that the indemnitor indemnify the indemnitee for damages to persons or property caused in whole or in part by any act, omission, or default of a party other than:

1. The indemnitor;

2. Any of the indemnitor's contractors, subcontractors, sub-subcontractors, materialmen, or agents of any tier or their respective employees; or

3. The indemnitee or its officers, directors, agents, or employees. However, such indemnification shall not include claims of, or damages resulting from, gross negligence, or willful, wanton or intentional misconduct of the indemnitee or its officers, directors, agents or employees, or for statutory violation or punitive damages except and to the extent the statutory violation or punitive damages are caused by or result from the acts or omissions of the indemnitor or any of the indemnitor's contractors, subcontractors, sub-subcontractors, materialmen, or agents of any tier or their respective employees.

(2) If, as part of any agreement or contract for or in connection with, or any guarantee of or in connection with, any construction, alteration, repair, or demolition of a building, structure, appurtenance, or appliance, including moving and excavating associated with such activities, between or among an architect, engineer, general contractor, subcontractor, sub-subcontractor, or materialman or any combination of such persons, a policy of insurance extends certain coverage rights to an additional insured for liability arising out of the acts, errors, or omissions of the named insured, such additional insured coverage shall only provide liability protection to the additional insured for the imputed or vicarious liability imposed on the additional insured as a direct consequence of the negligent acts or omissions of the named insured.

(3) If a written contract requires a subcontractor, sub-subcontractor or materialman to provide a policy of insurance or a certificate of insurance to a general contractor or subcontractor, extending specific coverage rights to an additional insured:

(a) The general contractor or subcontractor may at any point prior to the date the subcontractor, sub-subcontractor or materialman commences work or delivers material to the project, accept or reject the policy as being nonconforming;

(b) If not rejected, the general contractor or subcontractor shall be deemed to have accepted the policy and;

(c) The general contractor or subcontractor shall not use the lack of conforming insurance as a reason to reject work already completed by a subcontractor, sub-subcontractor, or material already supplied by the materialman, or withhold payment to the subcontractor, sub-subcontractor or materialman for work already completed or material already supplied ~~Except as specifically provided in subsection (2), a construction contract for a public agency or in connection with a public agency's project may not require one party to indemnify, defend, or hold harmless the other party, its employees, officers, directors, or agents from any liability, damage, loss, claim, action, or proceeding, and any such contract provision is void as against public policy of this state~~.

(4) This section does not affect any contracts, agreements, or guarantees entered into before the effective date of this section ~~or any renewals thereof~~.

Section 2. This act shall take effect upon becoming a law.

MOTION

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

Senator Clary moved the following amendment which was adopted:

Amendment 2 (312674)(with title amendment)—On page 4, between lines 27 and 28, insert:

Section 2. Subsection (16) of section 440.02, Florida Statutes, is amended to read:

440.02 Definitions.—When used in this chapter, unless the context clearly requires otherwise, the following terms shall have the following meanings:

(16) *(a)* "Employer" means the state and all political subdivisions thereof, all public and quasi-public corporations therein, every person carrying on any employment, and the legal representative of a deceased person or the receiver or trustees of any person. If the employer is a corporation, parties in actual control of the corporation, including, but not limited to, the president, officers who exercise broad corporate powers, directors, and all shareholders who directly or indirectly own a controlling interest in the corporation, are considered the employer for the purposes of ss. 440.105 and 440.106.

(b) Businesses, partnerships, corporations, sole proprietorships, or other business entities with four or more paid employees, which are engaged in the same or similar types of work activities, have employees with similar industry classifications, and confine their work exclusively or predominately to a horseracing track or facility servicing a horseracing track in this state may form a group and aggregate their employer obligations under this chapter so that the aggregated business activities of 10 or more separate entities may be considered as single employer for purposes of arranging workers' compensation insurance or self-insurance certification, and the immunity provisions of s. 440.11 shall apply.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 2 and 3, delete those lines and insert: An act relating to insurance; amending s. 440.02, F.S.; redefining the term "employer"; providing that certain businesses may form a group for purposes of workers' compensation; providing immunity; amending s. 725.06, F.S.; including

Pursuant to Rule 4.19, **SB 2284** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

On motion by Senator Alexander, the Senate recalled from Engrossing—

CS for CS for SB 1202—A bill to be entitled An act relating to motor vehicle insurance costs; providing a short title; providing legislative findings and purpose; amending s. 119.105, F.S.; prohibiting disclosure of confidential police reports for purposes of commercial solicitation; amending s. 316.066, F.S.; requiring the filing of a sworn statement as a condition to accessing a crash report stating the report will not be used for commercial solicitation; providing a penalty; creating part XIII of ch. 400, F.S., entitled the Health Care Clinic Act; providing for definitions and exclusions; providing for the licensure, inspection, and regulation of health care clinics by the Agency for Health Care Administration; requiring licensure and background screening; providing for clinic inspections; providing rulemaking authority; providing licensure fees; providing fines and penalties for operating an unlicensed clinic; providing for clinic responsibilities with respect to personnel and operations; providing accreditation requirements; providing for injunctive proceedings and agency actions; providing administrative penalties; amending s. 456.0375, F.S.; excluding certain entities from clinic registration requirements; providing retroactive application; amending s. 456.072, F.S.; providing that making a claim with respect to personal injury protection which is upcoded or which is submitted for payment of services not rendered constitutes grounds for disciplinary action; amending s. 626.7451, F.S.; providing a per-policy fee to be remitted to the insurer's Special Investigations Unit, the Division of Insurance Fraud of the Department of Financial Services, and the Office of Statewide Prosecution for purposes of preventing, detecting, and prosecuting motor vehicle insurance fraud; amending s. 627.732, F.S.; providing definitions; providing that benefits are void if fraud is committed; providing for award

of attorney's fees in actions to recover benefits; providing that consideration shall be given to certain factors regarding the reasonableness of charges; specifying claims or charges that an insurer is not required to pay; requiring the Department of Health, in consultation with medical boards, to identify certain diagnostic tests as non-compensable; specifying effective dates; deleting certain provisions governing arbitration; providing for compliance with billing procedures; requiring certain providers to require an insured to sign a disclosure form; prohibiting insurers from authorizing physicians to change opinion in reports; providing requirements for physicians with respect to maintaining such reports; limiting the application of contingency risk multipliers for awards of attorney's fees; expanding provisions providing for a demand letter; authorizing the Financial Services Commission to determine cost savings under personal injury protection benefits under specified conditions; allowing a person who elects a deductible or modified coverage to claim the amount deducted from a person legally responsible; amending s. 627.739, F.S.; specifying application of a deductible amount; amending s. 817.234, F.S.; providing that it is a material omission and insurance fraud for a physician or other provider to waive a deductible or copayment or not collect the total amount of a charge; increasing the penalties for certain acts of solicitation of accident victims; providing mandatory minimum penalties; prohibiting certain solicitation of accident victims; providing penalties; prohibiting a person from participating in an intentional motor vehicle accident for the purpose of making motor vehicle tort claims; providing penalties, including mandatory minimum penalties; amending s. 817.236, F.S.; increasing penalties for false and fraudulent motor vehicle insurance application; creating s. 817.2361, F.S.; prohibiting the creation or use of false or fraudulent motor vehicle insurance cards; providing penalties; amending s. 921.0022, F.S.; revising the offense severity ranking chart of the Criminal Punishment Code to reflect changes in penalties and the creation of additional offenses under the act; providing legislative intent with respect to the retroactive application of certain provisions; repealing s. 456.0375, F.S., relating to the regulation of clinics by the Department of Health; requiring certain insurers to make a rate filing to conform the per-policy fee to the requirements of the act; specifying the application of any increase in benefits approved by the Financial Services Commission; providing for application of other provisions of the act; requiring reports; providing an appropriation and authorizing additional positions; repealing of ss. 627.730, 627.731, 627.732, 627.733, 627.734, 627.736, 627.737, 627.739, 627.7401, 627.7403, and 627.7405, F.S., relating to the Florida Motor Vehicle No-Fault Law, unless reenacted by the 2005 Regular Session, and specifying certain effect; authorizing insurers to include in policies a notice of termination relating to such repeal; providing effective dates.

—for further consideration.

On motion by Senator Alexander, by two-thirds vote **CS for CS for SB 1202** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

CLAIM BILL CALENDAR

CS for SB 18—A bill to be entitled An act relating to Indian River County; providing for the relief of Debra Smith, Pamela Hughes, Michael Truitt, and Charles Hughes; authorizing and directing the Indian River County School Board to compensate them for the death of their father, Sammie Lee Hughes, due to the negligence of the school board; providing an effective date.

—was read the second time by title. On motion by Senator Pruitt, by two-thirds vote **CS for SB 18** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Alexander	Dawson	Miller
Argenziano	Diaz de la Portilla	Peaden
Aronberg	Dockery	Posey
Bennett	Fasano	Pruitt
Bullard	Geller	Saunders
Campbell	Haridopolos	Siplin
Carlton	Hill	Smith
Clary	Jones	Wasserman Schultz
Constantine	Klein	Wilson
Cowin	Lawson	
Crist	Margolis	

Nays—5

Mr. President	Sebesta	Wise
Garcia	Webster	

CS for SB 20—A bill to be entitled An act relating to Lee County; providing for the relief of Jacob P. Darna, for injuries sustained as a result of the negligence of the Lee County School Board; providing an effective date.

—was read the second time by title. On motion by Senator Saunders, by two-thirds vote **CS for SB 20** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Alexander	Dawson	Margolis
Argenziano	Diaz de la Portilla	Miller
Aronberg	Dockery	Peaden
Bennett	Fasano	Posey
Bullard	Geller	Pruitt
Campbell	Haridopolos	Saunders
Carlton	Hill	Siplin
Clary	Jones	Smith
Constantine	Klein	Wasserman Schultz
Cowin	Lawson	Wilson
Crist	Lynn	

Nays—5

Mr. President	Sebesta	Wise
Garcia	Webster	

CS for SB 30—A bill to be entitled An act relating to Hillsborough County; providing for the relief of James T. Edwards for injuries suffered as a result of negligence of Hillsborough County; providing for repayment of Medicaid lien; providing for the use of the funds; providing an effective date.

—was read the second time by title. On motion by Senator Crist, by two-thirds vote **CS for SB 30** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Alexander	Fasano	Peaden
Argenziano	Geller	Posey
Aronberg	Haridopolos	Pruitt
Bennett	Hill	Saunders
Bullard	Jones	Sebesta
Campbell	Klein	Siplin
Carlton	Lawson	Smith
Clary	Lee	Villalobos
Crist	Lynn	Wasserman Schultz
Dawson	Margolis	Wilson
Diaz de la Portilla	Miller	

Nays—6

Mr. President	Cowin	Webster
Constantine	Dockery	Wise

SB 26—A bill to be entitled An act relating to Brevard County; providing for the relief of Alan S. Hammer; authorizing and directing the Brevard County Board of County Commissioners to compensate Mr. Hammer for personal injuries suffered in an automobile accident caused by an employee of Brevard County; providing an effective date.

—was read the second time by title. On motion by Senator Posey, by two-thirds vote **SB 26** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Alexander	Dawson	Miller
Argenziano	Diaz de la Portilla	Peaden
Aronberg	Fasano	Posey
Bennett	Geller	Pruitt
Bullard	Haridopolos	Saunders
Campbell	Hill	Sebesta
Carlton	Jones	Siplin
Clary	Klein	Smith
Constantine	Lawson	Wasserman Schultz
Cowin	Lynn	Wilson
Crist	Margolis	

Nays—4

Mr. President	Webster	Wise
Dockery		

SB 34—A bill to be entitled An act relating to Brevard County; providing for the relief of Howard S. Evarts and his wife, Donna Evarts; authorizing and directing the Brevard County Board of County Commissioners to compensate Mr. and Mrs. Evarts for personal injuries suffered by Mr. Evarts in an automobile accident caused by an employee of Brevard County; providing an effective date.

—was read the second time by title. On motion by Senator Posey, by two-thirds vote **SB 34** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Alexander	Dawson	Peaden
Argenziano	Diaz de la Portilla	Posey
Aronberg	Fasano	Pruitt
Atwater	Geller	Saunders
Bennett	Haridopolos	Sebesta
Bullard	Hill	Siplin
Campbell	Jones	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Wasserman Schultz
Constantine	Lynn	Wilson
Cowin	Margolis	
Crist	Miller	

Nays—5

Mr. President	Garcia	Wise
Dockery	Webster	

SB 36—A bill to be entitled An act relating to Miami-Dade County; providing for the relief of Jonathan Snell and Erika Dorsey; requiring the county to compensate them for injuries and damages caused by the negligence of a Miami-Dade County bus driver; providing an effective date.

—was read the second time by title. On motion by Senator Diaz de la Portilla, by two-thirds vote **SB 36** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Argenziano	Dawson	Miller
Aronberg	Diaz de la Portilla	Peaden
Atwater	Fasano	Posey
Bennett	Geller	Pruitt
Bullard	Haridopolos	Saunders
Campbell	Hill	Sebesta
Carlton	Jones	Siplin
Clary	Klein	Smith
Constantine	Lawson	Villalobos
Cowin	Lynn	Wasserman Schultz
Crist	Margolis	Wilson

Nays—5

Mr. President	Garcia	Wise
Dockery	Webster	

SB 40—A bill to be entitled An act relating to St. Lucie County; providing for the relief of Richard and Denise Ebner for injuries sustained due to the negligence of St. Lucie County; providing for the use of such funds; providing an effective date.

—was read the second time by title. On motion by Senator Pruitt, by two-thirds vote **SB 40** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Alexander	Crist	Margolis
Argenziano	Dawson	Miller
Aronberg	Diaz de la Portilla	Peaden
Atwater	Fasano	Posey
Bennett	Haridopolos	Pruitt
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	Klein	Smith
Clary	Lawson	Villalobos
Constantine	Lee	Wasserman Schultz
Cowin	Lynn	

Nays—5

Mr. President	Garcia	Wise
Dockery	Webster	

CS for SB 38—A bill to be entitled An act relating to the Indian River County School Board; providing for the relief of Amanda Johnson, a minor, by and through her parents and natural guardians, Virginia and Charles Johnson, for injuries sustained due to the negligence of the Indian River County School Board; providing for the use of such funds; providing an effective date.

—was read the second time by title.

Senator Pruitt moved the following amendment which was adopted:

Amendment 1 (212988)—On page 3, line 12, after "*County*" insert: *School Board*

On motion by Senator Pruitt, by two-thirds vote **CS for SB 38** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

Alexander	Clary	Hill
Argenziano	Constantine	Jones
Aronberg	Cowin	Klein
Atwater	Crist	Lawson
Bennett	Dawson	Lynn
Bullard	Diaz de la Portilla	Margolis
Campbell	Fasano	Miller
Carlton	Haridopolos	Peaden

Posey	Sebesta	Villalobos
Pruitt	Siplin	Wasserman Schultz
Saunders	Smith	

Nays—5

Mr. President	Garcia	Wise
Dockery	Webster	

CS for SB 42—A bill to be entitled An act relating to the Indian River County School Board; providing for the relief of Taylor Rosemond, a minor, by and through her parents and natural guardians, Alvin and Shirley Rosemond, for injuries sustained due to the negligence of the Indian River County School Board; providing for the use of such funds; providing an effective date.

—was read the second time by title.

MOTION

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

Senator Posey moved the following amendment which was adopted:

Amendment 1 (933624)—On page 2, line 25, delete "*Indian River County*" and insert: *the school board*

On motion by Senator Posey, by two-thirds vote **CS for SB 42** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

Alexander	Crist	Miller
Argenziano	Dawson	Peaden
Aronberg	Diaz de la Portilla	Posey
Atwater	Fasano	Pruitt
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	Klein	Smith
Clary	Lawson	Villalobos
Constantine	Lynn	Wasserman Schultz
Cowin	Margolis	

Nays—5

Mr. President	Garcia	Wise
Dockery	Webster	

CS for SB 44—A bill to be entitled An act relating to Indian River County; providing for the relief of Clay Haywood, a minor, and Tatiana Haywood, a minor, by and through Michelle O'Halloran, mother and natural guardian of Clay Haywood and Tatiana Haywood, for injuries sustained due to the negligence of an Indian River County school bus driver; providing for the use of such funds; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 44** to **HB 1249**.

Pending further consideration of **CS for SB 44** as amended, on motion by Senator Posey, by two-thirds vote **HB 1249** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Posey—

HB 1249—A bill to be entitled An act relating to Indian River County; providing for the relief of Clay Haywood, a minor, and Tatiana Haywood, a minor, by and through their mother and natural guardian, Michelle O'Halloran; providing for an appropriation to compensate them for injuries and damages caused by the negligence of the Indian River County School Board; providing for the use of such funds; providing an effective date.

—a companion measure, was substituted for **CS for SB 44** as amended and read the second time by title. On motion by Senator Posey, by two-thirds vote **HB 1249** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Alexander	Crist	Margolis
Argenziano	Dawson	Miller
Aronberg	Diaz de la Portilla	Peaden
Atwater	Fasano	Posey
Bennett	Geller	Pruitt
Bullard	Haridopolos	Saunders
Campbell	Hill	Sebesta
Carlton	Jones	Siplin
Clary	Klein	Smith
Constantine	Lawson	Villalobos
Cowin	Lynn	Wasserman Schultz

Nays—5

Mr. President	Garcia	Wise
Dockery	Webster	

CS for SB 180—A bill to be entitled An act relating to the Indian River County School Board; providing for the relief of Tylor Griffeth, a minor, by and through Mark Griffeth and Teresa Griffeth, his parents and natural guardians; directing the school board to compensate Tylor Griffeth for personal injuries caused by the negligence of the school board; specifying uses of the funds; providing for attorney's fees and costs; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 180** to **HB 305**.

Pending further consideration of **CS for SB 180** as amended, on motion by Senator Hill, by two-thirds vote **HB 305** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Hill—

HB 305—A bill to be entitled An act relating to the Indian River County School Board; providing for the relief of Tylor Griffeth, a minor, by and through Mark Griffeth and Teresa Griffeth, his parents and natural guardians; providing for an appropriation to compensate Tylor Griffeth for injuries caused by the negligence of the school board; specifying uses of the funds; providing for attorney's fees and costs; providing an effective date

—a companion measure, was substituted for **CS for SB 180** as amended and read the second time by title. On motion by Senator Hill, by two-thirds vote **HB 305** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Alexander	Dawson	Miller
Argenziano	Diaz de la Portilla	Peaden
Aronberg	Fasano	Posey
Atwater	Geller	Pruitt
Bennett	Haridopolos	Saunders
Bullard	Hill	Siplin
Campbell	Jones	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Wasserman Schultz
Constantine	Lee	Wilson
Cowin	Lynn	
Crist	Margolis	

Nays—5

Mr. President	Garcia	Wise
Dockery	Webster	

On motion by Senator Campbell, by two-thirds vote **HB 1691** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Campbell—

HB 1691—A bill to be entitled An act relating to the Sarasota County School Board; providing for the relief of Denise Yahraus individually and as the personal representative of the estate of Michael Yahraus, deceased, and his three minor children, Nadia Yahraus, Michael Yahraus, and Jonathan Yahraus; authorizing and directing the school board of Sarasota County, Florida, to compensate the estate for the death of Michael Yahraus, due to the negligence of the Sarasota County School Board; specifying the time and manner of payment; providing an effective date.

—a companion measure, was substituted for **SB 46** and read the second time by title. On motion by Senator Campbell, by two-thirds vote **HB 1691** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Alexander	Geller	Posey
Argenziano	Haridopolos	Pruitt
Aronberg	Jones	Saunders
Bennett	Klein	Siplin
Bullard	Lawson	Smith
Campbell	Lee	Villalobos
Clary	Lynn	Wasserman Schultz
Dawson	Margolis	Wilson
Diaz de la Portilla	Miller	
Fasano	Peaden	

Nays—10

Mr. President	Dockery	Sebesta
Constantine	Garcia	Webster
Cowin	Hill	Wise
Crist		

ABSTENTION FROM VOTING

Even though I am not prohibited by Senate Rules or the law from voting on SB 46 and/or HB 1691, I choose to abstain because my husband, Rob Robinson, serves as outside legal counsel for the Sarasota County School Board.

Although he is not the attorney on the referenced claims bill he does represent the Sarasota County School Board in other matters; therefore, in an abundance of caution and in order to avoid even an appearance of impropriety, I choose to abstain from voting on this matter.

Lisa Carlton, 23rd District

Consideration of **SB 48** was deferred.

On motion by Senator Bennett, by two-thirds vote **HB 95** was withdrawn from the Special Master; and the Committees on Transportation; and Finance and Taxation.

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

HB 95—A bill to be entitled An act relating to Hernando County; providing for the relief of John W. Martz; providing for an appropriation to compensate him for injuries and damages sustained as a result of the negligence of Hernando County; providing an effective date.

—a companion measure, was substituted for **SB 214** and by two-thirds vote read the second time by title. On motion by Senator Bennett, by two-thirds vote **HB 95** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Alexander	Aronberg	Bullard
Argenziano	Bennett	Campbell
Carlton	Hill	Posey
Clary	Jones	Pruitt
Constantine	Klein	Saunders
Crist	Lawson	Sebesta
Dawson	Lee	Siplin
Diaz de la Portilla	Lynn	Smith
Fasano	Margolis	Villalobos
Geller	Miller	Wasserman Schultz
Haridopolos	Peaden	Wilson

Nays—6

Mr. President	Dockery	Webster
Cowin	Garcia	Wise

RECONSIDERATION OF BILLS

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

SB 26—A bill to be entitled An act relating to Brevard County; providing for the relief of Alan S. Hammer; authorizing and directing the Brevard County Board of County Commissioners to compensate Mr. Hammer for personal injuries suffered in an automobile accident caused by an employee of Brevard County; providing an effective date.

—passed this day.

Pending further consideration of **SB 26**, on motion by Senator Posey, by two-thirds vote **HB 797** was withdrawn from the Committee on Rules and Calendar.

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

HB 797—A bill to be entitled An act relating to Brevard County; providing for the relief of Alan S. Hammer; authorizing and directing the Brevard County Board of County Commissioners to compensate him for personal injuries suffered in an automobile accident caused by an employee of Brevard County; providing an effective date.

—a companion measure, was substituted for **SB 26** and read the second time by title.

On motion by Senator Posey, by two-thirds vote **HB 797** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Alexander	Dawson	Margolis
Argenziano	Diaz de la Portilla	Miller
Aronberg	Fasano	Peaden
Atwater	Geller	Posey
Bennett	Haridopolos	Pruitt
Bullard	Hill	Saunders
Campbell	Jones	Siplin
Carlton	Klein	Smith
Clary	Lawson	Villalobos
Constantine	Lee	Wasserman Schultz
Crist	Lynn	Wilson

Nays—6

Mr. President	Dockery	Webster
Cowin	Garcia	Wise

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

SB 34—A bill to be entitled An act relating to Brevard County; providing for the relief of Howard S. Evarts and his wife, Donna Evarts; authorizing and directing the Brevard County Board of County Commissioners to compensate Mr. and Mrs. Evarts for personal injuries suffered by Mr. Evarts in an automobile accident caused by an employee of Brevard County; providing an effective date.

—passed this day.

Pending further consideration of **SB 34**, on motion by Senator Posey, by two-thirds vote **HB 799** was withdrawn from the Committee on Rules and Calendar.

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

HB 799—A bill to be entitled An act relating to Brevard County; providing for the relief of Howard S. Evarts and his wife, Donna Evarts; authorizing and directing the Brevard County Board of County Commissioners to compensate them for personal injuries suffered by Howard S. Evarts in an automobile accident caused by an employee of Brevard County; providing an effective date.

—a companion measure, was substituted for **SB 34** and read the second time by title.

On motion by Senator Posey, by two-thirds vote **HB 799** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Alexander	Dawson	Margolis
Argenziano	Diaz de la Portilla	Miller
Aronberg	Fasano	Peaden
Bennett	Geller	Posey
Bullard	Haridopolos	Pruitt
Campbell	Hill	Saunders
Carlton	Jones	Siplin
Clary	Klein	Smith
Constantine	Lawson	Villalobos
Cowin	Lee	Wasserman Schultz
Crist	Lynn	Wilson

Nays—5

Mr. President	Garcia	Wise
Dockery	Webster	

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

CS for SB 42—A bill to be entitled An act relating to the Indian River County School Board; providing for the relief of Taylor Rosemond, a minor, by and through her parents and natural guardians, Alvin and Shirley Rosemond, for injuries sustained due to the negligence of the Indian River County School Board; providing for the use of such funds; providing an effective date.

—as amended passed this day.

Pending further consideration of **CS for SB 42** as amended, on motion by Senator Posey, by two-thirds vote **HB 377** was withdrawn from the Committee on Rules and Calendar.

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

HB 377—A bill to be entitled An act relating to the Indian River County School Board; providing for the relief of Taylor Rosemond, a minor, by and through her parents and natural guardians, Alvin and Shirley Rosemond; providing for an appropriation to compensate her for injuries sustained due to the negligence of the Indian River County School Board; providing for the use of such funds; providing an effective date.

—a companion measure, was substituted for **CS for SB 42** as amended and read the second time by title.

On motion by Senator Posey, by two-thirds vote **HB 377** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Alexander	Aronberg	Bennett
Argenziano	Atwater	Bullard
Campbell	Hill	Pruitt
Carlton	Jones	Saunders
Clary	Klein	Sebesta
Constantine	Lawson	Siplin
Crist	Lee	Smith
Dawson	Lynn	Villalobos
Diaz de la Portilla	Margolis	Wasserman Schultz
Fasano	Miller	Wilson
Geller	Peaden	
Haridopolos	Posey	

Nays—6

Mr. President	Dockery	Webster
Cowin	Garcia	Wise

On motion by Senator Diaz de la Portilla, the Senate reconsidered the vote by which—

SB 36—A bill to be entitled An act relating to Miami-Dade County; providing for the relief of Jonathan Snell and Erika Dorsey; requiring the county to compensate them for injuries and damages caused by the negligence of a Miami-Dade County bus driver; providing an effective date.

—passed this day.

An amendment was considered and adopted by two-thirds vote to conform **SB 36** to **HB 303**.

Pending further consideration of **SB 36** as amended, on motion by Senator Diaz de la Portilla, by two-thirds vote **HB 303** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Diaz de la Portilla, by two-thirds vote—

HB 303—A bill to be entitled An act relating to Miami-Dade County; providing for the relief of Jonathan Snell, a minor, and Erika Snell, a minor, by and through their mother and natural guardian, Latisha Snell; providing for an appropriation to compensate them for injuries and damages sustained as a result of the negligence of Miami-Dade County; providing for the use of such funds; providing for payment of costs, attorneys' fees, and outstanding medical bills; providing for repayment of Medicaid liens; providing an effective date.

—a companion measure, was substituted for **SB 36** as amended and read the second time by title.

On motion by Senator Diaz de la Portilla, by two-thirds vote **HB 303** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Alexander	Crist	Lynn
Argenziano	Dawson	Margolis
Aronberg	Diaz de la Portilla	Miller
Atwater	Fasano	Peaden
Bennett	Geller	Pruitt
Bullard	Haridopolos	Saunders
Campbell	Hill	Sebesta
Carlton	Jones	Siplin
Clary	Klein	Smith
Constantine	Lawson	Villalobos
Cowin	Lee	Wasserman Schultz

Nays—5

Mr. President	Garcia	Wise
Dockery	Webster	

Vote after roll call:

Yea—Posey

SPECIAL ORDER CALENDAR, continued

On motion by Senator Clary, by two-thirds vote **HB 1837** was withdrawn from the Committees on Banking and Insurance; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

On motion by Senator Clary by two-thirds vote—

HB 1837—A bill to be entitled An act relating to workers' compensation; amending s. 440.02, F.S.; providing, revising, and deleting definitions; amending s. 440.05, F.S.; revising authorization to claim exemptions and requirements relating to submitting notice of election of exemption; specifying effect of exemption; amending s. 440.06, F.S.; revising provisions relating to failure to secure compensation; amending s. 440.077, F.S.; providing that a corporate officer electing to be exempt may not receive benefits; amending s. 440.09, F.S.; revising provisions relating to compensation for subsequent injuries; providing definitions; revising provisions relating to drug testing; specifying effect of criminal acts; creating s. 440.093, F.S.; providing for compensability of mental and nervous injuries; amending s. 440.10, F.S.; revising provisions relating to contractors and subcontractors with regard to liability for compensation; requiring subcontractors to provide evidence of workers' compensation coverage or proof of exemption to a contractor; deleting provisions relating to independent contractors; amending s. 440.1025, F.S.; revising requirements relating to workplace safety programs; amending s. 440.103, F.S.; providing conditions for applying for building permits; amending s. 440.105, F.S.; increasing criminal penalties for certain violations; providing sanctions for violation of stop-work orders and presentation of certain false or misleading statements as evidence; amending s. 440.1051, F.S.; increasing criminal penalty for false reports; amending s. 440.107, F.S.; providing additional powers to the Department of Financial Services relating to compliance and enforcement; providing a definition; providing penalties; amending s. 440.11, F.S.; providing exclusiveness of liability; revising provisions relating to employer and safety consultant immunity from liability; amending s. 440.13, F.S.; providing for practice parameters and treatment protocols; revising provisions relating to provider reimbursement; requiring revision of specified reimbursement schedules; providing for release of information; providing additional criteria for independent medical examinations; providing a definition; providing standards for medical care under ch. 440, F.S.; providing penalties; amending s. 440.134, F.S.; revising provisions relating to managed care arrangements; revising definitions; providing for assignment of a medical care coordinator; amending s. 440.14, F.S.; revising provisions relating to calculation of average weekly wage for injured employees; conforming cross references; amending s. 440.15, F.S.; providing additional limitations on compensation for permanent total disability; providing a definition; specifying impairment benefits and providing for partial reduction under certain circumstances; deleting provisions relating to supplemental benefits; amending s. 440.151, F.S.; specifying compensability of occupational disease; providing a definition; amending s. 440.16, F.S.; increasing the limits on the amount of certain benefits paid as compensation for death; amending s. 440.185, F.S.; specifying duty of employer upon receipt of notice of injury or death; increasing penalties for noncompliance; amending s. 440.192, F.S.; revising procedure for resolving benefit disputes; requiring a petition for benefits to include all claims which are ripe, due, and owing; providing that the Chief Judge, rather than the Deputy Chief Judge, shall refer petitions for benefits; creating s. 440.1926, F.S.; providing for alternative dispute resolution and arbitration of claims; amending s. 440.20, F.S.; revising provisions relating to timely payment of compensation and medical bills and penalties for late payment; amending s. 440.25, F.S.; revising procedures for mediation and hearings; amending s. 440.34, F.S.; revising provisions relating to the award of attorney's fees; amending s. 440.38, F.S.; providing requirement for employers with coverage provided by insurers from outside the state; amending s. 440.381, F.S.; providing criminal penalty for unlawful applications; requiring on-site audits of employers under certain circumstances; amending s. 440.42, F.S.; revising provision relating to notice of cancellation of coverage; amending s. 440.49, F.S., to conform cross references; amending s. 440.491, F.S.; providing training and education requirements and benefits relating to reemployment of injured workers; providing for rules; amending s. 440.525, F.S.; providing for audits, examinations, and investigations of claims-handing entities; providing penalties; providing for rules; amending s. 627.162, F.S.; revising delinquency and collection fee for late payment of premium installments; amending s. 627.311, F.S.; requiring participation in safety programs; providing for an additional subplan within the joint underwriting plan for workers compensation insurance; providing for rates, surcharges, and assessments; limiting assessment powers; amending s. 921.0022, F.S.; revising the offense severity ranking chart to reflect changes in penalties under the act; requiring a report to the Legislature from the Department of Financial Services regarding provisions of law relating to enforcement; amending ss. 946.523 and 985.315, F.S., to conform cross references; repealing s. 440.1925, F.S., relating to procedure for resolving maximum medical improvement or permanent impairment disputes; providing that amendments to ss. 440.02 and 440.15, F.S., do not affect certain disability, determination, and benefits; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 1132** and by two-thirds vote read the second time by title.

On motion by Senator Clary, further consideration of **HB 1837** was deferred.

SENATOR DIAZ DE LA PORTILLA PRESIDING

PRIORITY BILL CALENDAR

On motion by Senator Campbell, by two-thirds vote **HB 453** was withdrawn from the Committees on Criminal Justice; Judiciary; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Campbell—

HB 453—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing an exemption from public records requirements for criminal intelligence information or criminal investigative information which is a photograph, videotape, or image of any part of the body of a victim of a sexual offense; providing for retroactive effect of the exemption; providing for future legislative review and repeal; providing a statement of public necessity; providing an effective date.

—a companion measure, was substituted for **CS for SB 126** and read the second time by title. On motion by Senator Campbell, by two-thirds vote **HB 453** was read the third time by title, passed the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—38

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Bennett	Geller	Saunders
Bullard	Haridopolos	Sebesta
Campbell	Hill	Smith
Carlton	Jones	Villalobos
Clary	Klein	Wasserman Schultz
Constantine	Lawson	Webster
Cowin	Lee	Wilson
Crist	Lynn	Wise
Dawson	Margolis	

Nays—None

On motion by Senator Saunders, by two-thirds vote **HB 1683** was withdrawn from the Committees on Criminal Justice; Appropriations Subcommittee on Criminal Justice; and Appropriations.

On motion by Senator Saunders—

HB 1683—A bill to be entitled An act relating to the offense of leaving the scene of an accident involving a fatality; amending s. 921.0022, F.S.; providing an enhanced penalty for that offense under the offense severity ranking chart of the Criminal Punishment Code; providing an effective date.

—a companion measure, was substituted for **SB 246** and read the second time by title. On motion by Senator Saunders, by two-thirds vote **HB 1683** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Saunders
Bennett	Haridopolos	Sebesta
Bullard	Hill	Siplin
Campbell	Jones	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise
Diaz de la Portilla	Miller	

Nays—None

On motion by Senator Posey, by two-thirds vote **HB 1041** was withdrawn from the Committees on Banking and Insurance; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Posey—

HB 1041—A bill to be entitled An act relating to a public records and public meetings exemption for the Florida Automobile Joint Underwriting Association; amending s. 627.311, F.S.; narrowing the exemption for specified records and meetings of the association; removing the exemption for matters reasonably encompassed in privileged attorney-client communications; making editorial changes; adding conforming language; removing the October 2, 2003, repeal thereof scheduled pursuant to the Open Government Sunset Review Act of 1995; amending ss. 440.51 and 631.912, F.S.; correcting cross references, to conform; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 280** and read the second time by title. On motion by Senator Posey, by two-thirds vote **HB 1041** was read the third time by title, passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Bennett	Geller	Saunders
Bullard	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

CS for CS for SB 470—A bill to be entitled An act relating to economic recovery; creating s. 443.0915, F.S.; providing a definition and an application of an alternative base period; providing requirements and limitations; providing an effective date.

—was read the second time by title. On motion by Senator Wasserman Schultz, by two-thirds vote **CS for CS for SB 470** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Atwater	Campbell
Argenziano	Bennett	Carlton
Aronberg	Bullard	Clary
Constantine	Hill	Pruitt
Cowin	Jones	Saunders
Crist	Klein	Sebesta
Dawson	Lawson	Siplin
Diaz de la Portilla	Lee	Smith
Dockery	Lynn	Villalobos
Fasano	Margolis	Wasserman Schultz
Garcia	Miller	Webster
Geller	Peaden	Wilson
Haridopolos	Posey	Wise

Nays—None

Consideration of **SB 1028** and **CS for SB 1528** was deferred.

CS for SB 2482—A bill to be entitled An act relating to name change petitions; amending s. 68.07, F.S.; requiring the petition to contain certain criminal background information; requiring a report to be sent to the Florida Department of Law Enforcement and the Department of Highway Safety and Motor Vehicles; providing an effective date.

—was read the second time by title. On motion by Senator Dockery, by two-thirds vote **CS for SB 2482** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Bennett	Geller	Saunders
Bullard	Haridopolos	Siplin
Campbell	Hill	Smith
Carlton	Jones	Villalobos
Clary	Klein	Wasserman Schultz
Constantine	Lawson	Webster
Cowin	Lee	Wilson
Crist	Lynn	Wise
Dawson	Margolis	

Nays—None

On motion by Senator Smith, by two-thirds vote **HB 1717** was withdrawn from the Committees on Criminal Justice; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Smith—

HB 1717—A bill to be entitled An act relating to a public records exemption for information identifying an executioner and specified persons involved in an execution; amending s. 922.10, F.S.; removing the public records exemption for an executioner 's identifying information; repealing s. 922.106, F.S., which provides an exemption from public records requirements for information that would identify any person prescribing, preparing, compounding, dispensing, or administering a lethal injection pursuant to a death sentence; amending s. 945.10, F.S.; revising language with respect to the public records exemption for the identity of an executioner and persons prescribing, preparing, compounding, dispensing, or administering a lethal injection; providing an effective date.

—a companion measure, was substituted for **SB 1028** and read the second time by title. On motion by Senator Smith, by two-thirds vote **HB 1717** was read the third time by title, passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—37

Alexander	Atwater	Campbell
Argenziano	Bennett	Carlton
Aronberg	Bullard	Clary

Constantine	Hill	Sebesta
Cowin	Jones	Siplin
Crist	Klein	Smith
Dawson	Lawson	Villalobos
Diaz de la Portilla	Lee	Wasserman Schultz
Dockery	Lynn	Webster
Fasano	Miller	Wilson
Garcia	Posey	Wise
Geller	Pruitt	
Haridopolos	Saunders	

Nays—None

Vote after roll call:

Yea—Peaden

SPECIAL ORDER CALENDAR, continued

Consideration of **CS for CS for SB 400** was deferred.

CS for CS for SB 696—A bill to be entitled An act relating to indigent health care; creating s. 154.317, F.S.; establishing reimbursement procedures and guidelines for the reimbursement of trauma centers by counties; providing for the payment and use of certain funds; providing an effective date.

—was read the second time by title.

Senator Jones moved the following amendment which was adopted:

Amendment 1 (213312)(with title amendment)—On page 1, line 10, insert:

Section 1. *This act may be cited as the "Clara Ramsey Care of the Elderly Act."*

Section 2. *Certified Geriatric Specialist Preparation Pilot Program.—*

(1) The Agency for Workforce Innovation shall establish a pilot program for delivery of geriatric nursing education to certified nursing assistants who wish to become certified geriatric specialists. The agency shall select two pilot sites in nursing homes that have received the Gold Seal designation under section 400.235, Florida Statutes; have been designated as a teaching nursing home under section 430.80, Florida Statutes; or have not received a class I or class II deficiency within the 30 months preceding application for this program.

(2) To be eligible to receive geriatric nursing education, a certified nursing assistant must have been employed by a participating nursing home for at least 1 year and have received a high school diploma or its equivalent.

(3) The education shall be provided at the worksite and in coordination with the certified nursing assistant's work schedule.

(4) Faculty shall provide the instruction under an approved nursing program pursuant to section 464.019, Florida Statutes.

(5) The education shall prepare the certified nursing assistant to meet the requirements for certification as a geriatric specialist. The didactic and clinical education shall include all portions of the practical nursing curriculum pursuant to section 464.019, Florida Statutes, except for pediatric and obstetric/maternal-child education, and shall include additional education in the care of ill, injured, or infirm geriatric patients and the maintenance of health, the prevention of injury, and the provision of palliative care for geriatric patients.

Section 3. *Certified Geriatric Specialty Nursing Initiative Steering Committee.—*

(1) In order to guide the implementation of the Certified Geriatric Specialist Preparation Pilot Program, there is created a Certified Geriatric Specialty Nursing Initiative Steering Committee. The steering committee shall be composed of the following members:

(a) The chair of the Board of Nursing or his or her designee;

(b) A representative of the Agency for Workforce Innovation, appointed by the Director of Workforce Innovation;

(c) A representative of Workforce Florida, Inc., appointed by the chair of the Board of Directors of Workforce Florida, Inc.;

(d) A representative of the Department of Education, appointed by the Secretary of Education;

(e) A representative of the Agency for Health Care Administration, appointed by the Secretary of Health Care Administration;

(f) The Director of the Florida Center for Nursing; and

(g) A representative of a Gold Seal nursing home that is not one of the pilot program sites, appointed by the Secretary of Health Care Administration.

(2) The steering committee shall:

(a) Provide consultation and guidance to the Agency for Workforce Innovation on matters of policy during the implementation of the pilot program; and

(b) Provide oversight to the evaluation of the pilot program.

(3) Members of the steering committee are entitled to reimbursement for per diem and travel expenses under section 112.061, Florida Statutes.

(4) The steering committee shall complete its activities by June 30, 2006, and the authorization for the steering committee ends on that date.

Section 4. *Evaluation of the Certified Geriatric Specialist Preparation Pilot Program.—The Agency for Workforce Innovation, in consultation with the Certified Geriatric Specialty Nursing Initiative Steering Committee, shall conduct, or contract for an evaluation of the pilot program. The agency shall ensure that an evaluation report is submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2006. The evaluation must address the experience and success of the certified nursing assistants in the pilot program and must contain recommendations regarding the expansion of the delivery of geriatric nursing education in nursing homes.*

Section 5. *Reports.—The Agency for Workforce Innovation shall submit status reports and recommendations regarding legislation necessary to further the implementation of the pilot program to the Governor, the President of the Senate, and the Speaker of the House of Representatives on January 1, 2004, January 1, 2005, and January 1, 2006.*

Section 6. Section 464.0125, Florida Statutes, is created to read:

464.0125 Certified geriatric specialists; certification requirements.—

(1) DEFINITIONS; RESPONSIBILITIES.—

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

1. "Certified geriatric specialist" means a person who meets the qualifications specified in this section and who is certified by the board to practice as a certified geriatric specialist.

2. "Geriatric patient" means any patient who is 60 years of age or older.

3. "Practice of certified geriatric specialty nursing" means the performance of selected acts in facilities licensed under part II or part III of chapter 400, including the administration of treatments and medications, in the care of ill, injured, or infirm geriatric patients and the promotion of wellness, maintenance of health, and prevention of illness of geriatric patients under the direction of a registered nurse, a licensed physician, a licensed osteopathic physician, a licensed podiatric physician, or a licensed dentist. The scope of practice of a certified geriatric specialist includes the practice of practical nursing as defined in s. 464.003 for geriatric patients only, except for any act in which instruction and clinical knowledge of pediatric nursing or obstetric/maternal-child nursing is required. A certified geriatric specialist, while providing nursing services in facilities licensed under part II or part III of chapter 400, may supervise the activities of certified nursing assistants and other

unlicensed personnel providing services in such facilities in accordance with rules adopted by the board.

(b) The certified geriatric specialist shall be responsible and accountable for making decisions that are based upon the individual's educational preparation and experience in performing certified geriatric specialty nursing.

(2) CERTIFICATION.—

(a) Any certified nursing assistant desiring to be certified as a certified geriatric specialist shall apply to the department and submit proof that he or she holds a current certificate as a certified nursing assistant under this part and has satisfactorily completed the following requirements:

1. Is in good mental and physical health, is a recipient of a high school diploma or its equivalent and has completed the requirements for graduation from an approved program for nursing or its equivalent, as determined by the board, for the preparation of licensed practical nurses, except for instruction and clinical knowledge of pediatric nursing or obstetric/maternal-child nursing. Any program that is approved on July 1, 2003, by the board for the preparation of registered nurses or licensed practical nurses may provide education for the preparation of certified geriatric specialists without further board approval.

2. Has the ability to communicate in the English language, which may be determined by an examination given by the department.

3. Has provided sufficient information, which must be submitted by the department for a statewide criminal records correspondence check through the Department of Law Enforcement.

(b) Each applicant who meets the requirements of this subsection shall, unless denied pursuant to s. 464.018, be entitled to certification as a certified geriatric specialist. The board shall certify, and the department shall issue a certificate to practice as a certified geriatric specialist to, any certified nursing assistant meeting the qualifications in this section. The board shall establish an application fee not to exceed $100 and a biennial renewal fee not to exceed $50. The board may adopt rules to administer this section.

(c) A person receiving certification under this section shall:

1. Work only within the confines of a facility licensed under part II or part III of chapter 400.

2. Care for geriatric patients only.

3. Comply with the minimum standards of practice for nurses and be subject to disciplinary action for violations of s. 464.018.

(3) ARTICULATION.—Any certified geriatric specialist who completes the additional instruction and coursework in an approved nursing program pursuant to s. 464.019 for the preparation of practical nursing in the areas of pediatric nursing and obstetric/maternal-child nursing shall, unless denied pursuant to s. 464.018, be entitled to licensure as a licensed practical nurse if the applicant otherwise meets the requirements of s. 464.008.

(4) TITLES AND ABBREVIATIONS; RESTRICTIONS; PENALTIES.—

(a) Only persons who hold certificates to practice as certified geriatric specialists in this state or who are performing services within the practice of certified geriatric specialty nursing pursuant to the exception set forth in s. 464.022(8) shall have the right to use the title "Certified Geriatric Specialist" and the abbreviation "C.G.S."

(b) No person shall practice or advertise as, or assume the title of, certified geriatric specialist or use the abbreviation "C.G.S." or take any other action that would lead the public to believe that person was certified as such or is performing services within the practice of certified geriatric specialty nursing pursuant to the exception set forth in s. 464.022(8), unless that person is certified to practice as such.

(c) A violation of this subsection is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(5) VIOLATIONS AND PENALTIES.—Practicing certified geriatric specialty nursing, as defined in this section, without holding an active certificate to do so constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 7. Paragraph (b) of subsection (1) of section 381.00315, Florida Statutes, is amended to read:

381.00315 Public health advisories; public health emergencies.—The State Health Officer is responsible for declaring public health emergencies and issuing public health advisories.

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

(b) "Public health emergency" means any occurrence, or threat thereof, whether natural or man made, which results or may result in substantial injury or harm to the public health from infectious disease, chemical agents, nuclear agents, biological toxins, or situations involving mass casualties or natural disasters. Prior to declaring a public health emergency, the State Health Officer shall, to the extent possible, consult with the Governor and shall notify the Chief of Domestic Security Initiatives as created in s. 943.03. The declaration of a public health emergency shall continue until the State Health Officer finds that the threat or danger has been dealt with to the extent that the emergency conditions no longer exist and he or she terminates the declaration. However, a declaration of a public health emergency may not continue for longer than 60 days unless the Governor concurs in the renewal of the declaration. The State Health Officer, upon declaration of a public health emergency, may take actions that are necessary to protect the public health. Such actions include, but are not limited to:

1. Directing manufacturers of prescription drugs or over-the-counter drugs who are permitted under chapter 499 and wholesalers of prescription drugs located in this state who are permitted under chapter 499 to give priority to the shipping of specified drugs to pharmacies and health care providers within geographic areas that have been identified by the State Health Officer. The State Health Officer must identify the drugs to be shipped. Manufacturers and wholesalers located in the state must respond to the State Health Officer's priority shipping directive before shipping the specified drugs.

2. Notwithstanding chapters 465 and 499 and rules adopted thereunder, directing pharmacists employed by the department to compound bulk prescription drugs and provide these bulk prescription drugs to physicians and nurses of county health departments or any qualified person authorized by the State Health Officer for administration to persons as part of a prophylactic or treatment regimen.

3. Notwithstanding s. 456.036, temporarily reactivating the inactive license of the following health care practitioners, when such practitioners are needed to respond to the public health emergency: physicians licensed under chapter 458 or chapter 459; physician assistants licensed under chapter 458 or chapter 459; *certified geriatric specialists certified under part I of chapter 464;* licensed practical nurses, registered nurses, and advanced registered nurse practitioners licensed under part I of chapter 464; respiratory therapists licensed under part V of chapter 468; and emergency medical technicians and paramedics certified under part III of chapter 401. Only those health care practitioners specified in this paragraph who possess an unencumbered inactive license and who request that such license be reactivated are eligible for reactivation. An inactive license that is reactivated under this paragraph shall return to inactive status when the public health emergency ends or prior to the end of the public health emergency if the State Health Officer determines that the health care practitioner is no longer needed to provide services during the public health emergency. Such licenses may only be reactivated for a period not to exceed 90 days without meeting the requirements of s. 456.036 or chapter 401, as applicable.

4. Ordering an individual to be examined, tested, vaccinated, treated, or quarantined for communicable diseases that have significant morbidity or mortality and present a severe danger to public health. Individuals who are unable or unwilling to be examined, tested, vaccinated, or treated for reasons of health, religion, or conscience may be subjected to quarantine.

a. Examination, testing, vaccination, or treatment may be performed by any qualified person authorized by the State Health Officer.

b. If the individual poses a danger to the public health, the State Health Officer may subject the individual to quarantine. If there is no practical method to quarantine the individual, the State Health Officer may use any means necessary to vaccinate or treat the individual.

Any order of the State Health Officer given to effectuate this paragraph shall be immediately enforceable by a law enforcement officer under s. 381.0012.

Section 8. Subsection (14) of section 400.021, Florida Statutes, is amended to read:

400.021 Definitions.—When used in this part, unless the context otherwise requires, the term:

(14) "Nursing service" means such services or acts as may be rendered, directly or indirectly, to and in behalf of a person by individuals as defined in *ss.* ~~s.~~ 464.003 *and 464.0125*.

Section 9. Subsection (1) of section 400.211, Florida Statutes, is amended to read:

400.211 Persons employed as nursing assistants; certification requirement.—

(1) To serve as a nursing assistant in any nursing home, a person must be certified as a nursing assistant under part II of chapter 464, unless the person is a registered nurse*, a* ~~or~~ practical nurse*, or a certified geriatric specialist certified or* licensed in accordance with part I of chapter 464 or an applicant for such licensure who is permitted to practice nursing in accordance with rules adopted by the Board of Nursing pursuant to part I of chapter 464.

Section 10. Paragraphs (a) and (c) of subsection (3) of section 400.23, Florida Statutes, are amended to read:

400.23 Rules; evaluation and deficiencies; licensure status.—

(3)(a) The agency shall adopt rules providing for the minimum staffing requirements for nursing homes. These requirements shall include, for each nursing home facility, a minimum certified nursing assistant staffing of 2.3 hours of direct care per resident per day beginning January 1, 2002, increasing to 2.6 hours of direct care per resident per day beginning January 1, 2003, and increasing to 2.9 hours of direct care per resident per day beginning January 1, 2004. Beginning January 1, 2002, no facility shall staff below one certified nursing assistant per 20 residents, and a minimum licensed nursing staffing of 1.0 hour of direct resident care per resident per day but never below one licensed nurse per 40 residents. *For purposes of computing nursing staffing minimums and ratios, certified geriatric specialists shall be considered licensed nursing staff.* Nursing assistants employed under s. 400.211(2) may be included in computing the staffing ratio for certified nursing assistants only if they provide nursing assistance services to residents on a full-time basis. Each nursing home must document compliance with staffing standards as required under this paragraph and post daily the names of staff on duty for the benefit of facility residents and the public. The agency shall recognize the use of licensed nurses for compliance with minimum staffing requirements for certified nursing assistants, provided that the facility otherwise meets the minimum staffing requirements for licensed nurses and that the licensed nurses so recognized are performing the duties of a certified nursing assistant. Unless otherwise approved by the agency, licensed nurses counted towards the minimum staffing requirements for certified nursing assistants must exclusively perform the duties of a certified nursing assistant for the entire shift and shall not also be counted towards the minimum staffing requirements for licensed nurses. If the agency approved a facility's request to use a licensed nurse to perform both licensed nursing and certified nursing assistant duties, the facility must allocate the amount of staff time specifically spent on certified nursing assistant duties for the purpose of documenting compliance with minimum staffing requirements for certified and licensed nursing staff. In no event may the hours of a licensed nurse with dual job responsibilities be counted twice.

(c) Licensed practical nurses licensed under chapter 464 who are providing nursing services in nursing home facilities under this part may supervise the activities of other licensed practical nurses, *certified geriatric specialists,* certified nursing assistants, and other unlicensed personnel providing services in such facilities in accordance with rules adopted by the Board of Nursing.

Section 11. Paragraph (b) of subsection (2) of section 409.908, Florida Statutes, is amended to read:

409.908 Reimbursement of Medicaid providers.—Subject to specific appropriations, the agency shall reimburse Medicaid providers, in accordance with state and federal law, according to methodologies set forth in the rules of the agency and in policy manuals and handbooks incorporated by reference therein. These methodologies may include fee schedules, reimbursement methods based on cost reporting, negotiated fees, competitive bidding pursuant to s. 287.057, and other mechanisms the agency considers efficient and effective for purchasing services or goods on behalf of recipients. If a provider is reimbursed based on cost reporting and submits a cost report late and that cost report would have been used to set a lower reimbursement rate for a rate semester, then the provider's rate for that semester shall be retroactively calculated using the new cost report, and full payment at the recalculated rate shall be affected retroactively. Medicare-granted extensions for filing cost reports, if applicable, shall also apply to Medicaid cost reports. Payment for Medicaid compensable services made on behalf of Medicaid eligible persons is subject to the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. Further, nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act, provided the adjustment is consistent with legislative intent.

(2)

(b) Subject to any limitations or directions provided for in the General Appropriations Act, the agency shall establish and implement a Florida Title XIX Long-Term Care Reimbursement Plan (Medicaid) for nursing home care in order to provide care and services in conformance with the applicable state and federal laws, rules, regulations, and quality and safety standards and to ensure that individuals eligible for medical assistance have reasonable geographic access to such care.

1. Changes of ownership or of licensed operator do not qualify for increases in reimbursement rates associated with the change of ownership or of licensed operator. The agency shall amend the Title XIX Long Term Care Reimbursement Plan to provide that the initial nursing home reimbursement rates, for the operating, patient care, and MAR components, associated with related and unrelated party changes of ownership or licensed operator filed on or after September 1, 2001, are equivalent to the previous owner's reimbursement rate.

2. The agency shall amend the long-term care reimbursement plan and cost reporting system to create direct care and indirect care subcomponents of the patient care component of the per diem rate. These two subcomponents together shall equal the patient care component of the per diem rate. Separate cost-based ceilings shall be calculated for each patient care subcomponent. The direct care subcomponent of the per diem rate shall be limited by the cost-based class ceiling, and the indirect care subcomponent shall be limited by the lower of the cost-based class ceiling, by the target rate class ceiling, or by the individual provider target. The agency shall adjust the patient care component effective January 1, 2002. The cost to adjust the direct care subcomponent shall be net of the total funds previously allocated for the case mix add-on. The agency shall make the required changes to the nursing home cost reporting forms to implement this requirement effective January 1, 2002.

3. The direct care subcomponent shall include salaries and benefits of direct care staff providing nursing services including registered nurses, licensed practical nurses, *certified geriatric specialists, certified under part I of chapter 464,* and certified nursing assistants who deliver care directly to residents in the nursing home facility. This excludes nursing administration, MDS, and care plan coordinators, staff development, and staffing coordinator.

4. All other patient care costs shall be included in the indirect care cost subcomponent of the patient care per diem rate. There shall be no costs directly or indirectly allocated to the direct care subcomponent from a home office or management company.

5. On July 1 of each year, the agency shall report to the Legislature direct and indirect care costs, including average direct and indirect care costs per resident per facility and direct care and indirect care salaries and benefits per category of staff member per facility.

6. In order to offset the cost of general and professional liability insurance, the agency shall amend the plan to allow for interim rate adjustments to reflect increases in the cost of general or professional liability insurance for nursing homes. This provision shall be implemented to the extent existing appropriations are available.

It is the intent of the Legislature that the reimbursement plan achieve the goal of providing access to health care for nursing home residents who require large amounts of care while encouraging diversion services as an alternative to nursing home care for residents who can be served within the community. The agency shall base the establishment of any maximum rate of payment, whether overall or component, on the available moneys as provided for in the General Appropriations Act. The agency may base the maximum rate of payment on the results of scientifically valid analysis and conclusions derived from objective statistical data pertinent to the particular maximum rate of payment.

Section 12. Subsection (2) of section 458.303, Florida Statutes, is amended to read:

458.303 Provisions not applicable to other practitioners; exceptions, etc.—

(2) Nothing in s. 458.301, s. 458.303, s. 458.305, s. 458.307, s. 458.309, s. 458.311, s. 458.313, s. 458.319, s. 458.321, s. 458.327, s. 458.329, s. 458.331, s. 458.337, s. 458.339, s. 458.341, s. 458.343, s. 458.345, or s. 458.347 shall be construed to prohibit any service rendered by a registered nurse, ~~or~~ a licensed practical nurse, *or a certified geriatric specialist certified under part I of chapter 464,* if such service is rendered under the direct supervision and control of a licensed physician who provides specific direction for any service to be performed and gives final approval to all services performed. Further, nothing in this or any other chapter shall be construed to prohibit any service rendered by a medical assistant in accordance with the provisions of s. 458.3485.

Section 13. Subsection (1) and paragraph (a) of subsection (2) of section 1009.65, Florida Statutes, are amended to read:

1009.65 Medical Education Reimbursement and Loan Repayment Program.—

(1) To encourage qualified medical professionals to practice in underserved locations where there are shortages of such personnel, there is established the Medical Education Reimbursement and Loan Repayment Program. The function of the program is to make payments that offset loans and educational expenses incurred by students for studies leading to a medical or nursing degree, medical or nursing licensure, or advanced registered nurse practitioner certification or physician assistant licensure. The following licensed or certified health care professionals are eligible to participate in this program: medical doctors with primary care specialties, doctors of osteopathic medicine with primary care specialties, physician's assistants, *certified geriatric specialists certified under part I of chapter 464,* licensed practical nurses and registered nurses, and advanced registered nurse practitioners with primary care specialties such as certified nurse midwives. Primary care medical specialties for physicians include obstetrics, gynecology, general and family practice, internal medicine, pediatrics, and other specialties which may be identified by the Department of Health.

(2) From the funds available, the Department of Health shall make payments to selected medical professionals as follows:

(a) Up to $4,000 per year for *certified geriatric specialists certified under part I of chapter 464,* licensed practical nurses*,* and registered nurses, up to $10,000 per year for advanced registered nurse practitioners and physician's assistants, and up to $20,000 per year for physicians. Penalties for noncompliance shall be the same as those in the National Health Services Corps Loan Repayment Program. Educational expenses include costs for tuition, matriculation, registration, books, laboratory and other fees, other educational costs, and reasonable living expenses as determined by the Department of Health.

Section 14. Subsection (2) of section 1009.66, Florida Statutes, is amended to read:

1009.66 Nursing Student Loan Forgiveness Program.—

(2) To be eligible, a candidate must have graduated from an accredited or approved nursing program and have received a Florida license as a licensed practical nurse*, a certified geriatric specialist certified under part I of chapter 464,* or a registered nurse or a Florida certificate as an advanced registered nurse practitioner.

Section 15. *The sum of $157,017 is appropriated from the General Revenue Fund to the Agency for Workforce Innovation to support the work of the Certified Geriatric Specialty Nursing Initiative Steering Committee, to administer the pilot sites, contract for an evaluation, and to provide, if necessary, nursing faculty, substitute certified nursing assistants for those who are in clinical education, and technical support to the pilot sites during the 2003-2004 fiscal year.*

Section 16. Subsection (6) is added to section 464.201, Florida Statutes, to read:

464.201 Definitions.—As used in this part, the term:

(6) "Practice of a certified nursing assistant" means providing care and assisting persons with tasks relating to the activities of daily living. Such tasks are those associated with personal care, maintaining mobility, nutrition and hydration, toileting and elimination, assistive devices, safety and cleanliness, data gathering, reporting abnormal signs and symptoms, post mortem care, patient socialization and reality orientation, end-of-life care, CPR and emergency care, residents' or patients' rights, documentation of nursing assistant services, and other tasks that a certified nurse assistant may perform after training beyond that required for initial certification and upon validation of competence in that skill by a registered nurse. This section does not restrict the ability of any person who is otherwise trained and educated from performing such tasks.

Section 17. Section 464.202, Florida Statutes, is amended to read:

464.202 Duties and powers of the board.—The board shall maintain, or contract with or approve another entity to maintain, a state registry of certified nursing assistants. The registry must consist of the name of each certified nursing assistant in this state; other identifying information defined by board rule; certification status; the effective date of certification; other information required by state or federal law; information regarding any crime or any abuse, neglect, or exploitation as provided under chapter 435; and any disciplinary action taken against the certified nursing assistant. The registry shall be accessible to the public, the certificateholder, employers, and other state agencies. The board shall adopt by rule testing procedures for use in certifying nursing assistants and shall adopt rules regulating the practice of certified nursing assistants *which specify the scope of practice authorized and level of supervision required for the practice of certified nursing assistants* ~~to enforce this part~~. The board may contract with or approve another entity or organization to provide the examination services, including the development and administration of examinations. The board shall require that the contract provider offer certified nursing assistant applications via the Internet, and may require the contract provider to accept certified nursing assistant applications for processing via the Internet. The board shall require the contract provider to provide the preliminary results of the certified nursing examination on the date the test is administered. The provider shall pay all reasonable costs and expenses incurred by the board in evaluating the provider's application and performance during the delivery of services, including examination services and procedures for maintaining the certified nursing assistant registry.

Section 18. *James and Esther King Center for Universal Research to Eradicate Disease.—*

(1) The Legislature finds that an estimated 128 million Americans suffer from acute, chronic, and degenerative diseases and that biomedical research is the key to finding cures for these diseases that negatively affect all Floridians. The Legislature further finds that, while there is much research being conducted throughout this state and throughout the world, there is a lack of coordination of efforts among researchers. The Legislature, therefore, finds that there is a significant need for a coordinated effort if the goal of curing disease is to be achieved. Moreover, the Legislature finds that the biomedical technology sector meets the criteria of a high-impact sector, pursuant to section 288.108, Florida Statutes, having a high importance to this state's economy with a significant potential for growth and contribution to our universities and quality of life.

(2) It is the intent of the Legislature that Florida strive to become the nation's leader in biomedical research and commit itself to being the state to find cures for the most deadly and widespread diseases. It is further

the intent of the Legislature that there be a coordinated effort among the state's public and private universities and the biomedical industry to discover such cures. Moreover, it is the intent of the Legislature to expand the state economy by attracting biomedical researchers and research companies to this state.

(3) There is established the James and Esther King Center for Universal Research to Eradicate Disease, which shall be known as the "CURED."

(a) The purpose of the center is to coordinate, improve, expand, and monitor all biomedical research programs within the state, facilitate funding opportunities, and foster improved technology transfer of research findings into clinical trials and widespread public use.

(b) The goal of the center is to find cures for diseases such as cancer, heart disease, lung disease, diabetes, and neurological disorders, including Alzheimer's disease, epilepsy, and Parkinson's disease.

(c) The center shall hold an annual biomedical technology summit in Florida to which biomedical researchers, biomedical technology companies, business incubators, pharmaceutical manufacturers, and others around the nation and world are invited to share biomedical research findings in order to expedite the discovery of cures. Summit attendees will be required to cover the costs of such attendance or obtain sponsorship for such attendance.

(d) The center shall encourage clinical trials in this state on research that holds promise of curing a disease or condition. The center shall facilitate partnerships between researchers, treating physicians, and community hospitals for the purpose of sharing new techniques and new research findings, as well as coordinating voluntary donations to ensure an adequate supply of adult stem cells or cord blood.

(e) The center shall also encourage the discovery and production in Florida of vaccines that prevent disease.

(f) The center shall monitor the supply and demand needs of researchers relating to stem cell research and other types of human tissue research. If the center determines that there is a need for increased donation of human tissue, it shall notify hospitals licensed pursuant to chapter 395, Florida Statutes, that have entered into partnership agreements with research institutes conducting stem cell research located in the same geographic region as the researchers demanding the stem cells or other tissues. Such hospitals shall then implement programs that encourage voluntary donations of cord blood or other needed adult tissue.

(g) The center shall be funded through private, state, and federal sources.

(h) The center shall serve as a registry of all known biomedical grant opportunities and may assist any public or private biomedical research program in this state in preparing grant requests.

(i) The center shall maintain a website with links to peer-reviewed biomedical research. The website shall also contain a list of all known biomedical research being conducted in Florida and shall facilitate communication among researchers and other interested parties.

(j) The center shall submit an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than January 15 which contains recommendations for legislative change necessary to foster a positive climate for biomedical research in this state.

(k) The duties of the center may be outsourced by the Department of Health to a private entity or state university.

(4) There is established within the center an advisory council which shall meet at least annually.

(a) The council shall consist of the members of the board of directors of the Florida Research Consortium and at least one representative from:

1. The Emerging Technology Commission.

2. Enterprise Florida, Inc.

3. BioFlorida.

4. The Florida Biomedical Research Advisory Council.

5. The Florida Medical Foundation.

6. Pharmaceutical Research and Manufacturers of America.

(b) Members of the council shall serve without compensation and each organization represented shall cover all expenses of its representative.

Section 19. Paragraphs (a) and (b) of subsection (1), subsection (2), and paragraph (f) of subsection (10) of section 215.5602, Florida Statutes, are 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. 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*, and cures* for cancer, cardiovascular disease, stroke, and pulmonary disease.

(b) Expand the foundation of biomedical knowledge relating to the prevention, diagnosis, ~~and~~ treatment*, and cure* of diseases related to tobacco use, including cancer, cardiovascular disease, stroke, and pulmonary disease.

(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*, and cure* of diseases related to tobacco use, including cancer, cardiovascular disease, stroke, and pulmonary disease; and for expenses incurred in the administration of this section. *Priority shall be granted to research designed to prevent or cure disease.*

(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:

(f) Progress in the prevention, diagnosis, ~~and~~ treatment*, and cure* of diseases related to tobacco use, including cancer, cardiovascular disease, stroke, and pulmonary disease.

Section 20. *Florida Cancer Research Cooperative.—*

(1) Effective July 1, 2003, the Florida Cancer Research Cooperative is established for the purpose of making the State of Florida a world class center for cancer research.

(2)(a) A not-for-profit corporation, acting as an instrumentality of the Florida Dialogue on Cancer, shall be organized for the purpose of governing the affairs of the cooperative.

(b) The Florida Cancer Research Cooperative, Inc., may create not-for-profit corporate subsidiaries to fulfill its mission. The not-for-profit corporation and its subsidiaries are authorized to receive, hold, invest, and administer property and any moneys acquired from private, local, state, and federal sources, as well as technical and professional income generated or derived from the mission-related activities of the cooperative.

(c) The affairs of the not-for-profit corporation shall be managed by a board of directors which shall consist of:

1. The Secretary of the Department of Health or his or her designee;

2. The Chief Executive Officer of the H. Lee Moffitt Cancer Center or his or her designee;

3. The President of the University of Florida Shands Cancer Center or his or her designee;

4. The Chief Executive Officer of the University of Miami Sylvester Comprehensive Cancer Center or his or her designee;

5. The Chief Executive Officer of the Mayo Clinic, Jacksonville or his or her designee;

6. The Chief Executive Officer of the American Cancer Society, Florida Division or his or her designee;

7. The President of the American Cancer Society, Florida Division Board of Directors or his or her designee;

8. The President of the Florida Society of Clinical Oncology or his or her designee;

9. The Chief Executive Officer of Enterprise Florida, Inc., or his or her designee;

10. Three representatives from large Florida hospitals or institutions, not delineated in subparagraphs 1. through 6., that treat a large volume of cancer patients. One shall be appointed by the Governor, one shall be appointed by the Speaker of the House of Representatives, and one shall be appointed by the President of the Senate;

11. Three representatives from community-based, statewide organizations serving populations that experience cancer disparities, one of whom shall be appointed by the Governor, one of whom shall be appointed by the Speaker of the House of Representatives, and one of whom shall be appointed by the President of the Senate;

12. One member of the Florida House of Representatives, to be appointed by the Speaker of the House of Representatives;

13. One member of the Florida Senate, to be appointed by the President of the Senate;

14. Three university presidents, one of whom shall be appointed by the Governor, one of whom shall be appointed by the Speaker of the House of Representatives, and one of whom shall be appointed by the President of the Senate; and

15. Five representatives from other statewide public health organizations whose missions include public education and the eradication of cancer, three of whom shall be appointed by the Governor, one of whom shall be appointed by the Speaker of the House of Representatives, and one of whom shall be appointed by the President of the Senate.

(d) Appointments made by the Speaker of the House of Representatives and the President of the Senate pursuant to paragraph (c) shall be for 2-year terms, concurrent with the bienniums in which they serve as presiding officers.

(e) Appointments made by the Governor pursuant to paragraph (c) shall be for 2-year terms, although the Governor may reappoint directors.

(f) Members of the board of directors of the not-for-profit corporation or any subsidiaries shall serve without compensation.

(3) The cooperative shall issue an annual report to the Governor, the Speaker of the House of Representatives, and the President of the Senate, by December 15 of each year, with policy and funding recommendations regarding cancer research capacity in Florida and related issues.

Section 21. *Florida Cancer Research Cooperative; mission and duties.—*

(1) The cooperative shall develop and centralize the processes and shared services for expanding cancer research in Florida through:

(a) Support through bioinformatics, in order to create a cancer informatics infrastructure that enhances information and resource exchange and integration through researchers working in diverse disciplines to facilitate the full spectrum of cancer investigations;

(b) Technical coordination, business development, and support of intellectual property;

(c) Development of a statewide cancer clinical trials network as contemplated in section 1; and

(d) Other multidisciplinary research support activities.

(2) The cooperative shall work in concert with the Center for Universal Research to Eradicate Disease created in section 1 to ensure that the goals of the center are advanced.

Section 22. Section 484.0512, Florida Statutes, is amended to read:

484.0512 *Thirty-day* trial period; *purchaser's right to cancel; notice; refund;* cancellation *fee; criminal penalty* ~~procedures~~.—

(1) A person selling a hearing aid in this state must provide the buyer with written notice of a 30-day trial period and money-back guarantee. The guarantee must permit the purchaser to cancel the purchase for a valid reason as defined by rule of the board within 30 days after receiving the hearing aid, by returning the hearing aid or mailing written notice of cancellation to the seller. If the hearing aid must be repaired, remade, or adjusted during the 30-day trial period, the running of the 30-day trial period is suspended 1 day for each 24-hour period that the hearing aid is not in the purchaser's possession. A repaired, remade, or adjusted hearing aid must be claimed by the purchaser within 3 working days after notification of availability. The running of the 30-day trial period resumes on the day the purchaser reclaims the repaired, remade, or adjusted hearing aid or on the fourth day after notification of availability.

(2) The board, in consultation with the Board of Speech-Language Pathology and Audiology, shall prescribe by rule the terms and conditions to be contained in the money-back guarantee and any exceptions thereto. Such rule shall provide, at a minimum, that the charges for earmolds and service provided to fit the hearing aid may be retained by the licensee. The rules shall also set forth any reasonable charges to be held by the licensee as a cancellation fee. Such rule shall be effective on or before December 1, 1994. Should the board fail to adopt such rule, a licensee may not charge a cancellation fee which exceeds 5 percent of the total charge for a hearing aid alone. The terms and conditions of the guarantee, including the total amount available for refund, shall be provided in writing to the purchaser prior to the signing of the contract.

(3) Within 30 days after the return or attempted return of the hearing aid, the seller shall refund all moneys that must be refunded to a purchaser pursuant to this section. *A violation of this subsection is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.*

(4) For purposes of this section, the term "seller" or "person selling a hearing aid" includes:

(a) Any natural person licensed under this part or any other natural person who signs a sales receipt required by s. 484.051(2) or s. 468.1245(2) or who otherwise fits, delivers, or dispenses a hearing aid.

(b) Any business organization, whether a sole proprietorship, partnership, corporation, professional association, joint venture, business trust, or other legal entity, which dispenses a hearing aid or enters into an agreement to dispense a hearing aid.

(c) Any person who controls, manages, or operates an establishment or business that dispenses a hearing aid or enters into an agreement to dispense a hearing aid.

Section 23. Effective upon this act becoming a law, subsection (1) of section 456.073, Florida Statutes, is amended to read:

456.073 Disciplinary proceedings.—Disciplinary proceedings for each board shall be within the jurisdiction of the department.

(1) The department, for the boards under its jurisdiction, shall cause to be investigated any complaint that is filed before it if the complaint is in writing, signed by the complainant, and legally sufficient. *A complaint filed by a state prisoner against a health care practitioner employed by or otherwise providing health care services within a facility of the Department of Corrections is not legally sufficient unless there is a showing that the prisoner complainant has exhausted all available administrative remedies within the state correctional system before filing the complaint. However, if the department determines after a preliminary inquiry of a state prisoner's complaint, that the practitioner may present a serious threat to the health and safety of any individual who is not a state prisoner, the department may determine legal sufficiency and proceed with discipline. The Department of Health shall be notified within*

15 days whenever the Department of Corrections disciplines or allows a health care practitioner to resign for an offense related to the practice of his or her profession. A complaint is legally sufficient if it contains ultimate facts that show that a violation of this chapter, of any of the practice acts relating to the professions regulated by the department, or of any rule adopted by the department or a regulatory board in the department has occurred. In order to determine legal sufficiency, the department may require supporting information or documentation. The department may investigate, and the department or the appropriate board may take appropriate final action on, a complaint even though the original complainant withdraws it or otherwise indicates a desire not to cause the complaint to be investigated or prosecuted to completion. The department may investigate an anonymous complaint if the complaint is in writing and is legally sufficient, if the alleged violation of law or rules is substantial, and if the department has reason to believe, after preliminary inquiry, that the violations alleged in the complaint are true. The department may investigate a complaint made by a confidential informant if the complaint is legally sufficient, if the alleged violation of law or rule is substantial, and if the department has reason to believe, after preliminary inquiry, that the allegations of the complainant are true. The department may initiate an investigation if it has reasonable cause to believe that a licensee or a group of licensees has violated a Florida statute, a rule of the department, or a rule of a board. Except as provided in ss. 458.331(9), 459.015(9), 460.413(5), and 461.013(6), when an investigation of any subject is undertaken, the department shall promptly furnish to the subject or the subject's attorney a copy of the complaint or document that resulted in the initiation of the investigation. The subject may submit a written response to the information contained in such complaint or document within 20 days after service to the subject of the complaint or document. The subject's written response shall be considered by the probable cause panel. The right to respond does not prohibit the issuance of a summary emergency order if necessary to protect the public. However, if the secretary, or the secretary's designee, and the chair of the respective board or the chair of its probable cause panel agree in writing that such notification would be detrimental to the investigation, the department may withhold notification. The department may conduct an investigation without notification to any subject if the act under investigation is a criminal offense.

Section 24. *(1) The Division of Medical Quality Assurance of the Department of Health shall conduct a study of clinical and academic training requirements of certified optometric practitioners, licensed pursuant to chapter 463, Florida Statutes, to determine the extent to which prescribing authority may be expanded. The study group shall be composed of the following members:*

(a) One pharmacologist representing the University of Florida;

(b) One pharmacologist representing Nova Southeastern University;

(c) One pharmacologist representing Florida Agricultural and Mechanical University;

(d) One ophthalmologist representing Mayo Clinic Jacksonville;

(e) One ophthalmologist representing Bascom Palmer Eye Institute;

(f) One board-certified internist appointed by the University of South Florida;

(g) One optometrist representing the Florida Board of Optometry;

(h) One certified optometric practitioner representing the Florida Optometric Association; and

(i) One certified optometric practitioner appointed by the Nova Southeastern University College of Optometry.

(2) The study group shall be chaired by the Secretary of Health or his or her designee. The study shall be completed and a final report presented to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 15, 2004. If applicable, a minority report shall be completed and presented to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 31, 2004.

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

Section 25. Present subsection (4) of section 465.0265, Florida Statutes, is redesignated as subsection (5), and a new subsection (4) is added to that section, to read:

465.0265 Centralized prescription filling.—

(4) Pharmacies accessing the same prescription records in a centralized database or pharmacy computers linked in any other manner may refill or dispense prescriptions at the request of another pharmacy so linked if the pharmacies have the same owner or have a written contract specifying the services to be provided by each pharmacy, the responsibilities of each pharmacy, and the manner in which the pharmacies will comply with federal and state laws and rules. Prescriptions refilled or dispensed using such a system shall not be considered prescription transfers or copies if the computer system registers a complete and full audit trail of all activities and includes the identification of the pharmacies and pharmacists accessing the centralized database and if the system restricts access to the computerized prescription records to pharmacies or other authorized personnel.

Section 26. Subsection (2) of section 466.006, Florida Statutes, is amended to read:

466.006 Examination of dentists.—

(2) An applicant shall be entitled to take the examinations required in this section to practice dentistry in this state if the applicant:

(a) Is 18 years of age or older.

(b)*1.* Is a graduate of a dental school accredited by the Commission on Accreditation of the American Dental Association or its successor agency, if any, or any other nationally recognized accrediting agency*; or*.

2. Is a dental student in the final year of a program at such an accredited school who has completed all the coursework necessary to prepare the student to perform the clinical and diagnostic procedures required to pass the examinations. With respect to a dental student in the final year of a program at a dental school, a passing score on the examinations is valid for 180 days after the date the examinations were completed. A dental school student who takes the licensure examinations during the student's final year of an approved dental school must have graduated before being certified for licensure pursuant to s. 466.011.

(c) Has successfully completed the National Board of Dental Examiners dental examination within 10 years of the date of application.

Section 27. Section 466.0065, Florida Statutes, is created to read:

466.0065 Regional licensure examinations.—

(1) It is the intent of the Legislature that schools of dentistry be allowed to offer regional licensure examinations to dental students who are in the final year of a program at an approved dental school for the sole purpose of facilitating the student's licensing in other jurisdictions. This section does not allow a person to be licensed as a dentist in this state without taking the examinations as set forth in s. 466.006, nor does this section mean that regional examinations administered under this section may be substituted for complying with testing requirements under s. 466.006.

(2) Each school of dentistry in this state which is accredited by the Commission on Accreditation of the American Dental Association or its successor agency may, upon written approval by the Board of Dentistry, offer regional licensure examinations only to dental students in the final year of a program at an approved dental school, if the board has approved the hosting school's written plan to comply with the following conditions:

(a) The examining body must be a member of the American Association of Dental Examiners.

(b) The student must have successfully completed parts I and II of the National Board of Dental Examiners examination within 2 years before taking the regional examination.

(c) The student must possess medical malpractice insurance in amounts that the board determines to be sufficient to cover any reasonably forseeable incident of harm to a patient during the clinical portion of the regional examination.

(d) At least one of the examination monitors must be a dentist licensed in this state who has completed all necessary standardization exercises required by the regional examination body.

(e) Adequate arrangements must be made, when necessary, for patients who require followup care as a result of procedures performed during the clinical portion of the regional examination.

(f) The board chair or the chair's designee must be allowed to observe testing while it is in progress.

(g) Each student, upon applying to take the regional examination, must receive written disclosure in at least 12-point boldface type which states: "This examination does not meet the licensure requirements of chapter 466, Florida Statutes, for licensure in the State of Florida. Persons wishing to practice dentistry in Florida must pass the Florida licensure examinations. For more information on Florida's licensure examination procedures, please contact the Florida Board of Dentistry."

(h) The student must be enrolled as a dental student in the student's final year of a program at an approved dental school that is accredited by the Commission on Accreditation of the American Dental Association or its successor agency.

(i) The student must have completed all the coursework necessary to prepare the student to perform all clinical and diagnostic procedures required to pass the regional examination.

(j) The student's academic record must not include any evidence suggesting that the student poses an unreasonable risk to any live patients who are required for the clinical portion of the regional examination. In order to protect the health and safety of the public, the board may request additional information and documents pertaining to the candidate's mental and physical health in order to fully assess the candidate's fitness to engage in exercises involving a live patient.

(3) A student who takes the examination pursuant to this section, a dental school that submits a plan pursuant to this section, or a regional examination body that a dental school proposes to host under this section does not have standing to assert that a state agency has taken action for which a hearing may be sought under ss. 120.569 and 120.57.

Section 28. *This act may be cited as the "Nick Oelrich Gift of Life Act."*

Section 29. Subsections (1), (2), and (6) of section 765.512, Florida Statutes, are amended to read:

765.512 Persons who may make an anatomical gift.—

(1) Any person who may make a will may give all or part of his or her body for any purpose specified in s. 765.510, the gift to take effect upon death. An anatomical gift made by an adult donor and not revoked by the donor as provided in s. 765.516 is irrevocable ~~and does not require the consent or concurrence of any person~~ after the donor's death. *A family member, guardian, representative ad litem, or health care surrogate of an adult donor who has made an anatomical gift pursuant to subsection (2) may not modify, deny or prevent a donor's wish or intent to make an anatomical gift from being made after the donor's death.*

(2) If the decedent has executed an agreement concerning an anatomical gift, *by* ~~including~~ signing an organ and tissue donor card, *by* expressing his or her wish to donate in a living will or advance directive, or *by* signifying his or her intent to donate on his or her driver's license or in some other written form has indicated his or her wish to make an anatomical gift, and in the absence of actual notice of contrary indications by the decedent, the *document is evidence of legally sufficient informed consent to donate an anatomical gift and is legally binding. Any* surrogate designated by the decedent pursuant to part II of this chapter may give all or any part of the decedent's body for any purpose specified in s. 765.510.

(6) A gift of all or part of a body authorizes*:*

(a) Any examination necessary to assure medical acceptability of the gift for the purposes intended.

(b) The decedent's medical provider, family, or a third party to furnish medical records requested concerning the decedent's medical and social history.

Section 30. Section 765.516, Florida Statutes, is amended to read:

765.516 Amendment *of the terms of* or *the* revocation of the gift.—

(1) A donor may amend *the terms of* or revoke an anatomical gift by:

(a) The execution and delivery to the donee of a signed statement.

(b) An oral statement that is~~:~~

~~1. Made to the donor's spouse; or~~

~~2.~~ made in the presence of two persons, *one of whom must not be a family member,* and communicated to the donor's family or attorney or to the donee.

(c) A statement during a terminal illness or injury addressed to an attending physician, who must communicate the revocation of the gift to the procurement organization that is certified by the state.

(d) A signed document found on *or about* the donor's person ~~or in the donor's effects~~.

(2) Any gift made by a will may also be amended or revoked in the manner provided for amendment or revocation of wills or as provided in subsection (1).

Section 31. Subsection (1) of section 765.401, Florida Statutes, is amended to read:

765.401 The proxy.—

(1) If an incapacitated or developmentally disabled patient has not executed an advance directive, or designated a surrogate to execute an advance directive, or the designated or alternate surrogate is no longer available to make health care decisions, health care decisions may be made for the patient by any of the following individuals, in the following order of priority, if no individual in a prior class is reasonably available, willing, or competent to act:

(a) The judicially appointed guardian of the patient or the guardian advocate of the person having a developmental disability as defined in s. 393.063, who has been authorized to consent to medical treatment, if such guardian has previously been appointed; however, this paragraph shall not be construed to require such appointment before a treatment decision can be made under this subsection;

(b) The patient's spouse;

(c) An adult child of the patient, or if the patient has more than one adult child, a majority of the adult children who are reasonably available for consultation;

(d) A parent of the patient;

(e) The adult sibling of the patient or, if the patient has more than one sibling, a majority of the adult siblings who are reasonably available for consultation;

(f) An adult relative of the patient who has exhibited special care and concern for the patient and who has maintained regular contact with the patient and who is familiar with the patient's activities, health, and religious or moral beliefs; ~~or~~

(g) A close friend of the patient*; or*~~.~~

(h) A clinical social worker licensed pursuant to chapter 491, or a graduate of a court-approved guardianship program. Such a proxy must be selected by the provider's bioethics committee and must not be employed by the provider. If the provider does not have a bioethics committee, then such a proxy may be chosen through an arrangement with the bioethics committee of another provider. The proxy must be notified that upon request the provider shall make available a second physician, not involved in the patient's care, to assist the proxy in evaluating treatment. Decisions to withhold or withdraw life-prolonging procedures must be reviewed by the facility's bioethics committee. Documentation of efforts to locate proxies from prior classes must be recorded in the patient record.

Section 32. Subsection (22) is added to section 641.19, Florida Statutes, to read:

641.19 Definitions.—As used in this part, the term:

(22) "Specialty" does not include services performed by a chiropractic physician licensed under chapter 460.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, delete line 2 and insert: An act relating to health care; providing a short title; requiring the Agency for Workforce Innovation to establish a pilot program for delivery of certified geriatric specialty nursing education; specifying eligibility requirements for certified nursing assistants to obtain certified geriatric specialty nursing education; specifying requirements for the education of certified nursing assistants to prepare for certification as a certified geriatric specialist; creating a Certified Geriatric Specialty Nursing Initiative Steering Committee; providing for the composition of and manner of appointment to the Certified Geriatric Specialty Nursing Initiative Steering Committee; providing responsibilities of the steering committee; providing for reimbursement for per diem and travel expenses; requiring the Agency for Workforce Innovation to conduct or contract for an evaluation of the pilot program for delivery of certified geriatric specialty nursing education; requiring the evaluation to include recommendations regarding the expansion of the delivery of certified geriatric specialty nursing education in nursing homes; requiring the Agency for Workforce Innovation to report to the Governor and Legislature regarding the status and evaluation of the pilot program; creating s. 464.0125, F.S.; providing definitions; providing requirements for persons to become certified geriatric specialists; specifying fees; providing for articulation of geriatric specialty nursing coursework and practical nursing coursework; providing practice standards and grounds for which certified geriatric specialists may be subject to discipline by the Board of Nursing; creating restrictions on the use of professional nursing titles; prohibiting the use of certain professional titles; providing penalties; authorizing approved nursing programs to provide education for the preparation of certified geriatric specialists without further board approval; authorizing certified geriatric specialists to supervise the activities of others in nursing home facilities according to rules by the Board of Nursing; revising terminology relating to nursing to conform to the certification of geriatric specialists; amending s. 381.00315, F.S.; revising requirements for the reactivation of the licenses of specified health care practitioners in the event of public health emergency to include certified geriatric specialists; amending s. 400.021, F.S.; including services provided by a certified geriatric specialist within the definition of nursing service; amending s. 400.211, F.S.; revising requirements for persons employed as nursing assistants to conform to the certification of certified geriatric specialists; amending s. 400.23, F.S.; specifying that certified geriatric specialists shall be considered licensed nursing staff; authorizing licensed practical nurses to supervise the activities of certified geriatric specialists in nursing home facilities according to rules adopted by the Board of Nursing; amending s. 409.908, F.S.; revising the methodology for reimbursement of Medicaid program providers to include services of certified geriatric specialists; amending s. 458.303, F.S.; revising exceptions to the practice of medicine to include services delegated to a certified geriatric specialist under specified circumstances; amending s. 1009.65, F.S.; revising eligibility for the Medical Education Reimbursement and Loan Repayment Program to include certified geriatric specialists; amending s. 1009.66, F.S.; revising eligibility requirements for the Nursing Student Loan Forgiveness Program to include certified geriatric specialists; providing an appropriation; amending s. 464.201, F.S.; defining terms; amending s. 464.202, F.S.; authorizing the Board of Nursing to adopt rules regarding the practice and supervision of certified nursing assistants; creating the James and Esther King Center for Universal Research to Eradicate Disease; providing intent and duties; creating an advisory council; amending s. 215.5602, F.S.; expanding the long-term goals and funding of the Florida Biomedical Research Program to include the cure of specified diseases; creating the Florida Cancer Research Cooperative; providing for a board of directors; providing the cooperative's mission and duties; amending s. 484.0512, F.S.; providing a criminal penalty for failure of a seller to refund within a specified time moneys required to be refunded to a purchaser for the return or attempted return of a hearing aid; providing a definition; amending s. 456.073, F.S.; providing that a state prisoner must exhaust all available administrative remedies before filing a complaint with the Department of Health against a health care practitioner who is providing health care services within the Department of Corrections, unless the practitioner poses a serious threat to the health or safety of a person who is not a state prisoner; requiring the Department of Health to be notified if a health care practitioner is disciplined or allowed to resign for a practice-related offense; requiring the Division of Medical Quality Assurance of the Department of Health to conduct a study of clinical and academic training requirements of certified optometric practitioners; providing for appointment of members; requiring a report to be submitted to the Governor and Legislature; amending s. 465.0265, F.S.; providing requirements for the filing of prescriptions by pharmacies that are under common ownership or that have a contractual relationship with one another; specifying requirements for exceptions to prescription transfers between certain pharmacies; amending s. 466.006, F.S.; allowing certain dental students to take the examinations required to practice dentistry in this state under specified conditions; providing a prerequisite to licensure of such students; creating s. 466.0065, F.S.; allowing certain dental students to take regional licensure examinations under specified conditions; restricting the applicability of examination results to licensing in other jurisdictions; requiring approval by the Board of Dentistry and providing prerequisites to such approval; creating the "Nick Oelrich Gift of Life Act"; amending s. 765.512, F.S., relating to anatomical gifts; prohibiting modification of a donor's intent; providing that a donor document is legally binding; authorizing specified persons to furnish a donor's medical records upon request; amending s. 765.516, F.S.; revising procedures by which the terms of an anatomical gift may be amended or the gift may be revoked; amending s. 765.401, F.S.; providing additional persons who may be given a proxy for the making of health care decisions; requiring review by the facility's bioethics committee of decisions to withhold or withdraw life-prolonging procedures; requiring documentation of efforts to locate certain proxies; amending s. 641.19, F.S.; providing that the term "specialty" does not include the services of a licensed chiropractic physician for purposes of the regulation of managed care;

MOTION

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

Senator Saunders moved the following amendment:

Amendment 2 (452396)(with title amendment)—On page 1, line 11 through page 2, line 22, delete those lines and insert:

Section 1. Section 154.306, Florida Statutes, is amended to read:

154.306 Financial responsibility for certified residents who are qualified indigent patients treated at an out-of-county participating hospital or regional referral hospital.—Ultimate financial responsibility for treatment received at a participating hospital or a regional referral hospital *or a state-approved trauma center* by a qualified indigent patient who is a certified resident of a county in the State of Florida, but is not a resident of the county in which the participating hospital or regional referral hospital *or a state-approved trauma center* is located, is the obligation of the county of which the qualified indigent patient is a resident. Each county shall reimburse participating hospitals or regional referral hospitals *or a state-approved trauma center* as provided for in this part, and shall provide or arrange for indigent eligibility determination procedures and resident certification determination procedures as provided for in rules developed to implement this part. The agency, or any county determining eligibility of a qualified indigent, shall provide to the county of residence, upon request, a copy of any documents, forms, or other information, as determined by rule, which may be used in making an eligibility determination.

(1) A county's financial obligation for each certified resident who qualifies as an indigent patient under this part, and who has received treatment at an out-of-county hospital, shall not exceed 45 days per county fiscal year at a rate of payment equivalent to 100 percent of the per diem reimbursement rate currently in effect for the out-of-county

hospital under the medical assistance program for the needy under Title XIX of the Social Security Act, as amended, except that those counties that are at their 10-mill cap on October 1, 1991, shall reimburse hospitals for such services at not less than 80 percent of the hospital Medicaid per diem. However, nothing in this section shall preclude a hospital that has a formal signed agreement with a county to treat such county's indigents from negotiating a higher or lower per diem rate with the county. No county shall be required to pay more than the equivalent of $4 per capita in the county's fiscal year. The agency shall calculate and certify to each county by March 1 of each year, the maximum amount the county may be required to pay by multiplying the most recent official state population estimate for the total population of the county by $4 per capita. Each county shall certify to the agency within 60 days after the end of the county's fiscal year, or upon reaching the $4 per capita threshold, should that occur before the end of the fiscal year, the amount of reimbursement it paid to all out-of-county hospitals under this part. The maximum amount a county may be required to pay to out-of-county hospitals for care provided to qualified indigent residents may be reduced by up to one-half, provided that the amount not paid has or is being spent for in-county hospital care provided to qualified indigent residents.

(2) No county shall be required to pay for any elective or nonemergency admissions or services at an out-of-county hospital for a qualified indigent who is a certified resident of the county if the county provides funding for such services and the services are available at a local hospital in the county where the indigent resides; or the out-of-county hospital has not obtained prior written authorization and approval for such hospital admission or service, provided that the resident county has established a procedure to authorize and approve such admissions.

(3) For the purpose of computing the maximum amount that a county having a population of 100,000 or less may be required to pay, the agency must reduce the official state population estimates by the number of inmates and patients residing in the county in institutions operated by the Federal Government, the Department of Corrections, the Department of Health, or the Department of Children and Family Services, and by the number of active-duty military personnel residing in the county, all of whom shall not be considered residents of the county. However, a county is entitled to receive the benefit of such a reduction in estimated population figures only if the county accepts as valid and true, and does not require any reverification of, the documentation of financial eligibility and county residency which is provided to it by the participating hospital or regional referral hospital. The participating hospital or regional referral hospital must provide documentation that is complete and in the form required by s. 154.3105.

(4) The county where the indigent resides shall, in all instances, be liable for the cost of treatment provided to a qualified indigent patient at an out-of-county hospital for any emergency medical condition which will deteriorate from failure to provide such treatment if such condition is determined and documented by the attending physician to be of an emergency nature; provided that the patient has been certified to be a resident of such county pursuant to s. 154.309.

(5) No county shall be liable for payment for treatment of a qualified indigent who is a certified resident and has received services at an out-of-county participating hospital or regional referral hospital, until such time as that hospital has documented to the agency and the agency has determined that it has met its charity care obligation based on the most recent audited actual experience.

Section 2. Section 154.317, Florida Statutes, is created to read:

154.317 County financial responsibility for trauma care.—

(1) Notwithstanding the provisions of ss. 154.301-154.316, state-approved trauma centers shall be responsible for determining eligibility and residency of patients with primary or secondary diagnoses of DRG 483-487.

(a) Financial eligibility shall be determined in accordance with s. 154.308, and the methodology defined in rules adopted by the Agency for Health Care Administration.

(b) Residence in the county at the time of the

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 3-5, delete those lines and insert: amending s. 154.306, F.S.; revising requirements for county responsibility for certain indigent patients to include patients treated at state-approved trauma centers; creating s. 154.317, F.S.; requiring state-approved trauma centers to be responsible for determining eligibility and residency of certain patients for purposes of establishing reimbursement by counties; authorizing the Agency for Health Care Administration to adopt rules for financial eligibility for certain trauma care;

On motion by Senator Saunders, further consideration of **CS for CS for SB 696** with pending **Amendment 2 (452396)** was deferred.

THE PRESIDENT PRESIDING

The Senate resumed consideration of—

HB 1837—A bill to be entitled An act relating to workers' compensation; amending s. 440.02, F.S.; providing, revising, and deleting definitions; amending s. 440.05, F.S.; revising authorization to claim exemptions and requirements relating to submitting notice of election of exemption; specifying effect of exemption; amending s. 440.06, F.S.; revising provisions relating to failure to secure compensation; amending s. 440.077, F.S.; providing that a corporate officer electing to be exempt may not receive benefits; amending s. 440.09, F.S.; revising provisions relating to compensation for subsequent injuries; providing definitions; revising provisions relating to drug testing; specifying effect of criminal acts; creating s. 440.093, F.S.; providing for compensability of mental and nervous injuries; amending s. 440.10, F.S.; revising provisions relating to contractors and subcontractors with regard to liability for compensation; requiring subcontractors to provide evidence of workers' compensation coverage or proof of exemption to a contractor; deleting provisions relating to independent contractors; amending s. 440.1025, F.S.; revising requirements relating to workplace safety programs; amending s. 440.103, F.S.; providing conditions for applying for building permits; amending s. 440.105, F.S.; increasing criminal penalties for certain violations; providing sanctions for violation of stop-work orders and presentation of certain false or misleading statements as evidence; amending s. 440.1051, F.S.; increasing criminal penalty for false reports; amending s. 440.107, F.S.; providing additional powers to the Department of Financial Services relating to compliance and enforcement; providing a definition; providing penalties; amending s. 440.11, F.S.; providing exclusiveness of liability; revising provisions relating to employer and safety consultant immunity from liability; amending s. 440.13, F.S.; providing for practice parameters and treatment protocols; revising provisions relating to provider reimbursement; requiring revision of specified reimbursement schedules; providing for release of information; providing additional criteria for independent medical examinations; providing a definition; providing standards for medical care under ch. 440, F.S.; providing penalties; amending s. 440.134, F.S.; revising provisions relating to managed care arrangements; revising definitions; providing for assignment of a medical care coordinator; amending s. 440.14, F.S.; revising provisions relating to calculation of average weekly wage for injured employees; conforming cross references; amending s. 440.15, F.S.; providing additional limitations on compensation for permanent total disability; providing a definition; specifying impairment benefits and providing for partial reduction under certain circumstances; deleting provisions relating to supplemental benefits; amending s. 440.151, F.S.; specifying compensability of occupational disease; providing a definition; amending s. 440.16, F.S.; increasing the limits on the amount of certain benefits paid as compensation for death; amending s. 440.185, F.S.; specifying duty of employer upon receipt of notice of injury or death; increasing penalties for noncompliance; amending s. 440.192, F.S.; revising procedure for resolving benefit disputes; requiring a petition for benefits to include all claims which are ripe, due, and owing; providing that the Chief Judge, rather than the Deputy Chief Judge, shall refer petitions for benefits; creating s. 440.1926, F.S.; providing for alternative dispute resolution and arbitration of claims; amending s. 440.20, F.S.; revising provisions relating to timely payment of compensation and medical bills and penalties for late payment; amending s. 440.25, F.S.; revising procedures for mediation and hearings; amending s. 440.34, F.S.; revising provisions relating to the award of attorney's fees; amending s. 440.38, F.S.; providing requirement for employers with coverage provided by insurers from outside the state; amending s. 440.381, F.S.; providing criminal penalty for unlawful applications; requiring on-site audits of employers under certain circumstances; amending s. 440.42,

F.S.; revising provision relating to notice of cancellation of coverage; amending s. 440.49, F.S., to conform cross references; amending s. 440.491, F.S.; providing training and education requirements and benefits relating to reemployment of injured workers; providing for rules; amending s. 440.525, F.S.; providing for audits, examinations, and investigations of claims-handing entities; providing penalties; providing for rules; amending s. 627.162, F.S.; revising delinquency and collection fee for late payment of premium installments; amending s. 627.311, F.S.; requiring participation in safety programs; providing for an additional subplan within the joint underwriting plan for workers compensation insurance; providing for rates, surcharges, and assessments; limiting assessment powers; amending s. 921.0022, F.S.; revising the offense severity ranking chart to reflect changes in penalties under the act; requiring a report to the Legislature from the Department of Financial Services regarding provisions of law relating to enforcement; amending ss. 946.523 and 985.315, F.S., to conform cross references; repealing s. 440.1925, F.S., relating to procedure for resolving maximum medical improvement or permanent impairment disputes; providing that amendments to ss. 440.02 and 440.15, F.S., do not affect certain disability, determination, and benefits; providing effective dates.

—which was previously considered this day.

Senator Posey moved the following amendment which failed:

Amendment 1 (613690)—Delete line 2532 and insert: wholesale price ~~times 1.2~~ plus *$2* ~~$4.18~~ for the

Senator Posey moved the following amendment which was adopted:

Amendment 2 (630942)—Between lines 850 and 851, insert:

(15) Any corporate officer who is an affiliated person of a person who is delinquent in paying a stop-work order and penalty assessment order issued pursuant to s. 440.107, or owed pursuant to a court order, is ineligible for an election of exemption. The stop-work order and penalty assessment shall be in effect against any such affiliated person. As used in this subsection, the term "affiliated person" means:

1. The spouse of such other person;

2. Any person who directly or indirectly owns or controls, or holds with the power to vote, 10 percent or more of the outstanding voting securities of such other person;

3. Any person who directly or indirectly owns 10 percent or more of the outstanding voting securities that are directly or indirectly owned, controlled, or held with the power to vote by such other person;

4. Any person or group of persons who directly or indirectly control, are controlled by, or are under common control with such other person;

5. Any person who directly or indirectly acquires all or substantially all of the other assets of such other person;

6. Any officer, director, trustee, partner, owner, manager, joint venturer, or employee of such other person or a person performing duties similar to persons in such positions; or

7. Any person who has an officer, director, trustee, partner, or joint venturer in common with such person.

Senator Posey moved the following amendment which failed:

Amendment 3 (740876)(with title amendment)—Between lines 5180 and 5181, insert:

Section 39. Subsection (4) of section 27.34, Florida Statutes, is amended to read:

27.34 Salaries and other related costs of state attorneys' offices; limitations.—

(4) Notwithstanding s. 27.25, the *Chief Financial Officer shall* ~~Insurance Commissioner may~~ contract with the state *attorneys* ~~attorney~~ of *the three largest* ~~any~~ judicial *circuits* ~~circuit~~ of the state for the prosecution of criminal violations of the Workers' Compensation Law and related crimes and *shall* ~~may~~ contribute funds *from the Workers' Compensation Administration Trust Fund* for such purposes. Such contracts *shall* ~~may~~ provide for the training, salary, and expenses of one or more assistant state attorneys used in the prosecution of such crimes. *The three participating circuits shall provide an annual report to the President of the Senate, the Speaker of the House of Representatives, the Governor, and the Department of Financial Services regarding the workload and disposition of workers' compensation cases.*

Section 40. Subsections (1) and (2) of section 443.1715, Florida Statutes, are amended to read:

443.1715 Disclosure of information; confidentiality.—

(1) RECORDS AND REPORTS.—Information revealing the employing unit's or individual's identity obtained from the employing unit or from any individual pursuant to the administration of this chapter, and any determination revealing such information, except to the extent necessary for the proper presentation of a claim or upon written authorization of the claimant who has a workers' compensation claim pending *or is receiving compensation benefits*, must be held confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such information may be made available only to public employees in the performance of their public duties, including employees of the Department of Education in obtaining information for the Florida Education and Training Placement Information Program and the Office of Tourism, Trade, and Economic Development in its administration of the qualified defense contractor tax refund program authorized by s. 288.1045 and the qualified target industry tax refund program authorized by s. 288.106. Except as otherwise provided by law, public employees receiving such information must retain the confidentiality of such information. Any claimant, or the claimant's legal representative, at a hearing before an appeals referee or the commission shall be supplied with information from such records to the extent necessary for the proper presentation of her or his claim. Any employee or member of the commission or any employee of the division, or any other person receiving confidential information, who violates any provision of this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. However, the division may furnish to any employer copies of any report previously submitted by such employer, upon the request of such employer, and may furnish to any claimant copies of any report previously submitted by such claimant, upon the request of such claimant, and the division is authorized to charge therefor such reasonable fee as the division may by rule prescribe not to exceed the actual reasonable cost of the preparation of such copies. Fees received by the division for copies as provided in this subsection must be deposited to the credit of the Employment Security Administration Trust Fund.

(2) DISCLOSURE OF INFORMATION.—

(a) Subject to such restrictions as the division prescribes by rule, information declared confidential under this section may be made available to any agency of this or any other state, or any federal agency, charged with the administration of any unemployment compensation law or the maintenance of a system of public employment offices, or the Bureau of Internal Revenue of the United States Department of the Treasury, or the Florida Department of Revenue and information obtained in connection with the administration of the employment service may be made available to persons or agencies for purposes appropriate to the operation of a public employment service or a job-preparatory or career education or training program. The division shall on a quarterly basis, furnish the National Directory of New Hires with information concerning the wages and unemployment compensation paid to individuals, by such dates, in such format and containing such information as the Secretary of Health and Human Services shall specify in regulations. Upon request therefor, the division shall furnish any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state agency similarly charged, the name, address, ordinary occupation, and employment status of each recipient of benefits and such recipient's rights to further benefits under this chapter. Except as otherwise provided by law, the receiving agency must retain the confidentiality of such information as provided in this section. The division may request the Comptroller of the Currency of the United States to cause an examination of the correctness of any return or report of any national banking association rendered pursuant to the provisions of this chapter and may in connection with such request transmit any such report or return to the Comptroller of the Currency of the United States as provided in s. 3305(c) of the federal Internal Revenue Code.

(b)1. The employer or the employer's workers' compensation carrier against whom a claim for benefits under chapter 440 has been made, or a representative of either, may request from the department records of wages of the employee reported to the department by any employer for the quarter that includes the date of the accident that is the subject of such claim and for subsequent quarters. The request must be made with the authorization or consent of the employee or any employer who paid wages to the employee subsequent to the date of the accident.

2. The employer or carrier shall make the request on a form prescribed by rule for such purpose by the department. Such form shall contain a certification by the requesting party that it is a party entitled to the information requested as authorized by this paragraph.

3. The division shall provide the most current information readily available within 15 days after receiving the request.

Section 41. Subsection (9) of section 626.989, Florida Statutes, is amended to read:

626.989 Investigation by department or Division of Insurance Fraud; compliance; immunity; confidential information; reports to division; division investigator's power of arrest.—

(9) In recognition of the complementary roles of investigating instances of workers' compensation fraud and enforcing compliance with the workers' compensation coverage requirements under chapter 440, the Department of *Financial Services shall* ~~Insurance is directed to~~ prepare and submit a joint performance report to the President of the Senate and the Speaker of the House of Representatives by *January 1 of each year* ~~November 1, 2003, and then by November 1 every 3 years thereafter, describing the results obtained in achieving compliance with the workers' compensation coverage requirements and reducing the incidence of workers' compensation fraud~~. *The annual report must include, but need not be limited to:*

(a) The total number of initial referrals received, cases opened, cases presented for prosecution, cases closed, and convictions resulting from cases presented for prosecution by the Bureau of Workers' Compensation Insurance Fraud by type of workers' compensation fraud and circuit.

(b) The number of referrals received from insurers and the Division of Workers' Compensation and the outcome of those referrals.

(c) The number of investigations undertaken by the office which were not the result of a referral from an insurer or the Division of Workers' Compensation.

(d) The number of investigations that resulted in a referral to a regulatory agency and the disposition of those referrals.

(e) The number and reasons provided by local prosecutors or the statewide prosecutor for declining prosecution of a case presented by the office by circuit.

(f) The total number of employees assigned to the office and the Division of Workers' Compliance unit delineated by location of staff assigned and the number and location of employees assigned to the office who were assigned to work other types of fraud cases.

(g) The average caseload and turnaround time by type of case for each investigator and division compliance employee.

(h) The training provided during the year to workers' compensation fraud investigators and the division's compliance employees.

Section 42. Section 626.9891, Florida Statutes, is amended to read:

626.9891 Insurer anti-fraud investigative units*; reporting requirements; penalties for noncompliance*.—

(1) Every insurer admitted to do business in this state who in the previous calendar year, at any time during that year, had $10 million or more in direct premiums written shall:

(a) Establish and maintain a unit or division within the company to investigate possible fraudulent claims by insureds or by persons making claims for services or repairs against policies held by insureds; or

(b) Contract with others to investigate possible fraudulent claims for services or repairs against policies held by insureds.

An insurer subject to this subsection shall file with the Division of Insurance Fraud of the department on or before July 1, 1996, a detailed description of the unit or division established pursuant to paragraph (a) or a copy of the contract and related documents required by paragraph (b).

(2) Every insurer admitted to do business in this state, which in the previous calendar year had less than $10 million in direct premiums written, must adopt an anti-fraud plan and file it with the Division of Insurance Fraud of the department on or before July 1, 1996. An insurer may, in lieu of adopting and filing an anti-fraud plan, comply with the provisions of subsection (1).

(3) Each insurers anti-fraud plans shall include:

(a) A description of the insurer's procedures for detecting and investigating possible fraudulent insurance acts;

(b) A description of the insurer's procedures for the mandatory reporting of possible fraudulent insurance acts to the Division of Insurance Fraud of the department;

(c) A description of the insurer's plan for anti-fraud education and training of its claims adjusters or other personnel; and

(d) A written description or chart outlining the organizational arrangement of the insurer's anti-fraud personnel who are responsible for the investigation and reporting of possible fraudulent insurance acts.

(4) Any insurer who obtains a certificate of authority after July 1, 1995, shall have 18 months in which to comply with the requirements of this section.

(5) For purposes of this section, the term "unit or division" includes the assignment of fraud investigation to employees whose principal responsibilities are the investigation and disposition of claims. If an insurer creates a distinct unit or division, hires additional employees, or contracts with another entity to fulfill the requirements of this section, the additional cost incurred must be included as an administrative expense for ratemaking purposes.

(6) Each insurer writing workers' compensation insurance shall report to the department, on or before August 1 of each year, on its experience in implementing and maintaining an anti-fraud investigative unit or an anti-fraud plan. The report must include, at a minimum:

(a) The dollar amount of recoveries and losses attributable to workers' compensation fraud delineated by the type of fraud: claimant, employer, provider, agent, or other;

(b) The number of referrals to the Bureau of Workers' Compensation Fraud for the prior year;

(c) A description of the organization of the anti-fraud investigative unit, if applicable, including the position titles and descriptions of staffing;

(d) The rationale for the level of staffing and resources being provided for the anti-fraud investigative unit, which may include objective criteria such as number of policies written, number of claims received on an annual basis, volume of suspected fraudulent claims currently being detected, other factors, and an assessment of optimal caseload that can be handled by an investigator on an annual basis;

(e) The in-service education and training provided to underwriting and claims personnel to assist in identifying and evaluating instances of suspected fraudulent activity in underwriting or claims activities; and

(f) A description of a public awareness program focused on the costs and frequency of insurance fraud and methods by which the public can prevent it.

(7) If an insurer fails to submit a final anti-fraud plan or otherwise fails to submit a plan, or fails to implement the provisions of a plan or an anti-fraud investigative unit, or otherwise refuses to comply with the provisions of this section, the department may:

(a) Impose an administrative fine of not more than $2,000 per day for such failure by an insurer, until the department deems the insurer to be in compliance;

(b) Impose upon the insurer a fraud detection and prevention plan that is deemed to be appropriate by the department and that must be implemented by the insurer; or

(c) Impose the provisions of both paragraphs (a) and (b).

(8) The department may adopt rules to administer this section.

Section 43. *Four positions and the sum of $290,923 are appropriated from the Workers' Compensation Administration Trust Fund in the Department of Financial Services. These funds and positions are appropriated in lump sum and shall be allocated pursuant to the review process in chapter 216.177, Florida Statutes. Three positions and the sum of $207,474 shall be allocated to the state attorneys in the Eleventh, Fifteenth, and Seventeenth Judicial Circuits. One position and $83,449 shall be allocated to the Department of Legal Affairs.*

And the title is amended as follows:

On line 99, after the semicolon (;) insert: amending s. 27.34, F.S.; requiring the Chief Financial Officer to contract with the state attorneys of specified judicial circuits to prosecute criminal violation of the Workers' Compensation Law and related crimes; requiring a report to the Legislature and the executive branch; amending s. 443.036, F.S.; requiring an employee leasing company to report certain information to the department; amending ss. 443.171, 443.1715, F.S.; amending provisions relating to records and reports; amending s. 626.989, F.S.; providing that the Department of Financial Services shall prepare an annual report related to workers' compensation fraud and compliance; amending s. 626.9891, F.S.; amending reporting requirements for insurers; providing penalties for noncompliance; authorizing positions and providing appropriations from the Workers' Compensation Administration Trust Fund to state attorneys in specified judicial circuits and to the Department of Legal Affairs;

Senator Campbell moved the following amendment which was adopted:

Amendment 4 (924104)—Delete lines 999-1006

Senators Clary and Atwater offered the following amendment which was moved by Senator Atwater and adopted:

Amendment 5 (952954)—On lines 4864-5045, delete those lines and insert:

(4)(a) Effective upon this act becoming a law, the department shall, after consultation with insurers, approve a joint underwriting plan of insurers which shall operate as a nonprofit entity. For the purposes of this subsection, the term "insurer" includes group self-insurance funds authorized by s. 624.4621, commercial self-insurance funds authorized by s. 624.462, assessable mutual insurers authorized under s. 628.6011, and insurers licensed to write workers' compensation and employer's liability insurance in this state. The purpose of the plan is to provide workers' compensation and employer's liability insurance to applicants who are required by law to maintain workers' compensation and employer's liability insurance and who are in good faith entitled to but who are unable to *procure* ~~purchase~~ such insurance through the voluntary market. *It is the intent of the Legislature that the plan rates for workers' compensation and employer's liability insurance be actuarially sound and that such rates not be competitive with approved voluntary market rates, so that the plan functions as a residual market mechanism.* ~~The joint underwriting plan shall issue policies beginning January 1, 1994. The plan must have actuarially sound rates that assure that the plan is self-supporting.~~

(b) The operation of the plan is subject to the supervision of a *7-member* ~~13-member~~ board of governors *appointed by the Chief Financial Officer*. The board of governors shall be comprised of:

1. *Three representatives of workers' compensation insurers, at least one of which represents a domestic workers' compensation insurer* ~~Five of the 20 domestic insurers, as defined in s. 624.06(1), having the largest voluntary direct premiums written in this state for workers' compensation and employer's liability insurance, which shall be elected by those 20 domestic insurers~~;

2. *Three representatives of employers* ~~Five of the 20 foreign insurers as defined in s. 624.06(2) having the largest voluntary direct premiums written in this state for workers' compensation and employer's liability insurance, which shall be elected by those 20 foreign insurers~~; *and*

~~3. One person, who shall serve as the chair, appointed by the Insurance Commissioner;~~

~~4. One person appointed by the largest property and casualty insurance agents' association in this state;~~ and

3.~~5.~~ The consumer advocate appointed under s. 627.0613 or the consumer advocate's designee.

Each board member shall serve *at the pleasure of the Chief Financial Officer, shall be appointed to* a *3-year* ~~4-year~~ term*,* and may serve consecutive terms. *The Chief Financial Officer shall designate one of the appointees as chair. The Chief Financial Officer shall fill any board vacancy for the remaining portion of an unexpired term.* No board member shall be an insurer which provides service to the plan or which has an affiliate which provides services to the plan or which is serviced by a service company or third-party administrator which provides services to the plan or which has an affiliate which provides services to the plan. The minutes, audits, and procedures of the board of governors are subject to chapter 119*, and the meetings of the board are subject to chapter 286*.

(c) The operation of the plan shall be governed by a plan of operation that is prepared at the direction of the board of governors. The plan of operation may be changed at any time by the board of governors or upon request of the department. The plan of operation and all changes thereto are subject to the approval of the department. The plan of operation shall:

1. Authorize the board to engage in the activities necessary to implement this subsection, including, but not limited to, borrowing money.

2. Develop criteria for eligibility for coverage by the plan, including, but not limited to, *take-out and keep-out provisions, as established in this subsection. For purposes of determining eligibility for coverage by the plan, a valid offer of coverage pursuant to the take-out and keep-out provisions of this paragraph shall be deemed to be an offer of coverage in this voluntary market.* ~~documented rejection by at least two insurers which reasonably assures that insureds covered under the plan are unable to acquire coverage in the voluntary market. Any insured may voluntarily elect to accept coverage from an insurer for a premium equal to or greater than the plan premium if the insurer writing the coverage adheres to the provisions of s. 627.171.~~

3. Require notice from the *producer* ~~agent~~ to the insured at the time of the application for coverage that the application is for coverage with the plan and that coverage may be available through an insurer, group self-insurers' fund, commercial self-insurance fund, or assessable mutual insurer through another *insurance* agent at a lower cost. *As used in this subsection, "producer" means a person who is licensed by the department as a general lines agent, as defined by s. 626.015(7), and who has entered into a valid producer agreement with the plan.*

4. Establish *a market-assistance plan to facilitate depopulation of the plan by assisting employers that apply for coverage, or that are insured by the plan, in obtaining coverage in the voluntary market* ~~programs to encourage insurers to provide coverage to applicants of the plan in the voluntary market and to insureds of the plan~~, including, but not limited to:

a. *Providing that all employers that apply for coverage or that are insured by the plan participate in the market-assistance plan.*

b. Establishing procedures for an insurer to use in notifying the plan of the insurer's desire to *participate in the market-assistance plan* ~~provide coverage to applicants to the plan or existing insureds of the plan and in describing the types of risks in which the insurer is interested. The description of the desired risks must be on a form developed by the plan~~.

c.~~b.~~ Developing forms and procedures *for the market-assistance plan to promptly* ~~that~~ provide *participating insurers with account profiles, which include, but are not limited to, the employer's name and federal employer identification number; the effective date reserved for in-process*

applications or the effective date of the plan policy; the governing class code; business description of the employer; the total number of employees estimated to be covered under the policy; the total estimated annual payroll, including corporate officers, partners, and sole proprietors; the total estimated annual premium for the employer; the employer's experience modification factor; the employer's physical or mailing address; and the mailing address of the applicable producer of record ~~an insurer with the information necessary to determine whether the insurer wants to write particular applicants to the plan or insureds of the plan~~.

d.~~c.~~ *Establishing procedures whereby an insurer can keep out or take out an employer eligible for the Tier One Rating Plan or the Tier Two Rating Plan, not to exceed 125 percent of the approved voluntary market manual rate for that insured. An insurer keeping out or taking out an eligible employer under this paragraph shall not be required to make an additional rate or form filing with the Office of Insurance Regulation, and such take out or keep out shall not invoke the provision of s. 627.171. An employer that is the subject of a take-out or keep-out under this paragraph may be charged by the insurer taking out or keeping out the employer a premium not to exceed 125 percent of the effective voluntary market manual rate for no more than 3 years, after which time the employer shall be rated on voluntary market premiums and rules. An employer who is offered coverage under a take-out or keep-out offer shall be ineligible for coverage in the plan.* ~~Developing procedures for notice to the plan and the applicant to the plan or insured of the plan that an insurer will insure the applicant or the insured of the plan, and notice of the cost of the coverage offered; and developing procedures for the selection of an insuring entity by the applicant or insured of the plan.~~

e.~~d.~~ *Establishing procedures by which participating insurers promptly notify the market assistance plan of the identity of an employer whose insurance business it intends to take out or keep out and the identity of any employer to whom the insurer provides coverage, including the premium charged for such coverage.* ~~Provide for a market assistance plan to assist in the placement of employers. All applications for coverage in the plan received 45 days before the effective date for coverage shall be processed through the market assistance plan. A market assistance plan specifically designed to serve the needs of small good policyholders as defined by the board must be finalized by January 1, 1994.~~

f. Establishing procedures by which the market-assistance plan will make available to participating insurers monthly depopulation reports, which include the account profiles of employers for whom the plan bound coverage in the preceding month and employers covered by the plan whose coverage is due to expire within the following 3 months.

5. Provide for policy and claims services to the insureds of the plan of the nature and quality provided for insureds in the voluntary market.

6. Provide for the review of applications for coverage with the plan for reasonableness and accuracy, using any available historic information regarding the *applicant* ~~insured~~.

7. Provide for procedures for auditing insureds of the plan which are based on reasonable business judgment and are designed to maximize the likelihood that the plan will collect the appropriate premiums.

8. Authorize the plan to terminate the coverage of and refuse future coverage for any insured that submits a fraudulent application to the plan or provides fraudulent or grossly erroneous records to the plan or to any service provider of the plan in conjunction with the activities of the plan.

9. Establish service standards for *producers* ~~agents~~ who submit business to the plan.

10. Establish criteria and procedures to prohibit any *producer* ~~agent~~ who does not adhere to the established service standards from placing business with the plan or receiving, directly or indirectly, any commissions for business placed with the plan. *All insureds of the plan must participate in the safety program.*

11. Provide for the establishment of reasonable safety programs for all insureds in the plan.

12. Authorize the plan to terminate the coverage of and refuse future coverage to any insured who fails to pay premiums or surcharges when due; who, at the time of application, is delinquent in payments of workers' compensation or employer's liability insurance premiums or surcharges owed to an insurer, group self-insurers' fund, commercial self-insurance fund, or assessable mutual insurer licensed to write such coverage in this state; or who refuses to substantially comply with any safety programs recommended by the plan.

13. Authorize the board of governors to provide the services required by the plan through staff employed by the plan, through reasonably compensated service providers who contract with the plan to provide services as specified by the board of governors, or through a combination of employees and service providers.

14. Provide for service standards for service providers, methods of determining adherence to those service standards, incentives and disincentives for service, and procedures for terminating contracts for service providers that fail to adhere to service standards.

15. Provide procedures for selecting service providers and standards for qualification as a service provider that reasonably assure that any service provider selected will continue to operate as an ongoing concern and is capable of providing the specified services in the manner required.

16. Provide for reasonable accounting and data-reporting practices.

17. Provide for annual review of costs associated with the administration and servicing of the policies issued by the plan to determine alternatives by which costs can be reduced.

18. Authorize the acquisition of such excess insurance or reinsurance as is consistent with the purposes of the plan.

19. Provide for an annual report to the department on a date specified by the department and containing such information as the department reasonably requires.

~~20. Establish multiple rating plans for various classifications of risk which reflect risk of loss, hazard grade, actual losses, size of premium, and compliance with loss control. At least one of such plans must be a preferred-rating plan to accommodate small-premium policyholders with good experience as defined in sub-subparagraph 22.a.~~

20.~~21.~~ Establish *producer* ~~agent~~ commission schedules.

21.~~22.~~ Establish *a three-tier rating plan effective July 1, 2003,* ~~three~~ subplans as follows:

a. *Tier One must include those employers whose premium does not exceed $20,000 at the time of application who have neither incurred any lost-time claims nor incurred medical-only claims exceeding 50 percent of the premium in the immediately preceding 2 years prior to the expiration or cancellation date of the current plan policy.* ~~Subplan "A" must include those insureds whose annual premium does not exceed $2,500 and who have neither incurred any lost-time claims nor incurred medical-only claims exceeding 50 percent of their premium for the immediate 2 years.~~

b. *Tier Two must include those employers in the plan who are unable to procure in the voluntary market, but have an experience modification factor of 1.05 or less, and employers that are charitable and nonprofit organizations. For purposes of this sub-subparagraph the term "charitable and nonprofit organization" means an organization that is exempt from federal income tax pursuant to section 501(c)(3) of the Internal Revenue Code and receives 50 percent or more of its funding from gifts, grants, endowments, or federal or state contracts.* ~~Subplan "B" must include insureds that are employers identified by the board of governors as high-risk employers due solely to the nature of the operations being performed by those insureds and for whom no market exists in the voluntary market, and whose experience modifications are less than 1.00.~~

c. *Tier Three must include all other employers of the plan, and may include multiple subrating plans for various classifications of insureds which reflect the risk of loss, hazard grade, actual losses, size of premium, compliance with loss control, and other reasonable actuarial factors.* ~~Subplan "C" must include all other insureds within the plan.~~

d. For purposes of this subparagraph, the term "employer" includes all affiliated entities of the employer. The term "affiliated" means and

includes one or more corporations or entities under the same or substantially the same control of a group of business entities that are connected or associated so that one entity controls or has the power to control each of the other business entities.

(d) *The premiums for Tier One and Tier Two insureds shall be 125 percent of the premium for that insured using the approved voluntary market manual rates. The premium for Tier Three shall be actuarially sound to assure that Tier Three is self-supporting.* ~~The plan must be funded through actuarially sound premiums charged to insureds of the plan.~~ The plan may issue assessable policies only to those insureds in *Tier Three* ~~subplan "C."~~ *If the plan issues assessable policies to insureds in Tier Three, such insureds shall be liable on a pro rata earned premium basis for any deficits incurred in Tier Three.* Those assessable policies must be clearly identified as assessable by containing, in contrasting color and in not less than 10-point type, the following statements: "This is an assessable policy. If the plan is unable to pay its obligations, policyholders will be required to contribute on a pro rata earned premium basis the money necessary to meet any assessment levied." The plan may issue assessable policies with differing terms and conditions to different groups within the plan when a reasonable basis exists for the differentiation. The plan may offer rating, dividend plans, and other plans to encourage loss prevention programs.

(e) The plan shall establish and use its rates and rating plans, and the plan may establish and use changes in rating plans at any time, but no more frequently than two times per any rating class for any calendar year. ~~By December 1, 1993, and December 1 of each year thereafter, the board shall establish and use actuarially sound rates for use by the plan to assure that the plan is self-funding while those rates are in effect. Such~~ *Plan* rates and rating plans must be filed with the department within 30 calendar days after their effective dates, and shall be considered a "use and file" filing. Any disapproval by the department must have an effective date that is at least 60 days from the date of disapproval of the rates and rating plan and must have prospective effect only. The plan may not be subject to any order by the department to return to policyholders any portion of the rates disapproved by the department. The department may not disapprove any rates or rating plans unless it demonstrates that such rates and rating plans are excessive, inadequate, or unfairly discriminatory.

(f) No later than June 1 of each year, the plan shall obtain an independent actuarial certification of the results of the operations of the plan for prior years, and shall furnish a copy of the certification to the department. If, after the effective date of the plan, the projected ultimate incurred losses and expenses and dividends for prior years exceed collected premiums, accrued net investment income, and prior assessments for prior years, the certification is subject to review and approval by the department before it becomes final.

(g) *Before July 1 of each year, the plan shall notify the department when a deficit occurs in Tier One or Tier Two in the prior fiscal year. After verification by the department, the department shall transfer to the plan, subject to appropriation by the Legislature, a one time allocation of an amount not to exceed $5 million. The plan shall levy an assessment for any deficit remaining after the transfer. Subject to verification by the department, the plan shall levy an assessment on Florida Workers' Compensation policyholders, which assessment shall not exceed 2 percent of each policyholder's annual premium in any calendar year. Such assessments shall be collected from Florida policyholders by insurers writing workers' compensation insurance as a separate line item, in addition to the premiums charged by the insurers, and remitted by the insurers to the plan.* Whenever a deficit exists *in Tier Three*, the plan shall, within 90 days, provide the department with a program to eliminate the deficit within a reasonable time. The *Tier-Three* deficit may be funded through increased premiums charged to insureds of the plan for subsequent years, through the use of policyholder surplus attributable to any year, and through assessments on insureds in the plan if the plan uses assessable policies. *The department shall adopt by rule insurer reporting requirements for the collection and remittence of collection and remittence of assessments under this paragraph. For purposes of plan recordkeeping, reporting, and accounting, including determining whether any deficit has incurred in Tier One, Tier Two, or Tier Three, all policyholder surplus of the plan which exists as of the effective date of this law shall be attributed to Tier Three.*

(h) Any premium or assessments collected by the plan in excess of the amount necessary to fund projected ultimate incurred losses and expenses of the plan and not paid to insureds of the plan in conjunction with loss prevention or dividend programs shall be retained by the plan for future use.

(i) The decisions of the board of governors do not constitute final agency action and are not subject to chapter 120.

(j) Policies for insureds shall be issued by the plan.

(k) The plan created under this subsection is liable only for payment for losses arising under policies issued by the plan with dates of accidents occurring on or after January 1, 1994.

~~(l) Plan losses are the sole and exclusive responsibility of the plan, and payment for such losses must be funded in accordance with this subsection and must not come, directly or indirectly, from insurers or any guaranty association for such insurers.~~

(l)~~(m)~~ Each joint underwriting plan or association created under this section is not a state agency, board, or commission. However, for the purposes of s. 199.183(1) only, the joint underwriting plan is a political subdivision of the state and is exempt from the corporate income tax.

~~(n) Each joint underwriting plan or association may elect to pay premium taxes on the premiums received on its behalf or may elect to have the member insurers to whom the premiums are allocated pay the premium taxes if the member insurer had written the policy. The joint underwriting plan or association shall notify the member insurers and the Department of Revenue by January 15 of each year of its election for the same year. As used in this paragraph, the term "premiums received" means the consideration for insurance, by whatever name called, but does not include any policy assessment or surcharge received by the joint underwriting association as a result of apportioning losses or deficits of the association pursuant to this section.~~

(m)~~(o)~~ Neither the plan nor any member of the board of governors is liable for monetary damages to any person for any statement, vote, decision, or failure to act, regarding the management or policies of the plan, unless:

1. The member breached or failed to perform her or his duties as a member; and

2. The member's breach of, or failure to perform, duties constitutes:

a. A violation of the criminal law, unless the member had reasonable cause to believe her or his conduct was not unlawful. A judgment or other final adjudication against a member in any criminal proceeding for violation of the criminal law estops that member from contesting the fact that her or his breach, or failure to perform, constitutes a violation of the criminal law; but does not estop the member from establishing that she or he had reasonable cause to believe that her or his conduct was lawful or had no reasonable cause to believe that her or his conduct was unlawful;

b. A transaction from which the member derived an improper personal benefit, either directly or indirectly; or

c. Recklessness or any act or omission that was committed in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property. For purposes of this sub-subparagraph, the term "recklessness" means the acting, or omission to act, in conscious disregard of a risk:

(I) Known, or so obvious that it should have been known, to the member; and

(II) Known to the member, or so obvious that it should have been known, to be so great as to make it highly probable that harm would follow from such act or omission.

(n)~~(p)~~ No insurer shall provide workers' compensation and employer's liability insurance to any person who is delinquent in the payment of premiums, assessments, penalties, or surcharges owed to the plan.

(o) The plan and any premiums, assessments, penalties, fees, and surcharges of the plan are exempt from premium taxation, and are exempt from any assessments under ss. 440.49 and 440.51.

(p) The operational activities of the plan shall be maintained in the same city in which the plan was located as of January 1, 2003.

MOTION

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

Senator Alexander moved the following amendment which was adopted:

Amendment 6 (315534)—On lines 4499-4597, delete those lines and insert:

Section 26. Section 440.34, Florida Statutes, is amended to read:

440.34 Attorney's fees; costs.—

(1) A fee, gratuity, or other consideration may not be paid for *benefits secured* ~~services rendered~~ for a claimant in connection with any proceedings arising under this chapter, unless approved as reasonable by the judge of compensation claims or court having jurisdiction over such proceedings. *For purposes of this section, the term "benefits secured" shall reflect the following:* Except as provided by this *section* ~~subsection~~, any attorney's fee approved by a judge of compensation claims for *benefits secured for* ~~services rendered to~~ a claimant *shall be* ~~must~~ equal to 20 percent of the first $5,000 of the amount of the benefits secured, *whether ordered or agreed to by the parties, and* 15 percent of the ~~next $5,000 of the amount of the benefits secured, 10 percent of the~~ remaining amount of the benefits secured to be provided during the first 10 years after the date the claim is filed~~, and 5 percent of the benefits secured after 10 years~~. *In the alternative* ~~However~~, the judge of compensation claims *may approve an attorney's fee that may not exceed $1,500, based on a maximum hourly rate of $150 per hour, if the judge of compensation claims expressly finds that the fee, based upon the total benefits secured, fails to fairly compensate the attorney and the benefits secured are less than $10,000. In a proceeding in which a carrier or employer denies that an injury occurred for which compensation benefits are payable and the claimant prevails on the issue of compensability, in lieu of an attorney's fee equal to 15 percent of the benefits secured, the judge of compensation claims may award an attorney's fee that may not exceed $1,500, based on a maximum hourly rate of $150 per hour, if the judge of compensation claims expressly finds that the attorney's fee, based on the benefits secured, fails to fairly compensate the attorney and* ~~shall consider the following factors in each case and may increase or decrease the attorney's fee if, in her or his judgment,~~ the circumstances of the particular case warrant such action*. The judge of compensation claims may not approve a compensation order, a joint stipulation for a lump-sum settlement, a stipulation or agreement between a claimant and his or her attorney, or any other agreement related to benefits under this chapter which provides for an attorney's fee in excess of the amount permitted by this section.*~~:~~

~~(a) The time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly.~~

~~(b) The fee customarily charged in the locality for similar legal services.~~

~~(c) The amount involved in the controversy and the benefits resulting to the claimant.~~

~~(d) The time limitation imposed by the claimant or the circumstances.~~

~~(e) The experience, reputation, and ability of the lawyer or lawyers performing services.~~

~~(f) The contingency or certainty of a fee.~~

(2) In awarding a reasonable claimant's attorney's fee, the judge of compensation claims shall consider only those benefits *secured by the attorney* ~~to the claimant that the attorney is responsible for securing~~. *An attorney is not entitled to attorney's fees for representation in any issue that was ripe, due, and owing and that reasonably could have been addressed during the pendency of other issues for the same injury.* The amount, statutory basis, and type of benefits obtained through legal representation shall be listed on all attorney's fees awarded by the judge of compensation claims. For purposes of this section, the term "benefits secured" ~~means benefits obtained as a result of the claimant's attorney's legal services rendered in connection with the claim for benefits. However, such term~~ does not include future medical benefits to be provided on any date more than 5 years after the date the claim is filed. *If an offer to settle an issue pending before a judge of compensation claims is communicated in writing to the claimant or the claimant's attorney at least 30 days prior to the trial date on such issue, benefits secured shall be only that amount awarded above that specified in the offer to settle. If multiple issues are pending before the judge of compensation claims, the offer of settlement shall address each issue pending, and shall state explicitly whether or not the offer on each issue is severable. The written offer shall state whether or not it includes medical witness fees and expenses, and all other costs associated with the claim.*

(3) If *any party* ~~the claimant~~ should prevail in any proceedings before a judge of compensation claims or court, there shall be taxed against the *nonprevailing party* ~~employer~~ the reasonable costs of such proceedings, not to include ~~the~~ attorney's fees ~~of the claimant~~. A claimant shall be responsible for the payment of her or his own attorney's fees, except that a claimant shall be entitled to recover a reasonable attorney's fee from a carrier or employer:

(a) Against whom she or he successfully asserts a petition for medical benefits only, if the claimant has not filed or is not entitled to file at such time a claim for disability, permanent impairment, wage-loss, or death benefits, arising out of the same accident;

(b) In any case in which the employer or carrier files a response to petition denying benefits with the Office of the Judges of Compensation Claims and the injured person has employed an attorney in the successful prosecution of the petition;

(c) In a proceeding in which a carrier or employer denies that an accident occurred for which compensation benefits are payable, and the claimant prevails on the issue of compensability; or

(d) In cases where the claimant successfully prevails in proceedings filed under s. 440.24 or s. 440.28.

Regardless of the date benefits were initially requested, attorney's fees shall not attach under this subsection until 30 days after the date the carrier or employer, if self-insured, receives the petition. ~~In applying the factors set forth in subsection (1) to cases arising under paragraphs (a), (b), (c), and (d), the judge of compensation claims must only consider only such benefits and the time reasonably spent in obtaining them as were secured for the claimant within the scope of paragraphs (a), (b), (c), and (d).~~

(4) In such cases in which the claimant is responsible for the payment of her or his own attorney's fees, such fees are a lien upon compensation payable to the claimant, notwithstanding s. 440.22.

(5) If any proceedings are had for review of any claim, award, or compensation order before any court, the court may award the injured employee or dependent an attorney's fee to be paid by the employer or carrier, in its discretion, which shall be paid as the court may direct.

(6) *Retainer agreements or contracts of representation may not be submitted to a judge of compensation claims for approval except in conjunction with an appropriate motion for approval of a specific fee following the securing of a specific benefit or benefits. A judge of compensation claims may not prospectively approve a contract of representation prior to the securing of the benefit.* A judge of compensation claims may not enter an order approving the contents of a retainer agreement that permits the escrowing of any portion of the employee's compensation until benefits have been secured.

(7) The judge of compensation claims shall not approve a compensation order, a joint stipulation for a lump-sum settlement, a stipulation or agreement between a claimant and his or her attorney, or any other agreement related to benefits under this chapter which provides for an attorney's fee in excess of the amount permitted by this section.

Senator Posey moved the following amendment which was adopted:

Amendment 7 (160332)—Lines 674 and 675, delete those lines and insert: subsection (11) and amended, and new subsections (12), (13), (14), and (15) are added to that section, to read:

RECONSIDERATION OF AMENDMENT

On motion by Senator Clary, the Senate reconsidered the vote by which **Amendment 3 (740876)** failed. **Amendment 3 (740876)** was adopted.

MOTION

On motion by Senator Lee, the rules were waived and time of recess was extended until completion of **HB 1837**, motions and announcements.

On motion by Senator Clary, by two-thirds vote **HB 1837** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Crist	Peaden
Alexander	Dawson	Posey
Argenziano	Diaz de la Portilla	Pruitt
Aronberg	Dockery	Saunders
Atwater	Fasano	Sebesta
Bennett	Garcia	Siplin
Bullard	Haridopolos	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Webster
Clary	Lee	Wilson
Constantine	Lynn	Wise
Cowin	Margolis	

Nays—5

Geller	Lawson	Wasserman Schultz
Hill	Miller	

Vote after roll call:

Nay to Yea—Lawson

MOTION

On motion by Senator Peaden, the House was requested to return **CS for SB 2020**.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **CS for SB 164 and 714** was withdrawn from the Committee on Rules and Calendar; **CS for SB 718** was withdrawn from the Committee on Judiciary; **CS for SB 1308** was withdrawn from the Committees on Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar; **CS for SB 476** and **CS for CS for SB 1924** were withdrawn from the Committee on Appropriations; **CS for SB 2128** was withdrawn from the Committees on Judiciary; Criminal Justice; Agriculture; Appropriations Subcommittee on General Government; and Appropriations; **CS for CS for SB 2144** was withdrawn from the Committees on Appropriations Subcommittee on Health and Human Services; Appropriations; and Rules and Calendar; **SB 2280** was withdrawn from the Committees on Appropriations Subcommittee on Education; and Appropriations; **CS for CS for SB 2534** was withdrawn from the Committees on Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations; and **CS for SB 2686** was withdrawn from the Committees on Appropriations Subcommittee on Health and Human Services; and Appropriations.

MOTIONS

On motion by Senator Lee, a deadline of 9:47 p.m. this day was set for filing amendments to the Special Order Calendar to be considered Friday, May 2.

On motion by Senator Lee, a deadline of 9:00 a.m. Friday, May 2, was set for filing amendments to Bills on Third Reading to be considered that day.

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 Friday, May 2.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Local Bill Calendar for Thursday, May 1, 2003: SB 1534, SB 1594, SB 2850, SB 2856, SB 2884, SB 2890, SB 2926, SB 2936, SB 2960, HB 203, HB 255, HB 271, HB 273, HB 277, HB 297, HB 301, HB 307, HB 353, HB 355, HB 371, HB 373, HB 421, HB 423, HB 431, HB 445, HB 517, HB 549, HB 551, HB 581, HB 597, HB 599, HB 601, HB 603, HB 605, HB 645, HB 647, HB 655, HB 731, HB 801, HB 811, HB 823, HB 827, HB 829, HB 833, HB 849, HB 881, HB 959, HB 981, HB 1057, HB 1079, HB 1113, HB 1139, HB 1217, HB 1219, HB 1223, HB 1225, HB 1233, HB 1251, HB 1283, HB 1383, HB 1387, HB 1447, HB 1449, HB 1457, HB 1485, HB 1489, HB 1587, HB 1601, HB 1611, HB 1729, HB 1731, HB 1857, HB 1865

Respectfully submitted,
Tom Lee, Chair

The Committee on Rules and Calendar submits the following bills to be placed on the Claim Bill Calendar for Thursday, May 1, 2003: CS for SB 18, CS for SB 20, CS for SB 30, SB 26, SB 34, SB 36, SB 40, CS for SB 38, CS for SB 42, CS for SB 44, CS for SB 180, SB 46, SB 48, SB 214,

Respectfully submitted,
Tom Lee, Chair

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable James E. "Jim" King, Jr., President

I am directed to inform the Senate that the House of Representatives has passed HB 95, HB 185, HB 425, HB 1883; has passed as amended HB 319, HB 427, HB 439, HB 707, HB 953, HB 1149, HB 1197, HB 1265, HB 1527, HB 1541, HB 1567, HB 1685, HB 1721, HB 1833, HB 1837; has adopted HM 1863 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Negron—

HB 95—A bill to be entitled An act relating to Hernando County; providing for the relief of John W. Martz; providing for an appropriation to compensate him for injuries and damages sustained as a result of the negligence of Hernando County; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committees on Transportation; and Finance and Taxation.

By Representative Sorensen—

HB 185—A bill to be entitled An act relating to the Key Largo Wastewater Treatment District, Monroe County; amending ch. 2002-337, Laws of Florida; removing district from requirements of ch. 120, Florida Statutes; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Benson—

HB 425—A bill to be entitled An act relating to Escambia County; amending chapter 2002-380, Laws of Florida; providing that referendum for approval of creation of the West Florida Regional Library District, an independent special district, and exercise of its powers to levy ad valorem taxes and to issue debt obligations payable from ad valorem taxes shall be permissive rather than mandatory; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Finance and Tax; and Representative Johnson—

HB 1883—A bill to be entitled An act relating to financial impact statements for proposed constitutional amendments; amending s. 15.21, F.S.; requiring the Secretary of State to submit certain proposed constitutional amendments to the Financial Impact Estimating Conference; amending s. 16.061, F.S., as amended; revising the time period for the Attorney General to petition the Supreme Court for review of certain financial impact statements; deleting duties of the Attorney General with respect to constitutional amendments proposed other than by initiative; conforming provisions to changes made by the act; amending s. 100.371, F.S.; creating the Financial Impact Estimating Conference; providing membership; providing duties; deleting certain duties of the Revenue Estimating Conference; providing for the creation of an initiative financial information statement; providing duties of the Department of State with respect to printing and providing copies of the initiative financial information statement; requiring the Secretary of State and the Office of Economic and Demographic Research to make such statement available on-line; amending ss. 101.161 and 216.136, F.S.; conforming provisions to changes made by the act; repealing s. 100.381, F.S., relating to fiscal impact statements for constitutional amendments or revisions other than initiatives; providing an effective date.

—was referred to the Committees on Ethics and Elections; Judiciary; Finance and Taxation; Appropriations; and Rules and Calendar.

By Representative Mealor and others—

HB 319—A bill to be entitled An act relating to state universities; creating s. 1001.70, F.S.; establishing the Board of Governors; providing membership and terms of office; amending s. 1001.71, F.S.; revising membership of university boards of trustees and terms of office; creating s. 1010.10, F.S.; creating the Florida Uniform Management of Institutional Funds Act; providing definitions; providing for expenditure of endowment funds by a governing board; providing for a standard of conduct; providing investment authority; providing for delegation of investment management; providing for investment costs; providing for release of restrictions on use or investment; providing for uniformity of application and construction; providing for retroactive effect; amending s. 1011.94, F.S., relating to the Trust Fund for University Major Gifts; revising provisions relating to use of proceeds; replacing references to State Board of Education with Board of Governors; providing limitations on matching funds; amending s. 17.076, F.S.; providing an exception to a public records exemption; amending s. 20.555, F.S.; deleting reference to the Board of Regents; amending s. 110.161, F.S.; including employees of state universities in the definition of "employee" for purposes of the pretax benefits program; amending s. 112.215, F.S.; including employees of state university boards of trustees in the definition of "employee" for purposes of the deferred compensation program; amending s. 287.064, F.S.; authorizing state universities to continue to participate in the consolidated equipment financing program; amending s. 440.38, F.S.; including state universities as self-insurers for purposes of workers' compensation; amending s. 1001.74, F.S.; adding a cross reference relating to pretax benefits for state university employees; amending s. 1004.24, F.S.; deleting obsolete reference to postaudit of financial accounts; providing for financial audit pursuant to s. 11.45, F.S.; amending s. 1004.26, F.S.; conforming university oversight of student government; amending s. 1004.445, F.S.; deleting obsolete reference to postaudit of financial accounts; providing for financial audit pursuant to s. 11.45, F.S.; amending s. 1009.21, F.S.; revising provisions relating to determination of resident status for tuition purposes; providing for reclassification; providing for classification of certain graduate teaching assistants or graduate research assistants; amending s. 1009.24, F.S.; revising provisions relating to undergraduate tuition and fees; authorizing a nonrefundable admissions deposit; creating 1012.975, F.S.; defining the terms "cash-equivalent compensation," "public funds," and "remuneration"; limiting the annual remuneration of a state university president to $225,000 from public funds; providing certain limitations on benefits for state university presidents under the Florida Retirement System; authorizing a party to provide cash or cash-equivalent compensation in excess of annual limit from nonpublic funds; eliminating any state obligation to provide cash or cash-equivalent compensation for state university presidents under certain circumstances; providing effective dates.

—was referred to the Committees on Education; Governmental Oversight and Productivity; Appropriations Subcommittee on Education; and Appropriations.

By Representative Gannon—

HB 427—A bill to be entitled An act relating to the Health Care District of Palm Beach County; codifying, amending, and reenacting special acts relating to the District; providing a popular name; providing boundaries; providing for a governing board, rules of the board, and membership; providing powers and duties of the board; providing for an ad valorem tax; providing for issuance of bonds; providing for an annual report; repealing chapters 87-450, 92-340, 93-382, 96-509, and 2000-489, 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 Rich and others—

HB 439—A bill to be entitled An act relating to guardians ad litem; providing legislative intent; creating the Statewide Guardian Ad Litem Office within the Justice Administrative Commission; providing for the appointment of an executive director; providing for duties; providing oversight responsibility for local guardian ad litem and attorney ad litem programs; providing for the transfer of the attorney ad litem pilot program and the funds and positions associated with the Guardian Ad Litem Program to the Statewide Guardian Ad Litem Office; providing an effective date.

—was referred to the Committees on Judiciary; Children and Families; Governmental Oversight and Productivity; Appropriations Subcommittee on Article V Implementation and Judiciary; and Appropriations.

By Representative Planas and others—

HB 707—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; providing that the section does not authorize prosecution of a person in connection with a termination of pregnancy; amending s. 921.0022, F.S., relating to the Criminal Punishment Code offense severity ranking chart; conforming provisions to changes made by the act; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; Appropriations Subcommittee on Criminal Justice; and Appropriations.

By Representative Roberson and others—

HB 953—A bill to be entitled An act relating to weight-loss pills; defining the term "weight-loss pill"; prohibiting the sale or other transfer of weight-loss pills to minors; providing a defense; requiring establishments selling such pills at retail to post notice that such sale is unlawful; providing penalties; providing an effective date.

—was referred to the Committees on Health, Aging, and Long-Term Care; Criminal Justice; and Regulated Industries.

By Representative D. Davis and others—

HB 1149—A bill to be entitled An act relating to economic development; amending s. 288.125, F.S.; expanding applicability of the definition of the term "entertainment industry"; creating s. 288.1254, F.S.; creating a program under which certain persons producing, or providing services for the production of, filmed entertainment are eligible for state financial incentives for activities in or relocated to this state; prescribing powers and duties of the Office of Tourism, Trade, and Economic Development and the Office of Film and Entertainment with respect to the program; defining terms; providing an application procedure and approval process; prescribing limits on reimbursement; requiring documentation for requested reimbursement; providing for policies and procedures; providing penalties for fraudulent claims for reimbursement; requiring a report; providing that funding is subject to appropriation; providing an effective date.

—was referred to the Committees on Commerce, Economic Opportunities, and Consumer Services; Judiciary; Appropriations Subcommittee on Transportation and Economic Development; and Appropriations.

By Representative Simmons and others—

HB 1197—A bill to be entitled An act relating to The Baker Act; amending s. 394.455, F.S.; revising a definition; providing additional definitions; amending s. 394.4598, F.S.; revising language with respect to the guardian advocate; authorizing the guardian advocate to consent to administration of medication over objection under certain circumstances; amending s. 394.4615, F.S.; providing for release of certain clinical records to certain persons for certain purposes; amending s. 394.463, F.S.; revising criteria and procedures for involuntary examination; creating s. 394.466, F.S.; setting forth criteria for involuntary outpatient placement; providing contents of a petition for involuntary outpatient placement; specifying procedures for involuntary outpatient placement; providing for persons who may file a petition for involuntary outpatient placement; providing for appointment of counsel; providing for continuance of hearings; providing for a hearing on involuntary outpatient placement; setting forth procedures for the hearing; providing for appointment of a master to preside; providing for an independent examination; requiring a court to order involuntary outpatient placement under certain circumstances; requiring a treatment plan; providing for plan modification; providing for a patient to be brought to a receiving facility upon failure or refusal to comply with the treatment plan; providing for involuntary inpatient placement or involuntary assessment; requiring consideration of a patient's competence to proceed; requiring a list of guardian advocates to be submitted to the court; defining the role of a guardian advocate; providing for discharge of the guardian advocate; requiring certain documentation; allowing a person for whom an involuntary outpatient placement petition has been filed to agree to a voluntary treatment agreement; specifying requirements for agreements; providing for modifications; providing for filing of an affidavit of noncompliance with a voluntary treatment plan; requiring a hearing; requiring dismissal of petitions in certain circumstances; providing procedures for continued involuntary outpatient placement; providing for a continued involuntary outpatient placement certificate; requiring a hearing; requiring appointment of a public defender; requiring hearings; providing for appointment of a special master; amending s. 394.467, F.S.; revising language with respect to involuntary inpatient placement; providing a reference to inpatient and outpatient involuntary placement; providing requirements for placement orders; providing for voluntary treatment agreements; providing a procedure for continued involuntary outpatient placement; establishing the Involuntary Outpatient Placement Implementation Task Force; providing purposes; providing for membership; providing for meetings; requiring the task force to prepare an implementation plan relating to court-ordered mental health outpatient treatment; requiring a report to the Governor, Legislature, and Florida Supreme Court; specifying certain costs or expenses related to implementation and enforcement by the state judiciary as a local requirement; providing for severability; providing an effective date.

—was referred to the Committees on Judiciary; and Children and Families.

By Representative Attkisson and others—

HB 1265—A bill to be entitled An act relating to Osceola County; creating an independent special district known as Tohopekaliga Water Authority; providing legislative findings and intent; providing definitions; describing the district boundaries; providing for service areas subject to the approval of affected general purpose local governments; providing that the purpose of the district shall be for the planning, acquisition, development, operation, and maintenance of water and wastewater management systems within the district and its service area; limiting the provision of district services and facilities to only those areas authorized by affected general purpose local governments; providing for an appointed governing body of the district composed of five supervisors and setting forth their authority, terms of office, qualifications, compensation, and method of appointment; providing for the filling of vacancies in office; providing district powers, functions, and duties; providing for the acquisition of land; providing for the levy and collection of rates, fees, assessments, and other charges for the provision of capital facilities or use of district services or payment of operating and financing costs; providing for borrowing money and issuing bonds, certificates, obligations, or other evidence of indebtedness; prohibiting the creation of state, county, or municipal debt; providing for the collection of unpaid rates, fees, assessments, and other charges; providing for the adoption of a master plan; providing for enforcement and penalties; providing for merger and dissolution; 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 H. Gibson and others—

HB 1527—A bill to be entitled An act relating to health care regulation; creating the Florida Alzheimers Training Act; providing a popular name; amending ss. 400.4785, 400.5571, and 400.6045, F.S.; prescribing training standards for employees of home health agencies, adult day care centers, and hospices, respectively, that provide care for persons who have Alzheimer's disease or related disorders; prescribing duties of the Department of Elderly Affairs; providing for compliance with guidelines within a certain time period; providing for approval of Alzheimer's training and trainers; providing for application of training to meet specified requirements; providing authority to adopt rules; providing legislative findings and intent; encouraging state universities, colleges, and postsecondary schools preparing students for health care professions to include training about Alzheimers disease and related disorders; providing an effective date.

—was referred to the Committees on Health, Aging, and Long-Term Care; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Representative Gottlieb—

HB 1541—A bill to be entitled An act relating to the Cypress Creek Center Transportation Management District, Broward County; creating the Cypress Creek Center Transportation Management District; providing for the geographic boundaries of the District; providing for the purpose of the District; providing for the powers, functions, and duties of the District; providing for the creation of the governing board of the District to be known as the Cypress Creek Center Transportation Management Association; providing for membership, organization, compensation, and administrative duties of the governing board of the District; providing for the financial disclosure, noticing, and reporting requirements of the District; providing for the procedure for conducting any District elections or referenda; providing for planning requirements; 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 Gottlieb—

HB 1567—A bill to be entitled An act relating to Broward County; amending chapter 2000-461, Laws of Florida, relating to the Childrens Services Council of Broward County; increasing the membership of the council; revising requirements concerning delivery of the written budget to Broward County; revising procedures concerning levying of ad valorem taxes; exempting the council from payment of fees, taxes, or incremental tax revenues to community redevelopment agencies; providing expenditure authority and procedures for budgeted funds up to $5,000; authorizing expenditures by electronic wire transfers under specified procedures; providing effective dates.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Brown—

HB 1685—A bill to be entitled An act relating to Liberty Fire District, Walton County; creating a special district; providing definitions; providing for creation, status, charter amendments, boundaries, and purposes; providing for a board of commissioners; providing for election and terms of commissioners; providing for employment of board personnel; providing for election of board officers; providing for compensation and bonds of commissioners; providing for powers, duties, and responsibilities of the board; preserving the authority to levy non-ad valorem special assessments; providing for impact fees; authorizing the board to levy special assessments; providing legislative intent; providing for duties of the property appraiser; providing for special assessment as a lien; providing for deposit of such special assessments; providing for authority to disburse funds; authorizing the board to borrow money; providing for use of district funds; requiring a record of all board meetings; authorizing the board to adopt policies and regulations; providing for the board to make an annual budget; requiring an annual report; authorizing the board to enact fire prevention ordinances, appoint a district fire chief, acquire land, enter contracts, establish salaries, and establish and operate a fire rescue service; providing for district authority upon annexation of district lands; providing for dissolution; providing immunity from tort liability for officers, agents, and employees; providing for district expansion; providing for construction and effect; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Bilirakis and others—

HB 1721—A bill to be entitled An act relating to subdivision property; amending s. 197.502, F.S.; increasing a tax deed application fee; providing notification to legal titleholders of contiguous property which is included in a tax certificate for unpaid taxes; requiring a county to notify the legal titleholder of property contiguous to land available for taxes prior to sale under certain circumstances; amending s. 197.582, F.S.; excluding certain persons as beneficiaries of certain undistributed remainder funds; amending s. 197.522, F.S.; requiring notification to certain persons when an application for a tax deed is made; providing for a statement to accompany such notice; prohibiting the assessment of ad valorem taxes and non-ad valorem assessments by certain entities against property constituting the common elements of a subdivision; requiring that the property appraiser prorate the value of ad valorem taxes and non-ad valorem assessments against easements and other common elements of a subdivision and include such prorated value among the lots within the subdivision conveyed or intended to be conveyed into private ownership; defining the term "common element"; providing an effective date.

—was referred to the Committees on Comprehensive Planning; Judiciary; and Finance and Taxation.

By the Committee on Transportation; and Representative Jennings and others—

HB 1833—A bill to be entitled An act relating to airport transportation facilities; creating s. 332.14, F.S.; creating the "Secure Airports for Florida's Economy Act" or "SAFE Act"; creating the SAFE Council to recommend transportation facility projects to the Legislature; providing for membership, organization, and staff support; providing for a master plan of goals and objectives and specific project recommendations; providing for annual plan updates and submission of plan; providing for project review by the Department of Transportation, the Department of Community Affairs, and the Office of Tourism, Trade, and Economic Development; providing criteria for such reviews; providing for certain costs and expenditure of described funds; providing for joint participation agreements to be executed by the airport and the Department of Transportation for projects; requiring monitoring; providing an effective date.

—was referred to the Committees on Transportation; Home Defense, Public Security, and Ports; Comprehensive Planning; Appropriations Subcommittee on Transportation and Economic Development; and Appropriations.

By the Committee on Insurance; and Representative Allen and others—

HB 1837—A bill to be entitled An act relating to workers' compensation; amending s. 440.02, F.S.; providing, revising, and deleting definitions; amending s. 440.05, F.S.; revising authorization to claim exemptions and requirements relating to submitting notice of election of exemption; specifying effect of exemption; amending s. 440.06, F.S.; revising provisions relating to failure to secure compensation; amending s. 440.077, F.S.; providing that a corporate officer electing to be exempt may not receive benefits; amending s. 440.09, F.S.; revising provisions relating to compensation for subsequent injuries; providing definitions; revising provisions relating to drug testing; specifying effect of criminal acts; creating s. 440.093, F.S.; providing for compensability of mental and nervous injuries; amending s. 440.10, F.S.; revising provisions relating to contractors and subcontractors with regard to liability for compensation; requiring subcontractors to provide evidence of workers' compensation coverage or proof of exemption to a contractor; deleting provisions relating to independent contractors; amending s. 440.1025, F.S.; revising requirements relating to workplace safety programs; amending s. 440.103, F.S.; providing conditions for applying for building permits; amending s. 440.105, F.S.; increasing criminal penalties for certain violations; providing sanctions for violation of stop-work orders and presentation of certain false or misleading statements as evidence; amending s. 440.1051, F.S.; increasing criminal penalty for false reports; amending

s. 440.107, F.S.; providing additional powers to the Department of Financial Services relating to compliance and enforcement; providing a definition; providing penalties; amending s. 440.11, F.S.; providing exclusiveness of liability; revising provisions relating to employer and safety consultant immunity from liability; amending s. 440.13, F.S.; providing for practice parameters and treatment protocols; revising provisions relating to provider reimbursement; requiring revision of specified reimbursement schedules; providing for release of information; providing additional criteria for independent medical examinations; providing a definition; providing standards for medical care under ch. 440, F.S.; providing penalties; amending s. 440.134, F.S.; revising provisions relating to managed care arrangements; revising definitions; providing for assignment of a medical care coordinator; amending s. 440.14, F.S.; revising provisions relating to calculation of average weekly wage for injured employees; conforming cross references; amending s. 440.15, F.S.; providing additional limitations on compensation for permanent total disability; providing a definition; specifying impairment benefits and providing for partial reduction under certain circumstances; deleting provisions relating to supplemental benefits; amending s. 440.151, F.S.; specifying compensability of occupational disease; providing a definition; amending s. 440.16, F.S.; increasing the limits on the amount of certain benefits paid as compensation for death; amending s. 440.185, F.S.; specifying duty of employer upon receipt of notice of injury or death; increasing penalties for noncompliance; amending s. 440.192, F.S.; revising procedure for resolving benefit disputes; requiring a petition for benefits to include all claims which are ripe, due, and owing; providing that the Chief Judge, rather than the Deputy Chief Judge, shall refer petitions for benefits; creating s. 440.1926, F.S.; providing for alternative dispute resolution and arbitration of claims; amending s. 440.20, F.S.; revising provisions relating to timely payment of compensation and medical bills and penalties for late payment; amending s. 440.25, F.S.; revising procedures for mediation and hearings; amending s. 440.34, F.S.; revising provisions relating to the award of attorney's fees; amending s. 440.38, F.S.; providing requirement for employers with coverage provided by insurers from outside the state; amending s. 440.381, F.S.; providing criminal penalty for unlawful applications; requiring on-site audits of employers under certain circumstances; amending s. 440.42, F.S.; revising provision relating to notice of cancellation of coverage; amending s. 440.49, F.S., to conform cross references; amending s. 440.491, F.S.; providing training and education requirements and benefits relating to reemployment of injured workers; providing for rules; amending s. 440.525, F.S.; providing for audits, examinations, and investigations of claims-handing entities; providing penalties; providing for rules; amending s. 627.162, F.S.; revising delinquency and collection fee for late payment of premium installments; amending s. 627.311, F.S.; requiring participation in safety programs; providing for an additional subplan within the joint underwriting plan for workers compensation insurance; providing for rates, surcharges, and assessments; limiting assessment powers; amending s. 921.0022, F.S.; revising the offense severity ranking chart to reflect changes in penalties under the act; requiring a report to the Legislature from the Department of Financial Services regarding provisions of law relating to enforcement; amending ss. 946.523 and 985.315, F.S., to conform cross references; repealing s. 440.1925, F.S., relating to procedure for resolving maximum medical improvement or permanent impairment disputes; providing that amendments to ss. 440.02 and 440.15, F.S., do not affect certain disability, determination, and benefits; providing effective dates.

—was referred to the Committees on Banking and Insurance; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By the Committee on Agriculture; and Representative Allen and others—

HM 1863—A memorial to the President and Congress of the United States, urging the President and Congress, in negotiating any new international trade agreement, to retain the existing tariff on orange juice imported to North America in order to promote fair trade in North America and ensure that North American orange juice producers will not be subjected to any additional adverse economic impact resulting from importation of orange juice produced outside North America.

—was referred to the Committee on Rules and Calendar.

RETURNING MESSAGES—FINAL ACTION

The Honorable James E. "Jim" King, Jr., President

I am directed to inform the Senate that the House of Representatives has passed SB 88, SB 174, SB 192, SB 258, SB 312, SB 530, SB 614, SB 654, SB 1046, SB 1632, SB 1644, SB 1856, SB 1862, SB 2002, SB 2082, SB 2488, SB 2802, CS for SB 144, CS for SB 250, CS for SB 320, CS for SB 472, CS for SB 480, CS for SB 626, CS for SB 638, CS for SB 642, CS for SB 680, CS for SB 684, CS for SB 1050, CS for SB 1218, CS for SB 1232, CS for SB 1566, CS for SB 1582, CS for SB 1588, CS for SB 1754, CS for SB 1958, CS for SB 1994, CS for SB 2036, CS for SB 2078, CS for SB 2084, CS for SB 2156, CS for SB 2162, CS for SB 2278, CS for SB 2334, CS for SB 2378, CS for SB 2404, CS for CS for SB 52, CS for CS for SB 296, CS for CS for SB 310, CS for CS for SB 340, CS for CS for SB 686, CS for CS for SB 1448, CS for CS for SB 1454, CS for CS for SB 1712, CS for CS for SB 2050, CS for CS for SB 2238, CS for CS for SB 2172, CS for CS for SB 2070, CS for CS for SB 1694, CS for CS for SB 1584, CS for CS for SB 1318, CS for CS for SB 1006 and CS for CS for CS for SB 592; passed CS for SB 2526 by the required constitutional two-thirds vote of the membership; passed SB 146 and SB 2178 by the required constitutional three-fifths vote of the membership; and has adopted SM 1180.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

The Honorable James E. "Jim" King, Jr., President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment(s) and receded from House amendment(s) and passed CS for SB 2322 as further amended.

John B. Phelps, Clerk

The bill contained in the foregoing message was ordered engrossed and then enrolled.

ENROLLING REPORTS

CS for SB 2322 has been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 1, 2003.

Faye W. Blanton, Secretary

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State CS for SB 2322 which he approved on May 1, 2003.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 30 was corrected and approved.

CO-SPONSORS

Senators Aronberg—CS for SB 1854; Bullard—SB 1534, CS for CS for SB 1584, CS for SB 1974; Fasano—CS for SB 1824; Lynn—CS for SB 1854; Crist—SB 118, CS for CS for SB 144, SB 146, SB 174, CS for SB 198, SB 222, SB 246, CS for SB 260, CS for CS for SB 296, CS for SB 320, CS for SB 354, CS for CS for SB 554, SB 594, CS for SB 1098, CS for SB 1116, CS for SB 1248, CS for SB 1410, CS for CS for SB 1454, CS for SB 1530, CS for CS for SB 1580, SB 1670, SB 1696, CS for CS for SB 1756, CS for SB 1910, CS for CS for SB 2180, SB 2802; Wilson—SB 2546

VOTES RECORDED

Senators Aronberg and Klein were recorded as changing their votes from "yea" to "nay" on **CS for SB 2388** which was considered April 30.

Senator Carlton was recorded as voting "nay" on **CS for SB 626** which was considered April 28.

Senator Margolis was recorded as changing her vote from "yea" to "nay" on **CS for CS for SB 1334** which was considered April 16.

RECESS

On motion by Senator Lee, the Senate recessed at 7:47 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Friday, May 2 or upon call of the President.